

**AGENDA**  
**Regular Meeting**  
**Public Service Building 251 A/B**  
**255 Capitol Street NE**  
**Salem, OR 97310**  
**Thursday, February 15, 2024**

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

**Please note: all times are approximate.**

**1. Call to Order**

**A. Roll Call**

*Time: 9:00 AM*

**B. Board Member Reports**

*Time: 9:05 AM*

**C. Break**

*Time: 10:05 AM*

**D. Director's Report**

*Time: 10:10 AM*

**2. Public Comment**

*Time: 10:40 AM*

A. The State Board of Education will hold space for virtual public comment. 4  
Individuals must register to provide virtual comment. Written public comment received will be posted to BoardBook.

**3. Consent Agenda**

*Time: 11:10 AM*

- A. Consent Definition in School District Sexual Harassment Policies: 12  
OAR 581-021-0038
- B. Transportation Grant: Non-Reimbursable Mileage Rate Update: 21  
OAR 581-023-0040
- C. Alternative Transportation Reimbursement Update: OAR 581-023-0040 27
- D. Rule Changes for the Oregon School Capital Improvement Matching Program and Technical Assistance Program 48
- E. Public Charter Schools Division 26 Revisions: OAR 581-026-0305, 581-026-0310, and 581-026-0600 75
- F. Proposed Federal Appeals Process Updates: OAR 581-021-1000 86
- G. Physical Education Participation and Data: OAR 581-022-2263 and 581-022-2265



H. House Bill 4030 Recruitment and Retention Grants Rule Repeal: OAR 581-017-0780 and 581-017-0790	97
<b>4. <u>Adoptions</u></b>	
A. Procedures Regarding Restraint and Seclusion: OAR 581-021-0556 <i>Time: 11:15 AM</i> Lisa Joy Bateman, Office of Enhancing Student Opportunities and Teneal Wetherell, Office of the Director	127
B. Temporary Rules: Native Hawaiian/Pacific Islander Student Success Plan <i>Time: 11:35 AM</i> Carol Matsuzaki, Office of Equity, Diversity, and Inclusion	145
C. Temporary Rules: Inclement Weather Impacts on Instructional Time <i>Time: 11:50 AM</i> Emily Nazarov, Office of the Director and Susan Payne, Office of Teaching, Learning, and Assessment	156
<b>5. <u>Break for Lunch</u></b> <i>Time: 12:15 PM</i>	
<b>6. <u>Adoptions (continued)</u></b>	
A. Native American Mascot Agreement: Rogue River School District and the Confederated Tribes of the Siletz Indians <i>Time: 1:00 PM</i> Emily Nazarov, Office of the Director	161
<b>7. <u>First Readings</u></b>	
A. Speech Language Stipend Program <i>Time: 1:15 PM</i> Georgeanne Harty, Office of Enhancing Student Opportunities	182
B. Process for Approval of Private School or Preschool as a Contractor with Public Agencies: OAR 581-015-2280 <i>Time: 1:30 PM</i> Allyson McNeill and Rae Ann Ray, Office of Enhancing Student Opportunities	189
C. Student Investment Account Focal Student Group Definition Updates <i>Time: 1:50 PM</i> Blake Whitson, Office of Education Innovation and Improvement	214
D. Early Literacy Success Initiative - Community Grants, Tribal Grants, and School District Grants <i>Time: 2:10 PM</i> Carmen Xiomara Urbina, Office of the Director	221
E. Homeschool Test Rule Cleanup: OAR 581-021-0026 <i>Written Report Only</i>	249
F. Student Investment Account/High School Success Fund Administration Technical Fixes <i>Written Report Only</i>	255
<b>8. <u>Informational Reports</u></b>	
A. Oregon's Career Technical Education (CTE) State Strategic Plan 2024-2027 <i>Time: 3:40 PM</i>	260



## **THE OREGON STATE BOARD OF EDUCATION**

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*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.*

Jennell Ives, Office of Education Innovation and Improvement; Shalee Hodgson, Higher Education Coordinating Commission/Community Colleges and Workforce Development; David Fortney, Workforce Planning Development PGE, Co-Chair of CTE Advisory Council

### **9. Adjourn**

*Time: 4:00 PM*

## ROSENBERG Corey \* ODE

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**From:** Jan Madrone <jmadrone2@gmail.com>  
**Sent:** Monday, February 5, 2024 3:05 PM  
**To:** StateBoard Public Email  
**Subject:** Required in-class days for Oregon Students

You don't often get email from jmadrone2@gmail.com. [Learn why this is important](#)

I'm writing to urge the Board of Education to consider increasing required school days for our kids. Oregon teaching day requirements are one of the lowest in the country and this is reflected in our dismal graduation rates. Kids are not going to be qualified for ANY jobs, much less higher education, if we continue to encourage/allow fewer days in school. If we lose a day to a weather event, it should be made up later.

Janet Madrone  
747 E 32nd Ave Apt 402  
Eugene, OR 97405  
541-342-3729

## ROSENBERG Corey \* ODE

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**From:** molly@mollymccracken.com  
**Sent:** Wednesday, January 31, 2024 4:27 PM  
**To:** StateBoard Public Email  
**Subject:** PPS needs to make up lost school days

Dear Oregon State Board of Education:

I'm a parent of two 5th grade Portland Public Schools' students. I strongly encourage the board to make sure the district adds extra days on to the school year to make up the days lost due to recent snow/ice event, even if that means we spend an extra week in school during June. The kids desperately need the learning time, especially given the November strike. Many families and teachers had already made plans, so the December make up week was not a true week of learning. My kids had four different subs that week and did a lot of review. It is unconscionable that we are not prioritizing our students classroom time given what they went through with COVID closures. Please do not extend a waiver to PPS as it would not serve our children. They need quality time in the classroom. PPS needs to be held accountable for providing a quality education to our students.

Thank you,

Molly McCracken Kumar

## ROSENBERG Corey \* ODE

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**From:** Sandeep Kumar <sandeepkumar@mindspring.com>  
**Sent:** Wednesday, January 31, 2024 8:58 PM  
**To:** StateBoard Public Email  
**Subject:** PPS needs to make up lost school days

You don't often get email from sandeepkumar@mindspring.com. [Learn why this is important](#)

Dear Oregon State Board of Education:

I'm a parent of two 5th grade Portland Public Schools' students. I strongly encourage the board to make sure the district adds extra days on to the school year to make up the days lost due to recent snow/ice event, even if that means we spend an extra week in school during June. The kids desperately need the learning time, especially given the November strike. Many families and teachers had already made plans, so the December make up week was not a true week of learning. My kids had four different subs that week and did a lot of review. It is unconscionable that we are not prioritizing our students classroom time given what they went through with COVID closures. Please do not extend a waiver to PPS as it would not serve our children. They need quality time in the classroom. PPS needs to be held accountable for providing a quality education to our students.

Thank you,

Sandeep Kumar

**From:** [Johnna Timmes](#)  
**To:** [StateBoard Public Email](#)  
**Cc:** [Johnna Timmes](#)  
**Subject:** Public comment: 2/15/24 agenda item 7D  
**Date:** Wednesday, February 14, 2024 8:00:06 PM

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You don't often get email from [jtimmes@stand.org](mailto:jtimmes@stand.org). [Learn why this is important](#)

Public testimony for 2/15/24, agenda item 7.D. Early Literacy Success Initiative - Community Grants, Tribal Grants, and School District Grants- Johnna N. Timmes, *Interim Early Literacy Policy & Partnership Director, Stand for Children Oregon*

Chair Martinez Zapata, Vice Chairs Scurlock and Montgomery, and Members of the State Board of Education,

My name is Johnna Timmes, I am the Interim Early Literacy Policy and Partnership Director at Stand for Children Oregon.

I want to begin my remarks today by sharing my overwhelming gratitude for this board, as well as the Oregon Department of Education and all of our partners in education for your unwavering support of our shared mission to ensure every student in Oregon has access to the highest quality education possible.

Throughout this rulemaking process, I have been struck by the universal commitment to equity and to remaining research-aligned, and I'd like to commend the Oregon Department of Education for their openness to refining the rules to reflect those values. They've listened and collaborated in a way that demonstrates their commitment to Oregon students.

In light of the necessity for this legislation to dramatically support Oregon's historically low literacy rates, we must not waiver when it comes focusing on our most struggling readers and following the research.

There are two areas of the rules that I'd like to highlight today, which are critical to ensuring this legislation makes the impact it was intended to –

First, I'll speak to prioritization.

If school districts face funding constraints and can't implement changes at every school, the need is simple: **when it comes to tutoring and summer learning, prioritize the schools with the most struggling readers.** This equitable approach allows us to address disparities with a targeted focus on the students who need it most.

**We'd like to express our appreciation and highlight the importance of adopting an equitable approach by keeping the prioritization language as it currently is: prioritization must remain mandatory, especially when it comes to offering tutoring and summer learning.**

If we are to make a measurable impact, we must focus on schools with the most struggling

readers. This targeted, equity-centered strategy will help address disparities and provide concentrated support to the students who need it most.

I understand the challenges in allocating resources; by concentrating efforts on schools requiring the most support, we can make a significant impact on improving literacy outcomes for all students.

Thank you for ensuring those furthest from opportunity are reached by this historic legislation by requiring prioritization.

The second priority I'd like to focus on today is high-dosage tutoring.

One of the core components of the Early Literacy Success Initiative, high-dosage tutoring has been proven, by decades of research, to be a critical component of accelerating student learning.

A systematic review and meta-analysis of the evidence provides us with a clear definition of high-dosage tutoring. Tutoring programs that do not have these features are not likely to work.

One of the features, which I'd like to highlight the importance of today, is the educator to student ratio. An [analysis of 100 peer-reviewed studies](#) of students across the country determined that small group tutoring is **effective for no more than four students at a time**. Moving beyond this limit becomes small group instruction, not high-dosage tutoring, which is less effective and **no longer fits the research-based high-dosage tutoring requirement outlined in the Early Literacy Success Initiative**.

The state legislature made a critical decision to support student acceleration with the historic passage of the Early Literacy Success Initiative, which requires districts to spend funds on **research-based methods**.

**I'd like to re-state the importance of maintaining the four-student limit, which honors the intent of the bill by committing the rules to remain research-based and requires high-dosage tutoring to be defined as student to educator ratios of no more than 4:1.**

By maintaining the rules I've outlined today, we're confident that the Early Literacy Success Initiative will provide Oregon students with a greater opportunity to reach their potential.

Thank you for your time and commitment to advancing early literacy.

In appreciation,

Johnna Timmes, *Interim Early Literacy Policy & Partnership Director, Stand for Children Oregon*

**Johnna N. Timmes** | Interim Early Literacy Policy & Partnership Director| She, Her, Hers  
| **Stand for Children Oregon** |  
C 503.805.5664| [jtimmes@stand.org](mailto:jtimmes@stand.org)



**COALITION OF  
OREGON SCHOOL  
ADMINISTRATORS**



**OAESD**  
OREGON ASSOCIATION OF  
EDUCATION SERVICE DISTRICTS



Date: February 15, 2024

To: Oregon State Board of Education

From: Parasa Chanramy, Coalition of Oregon School Administrators  
Ozzie Rose, Oregon Association of Education Service Districts  
Efren Zamudio, Oregon School Boards Association

Subject: Agenda Item 7.D. Early Literacy Success Initiative - Community Grants, Tribal Grants, and School District Grants

Dear Chair Martinez Zapata, Vice Chair Scurlock, and Members of the Oregon State Board of Education:

On behalf of the Coalition of Oregon School Administrators, Oregon Association of Education Service Districts, and Oregon School Boards Association, we submit this letter to share our feedback on the proposed draft rules regarding the Early Literacy Success Initiative.

Collectively, our members lead 197 school districts and 19 education service districts (ESDs) that serve over half a million students in Oregon. We want to thank the Oregon Department of Education (ODE) for their tremendous work in developing [Oregon's latest Early Literacy Framework](#) in collaboration with education leaders and partners, as well as their support in helping districts understand the goals and requirements of House Bill 3198 – the Early Literacy Success Initiative.

We appreciate the Department's partnership with our organizations, their [detailed guidance](#), and their support for districts as they applied for the Early Literacy Success School District Grants. This year, 100% of school districts and eligible public charter schools applied for the grant. Reaching this early milestone is an important step towards helping more students across Oregon experience literacy success – which is foundational to academic growth and lifelong learning.

Throughout the rulemaking process, our organizations and members have had the opportunity to engage in the technical Early Literacy Rules Advisory Committee, as well as the Department's Standing Rules Advisory Committee process.

**As you review the proposed rules, we'd like for you to consider two policy recommendations to further help improve access and support for students.**



**Early Literacy Community Grant: Eligibility (pg 9, subsection 2)**

In previous iterations of the draft rule, Education Service Districts (ESDs) were included as an eligible entity that could apply for the Community Grant Program. Unfortunately, ESDs were omitted from this latest draft. We have concerns about removing ESDs as an eligible applicant because they:

1. Serve as critical education partners and provide important technical assistance services for districts, especially our small, rural, and remote districts (for example, see [Northwest Regional ESD’s Oregon Response Instruction and Intervention Work to Support Literacy Success](#)); and
2. Are also able to work directly with families in providing support around early literacy success and school readiness (for an example, see [High Desert ESD’s Juntos Aprendemos Program](#)).

**Our Recommendation:** Reinstate ESDs as an eligible applicant under the Early Literacy Community Grant Program.

**Early Literacy School District Grant: High-Dosage Tutoring Definition (pg 4, subsection 20)**

In this latest draft of the proposed rule, the ratio for high-dosage tutoring was lowered from “six or fewer students” to “four or fewer students.” While we recognize that this recent change is intended to reflect research recommended ratios – and while we are committed to implementing processes and practices aligned with latest research – we also wanted to share some of the implementation concerns our members surfaced as a result of this proposed change.

1. **Staffing capacity.** As many of our districts and schools continue to experience critical staffing levels, and challenges with recruitment and retention, our members wanted to state their concerns around being able to reach this 4:1 ratio given the timeline for implementing the new rules, the need for additional professional development and training, and our current staffing.
2. **Funding.** Recognizing that the Early Literacy Success Initiative was only partially funded and that grant amounts vary based on district size and number of students served, our members shared concerns around being able to reach and sustain smaller ratios given our budget constraints and economies of scale.
3. **Availability of in-person, high-dosage tutoring providers in their region.** In more rural and remote parts of the state, our members expressed concern around the availability of high-quality high-dosage tutoring providers who could provide support in person.

**Our Recommendation:** Update the high dosage tutoring ratios to “four to six students or fewer.” Reinforce the research recommended standard in ODE’s guidance.



COALITION OF  
OREGON SCHOOL  
ADMINISTRATORS



OAESD  
OREGON ASSOCIATION OF  
EDUCATION SERVICE DISTRICTS



OREGON  
SCHOOL  
BOARDS  
ASSOCIATION

We wanted to also express our gratitude to the team at the Department for engaging so many educators and education partners throughout this rulemaking cycle. Much of our feedback was included in the proposed rule before you – here are a few examples:

- **Prioritization.** We emphasized how important it was for districts to be able to spend their grant dollars equitably among their elementary schools based on student needs and multiple measures. The current language reflects our recommendations.
- **25% Match.** We appreciate how the 25% match in the proposed rule mirrors the current temporary rule. In our view, continuity and consistency around the 25% match will help districts with organizing and braiding resources for early literacy, as well as building on the work of the [Early Literacy Success Framework](#) as they implement their Early Literacy Success Plans.
- **Timelines.** Throughout the rulemaking process, we provided feedback on the different timelines – trying our best to balance the urgency and need for improvement around early literacy, while also recognizing the importance of building educator and staff capacity, and more. For instance, with the timeline for the Department to publish a list of internal and external providers for i) Professional Development and Coaching; and ii) High-Dosage Tutoring and Extended Learning, we reinforced how important it was to have the approved lists before we begin our budgeting process. As a result of our feedback, the timeline for the Department was moved up from “June 15” to “January 15” to help districts with planning.

Once again, we want to thank the Governor’s team, the Department of Education, and many other education and community partners for their continued work and partnership to ensure that all Oregon students achieve literacy success.

Thank you again for your service and for taking the time to review our letter of support.

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: HB2280: 3.A.

<p><b>SUBJECT:</b> Consent Definition, OAR 581-021-0038</p> <p><b>STAFF NAME &amp; OFFICE:</b> Kate Hildebrandt, Director's Office</p> <p>House Bill 2280 updated the definition of consent for school district sexual harassment policies. The definition was updated to better align with the definition required to be taught in comprehensive sexuality education and health education rules and standards.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> <b>First Reading</b> <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation <input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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## BACKGROUND

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ORS 342.700-708 was originally adopted in 2018. It created a requirement for school districts to adopt sexual harassment policies which define sexual harassment and require schools to respond to reports of sexual harassment by providing supportive measures and conducting an investigation. At the time the legislation was passed, Title IX's sexual harassment provisions were in debate at the federal level, and Oregon's intention was to create a similar state-level statute to secure rights for students if Title IX's sexual harassment protections changed. OAR 581-021-0038 has gone through several updates since it was passed. It was last updated in 2020, in response to a legislative change. The 2020 rulemaking process included several discretionary updates to the rule, including a robust discussion on parental notification and a clarification on the sexual harassment definition.

The currently proposed rule changes are in response to House Bill 2280 (2023), which modified the definition of consent in ORS 342.700-704. Prior to House Bill 2280, the statute did not explicitly define consent. A definition of consent was implied by defining sexual assault as "[a]ssault when sexual contact occurs without a person's consent because the person is under the influence of drugs or alcohol, is unconscious or is pressure through physical force, coercion, or explicit or implied threats." (ORS 342.704(3)(b)(C)).

This implied definition of consent in ORS 342.704 was out of alignment with required instruction on consent in Oregon's comprehensive sexuality education standards. [OAR 581-002-2050 – Human Sexuality Education](#) defines "consensual" in (1)(e) as "the presence of a 'yes' when 'no' is a viable option" and defines "non-consensual" in (1)(m) as "any sexual act that is inflicted upon a person who is unable to grant consent or that is unwanted and compelled through the use of physical force, manipulation, threats, or intimidation."

House Bill 2280, which was sponsored by ODE, aligns the definition in school district sexual harassment policies with Oregon's comprehensive sexuality education rules and standards. The statute now reads:

- (b) "Without consent" means an act performed:
  - (A) Without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or
  - (B) When a person who is a party to the act is:

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- (i) Incapacitated by drugs or alcohol;
- (ii) Unconscious; or
- (iii) Pressured through physical force, coercion or explicit or implied threats to participate in the act.

In developing the definition, ODE consulted with our health and sexuality education program, partners at OHA, nonprofit sexual violence advocacy groups, and education partners prior to proposing the bill.

The proposed rule changes are simply to align OAR 581-021-0038 with the updated statute. While the board does have discretion to propose additional changes above and beyond the law, none are proposed at this time.

## SUMMARY OF PREVIOUS BOARD ACTION

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This rule was presented before the board in December 2023. No changes were suggested or requested by the Board at the December meeting. Previous comments received from the Board and the RAC focused on questions around implementation and enforcement.

## HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

## POLICY ISSUE OR CONCERNS

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The previous misalignment in definitions between sexual harassment policies and classroom instruction on healthy relationships was potentially extremely harmful to students. The mismatch set students up for confusion and harm when they were taught one definition of consent in the classroom, but schools then used a different definition of consent in their policies. Students and families could have reported sexual harassment to their school because they had been taught that a behavior was nonconsensual, only to find that their school dismissed the report because it did not meet the standard for sexual harassment or sexual assault. This could lead to exacerbated experiences of trauma for students and their families or even experiences of [institutional betrayal](#). These experiences, in turn, may lead to students to suffer a decrease in their grades, an increase in absences, or even to drop out of school.

Much of the community engagement on the definition itself occurred prior to ODE's proposal of the bill. ODE staff:

- Reviewed previous complaints involving sexual harassment and sexual assault, along with reports made to ODE's complaints and appeals team and civil rights teams;
- Consulted with state partners, including ODE and OHA experts, on the proposed update; and
- Consulted with community sexual assault advocacy organizations to determine possible impact.

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Since the passage of the bill, community engagement has focused on understanding and implementation:

- The updated definition was shared with district admin and Title IX Coordinators during Fall 2023 civil rights trainings and Title IX trainings, August-October (approximately 300 attendees for in-person and virtual trainings across the state)
- An open engagement session was held in September with Oregon Title IX Coordinators
- An open engagement session was held in October with the Comprehensive Sex Ed Advisory Group
- In conversations with educational partners, ODE continues to promote awareness of the new definition.

ODE has received additional suggestions for technical assistance and support that we are planning to provide:

- During session, ODE received a request from a school district to provide guidance on investigating and assessing consent in alignment with this new definition. ODE has done so throughout Fall Title IX trainings and will continue to do so, including developing specific webinars and workshops on consent that will highlight the new definition.
- Plan to provide webinars in alignment with upcoming Title IX changes (expected Spring 2024) that will highlight the new definition, along with continuing to provide 1-on-1 technical support.
- During the RAC presentation, ODE received a suggestion to make sure update is shared with school counselors; will connect with ODE school counseling staff to determine best venue for sharing update.

We welcome additional suggestions for how to continue to provide support, especially to districts, students, and families.

## EQUITY IMPACT ANALYSIS

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Sexual harassment and assault severely impacts historically marginalized and underserved groups.

- Girls and gender expansive individuals are more likely to experience sexual violence than boys. According to the [2020 Oregon Student Health Survey](#), 24.4% of 11<sup>th</sup> grade girls have been pressured in sexual activity and 9.2% have been physically forced to have sex. 5.7% of 11<sup>th</sup> grade boys have been pressured into sexual activity and 1.7% have been physically forced to have sex. For gender diverse 11<sup>th</sup> graders, 38% have been pressured into sexual activity and 22.7% have been physically forced to have sex.
- Sexual violence also has a disproportionate impact of women of color. According to the 2016/2017 [National Intimate Partner and Sexual Violence Survey](#), 29% of Black women, 43.7% of American Indian or Alaskan Native women, and 48% of Multiracial women reported experience rape in their lifetime compared to 28% of White women.
- Individuals with disabilities are more likely to experience sexual violence than people without disabilities. Individuals with intellectual disabilities, for example, are [seven times more likely to experience sexual assault than individuals without disabilities](#).

This update will allow more students to have the option of seeking justice and support from their school district after sexual violence. Because sexual violence disproportionately impacts historically

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underrepresented student populations, this means that more students of color, students with disabilities, LGBTQ2SIA+ students, and other marginalized students will have access to these options.

## FISCAL ANALYSIS

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Minimal additional costs are expected. School districts may have to devote additional staff time to responding to and investigating sexual harassment complaints, since slightly more incidents may now fall under the policy.

Fiscal impact on ODE is not anticipated. ODE already employs a Title IX and Civil Rights Specialist who could implement this bill and provide information and support to districts. There are no reporting requirements for ODE or districts in this bill.

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## STAFF RECOMMENDATION

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

## ATTACHMENTS

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Attachment 1: Draft Rules OAR 581-021-0038\_HB 2280 (2023)\_11.29.2023

Edits prepared by KH, 11.29.2023

581-021-0038

Minimum Requirements for School District Sexual Harassment Policies

(1) For purposes of this rule:

(a) "District" includes school district, education service district, and public charter school.

(b)(A) "Sexual harassment" includes:

(i) A demand or a request for sexual favors in exchange for benefits.

(ii) Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:

(I) Interferes with a student's educational activity or program;

(II) Interferes with a school or district staff member's ability to perform their job; or

(III) Creates an intimidating, offensive, or hostile environment.

(iii) Assault, when sexual contact occurs without ~~a person's~~ consent. ~~because the person is:~~

~~(I) Under the influence of drugs or alcohol;~~

~~(II) Unconscious; or~~

~~(III) Pressured through physical force, coercion or explicit or implied threats.~~

(B) "Sexual harassment" does not include:

(i) Conduct that is necessary because of a job duty of a school or district staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent.

(ii) A person finding another person, or another person's actions, offensive because of that other person's sexual orientation or gender identity.

(c) "Third party" means a person who is not a student or a school or district staff member and who is:

(A) On or immediately adjacent to school grounds or district property;

(B) At a school-sponsored or district-sponsored activity or program; or

(C) Off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person in an environment described in subparagraphs (A) and (B) of this paragraph.

**(c) “Without consent” means an act performed:**

**(A) Without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or**

**(B) When a person who is a party to the act is:**

**(i) Incapacitated by drugs or alcohol;**

**(ii) Unconscious; or**

**(iii) Pressured through physical force, coercion or explicit or implied threats to participate in the act.**

(2) It is the policy of the Oregon State Board of Education that all students, staff members, and other persons in Oregon schools are entitled to learn and work in an environment that is free of harassment. To that end, sexual harassment will not be tolerated in Oregon schools.

(3) School districts shall adopt policies that meet the requirements set forth in subsection (5) of this rule that address the sexual harassment of:

(a) Students by school and district staff members or by other students;

(b) School and district staff members by students or by other staff members; and

(c) Third parties.

(4) Policies adopted pursuant to this rule must be:

(a) Published in the school or district student handbook;

(b) Published on the school or district website;

(c) Made available at each school office and at the district office;

(d) Posted on a sign in all schools teaching a grade between grade 6 and 12, on a sign that is at least 8.5 by 11 inches in size; and

(e) Made available upon request to students, parents of students, school and district staff members, and third parties.

(5) A policy adopted pursuant to this rule must include, but is not limited to, the following requirements:

(a) A statement of the district’s commitment to eliminate sexual harassment;

(b) All students and school and district staff are subject to the policy;

(c) One or more definitions for the types of harassment covered by the policy;

- (d) Examples of the kinds of harassing behaviors covered by the policy;
- (e) The name and position of each employee responsible for accepting and managing complaints of harassment covered by the policy and how to contact the employee or employees;
- (f) A requirement that when a school or district staff member becomes aware of behavior that may violate the policy, the staff member shall report the behavior to a district official, and a requirement that the district official shall take any action necessary to ensure that the impacted person is protected and to promote a nonhostile work and learning environment, including:
  - (A) Providing resources and support measures to the impacted person; and
  - (B) Taking any action that is necessary to remove the potential future impact on the impacted person, provided that the action is not retaliatory against the impacted person or the staff member who reported the behavior;
- (g) The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate the policy may not adversely affect:
  - (A) The educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation;
  - (B) Any terms or conditions of employment or of work or educational environment of a school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation;
- (h) A requirement that students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.
- (i) When a student, staff member, or third party files a complaint under the policy, the district must provide notice as required by subsection (6) to:
  - (A) Each reporting person;
  - (B) If appropriate, any impacted person who is not a reporting person;
  - (C) Each reported person; and
  - (D) Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person;

(j) Each person receiving notice under paragraph (i) of this subsection shall be notified when the investigation is initiated and is concluded, and whether a violation of the policy was found to have occurred following the investigation, to the extent allowable under state and federal student confidentiality laws;

(k) All complaints about behavior that may violate the policy shall be investigated;

(l) Identification of the means the district will use to investigate incidents of harassment covered by the policy;

(m) Procedures to address sexual harassment of students or school or district staff members by third parties;

(n) Standards for determining whether a hostile environment exists;

(o) Remedial action the district will take to stop harassment covered by the policy and prevent reoccurrence; and

(p) Prohibition of retaliation against persons who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation or other related activities

(6) Written notification required under subsection (5)(i) must include, but is not limited to:

(a) Name and contact information for all persons designated by the district to receive complaints;

(b) The rights of the person;

(c) Information about the privacy rights of the person and legally recognized exceptions to those privacy rights for internal complaint processes and services available through the school or school district;

(d) Information about the complaint process, including any applicable timelines;

(e) Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system, and that those remedies may be subject to statutes of limitation;

(f) Information about services available to the person through the district, including any counseling services, nursing services, or peer advising;

(g) Information about and contact information for support services available to the person, including:

(A) For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or

(B) For the reported persons, information about and contact information for state and community-based mental health services;

(h) Notice of the prohibitions of discipline as described in subsection (5)(h); and

(i) Notice of prohibition of retaliation;

(7) The Department of Education will provide technical assistance, including assistance in the development of appropriate training, to districts upon request in the development of appropriate sexual harassment policies as required by this rule.

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 3.B.

<p><b>SUBJECT:</b> Transportation Grant – Non-Reimbursable Mileage Rate Update 581-023-0040</p> <p><b>STAFF NAME &amp; OFFICE:</b> Mike Wiltfong   Office of Finance and Information Technology Vanessa Clark   Office of Finance and Information Technology</p> <p>This rule includes a yearly non-reimbursable mileage rate. The current rule lists a rate for the years 2019-20, 2020-21, 2021-22, and 2022-23. This rule change updates the rule to remove the years 2019-20 and 2020-21, and to add a rate for the years 2023-24 and 2024-25.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> <b>First Reading</b> <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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## BACKGROUND

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The Transportation Grant is one of the subgrants of the State School Fund. It provides school districts with a reimbursement of a percentage of their costs for transporting students for academic purposes. This rule defines approved costs under the grant and how reimbursements are calculated. One of the areas defined in this rule is the non-reimbursable mileage rate.

School districts often provide transportation services for students for non-academic purposes, such as athletics or other activity trips that are not related to student coursework. These non-academic trips are not reimbursable under the Transportation Grant, but most often, school districts use the same staff and equipment to provide these services. In order to deduct the cost of these trips from reimbursable expenses, a non-reimbursable mileage rate is set which intends to account for the cost of fuel, staffing, supplies, and equipment maintenance. School districts report their non-reimbursable mileage, and the non-reimbursable mileage rate is used to deduct these costs from their total transportation expenses.

The non-reimbursable mileage rate is increased annually to account for inflation. Department staff calculate and update this rate in rule once per biennium. The current rule lists a rate for the years 2019-20, 2020-21, 2021-22, and 2022-23. This rule change updates the rule to remove the years 2019-20 and 2020-21, and to add a rate for the years 2023-24 and 2024-25.

Since we are maintaining a consistent practice and only updating the specific rate amount based on a calculation, we did not conduct community engagement on this update.

## SUMMARY OF PREVIOUS BOARD ACTION

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This item was brought before the Board at the December 2023 meeting. There was minimal discussion and the draft rule revision has not changed since December.

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 3.B.

## HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

## POLICY ISSUE OR CONCERNS

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This is a routine update to account for inflation. At this time, Department staff are not aware of any policy issues related to this update.

## EQUITY IMPACT ANALYSIS

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The non-reimbursable mileage rate aims to capture the costs of non-academic trips to deduct those expenses from the Transportation Grant. Doing this ensures that funds from the State School Fund are used to support students' academic needs, while also allowing school districts to use the same pupil transportation equipment for additional uses, such as athletic trips. While raising the rates due to inflation means higher deductions from the Transportation Grant, it keeps the grant focused on its purpose and increases equitable access to funding across the state.

## FISCAL ANALYSIS

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The Transportation Grant is funded through the State School Fund, managed by staff on the School Finance team, and supported with data collected by the Pupil Transportation Unit. The State School Fund is funded by the Legislature at a specific amount per biennium and that funding is split between the two years of the biennium. There are several subgrants and carve-outs that are funded by the State School Fund and that reduce the amount that is distributed to school districts and education service districts as the General Purpose Grant of the State School Fund. The Transportation Grant is the largest of these subgrants – for the 2021-22 school year it reimbursed school districts nearly \$261 million.

The Transportation grant provides a percent reimbursement of the actual cost of transporting students for academic purposes. Because the Transportation Grant does not have a maximum reimbursement limit, care must be taken to ensure that growth of this grant does not outpace growth in funding of the overall State School Fund. The non-reimbursable mileage rate serves to keep the Transportation Grant's focus on supporting student transportation for academic purposes.

Historically, the non-reimbursable mileage rate has been updated using Consumer Price Index (CPI) data from the Bureau of Labor Statistics. The annual average CPI growth is used as a basis for inflation and the non-reimbursable mileage rate is set to match this growth percentage. For the 2023-24 school year, a full year of CPI data is available to use to match the growth percentage from the past year and set a new rate. For the 2024-25 school year, six months of CPI data are available, so an estimated growth percentage is used in an attempt to match that growth. The growth percentage used to set the 2023-24 rate is approximately 7.5% and the growth percentage used to set the 2024-25 rate is approximately

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 3.B.

3.5%. The 2023-24 growth percentage was higher due to higher than usual inflation in the year preceding.

The specific data set used as a basis is the Consumer Price Index for All Urban Consumers in the Pacific region. This regional data set is used in an attempt to capture the inflation that is most relevant to Oregon’s school communities. The “all items” category is used rather than a fuel specific category because transportation services in school districts tend to contract for fuel rates, meaning that their price is a little steadier than what average consumers see at the gas station. Additionally, there are other cost factors that the non-reimbursable mileage rate captures, such as wear and tear on vehicles, insurance, etc. For these reasons, the “all items” category ends up being a better fit for capturing the actual inflation that school districts see in their transportation expenses.

Using this methodology matches the way that we have historically set these rates, which maintains consistency for school districts. While increasing the non-reimbursable mileage rate means a higher deduction from the amount eligible for reimbursement under the Transportation Grant, it maintains the focus of the Transportation Grant on supporting student transportation for academic purposes.

## EFFECT OF A “YES” OR “NO” VOTE

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The non-reimbursable mileage rate is a required component of the calculation of the Transportation Grant under the State School Fund.

- If the Board approves this rule revision, the rate will be updated and available to be used in the Transportation Grant calculation.
- If the Board does not approve this rule revision, the non-reimbursable mileage rate will be out of date. Using an older rate in the Transportation Grant calculation would mean that non-reimbursable mileage is deducted at a rate lower than needed to cover non-academic trips.

## STAFF RECOMMENDATION

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Approve  Approve next month  No recommendation at this time

**Prompted by:**  State law changes  Federal law changes  other: regularly scheduled rate update to account for inflation

## ATTACHMENTS

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Attachment 1: 2023 Update to Non-Reimbursable Mileage Rule (draft of rule revision)

**581-023-0040**

**Provision (5)**

(5) The computation shall be made as follows:

(a) Pupil Transportation Salaries;

(b) Pupil Transportation Supplies, Equipment, Repairs, and Maintenance;

(c) All contracted Transportation;

(d) Travel of Pupil Transportation Personnel;

(e) Employee Benefits on Pupil Transportation Salaries;

(f) Pupil Transportation Insurance;

(g) Payments in Lieu of Transportation;

(h) Other Expenses of Pupil Transportation;

(i) Payments to Other Districts for Pupil Transportation;

(j) Leases and Rentals;

(k) Depreciation:

(A) Depreciation of Garage, but this shall not include land;

(B) Depreciation of Buses that are used at least 50% for reimbursable mileage.

(C) Shall include the costs to the district to retrofit, repower, or to replace as defined in ORS 468A.795, school buses for the purpose of reducing or eliminating diesel engine emissions. These costs:

(i) Shall not include the costs paid with moneys received from the state by a school district from the Clean Diesel Engine Fund that are described in 468A.801 (2)(a); and

(ii) Shall include costs to paid with moneys received from the state as allowed by the Environmental Mitigation Trust Agreement as defined in ORS 468A.801 (2)(c).

(l) Total of subsections (5)(a) through (k) of this rule;

(m) Deduct (if cost is included in detail above):

(A) Payments Received from Other Districts and from Patrons for reimbursable transportation;

(B) Non-reimbursable Transportation Costs:

~~(i) For 2019 – 20:~~

~~(I) Number of miles at \$2.66 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or~~

~~(II) Number of miles at \$1.33 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.~~

~~(ii) For 2020 – 21:~~

~~(I) Number of miles at \$2.70 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or~~

~~(II) Number of miles at \$1.36 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.~~

(iii) For 2021 – 22:

(I) Number of miles at \$2.86 Per mile for all school buses and school activity vehicles having a manufacturers designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.43 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

~~(iv)~~ For 2022 – 23:

(I) Number of miles at \$2.96 Per mile for all school buses and school activity vehicles having a manufacturers designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.49 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(iii) For 2023 – 24:

(I) Number of miles at \$3.18 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.60 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(iv) For 2024 – 25:

(I) Number of miles at \$3.29 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.65 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(v)(I) Those local school board certified marginal costs attributable to services provided to students who are not eligible for home-to-school transportation under section 3, calculated and documented as

follows: Documentation maintained by local district shall include: bus and route identification, school(s) being served, number of eligible students on board, number of ineligible students on board;

(II) Calculation of marginal costs shall be as follows: District Cost Per Mile of bus operation divided by the total number of students transported on each bus to derive an average cost per student. The cost per student multiplied by the number of ineligible students and the number of miles transported provides the amount for deduction. Example: Cost per student = district cost per bus mile - number of students on bus; Total Deduction = cost per student x ineligible students x number of miles transported.

(III) No deduction will be made for transportation inside prescribed limits if the local board certifies student demographics would require student bus rides to or from school of more than one hour if the bus is routed in a manner making it accessible to the number of eligible students living outside the prescribed mileage limit equal to 130 percent of the bus manufacturer's rated capacity; or

(IV) The local school board certifies that buses are routed in a manner to serve at least the number of eligible students living outside the prescribed mileage limits equal to 130 percent of the bus manufacturer's rated passenger capacity; and

(V) In either of the aforementioned situations, no additional costs have been incurred by the district for the identified service.

(C) State and Federal Receipts for Transportation, except those apportioned under ORS 327.006 or third party Medicaid payments for transportation, if used to support expenditures in subsections (5)(a) through (l) of this rule;

(D) Rental or Lease Payments from Private Contractors;

(E) The percentage of transportation facility depreciation commensurate with the percentage of the total district fleet value based upon purchase price (see subsection (6)(k) of this rule) represented by non-pupil transportation equipment. Examples of nonpupil transportation equipment would include the following: lawnmowers, tractors, backhoes, trucks, pickups, cars, trailers, snow blowers, etc.

(n) Total Deductions ((5)(m)(A)+(m)(B)+(m)(C)+(m)(D)+ (m)(E));

(o) Approved Cost ((5)(l) minus (5)(n)).

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 3.A.

<p><b>SUBJECT: Transportation Grant 581-023-0040</b></p> <p><b>STAFF NAME &amp; OFFICE:</b> Mike Wiltfong   Office of Finance and Information Technology Vanessa Clark   Office of Finance and Information Technology Brock Dittus   Pupil Transportation Unit</p> <p>The 2023 HB 3014 added Alternative Transportation as a reimbursable expense under the Transportation Grant when districts have an approved supplemental plan and/or waiver. This rule revision adds to the current rule to describe the process and requirements for school districts to add Alternative Transportation and receive reimbursements under the Transportation Grant.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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## BACKGROUND

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### History & Purpose

The Transportation Grant is one of the subgrants of the State School Fund. It provides school districts a reimbursement of a percentage of their costs for transporting students for academic purposes.

This rule defines approved costs under the grant and how the reimbursements are calculated. This rule is being updated to include Alternative Transportation, which was added through HB 3014 (2023).

### Revision to the Rule

House Bill 3014 (2023) adds a new category to the Transportation Grant: Alternative Transportation. This new category includes Active Transportation (such as walking or bicycling groups) and Public Transportation. The costs associated with providing Alternative Transportation are reimbursable when:

- The school district has a supplemental plan and waiver approved by the State Board of Education,
- The school district demonstrates that adding Alternative Transportation will cost the same or less than their projected transportation costs without adding it.

Additionally, Alternative Transportation may only be reimbursed up to 5% of the district's total Transportation Grant expenses.

The State Board of Education will be responsible for approving requests from school districts for supplemental plans and/or waivers (ORS 327.043) to allow the addition of Alternative Transportation. School districts will be required to submit:

- A request for waiver from requirement to transport according to OAR chapter 581, division 53.
- A written narrative of the supplemental plan's changes (or its content if submitting for the first time).
- A map with a visual representation of the affected areas within each school's walk distances.
- Evidence of local school board approval.

# Oregon State Board of Education

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AGENDA ITEM: 3.A.

Additionally, for reimbursement related to public transportation, school districts will be required to demonstrate their good faith efforts to hire, train, and retain sufficient staff to operate their bus routes, including competitive wages and hiring practices consistent with applicable collective bargaining agreements. School districts who had supplemental plans and/or waivers allowing the use and reimbursement of public transit passes during the 2022-23 school year will continue to be allowed to use public transit passes without additional action.

## Engagement

Throughout September and October 2023, ODE (Oregon Department of Education) staff engaged with school district personnel to determine how best to support the implementation of Alternative Transportation. ODE staff presented on this topic at the Oregon Association of School Business Officials roundtable meeting and at the Chart of Accounts Committee meeting. These groups were asked for input around estimating and tracking expenses, and claiming these expenses under the Transportation Grant. ODE staff also reached out via email to the witnesses who provided testimony on the bill at committee hearings during the 2023 Legislative Session. ODE staff also brought this topic to the Rules Advisory Committee (RAC) at their November 2023 meeting. The RAC recommended that school districts conduct community engagement to ensure that their plans are aligned to community. The Department added to the draft rules a requirement that school districts document their community engagement efforts as part of the development of their request for a waiver and/or supplemental plan.

Since the December 2023 Board meeting, ODE staff have been in communication with education partners to hear additional input on the draft rules. Partners asked to have more explicit information from statute included in the rule language, specifically around statutory requirements for employment opportunities and restrictions on contracting this work out to other organizations. The draft rules were revised accordingly and shared with partners to ensure that their concerns were addressed.

ODE staff did not conduct engagement with community members, families, or other school district and education service district staff on these updates. This bill makes Alternative Transportation an option for school districts and leaves room for local decision making in how it might be implemented at the local level. We believe it will be important for school districts to engage with their communities around the types of Alternative Transportation that will best meet the needs of the students and families they serve. Due to the broad leeway in how this could be implemented locally, ODE focused engagement efforts on the business aspects of the grant.

## SUMMARY OF PREVIOUS BOARD ACTION

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ODE staff presented the draft rules to the Board at their December meeting for a first read.

## HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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- N/A; first read—first time before the Board
- No; same as last month
- Yes; as follows:

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 3.A.

Following the December Board meeting, ODE staff received additional feedback from education partners and made the following changes to the rule:

- The term “suitable and sufficient” was added to the definitions under subsection (1)(i). The definition is aligned with statute.
- Subsection (4) was added to describe “Approved Alternative Transportation costs” and provide the types of costs that may be included, along with specific requirements regarding contracting and employment opportunities, in alignment with statute.
- Subsection (13) was revised to:
  - Add “and/or waiver” after supplemental plan,
  - Add a description of requirements specific to plans that include Public Transportation, in alignment with statute.
- Two minor formatting changes were prompted by the Secretary of State’s Office for consistency of formatting throughout Oregon Administrative Rules. These changes were unrelated to Alternative Transportation and did not change any meaning in the rules. The changes are in subsections:
  - (1)(d)(C)
  - (7)(j)

## **POLICY ISSUE OR CONCERNS**

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Prior to the passage of HB 3014, there were existing concerns related to the provision of and funding for pupil transportation that prompted the drafting of the bill:

- Some school districts face difficulties in recruiting and retaining staff for providing transportation to their students,
- Some school districts created alternative transportation programs, but the Transportation Grant did not have a mechanism to fund these types of transportation,
- Two school districts were granted waivers that allowed the use of public transportation as an alternative to transportation provided by the school district, but there were no guidelines to ensure equity of access to the use of public transportation as a viable alternative to school busses or Type 10 vehicles.

In addition to these concerns related to transporting students, there is also the potential for increased reimbursement through the Transportation Grant to reduce the funding available for the State School Fund General Purpose Grant, since they come from the same pool of funding.

House Bill 3014 attempts to resolve the concerns described above by explicitly creating a mechanism to fund Alternative Transportation options. The bill also seeks to balance the resolution of these concerns with funding concerns by capping the amount allowed to be spent on Alternative Transportation to a total of no more than 5% of any given school district’s total Transportation Grant, and requiring that the planned addition of Alternative Transportation does not exceed the cost of the school district’s planned transportation without adding Alternative Transportation.

## **EQUITY IMPACT ANALYSIS**

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# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 3.A.

Pupil transportation is a critical component of ensuring that students have equitable access to education by supporting daily attendance. These rule changes provide an operational framework for school districts to request the addition of Alternative Transportation as a reimbursable expense under their Transportation Grant. The addition of Alternative Transportation provides flexibility to school communities around the transportation services school districts provide to their students. This flexibility may allow school districts to better support the needs of their students through options such as walking and biking buses, or public transportation passes.

## FISCAL ANALYSIS

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The Transportation Grant is funded through the State School Fund, managed by staff on the School Finance team, and supported with data collected by the Pupil Transportation Unit. These two teams are working together to integrate Alternative Transportation into existing structures that will have only minor impacts on their workflows after the initial implementation phase. Additionally, the Department is using existing data collection processes for school districts to submit their expenses for reimbursement when they add Alternative Transportation to avoid additional work for school district staff.

The Transportation Grant provides a percent reimbursement of the actual cost of transporting students for academic purposes. For the 2021-22 school year, the total reimbursed through the Transportation Grant was just under \$261 million. Because the Transportation Grant does not have a maximum reimbursement limit, care must be taken to ensure that growth of this grant does not outpace growth in funding of the overall State School Fund.

House Bill 3014 addresses this through subsections (4) and (5). Subsection (4) requires that school districts provide a comparison of the cost of providing transportation services with or without Alternative Transportation. Subsection (5) requires that the State Board of Education only approve the addition of Alternative Transportation when the cost is the same as or less than it would be without Alternative Transportation, or that the school district demonstrates that the additional cost would be paid with funds other than the Transportation Grant from the State School Fund.

One consideration in the addition of Alternative Transportation is whether this will have an impact on school transportation professionals. While a nationwide shortage of school bus drivers persists, language from House Bill 3014 refers to good faith efforts by school districts to recruit and retain driver staff. The Department also recognizes that recruitment and retention methods of increased wages and/or benefits remain a reimbursable expense from the State School Fund's Transportation Grant, and should be considered in the assessment of the cost of the district's transportation plans alongside other practical factors such as driver training timelines, etc. The use of public transit passes as part of Alternative Transportation will only be allowed as a reimbursable expense when school districts demonstrate these good faith efforts.

## EFFECT OF A "YES" OR "NO" VOTE

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Newly implemented statute directs ODE to add Alternative Transportation as an option under the Transportation Grant.

# Oregon State Board of Education

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AGENDA ITEM: 3.A.

- If the Board approves these rule revisions, ODE staff will move forward with the process of registering the rules with the Secretary of State. The rules will provide a reference for school districts that aim to implement Alternative Transportation.
- If the Board does not approve these rule revisions, ODE will consider the feedback and take appropriate action to revise the rules before bringing the topic back to the Board. School districts will not have administrative direction as to the processes required to request Alternative Transportation as a reimbursable expense under their Transportation Grant until rules are adopted.

## STAFF RECOMMENDATION

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

## ATTACHMENTS

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Attachment 1: HB 3014 – Draft Rules (revisions to OAR 581-023-0040)

# HB 3014 - Draft Rules

[581-023-0040](#)

Approved Transportation Costs for Payments from the State School Fund

(1) Definitions for the purpose of this rule:

(a) “Elementary School Student” means, notwithstanding any other OAR or statute, pupils attending a school offering only an elementary curriculum, any combination of grades K through 8;

(b) “Secondary School Student” means, notwithstanding any other OAR or statute, pupils attending a school offering any secondary curriculum for grades 9, 10, 11, or 12. Additionally, all students attending a school designated by the local school board through board action as a junior high school or middle school may be considered secondary students;

(c) “Local School Board” means, notwithstanding any other OAR or statute, the local school board for the district in which the student’s legal residence is physically located. Local school boards are not required to provide transportation for students who have requested and received approval to attend a school other than that designated by the local school board for students living in their specified attendance area;

(d) “Manufacturer’s Rated Capacity” means the number of students to be used in the calculations specified in paragraph (5)(n)(B) of this rule and described below:

(A) Buses transporting only elementary students will have a passenger capacity as stated on the manufacturer’s identification plate;

(B) Buses transporting only high school students, grades 9 through 12 will have a passenger capacity based on two students for each 39 inch bus seat;

(C) Buses transporting mixed groups from grades K–12 (in any combination) or groups of only junior high or middle school students will have a passenger capacity based on 2.5 students for each 39-inch bus seat.

“EXAMPLE: A bus with a manufacturer’s passenger capacity stated on the identification plate of 72 would have the following ratings: elementary — 72, high school only — 48, mixed groups — 60, middle school and junior high school — 60.”

(e) “Mile(s) from School” means the distance a student lives from school, measured from the closest, reasonable, and prudent point between the school property identified by the local board for that pupil’s attendance and the property where the pupil lives. The distance will be measured

over the shortest practicable route on maintained public roadways or over existing pedestrian facilities or pedestrian facilities capable of meeting the requirements listed in ORS 332.405(4);

(f) "Patron" means any individual, organization, or entity that is able to use student transportation services except for charter schools (as defined in ORS 338) or a public agency (described in ORS 339.133(4), ORS 327.527, ORS 327.540 or ORS 327.390) if the school or agency reimburses school districts up to one hundred percent (100%) of incurred transportation costs pursuant to ORS 338.145, 339.133(4), ORS 327.527, ORS 327.540 or 327.390.

(g) "Supplemental Plan" means a plan adopted by local school board resolution identifying groups or categories of students who live within the 1 and 1.5 mile limitations and require transportation based on health or safety reasons, including special education. Supplemental plan approvals may be ordered by the State Board of Education or its designated representatives. The State Board shall have the right of final review of any actions regarding supplemental plans. Appeals will be directed to the State Board for final consideration. The Plan must include the following:

(A) The approximate number of students to be transported based on the plan;

(B) The health or safety reasons cited for providing transportation;

(C) The local board resolution specifying the supplemental plan as submitted; and

(D) Any additional information or documentation supporting the supplemental plan deemed appropriate locally.

(h) "Alternative Transportation," and "Active Transportation costs" have the definitions given in ORS 327.033.

(i) "Suitable and sufficient" means transportation that is appropriate for a particular student or group of students based on:

(A) The age of the student;

(B) The physical or mental capabilities of the student;

(C) The distance the student is to be transported; and

(D) The safety of the student to be transported.

(2) Approved transportation costs shall include those costs incurred in transporting pupils to and from instructional programs during the regularly scheduled school term within the limitations specified by ORS 327.006 and 327.033. Approved transportation costs may include costs

incurred in transporting students participating in extended school year programs eligible for funding from the State School Fund.

(3) Approved transportation costs shall include those district expenditures associated with:

(a) Home-to-school transportation of elementary school pupils who live at least one mile from school;

(b) Home-to-school transportation of secondary school pupils who live at least one and one-half miles from school;

(c) Transportation of pupils between educational facilities either within or across district boundaries, if the facilities are used as part of the regularly-scheduled instructional program approved by the Board;

(d) Transportation of pupils for in-state field trips when such represents an extension of classroom activities for instructional purposes, and shall include out-of-state destinations within 100 miles of the Oregon border;

(e) Transportation of pupils home to school for whom a supplemental plan has been approved by the State Board of Education in addressing safety, health, and special education needs;

(f) Transportation of preschool children in Early Childhood Special Education Services having an Individual Family Service Plan requiring transportation and preschool children receiving Early Intervention Services under the authority of ORS 343.533.

(g) School to home transportation following extended school day instructional programs for:

(A) Elementary school pupils who live at least one mile from school;

(B) Secondary school pupils who live at least one and one-half miles from school.

(h) For the 2020-21 school year, maintaining an adequate level of pupil transportation services while school districts are administering Comprehensive Distance Learning in response to the COVID-19 pandemic.

(4) Approved Alternative Transportation costs:

(a) Include those district expenditures associated with:

(A) The facilitation of Active Transportation for human-powered forms of travel, including walking or bicycling, between home and school for students who live less than three miles from school. These costs may include:

(i) A pedestrian or bicycle group;

(ii) A crossing guard; or

(iii) Staff time required for coordinating active transportation options.

(B) The facilitation of Public Transportation between home and school for secondary school students. This may include staff time required for coordinating public transportation options.

(b) Require that new positions or extra duty opportunities created as a result of the implementation of Alternative Transportation will be direct employees of the school district.

(c) Do not include costs for transportation that is subcontracted by a school district to a private transportation provider.

(45) Approved transportation costs shall exclude those district expenditures associated with transportation for the following unless the school program is required under provisions of the Individuals with Disabilities Education Act, ORS 343.533 or 339.010 through 339.090 and 339.250:

(a) Pupils living within the limits prescribed in ORS 327.006(2) for whom no supplemental plan has been approved by the State Board;

(b) Activity trips other than for instructional purposes;

(c) Athletic trips;

(d) School lunch purposes;

(e) Summer school;

(f) Adult education;

(g) Evening school;

(h) Preschool and/or nursery school;

(i) Board and room in lieu of transportation associated with field trips;

(j) Transportation facility and staff costs other than those directly related to approved pupil transportation activities.

(56) The computation shall be made as follows:

- (a) Pupil Transportation Salaries;
- (b) Pupil Transportation Supplies, Equipment, Repairs, and Maintenance;
- (c) All contracted Transportation;
- (d) Travel of Pupil Transportation Personnel;
- (e) Employee Benefits on Pupil Transportation Salaries;
- (f) Pupil Transportation Insurance;
- (g) Payments in Lieu of Transportation;
- (h) Other Expenses of Pupil Transportation;
- (i) Payments to Other Districts for Pupil Transportation;
- (j) Leases and Rentals;
- (k) Depreciation:
  - (A) Depreciation of Garage, but this shall not include land;
  - (B) Depreciation of Buses that are used at least 50% for reimbursable mileage.
  - (C) Shall include the costs to the district to retrofit, repower, or to replace as defined in ORS 468A.795, school buses for the purpose of reducing or eliminating diesel engine emissions. These costs:
    - (i) Shall not include the costs paid with moneys received from the state by a school district from the Clean Diesel Engine Fund that are described in 468A.801 (2)(a); and
    - (ii) Shall include costs to paid with moneys received from the state as allowed by the Environmental Mitigation Trust Agreement as defined in ORS 468A.801 (2)(c).
- (l) Total of subsections (5)(a) through (k) of this rule;
- (m) Deduct (if cost is included in detail above):
  - (A) Payments Received from Other Districts and from Patrons for reimbursable transportation;
  - (B) Non-reimbursable Transportation Costs:

(i) For 2019 – 20:

(I) Number of miles at \$2.66 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.33 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(ii) For 2020 – 21:

(I) Number of miles at \$2.70 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.36 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(iii) For 2021 – 22:

(I) Number of miles at \$2.86 Per mile for all school buses and school activity vehicles having a manufacturers designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.43 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(iv) For 2022 – 23:

(I) Number of miles at \$2.96 Per mile for all school buses and school activity vehicles having a manufacturers designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.49 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(v)(I) Those local school board certified marginal costs attributable to services provided to students who are not eligible for home-to-school transportation under section 3, calculated and documented as follows: Documentation maintained by local district shall include: bus and route identification, school(s) being served, number of eligible students on board, number of ineligible students on board;

(II) Calculation of marginal costs shall be as follows: District Cost Per Mile of bus operation divided by the total number of students transported on each bus to derive an average cost per student. The cost per student multiplied by the number of ineligible students and the number of miles transported provides the amount for deduction. Example: Cost per student = district cost per bus mile - number of students on bus; Total Deduction = cost per student x ineligible students x number of miles transported.

(III) No deduction will be made for transportation inside prescribed limits if the local board certifies student demographics would require student bus rides to or from school of more than one hour if the bus is routed in a manner making it accessible to the number of eligible students living outside the prescribed mileage limit equal to 130 percent of the bus manufacturer's rated capacity; or

(IV) The local school board certifies that buses are routed in a manner to serve at least the number of eligible students living outside the prescribed mileage limits equal to 130 percent of the bus manufacturer's rated passenger capacity; and

(V) In either of the aforementioned situations, no additional costs have been incurred by the district for the identified service.

(C) State and Federal Receipts for Transportation, except those apportioned under ORS 327.006 or third party Medicaid payments for transportation, if used to support expenditures in subsections (5)(a) through (l) of this rule;

(D) Rental or Lease Payments from Private Contractors;

(E) The percentage of transportation facility depreciation commensurate with the percentage of the total district fleet value based upon purchase price (see subsection (6)(k) of this rule) represented by non-pupil transportation equipment. Examples of nonpupil transportation equipment would include the following: lawnmowers, tractors, backhoes, trucks, pickups, cars, trailers, snow blowers, etc.

(n) Total Deductions  $((5)(m)(A)+(m)(B)+(m)(C)+(m)(D)+ (m)(E))$ ;

(o) Approved Cost  $((5)(l) \text{ minus } (5)(n))$ .

(6Z) In the above computation, the following definitions apply:

(a) Pupil Transportation Salaries. Salaries and wages paid school bus drivers, assistants to driver, and that portion of salaries paid mechanics and other bus maintenance employees, supervisors of transportation, secretarial and clerical assistants, and persons assigned transportation oversight and coordination responsibilities attributable to the transportation program and documented through position descriptions and payroll records. No school district General Administration salaries may be included in this area;

(b) Pupil Transportation Supplies, Equipment, Repairs, and Maintenance. Costs of fuel, oil, lubricants, tires, tire repair, batteries, vehicle diagnosis and repair equipment identified as capital expenditures in the "Program Budget Manual," vehicle repair parts and supplies, repair of vehicles by other than the school district, garage maintenance and operation, and garage equipment repair and maintenance;

(c) All Contracted Transportation. Payments to parents and independent public or private contractors for transporting pupils from home to school, between educational facilities and for non-reimbursable activities enumerated in paragraph (6)(l)(B) of this rule; and fares to public carriers for transporting pupils from home to school and between educational facilities:

(A) If a district retains ownership of buses and garages and contracts for the operation of the transportation system with provision in the contract for lease or rental of the buses and garages, the contracted transportation cost shown should reflect the gross bid including the lease or rental payment. The lease or rental payment shall be deducted in the computation as reported in paragraph (5)(n)(D) of this rule;

(B) If the district retains ownership of buses and garages and participates in a transportation cooperative or consortium through an intergovernmental agreement, depreciation apportionment provided under ORS 327.033 will be disbursed directly to the district. No depreciation component is approved for cooperative-owned buses or garages.

(d) Travel of Pupil Transportation Personnel. Meals, lodging, mileage, per diem and other travel expenses of pupil transportation personnel, and private car mileage if paid to bus drivers for travel to and from the point where school bus is parked if other than the central garage. The same travel expenses plus tuition or registration are included for attendance at Department of Education sponsored or presented pupil transportation training programs and seminars;

(e) Employee Benefits on Pupil Transportation Salaries. The district's contributions for employee benefits including social security and retirement, employee health insurance, workers' compensation, and unemployment insurance;

(f) Pupil Transportation Insurance. Payments for public liability and property damage, medical care, collision, fire and theft, and insurance on garages and shops;

(g) Payments in Lieu of Transportation. Payments for pupils' board and room in lieu of transportation, consistent with ORS 332.405(2);

(h) Other Expenses of Pupil Transportation. District-paid fees for school bus drivers' physical examinations; interest on bus or garage contracts payable including lease-purchase agreements if capitalized (see subsection (6)(k) of this rule);

(i) Payments to Other In-State or Out-of-State Districts for Transportation. Payments to other districts for approved pupil transportation costs;

(j) Leases and Rentals. Rental or lease payments for the use of land or buildings used for approved pupil transportation. Rental or lease payments for buses operated by district personnel for approved pupil transportation.

“NOTE: Only those leases which do not contain an option to purchase or application of rentals to purchase should be included in subsection (5)(j) of this rule. See subsection (6)(k) of this rule as to the proper treatment of other lease-purchase agreements.”

(k) Depreciation. For purposes of computing depreciation, capitalized cost is defined to include the unit cost of the asset, exclusive of interest, for such assets purchased outright, by conventional contract, or by lease-purchase agreement if such agreement contains any provision to acquire ownership at the end of the agreement by application of a portion of the rentals paid or a terminal payment. The computation of the capitalized cost and the depreciation shall be according to the following:

(A) Portions of Garages and Other Buildings Used for Approved Pupil Transportation:

(i) Outright purchase (including purchase by conventional contract). For each outright purchase or purchase by conventional contract, each district shall report to the Oregon Department of Education, on the forms provided, the unit cost of the garage or other building purchased and the dollar amount of interest payments associated with such purchase. The purchase of land shall not be included in the Garage Depreciation. The capitalized value shall represent the unit cost, exclusive of interest. Depreciation shall be computed at an annual rate of four percent;

(ii) Lease-purchase agreements. For each lease-purchase agreement, the district shall report to the Oregon Department of Education, on the forms provided, the dollar amount of the agreement, the interest payments contained in the agreement, and the schedule of such interest payments contained in the agreement. Land shall not be included in the lease purchase agreement for the purpose of reimbursement. Subsequent to July 1, 1975, the capitalized value shall represent the lease-purchase price less any interest payments contained in the agreement. Depreciation shall be computed at an annual rate of four percent.

(B) Buses and Other Vehicles Used for Approved Pupil Transportation:

(i) Outright purchase (including purchase by conventional contract). For each outright purchase or purchase by conventional contract, each district shall report to the Oregon Department of Education, on the forms provided, the unit cost of the vehicle(s) purchased and the dollar amount of interest payments associated with such purchase. The capitalized value shall represent the unit cost, exclusive of interest. Depreciation shall be computed at an annual rate of ten percent;

(ii) Lease-purchase agreements. For each lease-purchase agreement, the district shall report to the Oregon Department of Education, on the forms provided, the dollar amount of the agreement, any applicable trade-in value, the dollar amounts of interest payments contained in the agreement, and the schedule of such interest payments contained in the agreement. The capitalized value of the vehicles shall represent the lease-purchase price including the trade-in allowance less interest payments contained in the agreement. Depreciation shall be computed at an annual rate of ten percent;

(iii) Lease agreements. If the district is leasing its buses under a lease agreement, the district shall report the annual lease cost. A lease agreement as used in this paragraph means an agreement whereby the lessor retains title to the buses being leased to the lessee school district and the title to the buses is never received by the lessee. Under such a lease agreement, the use of the buses by the lessee is limited by the term of the lease. If there is an auxiliary agreement either written or oral whereby at the end of the lease term, the title of the buses shall pass to the lessee school district, the agreement is not a lease agreement as described in this paragraph but is a lease-purchase agreement as outlined in subparagraph (ii) of this paragraph. The lease payment made by a school district obtaining the use of buses pursuant to a lease as defined in this paragraph shall be used in the computation of the reimbursement in place of the depreciation set forth in subparagraphs (i) and (ii) of this paragraph.

(C) Deductions:

(i) Payments Received from Other Districts and from Patrons. Money received from other school districts, parents, guardians, or students for transportation if paid in support of expenditures listed in subsections (5)(a) through (l) of this rule;

(ii) Nonreimbursable Transportation Costs. Actual bus mileage of excludable trips shall include the actual mileage in district owned or contracted buses for transportation for activity trips, athletic trips, school lunch purposes, summer school, adult education, evening school, nursery school, and any other nonreimbursable purposes. Such mileage shall be deducted at the rate indicated in subsection (5)(m)(B) of this rule. The rate of deduction may be reviewed periodically by the State Board of Education and adjusted accordingly;

(iii) State and Federal Receipts for Transportation. All state and federal receipts for transportation expenditures, exclusive of funds apportioned under ORS 327.006 and 327.033, that have been included in subsection (5)(a) through (l) of this rule;

(iv) Rental or Lease Payments from Private Contractors. Payments received from private contractors for the use of district owned buses and garages in the operation of the pupil transportation system by the private contractor. This item must be shown as Revenue Code 1930 in the school district audit and the gross payments to the contractor must be included in subsection (5)(c) of this rule.

~~(78)~~ Each district shall maintain a record, by purpose, of total pupil transportation miles and shall submit a report of such to the Oregon Department of Education on the form provided. The accuracy of such records shall be certified by the district clerk.

~~(89)~~ If an education service district offers a special service under the provisions of section (4) of ORS 334.175, including home-to-school transportation that would qualify for reimbursement under the provisions of ORS 327.006 if provided by a local school district, the following procedure in crediting the transportation expenditure to the local district may be employed:

(a) The education service district shall compute approved home-to-school transportation costs as provided in section (4) of this rule;

(b) The approved costs so determined shall be billed to and paid by each of the local school districts. The expenditure shall be accounted for by the local district as a transportation expenditure paid to another education agency;

(c) The audited district expenditure shall be recognized by the State Superintendent of Public Instruction in computing the local district's entitlement under ORS 327.006;

(d) If the education service district reimburses the local district the difference between that portion billed and that paid under ORS 327.006, such reimbursement — if derived from property tax sources by education service district resolution — shall not be deducted by the state in determining the local district's approved costs. The local district shall account for the education service district reimbursement as other general receipts are accounted for from the education service district.

(910) For purposes of computing board and room entitlement for a district operating a dormitory under provisions of ORS 327.006, the state assumes responsibility for its proportionate share of costs associated with the provision of food, facilities, staff, operation, and maintenance necessary to provide students with safe and healthy living conditions. The state does not assume responsibility for costs associated with recreation or entertainment of students. The approved cost against which the computation is made for state liability shall not exceed the limit stated in ORS 332.405. In addition, the state will assume its proportionate share of the cost of field trips as defined in subsection (3)(c) of this rule.

(4011) The computation of approved expenditures for board and room entitlement shall be made as follows:

(a) Salaries;

(b) Operation:

(A) Utilities;

(B) Supplies;

(C) Other Operational Costs.

(c) Maintenance:

(A) Upkeep;

- (B) Replacement.
- (d) Fixed Charges:
  - (A) Employee Benefits;
  - (B) Other Fixed Charges.
- (e) Food;
- (f) Operation of Buses and Other Vehicles — Supplies, Repairs and Maintenance;
- (g) Depreciation:
  - (A) Dormitory;
  - (B) Buses and Other Vehicles.
- (h) Total Expenditures (Sum of subsections (10)(a) through (g) of this rule);
- (i) Deductions (subtract if cost is included in cost above):
  - (A) Payments Received from Other Districts and from Patrons;
  - (B) Nonreimbursable Transportation Costs as indicated in subsection (5)(m)(B) of this rule;
  - (C) State and Federal Receipts for Transportation, except those apportioned under ORS 327.006, 327.033, or third party Medicaid payments, if used to support expenditures in subsections (10)(a) through (g) of this rule;
  - (D) Federal School Lunch, Breakfast, and Milk Reimbursements;
  - (E) Sales of Food.
- (j) Total Deductions (sum (10)(i)(A) + (i)(B) + (i)(C) + (i)(D) + (i)(E));
- (k) Approved Cost ((10)(h) minus (10)(j) of this rule).

**(4112)** The items included in the board and room entitlement computation are defined as follows:

- (a) Salaries. Salaries and wages paid dormitory personnel, including the dormitory manager, cooks, custodians, and other personnel directly concerned with operation of the dormitory, and

that portion of salaries paid secretarial and clerical assistants and other personnel attributable to the dormitory program;

(b) Operation:

(A) Utilities. Heat for buildings, water and sewage, electricity, telephone, and other utilities necessary for the operation of the dormitory;

(B) Supplies. Custodial supplies, supplies for care of grounds, linens, and other supplies necessary for the operation of the dormitory including food services. Purchase of food is included in subsection (11)(e) of this rule;

(C) Other Operational Costs. Contracted custodial services, window washing, laundry or linen services, etc., necessary for the operation of the dormitory.

(c) Maintenance:

(A) Upkeep. Expenditures associated with maintaining the existing dormitory facilities in a safe, healthy, and efficient condition, including supplies and materials for upkeep of dormitory grounds and the dormitory building. Costs associated with maintenance of recreational or entertainment facilities are excluded;

(B) Replacement of Equipment. Expenditures associated with replacing equipment necessary to the safe, healthy, and efficient operation of the dormitory. Replacement of equipment used for recreational or entertainment purposes are excluded.

(d) Fixed Charges:

(A) Employee Benefits. Expenditures for dormitory employees' benefits including social security and retirement, employee health insurance, workers' compensation, and unemployment insurance;

(B) Other Fixed Charges. Expenditures for property insurance, liability insurance, rental of land and buildings for purposes associated with operation of the dormitory, and other fixed charges directly attributable to operation of the dormitory.

(e) Food. Expenditures for food necessary for the operation of the dormitory;

(f) Operation of Buses and Other Vehicles — Supplies, Repairs, and Maintenance. Expenditures for fuel, oil, lubricants, tires, tire repair, batteries, vehicle repair parts and supplies, repair of vehicles by other than the school district, garage maintenance and operation, and garage equipment repair and maintenance necessary for the operation of buses utilized for purposes stated in section (3) of this rule and of other vehicles necessary for the operation of the dormitory;

(g) Depreciation:

(A) Dormitory. For purposes of computing dormitory depreciation, capitalized cost is defined as the unit cost of the asset (including the cost of original equipment), exclusive of interest, plus the cost of substantial improvements or remodeling. The purchase of land shall not be included. Costs associated with providing recreational or entertainment facilities are not included. Depreciation shall be computed at an annual rate of four percent;

(B) Buses and Other Vehicles. Depreciation for buses used for approved pupil transportation and that portion of other vehicles necessary for operation of the dormitory shall be computed in accordance with the formula and definition stated in paragraph (6)(k)(B) of this rule.

(h) Total. Sum of subsections (10)(a) through (g) of this rule;

(i) Deductions:

(A) Payments Received from Other Districts and from Patrons. Money received from other school districts, parents, guardians, or students for transportation or room and board if paid in support of expenditures listed in subsections (10)(a) through (f) of this rule;

(B) Nonreimbursable Transportation Costs. Costs for nonreimbursable transportation according to the formula and definition stated in paragraph (6)(l)(B) of this rule;

(C) State and Federal Receipts for Transportation. All state and federal receipts for transportation or room and board expenditures exclusive of funds apportioned under ORS 327.006 that have been included in subsections (10)(a) through (f) of this rule;

(D) Federal School Lunch, Breakfast, and Milk Reimbursements. All federal receipts for school lunch, breakfast, and milk expenditures that have been included in subsections (10)(a) through (f) of this rule;

(E) Sales of Food. Money received from teachers, students, or other individuals from food sales for which the expenditures are included in subsections (10)(a) through (f) of this rule.

(13) Beginning with the 2024-25 school year, school districts may request a waiver and/or supplemental plan to include Alternative Transportation as a reimbursable expense under their Transportation Grant. In order to include Alternative Transportation costs as a reimbursable expense, school districts must:

(a) Submit a proposed or revised supplemental plan and/or waiver for their district that includes explanations of the alternative transportation methods to be used.

(b) Demonstrate that the inclusion of Alternative Transportation will result in Transportation Grant expenses that are equal to or less than planned expenses without Alternative Transportation, or demonstrate that costs exceeding this amount will be paid from a source other than the transportation grant from the State School Fund.

(c) Document the local community engagement that was conducted to develop the plan for Alternative Transportation.

(d) For Alternative Transportation plans that include Public Transportation, districts must demonstrate that:

(A) No other transportation options, including Active Transportation options, are suitable and sufficient;

(B) They have made a good faith effort to recruit, hire, train, retain and pay transportation positions at competitive wages consistent with collective bargaining agreements and were unable to hire a sufficient workforce to ensure reliable service by a school bus and timely transport of students to and from school.

(e) School districts shall resubmit their supplemental plans and/or waivers for the inclusion of Alternative Transportation to be reauthorized by the State Board of Education every two years.

(f) Notwithstanding subsections (13)(a-e) of this section, a school district that, prior to the effective date of July 1, 2024, had been receiving reimbursement for costs incurred in providing transit passes under a supplemental plan or a waiver shall continue to receive reimbursement under the terms and conditions the school district was receiving reimbursement prior to the effective date of July 1, 2024 unless the State Board of Education and the school district agree otherwise.

(14) Approved Alternative Transportation costs shall include costs identified in or aligned with the plan presented in their request for a waiver and/or supplemental plan that has been approved by the State Board of Education.

(a) The Department may reimburse estimated Alternative Transportation costs during the school year the costs are incurred based on estimates provided by the school district, and then reconcile to actual costs the following school year.

(b) The Department shall not reimburse Alternative Transportation costs that exceed 5% of the school district's total Transportation Grant for the concurrent school year.

~~(1215)~~ Such items of expenditure as may be questionable in applying the policy stated in this administrative rule shall be resolved by the State Superintendent of Public Instruction and such determination shall be final.

| (~~13~~16) Apportionment of the State School Fund for 2001–02 and subsequent years.

<p><b>SUBJECT: Updates to the Oregon School Capital Improvement Matching Program’s and Technical Assistance Program’s OARs</b></p> <p>OAR # 581-027-0010 / Calculations for OSCIM Program Priority List  OAR # 581-027-0015/ Calculations for OSCIM Program Funding Formula  OAR # 581-027-0030 / Technical Assistance Grant Program Procedures</p> <p><b>STAFF NAMES &amp; OFFICE:</b> Leanna Heiman, OFIT   Office of School Facilities  Michael Elliott, OFIT   Office of School Facilities</p> <p>SB 285 increases the amounts of both the OSCIM and TAP grants. SB 285 also allowed ESDs to apply for the TAP grants. The OARs need to be updated to align with SB 285.</p> <p>OAR 581-027-0050 will be updated to clarify application requirements.</p> <p><input type="checkbox"/> New Rule  <input checked="" type="checkbox"/> Amend Existing Rule  <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading  <input type="checkbox"/> Presentation  <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action  <input type="checkbox"/> Temp Rule  <input type="checkbox"/> Presentation  <input checked="" type="checkbox"/> No Presentation</p>
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**BACKGROUND**

Since 2016, the Oregon School Capital Improvement Matching (OSCIM) Program has been awarding matching grants to school districts to help them pass general obligation bonds for capital improvements. [The OSCIM Program was created by Article XI-P of the Oregon Constitution and ORS 286A.769 to 286A.806.](#) Grant amounts, \$4 -\$8 million, are based on a funding formula and districts apply several months in advance of an election. Depending on the amount of funding available, their place on the priority list and the time in which their application is received, districts are given a state-match funding commitment that they can advertise as part of their bond campaign to incentivize their constituents to vote in favor of the bond measure.

Due to rising construction costs, Senate Bill 285 increased the state’s matching funds for OSCIM grants to a minimum of \$6 million and a maximum of \$12 million per grant. SB 285 also changes the allocation of funds from 60% to the priority list and 40% to the first-in-time list to 66% and 34% respectively.

The Technical Assistance Program (TAP) awards competitive grants to school districts for Facility Assessments, Long-Range Facility Planning, Seismic Assessments, and Environmental Hazard Assessments. Senate Bill 285 increases the maximum size of these grants to \$40,000. Also, Senate Bill 285, allows Education Service Districts (ESDs) to apply for the TAP grants.

The TAP has been awarding grants to school districts every year since 2016 using a preference point system. This ensures that the districts with the most need have a greater opportunity to receive a grant. School districts can receive up to 6 preference points based on high poverty, small school district size, and relevant building characteristics. Because Senate Bill 285 allows ESDs to receive TAP grants they will be able to receive 5 preference points for each grant type to which they apply.

The preference points specific to ESDs were designed to align with the existing preference points for school districts. The ESD-specific preference points also include points for high levels of poverty, smaller districts served, and relevant building characteristics. The formulation process involved input from the Office of School Facilities’ technical advisory group, a diverse panel consisting of architects, engineers,

district officials, and financing experts. Their collaborative efforts aimed to ensure that the proposed preference points effectively capture the needs of both ESDs and school districts.

Not related to Senate Bill 285, are the rule changes to **OAR 581-027-0050** Assessor Certification Program. This is a minor update to the rule that further clarifies the qualifications of prospective applicants to the Assessor Certification Program managed by TAP. This additional language provides greater transparency to the program’s application review and selection process.

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**SUMMARY OF PREVIOUS BOARD ACTION**

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No previous action has been taken.

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**HAS THE RULE CHANGED SINCE LAST BOARD MEETING?**

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

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**POLICY ISSUE OR CONCERNS**

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The current preference points (criteria) used by TAP for ranking grant applications from school districts are not feasible for ESDs. Based on feedback from our technical advisory group and the Rules Advisory Committee it was determined that ESDs would still be competitive with 5 preference points.

The available funding for TAP remains unchanged, so with the increase in that statutory limit of these grants this could potentially mean that fewer grants are awarded. For the last few years, TAP has awarded 85-100 grants on average with a total budget of approximately \$2,000,000 to \$2,500,000. The increase in grant amounts to \$40,000 for the Facility Assessment and Long-Range Facility Planning grants could reduce the total number of grants awarded to 65-85 a year.

The Legislature authorizes the funding for the OSCIM Program each biennium. The 2023 Legislature allocated \$100,000,000 for OSCIM grants for the 2023-25 biennium, plus \$26,843,870 that rolled over from the 2021-23 biennium. With the increased grant amounts, the OSCIM program may award fewer grants, but not every district that applies to the OSCIM program will pass their bonds. For the last few elections, the program has been undersubscribed and has been able to offer funding commitments to every applying district in advance of the election and offer the districts that do pass their full match. By increasing the OSCIM grant amounts, the program will offer a better incentive for voters to vote yes on their district's bond measure.

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**EQUITY IMPACT ANALYSIS**

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These changes provide better resources to districts to address deferred maintenance and improve school facilities across the State which will have an impact on all student groups. Both the OSCIM Program and TAP prioritize giving grants to small districts with high poverty.

For small, rural, and poor school districts in Oregon, the increased grant amounts can be used to greater advantage. Many larger and urban districts can pay for Facility Assessments and Long-Range Facility Planning out of their operating budgets. The TAP grants for these larger districts help offset costs but do not make or break the assessment and planning efforts. However, for smaller districts with greater poverty, districts are reliant on the TAP grants to cover all the costs associated with the facility assessment and long-range facility plan. The grant amount of \$20,000 for the Facility Assessment and \$25,000 for Long-Range Facility Planning need to be increased to provide these disadvantaged districts with sufficient funding to cover most if not all the costs associated with a good long-range facility plan which is the basis of a district's bond campaign.

These grants also pave the way for districts to apply to the OSCIM program. The Facility Assessment and Long-Range Facility Plan are required components of the OSCIM grant application. With increased funding available through the OSCIM program, districts will have an increased chance of passing their bonds. For smaller districts in Oregon, this increase in funding allows them to get more construction projects covered by state funding if their bond measures pass.

The main goal of the OSCIM Program's Priority List is to provide districts that have high poverty rates and low assessed values a better chance of securing state matching grants. This will ensure that the OSCIM Program is providing equity across the state. The Priority List determines both the rank order in which each district would be awarded funding should a local GO bond issue be approved and determines the amount of funds that could be awarded to each district. The changes to the administrative rule will mean that a greater portion of districts will be given a funding commitment based on the Priority List vs. First-In-Time. The changes in percentages to 66% Priority List and 34% First-in-time will help ensure districts with greater need are given priority.

The current formula used for calculating the OSCIM Program's Priority List is designed to give preference to school districts with greater need, high poverty and low assessed value. Senate Bill 285 includes some added language that allows ODE to consider other factors in the program's Priority List and Funding Formula. The goal is to ensure that the OSCIM Program aligns with ODE's equity principles in the Priority List and Funding Formula. As stipulated in the bill, these other factors will need to be adopted by the State Board of Education by rule. The Office of School Facilities is currently speaking with various partners to evaluate other sources of data to align with ODE's equity goals. The goal of the potential changes made to the formula would be to increase the chances of high-need districts successfully passing their bonds. The office anticipates having completed our analysis of the priority list and funding formula and be ready to present before the board any proposed changes by early to mid-2025.

For TAP, the objective of the preference points used in ranking applications is to give priority to districts with greater needs. Because the program provides 4 distinct grant types, a set of preference points has been developed for each grant to give priority based on factors such as high poverty, small districts, districts that haven't passed a bond in 15 years or more, districts with older school buildings (for asbestos grant), districts with high seismic risk (for seismic grant), etc. In this way, the Technical Assistance Program is designed to give grants to districts that need them the most. The proposed preference points specific to ESDs that were developed in response to Senate Bill 285's passing are aligned with the existing preference points for school districts that are already in administrative rule. The preference points for ESDs ensure continued equity among the school districts and ESDs such that those who need the grants the most have the best opportunity to receive one.

**FISCAL ANALYSIS**

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Fiscal impact is minimal. No other state agencies are involved. Districts will be able to leverage more state funding in their efforts to encourage voters to pass bonds for improvements to their school facilities. There is no impact on small businesses.

**EFFECT OF A “YES” OR “NO” VOTE**

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If the Board does not approve the staff recommendation for these rule changes, ODE will need to determine a different way to implement SB 285.

**STAFF RECOMMENDATION**

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

**ATTACHMENTS**

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Attachment 1: OSCIM and TAP Rules

**Chapter 581**

**Division 27**

**SCHOOL FACILITIES PROGRAMS**

**581-027-0005**

**Definitions**

The following definitions and abbreviations apply to rules within OAR 581, Div 27:

- (1) “Acoustics” means the properties or qualities of a room or building that determine how sound is transmitted.
- (2) “Adjusted Assessed Property Value per ADM” means the value calculated per OAR 581-027-0010 to determine the ranking of Districts on the Priority List for Funding.
- (3) “Adjusted ADMr” means average daily membership as calculated under OAR 581-023-0006(5)-(7) reduced by the Average Daily Membership of virtual public charter schools in the District.
- (4) “Adjusted ADMw” means the number of students in a District as calculated under ORS 327.061 and includes all weights, and extended Average Daily Membership weighted, as calculated under ORS 327.013(1)(c) reduced by the Average Daily Membership of virtual public charter schools in the District.
- (5) “ADM” means Average Daily Membership.
- (6) “ADMr” or “Resident Average Daily Membership” means average daily membership as calculated under OAR 581-023-0006(5)-(7).
- (7) “Air Quality” means the degree to which the classrooms are ventilated to avoid high levels of carbon dioxide and the indoor air is free from pollutants such as radon, asbestos, mold, and particulate matter.
- (8) “Asbestos Environmental Hazard Assessment” or “Asbestos Management Planning & Inspections” means an inspection, periodic re-inspection, and surveillance for asbestos-containing material in accordance with the Asbestos Hazard Emergency Response Act of 1986 as amended by Public Law 100.368 and subsequent rule published in the Friday, October 30, 1987, Federal Register (40 CFR Part 763).
- (9) “Assessed Value” means the total assessed value of all tangible property within the boundaries of the District as published by the Oregon Department of Revenue.
- (10) “Average Daily Membership” or “ADMw” means the number of students in a District as calculated under ORS 327.061 and includes all weights, and extended Average Daily Membership weighted, as calculated under ORS 327.013(1)(c).
- (11) “Campus” means the grounds and buildings of a school where academic learning takes place.

(12) “Certified Assessor” means an entity or person who has gone through the process established by the Department that will certify the entity or person is qualified to perform the work.

(13) “Closing” means the date on which a District receives some or all of the proceeds of its Local GO Bonds.

(14) “Department” means the Oregon Department of Education.

(15) “District” or “Districts” means school districts, as defined in ORS 328.001(3), that are eligible to apply for a State Matching Grant.

(16) “DOGAMI” means the Oregon Department of Geology and Mineral Industries.

(17) “Educational Adequacy Review Standards” means the qualitative measures used to help districts identify elements that are conducive to a healthy and comfortable indoor learning environment that are set forth in OAR 581-027-0043.

(18) “Education Service District” means a district created under ORS 334.010.

(19) “Extended ADMw” means as that term is described in ORS 327.013(1)(c).

~~(2018)~~ “Facility Assessment” means an assessment that evaluates one or more facilities in a District according to the requirements set forth in OAR 581-027-0035.

~~(2119)~~ “First in Time” means that portion of the Oregon School Capital Improvement Matching Account that is to be awarded to Districts based on the order in which the Department receives the applications.

~~(2220)~~ “Funding Cycle” means the period of time, as determined by the Department under OAR 581-027-0020(3), before and after a May or a November general election during which the Department will accept applications, issue commitments, award grants, and finalize grant agreements for State Matching Grants under the OSCIM Program.

~~(2321)~~ “Gross Square Footage” means the total square footage of the building as measured by the outside wall of the building.

~~(2224)~~ “Guaranteed Tax Base Amount” or “GTBA” means a theoretical tax base of \$1,000,000 per ADM.

~~(2523)~~ “Guaranteed Tax Rate Amount” means \$1,000 which is the GTBA multiplied by 0.001 for \$1 of tax per \$1,000 of Assessed Value.

~~(2624)~~ “Lighting” means the level of illumination in a room or building.

~~(2725)~~ “Local GO Bonds” means general obligation bonds approved by voters for the benefit of a District during the Funding Cycle for which the District applied for a State Matching Grant.

~~(2826)~~ “Long-Range Facility Plan” means a plan that determines the long-range needs and goals of a District according to the requirements set forth in OAR 581-027-0040.

~~(2927)~~ “Oregon School Capital Improvement Matching Account” means an interest-bearing account established in the State Treasury, separate and distinct from the General Fund, that consists of net proceeds from Article XI-P bonds issued under Article XI-P (School District Capital Costs) of the Oregon Constitution.

~~(3028)~~ “Oregon School Capital Improvement Matching Program” or “OSCIM Program” means the program created by Article XI-P of the Oregon Constitution and ORS 286A.769 to 286A.806.

~~(3129)~~ “Priority List” means the list created by the Department each biennium pursuant to ORS 286A.801 and the formula outlined in OAR 581-027-0010.

~~(3230)~~ “Radon Environmental Hazard Assessment” means an assessment of a District’s radon exposure as one of the potential environmental hazards to be assessed as set forth in ORS 332.331.

~~(3334)~~ “Rapid Visual Screening” means the standard adopted by the Oregon Department of Geology and Mineral Industries to assess the seismic hazard potential of K-12 public school buildings. ~~RVS” means Rapid Visual Screening data collected by DOGAMI and published on their website.~~

~~(3432)~~ “School Capacity” means the total number of students who could be served in a given school building based on one of the following standards established by the district:

- (a) The number of teaching stations, target number of students per classroom, and a classroom utilization factor to reflect the amount of time classrooms can be used for teaching each day; or
- (b) The number of square feet in a classroom divided by the number of classroom square feet required per student per grade level.

~~(3533)~~ “Seismic Assessment” means an assessment that evaluates one or more facilities in a District according to the requirements set forth in OAR 581-027-00~~4550~~.

~~(3634)~~ “State Matching Grant” means the grant funds provided by the State through the OSCIM Program to match the proceeds of a District’s Local GO Bonds.

~~(3735)~~ “Students in Poverty” means the number of children, age 5 to 17, in families in poverty as described by the Small Area Income Poverty Estimate published by the U.S. Census Bureau.

~~(3836)~~ “Technical Assistance Grant” means a grant provided by the Department to a District such that a District can conduct an assessment as described in ORS 326.125 or these rules.

~~(3937)~~ “Waitlist Ranking” means the list of Districts not initially awarded a State Matching Grant, based on either the District’s position on the Priority List or the District’s First in Time status, during any Funding Cycle.

**Statutory/Other Authority:** Sec. 2, 5, ORS Ch. 783 & ORS Ch. 788

**Statutes/Other Implemented:** ORS Ch. 788, Sec. 2, 4, 5 & ORS Ch. 783

**History:**

[ODE 37-2021, amend filed 10/26/2021, effective 10/26/2021](#)

[ODE 42-2020, amend filed 10/22/2020, effective 10/22/2020](#)

ODE 21-2019, amend filed 06/25/2019, effective 06/25/2019

ODE 32-2018, amend filed 10/19/2018, effective 10/21/2018

ODE 4-2017, f. & cert. ef. 3-1-17

ODE 41-2016, f. & cert. ef. 7-20-16

ODE 30-2016, f. & cert. ef. 4-28-16

### **581-027-0010**

#### **Calculations for Oregon School Capital Improvement Matching Program Priority List**

(1) For each Funding Cycle, the Department shall provide State Matching Grants to Districts from designated resources in the Oregon School Capital Improvement Matching Account. The Department shall determine and apportion the amount of available resources among the Funding Cycles in each biennium. The total amount of State Matching Grant funds available and awarded by the Department may vary during each Funding Cycle.

(2) The Department shall post on its website the amounts that will be available for OSCIM Grants for each Funding Cycle within a reasonable time after the Legislature determines the level of funding for the Oregon School Capital Improvement Matching Account.

(3) If the Legislature does not determine the amount of funding for the Oregon School Capital Improvement Matching Account until after the application period opens for a given Funding Cycle, the application period will run as normal. However, any posting of results will be delayed until such time as the Legislature determines the amount of funding for the Oregon School Capital Improvement Matching Account.

(4) If the Legislature does not appropriate any funds for the OSCIM Program for a biennium, or any part of the biennium, then the OSCIM Program will cancel open application periods and future application periods until funding is restored.

(5) Sixty percent (60%) of designated grant resources in the Oregon School Capital Improvement Matching Account shall be awarded based on the Priority List.

(6) The Priority List shall be based on a District's Assessed Value, Percentage of Students in Poverty, and Average Daily Membership.

(7) The Department shall update the Priority List every biennium. The Priority List will be updated no later than June 1 before the start of the next biennium. The updated Priority List will be effective at the start of the next biennium. To update the list, the Department will use the data from the most recent year for which all three sources have reported actual data.

(8) The Priority List shall be calculated as follows:

(a) The District's Students in Poverty shall be multiplied by twenty (20) to determine the Weighted Number of Students in Poverty.

(b) The District's Weighted Number of Students in Poverty shall be divided by the District's Adjusted ADMr to arrive at the District's Percentage of Students in Poverty.

(c) The District's Assessed Value shall be divided by the District's Adjusted ADMw to determine the District's Assessed Property Value per ADM.

(d) The District's Assessed Property Value per ADM shall then be divided by one (1) plus the Percentage of Students in Poverty to determine the District's Adjusted Assessed Value per ADM.

(e) The Districts will be ranked from the lowest Adjusted Assessed Property Value per ADM to the highest.

**Statutory/Other Authority:** Sec. 2 & 5, Ch. 783 & OL 2015 (Enrolled SB 447)

**Statutes/Other Implemented:** Sec. 2, 4 & 5, Ch. 783 & OL 2015 (Enrolled SB 447)

**History:**

ODE 42-2020, amend filed 10/22/2020, effective 10/22/2020

ODE 21-2019, amend filed 06/25/2019, effective 06/25/2019

ODE 7-2017, f. & cert. ef. 6-1-17

ODE 4-2017, f. & cert. ef. 3-1-17

ODE 30-2016, f. & cert. ef. 4-28-16

**581-027-0015**

**Calculations for Oregon School Capital Improvement Matching Program Funding Formula**

(1) The Department shall provide State Matching Grants to Districts from available resources in the Oregon School Capital Improvement Matching Account.

(2) Sixty~~-six~~ percent (~~6660~~%) of the available resources in the Oregon School Capital Improvement Matching Account for a biennium shall be awarded based on the Priority List.

(3) ~~Thirty-four~~Forty percent (~~3440~~%) of the available resources in the Oregon School Capital Improvement Matching Account for a biennium shall be awarded based on the order in which applications are received during the application period established by the Department for the Funding Cycle.

(4) The Department shall use a funding formula to determine the amount of State Matching Grant funds each District is eligible to receive from the Oregon School Capital Improvement Matching Account. This funding formula will be used to determine eligibility for State Matching Grants awarded through both the Priority List and First in Time application process.

(5) Districts whose voters pass \$~~46~~,000,000 or less in Local GO Bonds for District facility projects shall be eligible for a one-to-one match from State Matching Grant funds.

(6) Districts whose voters pass more than \$~~64~~,000,000 in Local GO Bonds for District facility projects shall be eligible for at least \$~~46~~,000,000 and no more than \$~~128~~,000,000 based on the following formula:

(a) The District's Adjusted Assessed Property Value per ADM as determined by OAR 581-027-0010 shall be multiplied by the assumed tax rate of 0.001 (\$1 per \$1000 of assessed property value) to calculate the District's Estimated Local Bond Revenue per ADM.

(b) The Estimated Local Bond Revenue per ADM shall be subtracted from the Guaranteed Tax Rate Amount to determine the amount of eligible State Matching Grant funds per ADM.

(c) The eligible State Matching Grant funds per ADM shall be multiplied by the District's Adjusted ADMw to determine the maximum amount of State Matching Grant funds for which a District is eligible.

(7) The Department shall use the lesser of total proceeds from the sale of the Local GO Bonds exclusive of underwriter's discount and other costs of issuance or the original amount requested by the District as the final basis for calculating the State Matching Grant.

(8) Local GO Bonds used by a District to qualify for the OSCIM Program must be closed within nine (9) months of the date of the election at which the Local GO Bonds were approved.

**Statutory/Other Authority:** Sec. 2 & 5, Ch. 783 & OL 2015 (Enrolled SB 447)

**Statutes/Other Implemented:** Sec. 2, 4 & 5, Ch. 783 & OL 2015 (Enrolled SB 447)

**History:**

ODE 42-2020, amend filed 10/22/2020, effective 10/22/2020

ODE 21-2019, amend filed 06/25/2019, effective 06/25/2019

ODE 7-2017, f. & cert. ef. 6-1-17

ODE 4-2017, f. & cert. ef. 3-1-17

ODE 30-2016, f. & cert. ef. 4-28-16

**581-027-0020**

**Oregon School Capital Improvement Matching Program Application**

(1) The Department shall create one application for Districts to apply for State Matching Grants from the Oregon School Capital Improvement Matching Account.

(2) The Department shall post the application on the Department's web page.

(3) The Department shall open applications for each Funding Cycle as follows:

(a) On the July 15 that precedes the November Funding Cycles in a biennium; and

(b) On the December 15 that precedes the May Funding Cycles in a biennium.

(4) If one of those dates falls on a weekend or holiday, then the application period will be opened the Friday preceding.

(5) Applicants must submit their application electronically. Districts may submit applications only for an open and current Funding Cycle. The Department will not accept applications for later Funding Cycles.

(6) If a District's application does not meet the application requirements:

(a) The Department may agree to an extension of time, but no more than sixty (60) days from the deadline for submission, for the District to correct the deficiencies; and

(b) The Department may allow the District to continue to apply to the OSCIM Program even if the additional time extends beyond the application window.

(7) If a District fails to make the corrections within the agreed upon time, the Department shall cancel the District's application and readjust the pre-election commitments made.

(8) A District that submits an application for a Funding Cycle may withdraw the application no later than sixty (60) days from the application deadline.

(9) A District that applies during a Funding Cycle but either fails to withdraw under subsection (8) or fails to pass a Local GO Bond may apply for the next consecutive Funding Cycle.

(10) A District that applies for two consecutive Funding Cycles and fails to pass a Local GO Bond shall wait one Funding Cycle before applying again.

(11) Districts that withdraw from a Funding Cycle under subsection (8) shall not have that Funding Cycle count against them under subsection (10).

(12) The Department shall:

(a) Rank complete applications from Districts for each Funding Cycle according to the Priority List formula;

(b) Make funding commitments to Districts with the highest ranking on the priority list until sixty-six percent (~~66.60~~six%) of the available resources for that Funding Cycle are used;

(c) Make funding commitments to the remaining Districts in accordance to the First in Time process for that Funding Cycle.

(d) If a District receives a partial commitment in a Funding Cycle, the Department shall not round up that partial commitment by reducing funds available to other Funding Cycles.

(13) In order to promote equity across the state, the Department shall deem all applications received within a specified period of time for each Funding Cycle as being received at the same time.

(a) The Department shall establish the following periods for reception of applications:

(A) 8:00 a.m. to 12:30 p.m. will be the first application period; and

(B) 12:31 p.m. to 5:00 p.m. will be the second application period.

(b) All applications received during one of the above time periods will be deemed to have been received at the same time for purposes of awarding First in Time commitments.

(c) The Department shall commit First in Time funding to those applications received in the first period first. If there is funding remaining, then the Department shall commit the remaining funding to the second period.

(d) If the First in Time funding is insufficient to provide a commitment to all Districts within a given time period for that Funding Cycle, the Department shall randomly select the Districts by a lottery process to determine which Districts will receive an award commitment.

- (e) The lottery process shall be determined by the Department.
- (f) All lottery results are final.
- (14) The Department shall notify Districts that receive a funding commitment from the Oregon School Capital Improvement Matching Account within two weeks of the close of the application period for a Funding Cycle.
- (15) The Department shall post the eligibility and ranking of all Districts that applied during that Funding Cycle on the Department's website. Districts that applied but did not receive a commitment will be notified of where they fall on the Waitlist Ranking.
- (16) All funding commitments are contingent upon the District subsequently Closing the required Local GO Bonds within nine (9) months of that Funding Cycle's bond election.
- (17) Any Districts on the Waitlist Ranking may choose to seek voter approval for Local GO Bonds in that Funding Cycle with the understanding that State Matching Grant funds may become available for that Funding Cycle if a District that has received a commitment is unsuccessful in passing their Local GO Bonds.
- (18) All funding commitments to Districts that successfully pass their Local GO Bonds in the Funding Cycle will be officially awarded a State Matching Grant upon the execution of a grant agreement prescribed by the Department.
- (19) All funding commitments to Districts that are not successful in passing their Local GO Bonds will be recommitted to Districts that have successfully passed Local GO Bonds in that election in the following order:
  - (a) All Districts that received a partial commitment that passed a Local GO Bond will receive funding up to the full award.
  - (b) All Districts on the First in Time Waitlist Ranking that passed a Local GO Bond, will receive an award from the uncommitted First in Time funds.
  - (c) All Districts that received an award from the First in Time Waitlist Ranking will be removed from the Priority List Waitlist Ranking.
  - (d) All Districts remaining on the Priority List Waitlist Ranking that passed a Local GO Bond will receive any funds remaining from Districts that received a commitment, but failed to pass a Local GO Bond.
- (20) Districts will have to reapply each Funding Cycle to receive a commitment for that Funding Cycle. A District will not be able to carry forward any commitments made in previous Funding Cycles.
- (21) All decisions of the Department regarding the completeness of the application or ranking under either the Priority List or First in Time process are final.
- (22) Any funding remaining after all awards have been made for a Funding Cycle shall be moved forward to the next Funding Cycle.

(23) If there are funds that remain available after the last election in a biennium, those funds will be distributed as follows:

(a) Districts with a partial commitment will be funded starting in order from the first election of the biennium;

(b) Districts that applied for the OSCIM Program and passed a Local GO Bond, but did not receive any funds will be funded starting in order from the first election of the biennium.

(24) When a state of emergency is declared pursuant to ORS 401.165 et. seq., the Department shall determine if the emergency will negatively impact a Funding Cycle and may:

(a) Change any application deadlines stated in (3) or OAR 581-027-0023(2) if the emergency interferes with Districts' abilities to submit the required documents by those deadlines; and

(b) Allow Districts to withdraw from the election during the affected Funding Cycle and hold their election during the next Funding Cycle.

(25) If Districts withdraw from the affected Funding Cycle, the Department may:

(a) Transfer funding commitments made to Districts during the affected Funding Cycle to the next Funding Cycle; and

(b) Apply the waitlist ranking of the affected Funding Cycle to the next Funding Cycle.

(26) The transfer of funding commitments and waitlist ranking made during the affected Funding Cycle do not impact or change funding commitments or waitlist ranking for the next Funding Cycle that have already been made by the Department.

(27) A District is considered to have withdrawn from an election when it sends its intention to withdraw from the election in writing to the Department.

(28) If multiple Funding Cycles are affected by the declared state of emergency, the Department shall review each Funding Cycle separately.

**Statutory/Other Authority:** Sec. 2 & 5, Ch. 783 & OL 2015 (Enrolled SB 447)

**Statutes/Other Implemented:** Sec. 2, 4 & 5, Ch. 783 & OL 2015 (Enrolled SB 447)

**History:**

ODE 16-2021, amend filed 05/25/2021, effective 05/25/2021

ODE 42-2020, amend filed 10/22/2020, effective 10/22/2020

ODE 16-2020, temporary amend filed 04/23/2020, effective 04/23/2020 through 10/19/2020

ODE 21-2019, amend filed 06/25/2019, effective 06/25/2019

ODE 7-2017, f. & cert. ef. 6-1-17

ODE 4-2017, f. & cert. ef. 3-1-17

ODE 30-2016, f. & cert. ef. 4-28-16

**581-027-0023**

**Submission of Facility Assessments and Long-Range Facility Plans as part of Oregon School Capital Improvement Matching Program Grant Application**

- (1) In order to qualify for an OSCIM Program matching grant, Districts must submit a Facility Assessment and Long-Range Facility Plan as part of their OSCIM Program application. Failure to submit a Facility Assessment and Long-Range Facility Plan will disqualify the District from participation in the OSCIM Program application for that Funding Cycle.
- (2) Districts shall submit their Facility Assessment and Long-Range Facility Plan as follows:
  - (a) On the July 1 that precedes the November Funding Cycles in a biennium; and
  - (b) On the December 1 that precedes the May Funding Cycles in a biennium.
- (3) The Facility Assessment and Long-Range Facility Plan must be submitted electronically to the Department.
- (4) The Department will review all Facility Assessment and Long-Range Facility Plan submissions to ensure compliance with requirements.
- (5) If the Department determines a District's submission does not meet the requirements, the Department will notify the District of the deficiencies.
- (6) The Department may agree to an extension of time, but no more than sixty (60) days from the deadline for OSCIM Program application submission, for the District to correct the deficiencies.
- (7) If a District fails to make the corrections within the agreed upon time, the Department will cancel the District's application and readjust the pre-election commitments made.
- (8) The Facility Assessment must meet the following requirements:
  - (a) Comply with the standards set forth in OAR 581-027-0035;
  - (b) Cover buildings that will be included in the OSCIM Program grant application. A District may include Facility Assessments for more buildings than would be improved using OSCIM Program funds; and
  - (c) Cover a District's current buildings even if the District is applying for the OSCIM Program only for the construction of a new building.
- (9) The Long-Range Facility Plan must meet the following requirements:
  - (a) Comply with the standards set forth in OAR 581-027-0040; and
  - (b) Demonstrate how the new buildings proposed to be built are integrated into the Long-Range Facility Plan.
- (10) Districts are not required to use a Certified Assessor to complete the Facility Assessment or the Long-Range Facility Plan.

(11) A District may use the same Facility Assessment and Long-Range Facility Plan as a basis for an OSCIM Program application for four (4) years from the year in which the plan was completed.

(12) The Department's determination of the adequacy of the Facility Assessment and Long-Range Facility Plan is final.

**Statutory/Other Authority:** ORS 286A.801(8)

**Statutes/Other Implemented:** ORS 286A.801(2)

**History:**

[ODE 16-2021, amend filed 05/25/2021, effective 05/25/2021](#)

[ODE 42-2020, amend filed 10/22/2020, effective 10/22/2020](#)

[ODE 21-2019, amend filed 06/25/2019, effective 06/25/2019](#)

ODE 7-2017, f. & cert. ef. 6-1-17

**581-027-0025**

**Oregon School Capital Improvement Matching Program Grant Restrictions**

(1) A District that receives a State Matching Grant will be ineligible for additional State Matching Grant funds for six (6) years from the year in which the District successfully passed their Local GO Bond.

(2) A District may not use State Matching Grant funds to refinance other general obligation bonds issued by the District.

(3) A District must use State Matching Grant funds for capital costs as defined in ORS 286A.796(3).

(4) A District may use State Matching Grant funds to reimburse the District for capital costs incurred by the District prior to the Funding Cycle in which the District was awarded a grant only if:

(a) The Department approves the use of State Matching Grant funds for such purpose; and

(b) The District complies with all requirements of the OSCIM Program.

(c) The Department's approval or disapproval of the use of State Matching Grant funds is final.

(5) State Matching Grant funds shall be used only to match the proceeds of Local GO Bonds authorized by an election in the same Funding Cycle in which the District applied for State Matching Grant funds.

**Statutory/Other Authority:** Sec. 2 & 5, Ch. 783 & OL 2015 (Enrolled SB 447)

**Statutes/Other Implemented:** Sec. 2, 4 & 5, Ch. 783 & OL 2015 (Enrolled SB 447)

**History:**

[ODE 34-2020, minor correction filed 08/28/2020, effective 08/28/2020](#)

[ODE 21-2019, amend filed 06/25/2019, effective 06/25/2019](#)

ODE 7-2017, f. & cert. ef. 6-1-17

ODE 4-2017, f. & cert. ef. 3-1-17

ODE 30-2016, f. & cert. ef. 4-28-16

**581-027-0030**

**Technical Assistance Grant Program Procedures**

(1) The Department shall open the application period for the Technical Assistance Grant Program on January 15 of each year and close the application period on February 15 of the same year. If either of those dates falls on a weekend or holiday, the preceding Friday will be the effective date of the opening or closing respectively.

(2) The Department shall establish a separate application for each type of grant available.

(3) Each District and Education Service District must submit a separate application for each grant type for which it chooses to apply.

(4) All Districts and Education Service Districts are eligible for each type of grant.

(5) All applications are due by the date established by the Department. No late applications will be accepted.

(6) The Department shall evaluate each completed application by awarding preference points as established by this rule.

(7) An application will receive one (1) point for each preference that the application meets.

(8) An application will receive a final score that is the total of the application's points.

(9) Applications will be funded from highest to lowest score.

(10) If there is not enough funding to provide a Technical Assistance Grant to all applications that have equal scores, then the Department shall create a lottery to determine which applications will receive a Technical Assistance Grant.

(11) The preference points for Districts applying for the Facility Assessment grant are:

(a) District has twenty-five percent (25%) or more of its ADMr identified as Students in Poverty;

(b) District has under 2,500 ADMr according to the annual reports for the same school year as used to calculate the Priority List under OAR 581-027-0010;

(c) District has not conducted a Facility Assessment within ten (10) years or less;

(d) District has not passed a general obligation bond within fifteen (15) years or less;

(e) District's ADMr has changed by ten percent (10%) or more over the last five (5) years based on the latest annual reports submitted to the Department; and

(f) District has completed its annual electronic submission of its building and bond data to the Department by February 15 of each year.

(12) The preference points for Education Service Districts applying for the Facility Assessment grant are:

(a) The Education Service District has an average of twelve percent (12%) or more of its component school districts' ADMr identified as Students in Poverty;

(b) The Education Service District has under 20,000 Extended ADMw according to the annual reports for the same school year as used to calculate the State School Fund allocations;

(c) The Education Service District has at least one building used for instruction with a student capacity of 10 or more;

(d) The Education Service District has not conducted a Facility Assessment within ten (10) years or less; and

(e) The Education Service District has completed its annual electronic submission of its building and bond data to the Department by February 15 of each year.

(132) The preference points for Districts applying for the Long-Range Facility Plan grant are:

(a) District has twenty-five percent (25%) or more of its ADMr identified as Students in Poverty;

(b) District has under 2,500 ADMr according to the annual reports for the same school year as used to calculate the Priority List under OAR 581-027-0010;

(c) District has not conducted a Long-Range Facility Plan within ten (10) years or less;

(d) District has not passed a general obligation bond within fifteen (15) years or less;

(e) District's ADMr has changed by ten percent (10%) or more over the last five (5) years based on the latest annual reports submitted to the Department; and

(f) District has completed its annual electronic submission of its building and bond data to the Department by February 15 of each year.

(14) The preference points for Education Service Districts applying for the Long-Range Facility Plan grant are:

(a) The Education Service District has an average of twelve percent (12%) or more of its component school districts' ADMr identified as Students in Poverty;

(b) The Education Service District has under 20,000 Extended ADMw according to the annual reports for the same school year as used to calculate the State School Fund allocations;

(c) The Education Service District has at least one building used for instruction with a student capacity of 10 or more;

(d) The Education Service District has not conducted a Long-Range Facility Plan within ten (10) years or less; and

(e) The Education Service District has completed its annual electronic submission of its building and bond data to the Department by February 15 of each year.

(135) The preference points for Districts applying for the Seismic Assessment grant are:

(a) District has twenty-five percent (25%) or more of its ADMr identified as Students in Poverty;

(b) District has under 2,500 ADMr according to the annual reports for the same school year as used to calculate the Priority List under OAR 581-027-0010;

(c) District has not conducted an assessment for Business Oregon's Seismic Rehabilitation Grant Program;

(d) District identifies the schools it intends to assess and at least fifty percent (50%) are listed as "High" or "Very High" for collapse potential in the ~~Rapid Visual Survey~~ Rapid Visual Screening data created by the Department of Geology and Mineral Industries;

(e) District's Mapped Spectral Acceleration for a 1-second period (Ss) is greater than 0.6 as calculated by the United States Geological Survey; and

(f) District has completed its annual electronic submission of its building and bond data to the Department by February 15 of each year.

(16) The preference points for Education Service Districts applying for the Seismic Assessment grant are:

(a) The Education Service District has an average of twelve percent (12%) or more of its component school districts' ADMr identified as Students in Poverty;

(b) The Education Service District has under 20,000 Extended ADMw according to the annual reports for the same school year as used to calculate the State School Fund allocations;

(c) The Education Service District has at least one building used for instruction with a student capacity of 10 or more;

(d) The Education Service District's Mapped Spectral Acceleration for a 1-second period (Ss) is greater than 0.6 as calculated by the United States Geological Survey; and

(e) The Education Service District has completed its annual electronic submission of its building and bond data to the Department by February 15 of each year.

(174) The preference points for Districts applying for the Asbestos Environmental Hazard Assessment grant are:

(a) District has twenty-five percent (25%) or more of its ADMr identified as Students in Poverty;

(b) District has under 2,500 ADMr according to the annual reports for the same school year as used to calculate the Priority List under OAR 581-027-0010;

(c) District has at least 50% or more of its schools built before 1980;

(d) District<sup>2s</sup> needs to provide training to a staff person to oversee asbestos-related activities and/or needs to provide asbestos awareness training to custodial staff;

(e) District is due to conduct its 3-year re-inspection of asbestos-containing material in each school facility; and

(f) District has completed its annual electronic submission of its building and bond data to the Department by February 15 of each year.

(18) The preference points for Education Service Districts applying for the Asbestos Environmental Hazard Assessment grant are:

(a) The Education Service District has an average of twelve percent (12%) or more of its component school districts' ADMr identified as Students in Poverty;

(b) The Education Service District has under 20,000 Extended ADMw according to the annual reports for the same school year as used to calculate the State School Fund allocations;

(c) The Education Service District needs to provide training to a staff person to oversee asbestos-related activities and/or needs to provide asbestos awareness training to custodial staff;

(d) The Education District is due to conduct its 3-year re-inspection of asbestos-containing material in each facility; and

(e) The Education Service District has completed its annual electronic submission of its building and bond data to the Department by February 15 of each year.

(19~~5~~) The preference points for Districts apply to the Radon Environmental Hazard Assessment grant are:

(a) District has twenty-five percent (25%) or more of its ADMr identified as Students in Poverty;

(b) District has under 2,500 ADMr according to the annual reports for the same school year as used to calculate the Priority List under OAR 581-027-0010;

(c) District has school and administrative buildings that have not been tested for radon, or district has school and administrative buildings that had testing completed after July 1 of the preceding year;

(d) District's radon risk level is either "High" or "Not Assigned" according to information published by the Oregon Health Authority that provides for radon risk levels based on geography;

(e) District has a school that qualifies as a remote small elementary school per ORS 327.077; and

(f) District has completed its annual electronic submission of its building and bond data to the Department by February 15 of each year.

(20) The preference points for Education Service Districts apply to the Radon Environmental Hazard Assessment grant are:

(a) The Education Service District has an average of twelve percent (12%) or more of its component school districts' ADMr identified as Students in Poverty;

(b) The Education Service District has under 20,000 Extended ADMw according to the annual reports for the same school year as used to calculate the State School Fund allocations;

(c) The Education Service District has instructional spaces or administrative buildings that have not been tested for radon in the last 10 years or more;

(d) The Education Service District’s radon risk level is either “High” or “Not Assigned” according to information published by the Oregon Health Authority that provides for radon risk levels based on geography; and

(e) The Education Service District has completed its annual electronic submission of its building and bond data to the Department by February 15 of each year.

(2146) A District or Education Service District that is awarded a Technical Assistance Grant must:

- (a) Enter into a grant agreement with the Department by the time specified by the Department;
- (b) Use a Certified Assessor to perform a Facility Assessment or Long-Range Facility Plan;
- (c) Provide the Department with an electronic copy of any final reports required by the Technical Assistance Grant; and
- (d) Provide the Department with an electronic copy of invoices showing expenses incurred in performing the work for the specific Technical Assistance Grant.

(2247) A District or Education Service District must reapply each time a new grant application is announced if ~~ita District~~ did not receive a grant in the previous a-grant application period.

(2318) A District or Education Service District may apply to the Technical Assistance Program to be reimbursed ~~the District~~ for assessments previously completed if:

- (a) The previous assessment work was started within six (6) months of the application period;
- (b) The previous assessments meet all requirements set forth for the type of ~~the~~-assessment in these administrative rules; and
- (c) The Grantee District submits a final copy of the report and all invoices within the required period for a Technical Assistance Program grant.

(2419) ~~Districts-Grantees~~ must submit all final reports and invoices by the date specified by the Department. If a District-Grantee does not meet that deadline, the Department may rescind their grant funds.

(250) A District or Education Service District that receives a Technical Assistance Program grant will be ineligible to reapply for that specific grant for four (4) years from the year the grant was issued.

**Statutory/Other Authority:** Sec. 2, 5, Ch. 783 & OL 2015 (Enrolled Senate Bill 447)

**Statutes/Other Implemented:** Sec. 5, Ch. 783 & OL 2015 (Enrolled Senate Bill 447)

**History:**

ODE 37-2021, amend filed 10/26/2021, effective 10/26/2021

ODE 42-2020, amend filed 10/22/2020, effective 10/22/2020

ODE 21-2019, amend filed 06/25/2019, effective 06/25/2019

ODE 32-2018, amend filed 10/19/2018, effective 10/21/2018

ODE 7-2017, f. & cert. ef. 6-1-17

ODE 4-2017, f. & cert. ef. 3-1-17

ODE 41-2016, f. & cert. ef. 7-20-16

**581-027-0035**

**Facility Assessment Requirements**

Each Facility Assessment shall contain:

- (1) Name of Building.
- (2) Building ID Number.
- (3) Physical Address.
- (4) Gross Square Footage.
- (5) Original Construction Date.
- (6) Original Construction Type.
- (7) Additions:
  - (a) Construction Date;
  - (b) Construction Type;
  - (c) Construction Square footage; and
  - (d) Addition Construction Usage.
- (8) Renovations:
  - (a) Construction Date;
  - (b) Construction Type;
  - (c) Construction Square Footage; and
  - (d) Renovation Construction Usage.
- (9) UNIFORMAT II Infrastructure Assessment: An assessment of each applicable building element as listed in the American Society for Testing and Materials (ASTM) UNIFORMAT II Classification (October 1999) of Building Elements Level 3 that provides the following:
  - (a) ASTM Number;
  - (b) System Name;
  - (c) Description of System;

- (d) Number of systems or square footage of system in need of repair or want of replacement;
  - (e) Level of repair/replacement needed. The percent of the building affected should be noted to assist in cost estimating; and
  - (f) Notes as to what specifically needs to be done to repair or replace the system.
- (10) Additional items:
- (a) A safety and security analysis of the facility that determines if the facility meets current best practices for providing a safe and secure environment;
  - (b) An ADA assessment and listing of deficiencies;
  - (c) Assessment of technology infrastructure in the facility including bandwidth, type of internet connection, presence of wireless networks, and other means of providing access to information technology;
  - (d) Assessment of indoor air quality; and
  - (e) Presence of harmful substances such as lead or asbestos in the facility based on District reports.
- (11) Value Assessment:
- (a) The current replacement value of the building using cost per square foot standards as determined by the Department and updated annually; and
  - (b) The Facilities Condition Index of the building as calculated by dividing the total estimated construction costs to completely repair the building by the current replacement value of the building.
- (12) All information submitted electronically to the Department on a Department-established template which shall be used by Districts and Certified Assessors.

**Statutory/Other Authority:** Sec. 2 and 5, Ch. 783 & OL 2015 (Enrolled Senate Bill 447)

**Statutes/Other Implemented:** Sec. 5, Ch. 783 & OL 2015 (Enrolled Senate Bill 447)

**History:**

ODE 42-2020, amend filed 10/22/2020, effective 10/22/2020

ODE 21-2019, amend filed 06/25/2019, effective 06/25/2019

ODE 7-2017, f. & cert. ef. 6-1-17

ODE 4-2017, f. & cert. ef. 3-1-17

ODE 41-2016, f. & cert. ef. 7-20-16

**581-027-0040**

**Long-Range Facility Plan Requirements**

Each Long-Range Facility Plan shall contain the following information:

- (1) Population projections by school age group for the next ten (10) years using U.S. Census or Census partner data.

- (2) Collaboration with local government planning agencies (city and/or county) that results in:
  - (a) Identification of suitable school sites if needed; and
  - (b) Site acquisition schedules and programs.
- (3) Evidence of community involvement in:
  - (a) Determining educational vision of local community;
  - (b) Reviewing the costs of identified improvements;
  - (c) Prioritizing the identified improvements; and
  - (d) Determining potential sources of funds for the improvements.
- (4) Identification of buildings on historic preservation lists including the National Historic Register, Oregon State Historic Preservation Office, and local historic building lists.
- (5) A rating or indication of the degree to which the instructional spaces at each of the District's or Education Service District's campuses meets the Department's Educational Adequacy Review Standards as described in OAR 581-027-0043.
- (6) If current facilities are unable to meet Department Educational Adequacy Review Standards, the District will then:
  - (a) Identify changes needed to bring current facilities up to a good or excellent rating against the Department's Educational Adequacy Review Standards; and
  - (b) Identify potential alternatives to new construction or major renovation of current facilities.

**Statutory/Other Authority:** Sec. 2, 5, Ch. 783 & OL 2015 (Enrolled Senate Bill 447)

**Statutes/Other Implemented:** Sec. 5, Ch. 783 & OL 2015 (Enrolled Senate Bill 447)

**History:**

ODE 37-2021, amend filed 10/26/2021, effective 10/26/2021

ODE 42-2020, amend filed 10/22/2020, effective 10/22/2020

ODE 21-2019, amend filed 06/25/2019, effective 06/25/2019

ODE 7-2017, f. & cert. ef. 6-1-17

ODE 4-2017, f. & cert. ef. 3-1-17

ODE 41-2016, f. & cert. ef. 7-20-16

**581-027-0043**

**Educational Adequacy Review Standards**

The standards are to be used for facilitating discussions around capital planning and improvement. These standards focus on five primary facets of school facilities that directly correlate to student outcomes.

- (1) The Acoustic Educational Adequacy Standard reviews whether:

- (a) The sound-conditioning in a given space is acoustically comfortable to permit instructional activities to take place;
  - (b) Sound is transmitted without interfering with adjoining instructional spaces; and
  - (c) The ventilation system does not transmit an inordinate sound level to the instructional program.
- (2) The Air Quality Education Adequacy Standard reviews whether the District implements an Indoor Air Quality Management Program at each of its campuses.
- (3) The Lighting Educational Adequacy Standard reviews whether:
- (a) Light design generates an illumination level that provides comfortable and adequate visual conditions in each educational space;
  - (b) Ceilings and walls are white or light-colored for high reflectance unless the function of space dictates otherwise;
  - (c) Lights do not produce glare or block the line of sight;
  - (d) Window treatment allows entrance of daylight but does not cause excessive glare or heat gain; and
  - (e) Fixtures provide an even light distribution throughout the learning area.
- (4) The Temperature Education Adequacy Standard reviews whether the school's heating and cooling system provides consistent thermal comfort to students and teachers year-round.
- (5) The School Capacity Educational Adequacy Standard reviews whether:
- (a) The school can support its projected enrollment; and
  - (b) The student population is within the limits of the school's capacity based on the district's classroom loading standards.
- (6) Districts and Certified Assessors may use additional educational adequacy review standards as deemed appropriate for the facilities.
- (7) The required educational adequacy review standards may only be substituted for more comprehensive and/or quantitative standards if the District and Certified Assessor agree this is needed.

**Statutory/Other Authority:** ORS 326.125(4)

**Statutes/Other Implemented:** ORS 326.125(4)

**History:**

[ODE 37-2021, adopt filed 10/26/2021, effective 10/26/2021](#)

### **581-027-0045**

#### **Seismic Assessment Requirements**

Each Seismic Assessment shall contain the following:

- (1) Name of Building.
- (2) Gross Square Footage of Building.
- (3) Physical Address.
- (4) Original Construction Date.
- (5) Original Construction Type.
- (6) Additions:
  - (a) Construction Date;
  - (b) Construction Type;
  - (c) Construction Square Footage; and
  - (d) Construction Usage.
- (7) Procedures used to determine the building's ability to meet the Basic Performance Objective for Existing Buildings (BPOE) in ASCE 41-17. Specifically:
  - (a) The building's ability to perform to the Limited Safety Structural Performance Level at the BSE-2E hazard level in ASCE 41-17 if building is categorized as Risk Category III, school buildings, not including areas which may be used as emergency shelters, under OAR 123-051-0600; or
  - (b) The building's ability to perform to the Life Safety Structural Performance Level at BSE-2E hazard level AND the Immediate Occupancy Structural Performance Level at the BSE-1E hazard level in ASCE 41-17 if building is categorized as Risk Category IV, emergency service buildings and school areas that may be used as emergency shelters, under OAR 123-051-0600.
- (8) List of deficiencies that need to be corrected to qualify building to meet the Basic Performance Objective for Existing Buildings in accordance with ASCE 41-17.
- (9) List of drawings illustrating schematic rehabilitation tasks to rectify listed deficiencies in accordance with ACSE 41-17 standard.
- (10) Cost estimate provided by professional with knowledge about the type of work to be done that includes contingencies built into all budget categories.
- (11) Certification of the final assessment provided by registered Structural Engineer licensed in the State of Oregon.

**Statutory/Other Authority:** Sec. 2 and 5, Ch. 783 & OL 2015 (Enrolled Senate Bill 447)

**Statutes/Other Implemented:** Ch. 783, OL 2015 (Enrolled Senate Bill 447) & Sec. 5

**History:**

[ODE 42-2020, amend filed 10/22/2020, effective 10/22/2020](#)

[ODE 21-2019, amend filed 06/25/2019, effective 06/25/2019](#)

ODE 12-2019, amend filed 04/22/2019, effective 04/22/2019

ODE 42-2018, amend filed 12/10/2018, effective 12/10/2018

ODE 7-2017, f. & cert. ef. 6-1-17

ODE 4-2017, f. & cert. ef. 3-1-17

ODE 41-2016, f. & cert. ef. 7-20-16

### **581-027-0050**

#### **Assessor Certification Program**

- (1) The Department shall establish a program whereby entities or individuals can apply to become Certified Assessors for the Technical Assistance Program.
- (2) The program shall contain a portion of instruction on the methods to be used by Certified Assessors in performing Facility Assessment and Long-Range Facility Plan work.
- (3) The program shall contain a test such that those that pass will become Certified Assessors.
- (4) The Department shall post on its website specific information for each time the training program is held.

(5) The requirements for individuals to apply to the Certified Assessor Program are:

- (a) The applicant must be legally able to work under a public contract in the State of Oregon;
- (b) The applicant must be an architectural and/or engineering professional who has at least 5 years of experience working with K-12 schools.
- (c) The applicant must demonstrate capacity for assessing whole-building systems for schools.

~~(6)~~ No individual may become a Certified Assessor unless:

- (a) They meet the requirements to apply for the program;
- (b) Attend and complete the training for Certified Assessors; and
- (c) Pass a written examination at the end of the training program.

**Statutory/Other Authority:** ORS 286A.801(8)

**Statutes/Other Implemented:** ORS 286A.801(2)

#### **History:**

ODE 37-2021, amend filed 10/26/2021, effective 10/26/2021

ODE 35-2020, minor correction filed 08/28/2020, effective 08/28/2020

ODE 21-2019, amend filed 06/25/2019, effective 06/25/2019

ODE 7-2017, f. & cert. ef. 6-1-17

ODE 4-2017, f. & cert. ef. 3-1-17

ODE 41-2016, f. & cert. ef. 7-20-16



# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: Charter School Rules

<p><b>SUBJECT:</b> Public Charter Schools Division 26 Revisions: OAR 581-026-100, -0305, -0310, -0400 and -0600</p> <p><b>STAFF NAME &amp; OFFICE:</b></p> <p>OAR revisions to align timelines and requirements from new laws that passed in 2023. These OARs update virtual public charter school enrollment and appeal timelines and requirements for districts based on HB 3204. There are some revisions to align the rules with new language from SB 767. The Department also recommends updating requirements to ensure accurate reporting and data on charter school contracts.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> <b>First Reading</b> <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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## BACKGROUND

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During the 2023 legislative session, two bills passed that change requirements and timelines for public charter schools. These laws require OAR revisions to ensure alignment with new statutory language.

### HB 3204 – Virtual Public Charter School Enrollment and Appeals: OAR 581-026-0305 & -0310

Since 2011, students who wish to enroll in a virtual public charter school must provide notice of their intent to their resident district. If the district has more than 3% of their student population already enrolled in virtual public charter schools not sponsored by the district, the district may have a policy to deny the student enrollment. Districts that deny enrollment must calculate their percent regularly and provide specific information to the family. Families may appeal district denials to the State Board. ODE processes these appeals and issues final orders upholding or overturning district decisions.

The 2023 law requires school districts that deny enrollment to provide information about the percentage based on the most recent calculation at the time the intent to enroll was received. The law also specifies that a district must calculate at least twice a year. And finally, the law now includes shorter timelines for the district to respond to notices (from 14 days to 10 days) and for the Department to issue final orders (from 30 days to 14 days).

The proposed rule revisions align the timelines and requirements from the new law into the OAR. In addition, the Department recommends adopting rule language that requires virtual public charter schools to submit monthly enrollment reports to districts in a standard format and within the first month of the school year. This will support districts in accurate and timely calculations.

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: Charter School Rules

## **SB 767 – Public Charter School Facility Location: OAR 581-026-0600**

Since 2015, public charter schools have been able to operate a “school or facility” in other district boundaries. This practice is most typical with virtual public charter schools, but more non-virtual charter schools have been opening additional facilities or proposing to open new schools in other districts. The previous law did not differentiate between virtual and non-virtual. The previous law only required notice to be provided to the other district. A non-sponsor district could file a complaint with ODE and funding for the charter school could be withheld until the charter school has provided notice.

The 2023 law differentiates between virtual and non-virtual public charter schools. Virtual public charter schools are still required to provide written notice to the non-sponsoring district, but are now limited to operating “tutoring or testing facilities.” Non-virtual public charter schools may open “schools” in non-sponsor district boundaries, but are now required to receive written permission from the non-sponsor district. The law includes some scenarios where charter schools chartered or operating prior to specific dates may be exempt from the new requirement for written permission. It also requires that notice or permission must be provided upon each subsequent renewal. Further, the 2023 law allows the Superintendent of Public Instruction to withhold State School Fund moneys from the public charter school upon a complaint from a district and finding the charter school is not compliant with the requirements of the law.

The proposed rule revisions align the current OARs with the new language from the law and refer to the new law to minimize duplication.

## **Public Charter School Contracts and Nonprofit Status Submitted to ODE: OAR 581-026-0100 & -0400**

Public charter schools are approved by a sponsor for a specific contract term between three and ten years. The charter contract is the legal document that establishes a public charter school and authorizes the nonprofit to operate a public school in Oregon. The Oregon Department of Education is required to submit data to the US Department of Education annually that includes the start and end dates for each charter contract. When a public charter school is initially established and applies to the Department for an institution ID, the Department requires the charter contract to be submitted with the application. After the initial contract, most public charter schools do not send charter contracts upon renewal to ODE until staff make a formal request.

This proposed rule revision is intended to help elevate the importance of submitting charter contracts to the Department upon initial approval and at each renewal.

In addition, some public charter schools have not complied with the requirement to be organized as an Oregon and federal nonprofit corporation. It is the responsibility of the charter school governing board and the charter school sponsor to ensure compliance with this requirement. While it is rare for a public charter school to fail to comply or to lose its status, it can cause legal challenges for the charter school and sponsor district.

The proposed rule revision is intended to help ensure that this important formation requirement is met by each public charter school at least at the time of initial approval.

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: Charter School Rules

## Engagement

Department staff conducted a rulemaking engagement session on October 17, 2023. Of the 76 people who registered, 39 people participated in the meeting and discussed rule concepts. Feedback was overall supportive or neutral toward ODE’s rule concepts. Questions were raised about whether adding the new requirements in OAR 518-026-0100 and -0400 may create new opportunities for a sponsor to penalize a charter school if they do not comply with the submissions in a timely manner. One participant requested additional definitions regarding the charter school facility location.

## SUMMARY OF PREVIOUS BOARD ACTION

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This rule was first presented to the State Board of Education at the December 2023 meeting.

## HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

## POLICY ISSUE OR CONCERNS

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These proposed rules raise three policy direction questions:

- 1. Should the rules further define “tutoring or testing facility”?**
  - a. Only a small percentage of engagement session participants were in favor of adding a definition. However, no suggestions were provided in support of a definition.
  - b. Many virtual public charter schools do not want any definition that may narrow how “tutoring or testing facility” can be interpreted.
  - c. ODE staff have not added a definition.
- 2. Should the rules attempt to clarify the conditions and exemptions for non-virtual charter schools locating a school in a non-sponsoring district boundary?**
  - a. The statute includes multiple layers of subparagraphs that describe the conditions that exempt certain non-virtual public charter schools from the requirement to receive written permission. One advocate has requested additional rule language to clarify these exemptions.
  - b. ODE staff have not added additional language to avoid duplicating the language from statute. After attempts to add language for clarity, the concern was that any additional language will add more layers and increase complexity.
- 3. Do the intended benefits of including explicit requirements for charter schools to submit documents to the Department outweigh the potential for penalization?**
  - a. It could be possible for a public charter school to be found out of compliance with state law for failure to submit a charter contract.

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: Charter School Rules

- b. Adding this requirement may not change behavior and may still require ODE staff to annually request updated documents.

## EQUITY IMPACT ANALYSIS

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### **SB 767 – Public Charter School Facility Location: OAR 581-026-0600**

The revised law and OAR will ensure that families denied enrollment in virtual public charter schools will get information faster so students can continue education faster.

### **HB 3204 – Virtual Public Charter School Enrollment and Appeals: OAR 581-026-0305 & -0310**

Equity impacts will vary by community. This law and OAR do safeguard a district from having a new charter school sponsored by a different district opening in their boundary without their permission.

### **Public Charter School Contracts and Nonprofit Status Submitted to ODE: OAR 581-026-0100 & -0400**

Improved data accuracy.

## FISCAL ANALYSIS

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No significant impact on the Department, school districts, or public charter schools.

## EFFECT OF A “YES” OR “NO” VOTE

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“YES” – OARs will be revised to align with laws from the 2023 session and public charter schools will be required to submit charter contracts and nonprofit documents to ODE.

“NO” – OARs will be out of alignment with laws from the 2023 session and public charter school will not be required to submit charter contracts or nonprofit documents to ODE.

## STAFF RECOMMENDATION

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

## ATTACHMENTS

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Attachment 1: [Public Charter Schools Division 26 Revisions: OAR 581-026-100, -0305, -0310, -0400 and -0600v](#)

## 2023 Public Charter Schools OAR Revisions

10/27/2023 KP

### [581-026-0100](#)

#### Development and Execution of a Charter

- (1) The State Board or a school district board that approve a proposal will be considered the sponsor of the public charter school defined in the proposal.
- (2) An applicant whose proposal has been approved by the sponsor must, in cooperation with the sponsor, prepare and execute a charter that addresses, at a minimum, the information that is included in the proposal and:
  - (a) State any reasonable pre-opening requirements or conditions for the public charter school to ensure they meet all health, safety, and other legal requirements prior to opening and are prepared to open smoothly;
  - (b) State how the public charter school shall receive any state and federal funds distributed to districts other than the negotiated percentage of the charter school rate as required by ORS 338.155;
  - (c) Establish the performance standards under which the public charter school will be evaluated, using objective and verifiable measures of student achievement as the primary measure of school quality;
  - (d) Define the sources of academic data that will form the evidence base for ongoing and renewal evaluation;
  - (e) Include expectations for appropriate access, education support services, and coordination with the district in which the public charter school is located for students who may qualify for additional education services; and
  - (f) Include clear, measurable performance standards to judge the effectiveness of mission-specific performance measure and metrics that credibly demonstrate the public charter school's success in fulfilling its mission and serving its students.
- (3) Notwithstanding subsection (2), an applicant and sponsor may agree to change elements of the proposal prior to including them in the charter and may agree to exclude elements of the proposal from the charter or to include new elements in the charter by mutual agreement of the school district board and the applicant.
- (4) An initial charter may be in effect for no more than five years and may be renewed by the sponsor.
- (5) The first renewal of a charter must be for the same number of years as the initial charter.
- (6) Subsequent renewals of a charter must be for a minimum of five years but may not exceed 10 years.
- (7) A sponsor and the charter school governing body may amend a charter at any time by joint agreement.
- (8) A public charter school must submit a copy of the executed or amended charter to the Oregon Department of Education.**
  - (a) Upon executing an initial charter the public charter school must also submit to the Oregon Department of Education evidence of the charter school's governing board state and federal nonprofit status.**

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: Ch. 200 & OL 1999 (SB 100)

History:

[ODE 30-2018, amend filed 09/26/2018, effective 09/26/2018](#)

Renumbered from 581-020-0311, ODE 10-2014, f. & cert. ef. 2-19-14

ODE 13-2000, f. & cert. ef. 5-3-00

### [581-026-0305](#)

#### Virtual Public Charter School Student Enrollment

- (1) As used in this rule:
  - (a) "Notice" means a written notice that is mailed, faxed, e-mailed or personally delivered by the party required to provide the notice.
  - (b) "Parent" means parent, legal guardian or person in parental relationship as defined in ORS 339.133.
  - (c) "Reside in a school district" means the school district in which the student's parent resides.

## 2023 Public Charter Schools OAR Revisions

- (d) "School district" means a school district in which more than three percent of the students who reside in the school district are enrolled in one or more virtual public charter schools.
- (e) "Student" means a student who seeks to enroll in a virtual public charter school on or after August 2, 2011.
- (f) "Virtual public charter school" is as that term is defined in OAR 581-026-0300.
- (2) A parent must provide notice to the school district in which the parent resides that the parent intends to enroll a student in a virtual public charter school. Upon receiving the notice, a school district may choose to do nothing further until receiving notice the student is enrolled in the school or if more than three percent of the students who reside in the school district are enrolled in virtual public charter schools not sponsored by the district, the district must provide notice to the parent that the district:
- (a) Approves the student for enrollment in the virtual public charter school; or
- (b) Does not approve the student for enrollment in the virtual public charter school.
- (3) A school district that does not approve a student for enrollment in a virtual public charter school must provide the parent and student the following:
- (a) and provide a copy of this rule and OAR 581-026-0310, to the student
- (b) and a list of two or more other online options available to the student, and
- (c) The percentage of students in the school district that attend virtual public charter schools that are not sponsored by the school district, based on the most recent calculation at the time the intent to enroll was received by the district.
- (34) If a parent does not receive a notice of approval or disapproval from a school district under subsection (2) of this rule within 1410 days of sending the notice of intent to enroll to the district, the student shall be deemed approved for enrollment by the district.
- (45) A parent may appeal a decision of a school district to not approve a student for enrollment to the State Board of Education pursuant to OAR 581-026-0310.
- (56) A virtual public charter school may only enroll a student if the school receives evidence the student's parent has notified the resident school district of the student's intent to enroll in the school. A school shall consider any of the following as evidence the resident school district received adequate notice:
- (a) A copy of the notice of intent to enroll sent to the district by the parent;
- (b) A notice of approval for enrollment from the district; or
- (c) A copy of a final order issued by the Superintendent pursuant to OAR 581-026-0310 that finds that the student is approved for enrollment in the school.
- (67) A virtual public charter school shall send a list of students to each school district in which a student who is enrolled in the school resides. The list shall be sent monthly when the virtual school is in session.
- (a) The first list of the school year must be sent on or before the fifteenth day of school for the virtual public charter school.
- (a)(b) Lists must minimally include the student identification number, address, grade and must be in a tabular data format compatible with widely used spreadsheet software, allowing for organized data presentation and manipulation through rows and columns.
- (78) If a school district chooses to not approve a student for enrollment in a virtual public charter school under this section, the district must have a policy that at a minimum includes the following:
- (a) The ~~annual, semiannual or other~~ dates that the school district used to calculate whether or not three percent or more of the students who reside within the district are enrolled in a virtual public charter school.
- (b) The description of the data used by the school district to calculate the number of students who reside in the district and the number of students who are enrolled in virtual public charter schools. A school district is only required to use data that is reasonably available to the district including but not limited to:
- (A) The number of students enrolled in the schools of the school district;
- (B) The number of students enrolled in virtual and non-virtual public charter schools located in the school district;
- (C) The number of students enrolled in virtual public charter schools not sponsored by the district;

## 2023 Public Charter Schools OAR Revisions

(D) The number homeschooled students who reside within the district and who have registered with an education service district; and

(E) The number of students enrolled in private schools located within the school district.

Statutory/Other Authority: ORS 338.025

Statutes/Other Implemented: ORS 338.125

History:

Renumbered from 581-020-0342, ODE 10-2014, f. & cert. ef. 2-19-14

ODE 19-2011, f. & cert. ef. 12-15-11

ODE 11-2011(Temp), f. & cert. ef. 8-23-11 thru 2-19-12

### [581-026-0310](#)

#### **Virtual Public Charter School Student Enrollment Appeal Procedure**

(1) The State Board of Education delegates to the Superintendent of Public Instruction or designee all administrative functions necessary or reasonable in order to conduct a timely appeal process. This delegation includes issuing a final order. An order issued by the Superintendent or designee shall be considered an order in other than a contested case under ORS 183.484.

(2) A parent may appeal a decision of a school district to not approve enrollment of a student in a virtual public charter school under OAR 581-026-0305 by sending a notice of appeal in writing by mail, fax or e-mail or by personally delivering a copy to the Superintendent of Public Instruction. The notice must be received by the Superintendent within 10 days of the date on which the parent received notice from the district, the district did not approve enrollment of a student in a virtual public charter school. The parent must also provide a copy of the notice of appeal and any other supporting documents included with the notice to the school district prior to sending the notice of appeal to the Superintendent or within 24 hours of when the parent sent or delivered the notice of appeal to the Superintendent.

(3) The notice of appeal must include:

(a) The parent and student's name and contact information.

(b) The name of the resident school district.

(c) The name of the virtual public charter school in which the student wants to enroll.

(d) A copy of the notice of intent to enroll provided by the parent to the school district.

(e) A copy of the notice of disapproval of enrollment received by the parent from the school district.

(f) The reason for the appeal and any supporting documents including evidence the parent would like considered as part of the appeal.

(4) A school district upon receiving a notice of appeal from a parent may file a reply to the notice with the Superintendent. The reply must be received by the Superintendent within 10 days of when the school district received a copy of the notice of appeal from the parent. The school district shall provide a copy of the reply and any supporting documents included with the reply to the parent.

(5) The Superintendent shall overturn the decision of the school district to not approve the enrollment of the student if the Superintendent determines that:

(a) The school in which the student intends to enroll is not a virtual public charter school.

(b) The resident school district does not have more than three percent of the resident students of the district enrolled in virtual public charter schools not sponsored by the district.

(c) The parent did not receive the notice of disapproval from the district within **1410** days of when the parent sent the district the notice of intent to enroll.

(6) The Superintendent may consider the following in deciding whether to uphold or overturn a decision of the school district to not approve the enrollment of a student:

(a) The health and safety of the student.

## 2023 Public Charter Schools OAR Revisions

- (b) The student's educational needs and interests.
- (c) The availability of other online options to the student.
- (d) Any other information that the Superintendent deems relevant to the decision.
- (7) The Superintendent shall issue a final order within ~~30~~14 days of receiving the notice of appeal from the parent. The Superintendent shall send a copy of the final order to the parent, the school district and the virtual public charter school.

Statutory/Other Authority: ORS 338.025

Statutes/Other Implemented: ORS 338.125

History:

Renumbered from 581-020-0343, ODE 10-2014, f. & cert. ef. 2-19-14

ODE 19-2011, f. & cert. ef. 12-15-11

ODE 11-2011(Temp), f. & cert. ef. 8-23-11 thru 2-19-12

### [581-026-0400](#)

#### Process to Renew Charter

- (1) A public charter school governing body must request renewal of the charter (contract) by the sponsor in writing at least 180 days before expiration of the charter.
- (2) When a sponsor has received a written request from a public charter school governing body, the sponsor must schedule and hold a public hearing on the renewal request within 45 days from the receipt of the request for renewal.
- (3) Within 30 days after the public hearing, the sponsor must either:
  - (a) Renew the charter; or
  - (b) State in writing the reasons for denying the renewal of the charter.
- (4)(a) A sponsor must base its decision to renew or not renew a charter on a good faith evaluation of whether the charter school:
  - (A) Is in compliance with state and federal laws;
  - (B) Is in compliance with the terms of the prior charter;
  - (C) Is meeting or working toward meeting the student performance goals and agreements specified in the charter or any other written agreements between the sponsor and the public charter school governing body;
  - (D) Is fiscally stable and evidence that a sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter was used; and
  - (E) Is in compliance with any renewal criteria specified in the previous charter, if any.
- (b) As used in this section, "good faith evaluation" means an evaluation of all criteria required by this section resulting in a conclusion that a reasonable person would come to who is informed of the law and the facts before that person.
- (5) The sponsor must base the evaluation described in subsection (4) of this rule primarily on a review of the public charter school's annual performance reports, annual audit of accounts and annual site visit and review as required by ORS 338.095 and any other information mutually agreed upon by the public charter school governing body and the sponsor.
- (6)(a) If the sponsor renews the charter, the sponsor and public charter school governing body shall negotiate in good faith a new charter within 90 days after the date on which the sponsor approved the renewal of the charter, unless both parties agree to an extension of time.
- (b) If the sponsor and the charter school governing body have not executed a new charter agreement within 90 days after the date on which the sponsor approved the renewal of the charter or an alternative date agreed to by both parties, the expiring charter shall remain in effect until a new charter is negotiated.

## 2023 Public Charter Schools OAR Revisions

(c) As used in this section, "negotiate in good faith" means to negotiate with an honest exchange of the facts of the matters under consideration with a view to obtaining agreement of each of the parties involved.

(7) If the sponsor does not renew the charter, the public charter school governing body may address the reasons for nonrenewal and resubmit its request to the sponsor within 30 days after the date on which the sponsor notified the public charter school governing body of the decision not to renew the charter. If a sponsor receives a revised request under this section, the sponsor shall review the request using the process required by subsections (2) to (6) of this rule. A public charter school governing board may only submit a revised request once under this section unless otherwise specified by the sponsor.

(8) Notwithstanding subsections (1) to (7) of this rule, a sponsor and a public charter school governing body may agree in the charter of the school to a timeline for renewing the charter that is different from the timeline required by subsections (1) to (7) of this rule.

(9) The State Board of Education delegates to the Superintendent of Public Instruction or designee all administrative functions necessary or reasonable in order to determine if the charter of a school sponsored by the state board should be renewed. The Superintendent or designee shall follow the procedures and timelines required by this rule. This delegation to the Superintendent or designee includes, but is not limited to:

(a) Determining the form, contents, and timelines of the renewal;

(b) Determining the records required for determining the renewal and ordering the production of those records from the public charter school governing body and establishing timelines for the production of those records;

(c) Requiring the charter school governing body to respond to written or oral inquiries related to the sponsorship;

(d) Delegating the sponsorship function to Department of Education staff or a hearings officer to conduct a hearing and to issue a proposed order; and

(e) Issuing a final order.

(10) If the sponsor does not renew the charter based on the revised request for renewal submitted under subsection (7) of this rule, the public charter school governing body may:

(a) If the sponsor is a school district, appeal the decision of the sponsor to the State Board of Education under OAR 581-026-0405.

(b) If the sponsor is the State Board of Education, seek judicial review of the final order under ORS 183.484.

[\(11\) A public charter school must submit a copy of the renewed charter to the Oregon Department of Education.](#)

Statutory/Other Authority: ORS 338.025

Statutes/Other Implemented: ORS 338.065

History:

Renumbered from 581-020-0359, ODE 10-2014, f. & cert. ef. 2-19-14

ODE 35-2013, f. & cert. ef. 12-18-13

ODE 11-2010, f. & cert. ef. 6-30-10

Reverted to ODE 9-2008, f. & cert. ef. 3-21-08

ODE 15-2009(Temp), f. & cert. ef. 12-10-09 thru 6-8-10

ODE 9-2008, f. & cert. ef. 3-21-08

### [581-026-0600](#)

Public Charter School Facility Location

(1) As used in this rule:

(a) "Written notice" means written notice that is mailed, faxed, e-mailed or personally delivered by the party required to provide the written notice.

## 2023 Public Charter Schools OAR Revisions

(b) “Primary physical address of the public charter school” means the physical location of the public charter school campus located within the boundaries of the sponsoring district or the district in which the public charter school originally applied under ORS 338.045.

(c) “School-~~or facility~~” means a physical location that is owned, leased, or otherwise used by the public charter school where students receive instruction or educational services. As used in this rule, “school-~~or facility~~” or “tutoring or testing facility” does not include the student’s home.

(2)(a) For public charter schools sponsored by a school district that establish schools or testing or tutoring facilities and facilities that are not located at the primary physical address of the charter school, the district shall retain all responsibility assigned to a sponsor by ORS Chapter 338 and OAR 581-026-0005 to 0515.

(b) Except as provided in subsection (2)(a) of this rule, if a public charter school is sponsored by the State Board of Education, the district in which the primary physical address of the public charter school is located shall retain the responsibilities assigned to a district by ORS 338.155 to 338.165 and described in a contract between the district and the public charter school.

(3) The public charter school must maintain student records, board records, employment records, and other school records at the primary physical address of the public charter school.

(4) The board of a school district that is not the sponsoring school district of the public charter school may file a complaint with the Superintendent of Public Instruction pursuant to Ch. 163, OL 2023 ORS 332.158(3) against the public charter school if:

(a) The public charter school opens or operates a school or tutoring or testing facility within the boundaries of that district; and

(b) The public charter school did not comply with the provisions of Ch. 163, OL 2023 ~~provide written notice to the district school board of use of the school or facility prior to the first day on which students will attend classes in the school or receive instruction at the facility; and~~

~~(c) The public charter school or facility was not already in operation on January 1, 2016.~~

(5) The complaint must be in writing and may be delivered by mail, fax or e-mail or by personally delivering a copy to the Superintendent of Public Instruction and must contain:

(a) The name of the school district making the complaint;

(b) The name and contact information of a member of the board or district staff person who will act as primary contact for the complaint;

(c) The name of the public charter school operating the school or tutoring or testing facility;

(d) The primary physical address of the public charter school operating the school or tutoring or testing facility;

(e) The physical address of the school or tutoring or testing facility being operated by the public charter school in the offended district; and

(f) A brief statement explaining the facts underlying the complaint.

(6) The school district board must provide written notice of the complaint by mail, fax, e-mail or personal delivery to the public charter school and the sponsoring district on the same date the complaint is provided to the superintendent.

(7) Upon receipt of the complaint the superintendent shall schedule a contested case hearing pursuant to ORS 183.413 to 183.470.

(8) Upon a finding that the public charter school has not complied with the provisions of Ch. 163, OL 2023 ~~operated a school or facility in the school district without providing the board of the school district written notice:~~

~~(a) The superintendent shall withhold State School Fund moneys due to the public charter school under ORS 338.155.~~

~~(b) The superintendent shall withhold moneys until the written notice is provided by the public charter school to the district school board, and a copy of the written notice is provided to the public charter school's sponsoring district and the superintendent.~~ (a) The superintendent may withhold SSF moneys due to the public charter school under ORS 338.155.

## 2023 Public Charter Schools OAR Revisions

(b) If the superintendent withholds moneys pursuant to paragraph (a) of this subsection, the superintendent shall withhold the moneys until the charter school governing body is in compliance or other date determined by the superintendent.

Statutory/Other Authority: ORS 338.025

Statutes/Other Implemented: ORS 332.158 & ch. 338

History:

[ODE 30-2018, amend filed 09/26/2018, effective 09/26/2018](#)

ODE 37-2016, f. & cert. ef. 7-18-16

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 3.F.

<p><b>SUBJECT:</b> Federal ESEA Program Appeals Process (Permanent Rule) <b>STAFF NAME &amp; OFFICE:</b> Liz Ross, Director Federal Systems, Office of Teaching, Learning, and Assessment</p> <p>The Oregon Department of Education (the Department) Federal Systems Team administers formula and competitive federal programs under the Every Student Succeeds Act, the Bipartisan Safer Communities Act, and the American Rescue Plan-Homeless Children and Youth programs. Federal law requires that ODE provide grant recipients who are aggrieved by the Department’s final action under its administration of these programs with the right to request a hearing. This rule establishes such a process.</p> <p><input checked="" type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> <b>First Reading</b> <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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## BACKGROUND

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1. History: Section 432 of the General Education Provisions Act (GEPA), codified at 20 USC 1231b-2(a), provides Local Education Agencies (LEAs) “aggrieved by the final action” of a State Education Agency (SEA) with the right to “request a hearing” alleging a violation of the laws applicable to the respective federal program being administered by the SEA. The same federal statute then goes on to require: “Within thirty days after it receives such a request, the [SEA] shall hold a hearing on the record and shall review such final action. No later than ten days after the hearing, the [SEA] shall issue its written ruling, including reasons therefor.” (See also 34 CFR 76.401.)

As Oregon’s SEA, the Oregon Department of Education (the Department) administers Oregon’s formula and competitive federal programs under the Elementary and Secondary Education Act, including:

- Title I, Part A (Improving the Academic Achievement of the Disadvantaged)
- Title I, Part C (Migrant Education Program)
- Title I, Part D (Prevention and Intervention Programs for Neglected, Delinquent or At Risk Youth), Subpart 2,
- Title II, Part A (Preparing, Training, and Recruiting High-Quality Teachers, Principals, or Other School Leaders),
- Title III, Part A (Language Instruction for English Learners and Immigrant Students)
- Title IV, Part A (Student Success and Academic Achievement),
- Title IV, Part B (Nita M. Lowey’s 21st Century Community Learning Centers and After School Safety and Enrichment for Teens Programs)
- Title V, Part B (Rural Low Income Schools),
- McKinney-Vento Homeless Education and,

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February 15, 2024

AGENDA ITEM: 3.F.

- Foster Care Student Educational Stability.

In addition to the grants administered under ESEA, Oregon administers the Stronger Connections Grant authorized under the Bipartisan Safer Communities Act, and the American Rescue Plan-Homeless Children and Youth programs. As a result, the programs listed above are subject to the federal requirements described above.

2. Purpose: This proposed rule establishes the process for applicants, or grantees (including districts and ESDs) that are aggrieved by a final action under the Department’s administration of the federal grants program to request a hearing, as required under federal law.
3. Does the board have any areas of discretion or is this strictly mirroring statute? No, the board does not have any areas of discretion.
4. Stakeholder voice/input (individual and collective i.e., groups): This rule is a technical rule that establishes a hearing process that meets the requirements under both governing federal and state law. As such, the Department has little discretion in shaping the process, meaning there is little room to consult with impacted groups and apply their input.

## SUMMARY OF PREVIOUS BOARD ACTION

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1. The state board adopted emergency temporary rules for Title I-C in April 2023 and rules for the remaining title programs in June 2023. The temporary rules expired and ODE is bringing forth proposed permanent rules that outline a singular process for all ESSA title programs.

## HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

## POLICY ISSUE OR CONCERNS

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This is a technical rule that establishes a hearing process that meets the requirements under both governing federal and state law. As a result, the Department has little discretion in shaping the process, meaning there is little room to consider policy issues or consult with impacted groups and apply their input.

One minor policy issue the Department considered in developing this temp rule was whether to retain authority for issuing the final order following the hearing or grant that authority to the Administrative Law Judge presiding over the hearing. Due to considerations around timeline and the Department’s capacity, the Department chose to grant this authority to the Administrative Law Judge.

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 3.F.

## EQUITY IMPACT ANALYSIS

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Any final action taken by the Department against an applicant or grantee of federal funds as part of its administration of the Federal Education Program will have a direct impact on the students and families served by that applicant or grantee. The Department strives always to ensure its actions advance equity and opportunity for historically underserved populations. The hearing process established by this rule affords LEAs administering a local or regional program funded through these programs the opportunity to appeal a final action taken by the Department that the LEA believes adversely affects the LEA, and by extension, the students it serves. As such, the rule plays an essential part in ensuring due process in the Department’s administration of Oregon’s Federal Education Program under ESEA, Bipartisan Safer Communities Act, and the ARP-HCY programs.

## FISCAL ANALYSIS

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Should an applicant or grantee exercise its right to request a hearing under the process established by this rule, these costs would be borne by the specific Program that is aggrieved. Costs would be covered using non-federal funds.

Applicants or grantees choosing to exercise their right to request a hearing under this rule would be responsible for bearing the associated costs. Costs must be covered using non-federal funds.

## EFFECT OF A “YES” OR “NO” VOTE

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A Board vote approving this rule would result in the immediate creation of a process by which aggrieved applicants or grantees could request a hearing contesting a final action by the Department under its administration of Federal Education Program, thereby complying with federal requirements.

A Board vote rejecting this temp rule would mean that the Department would remain out of compliance with the federal requirement to provide aggrieved applicants or grantees with the right to request a hearing.

## STAFF RECOMMENDATION

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Approve  Approve next month  No recommendation at this time

**Prompted by:**  State law changes  Federal law changes  other (*out of compliance with existing federal law*)

## ATTACHMENTS

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Attachment 1: Federal Appeals Rules

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 3.F.

OAR XXX-XXX-XXXX

- (1) The appeal procedures required by this rule apply to appeals of the Oregon Department of Education (the Department) decisions affecting local education agencies participating in the following federal programs:
  - (a) Title I, Part A of the Elementary and Secondary Education Act;
  - (b) Title I, Part C of the Elementary and Secondary Education Act;
  - (c) Title I, Part D, Subpart 2, of the Elementary and Secondary Education Act;
  - (d) Title II, Part A of the Elementary and Secondary Education Act;
  - (e) Title III, Part A of the Elementary and Secondary Education Act;
  - (f) Title IV, Part A of the Elementary and Secondary Education Act;
  - (g) Title IV, Part B of the Elementary and Secondary Education Act;
  - (h) Title V, Part B of the Elementary and Secondary Education Act;
  - (i) McKinney-Vento Homeless Education;
  - (j) Stronger Connections Grant authorized under the Bipartisan Safer Communities Act;
  - (k) American Rescue Plan-Homeless Children Youth Programs I and II; and
  - (l) Other “applicable programs” as defined in 20 U.S.C. 1221(c)(1).
  
- (2) A local education agency subject to these rules may appeal the following:
  - (a) The disapproval, in whole or in part, of a new application for participation or an application for renewed participation;
  - (b) A failure to approve a new application for participation or an application for renewed participation;
  - (c) The withholding of participation or funding under an applicable program;
  - (d) The failure to provide funds in amounts that accord with the requirements of specific laws and regulations;
  - (e) An order, in accordance with a final State audit resolution determination, to repay misspent or misapplied Federal funds; and
  - (f) The termination of further assistance.
  
- (3) The Department shall notify the local education agency (Appellant) in writing of the grounds upon which the Department based its action identified in subsection (2) of this rule. The notice must also state the procedures for requesting an appeal of the action. Notice means a letter sent by certified mail, return receipt (or the equivalent private delivery service) or by email, that describes an action or taken by the Department. The notice is considered to be received by the Appellant when it is delivered or sent by email. If the notice is undeliverable, it is considered to be received by the Appellant five days after being sent to the Appellant’s last known mailing address, facsimile number, or email address.
  
- (4) A request for appeal of an action identified in subsection (2) of this rule must be in writing and must be made by the Appellant affected by such action. The Department must receive the request for appeal no later than 30 calendar days from the date the Appellant received the notice of Department action. The request for appeal must allege in pleadings, affidavits, and supporting documents that the Department violated State or Federal law, rules, regulations, or guidelines governing the federal program. The Department shall deny any request for appeal that fails to:
  - (a) State the nature of the Appellant’s interest;

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**February 15, 2024**

AGENDA ITEM: 3.F.

(b) Assert the facts showing how the Appellant is adversely affected or aggrieved by the Department's action; and

(c) Allege that the Department violated State or Federal law, rules, regulations, or guidelines governing the federal program.

(5) For appeals under sections 2(a) and 2(b) of this rule, a hearing on the record will be conducted by an impartial panel designated by the Oregon Department of Education. The impartial panel will conduct the hearing entirely on the basis of documentation submitted.

(6) Appeals under sections 2(c), 2(d), 2(e), and 2(f) of this rule shall be conducted as a contested case hearing under ORS 183.411 to 183.471 and the Attorney General's Model Rules of Procedure under the Administrative Procedure Act in effect on January 1, 2012. The hearing shall be conducted by and under the control of the Administrative Law Judge of the Office of Administrative Hearings that is assigned to the case and must be held within 30 days of the date of receipt by the Department of the request for appeal. The Administrative Law Judge may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious, or immaterial matter.

(a) The Appellant bears the burden of proof to show that the Department's action identified in subsection (1) of this rule constitutes a violation of State or Federal law, rules, regulations, or guidelines governing the Federal Education Program.

(b) Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

(c) As soon as practicable after the hearing, but in no case later than five calendar days after the hearing, the Administrative Law Judge shall prepare a proposed order and serve the proposed order on the Department and the Appellant.

(d) No later than ten calendar days after the hearing, the Department shall either adopt the proposed order or prepare a new final order.

20 USC 1231b-2

34 CFR 76.401

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 4.A.

<p><b>SUBJECT:</b> OAR 581-022-2263 Physical Education Requirements &amp; OAR 581-022-2265 Report on PE Data</p> <p><b>STAFF NAME &amp; OFFICE:</b> Suzanne Hidde and Susan Payne, Office of Teaching, Learning and Assessment</p> <p>With the passage of House Bill 3199, OAR 581-022-2263 and OAR 581-022-2265 need to be updated to align with the new legislation.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading Presentation <input type="checkbox"/> No Presentation <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

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The instructional time requirements for Physical Education (PE) were originally passed in 2007 to provide equitable opportunities for all students to learn motor skills and benefit from the physical, cognitive and social benefits gained in PE. The statute was revised in 2017 to provide a phase in period, with full implementation at all grades K-8 to be achieved by the 2022-23 school year. The Report on PE Data rule has been included in the Division 22 Standards since 2007 and the PE Requirements rule was added in 2019.

During the 2023 legislative session [House Bill 3199](#) amended ORS 329.496 Physical Education requirements, and ORS 329.498 Data related to physical education data reporting requirements, effective July 1, 2023. There are two significant changes in ORS 329.496. First, the weekly time requirement for grades 6 through 8 was reduced from 225 minutes to 150 minutes per week. Second, the new weekly minimum of 150 minutes is calculated as an average over the duration of the school year. ORS 329.498 was amended to align with the changes made to ORS 329.496.

OAR 581-022-2263 Physical Education Requirements and OAR 581-022-2265 Report on PE Data need to be updated to reflect the new minutes requirements for grades 6 through 8.

## SUMMARY OF PREVIOUS BOARD ACTION

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The PE Data rule was adopted by the Board in 2007 and the PE Requirements rule was adopted by the Board in 2019.

## HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 4.A.

## POLICY ISSUE OR CONCERNS

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ODE staff has been supporting districts with implementation of the PE instructional minutes requirement over a number of years. Concerns and challenges that ODE has heard from the field include:

- Inadequate facility space to provide the required minutes
- Lack of funding to support hiring licensed PE teachers
- Limited time during the school day to fit the minutes into the schedule
- Competing priorities for time during the school day
- No other content areas have instructional time requirements
- There is a lack of consistency in providing equitable amounts of PE instruction from school to school and district to district.

The statutory change addresses the unique scheduling challenges that many districts face at grades 6–8 and provides greater flexibility by allowing districts to average the number of weekly minutes over the course of the school year. Also, the legislature has provided funding to support this statute since 2007 in the form of Physical Education Expansion K-8 (PEEK-8) grants. The grants include funding that can be used to hire licensed PE teachers, and to provide Professional Development to assist school districts to be in compliance with the statute.

## EQUITY IMPACT ANALYSIS

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The proposed rule changes will reflect the current statute, which mandates equitable time requirements for every student across the state to receive physical education. Physical education has a positive impact on students' physical, mental, and social-emotional health and well-being, as well as academic achievement. Furthermore, historically marginalized and underserved students will receive the same opportunities to participate in physical education classes as their peers.

## FISCAL ANALYSIS

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There is no foreseeable fiscal impact from updating these rules.

## EFFECT OF A "YES" OR "NO" VOTE

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A "yes" vote will result in the rules being in alignment with the statute.

A "no" vote will result in the rules being out of alignment with the statute, which will cause confusion about the physical education instructional time requirements for both school districts and the public.

## STAFF RECOMMENDATION

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# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 4.A.

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

## ATTACHMENTS

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Attachment 1: Report on PE Data draft rule

Attachment 2: PE Requirements draft rule

CREATED BY SH and SP 9/27/23

581-022-2265

Report on PE Data

(1) The following definitions apply to this rule:

(a) "Additional facilities" means the added space to the school needed to provide the minimum number of minutes of physical education instruction per week.

~~(b) "Number of minutes" means the number of minutes of physical education instruction that is actually provided to all students kindergarten through grade 8 each school week.~~

~~(b)(e)~~ "Physical capacity" means the space, indoors and out, available at the school to provide the prescribed number of minutes ~~per~~ at a class size that promotes effective practices consistent with the outcomes expected of the instructional programs.

(2) ~~Districts shall submit to t~~The Department of Education; ~~shall collect from school districts:~~

(a) The number of minutes of physical education instruction that are actually provided to all students in kindergarten through grade 8 ~~each school week~~ in each public school within the district; as calculated on a weekly basis or an average weekly basis as prescribed by ORS 329.496;

(b) The physical capacity of public schools to provide students in kindergarten through grade 5 with at least 150 minutes of physical education during each school week and to provide students in grades 6 through 8 with at least an average of 150 minutes during each school week as calculated over the duration of a school year.~~225 minutes of physical education during each school week;~~ and

(c) The additional facilities required by public schools to provide physical education to students for the minimum number of minutes as described in paragraph (b) of this subsection.

(3) ~~The department shall collect~~Districts shall submit the data described in paragraph (2) of this section:

(a) Annually, for data described in paragraph (2)(a) of this section.

(b) Whenever a public school increases or decreases the school's physical capacity to provide students with physical education, for data described in paragraph (2)(b) and (c) of this paragraph.

(4) Prior to February 1 of each odd-numbered year, the Department shall report to the Legislative Assembly on the data collected under this rule for the prior two school years.

**Statutory/Other Authority:** ORS 326.051

Statutes/Other Implemented: ORS 329.498

CREATED BY SH and SP 9/27/23

581-022-2263

### Physical Education Requirements

(1) For purposes of this section, “district” means a school district, education service district, or public charter school.

~~(2)(a) Districts shall ensure that each public school student in kindergarten through grade eight will receive physical education throughout the entire school year.~~

(2)(a) Every public school student in kindergarten through grade five, and every public school student in grade six at a school that teaches kindergarten through grade six, shall participate in physical education for the entire school year for at least 150 minutes during each school week, or at least 120 minutes during each school week if the school on average holds classes four days a week over the course of the school year. -

~~(b)(A) Except as provided in subparagraph (C) of this paragraph, districts shall ensure that each public student in kindergarten through grade five will receive:~~

~~(i) For the 2019-2020 school year, at least 120 minutes of physical education each school week if the school on average holds classes five days a week over the course of the school year, or at least 100 minutes of physical education each school week if the school on average holds classes four days a week over the course of the school year.~~

~~(ii) For each school year subsequent to the 2019-2020 school year, at least 150 minutes of physical education each school week if the school on average holds classes five days a week over the course of the school year, or at least 120 minutes of physical education each school week if the school on average holds classes four days a week over the course of the school year.~~

(b) Except as provided by paragraph (a) of this subsection, ~~students~~ every public school student in grades six through eight shall participate in physical education for at least ~~[225 minutes during each school week]~~ an average of 150 minutes during each school week, as calculated over the duration of a school year, or at least an average of 120 minutes during each school week, as calculated over the duration of a school year, if the school on average holds classes four days a week over the course of the school year. -

~~(B) Except as provided in subparagraph (C) of this paragraph, districts shall provide each public student in grade six through grade eight with:~~

~~(i) For the 2021-2022 school year, at least 180 minutes of physical education each school week if the school on average holds classes five days a week over the course of the school year, or at least 144 minutes of physical education each school week if the school on average holds classes four days a week over the course of the school year.~~

~~(ii) For each school year subsequent to the 2022 school year, at least 225 minutes of physical education each school week if the school on average holds classes five days a week over the course of the school year, or at least 180 minutes of physical education each school week if the school on average holds classes four days a week over the course of the school year.~~

~~(C) Districts shall provide each public student in grade six with the number of physical education minutes required by subparagraph (A) of this paragraph if the student attends a public school teaching students in kindergarten through grade six.~~

~~(c) Notwithstanding the time requirements of paragraph (b) of this subsection, for weeks during which the number of minutes that a public school provides instruction is less than the number of minutes that the school provides instruction during a week where the school provides instruction for every usual school hour, the time requirements specified in paragraph (b) of this subsection may be reduced by the percentage of the time requirements specified in paragraph (b) of this subsection that correlates to the percentage of minutes that the school did not provide instruction. For purposes of this paragraph, "provide instruction" means "provide instruction during usual school hours."~~

(c) Notwithstanding the time requirements of paragraphs (a) and (b) of this subsection, districts may reduce physical education minutes by a percentage that correlates to the percentage of minutes that the school did not provide instruction during school weeks when there were: (A) scheduled school closures, including closures for holidays, inservice days and days scheduled for parent-teacher conferences; (B) unscheduled school closures, including closures for inclement weather and emergencies; (C) out-of-school activities that occur during usual school hours, including field trips and outdoor school programs.

(d) Notwithstanding the time requirements of paragraphs (a) and (b) of this subsection, if a district receives a waiver pursuant to OAR 581-022-~~2320~~4920 of the requirement to provide a minimum of teach 900 hours of instructional time annually for kindergarten through grade eight, the time requirements of paragraphs (a) and (b) of this subsection may be reduced by the percentage of the time requirements specified in paragraphs (a) and (b) of this subsection that correlates to the percentage of instructional time for which the district receives the waiver.

~~(3)(a) Districts are not required to comply with the time requirements established by subsection (1)(b) of this rule for school years during the biennium in which the total amounts appropriated or allocated to the State School Fund and available for distribution to districts are less than the amounts determined to be needed to be distributed to districts from the State School Fund under the tentative budget prepared pursuant to ORS 291.210. After the beginning of the biennium, a district may cease to comply with the time requirements established by subsection (1)(b) of this rule if the amounts appropriated or allocated to the State School Fund and available for distribution to districts are less than the amounts determined to be needed to be distributed to districts from the State School Fund, as calculated under ORS 291.210.~~

~~(b) In any biennia in which the total amounts appropriated or allocated to the State School Fund and available for distribution to districts are less than the amounts determined to be needed to be distributed to districts from the State School Fund under the tentative budget prepared pursuant to ORS 291.210, the Oregon Department of Education shall provide notice to each district as soon as practicable after making the determination that they are not required to comply with the time requirements established by subsection (1)(b) of this rule.~~

(3) Districts must comply with the requirements of ORS 329.496.

~~(4) Nothing in this rule affects the duties described in OAR 581-022-2265.~~

**Statutory/Other Authority:** ORS 326.051

Statutes/Other Implemented: ORS 329.496 & 2017 OL Ch. 301 Sec. 2



# Final Report: HB 4030 (2022) Grants

**Michael Elliott, School Finance and Facilities Managing Director**

Sarah Hackett, Education Staff Retention Grants Administrator

Michelle Merfeld, Substitute Reimbursement Grant Administrator

October 19, 2023

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# Education Staff Recruitment and Retention Grant

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# Retention and Recruitment Grant

**Purpose:** Provide funding to support retention and recruitment of recruiting and retaining personnel in education, with a priority on personnel in high-need specialties and including personnel who are licensed or classified.

**Total Funds Appropriated: \$78,162,971**

**Funds Awarded to School Districts,  
Charter Schools, and ESDs:  
\$78,127,971\***

\*ODE provided a \$35,000 grant to Oregon School Personnel Association for recruitment conferences/trainings.

Types of Grantees	#
School Districts	190
Charter Schools	77
Education Service Districts	18
<b>Total Grantees</b>	<b>265</b>

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# Retention and Recruitment Grant Timeline



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# Education Staff Retention and Recruitment Grant Applications

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## Included:

- Problem(s) of Practice (POP) Grantees planned to address
- How education staff were involved in identifying their Problem(s) of Practice
- How the proposed spending will build on efforts for retention and recruitment made with other funding sources, and
- The key action steps to take to implement these strategies, including the key partners and existing projects or initiatives.

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# Root Causes of Common Problems of Practice

Cause Code Type	Percent
Salaries	9.4%
Competition	8.5%
Rural	5.0%
Workload	5.0%
Undervalued	4.0%
Time	3.8%
Underprepared	3.5%
New Staff	3.3%
Small Pool	3.3%
Conditions	3.1%

19% of applicants did not cite a root cause in their problem of practice.

Analyzing the causes that were stated, salaries and competition for qualified candidates were identified as the most common causes. <sup>102</sup>

Applicants also described many compensation related problems, including a lack of affordable housing, childcare, and staff feeling undervalued. Particularly for classified staff, applicants described that wages are far less than needed to meet the cost of living in their communities.

# Retention and Recruitment Grant Spending

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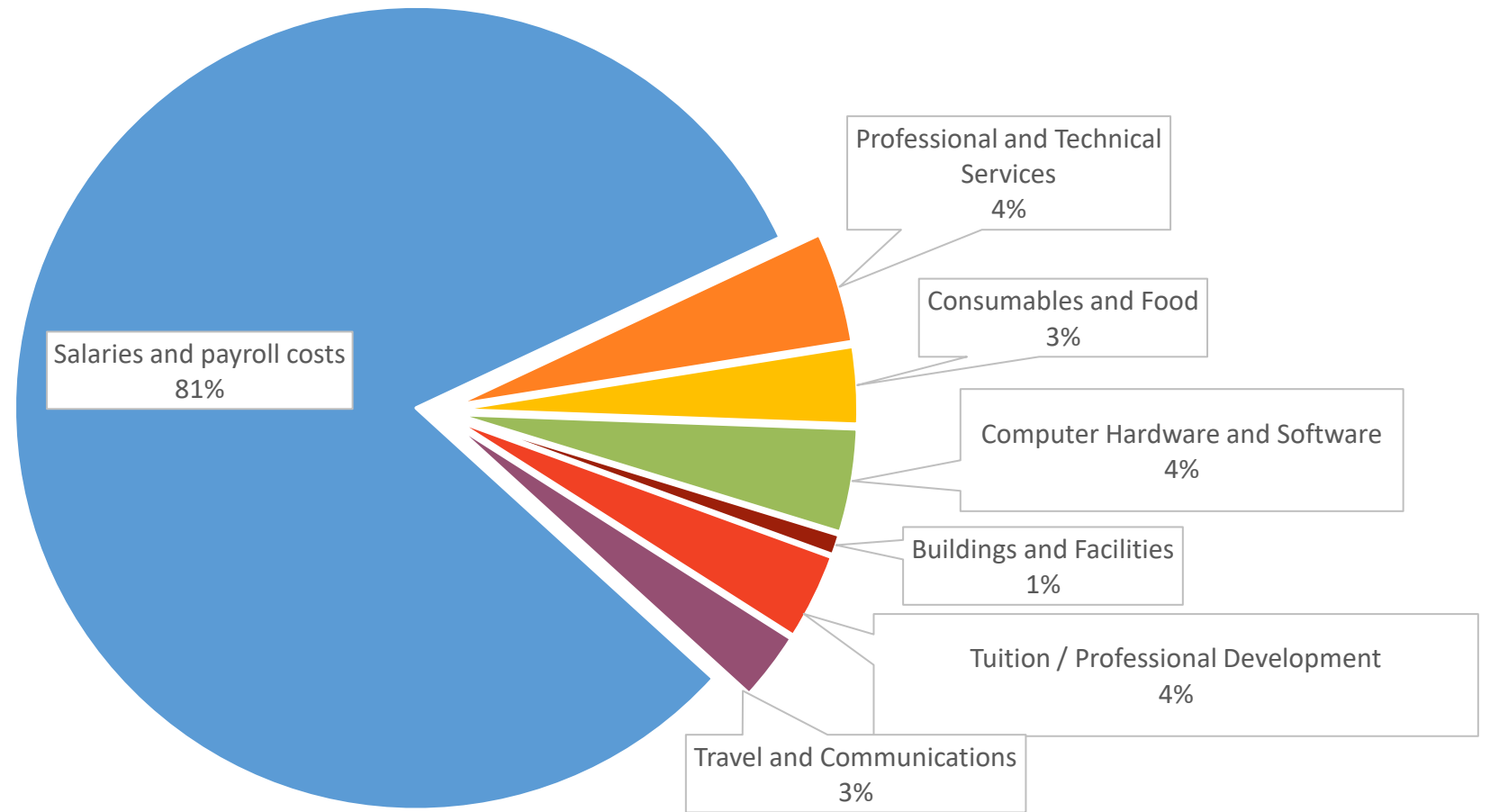
**265 Grantees**

**(School District, ESDs, and Charter Schools)**

**spent \$74,487,068 to support local efforts to retain and recruit licensed and classified K-12 personnel**

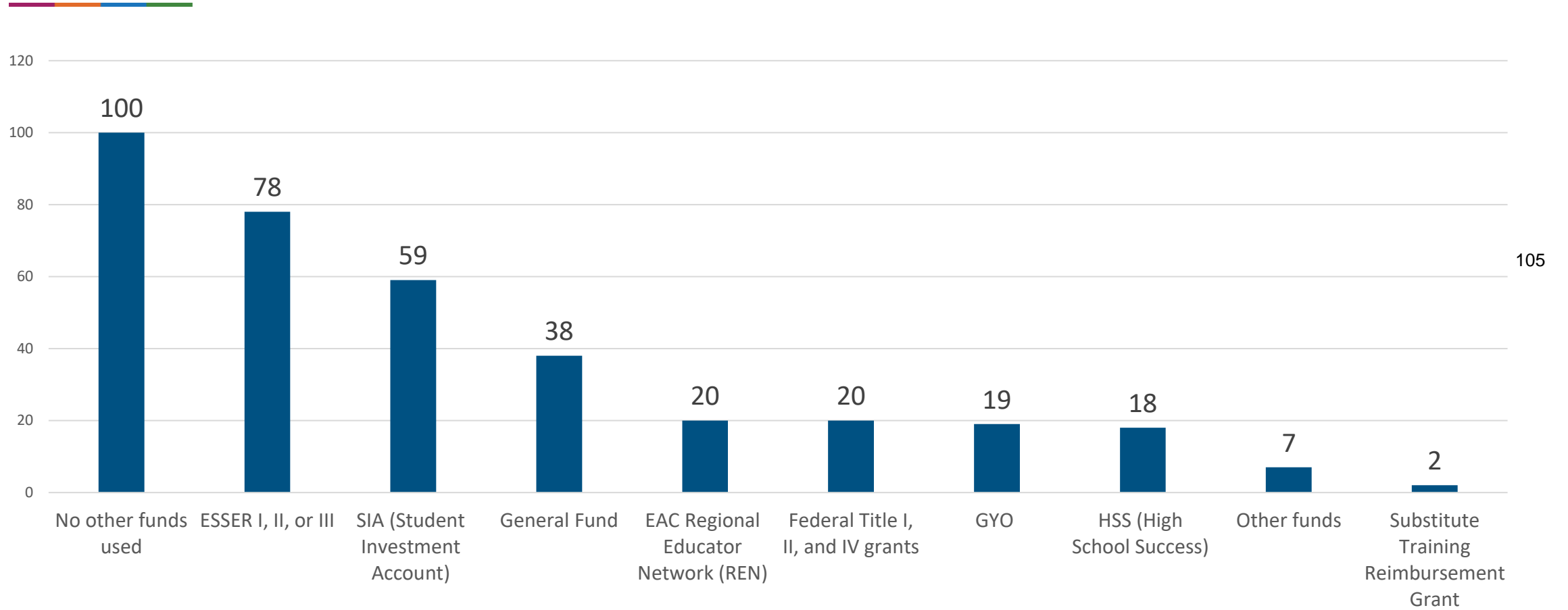
103

# Retention and Recruitment Grant Expenditures by Service or Commodity

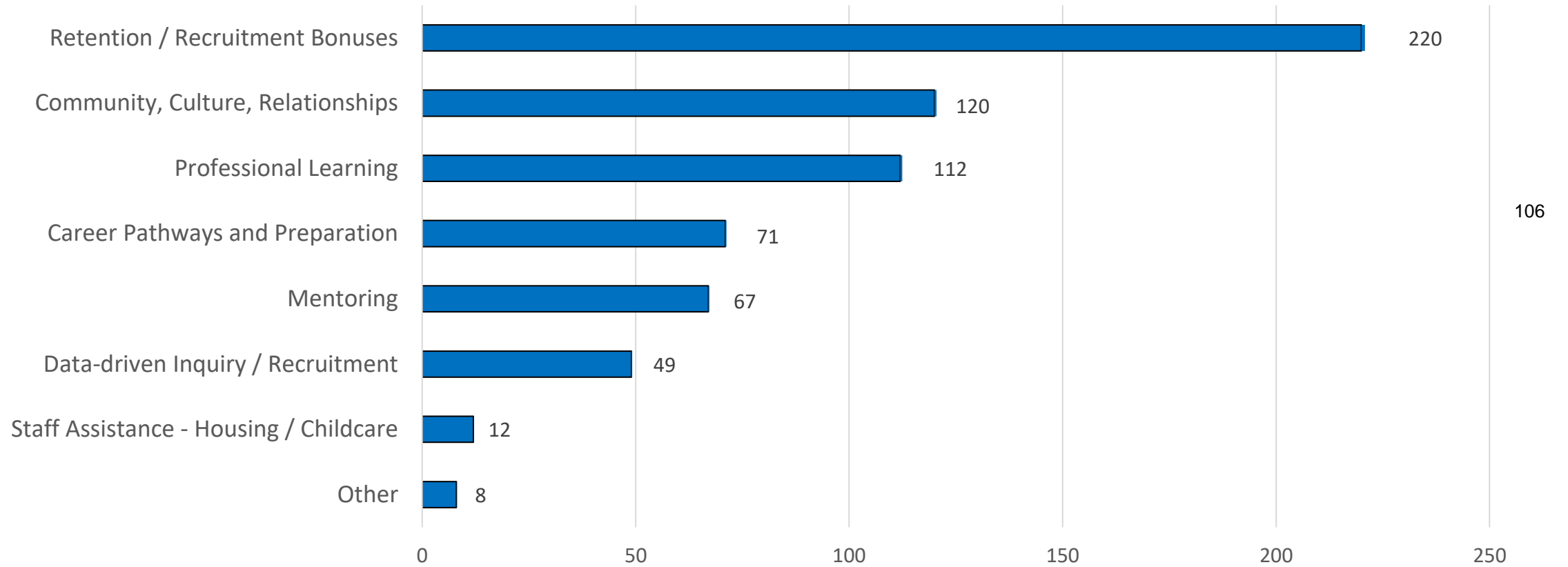


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# Other Funds Used With Retention and Recruitment Grant



# Retention and Recruitment Grant - Expenditures by Strategy



# Ability to Sustain Retention and Recruitment Grant Efforts

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Most Grantees reported that they would not be able to sustain the efforts they made through this grant, particularly for retention or recruitment bonuses.

Grantees noted that leveraging ESSER funds end after 2024.

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## Some efforts grantees may be able to sustain:

- Working through local REN to identify additional funding sources
- EAC Grow-Your-Own/Teacher Partnership Pathway Grants (GYO)
- Local contributions to continue sponsored staff meals and celebrations
- Mentorship programs but with fewer hours and/or collaboration with local ESDs



# Substitute and IAs Training Reimbursement Grant

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# Substitute and IAs Training Reimbursement Grant

**Purpose:** Provide funding to reimburse substitute teachers and instructional assistants for trainings they are required to take.

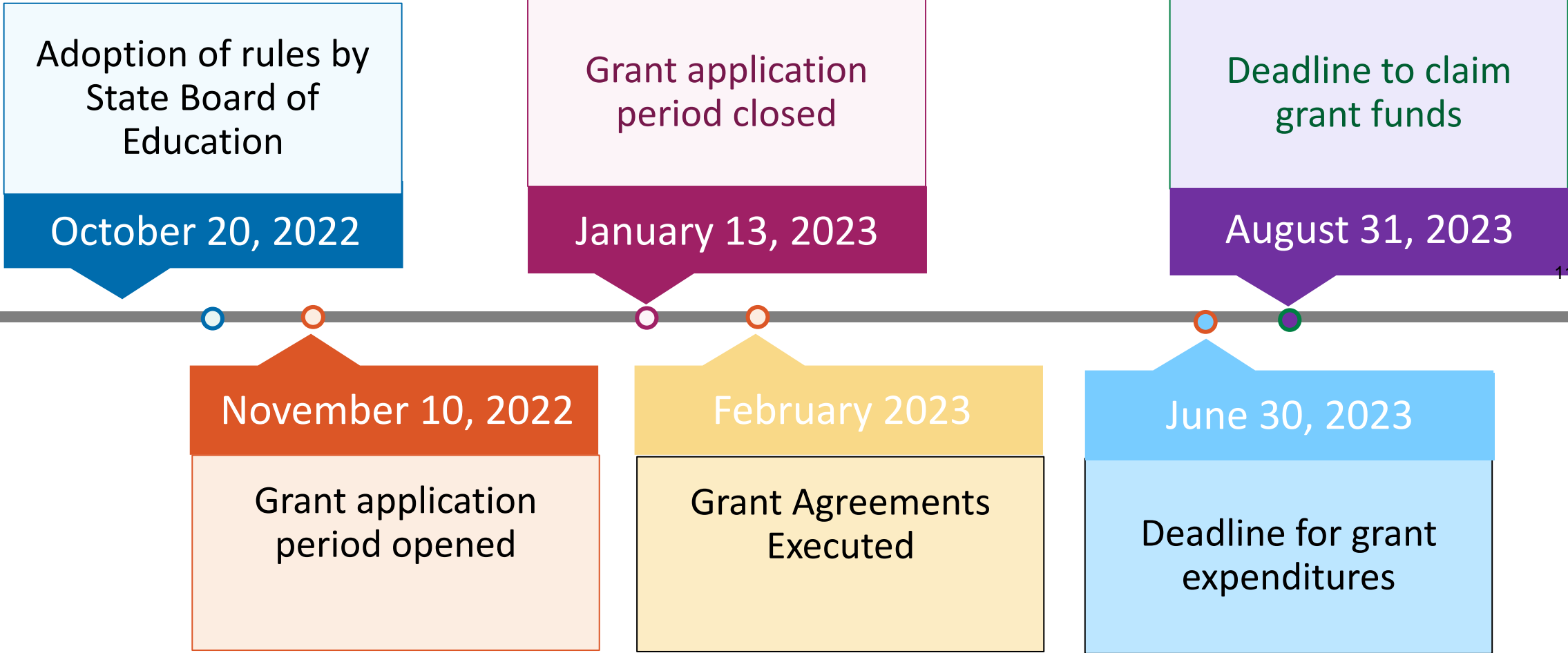
**Total Funds Appropriated: \$19.5 million**

**Funds Awarded to School Districts and ESDs: \$16,087,622**

Types of Grantees	#
School Districts	77
Education Service Districts	8
<b>Total Grantees</b>	<b>85</b>

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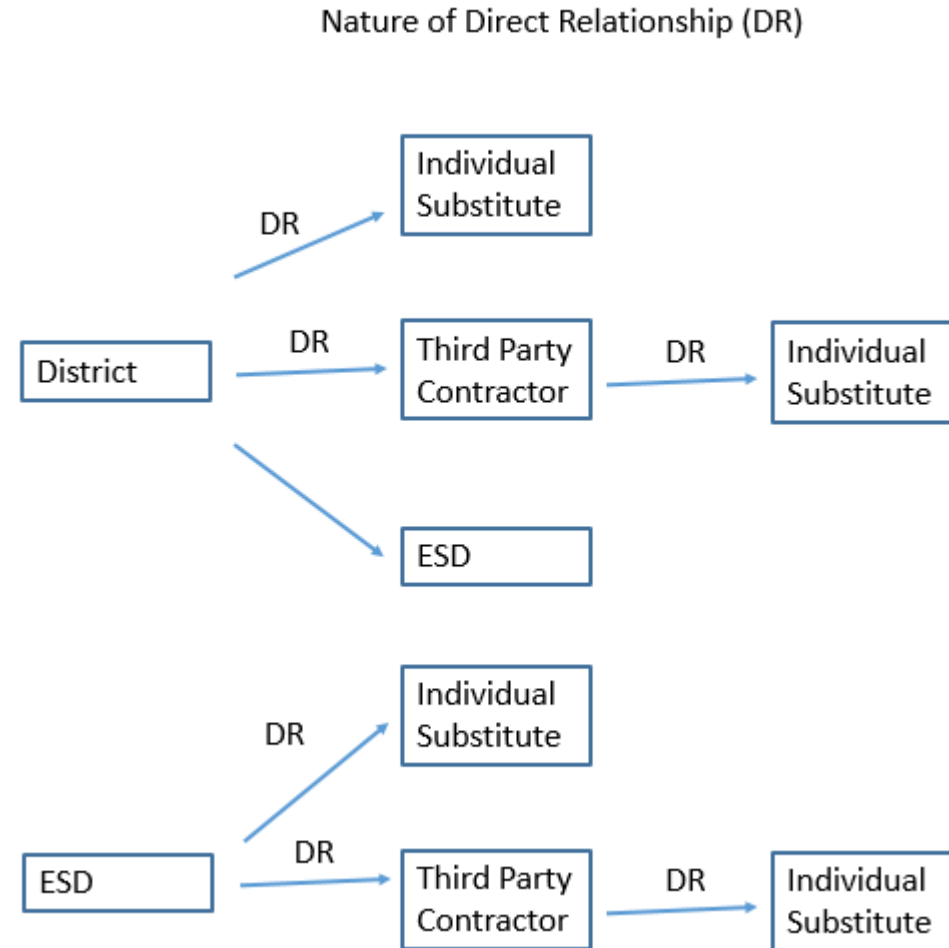
# Substitute and IAs Training Reimbursement Grant Timeline



# Substitute and IAs Training Reimbursement Grant

## Nature of Direct Relationship

- Substitute teachers and instructional assistants can have a complex employment relationship with districts and ESDs
- Districts and ESDs cannot retain any of the funds as administrative costs



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# Substitute and Instructional Assistant Training Reimbursement Grant

## Eligible Expenses

Districts and ESDs may use grant funds to reimburse substitutes and instructional assistants for incurred expenses related to required trainings; either required by the state to maintain a license or certification or required by a district or ESD to maintain employment. Eligible expenses include:

- Tuition
- Costs of training
- Travel expenses related to training hosted outside of the district where a substitute teacher or instructional assistant normally works
- Time spent to complete the trainings
- Conference fees
- Other trainings depending on need and available funds

**Districts and ESDs may cover their costs to provide training to individual substitute teachers and instructional assistants for required training.**

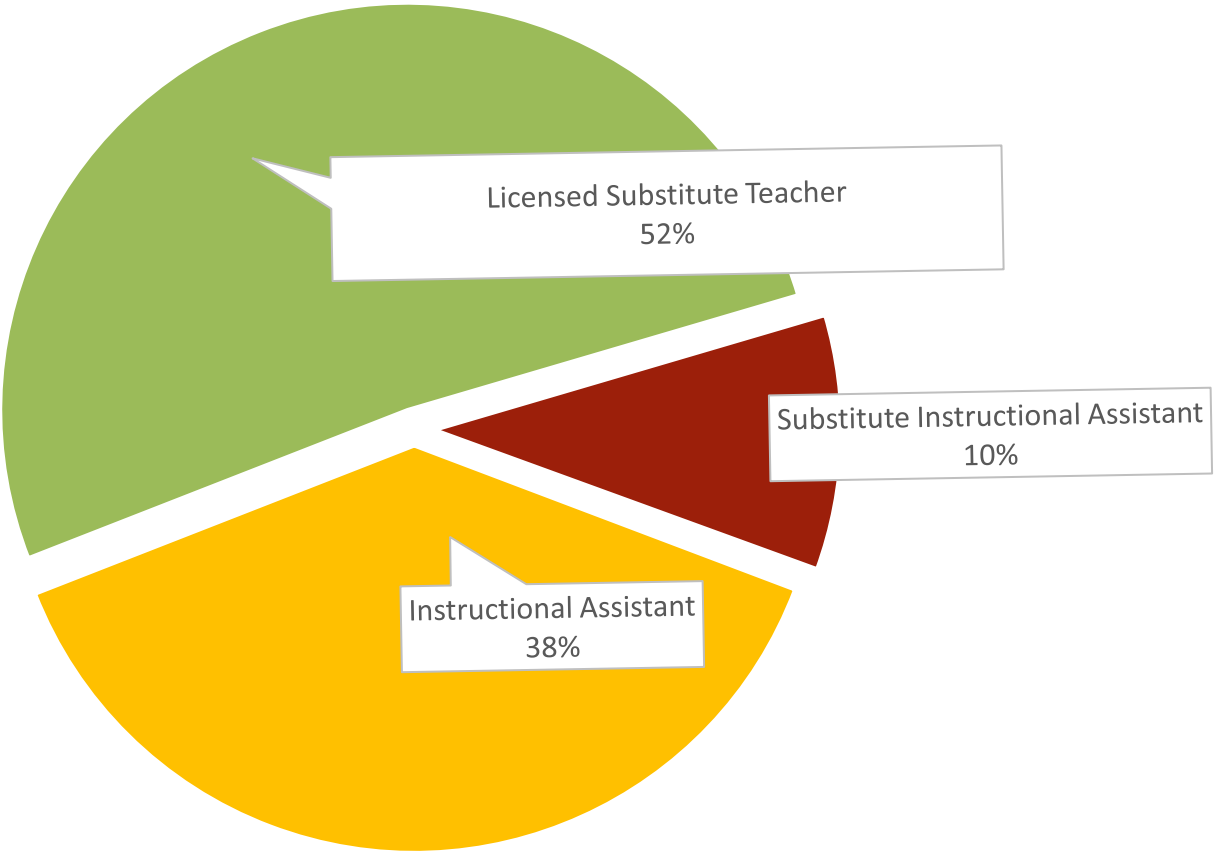
# Substitute and IA Training Reimbursement Grant Spending

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**85 Grantees  
(School Districts and ESDs)  
110 Total Claims by 53 Districts/ESDs  
spent \$3,059,341 to reimburse Substitute Teachers  
and Instructional Assistants for Training Costs.**

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# Types of Employees Reimbursed



# Expenditures by Employee Type

## Sub Training Grant Expenditures by Employee Type

Employee Type	Tuition Cost	Time Cost	Travel Cost	Total Expenses
Licensed Substitute	\$ 196,075.53	\$ 1,420,719.30	\$ 1,066.80	\$ 1,617,861.63
Instructional Assistant (IA)	\$ 104,059.34	\$ 995,965.00	\$ 12,729.01	\$ 1,112,753.35
Substitute IA	\$ 25,762.31	\$ 245,876.40	\$ 1,639.80	\$ 273,278.51
n/a	\$ 6,426.78	\$ 48,327.31	\$ 693.19	\$ 55,447.28
<b>Grand Total</b>	<b>\$ 332,323.96</b>	<b>\$ 2,710,888.01</b>	<b>\$ 16,128.80</b>	<b>\$ 3,059,340.77</b>

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# Substitute and IAs Training Reimbursement Grant Feedback from Districts and ESDs

- “At this time, I have no intention to apply for a couple of reasons. The first reason being the **inordinate amount of different grant opportunities** presented to districts. It’s fantastic that there are plentiful opportunities for grants. However, the reality is (at least for the District’s I serve), it’s becoming **cumbersome and daunting at the same time to manage the grants** from applying, to receiving the funds, planning for the funds in the budget and then reporting <sup>116</sup> on how the funds were spent. The **minimal return on investment makes it difficult to pursue the funds**. Secondly, because of the amount of federal funds the Districts have available to spend, and the cost that either District has had to expend at this point, is minimal. Again based on the minimal return on investment, the choice has been made to pass on these grant opportunities.” *(emphasis added)*

# Thank You



Michael Elliott, School Finance and Facilities Managing Director

[Michael.S.Elliott@ode.oregon.gov](mailto:Michael.S.Elliott@ode.oregon.gov)

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# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 581-017-0780, -0790 Rule Repeal

<p><b>SUBJECT:</b> 581-017-0780, -0790</p> <p><b>STAFF NAME &amp; OFFICE:</b> Haedon Brunelle, Office of the Director</p> <p>HB 4030 created two new grants, the Educator Retention and Recruitment Grant (Educator Retention Grant), and the Substitute Teacher and IA Training Reimbursement Grant (Substitute Training Grant). These grants have ended and no longer operational. These were previously repealed by the State Board in December, to address a filing error, we ask for another vote to repeal.</p> <p><input type="checkbox"/> New Rule</p> <p><input type="checkbox"/> Amend Existing Rule</p> <p><input checked="" type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> <b>First Reading</b></p> <p><input type="checkbox"/> Presentation</p> <p><input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> Temp Rule</p> <p><input type="checkbox"/> Presentation</p> <p><input checked="" type="checkbox"/> No Presentation</p>
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## BACKGROUND

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In the 2022 short session, the legislature passed HB 4030 which provided one-time funds to address problems with the education workforce. Within the bill, there were two grant programs. The Educator Retention Grant provided \$78.2 million to districts, ESDs, and charter schools to address teacher retention and recruitment problems. The Substitute Training Grant provided \$19.5 million to districts to cover the costs of mandatory trainings that substitutes are required to take to be allowed to work in the district. Both of these grants were one-time funds and ended on June 30, 2023.

The Educator Retention Grant went out to 265 grantees (190 school districts, 77 charter schools, and 18 ESDs). Each recipient had to submit an application for the grant. In the application, they had to identify some long-standing problems of practice and then describe the strategies they would use to address those problems of practice. Additionally, grant recipients had to identify how they meaningfully involved their staff in the development of the grant application.

Once the applications were approved, grant funds were distributed to recipients to implement the previously identified strategies to address their problems of practice. Each recipient could use the funds to implement multiple strategies. The top three strategies implemented by number of recipients were:

- Retention and Recruitment Bonuses – 220 recipients
- Addressing the community and culture of the workplace – 120 recipients
- Providing additional professional learning – 112 recipients.

Recipients spent \$74.5 million of the grant funds. Moving forward many recipients reported that they would not be able to sustain the work provided by the grant, since there are no other funds to sustain and move the work forward. Some recipients looked to their Regional Educator Networks to look for ways to sustain the work started by the grant. However, for most, they did not have additional funds to sustain the work started by this one-time grant.

The Substitute Training Grant’s goal was to reimburse substitute teachers and instructional assistants costs to complete training required by districts before being able to work for each district. Historically substitutes paid for any tuition costs for these trainings and were not paid for their time to complete these trainings. The Substitute Training Grant was designed to cover those costs.

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 581-017-0780, -0790 Rule Repeal

The Substitute Training Grant was not as successful as the Educator Retention Grant. There were several barriers to full participation. First, there is a complicated relationship between districts, third party staffing agencies, and individual substitutes. This led to the following barriers:

- Third party staffing agencies did not engage with this grant early, despite several attempts to reach out to them;
- Districts and third party staffing agencies were not in alignment regarding participation in this grant; and
- Substitutes did not necessarily receive information about this grant in a timely manner.

Another barrier was ODE was only able to transfer reimbursement funds to districts rather than directly to substitutes or third party staffing agencies. The grant was voluntary for district participation which meant that if a district chose to not participate, then those substitutes would not be able to receive reimbursement or grant funds. ODE does not have the capacity to provide direct payments to over 7,000 substitutes across the state. Districts gave several reasons for not participating:

- Districts did not have the staff to support the grant and were overwhelmed with the number of grants being offered;
- Districts were not provided with any administrative costs to cover the work to implement the grant which meant they could not hire additional staff to help implement the grant; and
- Districts did not have funds to sustain these payments after the one-time funds ended.

In the end, 85 school districts and ESDs applied for the grant. 106 claims were submitted by 50 grantees. They spent almost \$3 million providing reimbursements to their substitute teachers and instructional assistants for training costs.

Under HB 4030, these grants expire on January 1, 2024. That means the underlying statutory authority for our administrative rules expires. The repeal of OAR 581-017-0780 and -0790 is to remain in compliance with applicable statutory authority.

There has not been extensive community engagement on these rules because all of the grant recipients and other partners have been notified that the grants have ended. , There are no more opportunities to obtain grant funds, and the repeal of the rules is to align with the expiration of the statute. Also, when presented to the Rules Advisory Committee, there were no questions and everyone understood the purpose of this request.

## **SUMMARY OF PREVIOUS BOARD ACTION**

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1. This was previously voted on in December. There were no concerns from the Rules Advisory Committee or the Board on moving forward with repeal. It is important to remember that there are no further opportunities for districts to access these funds as the grants have closed. These rules are coming back for a repeal due to a filing error where public notice days prior to passage were too short. An OAR hearing has been held since with no engagement from the public. We are now in filing compliance.

## **HAS THE RULE CHANGED SINCE LAST BOARD MEETING?**

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# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 581-017-0780, -0790 Rule Repeal

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

## **POLICY ISSUE OR CONCERNS**

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There are no policy issues or concerns with this requested repeal.

## **EQUITY IMPACT ANALYSIS**

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The repeal of the rules does not have an impact on historically marginalized communities.

## **FISCAL ANALYSIS**

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There are no continuing fiscal impact to grant recipients or small businesses.

## **EFFECT OF A "YES" OR "NO" VOTE**

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If the Board votes yes to repeal of these rules, they will remove rules that no longer have any authority or impact. If the Board votes no to the repeal of these rules, then the rules will remain "on the books" even though the underlying statute has sunset and the grants have ended.

## **STAFF RECOMMENDATION**

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

## **ATTACHMENTS**

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Attachment 1: OAR 581-017-0780

Attachment 2: HB 4030 Grants Final Report

# Oregon Department of Education

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## Chapter 581

### Division 17 STRATEGIC INVESTMENTS

#### 581-017-0780

#### Education Staff Retention and Recruitment Grants

(1) The following definitions apply to this rule:

- (a) "ADMw" is Average Daily Membership weighted as calculated per ORS 327.013 and does not include extended ADMw per ORS 327.013(1)(c).
- (b) "Charter School" is a public charter school organized and operated per ORS Chapter 338.
- (c) "Department" is the Oregon Department of Education, or the Educator Advancement Council.
- (d) "District" or "School District" is a public school district organized and operated per ORS Chapter 332.
- (e) "Education Staff Retention and Recruitment Grants" or "Grant" are the grants established by OR Laws Chapter 116 Sections 7-10 (2022).
- (f) "Eligible Recipient" is a Charter School, School District, ESD, or a consortia thereof.
- (g) "EGMS" is the Department's Electronic Grant Management System.
- (h) "ESD" or "Education Service District" is an education service district organized and operated under ORS Chapter 334.

(2) The funds appropriated to the Grant will be distributed to ESDs, Districts, and Charter Schools as follows:

- (a) Any funds to be disbursed to school personnel organizations will be subtracted from the total amount of funds allocated under Oregon Laws Chapter 116 Section 7 (2022).
- (b) The remaining amount of funds will be split with 95% of the funds allocated to Districts and Charter Schools and 5% of the funds allocated to ESDs.
- (c) The Districts and Charter Schools allocation shall be distributed as follows:
  - (A) The ADMw for Districts shall be adjusted such that no district receives less than 91 ADMw for purposes of this formula;
  - (B) The ADMw for Charter Schools shall be adjusted such that no Charter School receives less than 91 ADMw for purposes of this formula;
  - (C) The adjusted ADMw for Districts and Charter Schools shall be totaled;
  - (D) The allocation for Districts and Charter Schools shall be divided by the total adjusted ADMw to obtain a Funding Per ADMw amount; and
  - (E) The Funding Per ADMw amount shall be multiplied by the individual organization's adjusted ADMw to determine the total allocation for that organization.
- (d) The ESD allocation shall be distributed as follows:
  - (A) The ADMw for ESDs shall be adjusted such that no ESD receives less than 1,737 ADMw for purposes of this formula;
  - (B) The adjusted ADMw for ESDs shall be totaled;

- (C) The allocation for ESDs shall be divided by the total adjusted ADMw to obtain a Funding Per ADMw amount; and
- (D) The Funding Per ADMw amount shall be multiplied by the individual ESD's adjusted ADMw to determine the total allocation for that ESD.
- (3) The application process for the Education Staff Retention and Recruitment Grants shall be as follows:
- (a) The Department shall post an application form on its website available to all Eligible Recipients.
- (b) The Department shall open the application period at a date to be determined by the Department.
- (c) Eligible Recipients shall submit an application no later than May 31, 2022.
- (d) The application form shall include the following:
- (A) Name of applicant;
- (B) Department's institution identification number of applicant;
- (C) Name and contact information of the person who will be the grant manager;
- (D) Name and contact information of the person authorized to sign the grant agreement;
- (E) A description of how the Eligible Recipient's personnel had significant participation in developing the Eligible Recipient's proposed plan;
- (F) A brief description of the Eligible Recipient's proposed plan;
- (G) A brief description of how the Eligible Recipient's proposed plan aligns with guidance published by the Department; and
- (H) Signature of person authorized to sign applications agreeing to the terms of the grant.
- (e) The Department shall review and approve all applications.
- (f) If the Department determines that an application is incomplete or insufficient, the Department shall notify the Eligible Recipient.
- (g) The Eligible Recipient shall have until a date to be determined by the Department to complete the application or correct any deficiencies.
- (h) If the Eligible Recipient does not submit the revised application by the required date, the Eligible Recipient may not receive any grant funds.
- (i) If there are Eligible Recipients that do not submit an approved application, any funds allocated to those Eligible Recipients will be redistributed on a pro-rated basis to Eligible Recipients that submitted an approved application.
- (4) Eligible Recipients shall execute a Grant Agreement with the Department before receiving any grant funds.
- (5) Once the grant agreement is executed, the Department shall distribute through the Department's EGMS system 85% of the grant funds.
- (6) Grant funds shall be expended in accordance with the Eligible Recipient's plan as submitted and approved in their application.
- (7) By May 1, 2023, Eligible Recipients shall submit a narrative report to the Department, on a template provided by the Department, that:
- (a) Provides a description of how the Eligible Recipient used the funds to implement the plan proposed in the application including any subsequent changes made to the plan by the Eligible Recipient.
- (b) Provides what types of school personnel were directly impacted through the grant funding;
- (c) Provides measurable impacts of the grant funding; and
- (d) Provides other information as required by the Department.
- (8) By May 1, 2023, Eligible Recipients shall submit necessary financial reporting to track the expenditure of funds received by the Eligible Recipient to provide details on specific expenses and ensure that all expenditures comply with (6) above.
- (9) The Department shall review all reports submitted by Eligible Recipients.

(10) If an Eligible Recipient's financial reporting indicates expenditures are outside of the approved plan or any changes described in (7)(a) above, the Department may:

- (a) Require additional documentation and explanation for the expense;
- (b) Disallow the expense to be reimbursed using grant funds and require the Eligible Recipient to provide additional eligible expenses; or
- (c) Reduce the remaining grant funds to be disbursed to the Eligible Recipient by the amount of the disallowed expense.

(11) The Department's determinations of eligible expenses shall be final.

(12) If the Department approves all expenses in the expense report, the Eligible Recipient may request the remaining 15% of funds to be provided through EGMS.

(13) Eligible Recipients shall expend all grant funds by June 30, 2023.

(14) Eligible Recipients shall submit claims for all remaining funds in EGMS by July 31, 2023.

(15) Eligible Recipients shall submit financial reports in compliance with (8) above for all remaining expenditures by July 31, 2023.

(16) All reports shall be submitted electronically to the Department using templates and means established by the Department.

(17) If an Eligible Recipient fails to provide any required reports, the Department may require the Eligible Recipient to repay all grant funds.

(18) These rules are repealed on January 1, 2024.

**Statutory/Other Authority:** Ch. 116, OL 2022, Sec. 7-10

**Statutes/Other Implemented:** Ch. 116, OL 2022, Sec. 7-10

**History:**

[ODE 53-2022, adopt filed 10/27/2022, effective 10/27/2022](#)

[ODE 27-2022, temporary adopt filed 05/24/2022, effective 05/24/2022 through 11/19/2022](#)

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# Oregon Department of Education

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## Chapter 581

### Division 17 STRATEGIC INVESTMENTS

#### 581-017-0790

#### Substitute Training Cost Reimbursement Grants

(1) The following definitions apply to this rule:

(a) "ADMw" is Average Daily Membership weighted as calculated per ORS 327.013 and does not include extended ADMw per ORS 327.013(1)(c).

(b) "Department" is the Oregon Department of Education.

(c) "Direct Relationship" means a relationship where the ESD or District directly employs a Substitute Teacher or Instructional Assistant, or contracts with a third-party provider, not an ESD or District, for the Substitute Teacher's or Instructional Assistant's services.

(d) "District" or "School District" is a public school district organized and operated per ORS Chapter 332.

(e) "EGMS" is the Department's Electronic Grant Management System.

(f) "ESD" or "Education Service District" is an education service district organized and operated under ORS Chapter 334.

(g) "Instructional Assistant" means any staff employed by a district, education service district, public charter school, or private third party who assists with preparation of curriculum, assessment, and direction of learning in class, in small groups, in individual situations, online, in the library, and in guidance and counseling. The terms "substitute instructional assistant," "educational assistant," and "substitute educational assistant" have the same meaning as "Instructional Assistant".

(h) "Required Training" means:

(A) Any training required by the state to maintain a credential or license;

(B) Any training required by school district policy in order to maintain employment in that district;

(C) Any other training approved by the Department.

(i) "Substitute Teacher" or "Substitute" means any staff employed by a school district, education service district, public charter school, or private third party who is employed to take the place of a probationary or contract teacher who is temporarily absent.

(j) "Substitute Training Grant" means the Substitute Teacher and Instructional Assistant Training Cost Reimbursement Grants established by Oregon Laws Chapter 116 Sec. 10-12 (2022).

(2) Districts and ESDs shall apply for the Substitute Training Grant as follows:

(a) Districts and ESDs will apply using the correct form as posted on the Department's website.

(b) The District application form shall include:

(A) The number of Instructional Assistants in a Direct Relationship with the District;

(B)(i) The number of Substitute Teachers in a Direct Relationship with the District; or

(ii) The name of the ESD that provides Substitute Teachers to the District; and

- (C) Any additional information required by the Department to administer the Substitute Training Grant.
- (c) The ESD application form shall include:
- (A) The number of Instructional Assistants in a Direct Relationship with the ESD;
- (B) The number of Substitute Teachers in a Direct Relationship with the ESD;
- (C) The names of all Districts the ESD contracts with to provide Substitute Teachers; and
- (D) Any additional information required by the Department to administer the Substitute Training Grant.
- (d) The Department shall open the application period at a date to be determined by the Department.
- (e) Districts and ESDs shall submit an application by a date to be determined by the Department.
- (f) The Department shall review and approve all applications.
- (g) If the Department determines that an application is incomplete or insufficient, the Department shall notify the District or ESD.
- (h) The District or ESD shall have until a date to be determined by the Department to complete the application or correct any deficiencies.
- (i) If the District or ESD does not submit the revised application by the required date, the District or ESD may not receive any grant funds.
- (3) Once all applications have been submitted and approved, the Department will calculate a total number of Instructional Assistants and Substitute Teachers from the applications.
- (4) The grant funds will be divided by that number to calculate an amount of funds per position.
- (5) The Department shall allocate the funds as follows:
- (a) To each individual District or ESD that applied by multiplying the amount of funds per position by the number of Instructional Assistants and Substitute Teachers in a Direct Relationship with that ESD or District; and
- (b) Reserve 5% of the grant funds to be provided to an individual District or ESD as determined by the Department.
- (6) Districts and ESDs shall execute a Grant Agreement with the Department before receiving any grant funds.
- (7) Districts and ESDs shall distribute the funds to Substitutes and Instructional Assistants to reimburse them for Eligible Costs incurred taking Required Trainings.
- (8) Eligible Costs include:
- (a) Tuition or registration costs of Required Training;
- (b) Travel expenses incurred to attend a Required Training outside of a District or ESD where a Substitute Teacher or Instructional Assistant normally works. Travel expenses will be reimbursed according to State of Oregon Department of Administrative Services travel policies;
- (c) Reimbursement for time taken to attend Required Training. Time will be reimbursed at the Substitute Teacher's or Instructional Assistant's current wage rate.
- (9) Substitute Teachers and Instructional Assistants may submit Eligible Costs incurred from April 15, 2022 through June 30, 2023 for reimbursement.
- (10) Districts and ESDs may not retain any percentage of the funds to cover their costs associated with administering the grants.
- (11) The Department may allow Districts and ESDs to submit Eligible Costs directly to the Department for Required Training provided by the District or ESD to Substitute Teachers or Instructional Assistants. The Department may require additional information from the District or ESD to ensure that any funds received by the District or ESD go to covering costs of training.
- (12) Districts and ESD may submit costs for review by the Department. The Department may make individual determinations as to whether the costs submitted are reimbursable. The Department's determination shall be final.
- (13) Districts and ESDs shall keep all documentation needed to verify the request for reimbursement of Eligible Costs for Required Trainings for 6 years. Districts and ESDs shall provide the documentation to the Department upon request.
- (14) Districts and ESDs shall submit reimbursement requests to the Department on a form provided by the Department.

(15) Districts and ESDs shall submit corresponding claims to the Department through the Department's EGMS.

(16) Substitute Teachers and Instructional Assistants must submit all reimbursement requests to Districts and ESDs by June 30, 2023.

(17) Districts and ESDs shall submit final reimbursement requests and corresponding EGMS claims to the Department by July 31, 2023.

**Statutory/Other Authority:** Ch. 116, OL 2022, Sec. 10-12

**Statutes/Other Implemented:** Ch. 116, OL 2022, Sec. 10-12

**History:**

[ODE 53-2022, adopt filed 10/27/2022, effective 10/27/2022](#)

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# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 4.B.

<p><b>SUBJECT:</b> 581-021-0556: Procedures Regarding Restraint and Seclusion</p> <p>Tenneal Wetherell, Chief of Staff, ODE Lisa Joy Bateman, School Age District Support Specialist, Office of Enhancing Student Opportunities</p> <p><a href="#">SB 1024</a> amends ORS <a href="#">339.294</a> and OAR <a href="#">581-021-0556</a> <a href="#">SB 1024</a> - Modifies provisions regarding retention of records of incidents involving the use of restraints or seclusion of children in care and students in public education programs. SB 1024 additionally requires additional reporting processes for serious bodily injury or death of a student or personnel that occurs in relation to the use of restraint or seclusion.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading     <input type="checkbox"/> No Presentation     <input type="checkbox"/> Presentation <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

The Oregon legislature passed several bills related to restraint and seclusion during the 2023 legislative session, namely Senate Bills (SB) 283, 577, 790, and 1024.

- [SB 283](#) - Establishes the Safe School Culture Grant program to develop a network of instructors who are certified in nonviolent crisis intervention methods to ensure that at least one school district or education service district (ESD) staff member is certified for every 50 students in the school district or ESD.
  - Temporary Rule [581-017-XXXX](#) Safe School Culture Grant: Distribution Formula
- [SB 577](#) - Modifies language in ORS 339.250: Duty to Comply. This modifies when the use of force upon a minor child or student is justifiable and not criminal, further banning corporal punishment in schools and by parents.
- [SB 790](#) - Modifies definition of “abuse” for purposes of child abuse to include violations around the use of restraint and seclusion on students.
- [SB 1024](#) - Modifies provisions regarding retention of records of incidents involving the use of restraints or seclusion of children in care and students in public education programs. SB 1024 additionally requires ODE to have a process for receiving written reports of Serious Bodily Injury or Death of Personnel that occurs in relation to the use of restraint or seclusion within 24 hours of its occurrence.
  - Draft Rule [581-021-0556](#)

## History

OAR 581-021-0556 (Procedures Regarding Restraint and Seclusion) was first developed following the adoption of [HB 2939](#) (2011). It was later revised in October of 2019, as necessary under [SB 963](#), which changed the restraint and seclusion statutes in Oregon public education programs.

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 4.B.

In the 2023 session, the Legislature passed Senate Bill 1024, which has an effective date of January 1, 2024. SB 1024 introduces requirements regarding the preservation and disclosure of records related to incidents of restraint or seclusion in public education programs.

## **Purpose**

Under SB 1024, a public education program must preserve all records associated with an incident of restraint or seclusion, including audio or video recordings. Public education programs are required to keep these records in their original format and may not alter them in any way. A required debriefing meeting must occur within two days of any incident involving restraint or seclusion; under SB 1024, the public education program must review any preserved audio or video recordings during the required debriefing meeting.

## Disclosure to Parents or Guardians

Following an incident involving the use of restraint or seclusion, the parent must receive immediate, written notification of the existence of a record. Upon request from a student's parent or guardian, the public education program must disclose the records preserved under this section. To the extent feasible without changing the record's meaning, the program should redact or segregate personally identifiable information (PII) of other students from the disclosed record. If it is not possible to do so without altering the record's meaning, the program should provide access to the record to the parent or guardian in its original format without any changes.

## Disclosure to the Department of Human Services

If the incident of restraint or seclusion is being investigated by the Department of Human Services (DHS) as suspected child abuse, the public education program must, upon request, disclose to DHS or its representative any relevant records. These records should be provided in their original format without any alterations. Public education programs' adherence to these requirements ensures proper preservation of records and enables the appropriate disclosure of records related to incidents of restraint or seclusion, as required.

## Serious Bodily Injury or Death of a Student

SB 1024 adds the requirement that if serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, oral notification of the incident must be provided immediately to a parent or guardian of the student and to DHS. This is in addition to the already required written notification of the incident that must be provided within 24 hours of the incident to DHS.

## Serious Bodily Injury or Death of Personnel of the Public Education Program

SB 1024 adds the Superintendent of Public Instruction to the list of individuals who must be notified if serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion. Written notification of the incident must be provided within 24 hours of the incident to the district superintendent, to the Superintendent of Public Instruction and, if applicable, to the union representative for the affected party.

## **Proposed Draft Rule and Board Discretion**

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 4.B.

The proposed revision to OAR 581-021-0556 was drafted to reflect the requirements of SB 1024, as described above. The Board does not have discretion over those elements. However, the proposed draft rule introduces additional discretionary elements to the minimum requirements of SB 1024, as described above. Specific items under Board discretion include:

1. **Definition of “immediately”:** SB 1024 requires that school districts notify the parent or guardian of the existence of records concerning restraint or seclusion immediately. The board exercises discretion in deciding the timing and method for the immediate, written notification of records concerning incidents of restraint or seclusion. The proposed draft rule precisely defines the term “immediate” to ensure sufficient clarity that enables school district adherence to all notification timelines.
2. **Parental Notification:** The board also has discretion in determining parental participation requirements in section 4. This section includes specific provisions regarding parental involvement in the mandatory debrief meeting, scheduled within two days of any incident. Moreover, the parent or guardian retains the right to request an additional meeting if unable to attend the required debriefing within two school days of the restraint or seclusion incident. SB 1024 does not require this additional opportunity for parental participation
3. **Definition of “disclose”:** The term “disclose” is further defined in this rule to guarantee compliance and alignment with the Family Educational Rights and Privacy Act (FERPA). FERPA applies to all educational institutions that receive federal funding, which includes most K-12 schools and postsecondary institutions and is designed to protect the privacy of students.
4. **Specificity of required viewing of a record:** Further specificity was added to address the requirements of viewing. The revised rule now explicitly states that the entire audio or video recording of *the incident of restraint or seclusion* must be thoroughly reviewed in its entirety.

## Has the agency provided an opportunity to receive feedback on these temporary rules?

There has been significant public voice and input on this rule, as it is a small part of a suite of changes affecting implementation of restraint and seclusion for children in care and in public education programs in Oregon. The Oregon legislature passed several bills related to restraint and seclusion during the 2023 legislative session, including Senate Bills (SB) 283, 577, 790, and 1024. ODE staff have been working statewide on implementation.

This engagement process included initial engagement sessions during the Fall of 2023 with the following groups:

- 175+ special education directors
- superintendents and principals
- COSA Fall Special Education Conference participants
- X - formerly known as Twitter - users through a shared link to give input on the draft rule
- Oregon Education Association
- ODE Office of Indian Education
- Oregon’s Federally Designated Parent Organizations: FACT and CODSN
- ODE Rules Advisory Committee in November 2023 and again in January 2024
- Oregon School Resource Officers Association (OSROA)
- Oregon School Employees Association (OSEA)

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 4.B.

Individuals provided input and feedback on an initial draft and a second version of the rule using [this survey](#). Furthermore, ODE staff presented the draft rule to ODE’s Rules Advisory Committee on November 7, 2023, and to the State Board of Education on December 7, 2023, and we received further feedback on the rule.

ODE reviewed all feedback received related to this proposed draft rule and has, accordingly, made substantial changes to the draft before the Board for adoption today. ODE is asking the Board to adopt this rule during the February 2024 State Board of Education meeting.

## SUMMARY OF PREVIOUS BOARD ACTION

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OAR 581-021-0556 (Procedures Regarding Restraint and Seclusion) was first developed following the adoption of [HB 2939](#) in 2011.

It was later revised in October of 2019, as necessary under [SB 963](#), which changed the restraint and seclusion statutes in Oregon public education programs.

In the 2023 session, the Legislature passed Senate Bill 1024, which has an effective date of January 1, 2024. SB 1024 introduces requirements regarding the preservation and disclosure of records related to incidents of restraint or seclusion in public education programs which required updates to OAR 581-021-0556.

ODE had the opportunity to present to the Board for a first read of this proposed draft rule on December 7, 2024.

## HAS THE RULE CHANGED SINCE THE LAST BOARD MEETING?

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

The Department engaged further with a second Rules Advisory Committee (RAC) meeting in January 2024. The Department also engaged with both the Oregon School Resource Officers Association (OSROA) and the Oregon School Employees Association (OSEA) after the December board meeting where the initial reading of the rule took place.

The rule has undergone updates since the last board meeting. A clarification has been incorporated into section 9(b), specifically focused on the viewing of a record. The amended rule now expressly outlines that the complete audio or video recording “of the incident of restraint or seclusion” must be thoroughly reviewed in its entirety.

This modification aims to address concerns raised during engagement sessions, emphasizing the significance of distinguishing the incident from the entirety of the content in the recording that may be unrelated to the incident of restraint or seclusion.

## POLICY ISSUE OR CONCERNS

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# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 4.B.

The major feedback that ODE received on this proposed draft rule centered on definitions of terms, parental involvement, and student confidentiality. The below chart summarizes key policy issues or concerns ODE heard from the field, ODE’s Rules Advisory Committee, partners, and from individual members of the public through statements submitted during the ongoing engagement process for DRAFT OAR 581-021-0556.

Feedback Received DRAFT Rule Revision 581-021-0556	
<i>Policy Issue or Concern Raised</i>	<i>Action on Feedback Received</i>
<p><b>Definitions:</b></p> <ol style="list-style-type: none"> <li>1. <b>Timelines</b> - Draft definition of “immediately”.</li> <li>2. <b>Records Disclosure (photos, audio, video)</b> Draft definition of “disclose”.</li> <li>3. <b>Viewing of the incident</b> Draft includes language specifying that the audio or video of the incident of restraint or seclusion shall be reviewed in its entirety.</li> </ol>	<p><b>Addressed in Rule and Guidance</b></p> <ul style="list-style-type: none"> <li>• Adjusted draft rule to include definitions of both “immediately” and “disclose” consistent with input received.</li> <li>• Ensured that ODE’s revised restraint and seclusion guidance and sample forms addressed issues raised.</li> <li>• Adjusted Section 9 (b) to ensure specificity in the viewing of incidents in their entirety.</li> </ul>
<p><b>Parental Involvement</b></p> <ul style="list-style-type: none"> <li>• Feedback on an initial version of the draft OAR noted that it would be helpful for the rule to more clearly articulate that the parent has the right to attend the debriefing meeting.</li> <li>• Initial feedback also shared concerns about addressing instances where the parent could not attend the debriefing meeting that is statutorily required to occur within two days.</li> </ul>	<p><b>Addressed in Rule and Guidance</b></p> <ul style="list-style-type: none"> <li>• Added section 4 (a) to include language that the parent or guardian of the student must be invited to attend the debriefing meeting.</li> <li>• Added section 4 (d) to include that the parent or guardian has the right to request another meeting in the event they were unable to attend the debriefing meeting that was required to be held within two school days of the restraint or seclusion incident.</li> <li>• Ensured that ODE’s revised restraint and seclusion guidance and sample forms addressed issues raised.</li> </ul>
<p><b>Student Confidentiality</b></p> <p>ODE received input that making a copy of a video available to parents is concerning when other students are involved. Due to privacy laws, the other students’ parents could claim the public education program violated their child’s right to confidentiality under FERPA by showing the video</p>	<p><b>Addressed in Rule</b></p> <p>ODE revised the language in the proposed draft OAR to reflect its understanding of FERPA’s protections for eligible students.</p> <p>When a video is an education record of multiple students, in general, FERPA requires the</p>

# Oregon State Board of Education

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AGENDA ITEM: 4.B.

<p>to other parents. One commenter shared that it “is a real sticky mess that districts are liable for with no clear support for protection against lawsuits from ODE or the state government.”</p>	<p>educational agency or institution to allow, upon request, an individual parent of a student (or the student if the student is an eligible student) to whom the video directly relates to inspect and review the video. FERPA generally does not require the educational agency or institution to release copies of the video to the parent or eligible student. (<a href="#">FAQs on Photos and Videos under FERPA</a>   <a href="#">Protecting Student Privacy</a> and <a href="#">If a video is an education record for multiple students, can a parent of one of the students or the eligible student view the video?</a>   <a href="#">Protecting Student Privacy</a>)</p>
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## EQUITY IMPACT ANALYSIS

ODE seeks to proactively navigate equity initiatives that interrupt and eliminate harmful power dynamics that are endemic in Oregon’s education system. Our initiatives are driven by deep and ongoing engagement with the lived experiences of our students and families so that we can provide intentional structures, practices, and policies that uphold their intersecting identities, honor their strengths, and meet their needs. Our mission is to create an equitable education system centered in justice, relationships, and healing to ensure that every student can achieve their highest potential.

Students with disabilities and students from other historically underserved groups tend to experience a higher rate of restraint and seclusion in public education programs than other student groups. For example, according to the newly released [Civil Rights Data](#) (November 15, 2023), during the 2021-22 school year, approximately 52,800 K-12 students were restrained and/or placed in seclusion at schools nationally. Students with disabilities were subjected to restraint and seclusion at rates that far exceeded those of other students. Specifically, students with disabilities protected by and served through the Individuals with Disabilities Education Act (IDEA) represented 14 percent of students enrolled in public schools nationally yet represented 81 percent of all students restrained and 75 percent of all students secluded. African American/Black students represented 15 percent of students enrolled in public schools nationally yet represented 21 percent of all students restrained and 19 percent of all students secluded. Finally, boys represented 51 percent of students enrolled in public schools nationally yet represent 83 percent of all students restrained and 82 percent of all students secluded.

These disparities raise the question as to whether restraint or seclusion are being imposed in discriminatory ways. The disproportionate use of restraint and seclusion may violate federal laws that prohibit discrimination, including the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504). The use of restraint or seclusion on students has been prone to misapplication and abuse. The misuse of restraint and seclusion exacerbates existing inequities.

The updated rule, corresponding guidance, and sample forms provide further clarity and assistance to the field regarding when restraint and seclusion are appropriate techniques to implement with students. This additional clarity could reduce overall incidences of restraint and seclusion, thus leading to a

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 4.B.

corresponding reduction in opportunity gaps, access gaps, worthiness gaps and other inequities for both students with disabilities and students from groups that systems have historically and currently marginalized and underserved.

## FISCAL ANALYSIS

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Restraint and seclusion requirements in ORS already require Department FTE to support effective implementation. Department staff is prioritizing this content to assure implementation best practices. Associated implementation activities include revising Oregon Administrative Rules, revising ODE’s Restraint and Seclusion Technical Assistance Manual, updating sample forms, and developing and providing statewide professional development.

Public education programs will need to update their school board policies and professional development on this topic to comply with this rule and other associated recently passed legislation. Public education programs will be required to comply with the annual reporting requirements on Serious Bodily Injury within the Oregon Restraint and Seclusion Incidents Collection, as well as the new associated immediate reporting requirements.

## EFFECT OF A “YES” OR “NO” VOTE

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If the Board approves these recommendations, there will be more specific guidance to the field regarding implementation of restraint and seclusion statutes in Oregon public education programs.

If the Board rejects the recommendations, then the Department will craft a revised version of the rules for future Board consideration. In this situation, the Department will not be able to give more specific guidance on areas of the law requiring further clarification until revised rules are in place.

## STAFF RECOMMENDATION

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Approve  Approve next month  No recommendation at this time

**Prompted by:**  State law changes  Federal law changes  other

## ATTACHMENTS

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Attachment 1: DRAFT OAR 581-021-0556: Procedures Regarding Restraint and Seclusion  
[Senate Bill 1024](#)



OAR 581-021-0556

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# Procedures Regarding Restraint and Seclusion

Tenneal Wetherell and Lisa Joy Bateman

February 15, 2024

# The 2023 Legislative Session

## Enacted Restraint and Seclusion Legislation



Oregon Department of Education

- [SB 283](#) - Establishes the Safe School Culture Grant program to develop a network of instructors who are certified in nonviolent crisis intervention methods to ensure that, for every 50 students in a school district or an education service district (ESD), at least one staff person of the district or ESD is certified.
- [SB 577](#) - Modifies language in ORS 339.250: Duty to Comply. This modifies when the use of force upon a minor child or student is justifiable and not criminal, further <sup>135</sup> banning corporal punishment in schools and by parents.
- [SB 790](#) - Modifies definition of “abuse” for purposes of child abuse to include violations around the use of restraint and seclusion on students.
- [SB 1024](#) - Modifies provisions regarding retention of records of incidents involving the use of restraints or seclusion of children in care and students in public education programs.

# Why OAR 581-021-0556

## Procedures Regarding Restraint and Seclusion?

[SB 1024](#) amends ORS [339.294](#) and requires updates to OAR [581-021-0556](#).

SB 1024 modifies existing procedures to additionally require that public education programs reserve all records associated with an incident of restraint or seclusion, including audio or video recordings.

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- Public education programs are required to keep these records in their original format and may not alter them in any way.
- parents or guardians must receive Immediate, written notification of the existence of a record.
- A required debriefing meeting must occur within two days of any incident involving restraint or seclusion; under SB 1024, the public education program must review any preserved audio or video recordings during the required debriefing meeting.

# Equity Impact: Restraint & Seclusion in Education

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## **Disproportionate Impact:**

- Students with disabilities and historically underserved groups experience higher rates of restraint and seclusion in public schools.
- Data shows alarming disparities in the use of these measures among different student demographics.
- Disproportionate use may violate federal anti-discrimination laws (ADA and Section 504).
- Misuse of these techniques exacerbates existing inequities.

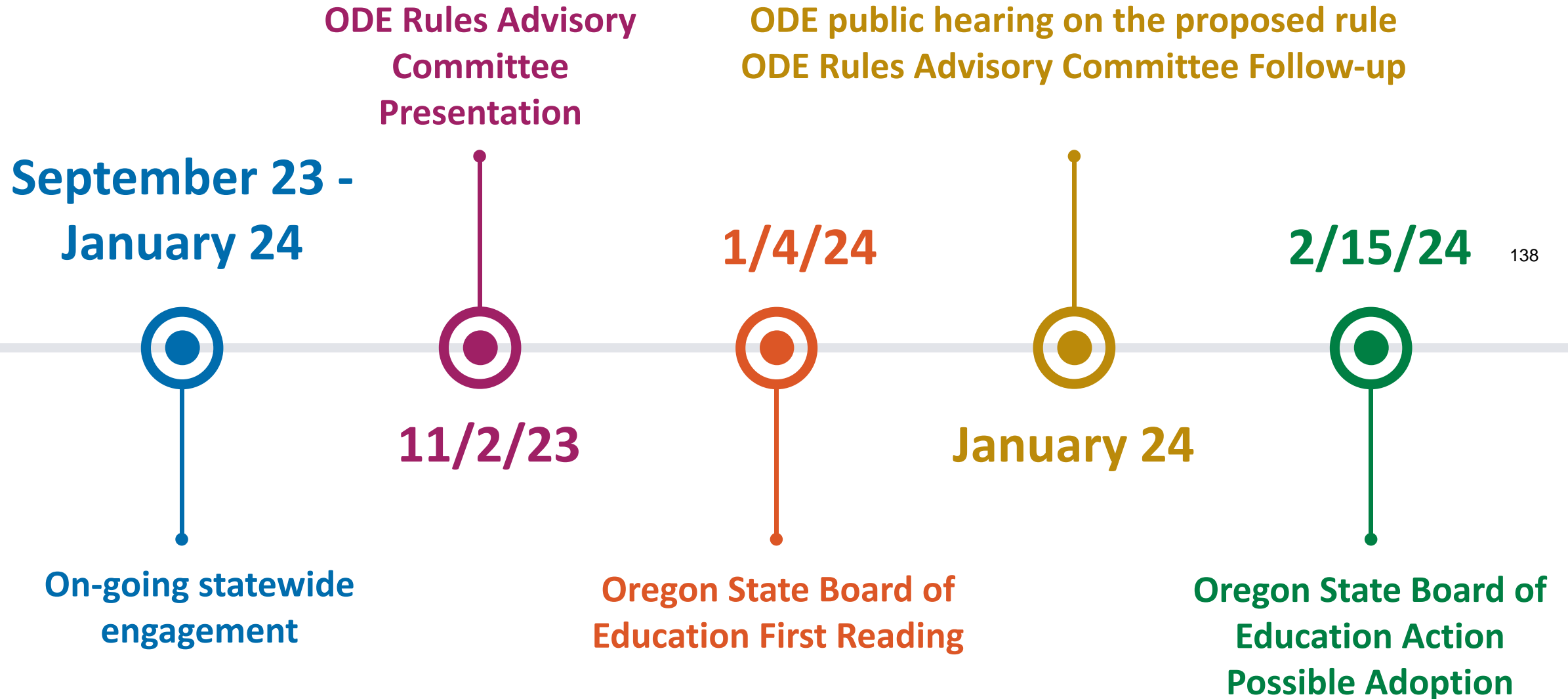
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## **Role of Updated Rules and Guidance:**

- New rules, guidance, and forms aim to clarify appropriate use of restraint and seclusion.
- Clarity could reduce these incidents, bridging gaps in opportunity and access for marginalized student groups.

While this rule does not explicitly require inclusive practices, the Department requires approved training programs to prevent restraint and seclusion to include components that take into account different communication styles within various communities, such as implicit bias awareness, trauma-informed approaches, and inclusive language and communication.

# OAR 581-021-0556: Procedures Regarding Restraint and Seclusion



# Discretion to Adopt

The proposed revisions align with SB 1024 requirements. The Board lacks discretion over mandated changes due to statutory elements. However, additional discretionary elements are introduced beyond SB 1024's minimum requirements.

## 1. Definition of “Immediately”:

- Board discretion in determining timing and method for parent/guardian notification.
- Clarity in the term “immediate” aids school districts in adhering to notification timelines.

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## 2. Parental Participation:

- Board discretion in defining parental involvement, exceeding SB 1024 requirements.
- Provisions for debrief meeting and parent-requested additional meetings within two school days post-incident.

# Discretion to Adopt (cont.)

The proposed revisions align with SB 1024 requirements. The Board lacks discretion over mandated changes due to statutory elements. However, additional discretionary elements are introduced beyond SB 1024's minimum requirements.

## 3. Definition of “Disclose”:

- Further definition aligns with FERPA.
- Ensures compliance with FERPA’s student privacy protection.

## 4. Specificity of required viewing of a record:

- Further specificity for requirements of viewing a record .
- Explicitly states that the entire audio or video recording *of the incident of restraint or seclusion* must be thoroughly reviewed in its entirety.

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# Questions?

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**DRAFT: 581-021-0556**

**Procedures Regarding Restraint and Seclusion**

(1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of restraint or seclusion.

(2) Following an incident involving the use of restraint or seclusion, the following must be provided to a parent or guardian of the student:

(a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred.

(b) Written documentation of the incident within 24 hours of the incident that provides:

(A) A description of the restraint or seclusion, including:

(i) The date of the restraint or seclusion;

(ii) The times when the restraint or seclusion began and ended; and

(iii) The location of the restraint or seclusion.

(B) A description of the student's activity that prompted the use of restraint or seclusion.

(C) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted.

(D) The names of the personnel of the public education program who administered the restraint or seclusion.

(E) A description of the training status of the personnel of the public education program who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian under subsection (3) of this rule.

(c) Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.

(d) Immediate, written notification of the existence of ~~of a record described in subsection (9) of this section~~ any records related to an incident of restraint or seclusion, including photos or audio or video recording.

(e) For purposes of this subsection, "immediate" means to act as soon as possible without undue delay, but in no case later than within 24 hours of the incident.

(3) If the personnel of the public education program who administered the restraint or seclusion had not received training from a program approved by the Department of Education, as required and in accordance with OAR 581-021-0563, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent or, if the public education program is a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243, the person who oversees the administration of the program, receive written notification of:

(a) The lack of training; and

(b) The reason the restraint or seclusion was administered by a person without training.

(4) A debriefing meeting related to the use of restraint or seclusion must be held within two school days of the incident

~~(a) and~~ The parent or guardian of the student must be invited to attend.

(b) The meeting must include all personnel of the public education program who were involved in the incident, and any other appropriate personnel.

(c) Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.

(d) The parent or guardian has the right to request another meeting in the event they were unable to attend the debriefing meeting that was required to be held within two school days of the restraint or seclusion incident.

(5) If a student is involved in five incidents in a school year involving restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

(6) If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, (a) Oral notification of the incident must be provided immediately to a parent or guardian of the student and to the Department of Human Services; and

(b) Written notification of the incident must be provided to the Department of Human Services within 24 hours of the incident.

(7) If serious bodily injury or death of personnel of the public education program occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the following individuals within 24 hours of the incident:

(a) The district superintendent, to the Superintendent of Public Instruction and, if applicable, the union representative for the affected party; or

(b) If the public education program is a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243, the person who oversees the administration of the program and, if applicable, the union representative for the affected party.

(8) A public education program shall maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

(9)(a) A public education program shall preserve, and may not destroy, any records related to an incident of restraint or seclusion, including an audio or video recording. The records must be preserved in the original format and without any alteration.

(b) The public education program shall review any audio or video recording preserved under this subsection **in its original format and without any alteration** at the debriefing meeting **required to be held within two school days of the incident. The parent or guardian must be invited to the debriefing meeting at which the audio or video recording will be reviewed. The audio or video of the incident of restraint or seclusion shall be reviewed in its entirety.** ~~described in subsection (4) of this section.~~

(10)(a) At the request of a student's parent or guardian, a public education program shall disclose records preserved under this section to the parent or guardian. To the extent practicable without altering the meaning of the record, the public education program shall segregate or redact from a record disclosed under this paragraph any personally identifiable information of other students. If the public education program is unable to segregate or redact personally identifiable information of other students without altering the meaning of the record, the public education program shall disclose the record to the student's parent or guardian in its original format and without any alteration.

(b) If the department is investigating the incident of restraint or seclusion as suspected child abuse, at the request of the department, the public education program shall disclose to the department or the

department's designee any records preserved under this section that are relevant to the department's investigation. The public education program shall disclose any record under this paragraph in its original format and without any alteration.

10 (c) For purposes of this subsection, "disclose" means to inform the student's parent or guardian that the record exists; that the record in its original format and without alteration will be available for review by the parent or guardian privately and in the debriefing meeting; and that a copy of the record will be provided to the student's parent or guardian upon request in its original and unaltered form except to the extent that a redaction is needed to protect the personally identifiable information of another student.

~~(9)~~(11) Pursuant to ORS 161.205 and 339.250, an individual who is a teacher, administrator, school employee or school volunteer may use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303 and OAR 581-021-0553.

~~(12)~~ (10) District school boards shall adopt written policies to implement restraint and seclusion procedures consistent with and as indicated in ORS 339.285 to 339.308 and OARs 581-021-0550 to 581-021-0570, and shall inform teachers, administrators, school employees and school volunteers of those policies.

Statutory/Other Authority: ORS. 326.051

Statutes/Other Implemented: ORS 339.285 - 339.303

History:

[ODE 145-2019, amend filed 10/24/2019, effective 10/24/2019](#)

[ODE 11-2019, amend filed 03/25/2019, effective 03/25/2019](#)

ODE 15-2014, f. & cert. ef. 3-4-14

ODE 13-2014, f. & cert. ef. 2-19-14

ODE 12-2012, f. 3-30-12, cert. ef. 5-1-12

# Oregon State Board of Education

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AGENDA ITEM: 3. C.

<p><b>SUBJECT:</b> Native Hawaiian/Pacific Islander Student Success Grant Program Temporary Rules OAR 581-017-XXXX to 581-017-XXXX</p> <p><b>STAFF NAME &amp; OFFICE:</b> Carol Matsuzaki, Native Hawaiian/Pacific Islander Student Success Coordinator, Office of Equity, Diversity, and Inclusion</p> <p>During the 2023 legislative session, the Oregon Department of Education was provided \$2M in funding through House Bill 3144 for a grant program which supports the implementation of the Native Hawaiian/Pacific Islander Student Success Plan strategies. The requested temporary rule set will allow for the grant program's implementation. The rule language is rooted in 2 community engagement sessions, Rules Advisory Committee feedback, and an internal ODE review. This is the first time that a rule set is being presented for this purpose.</p> <p><input checked="" type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> <b>First Reading</b> <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> <b>Action</b> <input checked="" type="checkbox"/> Temp Rule <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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## BACKGROUND

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Include the following points for new OARs (Oregon Administrative Rules), OAR updates or changes.

1. History:
  - a. What prompted the rule (why do we have it?) State law? Federal law? Incident? Why are changes/amendments being proposed?
    - i. The passage of House Bill 3144 (HB 3144) during the 2023 legislative session provided funding for the implementation of the Native Hawaiian/Pacific Islander Student Success Plan (NHPI SSP), the creation of a statewide advisory group, and \$2 Million for the creation of the grant program. The temporary rule set presented at the February 2024 State Board of Education meeting will allow for the establishment and implementation of the NHPI SSP grant program.
  - b. What is the current requirement in rule or statute? 
    - i. ORS (Oregon Revised Statutes) 329.849 and HB 3144 (2023) are the statutory base for this request.
  - c. Why is this rule being brought forward right now?
    - i. Temporary rules will allow the NHPI SSP grant program to be implemented before the end of the biennium. Permanent rules will be presented before the temporary rules expire.
2. Purpose
  - a. What function does the current rule hold?
    - i. There is no current rule.

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- b. How long has the rule been in place?
  - i. This is a new rule request.
- 3. Does the board have any areas of discretion or is this strictly mirroring statute?
  - a. If the board does have discretion, those areas should be called out here or in the next section.
    - i. The rule set closely follows statute and aligns with other Oregon Department of Education (ODE) Student Success Plan grant program rules; however, the board does have discretion.
- 4. Stakeholder voice/input (individual and collective i.e., groups)
  - a. Who was involved in bringing this to the Board?
    - i. ODE assembled a statewide advisory group comprised of individuals who identify as being Native Hawaiian/Pacific Islander and they have been involved in this work.
    - ii. The Office of Equity, Diversity, and Inclusion (OEDI) team and the NHPI SSP Coordinator have been working on the NHPI SSP rule set and recognized that for the grant program to proceed within this biennium, there is an immediate need to request for temporary rules. The intent is to bring this program forward soon for permanent rules.
  - b. What did engagement in this process entail?
    - i. The NHPI SSP advisory group has met 6 times to date with one meeting being an in-person all-day retreat where the rules were presented, reviewed, and discussed. Also, the advisory group followed up with an online meeting that included a review of their rules feedback, clarifying questions and further engagement which have been included.
    - ii. The OEDI team met to review, discuss, and provide feedback on the NHPI SSP rules that resulted in helpful additions and changes gleaned from other Student Success Plan grant programs and experiences.
    - iii. The rule set was presented before the Rules Advisory Committee on 2/1/24 and the committee had no questions.
  - c. Who may be affected by this?
    - i. The grant program is designed to support the Native Hawaiian/Pacific Islander students, their peers, and families, as well as educators and administrators.
  - d. Whose voice is missing?
    - i. Native Hawaiian/Pacific Islander currently enrolled student voices are missing from this work and will be included when permanent rules are presented.
  - e. What additional information does the Board need prior to moving forward?
    - i. Temporary rules are being requested to implement the NHPI SSP grant program before the end of the current biennium.

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## SUMMARY OF PREVIOUS BOARD ACTION

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1. Has this been before the board before? If so, what action did the board take?  
No, these are new rules.

## HAS THE RULE CHANGED SINCE THE LAST BOARD MEETING?

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

## POLICY ISSUE OR CONCERNS

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

1. Stakeholders
  - a. How have you intentionally involved stakeholders who are also members of communities affected by this rule?  
Through the community engagement processes described above, ODE has engaged with Native Hawaiian/Pacific Islander advocates across the state and in a variety of contexts.
  - b. Who are the historically underserved groups affected?  
The plan is designed to support Native Hawaiian/Pacific Islander students. The community engagement sessions highlighted that NHPI students have not been served and therefore are un-served, and consequently, their needs must be uplifted.
  - c. Has there been consultation or collaboration with tribes in this rule change or policy decision?  
There has not been any official tribal consultation or collaboration conducted.
  - 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 development and presentation of a temporary rule set to implement the NHPI SSP grant program is evidence of ODE addressing the needs of this historically un-served community.
2. Negative/Positive Effects

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- a. What is the impact on the population most affected by this rule that the board should consider?  
The department is hopeful that this ruling will lead to increased programming to support Native Hawaiian/Pacific Islander (NHPI) students and families across the state.
  - b. What possible opportunities, assets or access could this rule provide?  
The rule is designed to create opportunities for NHPI students and families, to access affirming and supportive programming in their local community to improve academic and social outcomes.
  - c. What is the impact on eliminating the opportunity or achievement gap?  
The program is designed to address the achievement gaps for NHPI students and the elimination of said opportunity would perpetuate the dismal academic and social outcomes of this population.
  - d. Have all the potential unintended consequences been considered?  
While the potential consequences are impossible to predict, through engagement with the community and ODE constituents, the team believes this rule set has been designed to eliminate all foreseeable unintended consequences.
  - e. Does this rule advance the ESSA goals?  
Yes
3. What are the barriers to more equitable outcomes, either:
- a. State or federally mandated
  - b. Political?  
There may be opposition to the rule's focus on supporting NHPI students with some groups.
  - c. Emotional?  
Ongoing discrimination against NHPI students in the schools has been shown to have disproportionately higher negative academic and emotional outcomes, which may pose challenges to grantees and the youth they serve within program implementation.
  - d. Financial?
  - e. Programmatic?
  - f. Language?  
NHPI students and families often experience language barriers when filling out forms and receiving information from schools which leads to a lack of communication and understanding.
  - g. Geography?  
This OAR is intended to support grantees whose geographic region has less demonstrated support for NHPI students.

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h. Size?

## EQUITY IMPACT ANALYSIS

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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.

This docket is designed to support the needs of NHPI students and families and is based on community and internal ODE engagement. However, there is always the risk that funding this programming could encourage detractors or others to take issue with the programming on a local or state level.

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.

The Native Hawaiian/Pacific Islander populations will be affected by this rule set and through community engagement, a big takeaway was that these students are not under-served, they in fact are un-served.

2. Examine the impact of the rule changes, policy, or action on historically underserved populations in Oregon. Describe this ongoing and/or foreseeable impact, using as much detail as possible.

The plan provides strategies and goals to work toward addressing the educational needs of plan students which the grant program will allocate funding for programming to support. The plan is being developed and aligned with legislative strategies outlined in HB 3144.

3. Explain how the rule change, policy or action works toward improving achievement, opportunities, and a sense of worthiness for underserved students?

The NHPI SSP is designed to support the achievements, opportunities, and sense of belonging for NHPI students across Oregon. This grant program will allow for the implementation of programming in a wide array of local communities that will support the plan's strategies.

## FISCAL ANALYSIS

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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?

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- a. Which units/divisions/offices will be impacted and how?
  - i. The temporary rules will allow for the expenditure of funds allocated to the agency for this purpose and therefore does not have an impact on the current budget.
  - ii. The grant program funds will be allocated through the Office of Equity, Diversity, and Inclusion within ODE. Funds to support a 1.0 FTE Native Hawaiian/Pacific Islander Student Success Coordinator position to support this grant program and this position was hired in February 2023 and funds were provided in the 2021 legislative session.
- 2. How does the proposed rule change impact school districts and ESDs?

The rule will provide Early Learning Hubs, providers of early learning services, school districts, Educational Service Districts, post-secondary institutions of education, Tribal governments, Community Based Organizations or a consortium of these entities, the opportunity to apply for funding for programming that supports the NHPI community in alignment with the NHPI SSP strategies.
- 3. How does the proposed rule change impact on schools and other educational institutions?

The temporary rules set up a grant program for school communities that affirms Native Hawaiian/Pacific Islander students and helps address the needs that will be identified in the NHPI SSP.
- 4. Does the proposed rule change impact other stakeholders?

Yes, the proposed rule will allow Early Learning Hubs, providers of early learning services, school districts, Educational Service Districts, post-secondary institutions of education, Tribal governments, Community Based Organizations or a consortium of these entities, the opportunity to apply for funding to support programming in their local community that align to the goals of the NHPI SSP.

## EFFECT OF A "YES" OR "NO" VOTE

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

The temporary rules for this program will allow the department to move forward with the RFA (Request for Applications) process through both procurement and DOJ (Department of Justice) (Department of Justice) in a timely manner to allow grants to be provided during the 2023-2025 biennium. If the temporary rules are not approved during this meeting, it is unlikely that the RFA process for grants will be completed during the 2023-2025 biennium.

## STAFF RECOMMENDATION

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

# Oregon State Board of Education

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## **ATTACHMENTS**

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Attachment 1:

## **DRAFT RULES IMPLEMENTING HOUSE BILL 3144 (2023)**

House Bill 3144 (2023) requires Oregon Department of Education (ODE) to develop and implement a statewide education plan for students enrolled in early childhood through postsecondary education who are:

- Native Hawaiian and/or Pacific Islander, and
- Have experienced disproportionate results in education due to historical practices, as identified by the State Board of Education by rule.

ODE has drafted the rules below to comply with these requirements. ODE is seeking input from internal constituents and the Native Hawaiian/Pacific Islander (NHPI) Advisory Group regarding these draft rules to ensure that the NHPI Student Success Plan (SSP) Grant Program will have a successful implementation.

Questions and feedback can be directed to [Carol.matsuzaki@ode.oregon.gov](mailto:Carol.matsuzaki@ode.oregon.gov)

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### **Native Hawaiian/Pacific Islander Student Success Plan Grant Program: Definitions**

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

(1) “Native Hawaiian/Pacific Islander Student Success Plan Grant” or “Grant” means a Grant established under ORS 329.849

(2) “Community-Based Organization” means a nonprofit organization that is representative of a community or significant segments of a community, and that is located within or in close proximity to the community it serves.

(3) “Community Voice” means that members representing the community served by the project, including students, will be involved in co-constructing the project design, implementation, and/or providing strategic guidance in final decision-making.

(4) “Culturally Responsive” means the implicit recognition and incorporation of the cultural knowledge and experience of students served by the plan in teaching, learning and assessment. This includes identifying and valuing: students’ cultural assets in instruction and assessment; diverse frames of reference that correspond to multifaceted cultural perspectives/experiences; and performance styles in the classroom that do not reflect dominant values of achievement or success.

(5) “Department” means the Oregon Department of Education.

(6) “Disproportionate Discipline” means disproportionate rates of suspensions and expulsions for Native Hawaiian/Pacific Islander students compared to their white classmates who commit similar infractions and who have similar discipline histories.

(7) “Evidence-based” means practices with a proven record of success based on reliable, trustworthy, and valid evidence that when the practices are implemented with fidelity, students can be expected to make adequate gains in early literacy. Instructional practices, activities, strategies, or interventions that are “evidence-based” should not just privilege scientific evidence, but also be driven by evidence stemming from the perspectives of those affected by those practices, activities, strategies, or interventions such as:

- a. Evidence of Tribal consultation, recommendations, and experiences of American Indian/Alaska Native community members or Tribal government.
- b. Evidence of community-driven, culturally responsive/sustaining/specific, non-dominant and non-Western ways of knowing, being, and researching.

(8) “Opportunity gap” refers to the effects and disparities the dominant, White supremacist system and culture has historically, currently, and intentionally created for groups of students where factors such as race, ethnicity, socioeconomic status, English proficiency, geography, financial wealth, gender, sexuality, familial situations, and disabilities determine or constrain what opportunities the system offers and how these affect their educational aspiration, achievement, and attainment. These effects and disparities form an educational debt that the dominant educational system owes to marginalized students and a need to address and shift the system itself.

(9) “Partnership” means a group of organizations, Tribal governments, districts or individuals who agree to work together with a common interest and shared vision. In a partnership, there is a high level of trust and 2-way communication, and differences in power and privilege are addressed. Roles and responsibilities on all sides are well-defined and developed with shared authority in decision making. There might be shared space and staff, with expectations and agreements in writing.

(10) (A) “Plan Student” means a student enrolled in early childhood through post-secondary education who:

(a) Self-identifies as Native Hawaiian/Pacific Islander; and

(b) Has experienced disproportionate results in education due to historical practices and policies, as may be further identified by the State Board of Education by rule.

(B) For the purposes of this definition, “enrolled” means:

(a) enrollment in a school district K-12 educational program; or

(b) enrollment in a state-funded K-12 educational program, which includes but is not limited to educational programs provided by or in the following institutions: public charter schools, education service districts, long term care and treatment facilities, the Youth Corrections Education Program, the Oregon School for the Deaf, and Juvenile Detention Education Programs.

**Statutory/Other Authority:** ORS 338.155 & ORS 329.849

**Statutes/Other Implemented:** ORS 329.849

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### **Native Hawaiian/Pacific Islander Student Success Plan Grant Program: Establishment**

OAR 581-017-XXXX: Establishment

(1) There is established the Native Hawaiian/Pacific Islander Student Success Plan Grant Program to support early learning hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, community-based organizations, Tribal governments, or a consortium of these entities.

(2) Programs and services provided under a Grant must address one or more of the strategies or objectives included in the Native Hawaiian/Pacific Islander Student Success Plan.

(3) Subject to available funds, the Department of Education shall award Grants based on a detailed description of proposed programming or services. The programs or services may include:

(a) The scale-up of an existing program or project; and/or

(b) The implementation of a new program or project.

(4) The purpose of the Grant program is to provide funds to applicants that document an understanding of the unique needs of Native Hawaiian/Pacific Islander students, have the potential to become exemplar programs, and who create collaborative practices relating to strategies outlined in the Native Hawaiian/Pacific Islander Student Success Plan.

**Statutory/Other Authority:** ORS 329.849

**Statutes/Other Implemented:** ORS 329.849

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### **Native Hawaiian/Pacific Islander Student Success Plan Grant Program: Eligibility**

OAR 581-017-XXXX: Eligibility

(1) The Department will establish a process for eligible entities to apply for a Native Hawaiian/Pacific Islander Student Success Grant.

(2) To be eligible to receive a Grant, an applicant must:

(a) Be an early learning hub, provider of early learning services, school district, education service district, public charter school, post-secondary institution of education, community-based organizations, Tribal governments, or a consortium of these entities;

(b) Demonstrate the outcomes of the proposed project are to benefit and serve Plan Students and their families; and

(c) Demonstrates alignment between the project and the strategies of the Native Hawaiian/Pacific Islander Student Success Plan.

**Statutory/Other Authority:** ORS 338.155 & ORS 329.849

**Statutes/Other Implemented:** ORS 329.849

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**Native Hawaiian/Pacific Islander Student Success Plan Grant Program: Criteria**

OAR 581-017-XXXX: Criteria

(1) The Department will award Grants to eligible entities based on the following criteria:

(a) Whether the proposed project successfully implements the strategies provided in the Native Hawaiian/Pacific Islander Student Success Plan;

(b) Whether the applicant authentically and consistently engages Community Voice in the proposed project; and

(c) Whether the applicant demonstrates equitable distribution of Grant funds and resources in Partnership.

**Statutory/Other Authority:** ORS 329.849

**Statutes/Other Implemented:** ORS 329.849

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**Native Hawaiian/Pacific Islander Student Success Plan Grant Program: Funding**

OAR 581-017-XXXX: Funding

(1) Applicants must submit a detailed budget that explains how Grant funds will be used.

(2) Indirect costs will be allowed as a percentage of the Grant funds disbursed as follows:

(a) Up to five percent for school districts, educational service districts, early learning hubs, or post-secondary institutions of education; or

(b) Up to fifteen percent for community-based organizations or providers of early learning services.

(c) For Tribal governments, up to fifteen percent or the Tribal governments federally recognized indirect rate, as provided in the grant agreement; or

(d) Administrative costs for partnerships or consortiums will be allowed based on the lead entity's organization type.

(3) Applicants may use Grant funds only for authorized purposes.

**Statutory/Other Authority:** ORS 338.155 & ORS 329.849

**Statutes/Other Implemented:** ORS 329.849

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### **Native Hawaiian/Pacific Islander Student Success Plan Grant Program: Reporting**

OAR 581-017-XXXX: Reporting

Grant recipients must report project or program outcomes in the manner and form required by the Department.

**Statutory/Other Authority:** ORS 329.849

**Statutes/Other Implemented:** ORS 329.849

CREATED BY SP 1/23/24

581-002-0035

**Waivers and Permissions**

The Director of the Department of Education may grant waivers and one permission as follows:

(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.

(2) Educational Flexibility Partnership Demonstration Act (Ed-Flex) Waiver:

(a) This federal Act allows school districts to request a waiver of statutory or regulatory requirements under the following federal programs or Acts:

(A) Elementary and Secondary Education Act (ESEA) Title I, Helping Disadvantaged Children Meet High Standards;

(B) ESEA Title II, Teacher Quality;

(C) ESEA Title IV, Safe Drug Free Schools;

(D) ESEA Title V, Innovative Education Program Strategies;

(E) ESEA Title VII, Part C — Emergency Immigrant Education;

(F) Carl D. Perkins Vocational and Applied Technology Education Act.

(b) The application must demonstrate that the school district, if the waiver is granted, will still meet the underlying purposes of the federal statutory requirements. The request of an Ed-Flex Waiver must be made on the appropriate application form available from the Department of Education. Waivers under this provision may be granted for periods not to exceed five years.

(3) ADM Report Waivers:

(a) “ADM” means average daily membership as defined in ORS 327.006(3).

(b) If a state of emergency is declared pursuant to ORS 401.165 et. seq., and all public schools are closed by order of the Governor, the Director may waive a report of ADM that is otherwise required under ORS 327.133.

(4) For the 2023-24 school year, a school district or public charter school may request permission to include in its calculation of instructional time required by OAR 581-022-2320 up to 14 hours for missed instructional time due to emergency school closures for adverse weather conditions and facilities failure. The request must be made in writing to the Deputy Superintendent of Public Instruction. The request must include a statement that the request is made with the approval of the school district's or charter school's governing school board and must include relevant information explaining why the district or charter school needs the permission. The Deputy Superintendent is authorized to grant permission under this section without obtaining approval from the State Board of Education.

Statutory/Other Authority: ORS 326.051 & ORS 327.133

Statutes/Other Implemented: ORS 326.051, 329.077, 329.555 & ORS 327.133

History:

[ODE 31-2020, amend filed 06/24/2020, effective 06/24/2020](#)

[ODE 19-2020, temporary amend filed 04/23/2020, effective 04/23/2020 through 10/19/2020](#)

[ODE 44-2018, renumbered from 581-022-1920, filed 12/11/2018, effective 12/11/2018](#)

Reverted to ODE 25-2008, f. & cert. ef. 9-26-08

ODE 2-2017(Temp), f. & cert. ef. 2-1-17 thru 7-24-17

ODE 25-2008, f. & cert. ef. 9-26-08

ODE 11-2002, f. & cert. ef. 4-12-02

EB 2-1997, f. & cert. ef. 3-27-97

# Oregon State Board of Education

February 15<sup>th</sup>, 2024

AGENDA ITEM: 4.C.

<p><b>SUBJECT: Inclement Weather Impacts on Instructional Time /OAR 581-002-0035</b> Waivers and Permissions</p> <p><b>STAFF NAME &amp; OFFICE:</b> Emily Nazarov, Government and Legal Affairs Manager, Office of the Director; Susan Payne, Division 22 Standards Specialist, Office of Teaching, Learning, &amp; Assessment</p> <p>January’s severe weather impacted many school districts’ ability to safely open and operate school facilities. This temporary rule would allow districts to count up to 14 hours of inclement weather towards instructional time for the 2023-24 school year.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> <b>First Reading</b> <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> <b>Action</b> <input checked="" type="checkbox"/> Temp Rule <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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## BACKGROUND

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On January 18, Governor Kotek [declared a statewide emergency](#) due to the severe ice storm that affected counties across the state and impacted school districts’ ability to safely open and operate school facilities. In some cases, facilities damages due to burst pipes, flooding, and tree damage resulted in additional time spent addressing maintenance issues before students could safely return to school buildings.

The rules governing required instructional time are set forth in [OAR 581-022-2320](#) (Required Instructional Time) and [OAR 581-022-0102\(30\)](#) (Definition of Instructional Time). The instructional time rules require districts to provide a minimum number of instructional hours and ensure that a certain percentage of students are scheduled to receive the minimum hours. The instructional time rules also include a definition of instructional time and a list of specific allowable activities that the State Board has said can be counted towards instructional time.

Prior to 2015, school districts were allowed to count towards the instructional time requirement up to 14 hours for emergency school closures due to adverse weather conditions and facilities failures. In 2015, after a Division 22 complaint involving instructional time, the State Board of Education adopted revisions to the instructional time rules. The revisions were driven in part by a desire to tighten up the instructional time definition and allowable activities to ensure that what was being counted as instructional time was actually used for instruction. As part of the revision, the State Board phased out the inclement weather exception. Under the revised rules, districts were allowed to count 14 hours of inclement weather in 2015-16 only. Thereafter, districts are no longer allowed to count inclement weather time towards instructional time. School districts are responsible for establishing an annual calendar that will meet the instructional time requirements. It is common practice for school districts to include one or more make-up days or “snow days” in the yearly calendar as a precautionary measure.

# Oregon State Board of Education

February 15<sup>th</sup>, 2024

AGENDA ITEM: 4.C.

Under the proposed temporary rule, districts faced with a significant number of lost days in the 2023-24 school year due to inclement weather could request permission under 581-002-0035(3) to count towards the instructional time requirement up to 14 hours for emergency school closures due to adverse weather conditions and facilities failures. Districts would submit their requests in writing to the Director's office, including an explanation for school closures, the extent of any damages, a copy of the revised calendar and bell schedules, and documentation showing that the local school board has approved the decision to make the request. The requests would be processed through the Director's office and the permission could be granted by the ODE Director Dr. Williams so long as the request meets the requirements of the rule and demonstrates that the district has exhausted alternatives for adding back instructional time.

There is historical precedent for this proposal. In 2017, the State Board granted the same permission (inclusion of up to 14 hours of time lost to inclement weather in the calculation of instructional time) when Governor Kate Brown declared a state of emergency and many schools were unable to open due to severe weather.

If 14 hours is not enough given the impact the storm had on school facilities and operational capacity, a district may request a one-year waiver of the instructional time requirement under the existing Division 22 waiver provision in [OAR 581-002-0035\(1\)](#). Requests for a Division 22 waiver must be made in writing and must be approved by a vote of the State Board.

## SUMMARY OF PREVIOUS BOARD ACTION

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In 2017, the state experienced severe weather and [many districts were forced to close school facilities](#). Governor Kate Brown [declared a state of emergency](#) due to severe winter storm conditions.

In January 2017, then ODE Director Salam Noor recommended, and the State Board adopted, a temporary rule that allowed districts to request permission to include up to 14 hours of inclement weather time in the district's calculation of instructional time for the 2016-17 school year. Twenty-five districts requested and were granted permission.

## HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

## POLICY ISSUE OR CONCERNS

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ODE has received input from leaders of districts and organizations representing educators that the hardships resulting from the recent storm warrant an approach in line with the permissions granted in 2017. The Department recognizes that school districts are faced with tough decisions as they must prioritize the need to maximize instructional time whenever possible, while also considering the need for safe learning and working conditions.

## EQUITY IMPACT ANALYSIS

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# Oregon State Board of Education

February 15<sup>th</sup>, 2024

AGENDA ITEM: 4.C.

This rule may impact equity depending on which schools and districts take advantage of this permission. Students in those schools will have reduced instructional time. At this point, ODE has only anecdotal evidence regarding which schools and districts will request permission, and which students will be impacted. It is difficult to proactively say what the impact to equity will be.

## FISCAL ANALYSIS

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There is no fiscal impact from this temporary rule.

## EFFECT OF A "YES" OR "NO" VOTE

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A "yes" vote will give districts the option to request permission under 581-002-0035(3) to count towards the instructional time requirement up to 14 hours for emergency school closures due to adverse weather conditions and facilities failures. Having this option available will reduce the number of districts requesting a full waiver of the instructional time requirements for the 2023-24 school year, thus increasing accountability for districts to maximize opportunities for making up instructional time during the second half of the school year.

A "no" vote means that the only option for a district that is not able to meet the minimum requirement for instructional time for the 2023-24 SY due to adverse weather conditions and facilities failures (even when utilizing available opportunities for making up instructional time during the second half of the school year) is to request a full waiver of the requirement.

## STAFF RECOMMENDATION

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

## ATTACHMENTS

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Attachment 1:

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 6.A.

<p><b>SUBJECT:</b> Native American Mascot Agreement: Rogue River School District and the Confederated Tribes of the Siletz Indians</p> <p><b>STAFF NAME &amp; OFFICE:</b> Emily Nazarov, Director’s Office</p> <p>A public school may use a mascot that represents, is associated with or is significant to a Native American Tribe only if the public school enters into an approved written agreement with that federally recognized Native American Tribe. The State Board of Education shall approve an agreement if the agreement meets the requirements of ORS 332.075 and OAR 581-021-0047.</p>	<p><input type="checkbox"/> <b>First Reading</b></p> <p><input type="checkbox"/> <b>Presentation</b></p> <p><input type="checkbox"/> <b>No</b> <b>Presentation</b></p> <p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Temp Rule</b></p> <p><input checked="" type="checkbox"/> <b>Presentation</b></p> <p><input type="checkbox"/> <b>No</b> <b>Presentation</b></p>
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## BACKGROUND

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In 2012 in Oregon, fifteen high schools had Native American mascots—with names such as the “Warriors,” the “Braves,” the “Chieftains,” the “Indians,” and the “Indian Eagles.” Many of these communities also had images as part of their mascot which are meant to depict Native Americans. In all cases, the schools and communities believe they are respectfully honoring Native Americans. Some Oregon tribal members also view the mascots as allowing Native Americans to have a visible presence in communities. It is also believed that the mascots also serve as a catalyst for other discussions between Oregon tribes and public schools relating to tribal history and culture.

The Oregon State Board of Education has been given the responsibility by the Oregon Legislature in state statute to ensure that persons are not subjected to unlawful discrimination in our public schools on the basis of race, color, religion, sex, sexual orientation, national origin, marital status, age or disability. Native American students are also entitled to an educational environment that is not hostile and is conducive to the attainment of educational goals.

In 2012, after consideration of these issues and hearing extensive public testimony, the board adopted a resolution and a rule which prohibited public schools from using Native American mascots on or after July 1, 2017.

The 2014 Legislature adopted SB 1509 (ORS 332.075(1)(g)) which provides an exception to the State Board’s mascot ban and included the following components:

- Allows districts that enter into an agreement with an Oregon federally recognized Native American Tribe to use a mascot that represents, is associated with or is significant to the tribe. Agreement must be approved by the state board.
- Directs the state board to adopt rules relating the agreement and the agreement approval process.
- Directs the state board to consult with the tribes as part of the rule adoption process.
- Directs the state board to approve an agreement if the agreement meets the requirements of ORS 332.075(1)(g) and OAR 581-021-0047.

# Oregon State Board of Education

**February 15, 2024**

AGENDA ITEM: 6.A.

In January 2016, the State Board of Education amended OAR 581-021-0047 based on the requirements of SB 1509. The board adopted requirements for the mascot agreements which included both process and content requirements.

Pursuant to ORS 332.075(1)(g) and OAR 581-021-0047, Department staff created a checklist to analyze whether an agreement meets the requirements of the statute and law. The checklist contains both the process and content requirements adopted by the State Board.

In 2017, the Rogue River School District and the Confederated Tribes of the Siletz Indians entered into an agreement for the use of a Native American mascot. The State Board approved the agreement in June 2017. The effective date of the agreement was 3-31-2017. The term of the agreement was five years. The original agreement allows for renewal. Under the original agreement, renewal requires approval by the Rogue River School District, the Confederated Tribes of the Siletz Indians and the State Board of Education.

## **SUMMARY OF PREVIOUS BOARD ACTION**

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The State Board approved the original agreement between Rogue River School District and The Confederated Tribes of the Siletz Indians in June 2017.

## **POLICY ISSUE OR CONCERNS**

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The agreement before the board is a renewal of the original agreement entered into in 2017. The original agreement was approved by the Board in June 2017.

For the purpose of this renewal view, staff have read the renewal contract to determine (1) whether the parties complied with the process for renewal established in the original agreement and (2) whether there are any changes to the original agreement such that the agreement would no longer be subject to approval.

### **1. Process for renewal**

The original agreement states that the agreement must be reviewed and renewed every five years. The agreement further states that renewal will require approval by the District, The Confederated Tribes of the Siletz Indians, and the State Board of Education.

The renewal agreement has been approved and signed by The Confederated Tribes of the Siletz Indians and then Rogue River School District. The only remaining step for the renewal process is approval by the State Board of Education.

### **2. Changes to the agreement and impact of those changes**

The original agreement provided that the Confederated Tribes of the Siletz Indians had developed, and the Rogues Rover School District would use, curriculum for grades 4 and 8. The renewal agreement

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 6.A.

states that the curriculum developed by the Confederated Tribes of the Siletz Indians now covers grades k-12.

The renewal agreement contains a new provision stating that the Tribe and District will work together to establish an in-service for staff, teachers, and volunteers on CTSI history, culture and acceptable Mascot and Logo use, to be provided at least once per school year.

The renewal agreement contains a new provision stating that the District will allow and support a Native Club for all students grades 6-12 that desire to participate.

The changes noted above do not take the agreement outside of the Board’s approval. In other words, the renewal agreement meets the requirements of ORS 332.075(1)(g) and OAR 581-021-0047.

## EQUITY IMPACT ANALYSIS

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In January 2016, the State Board of Education adopted requirements for the mascot agreements which included both process and content requirements. As part of this process the State Board consulted with Oregon’s tribes.

The process requirements ensure that members of the public have an opportunity to comment on the agreement at the local level. The process also ensures that the district and tribe negotiate an agreement that ideally forms the foundation for a continuing relationship that benefits all students within the district. The content requirements address some of the issues relating to equity that arose during the mascot discussions. For example, the agreements are required to have certain civil rights and harassment and bullying policies as appendices. Additionally, the agreements require the approval of both the governing bodies of the district and tribe. Other requirements are delineated on the attached checklist.

## FISCAL ANALYSIS

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There is no fiscal impact to the Department of Education as a result of approval of the renewal agreement between the Rogue River School District and the Confederated Tribes of the Siletz Indians.

## EFFECT OF A “YES” OR “NO” VOTE

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A “yes” vote approves the renewal agreement between the Rogue River School District and the Confederated Tribes of the Siletz Indians.

## STAFF RECOMMENDATION

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

## ATTACHMENTS

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# Oregon State Board of Education

**February 15, 2024**

AGENDA ITEM: 6.A.

- Attachment 1: Memorandum of Agreement Between The Rogue River School District and The Confederated Tribes of the Siletz Indians, effective date 3-22-2023 (Renewal)
- Attachment 2: Memorandum of Agreement Between The Rogue River School District and The Confederated Tribes of the Siletz Indians, effective date 3-31-2017 (Original Agreement)
- Attachment 3: Compliance checklist for renewal agreement

**MEMORANDUM OF AGREEMENT**  
**Between**  
**THE ROGUE RIVER SCHOOL DISTRICT**  
**And**  
**THE CONFEDERATED TRIBES OF SILETZ INDIANS**  
**(“CTSI”)**

**I. BACKGROUND**

The Confederated Tribes of Siletz Indians (“CTSI”) is a federally recognized Indian Tribe comprised of more than 27 tribes and bands confederated on the Siletz Coast Reservation and originating from all parts of Oregon west of the summit of the Cascade Range, as well as parts of Northern California and Southwest Washington. The Rogue River School District schools are located within the traditional are of interest of CTSI.

Education is a priority for CTSI. CTSI operates a Head Start program, a tribal daycare and preschool, and has developed curriculum and continues support for Dee-ne language learning for K-12 students in the Siletz Valley School. In addition, CTSI provides Dee-ne language and culture classes for adult learners, as well as on-line history and language resources. CTSI’s Education Department offers a variety of programs to help equip Tribal members with the knowledge and skills needed to prosper, support their families, and enhance their community. CTSI has developed a history curriculum, geared to the fourth grade level that will be available for use by January 1, 2017, and anticipates development of a similar curriculum for the eighth grade at a date mutually agreed upon in the future.

The Rogue River School District (“District”) is a public entity serving students in Jackson and Josephine Counties. The District provides education services for children in grades Pre-school through 12. The Rogue River Junior/Senior High School (“RRJSHS”) Mascot is the Chieftains. The RRJSHS utilizes an emblem of a spear with feather. This name/symbol combination is significant because it is identified with the indigenous peoples of North America, which includes members of CTSI.

## **II. GOALS**

### **A. Goals of CTSI**

- a. To build respect and understanding of CTSI's history and culture.
- b. To give all youth the opportunity to learn CTSI's language and history, including access to curriculum and materials developed by CTSI.
- c. To foster a culturally respectful representation of Native American culture and symbolism with respect and pride.
- d. To serve in an advisory capacity to the Board in the areas of cultural diversity, educational equity, and curriculum development on the Board's Curriculum and Instruction Committee.

### **B. Goals of District**

- a. To foster respect and informed understanding of CTSI and other Native Americans.
- b. To adopt a culturally appropriate mascot/emblem/symbol.
- c. To properly educate the District's students about Native American history.
- d. To have CTSI serve in an advisory capacity to the Board in the areas of cultural diversity, educational equity and curriculum development on the Board's Curriculum and Instruction Committee.

## **III. MASCOT LEGISLATION**

This Agreement between Rogue River School District and Confederated Tribes of Siletz Indians is intended to satisfy all the requirements of Oregon law, as set forth in Or. Rev. Stat. §332.075 and Oregon Administrative Rules.

The Confederated Tribes of Siletz Indians has determined and declares that the Chieftain and spear mascot represents, is associated with, or is significant to the Tribe, and that the Rogue River School District is located within the traditional area of interest of the Tribe.

#### **IV. EFFECTIVE DATE AND PERIOD OF AGREEMENT**

This Agreement is effective upon signature of the authorized officials of the Rogue River School District and the Confederated Tribes of Siletz Indians. This Agreement may be amended when the State Board of Education adopts the required rules under Or. Rev. Stat. Ann. §332.075. The term of the Agreement is for 5 years from the date the Agreement is approved by the State Board of Education. The Agreement must be reviewed and renewed every five years thereafter. Renewal of this Agreement will require approval by the District, and the CTSI, and the State Board of Education.

#### **V. ELEMENTS OF THE AGREEMENT**

##### **A. Acceptable uses of Mascot**

The RRJSHS Mascot is the Chieftains. The current Mascot image is a spear and feather. The CTSI and District shall meet to ensure that the current mascot is culturally appropriate. The mascot and the use of the name "Chieftains" may be used as follows: as a sports mascot, on all sports equipment and facilities, and used in school spirit merchandise, signs, letterhead, and documents.

The District may approach the Tribe to amend this Agreement to include additional acceptable uses not listed here.

The images currently used or possibly to be used are attached as an Exhibit. Any additional or new images shall be provided to CTSI for approval prior to use.

##### **B. Curriculum**

CTSI has developed a history curriculum, geared to the fourth grade level that will be available for use by January 1, 2017, and anticipates development of a similar curriculum for the eighth grade at a date mutually agreed upon in the future. The curriculum was created because of the need for historically accurate and culturally relevant curriculum in Oregon schools about Oregon Native Tribes. The District has reviewed the curriculum and agrees to begin integrating the curriculum on or before September of 2017. The District agrees to use the curriculum as provided by the CTSI without revision, unless approved by the CTSI. In addition, the CTSI and District will work to incorporate into classroom education culturally appropriate materials and activities to educate all students in the district about the history and culture of the CTSI and Native people. Classroom teaching shall include, but not be limited to, history of the CTSI, information on governmental

structure of the CTSI, Federal Indian Policy in the United States, and cultural practices of the CTSI. CTSI agrees to be a resource for information and materials, including through the Tribe's designated contact, Brenda Bremner, General Manager and through its websites [ctsi.nsn.us](http://ctsi.nsn.us) and [siletzlanguage.org](http://siletzlanguage.org).

**C. Advisory Member of Committees**

The District agrees to add an Advisory Committee member position representing the Tribe ("Advisory Member"). The Committee Member shall be entitled to attend all meetings of the Curriculum & Instruction Committee, and to participate in discussions and should have all the rights and privileges of the Committee Members. The Advisory Member will be eligible for formal voting and quorum decisions by the committee.

**VI. ENFORCEMENT AND DISPUTES**

Each party to this Agreement shall appoint a minimum of one (1) representative each to respond to inquiries about issues addressed in or affected by the MOA. These representatives shall oversee the implementation of the provisions set forth in this MOA and address ongoing student issues.

The representatives shall make recommendations to the parties as how the MOA might be improved based on their experience, and the parties shall consider those recommendations during the review of the Agreement.

**A. Dispute Resolution:** In the event disputes arise out of or that are related to this Agreement, the parties hereby agree upon the following dispute resolution methods:

- a. In the event either party believes that the other party has breached this Agreement, the party alleging any breach shall give written notice to the other party in the manner provided herein. The notice shall identify the specific provisions of the Agreement alleged to have been breached and shall specify the factual basis for the breach. The other party shall have thirty (30) days in which to remedy the breach or provide a written response as to why no breach has occurred.

- b. If the party alleging the breach is unsatisfied with the response, the parties agree to meet within (30) days of the date of receipt of the written response in an effort to resolve the dispute.
- c. In the event the dispute cannot be resolved informally between the parties, the dispute shall be submitted to a mediator agreed upon by the parties as soon as reasonably practicable after the informal meeting. In the absence of agreement, each party shall select a temporary mediator and the temporary mediators shall jointly select the permanent mediator. The mediation fees and mediator's expenses shall be shared equally between the parties. The parties agree to exercise their best efforts and good faith to resolve the dispute.

In the event a dispute cannot be resolved by the process described above, either party may, in its discretion, terminate this Agreement. Ample notice will be provided to the other party and a plan for termination activities established; in no case will termination be final prior to the end of the current school year.

## **VII. GOVERNING LAW**

This Agreement and all disputes arising out of or related to this Agreement will be governed by the laws of the Confederated Tribes of Siletz Indians. In no event shall this or any other provision of the Agreement be construed as a waiver of sovereign immunity of the Confederated Tribes of Siletz Indians.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement as of the effective date.

**CONFEDERATED TRIBES OF SILETZ INDIANS**

*Deborah Leasing* 3/31/17  
Tribal Council Chairman Date

**ROGUE RIVER SCHOOL DISTRICT**

*Paul C. Young* 3/30/17  
School District Superintendent Date

*Debra J. Smith* 3/30/17  
School Board Chairperson Date



### School Mascot Agreement Checklist

This is a checklist for use by the Oregon Department of Education reviewing an agreement between a school district or public charter school and a Native American tribe. Pursuant to ORS 332.075, a public school may use a mascot that represents, is associated with or is significant to a Native American Tribe only if the public school enters into an approved written agreement with that federally recognized Native American Tribe. The agreement must meet the requirements of state statute and rule and be approved by the State Board of Education. The State Board of Education shall approve an agreement if the agreement meets the requirements of ORS 332.075 and OAR 581-021-0047.

<b>School District:</b>	Rogue River School District
<b>Native American Tribe:</b>	The Confederated Tribes of Siletz Indians
<b>Agreement</b>	Memorandum of Agreement between the Rogue River School District and the Confederated Tribes of the Siletz Indians Effective date: March 22, 2023
<b>School Mascot covered by the Agreement:</b>	The Mascot is the Chieftains. The current Mascot image is a spear and feather.

<b>Requirements for Agreement established in ORS 332.075(1)(g) and OAR 581-021-0047:</b>	<b>ODE staff analysis of whether the agreement meets the requirements :</b>
The public school at which the mascot is used is located within the traditional area of interest of the tribe that enters into the agreement.	Agreement meets the requirement

<p>At least 60 days prior to entering into an agreement under this subsection, a public school must notify the State Board of Education as to which tribe the public school is intending to enter into an agreement with regarding the use of a mascot. If the public school does not enter into an agreement with the tribe listed in the notice, the public school may not enter into an agreement with another tribe relating to the mascot for five years from the date of the notice to the State Board of Education.</p>	<p>Agreement meets the requirement</p> <p>Date of Notification to State Board of Education for the original agreement: March 10, 2017</p> <p>The school district provided notice to the State Board of its intent to enter into an agreement with the Siletz tribe on March 10, 2017. The parties entered into the agreement on March 31, 2017. This was only 21 days of notice. However, the school district had been working with the same tribe for the prior year and provided a public hearing opportunity to the public. Based on that, ODE staff recommended approval of the agreement because the district met the intent of the 60-day notice requirement.</p>
<p>A public school must conduct a public hearing relating to the agreement and give opportunity for members of the public to provide written and oral comments to the public school about the agreement. The public hearing must be conducted prior to the public school entering into the agreement.</p>	<p>Agreement meets the requirement</p> <p>The required hearing was held on March 30, 2017, prior to approval of the original agreement.</p>
<p>The agreement must be approved by the board of the public school and contain the signature of the board chairperson.</p>	<p>Agreement meets the requirement</p>
<p>The agreement must be approved by the tribal government of a Native American Tribe and contain the signature of the chairperson of the tribal council or other tribal leader designated by the tribe.</p>	<p>Agreement meets the requirement</p>
<p>The agreement must contain a declaration by the tribe that the mascot represents, is associated with or is significant to the tribe.</p>	<p>Agreement meets the requirement</p>

<p>The agreement must contain a description of the acceptable uses of the mascot that the public school is using. The description must include the name of the mascot and pictures depicting any image, logo or letterhead that is deemed as an acceptable use.</p>	<p>Agreement meets the requirement</p>
<p>The agreement must contain a description of how American Indian/Alaska Native history and culture will be included in the curriculum of the public school.</p>	<p>Agreement meets the requirement</p> <p>The original agreement provided that the Confederated Tribes of the Siletz Indians had developed, and the Rogue River School District would use, curriculum for grades 4 and 8. The renewal agreement states that the curriculum developed by the Confederated Tribes of the Siletz Indians now covers grades k-12.</p> <p>The renewal agreement contains a new provision stating that the Tribe and District will work together to establish an in-service for staff, teachers, and volunteers on CTSI history, culture and acceptable Mascot and Logo use, to be provided at least once per school year.</p> <p>The renewal agreement contains a new provision stating that the District will allow and support a Native Club for all students grades 6-12 that desire to participate.</p>
<p>The agreement must contain a description of how the agreement will be enforced both between the school and tribe and within the public school.</p>	<p>Agreement meets the requirement</p>

<p>The agreement must contain the time period of the agreement which may not exceed 10 years.</p>	<p>Agreement meets the requirement</p>
<p>The agreement must require a review of the agreement by the tribe and public school at least once every five years.</p>	<p>Agreement meets the requirement</p>
<p>The agreement must contain a description of how disputes and complaints relating to the agreement will be resolved.</p>	<p>Agreement meets the requirement</p>
<p>The agreement must contain the process for renewal of the agreement which must include approval by the public school governing body, tribal government and State Board of Education and be consistent with this subsection.</p>	<p>Agreement meets the requirement</p>
<p>A copy of school policies adopted in accordance with ORS 339.356 that address complaints based on harassment, intimidation or bullying and cyberbullying and a description of how the policies are distributed to parents and students who attend the public school.</p>	<p>Agreement meets the requirement</p> <p>ODE staff confirmed on January 15, 2024, that the required policies have been adopted and are available on the District’s website:</p> <ul style="list-style-type: none"> <li>• Policy JFCF <a href="#">Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student</a></li> <li>• Policy JFCF:AR <a href="#">Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, or Teen Dating Violence Reporting Procedures – Student</a></li> </ul>
<p>A copy of school policies adopted in accordance with OAR 581-021-0045 that address complaints based on race, color, religion, sex, sexual orientation, national origin, marital status, age or disability and a description of how the policies are distributed to parents and students who attend the public school.</p>	<p>Agreement meets the requirement</p> <p>ODE staff confirmed on January 15, 2024, that the required policies have been adopted and are available on the District’s website:</p> <ul style="list-style-type: none"> <li>• Policy AC <a href="#">Nondiscrimination</a></li> <li>• Policy AC:AR <a href="#">Discrimination Complaint Procedure</a></li> </ul>



**MEMORANDUM OF AGREEMENT**  
**Between**  
**THE ROGUE RIVER SCHOOL DISTRICT**  
**And**  
**THE CONFEDERATED TRIBES OF SILETZ INDIANS**  
**("CTSI")**

**I. BACKGROUND**

The Confederated Tribes of Siletz Indians ("CTSI") is a federally recognized Indian Tribe comprised of more than 27 tribes and bands confederated on the Siletz Coast Reservation and originating from all parts of Oregon west of the summit of the Cascade Range, as well as parts of Northern California and Southwest Washington. The Rogue River School District schools are located within the traditional areas of interest of CTSI.

Education is a priority for CTSI. CTSI operates a Head Start program, a tribal daycare and preschool, and has developed curriculum and continues support for Dee-ne language learning for K-12 students in the Siletz Valley School. In addition, CTSI provides Dee-ne language and culture classes for adult learners, as well as on-line history and language resources. CTSI's Education Department offers a variety of programs to help equip Tribal members with the knowledge and skills needed to prosper, support their families, and enhance their community. CTSI has developed Tribal curriculum for grades K-12 with development of ODE's 9 Essential Understanding lessons, available through the Oregon Department of Education.

The Rogue River School District ("District") is a public entity serving students in Jackson and Josephine Counties. The District provides education services for children in grades Pre-school through 12. The Rogue River Junior/Senior High School ("RRJSHS") Mascot is the Chieftains. The RRJSHS utilizes an emblem of a spear with feather. This name/symbol combination is significant because it is identified with the indigenous peoples of North America, which includes members of CTSI.

## **II. GOALS**

### **A. Goals of CTSI**

- a. To build respect and understanding of CTSI's history and culture.
- b. To give all youth the opportunity to learn CTSI's language and history, including access to curriculum and materials developed by CTSI.
- c. To foster a culturally respectful representation of Native American culture and symbolism with respect and pride.
- d. To serve in an advisory capacity to the Board in the areas of cultural diversity, educational equity, and curriculum development on the Board's Curriculum and Instruction Committee.

### **B. Goals of District**

- a. To foster respect and informed understanding of CTSI and other Native Americans.
- b. To adopt a culturally appropriate and respectful mascot/emblem/symbol.
- c. To properly educate the District's students about Native American history.
- d. To have CTSI serve in an advisory capacity to the Board in the areas of cultural diversity, educational equity and curriculum development on the Board's Curriculum and Instruction Committee.

## **III. MASCOT LEGISLATION**

This Agreement between Rogue River School District and Confederated Tribes of Siletz Indians is intended to satisfy all the requirements of Oregon law, as set forth in Or. Rev. Stat. §332.075 and Oregon Administrative Rules.

The Confederated Tribes of Siletz Indians has determined and declares that the Chieftain and spear mascot represents, is associated with, or is significant to the Tribe, and that the Rogue River School District is located within the traditional area of interest of the Tribe.

#### **IV. EFFECTIVE DATE AND PERIOD OF AGREEMENT**

This Agreement is effective upon signature of the authorized officials of the Rogue River School District and the Confederated Tribes of Siletz Indians. This Agreement may be amended when the State Board of Education adopts the required rules under Or. Rec. Stat. Ann. §332.075. The term of the Agreement is for 5 years from the date the Agreement is approved by the State Board of Education. The Agreement must be reviewed and renewed every five years thereafter. Renewal of this Agreement will require approval by the District, and the CTSI, and the State Board of Education.

#### **V. ELEMENTS OF THE AGREEMENT**

##### **A. Acceptable use of Mascot**

The RRJSHS Mascot is the Chieftains. The current Mascot image is a spear and feather. The CTSI and District shall meet to ensure that the current mascot is culturally appropriate. The mascot and the use of the name "Chieftains" may be used as follows: as a sports mascot, on all sports equipment and facilities, and used in school spirit merchandise, signs, letterhead, and documents.



The District may approach the Tribe to amend this Agreement to include additional acceptable uses not listed here.

The images currently used or possibly to be used are attached as an Exhibit. Any additional or new images shall be provided to CTSI for approval prior to use.

##### **B. Curriculum**

CTSI has developed Tribal curriculum, for grades K-12 (released August 2022). The curriculum was created because of the need for historically accurate and culturally relevant curriculum in Oregon schools about Oregon Native Tribes. The District agrees to use the curriculum as provided by the CTSI without revision, unless approved by the CTSI. In addition, the CTSI and the District will work to incorporate into classroom education culturally appropriate materials and activities to educate all students in the district about the history and culture of the CTSI and Native people. Classroom teaching shall include, but not limited to, history of the

CTSI, information on governmental structure of the CTSI, Federal Indian Policy in the United States, and cultural practices of the CTSI. CTSI agrees to be a resource for information and materials, including through the Tribe's designated contact: Alissa Lane-Keene, Education & Cultural Programs Director and through its websites [ctsi.nsn.us](http://ctsi.nsn.us) and [siletzlanguage.org](http://siletzlanguage.org) .

### **C. Advisory Member of Committees**

The District agrees to add an Advisory Committee member position representing the Tribe ("Advisory Member"). The Committee Member shall be entitled to attend all meetings of the Curriculum & Instruction Committee, and to participate in discussions and should have all the rights and privileges of the Committee Members. The Advisory Member will be eligible for formal voting and quorum decisions by the committee.

- D. In-service: The school and CTSI will work together to establish an in-service for staff, teachers, and volunteers on CTSI history, culture and acceptable Mascot and Logo use, which will be provided at least once per school year.

Native Club: The school shall allow and support a Native Club for all students grades 6-12 that desire to participate. The School District agrees to treat the club in the same manner as all school clubs as mentioned in policy IGDA.VI.

### **ENFORCEMENT AND DISPUTES**

Each party to the Agreement shall appoint a minimum of one (1) representative each to respond to inquiries about issues addressed in or affected by the MOA. These representatives shall oversee the implementation of the provisions set forth in this MOA and address ongoing student issues.

The representatives shall make recommendations to the parties as how the MOA might be improved based on their experience, and the parties shall consider those recommendations during the annual review of the Agreement.

- A. **Dispute Resolution:** In the event disputes arise out of or that are related to the Agreement, the parties hereby agree upon the following dispute resolution methods:
  - a. In the event either party believes that the other party has breached this Agreement, the party alleging any breach shall give written notice to the other party in the manner provided herein. The notice

shall identify the specific provisions of the Agreement alleged to have been breached and shall specify the factual basis for the breach. The other party shall have thirty (30) days in which to remedy the breach or provide a written response as to why no breach has occurred.

- b. If the party alleging the breach is unsatisfied with the response, the parties agree to meet within (30) days of the date of receipt of the written response in an effort to resolve the dispute.
- c. In the event the dispute cannot be resolved informally between the parties, the dispute shall be submitted to a mediator agreed upon by the parties as soon as reasonably practicable after the informal meeting. In the absence of agreement, each party shall select a temporary mediator and the temporary mediators shall jointly select the permanent mediator. The mediation fees and mediator's expenses shall be shared equally between the parties. The parties agree to exercise their best efforts and good faith to resolve the dispute.

In the event a dispute cannot be resolved by the process described above, either party may, in its discretion, terminate this Agreement. Ample notice will be provided to the other party and a plan for termination activities established; in no case will termination be final prior to the end of the current school year.

## **VII. GOVERNING LAW**

This Agreement and all disputes arising out of or related to this Agreement will be governed by the laws of the Confederated Tribes of Siletz Indians. In no event shall this or any other provision of the Agreement be construed as a waiver of sovereign immunity of the Confederated Tribes of Siletz Indians.

IN WITNESS WHEREOF, the parties have executed the Memorandum of Agreement as the effective date.

**CONFEDERATED TRIBES OF SILETZ INDIANS (CTSI)**

  
\_\_\_\_\_  
Tribal Council Chairman

02/27/2023


\_\_\_\_\_  
Date

**ROGUE RIVER SCHOOL DISTRICT**

  
\_\_\_\_\_  
School District Superintendent

3-22-23

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
School Board Chairperson

3/21/23

\_\_\_\_\_  
Date

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 7.A.

<p><b>SUBJECT:</b> Speech Language Pathology Stipend Program <b>STAFF NAME &amp; OFFICE:</b> Georgeann Harty OESO</p> <p>With the statute change in SB 215 the Speech Language Pathology Stipend Program needs to have a rule and new guidance. The purpose of this rule is to allow the program to get up and running again and subsequently increase the staff who can provide speech and language services in schools.</p> <p><input checked="" type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> First Reading <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation <input type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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## BACKGROUND

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

1. History:

- a. What prompted the rule (why do we have it?) State law? Federal law? Incident? Why are changes/amendments being proposed?
  - i. HB 3141 established the Speech Language Pathology (SLP) Grant Program (now the: Speech-Language Pathology Stipend Fund) in 2007 to address the personnel shortage of Speech Language Pathologists (SLPs) and Speech Language Pathology Assistants (SLPAs) available to serve in Oregon’s school districts, Education Service Districts (ESDs), and Early Intervention/Early Childhood Special Education (EI/ECSE) programs.
  - ii. The ODE was granted rulemaking authority for this program but has not created one due to issues in the way that current statute is written. Namely, it is not in alignment with the education and licensure process for SLPs and the definition of “Participant” and ambiguity in language make payments problematic.
  - iii. After conducting an extensive legal and program review, the ODE determined that the best way forward is through statute revision.
  - iv. Fortunately, there are simple technical fixes to statute, as introduced in SB 215, that would improve the program while still adhering to the original intent of the legislation. More specifically, these fixes include redefining “participant” and adjusting the language to reflect the licensing and certification process for SLPs and SLPAs, clarifying who

# Oregon State Board of Education

February 15, 2024

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receives the payment, and making language between sections congruent.

- v. The Statute states that scholarships should be awarded to currently enrolled students or mentors. Past and current practice has been to utilize a school district or ESD to act as an intermediary between the ODE and participants and mentors. Current practice is awarding scholarships/stipends to school districts/ESDs upon verification of completion of the program requirements of participants and mentors. The Statute states that participants who do not fulfill their requirements shall pay back their funds. Current practice places the onus for this on the school district or ESD that sponsors/employs the participant.

- b. What is the current requirement in rule or statute?

SB 215 made space to write a new OAR for program clarity.

- c. Why is this rule being brought forward right now?

Following successful statute revision, ODE has embarked on the rule-making process to develop Oregon Administrative Rules (OARs) to support viable and sustainable administration of this program as we work to address the critical shortage of SLPs and SLPAs felt by so many Oregon Districts and ESDs.

## 2. Purpose

- a. What function does the current rule hold?
  - i. Gives clarity on the Speech Language Pathology Stipend Program.
- b. How long has the rule been in place?
  - i. It is a new rule.

## 3. Does the board have any areas of discretion or is this strictly mirroring statute? This rule follows the guidelines from statute.

- a. The exact amount for individual stipended amounts are not called out in statute.

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

- a. Who was involved in bringing this to the Board?
  - i. Office of Enhancing Student opportunities(OESO), Regional Inclusive Services managers, SLPs, special education directors, SLPAs, (ESD) partners, higher education partners, Oregon Association of ESDs

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(OAESD), Oregon Board of examiners for Speech Language Pathology and Audiology (BSPA)

- b. What did engagement in this process entail?
  - i. Surveys, engagements, and meetings.
- c. Who may be affected by this?
  - i. School districts should be affected in a positive way of finding more Speech Language staffing.
- d. Whose voice is missing?
  - i. Surveys were done with participants, mentor participants, and school districts and ESDs as employer.
- e. What additional information does the Board need prior to moving forward?
  - i. We have both district and possible applicants currently inquiring about the program. This program has been paused since 2021 and we need to get it up and running again.

## SUMMARY OF PREVIOUS BOARD ACTION

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- 1. Has this been before the board before?
  - a. No.

## HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

No; same as last month

Yes – As follows:

## POLICY ISSUE OR CONCERNS

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

- 1. Stakeholders
  - a. How have you intentionally involved stakeholders who are also members of communities affected by this rule?
    - i. Multiple engagement sessions and surveys.
  - b. Who are the historically underserved groups affected?
    - i. The lack of Speech Language services directly impacts students served in special education. Historically underserved groups are naturally a part of the students served in special education.
  - c. Has there been consultation or collaboration with tribes in this rule change or policy decision?

# Oregon State Board of Education

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- i. Surveys were done with districts serving various tribes.
    - d. How has the Oregon Department of Education modified or enhanced the rule change or policy decision to address the needs of historically underserved communities?
      - i. This rule is to support students in special education.
- 2. Negative/Positive Effects
  - a. What is the impact on the population most affected by this rule that the board should consider?
    - i. The goal would be to have enough speech language staffing to serve students from birth to 21 years. Student with any language service needs will be positively affected.
  - b. What possible opportunities, assets or access could this rule provide?
    - i. More services for students in Oregon. This would help build an adequate amount of speech and language service providers.
  - c. What is the impact on eliminating the opportunity or achievement gap?
    - i. Having enough service providers in this hard to fill area will help students with language acquisition thus supporting literacy as well.
  - d. Have all the potential unintended consequences been considered?
    - i. There is a possibility we will have more applicants than we do funding available.
  - e. Does this rule advance the ESSA goals?
    - i. Yes. Having enough service providers in this hard to fill area will help students with language acquisition this supporting literacy as well.
- 3. What are the barriers to more equitable outcomes?
  - a. None identified.

## EQUITY IMPACT ANALYSIS

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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. Students experiencing low incidence disabilities, inclusive of the myriad of intersecting identities (i.e. race, class, gender, socioeconomic status, linguistic background, and family constellation) being served in districts birth-21, will have more access to Speech and Language Services.
- 2. Examine the impact of the rule changes, policy, or action on historically underserved populations in Oregon. Describe this ongoing and/or foreseeable impact, using as much detail as possible.

# Oregon State Board of Education

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AGENDA ITEM: 7.A.

- a. Having this program back up and running will increase the amount of hard to fill staff in Oregon schools. Students being served in special education will have more access to their education with more qualified staff in service.
3. Explain how the rule change, policy or action works toward improving achievement, opportunities, and a sense of worthiness for underserved students?
  - a. Language development and literacy go hand in hand. This program will assist with students served in special education and have more staff to help students learn and grow.

## FISCAL ANALYSIS

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

1. How does the proposed rule fit within the budget of the agency?
  - a. Which units/divisions/offices will be impacted and how?
    - i. The school fund has already been allocated for the program. OESO will be implementing the program with current staff.
2. How does the proposed rule change impact school districts and ESDs?
  - a. More opportunities for fully staffed programs for school districts and ESDs.
3. How does the proposed rule change impact schools and other educational institutions?
  - a. With the monetary support there may be an increase in programs in Oregon providing higher ed for hard to fill positions in schools.
4. Does the proposed rule change impact other stakeholders?
  - a. Yes, a clear program to benefit schools.

## EFFECT OF A "YES" OR "NO" VOTE

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If the Rule is not adopted Oregon schools will continue with the shortage of Speech Language Pathologists to serve students.

## STAFF RECOMMENDATION

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

# Oregon State Board of Education

**February 15, 2024**

AGENDA ITEM: 7.A.

## **ATTACHMENTS**

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Attachment 1:

- (1) The following definitions apply to this rule:
- (a) Speech Language Pathologist Assistant (SLPA) as defined in OAR 335-095-0010
  - (b) Speech Language Pathologists (SLP) as defined in OAR 335-060-0005
  - (c) "Department" means the Oregon Department of Education.
  - (d) Stipend: amount awarded to participant and employee's ESD or SD
  - (e) "Eligible post-secondary institution" means:
    - (A) A public university listed in ORS 352.002;
    - (B) A community college as defined in ORS 341.005; or
    - (C) A generally accredited, not-for-profit institution of higher education.
  - (f) "Participant" means a student who applies for a Stipend from the Speech-Language Pathologists Training Fund. under ORS 348.394 to 348.406.
- (2) To be eligible for participation in the program under ORS 348.394 to 348.406, a licensed SLP or SLPA must:
- (a) Be registered as a student in a program for SLP or SLPA, in an eligible post-secondary institution.
  - (b) Agree to receive training under the supervision of a staff person employed by an education service district or a school district.
  - (c) Agree to be employed in Oregon for a minimum of two years as a speech-language pathologist or speech-language pathology assistant within the education service district or school district where the participant will receive mentoring in the first two years of licensure as an SLP or SLPA.
  - (d) Meet other requirements placed on the participant by the Department. These requirements are outlined in the SLP/SLPA Training Fund guidance and toolkit.
- (3) As per ORS 348.398, The Department shall distribute moneys to education service districts and school districts to provide:
- (a) stipends in an amount that is up to \$2,000 per academic year for participants in the program who complete the requirements under subsection (2) of this section for speech-language pathology assistants; and
  - (b) Stipends in an amount that is up to \$9,000 per academic year for participants in the program who complete the requirements under subsection (2) of this section for speech-language pathologists.
- (4) A participant shall complete the employment requirement specified under subsection (1) of this section not later than three years after the date the participant graduates from the program.
- (5) Licensed speech-language pathologists who are employed by education service districts or school districts and provide supervision and mentoring to SLP participants may be awarded a stipend not to exceed \$400 or \$200 for SLPA participants as per **ORS 348.403**.

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 7.B.

<p><b>SUBJECT:</b> OAR 581 015 2280: Process for Approval of Private School or Preschool as a Contractor with Public Agencies</p> <p><b>STAFF NAME &amp; OFFICE:</b> Allyson McNeill and Rae Ann Ray, Office of Enhancing Student Opportunities (OESO)</p> <p>The Oregon Administrative Rule 581-015-2280 contains the process for approval of private alternative schools to contract with public agencies. OESO would like to adjust the timeline for approval within this OAR to reduce duplication of effort for private schools, remove timeline barriers, remove dates, and to clarify the language explaining the timeline.</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"/> <b>First Reading</b> <input checked="" type="checkbox"/> <b>Presentation</b> <input type="checkbox"/> <b>No Presentation</b></p> <p><input type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Temp Rule</b> <input type="checkbox"/> <b>Presentation</b> <input type="checkbox"/> <b>No Presentation</b></p>
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## BACKGROUND

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

1. History:
  - a. What prompted the rule (why do we have it?) State law? Federal law? Incident? Why are changes/amendments being proposed?
    - i. Allowing school district IEP teams to place children in private alternative school settings has a long history. As per OAR 581 - 015 -2280, private alternative schools must complete an application process with Oregon Department of Education (ODE), also known as the “Department,” to provide special education services. The Office of Enhancing Student Opportunities (OESO) collaborates with the private alternative schools to complete the approval on a particular timeline.
    - ii. The current timeline for initial and renewal of approval requires private school to complete the process with a sometimes-unattainable short timeline for renewal and on specific dates.
    - iii. OESO would like to adjust the timeline for approval within this OAR to reduce duplication of effort for private alternative schools, remove timeline barriers, remove specific dates, and to clarify the language explaining the timeline.
  - b. What is the current requirement in rule or statute?
    - i. The current timeline for initial and renewal of approval requires private alternative schools to complete the process with a sometimes-unattainable short timeline for renewal and on specific dates.
    - ii. Example of timeline change: Currently, under this OAR, if a private alternative school applies for approval to provide special education in March 2024, they would be expected to “reapply” August 2024.
    - iii. To review exact language changes, please see the attached rule language
  - c. Why is this rule being brought forward right now?

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 7.B.

- i. Changing the timeline and removing specific dates will ease the burden on private alternative schools and help reduce duplication of effort.
    - ii. Amending the existing rule will help ensure that students who qualify for special education that attend private alternative schools will receive special education services in a timely and efficient manner.
2. Purpose
  - a. What function does the current rule hold?
    - i. The Oregon Administrative Rule 581-015-2280 is the process for approval of private alternative schools to contract with public agencies.
    - ii. The Application and Review section of this OAR outlines the application process and the steps, such as: the documentation and information these institutions need to provide, as well as the review and evaluation process conducted by the ODE to determine their eligibility.
    - iii. This rule impacts children eligible to receive special education services whose needs for services and supports cannot be provided in the public school and who are placed by a school district into a private alternative school setting.
  - b. How long has the rule been in place?
    - i. This rule originated in 1978 and was updated with IDEA revisions and renumbered in 2007.
3. Does the board have any areas of discretion or is this strictly mirroring statute?
  - a. Yes, the Board could suggest an alternative approval timeline to the one being proposed in this docket.
4. Stakeholder voice/input (individual and collective i.e., groups)
  - a. Who was involved in bringing this to the Board?
    - i. Office of Enhancing Student Opportunities (OESO) of ODE
    - ii. Allyson McNeill, ODE OESO, Director of Resource Management and Operations
    - iii. Rae Ann Ray, ODE OESO, IDEA General Supervision Specialist
  - b. What did engagement in this process entail?
    - i. In addition to a Smartsheet survey and ongoing consultation with Annie Marges, ODE SCORE, Alternative Education Options Specialist, Engagement Sessions were held for these groups:
    - ii. Private Alternative School Leaders of Oregon
    - iii. Special Education Directors of Oregon
  - c. Who may be affected by this?
    - i. Private Alternative Schools who need to provide special education services.
    - ii. Students who are eligible for Special Education services attending Private Alternative Schools
    - iii. School Districts who place a student eligible for Special Education in a Private Alternative School
  - d. Whose voice is missing potentially?
    - i. Key decision makers relevant to this OAR participated in the engagement.
  - e. What additional information does the Board need prior to moving forward?
    - i. None currently

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 7.B.

## SUMMARY OF PREVIOUS BOARD ACTION

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1. Has this been before the board before? If so, what action did the board take?
  - a. This OAR may have been brought to the board for approval of changes to it as per changes to the Individuals with Disabilities Act federal law in 2007.

## HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

## POLICY ISSUE OR CONCERNS

---

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

1. Stakeholders
  - a. How have you intentionally involved stakeholders who are also members of communities affected by this rule?
    - i. November 2023: Private School Leader Engagement Session
    - ii. December 2023: Special Education Director Engagement Session
    - iii. Survey option provided to both groups in addition to the sessions.
    - iv. Collaboration with Annie Marges, ODE SCORE, Alternative Education Options Specialist
  - b. Who are the historically underserved groups affected?
    - i. Students eligible for special education
    - ii. Students placed by a school district in a private alternative school.
  - c. If the rule change or policy decision has tribal implications and it has been deemed appropriate by the Department's Tribal Liaison, the Deputy Superintendent, or State Board, has there been engagement or collaboration with tribes in this rule change or policy decision?
    - i. OESO consulted with ODE Tribal Consultation partners, and it was agreed that official Tribal Consultation was not applicable to this proposed rule change.
  - d. How has the Oregon Department of Education modified or enhanced the rule change or policy decision to address the needs of historically underserved communities?
    - i. Students with disabilities are a historically underserved community. This rule amendment addresses the needs of students eligible for special education and placed by a school district in a private alternative school.
2. Negative/Positive Effects
  - a. What is the impact on the population most affected by this rule that the board should consider?

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 7.B.

- i. A positive effect of this rule amendment is that the timeline change will facilitate alignment of the start of a school year and the approval . This would allow students to begin the school year at the private alternative school where they have been placed.
  - b. What is the impact on eliminating the opportunity or achievement gap?
    - i. An asset to this rule amendment is that it would help assure that students who qualify for special education and are placed at a private alternative school would receive services in a timely manner and with approval by the ODE.
    - ii. The timeline change also supports timely contract agreements needed for placement and payment of the placement.
  - c. Have all the potential unintended consequences been considered?
    - i. This rule amendment would potentially help reduce the achievement gap by supporting the process that private alternative schools need to do to be approved to provide special education students thus helping those students make gains in their achievement capabilities.
  - d. Does this rule advance the 40/40/20 goals?
    - i. It is uncertain if this rule amendment would have a direct impact on 40/20/20 goals.
3. What are the barriers to more equitable outcomes?
  - a. IDEA and state law requires that an IEP team that includes the parent, determines least restrictive environment and consider all placement options prior to requiring a more restrictive placement such as a private alternative school.

## EQUITY IMPACT ANALYSIS

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

1. Will historically underserved populations be impacted by this docket item?
  - a. This docket item is designed to support private alternative schools and students eligible for special education who attend such schools and is based on extensive partner engagement and best practices. Students with disabilities are a historically underserved community. This proposed change addresses the needs of students eligible for special education and placed by a school district in a private alternative school.
2. Examine the potential 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. If this rule is not updated, it could have further negative impact on the underserved population of students with disabilities, specifically students with disabilities that attend private alternative schools.
3. Explain how the rule change, policy, or action works toward the elimination of either the opportunity or achievement gaps:
  - a. By making the timeline more attainable for approval for private alternative schools to provide special education, this will increase access to special

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 7.B.

education services for students placed there. Given access to special education services, we expect to see growth in their achievement, as well as in their own sense of worthiness.

## FISCAL ANALYSIS

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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. The OESO office would not have a fiscal impact. The amendment change would not alter the ability for current staff to meet the expectations of the OAR.
2. How does the proposed rule change impact school districts and ESDs?
  - a. There would be no fiscal impact to school districts and ESDs.
3. How does the proposed rule change impact schools and other educational institutions?
  - a. There would be no fiscal impact on other educational institutions.
4. Does the proposed rule change impact other stakeholders?
  - a. The proposed rule change does not impact other stakeholders.

## EFFECT OF A "YES" OR "NO" VOTE

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

A vote of "yes" to amend OAR 581 015 2280 would lead to:

- Opportunity for Private Schools to apply for approval to provide special education on any date throughout the school year to better meet the needs of their students who are eligible for special education services.
- Quicker turnaround time for decision from ODE if private school provides completed application.
- Private Schools can have a period of approval for a full year after initial application.
- Each renewal also gives the Private School a period of approval of one full year from the date of application approval.

A vote of "no" to amend OAR 581 015 2280 would:

- Maintain a timeline for initial and renewal of approval that requires private alternative Schools to complete the approval process with a sometimes-unattainable shore timeline and on specific dates.
- This timeline and specific date requirement can delay special education services to be provided to students with disabilities.

## STAFF RECOMMENDATION

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Approve  Approve next month  No recommendation at this time

# Oregon State Board of Education

**February 15, 2024**

AGENDA ITEM: 7.B.

**Prompted by:**  State law changes  Federal law changes  other

## **ATTACHMENTS**

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Attachment 1: OAR 5810152280 Track Changes for RAC January 2024

Attachment 2: Process for Approval of Private School or Preschool as a Contractor with Public Agencies Slides

# Oregon Department of Education

## Division 15

### Special Education

581-015-2280

#### Process for Approval of Private School or Preschool as a Contractor with Public Agencies

- (1) Initial approval: A private school or private preschool applying for initial approval may submit an application to the Department at any time pursuant to OAR 581-015-2270 and 581-015-2275, respectively. ~~The private school or preschool will be notified by the Department of its approval or denial as quickly as possible but no later than 45 days after receipt of the completed application. The period of approval of the private school or preschool receiving initial approval will be from the date of notification of approval by the Department until the 15th day of August.~~ **Within 30 calendar days of receiving the application, the ODE will review the submitted materials and may request additional documentation or clarification from the applicant to complete the application. The ODE will issue a decision after receiving a complete application. This decision will either grant or deny approval to provide special education services to students with disabilities placed or referred by public schools as per IDEA Sections 300.145-300.1471 as a private alternative education facility**

#### (2) Renewal:

(a) After a private school or preschool receives initial approval of an application, the private school or preschool must submit annual applications for renewal in accordance with OAR 581-015-2270 and 581-015-2275, respectively.

- ~~(b) The Department will begin accepting a private school's or preschool's annual application for renewal on April 1 of each year. The Department will notify the private school or preschool of its decision to renew or deny renewal of approval within 45 days of receipt of the completed application. The period of approval for a private school requesting renewal will be one year beginning on the 15th day of August.~~ **(b) To maintain continuous approval, a private school must demonstrate ongoing compliance and reporting obligations as well as submit evidence of updated insurance, fire, and health inspections with their**

renewal application 30 days prior to the expiration date which is one year from the initial approval date.

- (c) The ODE will review the complete application and compliance documentation then issue a decision to either grant or deny a renewal approval to provide special education services by the expiration date.

(3) Amendment:

(a) An approved private school or preschool may make major program changes only with written prior approval from the Department. A major program change consists of any change in the information contained in a private school's or preschool's approved application that would affect the school or preschool's approval or disapproval under this rule.

(b) To request and receive approval for program changes, the private school or preschool must submit an amendment to the current approved application describing the changes proposed and the reasons for the changes. In addition, the amendment must describe the effect the changes will have on the children currently served under contracts with public agencies.

(c) After submitting an amendment as described in subsection (4)(a) of this rule, the private school or preschool may operate the services under the provisions of the amendment with conditional approval until the Department notifies the private school of the approval or denial of the amendment. The Department will notify the private school or preschool of approval or denial within a reasonable period of time, but no more than 45 days after receipt of the amendment by the Department.

**Statutory/Other Authority:** ORS 343.041, 343.045 & 343.055

**Statutes/Other Implemented:** ORS 343.221, 343.475 & 343.495

**History:**

Renumbered from 581-015-0131, ODE 10-2007, f. & cert. ef. 4-25-07

ODE 2-2003, f. & cert. ef. 3-10-03

ODE 18-2000, f. & cert. ef. 5-23-00

EB 18-1994, f. & cert. ef. 12-15-94

EB 20-1989, f. & cert. ef. 5-15-89

EB 40-1988(Temp), f. & cert. ef. 11-15-88

1EB 28-1978, f. & ef. 7-20-78

## 581-015-2280

### Process for Approval of Private School or Preschool as a Contractor with Public Agencies

#### Relevant Statutes:

- [581-015-2240](#) Requirement for Least Restrictive Environment
- [581-015-2245](#) Alternative Placements and Supplementary Aids and Services
- [581-015-2250](#) Placement of the Child
- [581-015-2255](#) Nonacademic Settings
- [581-015-2260](#) Rights of Children with Disabilities in Private Schools Placed or Referred by Public Agencies
- [581-015-2265](#) Obligations of Public Agencies that Contract with Approved Private Schools
- [581-015-2270](#) Standards for Approval of Private Schools for School-age Children
- [581-015-2275](#) Standards for Approval of Private Preschools
- [581-015-2280](#) Process for Approval of Private School or Preschool as a Contractor with Public Agencies
- [581-015-2285](#) Suspension, Revocation or Refusal to Renew Approval
- [581-015-2290](#) Appeal of Denial, Suspension, Revocation or Refusal to Renew Approval
- [581-015-2295](#) Out-of-State Placements for Special Education



# Process for Approval of Private School or Preschool as a Contractor with Public Agencies

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Allyson McNeill (she/her), Director, OESO Resource Management and Operations

Rae Ann Ray (she/her), IDEA General Supervision Systems Specialist

Office of Enhancing Student Opportunities

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# Process for Approval of Private School or Preschool as a Contractor with Public Agencies

## Summary of the OAR 581 015 2280 and proposed amendment:

The Oregon Administrative Rule [581-015-2280](#) contains the process for approval of private alternative schools to contract with public agencies.

This rule impacts children eligible to receive special education services whose needs for services and supports cannot be provided in the public school and who are placed by a school district into a private school setting.

Federal and State law allow IEP teams to refer or place children in private school settings when their needs cannot be supported in the public school.

OESO would like to adjust the timeline for approval within this OAR to reduce duplication of effort for private schools, remove timeline barriers, remove specific dates, and to clarify the language explaining the timeline.

Changing the timeline and removing specific dates will ease the burden on private schools and help reduce duplication of effort. These changes would also help ensure continuation of special education services to students placed by a school district in a private alternative school.

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# History of OAR 581 015 2280

## **What prompted the rule (why do we have it?) State law? Federal law? Incident? Why are changes/amendments being proposed?**

- As per OAR 581 015 2280, private alternative schools must complete an application process with Oregon Department of Education (ODE) to provide special education services. The Office of Enhancing Student Opportunities (OESO) collaborates with the private alternative schools to complete the approval on a particular timeline.
- The current timeline for initial and renewal of approval requires private school to complete the process with a sometimes-unattainable short timeline for renewal and on specific dates.
- OESO would like to adjust the timeline for approval within this OAR to reduce duplication of effort for private alternative schools, remove timeline barriers, remove specific dates, and to clarify the language explaining the timeline.
- This rule originated in 1978 and was updated with IDEA revisions and renumbered in 2007.

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## **What is the current requirement in rule or statute?**

- The current timeline for initial and renewal of approval requires private alternative schools to complete the process with a sometimes-unattainable short timeline for renewal and on specific dates.
- Example of timeline change: Currently, under this OAR, if a private alternative school applies for approval to provide special education in March 2024, they would be expected to “reapply” August 2024.

## **Why is this rule being brought forward right now?**

- Changing the timeline and removing specific dates will ease the burden on private alternative schools and help reduce duplication of effort.
- Amending the existing rule will help ensure that students who qualify for special education that attend private alternative schools will receive special education services in a timely and efficient manner.

# Purpose of the rule and impact

## What function does the current rule hold?

- The Oregon Administrative Rule [581-015-2280](#) is the process for approval of private alternative schools to contract with public agencies.
- The Application and Review section of this OAR outlines the application process and the steps, such as: the documentation and information these institutions need to provide, as well as the review and evaluation process conducted by the ODE to determine their eligibility. 201
- This rule impacts children eligible to receive special education services whose needs for services and supports cannot be provided in the public school and who are placed by a school district into a private alternative school setting.

# Who may be affected by this?

- Private alternative schools who need to provide special education services.
- Students who are eligible for special education services attending private alternative schools
- School Districts who place a student eligible for special education in a private alternative school

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# Voice, Input, and Engagement

## **Who was involved in bringing this to the Board?**

- Office of Enhancing Student Opportunities (OESO) of ODE
- Allyson McNeill, ODE OESO, Director of Resource Management and Operations
- Rae Ann Ray, ODE OESO, IDEA General Supervision Specialist

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## **What did engagement in this process entail?**

- In addition to a Smartsheet survey, Engagement Sessions were held for these groups:
  1. Private Alternative School Leaders of Oregon
  2. Special Education Directors of Oregon
- Ongoing consultation with Annie Marges, ODE SCORE, Alternative Education Options Specialist

# Equity Impact: Historical Underserved Groups Affected

## **Who are the historically underserved groups affected?**

Students who are eligible for special education and students placed by a school district in a private alternative school is the historically underserved group affected.

## **Has there been consultation or collaboration with tribes in this rule change or policy decision?**

OESO consulted with ODE Tribal Consultation partners, and it was agreed that official Tribal Consultation was not applicable to this proposed rule change.

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

Students with disabilities are a historically underserved community. This rule amendment addresses the needs of students who are eligible for special education and placed by a school district in a private alternative school.

# Fiscal Analysis

## **How does the proposed rule fit within the budget of the agency? Which units/divisions/offices will be impacted and how?**

The OESO office would not have a fiscal impact. The amendment change would not alter the ability for current staff to complete the expectations of the OAR.

## **How does the proposed rule change impact school districts and ESDs?**

There would be no fiscal impact to school districts and ESDs.

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## **How does the proposed rule change impact schools and other educational institutions?**

There would be no fiscal impact on other educational institutions.

## **Does the proposed rule change impact other stakeholders?**

The proposed rule change does not impact other stakeholders.

# EFFECT OF A “YES” or “NO” VOTE

## **A vote of “yes” to amend OAR 581 015 2280 would lead to:**

- Opportunity for Private Schools to apply for approval to provide special education on any date throughout the school year to better meet the needs of their students who are eligible for special education services.
- Quicker turnaround time for decision from ODE if private school provides completed application.
- Private Schools can have a period of approval for a full year after initial application.
- Each renewal also gives the Private School a period of approval of one full year from the date of application approval.

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## **A vote of “no” to amend OAR 581 015 2280 would:**

- Maintain a timeline for initial and renewal of approval that requires private alternative Schools to complete the approval process with a sometimes-unattainable shore timeline and on specific dates.
- This timeline and specific date requirement can delay special education services to be provided to students with disabilities.



OAR 581 015 2280

# Proposed Language Changes

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# Process for INITIAL Approval of Private School or Preschool as a Contractor with Public Agencies

- **Proposed Rule Changes**

- **INITIAL APPLICATION PROCESS**

(1) Initial approval: A private school or private preschool applying for initial approval may submit an application to the Department at any time pursuant to OAR 581-015-2270 and 581-015-2275, respectively. ~~The private school or preschool will be notified by the Department of its approval or denial as quickly as possible but no later than 45 days after receipt of the completed application. The period of approval of the private school or preschool receiving initial approval will be from the date of notification of approval by the Department until the 15th day of August.~~

Within 30 calendar days of receiving the application, the ODE will review the submitted materials and may request additional documentation or clarification from the applicant to complete the application. The ODE will issue a decision after receiving a complete application. This decision will either grant or deny approval to provide special education services to students with disabilities placed or referred by public schools as per IDEA Sections 300.145-300.1471 as a private alternative education facility

- **Summary of Proposed Changes**

- Change from “no later than 45 days” to “Within 30 calendar days of receiving the application, the ODE will review the submitted materials and may request additional documentation or clarification from the applicant to complete the application.”
- Remove specific date “15th of August” as date for beginning the period of approval

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# Process for RENEWAL Approval of Private School or Preschool as a Contractor with Public Agencies

- **Proposed Rule Changes**

- **RENEWAL APPLICATION PROCESS**

2) Renewal: (a) After a private school or preschool receives initial approval of an application, the private school or preschool must submit annual applications for renewal in accordance with OAR 581-015-2270 and 581-015-2275, respectively.

~~(b) The Department will begin accepting a private school's or preschool's annual application for renewal on April 1 of each year. The Department will notify the private school or preschool of its decision to renew or deny renewal of approval within 45 days of receipt of the completed application. The period of approval for a private school requesting renewal will be one year beginning on the 15th day of August.~~

**(b) To maintain continuous approval, a private school must demonstrate ongoing compliance and reporting obligations as well as submit evidence of updated insurance, fire, and health inspections with their renewal application 30 days prior to the expiration date which is one year from the initial approval date.**

**(c) The ODE will review the complete application and compliance documentation then issue a decision to either grant or deny a renewal approval to provide special education services by the expiration date.**

- **Summary of Proposed Changes**

- Remove specific date of “April 1” as the date schools can begin applying for renewal
- Remove specific date “15th of August” as date for beginning the period of approval
- Change “ODE...decision to renew or deny renewal of approval within 45 days of receipt of the completed application”  
To  
“a private school must demonstrate ongoing compliance and reporting obligations as well as submit evidence of updated insurance, fire, and health inspections with their renewal application 30 days prior to the expiration date which is one year from the initial approval date. “

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# Process for Approval of Private School or Preschool as a Contractor with Public Agencies

## Benefits of this change:

- Opportunity for Private Schools to apply to be approved to provide special education on any date throughout the school year to better meet the needs of their students who are eligible for special education services
- Quicker turnaround time for decision from ODE if private school provides completed application
- Private Schools can have a period of approval for a full year after initial application
- Each renewal also gives the Private School a period of approval of one full year from the date of application approval

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# Questions



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# Input

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# Thank You



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# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 7.C.

<p><b>SUBJECT:</b> 581-014-0001 Definitions for Student Investment Account &amp; 581-014-0019 Community Engagement</p> <p><b>STAFF NAME &amp; OFFICE:</b> Blake Whitson, Office of Education Innovation and Improvement</p> <p>This rule amendment provides further clarity to the SIA Focal Student Group Definitions and alignment with the Student Success Plans.</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"/> <b>First Reading</b> <input checked="" type="checkbox"/> <b>Presentation</b> <input type="checkbox"/> <b>No Presentation</b></p> <p><input type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Temp Rule</b> <input type="checkbox"/> <b>Presentation</b> <input type="checkbox"/> <b>No Presentation</b></p>
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## BACKGROUND

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

1. History:
  - a. The board adopted temporary rules for the Student Investment account in fall of 2019 with permanent adoption in the spring of 2020. Following the implementation of the Student Investment accounts it was determined that we had three distinct needs for definitions for focal groups (determination of charter school eligibility, community engagement, and for longitudinal performance growth targets) and that at the time only one of those functions was defined in rule. The department proposed and expanded set of rules adding additional focal groups to the definitions as well as establishing the three structural areas the definitions are used in. These definitions were adopted in late 2022. Following the adoption of those rules the department continued to review the focal group definitions for further alignment with the student success plans and equity based language.
2. Purpose
  - a. To ensure alignment between focal group definitions and the student success plans and other programs and initiatives of the department.
3. Does the board have any areas of discretion or is this strictly mirroring statute?
  - a. The legislature defined certain focal groups in rule but gave the board the authority to define additional focal groups in rule. Therefore the board has discretion in establishing and defining additional focal groups in rule.
4. Stakeholder voice/input (individual and collective i.e., groups)
  - a. The department has engaged our internal staff working on the various student success plans and other initiatives to provide input into these rule updates to ensure alignment with their definitions. Some of these definitions were also taken to the various advisory groups working on the student success plans for input as we considered updates. Finally, we presented these revised definitions to the ODE Rules Advisory Committee for consideration and input into additional defined focal groups.

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 7.C.

## SUMMARY OF PREVIOUS BOARD ACTION

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1. The board has previously adopted rules regarding the definitions of focal group students as well as defining the three structural areas in which the rules are utilized. During the prior board presentation the department indicated we would continue to evaluate the definitions and work to align them across programs and the student success plans as applicable.

## HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

## POLICY ISSUE OR CONCERNS

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

1. Stakeholders
  - a. The department has engaged with additional ODE staff working on Student Success Plans and other ODE programs to ensure focal student group definitions align across the programs and plans to the extent possible. In addition, we worked with the ODE Rules Advisory Committee to get additional feedback into the proposed rule updates.
2. Negative/Positive Effects
  - a. These proposed rules continue to build upon the core purpose of the Student Investment Accounts by centering on equity and improving outcomes for historically underserved students. We are continuing to revise the definitions to ensure that students and communities are being engaged and considered as part of district plans. In addition we have added an additional focal group of students to the rules as well to include students who are pregnant, parenting, or experiencing pregnancy related conditions.
3. What are the barriers to more equitable outcomes, either:
  - a. The aim of these rules are to further reduce barriers to equitable outcomes by aligning the definitions for focal group students across plans and programs.

## EQUITY IMPACT ANALYSIS

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

1. Equity is at the core of the Student Investment Accounts and the focal group definitions aim to center the inclusion of students who have been historically underserved at the heart of the applicants engagement and planning process.

## FISCAL ANALYSIS

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# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 7.C.

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. There is no anticipated fiscal impact from these rules.

## **EFFECT OF A "YES" OR "NO" VOTE**

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The impact of a yes vote on these rules will align the SIA focal group definitions with other definitions in rule related to the student success plans and other programs administered by the department.

## **STAFF RECOMMENDATION**

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

## **ATTACHMENTS**

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Attachment 1:

581-014-0001

Definitions for Student Investment Account

The following definitions apply to OAR 581-014-0001 to 581-014-9999:

(1) “ADMw” means the extended weighted average daily membership computed as provided in ORS 327.013(1)(c).

(2) “Eligible Applicant” means an applicant as defined in ORS 327.185(1) including YCEP and JDEP programs.

(3) “Spring Membership” means the data report that represents students attending public schools and programs on the first school day in May, as derived from the 3rd period cumulative average daily membership collection. Rules governing the Spring Membership report are contained in the most recent edition of the Oregon Student Membership Manual, published by the Oregon Department of Education.

(4) “Students from Racial or Ethnic Groups that Have Historically Experienced Academic Disparities” includes, but is not limited to American Indian and Alaska Native students (**AI/AN and AI/AN+**), Black and African American students, Hispanic and Latino students, Asian students, Native Hawaiian and Pacific Islander students, and multiracial students, and any other racial or ethnic group identified by the school district as historically experienced academic disparities.

(5) “Student Investment Account” means the account as established in ORS 327.175.

(6) “Students with Disabilities” means a child with a disability as defined in ORS 343.035(1).

(7) “Students who are homeless” has the same meaning as in section 725 of the McKinney-Vento Act, 42 USC § 11434a (2).

(8) “Foster Students” as defined in ORS 30.297(5)(c)

(9) ~~“LGBTQ2SIA+ Students” means students who identify as Lesbian, Gay, Bisexual, Transgender, Queer/questioning, Two-Spirit, Intersex, or Asexual.~~ **“LGBTQ2SIA+ Students” means students who may have one or multiple gender identities and/or sexual orientations including lesbian, gay, bisexual, pansexual, transgender, nonbinary, queer, questioning, two-spirit, intersex, and asexual. The plus sign (“+”) recognizes and includes the myriad ways to describe marginalized gender identities and sexual orientations.**

(10) “Students Recently Arrived” means a student who was NOT born in any state or US Territory and who has not been attending one or more schools in any one or more state for more than three full academic years.

(11) ~~“Migrant Students” means a student whose parent or guardian is a migratory worker in the agricultural, dairy, lumber, or fishing industries and who has moved between school districts in the last three years.~~ **“Migratory Students” means a student whose is a migratory worker or whose parent or guardian is a migratory worker in the agricultural, dairy, lumber, or fishing industries and who has moved due to economic necessity between school districts in the last thirty six months, and is eligible to be a part of the Title 1-C Migrant Education Program.**

(12) ~~“Students with Experience of Incarceration or Detention” means a student who is serving a criminal sentence in a correctional institution or who is detained in a detention facility prior to adjudication.~~ **“Justice involved youth” means a student who is pre or post adjudication, been or currently detained in a secure juvenile justice facility, and/or been or currently placed in a community juvenile justice program.**

(13) **“Students who are pregnant, parenting, and/or students who experience any pregnancy-related condition” means students who are pregnant for any length of time, or who are actively caring for a child, whether biologically related to them or otherwise. This includes students with pregnancy-related conditions, including, but not limited to loss or termination of a pregnancy, childbirth, lactation, and/or mental health conditions.**

(14) Effective July 1, 2023, “Economically disadvantaged students” means students who meet one or more of the following qualifications:

(a) are participating in Supplemental Nutrition Assistance Program funded by the United States Department of Agriculture;

(b) are participating in the Temporary Assistance for Needy Families program as defined in Title IV of the Social Security Act;

(c) are foster students;

(d) are migrant students; or

(e) are students who are homeless

581-014-0019

Community Engagement

(1) For the purposes of a Student Investment Account Grant Application eligible applicants must show input in the strategic planning process as set forth in ORS 327.185 (6)(b). As part of that input, eligible applicants should engage, to the extent possible, with focal group students and families, including:

(a) Students from racial or ethnic groups that have historically experienced academic disparities;

**(b) Students who identify as American Indian/Alaska Native, alone or in combination with other races and ethnicities, and are enrolled members of federally-recognized tribal nations**

(bc) Students with disabilities;

(ed) Students who are navigating homelessness;

(de) Students in foster care;

(ef) Economically disadvantaged students;

(fg) Students who **may** identify as LGBTQ2SIA+;

(gh) Students recently arrived;

(hi) ~~Migrant~~ **Migratory** students;

(ij) ~~Students with experience of incarceration or detention;~~ and **Justice involved youth**

**(k) Emerging bilingual students; and**

(jl) Emerging bilingual students.

(2) Applicants may also identify other student groups to include for the purpose of input in the strategic planning process set forth in ORS 327.185 (6)(b) that meet the following criteria for students that have experienced historic and current academic disparities resulting from:

(a) Immutable characteristics;

(b) Socio-economic status;

(c) ~~Cultural or Ethnic Background~~ **Bias against the student's Cultural or Ethnic Background;**

(d) Disability;

(e) ~~Students experiences mental or behavioral health barriers~~ **Students experiencing barriers to accessing education due to mental or behavioral health challenges;**

(f) Or any combination thereof.

(3)(a) Focal groups identified in sections 1 and 2 above not captured in current ODE data collections may, but shall not be required to, be included in the development of the Longitudinal Performance Growth Targets as defined in ORS 327.190 (3).

(b) As data is required to be collected that may further identify focal group students as identified above those groups shall then be included, to the extent possible, in the development of Longitudinal Performance Growth Targets.

# Oregon State Board of Education

## MEETING DATE

AGENDA ITEM:

<p><b>SUBJECT:</b> Early Literacy Success Initiative - Community Grants, Tribal Grants, and School District Grants</p> <p><b>STAFF NAME &amp; OFFICE:</b> Office of Equity, Diversity, and Inclusion; Office of Indian Education; Office of Teaching, Learning, and Assessment; Office of Education Innovation &amp; Improvement</p> <p>The Oregon Legislature passed HB 3198 during the 2023 session. The bill creates the Early Literacy Success Initiative, which includes Community and Tribal Grants as well as School District Grants. The proposed permanent rule set covers shared definitions in addition to specific rules for each of the three types of grants held by ODE. This is the second and more robust phase of the rule-making process. To date, only narrowly focused temporary fund administration rules for the school district grants were brought to the board in September 2023.</p> <p><input checked="" type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><b>X First Reading</b> <b>X Presentation</b> <input type="checkbox"/> No <b>Presentation</b></p> <p><input type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No <b>Presentation</b></p>
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## BACKGROUND

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### History

In 2023, through the leadership of Governor Kotek, the Oregon Legislature established early literacy as a top priority. The legislature passed HB 3198 during the 2023 session, establishing the Early Literacy Success Initiative - and thereby three types of grants administered by ODE: Community Grants, Tribal Grants, and School District Grants. The bill also established the birth to five grants through the Department of Early Learning and Care (DELIC) to support early literacy during the first critical years of life. The rules coming before the Board today are focused on the Community, Tribal, and School District grants while DELIC is running a separate rule-making process for the birth to five grants.

The overall purpose of the Early Literacy Success Initiative is to:

- Increase early literacy for children from birth to grade three;
- Reduce literacy academic disparities for student groups that have historically experienced academic disparities;
- Increase support to parents and guardians to enable them to be partners in the development of their children’s literacy skills and knowledge; and
- Increase access to early literacy learning through support that is research-aligned, culturally responsive, student-centered and family-centered.

The legislation also requires alignment with the Student Investment Account (SIA) and other improvement strategies administered by the department. To that end, the proposed permanent rules are aligned to the greatest extent possible with the existing rules from both the SIA as well as the High School Success (HSS). This ensures alignment with existing programs – and also builds on lessons learned from administering those two funding streams to date. This should also reduce administrative burden for

# Oregon State Board of Education

## MEETING DATE

### AGENDA ITEM:

grantees as they are familiar with similar rules for the SIA and HSS. Additionally, the department considered the strategies and rules for the Student Success Act Statewide Success Plans for focal student groups when drafting these rules.

At the center of this legislation are research-aligned literacy strategies, which are “... culturally responsive and relevant to diverse learners; based on long-term research derived from the science of reading and writing; and apply instructional practices that are developmentally appropriate and specifically designed for students with disabilities and students who are English language learners.” In this prominent definition, the legislation puts equity and inclusion on equal footing with long-term research, thereby establishing the significance of literacy practices that support the whole child.

These permanent rules come after the adoption of narrowly focused temporary rules for fund administration for the school district grants only last fall. The temporary rules adopted in September 2023 are set to expire in March 2024.

#### *Early Literacy Community Grants*

The department will distribute Community Grant Funds through competitive grants from the Early Literacy Success Community Grant Fund to support early literacy success at home and in Oregon communities. The legislature will determine funding levels for 2023-25 pending the approval of the plan submitted in advance of the 2024 legislative session. The purposes of this grant program are to:

- Expand culturally and linguistically responsive early literacy programs for children in early elementary grades by:
  - Empowering family and caregiver engagement; and
  - Providing research-aligned professional training and coaching for direct service staff in early literacy.
- Develop and implement programs that engage parents and children in early elementary grades in early literacy that are available equitably and statewide.
- Provide high-dosage tutoring programs and training for qualified tutors to provide instruction in a manner consistent with research-aligned literacy strategies.

#### *Early Literacy Tribal Grants*

Through ODE’s Government to Government Education Cluster process and with guidance by the Governor’s Office (GO), the Early Literacy Success Initiative was brought to the Education Cluster prior to drafting the initial bill. Language, informed by Tribes, was added to the bill and rules:

- Tribal Grant set-aside funds for the nine federally recognized Tribes of Oregon;
- Continued communication and collaboration with the nine federally recognized Tribes of Oregon;
- Expand and develop language revitalization efforts by federally recognized Indian Tribes in this state.

The Oregon Department of Education will distribute non-competitive grants from the Early Literacy Success Community Grant Fund. The legislature will determine funding levels for 2023-25 pending the approval of the plan submitted in advance of the 2024 legislative session. The purposes of this grant program are to engage with each Tribe to co-create an Early Literacy Project Plan to:

- Expand and develop literacy and language revitalization efforts by Oregon’s federally recognized Tribes.

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- Expand culturally and linguistically responsive early literacy programs for children in early elementary grades by:
  - Encouraging family and caregiver engagement; and
  - Providing research-aligned professional training and coaching for direct service staff in early literacy.
- Develop and implement programs that engage parents and children in early elementary grades in early literacy and that are available equitably and statewide.
- Provide high-dosage tutoring programs and training to tutors to qualify the tutors for instruction in a manner consistent with research-aligned literacy strategies.

#### *Early Literacy School District Grants*

The Oregon Department of Education will administer non-competitive, application-based, annual grant-in-aid to school districts and eligible public charter schools that are elementary schools to support comprehensive early literacy plans. There will be \$90 million for the 2023-25 biennium funded through the Statewide Education Initiatives Account. Allowable uses include:

- Professional development and coaching in research-aligned literacy strategies for teachers and administrators in early elementary grades.
- Extended learning programs that use research-aligned literacy strategies and that are made available to students in early elementary grades by licensed teachers or by qualified tutors; including:
  - Home-based summer reading activities for students who need additional support and enrichment; and
  - Intensive summer school programs for students who need the most additional support and who receive at least 60 hours of direct literacy instruction by an instructional assistant or a licensed teacher trained in research-aligned literacy strategies.
- High-dosage tutoring that integrates reading and writing and is delivered by a qualified tutor.
- The adoption and implementation of curricula that uses research-aligned literacy strategies.
- Literacy specialists, coaches or interventionists to support all of the above.

#### **Purpose**

The purpose of these rules is to provide clarity to support grantees in better understanding the statute, ultimately better supporting successful implementation of the three different grants.

There are several components to this rule set, which include:

- Early Literacy Grants: Definitions - rules detail shared definitions across all three types of grants unless stated otherwise
- Early Literacy Community Grants Program: Establishment - rules establish the grant program
- Early Literacy Community Grants Program: Eligibility - rules provide clarity on who is eligible to apply for the grant program
- Early Literacy Community Grants Program: Criteria - rules specify criteria for eligible entities to be considered for funding
- Early Literacy Community Grants Program: Funding - rules provide detail on budgets and indirect costs
- Early Literacy Community Grants Program: Reporting - rules name that recipients will need to report on program outcomes

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- Early Literacy Tribal Grants - rules name that Tribal Grants will require communication and collaboration to develop Project Plan with the nine federally recognized Tribes of Oregon
- Early Literacy Success School District Grants: Grant Administration - rules provide clarity on prioritization, technical assistance, and effective dates of implementation
- Early Literacy Success School District Grants: Fund Administration - rules clarify how funds will be distributed, what happens with unspent funds or a charter closure, how recipients will receive funds, and match requirements
- Early Literacy Success School District Grants: Allowable Uses of Funding - rules provide specificity on several allowable uses

### **Engagement**

The department planned and implemented robust engagement on the full set of draft permanent rules, including the launch of a technical Early Literacy Advisory, Tribal Education Cluster Government to Government engagement, and engagement with the Rules Advisory Committee.

#### *Early Literacy Advisory*

In October 2023, the department launched an invitation intended to reach leaders, practitioners, and organizations in Oregon who may have interest and/or be impacted by the process of developing OARs for the implementation of the Early Literacy Success Initiative. ODE sought to bring together a wide-array of perspectives from across the state in the short-term advisory. The Early Literacy Advisory consistently had 40-50 members in attendance at each of the five meetings, with representation from various roles and experiences across 19 counties in Oregon. The purpose of the Early Literacy Advisory was to offer knowledge, input, and recommendations on the rules, but ultimately was not a decision-making body.

The Early Literacy Advisory convened for the first time on October 16, 2023. In this meeting, members were provided with high-level context about the initiative and had an opportunity to share their hopes for the process and specific topics that needed rules before ODE began drafting the rules. The second advisory meeting was held on October 23, 2023, where the focus was on gathering more input on the topics that emerged as important for rule development in the first meeting. This was again before ODE started drafting any rules.

The third meeting on November 6, 2023 was the first time ODE brought draft rules to the advisory for feedback. A fourth meeting was held on December 4, 2023, where members got to provide another round of input and feedback on the next iteration of draft rules. In addition to being able to offer input during the call, members were also able to provide feedback asynchronously through a Smartsheet WorkApp or Google document through December 15, 2023. A fifth and final meeting was held on January 22, 2024 where another iteration of the draft rules were shared as well as rationale for certain decision points made since the fourth meeting. Members were able to continue to share input on the draft rules through January 25, 2024 via the Smartsheet WorkApp or Google document.

#### *Government to Government*

The State of Oregon has long recognized and emphasized the importance of continued communication and partnership with the nine federally recognized sovereign tribes in Oregon. This partnership has been solidified by a number of state legislative and executive actions beginning with SB 386 (1975), now ORS

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172.100-.140, established the Legislative Commission on Indian Services “for the purpose of improving services with American Indians in the State of Oregon” and comprised of representatives of the nine tribes and members of the Legislative branch, making Oregon one of the first states in the nation to lead the way in this important work. In 1996, Governor Kitzhaber issued Executive Order (EO) No. 96-30, which formalized a government-to-government relationship between the State of Oregon and the nine tribes and established a framework for government-to-government communication and consultation on issues of mutual concern. The EO emphasized the importance of recognizing the tribes as sovereign nations and established a process which “can assist in resolving potential conflicts, maximize key inter-governmental relations and enhance an exchange of ideas and resources for the greater good of all of Oregon’s citizens, whether tribal members or not.” EO 96-30 was codified into law by the Legislature in SB 770 (2001), now ORS 182.162 to 182.168.

In addition to the mechanisms outlined in EO 96-30 and ORS 172.100-.140 and ORS 182.162-.168, the government-to-government relationship has also been facilitated through “clusters” comprised of representatives from the tribes and executive branch agencies organized to focus on specific areas of policy. The education cluster focuses on areas of partnership that expand along the education spectrum from early childhood to college. The clusters have been very successful at identifying potential areas of partnership and carrying out instrumental pieces of policy that help both the tribes and the state accomplish our educational goals.

The Office of Indian Education and GO engaged with the Education Cluster starting in June 2023 continuing to date. On December 5, 2023, ODE/GO brought forward draft rules to the Education Cluster for review/input with attention given to Early Literacy Tribal Grants. The tribes appreciated the input from this Advisory Committee and took input into consideration.

In early February, the GO also sent out communication to the Education Cluster on the current status of Early Literacy including draft rules seeking additional input and recommendations.

#### *Rules Advisory Committee*

Prior to bringing this proposed rule set to the State Board, the department also engaged with the Rules Advisory Committee (RAC). The original rule concept was presented at the November 2, 2023 meeting, with a first draft of the rule presented at the January 4, 2024 meeting and a second draft presented at the February 1, 2024 meeting. At both the January and February meetings, RAC members were given the opportunity to ask questions and provide oral and written feedback on the draft rules.

### **SUMMARY OF PREVIOUS BOARD ACTION**

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Permanent rules for the Early Literacy Success Initiative have not been before the board previously.

### **HAS THE RULE CHANGED SINCE LAST BOARD MEETING?**

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

No; same as last month

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Yes – As follows:

### **POLICY ISSUE OR CONCERNS**

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#### **Engagement**

As detailed above under engagement, the department launched an Early Literacy Advisory, which brought together people with differing interests and perspectives to provide input on the rules. The nine federally recognized tribes were also engaged in a process to provide input on the Tribal Grant rules. ODE also presented these draft rules multiple times at the RAC and provided an opportunity for feedback.

#### **Feedback & Adjustments Made**

This section details feedback that ODE received through all of the engagement sessions as well as how ODE responded to that feedback, including if any changes were made to the draft rules.

#### *Community Grants and School District Grants*

##### ***High-Dosage Tutoring Definition***

The statute establishes the requirement for rules regarding the maximum group size for high-dosage tutoring. Additionally, these rules clarify other requirements named in the statute in response to engagement and from learnings gleaned in the first application process.

Regarding group size, the ODE weighed feedback around the effectiveness of the instruction, what is supported most clearly in current research, and the cost of personnel and implementation. There are pros and cons of larger and smaller maximum group sizes including instructional effectiveness, opportunities to create the conditions for strong relationships, alignment with research, financial costs, and breadth versus depth of impact. These rules propose a maximum tutoring group size of 4. This number is rooted in the high-dosage tutoring research, which points to this maximum size allowing for impactful experiences for students, both in instruction and in creating the conditions for strong relationships between students and tutors. Most of the feedback received was in support of a smaller maximum group size, such as 3-4 students. The statute establishes a strong focus on research-aligned literacy practices, which provided clarity as the ODE navigated this group size decision. The research-aligned approach to high-dosage tutoring is soundly at 4 or fewer students per group.

#### *Community Grants*

##### ***Definitions***

Through the engagement summarized above, key decisions and revisions were made including a more detailed definition for the terms *community based organizations*. ODE also grappled with whether or not to include culturally-specific organizations as an eligible entity. To be intentional about the type of community-based organizations reached with these grant funds, the department decided to only allow culturally specific organizations who meet the parameters of the definition for community-based organizations.

##### ***Eligible Entities***

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Additionally, in response to the feedback heard from the community based organization perspective during initial engagement, ODE originally included school districts, education service districts, and public charter schools as eligible entities for community grant funding if they could demonstrate a formalized partnership with a community based organization. After socializing this rule language in subsequent engagement opportunities and considering feedback from various perspectives, ODE decided to remove school districts, education service districts, and public charter schools as eligible entities for community grant funding to firmly ground in the community-intent of these funds.

#### ***Funding***

In order to ensure that a vast majority of these grant funds go to direct student service, the funding rule was originally drafted to include caps for both indirect costs, as well as direct administrative costs though after careful consideration of the feedback that ODE received through engagement opportunities, the department opted to include the caps for indirect costs in rule with percentages aligned to what is identified in the rules for Student Success Plan Grant programs, and include the percentages for direct administrative cost caps in guidance. While capping direct administrative costs is common for federal funds, this is not something that has been previously done with ODE's state grant funding. Including these caps in the Request for Application guidance and in grant agreements will allow us to fulfill the intent of firmly directing investments primarily towards direct student service while allowing us to adjust the percentages to reflect lessons learned from the initial grant cycle(s) of the program.

#### ***Priority to Applications***

In the original draft of the criteria rule there were four criteria identified to award additional priority to applicants who can demonstrate they meet this criteria. As a result of community engagement feedback and consultation with the Department of Justice, ODE made the decision to remove this criteria from the criteria rule with the understanding that ODE can include the priority criteria in the Request for Application guidance.

#### ***Tribal Grants***

Again, in December, ODE/GO brought forward draft rules to the Education Cluster for review and input with attention given to Early Literacy Tribal Grants and a minor change was made to the rules.

Language was included to co-create Tribal Early Literacy Project Plans in partnership with each Tribe and aligned to the intent and understanding of the Early Literacy Student Success Initiative.

#### ***School District Grants***

##### ***Prioritization***

The statute establishes the requirement for rules regarding prioritizing schools with the lowest rates of proficiency in literacy. ODE applied an equity lens to develop options for how districts make prioritization decisions when they allocate funds and other resources across elementary schools. Through engagement, ODE received feedback about these approaches and continued to refine them. Notably, it was important that prioritization of funding and resources be required for all districts with more than one elementary school and also that districts have flexibility about how they determine which school(s) to prioritize. The proposed rules include four

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different school characteristics related to literacy proficiency. The strategies include prioritizing based on:

- (1) the lowest rates of proficiency in literacy,
- (2) whether the school was identified for comprehensive support and improvement or for targeted support and improvement under the federal Every Student Succeeds Act based in part on literacy score,
- (3) where proficiency in Language Arts has not rebounded to pre-pandemic levels; and
- (4) where there are the largest portion of student groups that have historically experienced academic disparities.

The statute established a definition of student groups that have historically experienced academic disparities and this definition was further clarified within the draft rules. The rules for this definition were developed to align with definitions established through the Student Success Act and Student Investment Account.

#### ***PreK Inclusion in Funding Formula***

There was discussion about adding PreK to the funding formula. ODE does not currently have statewide PreK enrollment data that is of adequate technical quality to include in the funding formula. However, this is a crucial part to consider and, in consultation with the DELC, ODE will continue to explore data sources, data quality, and potential timelines for adding additional rule language related to PreK inclusion in the funding formula.

#### ***Core (or “Basal”) Instructional Materials - Timeline and Requirements***

Access to high-quality instructional materials is a key lever for supporting literacy teaching and learning. And a growing and compelling research base suggests that high-quality instructional materials can yield significant improvements in students' achievement. The legislation places an emphasis on research-aligned, high-quality curriculum in two areas: as an allowable use of funds and through a submission of an inventory by applicants of all early literacy curriculum and instructional materials. These require various areas of specificity of definitions and criteria.

The definition of core instructional materials is not included in the legislation and was developed for these rules in order to distinguish which materials require evaluation based on State Board adopted criteria and are eligible as an allowable use after January 1, 2025. This definition went through a few iterations to both align it to definitions used in other rules (i.e. Division 22 and Division 11) and to capture the most important elements that characterize what is 'core' (i.e. the “major instructional vehicle”).

These proposed rules put forth a requirement that effective January 1, 2025, funds from this grant used for the adoption and implementation of core instructional materials may only be used for materials from the State Board of Education adopted list. The various perspectives on this requirement center on: 1) the role of independently adopted instructional materials which still require a local evaluation using the State Board adopted criteria, but need not be on the list of materials approved by the State Board, and 2) the timeline for this requirement to the degree it impacts districts who have not adopted from the State Board approved list. The rules as drafted recognize the urgency and importance of core curriculum and incentivize the use of the

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State Board list. Grantees may still access grant funds if they are using an independently adopted curriculum, though funds could only be used towards the other allowable uses. Discussion and iterations of this rule centered around the timeline of the requirement and possible mechanisms for allowing independent adoption on an interim basis, which ultimately were not included as to not delay by another biennium the emphasis on State Board approved instructional materials.

#### ***Additional School District Details for High-Dosage Tutoring Definition***

In addition to group size, one other component of the definition generated substantial discussion and feedback: when high-dosage tutoring may occur. These rules allow for high-dosage tutoring to occur during school or before/after regular school hours. Research points to the benefits of tutoring during school hours, and also names the potential equity impacts of such a limitation (e.g. students being pulled from classes; impacts on a well-rounded education). There were various perspectives and feedback on this topic and, after weighing the implications described above, ODE proposes rules to allow tutoring both during and before/after school hours.

Lastly, in response to almost unanimous feedback, “regular core instruction” was defined in order to further clarify the statutory language of high-dosage tutoring being in addition to daily instruction.

#### ***Criteria and Vendor Lists Across Allowable Uses***

Through rule development (and Jumpstart Biennium<sup>1</sup> application process), ODE identified a need for a substantial amount of ODE support for the operationalization of certain allowable uses, namely the development of criteria and approved external vendors for professional development and coaching, high-dosage tutoring, and extended learning. Iterations of these rules centered mainly on the timeline of development.

#### ***Literacy Coaches, Interventionists, & Specialists***

One of the allowable uses of funding from the statute is the employment of literacy specialists, coaches or interventionists. These three terms needed to be defined to establish clarity about who is eligible to fulfill these roles and what level of professional expertise is required in order to put funds towards these positions. There are differing opinions as to whether the literacy specialists, coaches, and/or interventionists should be limited to licensed staff or whether classified staff should also be eligible, particularly as it pertains to the ability to staff high-dosage tutoring and other literacy efforts.

In reflecting on this feedback and the range of roles included in this legislation, ODE wrote rules that include qualified tutors as a role open to anyone who is trained in the tutoring program, including classified staff. The specialized roles of literacy specialists, coaches, or interventionists, though, must be held by a person with a license as well as advanced literacy training/certifications and a literacy endorsement. This ensures that these staff possess the necessary expertise in science of reading and research-aligned literacy strategies (as defined by the statute) to improve student literacy and teacher practice. Through the first application

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<sup>1</sup> Given the timeline for districts to build a plan and apply for funds has been fast, the first biennium of implementation – and especially the first year – serves as a jumpstart for districts or a “Jumpstart Biennium.”

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process, there was also confusion about the distinction between a qualified tutor and an interventionist and these rules are meant to clarify the additional training and qualifications required for the role of interventionist, given the expectation that an interventionist would support students in building their early literacy in ways that go beyond the administration of a tutoring program.

#### ***Matching Funds***

The match policy already established in temporary rules in September 2023 allows applicants to match their state funding with local funds from any funding source. These match funds can be used for literacy practices across Prek-5. ODE used the same language from temporary rules in these permanent rules in order to provide continuity this biennium and--in the case that a match continues to be required by the legislation--for continuity in future bienniums. Note that these and the other Fund Administration rules have an earlier effective date than other rule sets in order to maintain consistency for the remainder of this biennium. There were differing opinions voiced on the match early in the engagement process, mostly centered on how narrow or flexible the expenditures of match dollars must align with the five allowable uses of the grant and the timing and impact of when any new rules would go into place.

### **EQUITY IMPACT ANALYSIS**

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Oregon's Early Literacy Framework and this legislation are built on a foundation of equity that places a students' sense of belonging as well as culturally responsive practice at its core. These grants and the rules ODE has put forth to govern them, by an extension of that framework and their interconnectedness with the Student Investment Account (now a part of the larger Integrated Guidance), place equity and engagement with communities, specifically focal student groups, at the center of the grants.

Additionally, at the center of the this legislation are strategies that are 'researched-aligned' which is defined in the statute as strategies that are "... culturally responsive and relevant to diverse learners... [and] apply instructional practices that are developmentally appropriate and specifically designed for students with disabilities and students who are English language learners." Each of these rules, be they a definition or other specifying criteria or action, support this legislative standard or are written with this lens in mind to support implementation that most positively impacts these and other historically marginalized student groups.

The department also named several equity impacts earlier in the docket, primarily as the team considered choice points based on engagement feedback, including what is offered within prioritization and high-dosage tutoring.

### **FISCAL ANALYSIS**

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ODE anticipates some fiscal impact to school districts, public charter schools, and any organizations that apply for funding given these are new grant programs.

#### *School District Grants*

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The fund administration rules should have minimal to no impact on potential grantees as these rules are aligned with existing practice of fund administration for both the Student Investment Account Grants and High School Success Grants.

Some of the proposed rules provide additional specificity to allowable uses than was possible in the Jumpstart Biennium which was implemented without the permanent rules in place. These shifts may have a fiscal impact on districts in how they use their funds, but would not impact district allocations (which are dependent on legislative investment). For example, the requirements for high-dosage tutoring for the next biennium would have more specificity under these rules and might require a district to change their programming (i.e., smaller groups, more tutors, seek a new vendor).

The requirement that funds may only be spent on core curriculum approved by the State Board beginning in January of 2025 may have a fiscal impact on districts if they currently use an independently adopted curriculum. Should they want to apply grant funds towards the adoption or implementation of curriculum in the next biennium or thereafter, they would need to conduct a new Language Arts adoption which does have a fiscal impact, particularly if they are adopting “off-cycle” ahead of the next Language Arts adoption in 2027.

### **EFFECT OF A “YES” OR “NO” VOTE**

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Should the board vote yes on these proposed rules, then there will be clarity for the implementation of Community Grants, Tribal Grants, and School District Grants.

Should the board vote no on these proposed rules, then there will not be clarity on the implementation of the Early Literacy Success Initiative. Additionally, given the temporary rules for Fund Administration for the School District Grants only end in March 2024, this will leave a gap in rules for this narrow area.

### **STAFF RECOMMENDATION**

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Approve  Approve next month  No recommendation at this time

**Prompted by:**  State law changes  Federal law changes  other

### **ATTACHMENTS**

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Attachment 1:

*This document contains **drafted** definitions and rule sets for Early Literacy Community, Tribal, and School District Grants for the State Board on 2/15.*

581-017-XXXX: Definitions

**Early Literacy Grants: Definitions**

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

- (1) “ADMw” means the extended weighted average daily membership computed as provided in ORS 327.013(1)(c).
- (2) “Coaching” means a structure that supports and develops educators through regular observation of their instruction, using a shared framework.
- (3) “Community-Based Organizations” means an organization that is:
  - (a) established as a nonprofit organization under the laws of this state;
  - (b) qualifies as an exempt organization under section 501(c)(3) of the Internal Revenue Code, as described in ORS 314.011;
  - (c) reflective of a community or significant segments of a community it seeks to serve; and
  - (d) driven by and representative of a community or a significant segment of a community and works to meet community needs and amplify strengths.
- (4) “Community Voice” means that members representing the community served by the project, including students, will be involved in co-constructing the project design, implementation, and/or providing strategic guidance in final decision-making.
- (5) “Core (also known as ‘basal’) Instructional Materials” means any organized system, which constitutes the major instructional vehicle for a given course of study, or any part thereof. A major instructional vehicle may include such instructional materials as a hardbound or a softbound book or books, or sets or kits of print and non-print materials, including electronic and internet or web-based materials or media.
- (6) “Culturally Responsive” 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; diverse frames of reference that correspond to

multifaceted cultural perspectives/ experiences; and behaviors in the classroom that can differ from White-centered cultural views of what qualifies as achievement or success.

(7) “Developmentally Appropriate” means designing and implementing learning environments to help all children achieve their full potential in literacy through:

- (a) building on each child’s strengths
- (b) taking care to not harm any aspect of each child’s physical, cognitive, social, or emotional well-being
- (c) considering what is known about:
  - (i) age-related characteristics that can inform what experiences are likely to best promote a student’s learning and development;
  - (ii) what is known about each child as an individual that has implications for how best to adapt learning experiences; and
  - (iii) the social and cultural contexts in which a student lives in order to ensure that learning experiences are meaningful, relevant, and respectful for each child and family.

(8) “Diagnostic” means assessments to identify a student's specific strengths and needs in literacy in order to determine and plan the appropriate level of instruction, pacing and intervention support.

(9) “Direct Administrative Costs” means administrative functions readily allocable to and required for administering the grant program such as oversight, grant expenditure data collection, leadership that does not include direct service to teacher or students, management, and supervision. Direct administrative costs should be a smaller proportion of the overall grant amount in relation to direct service costs.

(10) “Early Learning Hub” means any entity designated by regional partners to coordinate early learning services, as determined by rules adopted by the Early Learning Council.

(11) “Early Literacy Program” means the entirety of the curriculum, assessments, instructional materials, practices, systems, staffing, and structures in place to support comprehensive early literacy across the district.

(12) “Early Literacy Success Plan” means the elements in the application, including but not limited to the responses to the application questions, program review, and inventory, as defined in ORS xxx.xxx.

(13) “Early Literacy Success School Grant” means the program established in ORS xxx.xxx and may also be referred to as “Early Literacy Success School District Grants”.

(14) For Early Literacy Success School District Grants, established in ORS XXX.XXX, “Eligible Applicant” means a school district or public charter school that serves students in grades pre-kindergarten/preschool through fifth grade. This can include districts and public charter schools that serve students in grades pre-kindergarten/preschool through eighth grade or pre-kindergarten/preschool through twelfth grade, given the application focuses on specific grade levels named in ORS xxx.xxx. Per ORS XXX.XXX, virtual public charter schools are not eligible applicants for this grant.

(15) For Tribal Grants, established in ORS XXX.XXX, “Eligible Applicant” means:

- (a) Burns Paiute Tribe
- (b) The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw
- (c) Confederated Tribes of Cow Creek Band of Umpqua
- (d) Confederated Tribes of Grand Ronde
- (e) Confederated Tribes of Siletz
- (f) Confederated Tribes of Warm Spring Indian Reservation
- (g) Confederated Tribes of Umatilla Indian Reservation
- (h) Coquille Tribe
- (i) Klamath Tribes

(16) For Community Grants, established in ORS XXX.XXX, “Evidence-Based” means practices with a proven record of success based on reliable, trustworthy, and valid evidence that when the practices are implemented with fidelity, students can be expected to make adequate gains in early literacy. Instructional practices, activities, strategies, or interventions that are “evidence-based” should not just privilege scientific evidence, but also be driven by evidence stemming from the perspectives of those affected by those practices, activities, strategies, or interventions such as:

- (1) Tribal consultation, recommendations, and experiences of American Indian/ Alaska Native community members or Tribes.
  - (a) Community-driven, culturally-responsive/sustaining/specific, non-dominant and non-Western ways of knowing, being, and researching.

(17) “Extended Learning Program” means literacy programming which shall:

- (a) use a research-aligned tutoring model, which is defined for School District Grants as a tutoring model that uses “Research-aligned literacy strategies” as defined in ORS xxx.xxx

and is based on “Science of reading and writing” as defined in ORS xxx.xxx and meets the criteria established by the Department in section xxx;

(b) occur outside of the traditional school day, which could include, but is not limited to afterschool and summer; and

(c) be administered either by a licensed teacher of any subject area or by a qualified tutor, which is defined for School District Grants as a person who has the training necessary to implement the research-aligned tutoring model effectively or a high-dosage tutoring provider from the Qualified List for High-Dosage Tutoring established in section xxx.

(18) “Fidelity” means how closely prescribed procedures are followed and, in the context of schools, the degree to which educators implement programs, assessments, and implementation plans the way they were intended.

(19) “Formative” means a process of collecting and responding to evidence of student learning; the information gained about student learning is used in the course of instruction to respond to and adjust instruction.

(20) For Early Literacy Success School District Grants, established in ORS XXX.XXX, “High-Dosage Tutoring” is additionally defined as tutoring that:

- a) Is provided in addition to regular core instruction;
- b) Is provided during the school year, which may occur during the school day or before/after school;
- c) Uses a research-aligned tutoring model, which is defined for School District Grants as a tutoring model that uses “Research-aligned literacy strategies” as defined in ORS xxx.xxx, is based on the “science of reading and writing” as defined in ORS xxx.xxx, and meets the criteria established by the Department in section xxx;
- d) Is administered by a qualified tutor which is defined for School District Grants as a person who has the training necessary to implement the research-aligned tutoring model effectively and criteria established by the Department in section xxx;
- e) Is provided to four or fewer students; and
- f) Integrates reading and writing in a way that is aligned to Oregon’s ELA Content Standards and to students’ reading instructional needs, based on student assessment data and other evidence of student learning.

(21) For Early Literacy Success Community Grants, established in ORS XXX.XXX, “High-Dosage Tutoring” is additionally defined as tutoring that:

- a) is provided outside of the school day;
- b) is provided by a qualified and trained tutor which is defined for Community Grants as a person who has the training necessary to implement the research-aligned tutoring model effectively;
- c) uses a research-aligned tutoring model that employs evidence-based strategies and is administered in a culturally responsive manner and that is combined with the training necessary for tutors to implement the model effectively;
- d) is provided to four or fewer students;
- e) uses materials that are aligned to the program; and
- f) uses student assessment data and other evidence of student learning to inform tutoring sessions and adjust to student needs.

(22) For Tribal Grants, established in ORS XXX.XXX, “High-Dosage Tutoring” is additionally defined and determined by each of Oregon’s nine sovereign nations and the work plans developed by each nation.

(23) “Literacy coaches” means a licensed educator who:

- a) has advanced training or certification in “research-aligned literacy strategies” and “the science of reading and writing” as defined in ORS XXX.XXX that was either:
  - i) included as a course(s) in an educator preparation program;
  - ii) included as a course(s) in a post-graduate degree program in teaching reading or literacy;
  - iii) provided by ODE or included on the ODE list of professional development providers; or
  - iv) provided by a school district or ESD;
- b) has a literacy-focused licensure endorsement;
- c) whose primary role and responsibilities include direct support of students and/or educators; and
- d) are additionally defined in OAR 584-210-0170.

(24) “Literacy specialists or interventionists” means a licensed educator who:

- a) has advanced training or certification in “research-aligned literacy strategies” and “the science of reading and writing” as defined in ORS XXX.XXX that was either:
  - i) included as a course(s) in an educator preparation program;
  - ii) included as a course(s) in a post-graduate degree program in teaching reading or literacy;

- iii) provided by ODE or included on the ODE list of professional development providers; or
- iv) provided by a school district or ESD;
- b) has a literacy-focused licensure endorsement; and
- c) whose primary role and responsibilities include direct support of students and/or educators.

(25) For Early Literacy Success School District Grants, established in ORS XXX.XXX, “Outcomes” is defined as literacy achievement as measured by the student growth assessment and other sources of evidence related to literacy achievement.

(26) “Partnership” means a group of organizations, Tribal governments, districts or individuals who agree to work together with a common interest and shared vision. In a partnership, there is a high level of trust and communication, and differences in power and privilege are addressed. Roles and responsibilities on all sides are well-defined and developed with shared authority in decision making. There might be shared space and staff, with expectations and agreements in writing.

(27) “Professional Development” means learning that is systemic, job-embedded, and aligned to current research, training, and practices that support educator and student learning.

(28) “Public Library” means a public agency that provides to all residents of a local government unit free and equal access to library and information services that are suitable for persons of all ages.

(29) “Regular Core Instruction” means instruction in the general education setting as part of every student's regular schedule that is aligned to grade-level standards and inclusive of every student in the classroom.

(30) “Statewide Education Initiatives Account” means the account as established in ORS 327.250.

(31) “Student Growth Assessment” means a process of evidence collection and review, which includes tests (for example, criterion referenced or developmental continuum) alongside other sources of evidence for the purpose of monitoring students’ growth towards proficient reading and writing. Grant recipients shall avoid making determinations about student growth from a single source of evidence/test score.

(32) “Student Groups that have Historically Experienced Disparities” includes:

(a) “Economically Disadvantaged Students,” which means students who meet one or more of the following qualifications:

(A) are participating in Supplemental Nutrition Assistance Program funded by the United States Department of Agriculture;

(B) are participating in the Temporary Assistance for Needy Families program as defined in Title IV of the Social Security Act;

(C) are foster students; or

(D) are migrant students.

(b) “Students from Racial or Ethnic Groups that Have Historically Experienced Academic Disparities,” which includes, but is not limited to American Indian and Alaska Native students, Black and African American students, Hispanic and Latino students, Asian students, Native Hawaiian and Pacific Islander students, and multiracial students and any other racial or ethnic group identified by the eligible applicant as historically experienced academic disparities.

(c) “Students with Disabilities,” which means a child with a disability as defined in ORS 343.035(1)

(d) “English Language Learners,” which means or “English learners,” which means a student who has limited English language proficiency because English is not the native language of the student or the student comes from an environment where a language other than English has had a significant impact on the student’s level of English language proficiency.

(e) “Foster Students” as defined in ORS 30.297(5)(c).

(f) “Students who are Homeless” has the same meaning as in section 725 of the McKinney-Vento Act, 42 USC § 11434a (2).

(g) Students who attend an elementary school that:

(A) Is identified for comprehensive support and improvement or for targeted support and improvement under the federal Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802) regardless of whether the school is receiving funding; or

(B) Qualifies for assistance under Title I of the federal Elementary and Secondary Education Act of 1965; "whereas qualifying for assistance under Title I" means at least 35% of the school’s students are experiencing poverty, or the school receives Title I-A funds as determined by the district.

(h) “LGBTQ2SIA+ Students,” which means students who may have one or multiple gender identities and/or sexual orientations including lesbian, gay, bisexual, pansexual, transgender, nonbinary, queer, questioning, two-spirit, intersex, and asexual. The plus sign (“+”) recognizes and includes the myriad ways to describe marginalized gender identities and sexual orientations.

(i) “Students Recently Arrived,” which means a student who was NOT born in any state or US Territory and who has not been attending one or more schools in any one or more state for more than three full academic years.

(j) “Migratory Students,” which means a student whose is a migratory worker or whose parent or guardian is a migratory worker in the agricultural, dairy, lumber, or fishing industries and who has moved due to economic necessity between school districts in the last thirty six months, and is eligible to be a part of the Title 1-C Migrant Education Program.

(k) “Justice involved youth” means a student who is pre or post adjudication, been or currently detained in a secure juvenile justice facility, and/or been or currently placed in a community juvenile justice program.

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### **Community Grants Draft Rules**

581-017-XXXX: Establishment

#### **Early Literacy Community Grants Program: Establishment**

(1) There is established the Early Literacy Community Grants Program to support Community-Based Organizations, early learning hubs, providers of early learning services, Tribes, public libraries, post-secondary institutions of education, or a consortium of these entities who are working to:

- (a) expand culturally responsive early literacy programs for children in early elementary grades by:
  - (A) encouraging family and caregiver engagement; and
  - (B) providing research-aligned professional training and coaching for direct service staff in early literacy;
- (b) develop and implement culturally and linguistically responsive programs that engage parents and children in early elementary grades in early literacy;
- (c) provide high-dosage tutoring programs and training to tutors to qualify the tutors for instruction in a culturally and linguistically responsive manner consistent with research-aligned literacy strategies.

(2) The programs and services to be provided under the Grant must demonstrate alignment to district provided early literacy instruction from the region(s) where programs and services are being implemented, as well as, programs related to culturally-specific parent and child support.

- (3) Subject to available funds, the Department of Education shall award Grants based on a detailed description of proposed programming or services. The programs or services include:
- (a) scale-up of an existing program or project that provides early literacy high-dosage tutoring, family engagement to support early literacy success, and training for the provision of high-dosage tutoring; or
  - (b) implementation of a new program or project that provides early literacy high-dosage tutoring, family engagement to support early literacy success, and training for the provision of high-dosage tutoring.

Statutory/Other Authority: ORS 327.254, 327.274 and 327.800

581-017-XXXX: Eligibility

**Early Literacy Community Grants Program: Eligibility**

(1) The Department will establish a process for eligible entities to apply for Early Literacy Community Grants.

(2) To be eligible to receive a Grant, an applicant must:

(a) be a community-based organization, early learning hub, provider of early learning services, post-secondary institution of education, public library, or a consortium of these entities; and

(b) demonstrate infrastructure and systems necessary to provide early literacy high-dosage tutoring, family engagement to support early literacy success, and training for the provision of high-dosage tutoring

Statutory/Other Authority: ORS 327.254, 327.274 and 327.800

581-017-XXXX: Criteria

**Early Literacy Community Grants Program: Criteria**

(1) The Department will award Grants to eligible entities based on the following criteria:

(a) whether the proposed project successfully implements the provision of early literacy high-dosage tutoring, family engagement to support early literacy success, and training for the provision of high-dosage tutoring;

(b) whether the applicant authentically and consistently engages community voice in the proposed project;

(c) whether the applicant's proposed project demonstrates reasonable, allocable, and necessary distribution of Grant funds and resources across program activities to accomplish the objectives of providing early literacy high-dosage tutoring, family engagement to support early literacy success, and training for the provision of high-dosage tutoring, as determined by the Oregon Department of Education;

(d) whether the applicant can demonstrate infrastructure and systems necessary to achieve outcomes to provide early literacy high-dosage tutoring, family engagement to support early literacy success, and training for the provision of high-dosage tutoring; and

(e) the need for services for Student groups that have historically experienced disparities in the region(s) that an Applicant proposes to serve.

Statutory/Other Authority: ORS 327.254, 327.274 and 327.800

581-017-XXXX: Funding

**Early Literacy Community Grants Program: Funding**

(1) Applicants must submit a detailed budget that explains how Grant funds will be used. Expenditures for community grants must be approved prior to being incurred and align with agency policy.

(2) Indirect costs will be allowed as a percentage of the direct costs of the Grant award disbursed as follows:

- (a) up to five percent for school districts, education service districts, public charter schools, early learning hubs, or post-secondary institutions of education;
- (b) up to fifteen percent for community-based organizations, public libraries, or providers of early learning services;
- (c) indirect costs for partnerships or consortiums will be allowed based on the lead entity's organization type.

(3) Applicants may use Grant funds only for authorized purposes.

581-017-XXXX: Reporting

**Early Literacy Community Grants Program: Reporting**

Grant recipients must report project or program outcomes in the manner and form required by the Department of Education.

Statutory/Other Authority: ORS 327.254, 327.274 and 327.800

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**Early Literacy Tribal Grants**

581-017-XXXX: Early Literacy Tribal Grants

- (1) The Early Literacy Tribal Grants require communication and collaboration with the nine federally recognized tribes in Oregon on the co-creation of Project Plans development between each Tribe and ODE.
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**School District Grants Draft Rules**

581-017-XXXX: Grant Administration

**Early Literacy Success School District Grants: Grant Administration**

**Prioritization**

- (1) Eligible applicants with more than one elementary school shall prioritize distribution of funding and resources to a school or schools based on the school(s) meeting one or more of the following characteristics:
  - (a) have the lowest rates of proficiency in literacy of elementary schools in the district;
  - (b) identified for comprehensive support and improvement or for targeted support and improvement under the federal Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802) based in part on literacy score;
  - (c) have literacy proficiency rates that have not recovered to pre-pandemic levels; or
  - (d) have a higher portion of student groups that have historically experienced academic disparities compared to other elementary schools in the district.
- (2) Rates of proficiency shall be determined using multiple sources of data which shall include state Language Arts summative assessment data and, for eligible applicants who serve English Language Learners, English Language Proficiency Assessment data and

may include interim, benchmark, Language Arts proficiency and other early literacy assessments of student proficiency in literacy in any language.

- (3) The Oregon Department of Education shall verify that districts complied with sections (1)-(2) of this rule by requiring in the grant application an explanation of how funding and resources were distributed across schools within the district and how prioritization was determined. The Department shall evaluate this information within the application narrative and budget.

### **Technical Assistance**

(1) The Department, informed by grantee applications and reporting, may identify specific interventions and technical assistance to be provided statewide or regionally through education service districts, where resources are available to do so.

### **Effective Dates of Implementation**

Rules will be applied by ODE for grant administration of the Early Literacy Success Initiative beginning July 1, 2025.

Statutory/Other Authority: ORS 327.254, 327.274 and 327.800

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581-017-XXXX: Fund Administration

### **Early Literacy Success School District Grants: Fund Administration**

(1) For each biennium, The Oregon Department of Education will determine the amount of grant funds from the Statewide Education Initiatives Account to be apportioned among eligible applicants for each year of the biennium.

(2) For each school year, the Oregon Department of Education shall determine the portion of funds available to each eligible applicant, using K-5 data. In calculating the portion available to each eligible applicant, the Oregon Department of Education shall use the most current finalized ADMw from the State School Fund from the prior year.

(3) The department will determine floor funding for each biennium while ensuring eligible applicants with an ADMw of 50 or less, but not greater than 350 ADMw, will receive a minimum grant award.

(4) If an eligible applicant does not apply for the Early Literacy Success School Grant by the close of the application period, the amount of their grant funds will revert to the Statewide Education Initiatives Account.

(5) Following approval of the grant agreement, an eligible recipient will receive payments of at least 25 percent on a quarterly basis per annual allocation. If adjustments to installment payments are required, a lower percentage may be used.

(6) Funds that are apportioned to an eligible applicant for a given biennium must be apportioned by the school district, public charter school, or ESD in that biennium. Grant recipients will be eligible to expend funds until September 30 each year. Funds that are not used by a grant recipient during year one of a given biennium may be carried over and used in year two of that same biennium. Any allocated funds that are not used by a grant recipient at the end of a biennium will be returned to the Statewide Education Initiatives Account.

(7) Funds received by a grant recipient under this section must be separately accounted for and must be used in accordance with the recipient's grant agreement for the Early Literacy Success School Grant. A grant recipient may use funds for administrative costs, including indirect costs, directly related to allowed expenditures as provided in the grant agreement. Administrative costs are limited to five percent of the total expenditures.

(8) The Deputy Superintendent of Public Instruction shall resolve any issues arising from the administration of the Early Literacy Success School Grants not specifically addressed by this rule. The Deputy Superintendent of Public Instruction's determination shall be final.

(9) In the case of a public charter school closure that impacts a sponsoring district's allocation, the Department will determine the best way to reapportion funds based on the timing of the closure, context, and communication with the closing charter school and the sponsoring district.

The Department may;

- (a) Allocate what have been apportioned to the charter school to the sponsoring district at the same time as the district allocations are made.
- (b) Allocate what would have been apportioned to the charter school to the charter schools successor entity.
- (c) Return the apportioned amount to the Statewide Education Initiatives Account for reallocation in a subsequent fiscal year.

(10) An eligible applicant must advance the Early Literacy Success Plan with at least a 25 percent match of the allocation using any other fund sources available to the applicant.

- (a) Eligible applicants are required to report the matching fund source in their application.
- (b) Any eligible applicant with an ADMw of 50 or less is exempt from the matching requirement.
- (c) Eligible applicants may use match funding broadly to support literacy across pre-kindergarten through 5th grade.

### **Effective Dates of Implementation**

Rules will be applied by ODE for fund administration of the Early Literacy Success Initiative beginning immediately after temporary OAR's 581-017-0800 and 581-017-0810 expire March 29, 2024.

Statutory/Other Authority: ORS 327.254, 327.274 and 327.800

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581-017-XXXX: Allowable Uses of Funding

### **Early Literacy Success School District Grants: Allowable Uses of Funding**

Allowable uses of the Early Literacy Success School Grant program are described in ORS XXX.XXX. The administrative rules that follow provide additional specificity or clarity and do not expand or replace what is in statute.

### **High- Dosage Tutoring**

(1) Training for tutors to implement effectively the provision of high-dosage tutoring according to ORS XXX.XXX shall be research-aligned and include the specific knowledge and skills relevant to the literacy concepts, skills, instructional practices of the tutoring program, and needs of students who it is serving, and effectively use data to ensure the methods used are responsive to student need. This may be specific to a particular program, or core set of knowledge, skills or instructional practices all of which must be based on the science of reading and writing.

### **Qualified List and Qualifications for High-Dosage Tutoring & Extended Learning**

(1) Grant recipients may use internal or external expertise for high dosage tutoring. At least once every two years the Oregon Department of Education shall develop and/or revisit qualifications for tutors. The qualifications shall be inclusive of the qualified tutors definition in these rules and may include additional qualifications, which shall be used by grant recipients to evaluate eligibility for those internal and external to the district to be a tutor for high-dosage tutoring programs. The Department may decide to make the qualifications different for those tutors internal and for those external to the district.

(2) At least once every two years the Oregon Department of Education shall develop or revisit criteria for high-dosage tutoring programs and extended learning. The criteria shall be used by grant recipients to evaluate eligibility for high-dosage tutoring and extended learning programs to be used for the purposes of this grant.

(3) The Oregon Department of Education shall, at least once every two years, develop or revisit a list of qualified high-dosage tutoring program providers, should grant recipients choose to use external providers. To be included on the list, the provider must meet the qualifications in section (1) and (2) of this rule if providing a program and tutors or just (2) if providing a program only and must include content to be determined by the Department.

(4) The Oregon Department of Education will independently review potential providers at least once every two years by posting a Request for Information for providers to solicit information from interested vendors.

(a) ODE will publish the list no later than January 15th of odd numbered years, beginning in 2025. After the first publication, eligible applicants who use funding to pay for external high dosage tutoring services shall select from the list.

(b) Once a high-dosage tutoring program provider has been approved by the Department and placed on the list, to remain on the list the provider must every two years provide an updated information form provided by the Department.

### **Qualified List and Qualifications for Professional Development and Coaching**

(1) Grant recipients may use internal or external expertise for professional development and coaching. At least once every two years, the Oregon Department of Education shall develop a list of qualifications for professional development and coaching providers. The list of qualifications shall be used by grant recipients to evaluate eligibility for those internal and external to the district to provide professional development and coaching. The Department may decide to make different qualifications for people who are internal to the district and for those external to the district.

(2) The Oregon Department of Education shall, at least once every two years, develop a list of qualified professional development providers and organizations that provide coaching related to early literacy should grant recipients choose to use external providers. To be included on the list of qualified professional development or coaching providers, the provider must meet the qualifications in section (1) of this rule and include content to be determined by the Department.

(3) The Oregon Department of Education will independently review potential providers at least once every two years post a Request for Information for providers to solicit information from interested vendors.

(a) ODE will publish the list no later than January 15th of odd numbered years, beginning in 2025. After the first publication, eligible applicants who use funding to pay for external professional development and coaching shall select from the list.

(b) Once a professional development or coaching provider has been approved by the Department and placed on the list, to remain on the list the provider must every two years provide an updated information form provided by the Department.

(c) The Department will consult with the Teacher Standards and Practices Commission (ORS xxx.xxx) to ensure the approved providers also satisfy professional development requirements for teachers.

### **Adoption and Implementation of Curriculum**

(1) The State Board adoption criteria for Language Arts basal instructional materials and the list of basal instructional materials adopted by the State Board of Education shall be the criteria for core instructional materials meeting the early literacy school grant requirements.

(2) The Oregon Department of Education shall establish research-aligned criteria for districts to use for all materials that are not core instructional materials. Districts shall use this criteria when inventorying literacy assessments, tools, supplemental curricula, and digital resources annually.

(a) The Department shall review available criteria and resources from national and international organizations to develop criteria in:

(A) Early literacy practices;

(B) Literacy assessment practices and tools, inclusive of both formative and diagnostic practices;

(C) Digital literacy practices, resources, and tools;

(D) Culturally responsive practices in literacy instruction; and

(E) Biliteracy or literacy practices in multilingual instructional settings or dual language.

(F) Supporting students who are experiencing disabilities.

(3) Effective January 1, 2025 funds from this grant used for the adoption and implementation of core instructional materials may only be used for materials from the State Board of Education adopted list.

(a) If core instructional materials are adopted from the State Board of Education list at the time of application, they meet the criteria for this grant.

### **Effective Dates of Implementation**

Rules will be applied by ODE for allowable uses of funding of the Early Literacy Success Initiative beginning July 1, 2025.

DRAFT

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 7.E.

<p><b>SUBJECT:</b> Update to Approved Homeschool Test List, OAR 581-021-0026 <b>STAFF NAME &amp; OFFICE:</b> Annie Marges, Director’s Office</p> <p>The approved list of tests for homeschooled students needs to be updated. Two of the tests are no longer available, and two were merged into a new test. We propose to bring the rule up to date to reflect what is available for homeschool testers.</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"/> <b>First Reading</b> <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> <b>No</b> <b>Presentation</b></p> <p><input type="checkbox"/> <b>Action</b> <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> <b>No</b> <b>Presentation</b></p>
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## BACKGROUND

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

OAR 581-021-0026 provides information for homeschooling families regarding required periodic testing (at the end of grades 3, 5, 8, and 10), as well as a list of tests approved by the State Board of Education. The list of approved tests has not been updated for years and contains incorrect information. ODE proposes that the list be updated to reflect what is currently available.

Statute directs the State Board of Education to approved tests for the purpose of homeschool testing, it does not mention the maintenance of that list.

ODE has engaged ESD homeschool liaisons, as well as homeschool testers – the testers noticed the outdated list first, having tried to purchase tests that were no longer available. This proposed update to the rule will not affect the testing process.

## SUMMARY OF PREVIOUS BOARD ACTION

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1. This issue has not been before the Board since the tests were approved.

## HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 7.E.

## POLICY ISSUE OR CONCERNS

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This proposed rule change does not functionally change anything, and therefore has no discernable impact on any group. Updating the rule would bring alignment between the rule and what is already true, and which tests are available.

## EQUITY IMPACT ANALYSIS

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In Oregon, homeschooling exists outside of the public system and ODE does not collect student-level data on homeschooled students, therefore, an equity analysis is difficult at best. That said, this proposed rule change would not have an impact on any group.

## FISCAL ANALYSIS

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There is no fiscal impact for the Oregon Department of Education.

## EFFECT OF A "YES" OR "NO" VOTE

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If the Board approves the rule change, the list of tests approved for homeschool testing will match what is available.

If the Board does not approve the proposed rule change, homeschool testers will continue to be confused by the list currently in rule.

## STAFF RECOMMENDATION

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

## ATTACHMENTS

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Attachment 1: [Proposed changes to OAR 581-021-0026](#)

**581-021-0026 Examination of Children Instructed by Parent, Legal Guardian or Private Teacher**

(1) The following definitions and abbreviations apply to OAR 581-021-0026 unless otherwise specified within the rule:

(a) "Approved Tests" Tests approved for assessment of satisfactory progress by home school students are the two most recent versions of the following tests;

(A) ~~Terra Nova CAT 3 Test; California Achievement Test~~

~~(B) Comprehensive Tests of Basic Skills;~~

~~(B)C~~ Iowa Tests of Basic Skills/Tests of Achievement and Proficiency;

~~(D) Metropolitan Achievement Battery;~~

~~(C)E~~ Stanford Achievement Test Battery.

(b) "Child" means a person between ages 6 and 18 whose parent or parents seek exemption from compulsory school attendance under ORS 339.030(1)(e). A child is considered to be six years of age if the sixth birthday of the child occurred on or before September 1 immediately preceding the beginning of the current school term. A six-year-old is assumed to be a kindergartner, unless the parent wishes to place the child in a higher grade.

(c) "Education Service District" means the education service district that contains the school district of which the child is a resident.

(d) "Department" means the Oregon Department of Education;

(e) "Neutral person" means an individual selected by the parent or guardian of the child to be taught at home who has no relationship by bloodline or marriage to the child;

(f) "Notification" means written notice containing:

(A) The child's and the parent's name, address, telephone number (optional), and e-mail address (optional);

(B) The child's birth date; and

(C) The name of the school the child is presently attending, or last attended, or if child has not attended school, the name of the public school district in which the child resides.

(g) "Order" means to provide formal written notice.

(h) "Parent" is the natural parent or legal guardian of a child whom the parent desires to be exempted from compulsory attendance under the provisions of ORS 339.030(1)(c) or (1)(d).

(i) For the purposes of OAR 581-021-0026 only, "Qualified person" is an individual who:

(A) Holds a current personnel service license or teaching license from Oregon Teacher Standards and Practices Commission; or

(B) Has been licensed by the Oregon Board of Psychologist Examiners; or

(C) Has met the publisher's qualifications for purchase, and has purchased at least one test from the list set forth in section (1)(a) of this rule; or

(D) Provides evidence of satisfactory completion of a graduate course in which test administration and interpretation is included in the objective; or

(E) Has previously qualified as a tester pursuant to paragraph (1)(i) of this rule, and has during the previous year administered at least one test from the list set forth in section (1)(a) of this rule.

(j) "Superintendent" is the executive officer of the education service district (ESD).

(2) The State Superintendent and the Oregon Department of Education shall make available a list of the test publishers and their addresses.

(3) The Department shall make available a list of persons qualified to administer tests under this rule, such list to be updated by July 1 of each year. To be placed on the list, an applicant shall submit to the State Superintendent of Public Instruction evidence that satisfies any one of the requirements stated in subsection (1)(i)(A) through (E) of this rule.

(4) When a child is taught or is withdrawn from a public or private school to be taught by a parent, legal guardian or private teacher, as provided in ORS 339.030(1)(c) or (d), the parent, legal guardian or private teacher must notify the education service district in writing within 10 days of such occurrence. In addition, when a child who is taught by a parent, legal guardian or private teacher moves to a new education service district, the parent shall notify the new education service district in writing within 10 days of such occurrence of their intent to continue home schooling.

(a) The ESD must acknowledge in writing receipt of any notification from a parent, legal guardian or private teacher within 90 days of having record of such notification.

(b) The ESD must also notify at least annually, school districts of home schooled students who reside in the school district.

(5) Children in grades 3, 5, 8, and 10, being taught as provided in section (4) of this rule, shall be examined no later than August 15 in accordance with the following procedures:

(a) The parent or legal guardian shall select an examination from the list of approved tests provided in subsection (1)(a) above and arrange to have the examination administered to the child by a neutral qualified person as defined in subsections (1)(e) and (i) above.

(A) If the child was withdrawn from public or private school, the first examination shall be administered to the child at least 18 months after the date on which the child was withdrawn from public or private school.

(B) If the child never attended public or private school, the first examination shall be administered to the child prior to the end of grade three.

(b) The person administering the examination shall:

(A) Score or provide for the scoring of the examination; and

(B) Report the results of the examination to the parent or legal guardian.

(c) Upon request of the superintendent of the education service district, the parent or legal guardian shall submit the results of the examination to the education service district.

(6) Testing for grade levels 3, 5, 8, and 10 shall occur in the third, fifth, eighth, and tenth year ending August 15. The first year is defined as when the child is seven on September 1, or earlier at the parent's discretion.

(7) Test score results shall be evaluated as follows:

(a) If the composite test score of the child places the child below the 15th percentile based on national norms, the child shall be given an additional examination within one year of when the first examination was administered.

(b) If the composite test score of the child on the second examination shows a declining score, then the child shall be given an additional examination within one year of when the second examination was administered and the superintendent of the education service district may:

(A) Allow the child to continue to be taught by a parent, legal guardian or private teacher; or

(B) Place the education of the child under the supervision of a person holding a teaching license who is selected by the parent or legal guardian at the expense of the parent or legal guardian.

(c) If the composite test score of the child continues to show a declining score, the superintendent of the education service district may:

(A) Allow the child to continue under the educational supervision of a licensed teacher selected by the parent or legal guardian, at the expense of the parent or legal guardian, and require that the child be given an additional examination within one year of when the last examination was administered;

(B) Allow the child to be taught by a parent, legal guardian or private teacher and require that the child be given an additional examination within one year of when the last examination was administered; or

(C) Order the parent or legal guardian to send the child to school for a period not to exceed 12 consecutive months as determined by the superintendent.

(d) If the parent or legal guardian of the child does not consent to placing the education of the child under the supervision of a licensed teacher who is selected by the parent or legal guardian, then the superintendent of the education service district may order the child to school for a period not to exceed 12 consecutive months as determined by the superintendent.

(e) If the composite test score of the child on an examination is equal to or greater than the percentile score on the prior test, the child may be taught by a parent, legal guardian or private teacher and for the next examination be examined pursuant to subsection (5) of this section.

(8) Procedures for homeschooling students with disabilities are set out in OAR 581-021-0029.

(9) A test administrator shall certify that the administrator is qualified and neutral as defined in this rule with respect to a child being tested.

(10) All costs for the test instrument, administration, and scoring are the responsibility of the parent.

(11) The parent of a child who turns six after September 1 shall not be required to provide notice of intent to home school that child until the beginning of the next school year.

(12) Violation of ORS 339.020 or the requirements of 339.035 is punishable as set out in 339.990.

Statutory/Other Authority: ORS 339.030 & 339.035

Statutes/Other Implemented: ORS 339.035

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 7.F.

<p><b>SUBJECT:</b> 581-014-0004 SIA Fund Administration &amp; 581-013-0015 HSS Fund Administration</p> <p><b>STAFF NAME &amp; OFFICE:</b> Blake Whitson, Office of Education Innovation and Improvement</p> <p>This provides technical fixes to both the SIA Fund Administration and HSS Fund Administration rules to establish language for the re-allocation of funds in the event a charter school closes during the year. These rules also further adjust the HSS universal summer extension rule to align it to the SIA universal summer extension rule.</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"/> <b>First Reading</b> <input checked="" type="checkbox"/> <b>Presentation</b> <input type="checkbox"/> <b>No Presentation</b></p> <p><input type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Temp Rule</b> <input type="checkbox"/> <b>Presentation</b> <input type="checkbox"/> <b>No Presentation</b></p>
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## BACKGROUND

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

1. History:
  - a. This rule change is being brought forward to add rule language on how handle the allocation of funds in the event that a charter school closure during the year impacts the sponsoring districts allocation. This proposed rule outline the option the department may utilize in the re-allocation of the funds. In addition, previously we brought forward a rule change to align the High School Success summer extension to the Student Investment Account universal summer extension. However, there was an error in the timeline included in the rule change. We are comign back to adjust the High School Success universal summer extension to fully align with the Student Investment Account Summer Extension.
2. Purpose
  - a. Provide the department with guidelines, in rule, to handle the allocation of funds in the event a charter school closure during the year impacts a a sponsoring districts allocation.
  - b. Fully align the High School Success universal summer extension language with the Student Investment Account universal summer extension language.
3. Does the board have any areas of discretion or is this strictly mirroring statute?
  - a. The fund administraton rules for both SIA and HSS are left to the discretion of the board.
4. Stakeholder voice/input (individual and collective i.e., groups)
  - a. The ODE District Grant Manager have been involved in discussions regarding these rule changes and have engaged district fiscal agents regarding these changes as well. These rules do not change anything occurring in current practice and aligns the rules to the practices currently in place.

## SUMMARY OF PREVIOUS BOARD ACTION

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# Oregon State Board of Education

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AGENDA ITEM: 7.F.

1. The board has previously adopted rules regarding the fund administration for both the Student Investment Accounts as well as the High School Success programs. Subsequently in 2022 the board adopted additional technical fixes to the fund administration rules to create the universal summer extension for both programs.

## HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

## POLICY ISSUE OR CONCERNS

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

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

## EQUITY IMPACT ANALYSIS

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# Oregon State Board of Education

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AGENDA ITEM: 7.F.

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

1. These are technical fixes to fund administration rules to align with current practices and the intent of prior technical fixes. The rules also further give the department the ability to allocate funds in the event a chart schools closes.

## FISCAL ANALYSIS

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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. There is no anticipated fiscal impact from these rules.

## EFFECT OF A "YES" OR "NO" VOTE

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Should the board not approve these rules then HSS grant recipients would need to continue doing amended grant agreements to have the same universal summer extension as is established for the SIA grants. In addition, if not approved the department would not have language in rule regarding the re-allocation of funds in the event a charter closure impacts a sponsoring districts allocation.

## STAFF RECOMMENDATION

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

## ATTACHMENTS

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Attachment 1:

SIA Fund Administration  
**581-014-0004**  
Fund Administration for Student Investment Account

**(9) In the case of a public charter school closure that impacts a sponsoring district's allocation, the Department will determine the best way to reapportion funds based on the timing of the closure, context, and communication with the closing charter school and the sponsoring district. The Department may;**

- (a) Allocate what have been apportioned to the charter school to the sponsoring district at the same time as the district allocations are made.**
- (b) Allocate what would have been apportioned to the charter school to the charter schools successor entity.**
- (c) Return the apportioned amount to the Statewide Education Initiatives Account for reallocation in a subsequent fiscal year.**

High School Success Fund Administration  
**581-013-0015**  
Fund Administration

(3) Funds that are apportioned to a school district or charter school for a given biennium must be apportioned by the school district, charter school, or ESD in that biennium. School districts, charter schools, or ESDs will have ~~the first two months~~ **until September 30th** of the following biennium to spend funds previously apportioned. Funds that are not used by a school district, charter school, or ESD during year one of a given biennium may be carried over and used in year two of that same biennium. Any funds that are not used by a school district, charter school, or ESD at the end of a biennium will be returned to the High School Graduation and College and Career Readiness Fund and reapportioned among all school districts and charter schools in the next biennium.

(4) Funds received by a school district or charter school under this section must be separately accounted for and must be used in accordance with the school district or charter school's approved biennial plan.

**(5) In the case of a public charter school closure that impacts a sponsoring district's allocation, the Department will determine the best way to reapportion funds based on the timing of the closure, context, and communication with the closing charter school and the sponsoring district. The Department may;**

- (d) Allocate what have been apportioned to the charter school to the sponsoring district at the same time as the district allocations are made.**

- (e) Allocate what would have been apportioned to the charter school to the charter schools successor entity.**
- (f) Return the apportioned amount to the Statewide Education Initiatives Account for reallocation in a subsequent fiscal year.**

# Oregon State Board of Education

February 15, 2024

AGENDA ITEM: 8.A

<p><b>SUBJECT:</b> CTE State Plan 2024-2027</p> <p><b>STAFF NAME &amp; OFFICE:</b> Jennell Ives, EII, Shalee Hodgson, CCWD, CTE Advisory Council Chair</p> <p>Summarize the issue. Three to five sentences that explains the subject and the need for board attention—what’s the problem/concern/issue?</p> <p>Oregon, as part of federal requirements to receive Perkins CTE funding, is refining the CTE State Strategic Plan for 2024-2027. The State Board of Education must approve Oregon’s CTE plan before submission in May 2024 to the US Office of Career, Technical and Adult Education for federal approval.</p>	<p><input checked="" type="checkbox"/> <b>Informational Presentation</b></p> <p><input type="checkbox"/> <b>Written Report</b></p>
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## BACKGROUND

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The State Board of Education last approved the Oregon CTE State Plan in 2020. Federal funding for career education has a long history, beginning in 1917 with the Smith-Hughes Act. Perkins was originally passed as the Vocational Education Act of 1963 and renamed the Carl D. Perkins Act in 1984 and most recently referred to as Perkins V. Its purpose is to increase access to high-quality career and technical education programs focused on underserved students. These federal funds are provided to states on a formula basis to supplement state funding and facilitate improvement, innovation, and connections between secondary and postsecondary education and employers.

Since the initial adoption of the STE State Plan, Oregon has made strides to enhance CTE programs and align them with workforce development initiatives

1. **Work-Based Learning (WBL):** Incorporating work-based learning as a quality indicator for secondary CTE programs signifies a commitment to providing students with practical, hands-on experience in real-world settings, which is essential for preparing them for future careers.
2. **Statewide CTE Programs of Study:** The development of statewide CTE Programs of Study indicates a systematic approach to ensuring consistency and quality across CTE offerings throughout the state, which is crucial for student success and workforce readiness.
3. **Career-Connected Learning Initiatives:** These initiatives aim to broaden access to high-wage, in-demand careers by providing students with opportunities for awareness, exploration, preparation, and training programs. This approach helps to diversify participation in the workforce and aligns with broader economic development goals.
4. **Connections with Workforce and Talent Development Board:** Building stronger connections with the Workforce and Talent Development Board underscores the importance of collaboration between education and industry partners to ensure that CTE programs meet the evolving needs of the labor market.
5. **CTE Advisory and Student Advisory Councils:** Establishing CTE Advisory and Student Advisory Councils facilitates ongoing feedback and engagement from key partners, including industry professionals and students, to inform the development and improvement of CTE programs.

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6. Alignment with Oregon's ESSA Plan: By promoting well-rounded education and enhancing students' sense of belonging, Oregon's CTE initiatives are aligned with broader education goals outlined in the state's Every Student Succeeds Act (ESSA) plan.
7. Integration of CTE Perkins Application: Including the CTE Perkins Application as part of the Integrated Application streamlines the application process for secondary schools and ensures that CTE funding is effectively utilized to support program enhancements and improvements.

Overall, these efforts reflect a comprehensive approach to strengthening CTE in Oregon and preparing students for success in the workforce and beyond.

We are now presenting Oregon's revised CTE State Plan for your information with adoption at the April meeting. We must submit it to the US Office of Career, Technical, and Adult Education (OCTAE) for federal approval by May 2024.

## **Community voice/input (individual and collective i.e., groups)**

The Perkins V federal law requires Oregon to engage the following partners during plan development and setting of state-determined performance levels:

- Representatives of secondary and postsecondary CTE programs,
- Adult CTE providers,
- Charter school representatives,
- Interested community representatives, including parents, students, and community organizations,
- Representatives of the State Workforce Development Board,
- Members and representatives of special populations (as defined in Perkins Law),
- Representatives of business and industry (including representatives of small business),
- Representatives of agencies serving out-of-school youth, children, and youth experiencing homelessness, and opportunity youth, including the State Coordinator for Education of Homeless Children and Youths,
- Representatives of Indian Tribes and Tribal organizations located in, or providing services in, the State and
- Individuals with disabilities

All the required community members played a role in shaping the 2024-2027 CTE State Plan. The state consulted with over 1,000 CTE partners, including students and families/caregivers, tribal leaders, educators, administrators, regional coordinators and grant managers, advisory council/board members, and business, industry, and workforce development partners and community-based organizations, to help develop the new four year CTE strategic plan. Below is a summary of the responses.

- Students wanted more CTE courses, teachers, and wrap-around support, such as advising and industry opportunities.
- Tribes, caregivers, and families wanted more career exploration offered in middle schools and targeted marketing campaigns to increase exposure and opportunities for students and families, particularly in underserved populations.

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- Educators and administrators expressed a need for sustainable, consistent funding to support existing and future CTE Programs of Study, including industry-identified equipment, educator prep time, and professional development.
- Workforce partners desire more funding for data sharing and alignment between education and workforce development.
- Oregon Tribes indicated a need for more CTE access (especially in remote rural locations), better ways to connect with families and communities about those opportunities, and to have a voice in the development of these programs.
- Across the board, partners and Tribes expressed the need for more funding to support a strong CTE regional coordination and leadership structure, targeted resources for small/rural schools, more communication and marketing of CTE and the opportunities available for students, and the ability to effectively support the growth and maintenance of CTE programs, pathways, and opportunities that lead to high-wage, in-demand careers in Oregon.

In addition to ongoing engagement through the past three years, the engagement around the revision of Oregon's CTE State Plan was conducted in four phases:

- **Phase 1 Listening Sessions:** April – September 2023 priorities of key partners and community members
- **Phase 2 Review and Synthesis:** September – October 2023 review and synthesis across multiple sources
- **Phase 3 Focal Audience Engagement and Feedback:** September – December 2023 feedback and input using survey, webinar, and in-person presentations.
- **Phase 4 Public Comment:** February -April 2024 public comment open

Of particular note is the involvement of more youth, students, and community organizations in the engagement sessions than were involved during the development of the 2020 state plan.

## **SUMMARY OF PREVIOUS BOARD ACTION**

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ODE presented the initial CTE State Determined Performance Levels in October 2019 and the CTE State Strategic Plan in the winter/spring of 2020. The Board adopted the Oregon CTE State Plan 2020-2024 in spring of 2020. The Board will be asked to review and adopt Oregon's CTE Strategic State Plan 2024-2027, including new State Determined Performance Targets for submission to the US Office of Career, Technical, and Adult Education (OCTAE) for federal approval in May 2024.

## **POLICY ISSUE OR CONCERNS**

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### **Community Members:**

State Agency staff conducted 42 specific, intentional listening sessions, including sessions in Spanish, with required community partners between July and November, with over 1,000 individuals from these groups providing specific input on the development of the CTE State Plan. There was also an in-depth

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survey developed in partnership with Advance CTE, a national advocacy group, sent to targeted partners, with almost 300 respondents. Career connected learning (CCL) has been part of the state work since 2020 and Oregon was able to leverage recovery funds through ESSER to create positions and accelerate the launching of CCL in Oregon. ODE hired a CTE/Career Connected Learning Tribal Liaison. She has worked closely with the Office of Indian Education to build strong relationships with the 9 Federally Recognized Tribes in Oregon to listen to their priorities for CTE and career connected learning. The CTE State Plan has a particular focus on actions to further the interests of these 9 sovereign nations.

## **Negative/Positive Effects:**

There exists a large body of research around the benefits of career and technical education. Students who take 1 to 2 years within a [CTE Program of Study graduate at higher rates](#), are equally likely to enroll in college and earn higher incomes 6 years after high school graduation. These benefits are often greatest for focal student groups. Recent studies have also shown positive impacts of career connected learning and CTE on students' mental health as well as increasing the likelihood of family satisfaction in their students' school.

The current low unemployment rate and contraction in Oregon's population make CTE an important component of not only Oregon's education system, but a means to improve equitable workforce development and support of Business and Industry vitality. CTE and CCL in high school are the lowest cost means for youth to explore their interests, talents, and develop their career identity.

The CTE State Plan identifies opportunities for focused support to school districts, colleges, community partners and regions to improve the quality and consistency of CTE in the state. It also continues the important work of integrating career connected learning into our education and workforce development system to expand access and opportunities to high wage in-demand occupations.

There do continue to be barriers to equitable outcomes in the state.

- 1) Dedicated funding for maintenance of career technical education continues to hamper the ability of regions to develop the Programs of Study needed in in-demand occupations such as Healthcare, Information Technology, and Advanced Manufacturing.
- 2) Clear communication and structures that support the integration of career connected learning and CTE into all school systems do not yet exist everywhere
- 3) Scheduling and access to CTE programs for students who could benefit the most continues to be a barrier to equitable access.
- 4) Mindsets and prejudice about CTE continue to influence discussions with students about course selection.
- 5) Rural access remains an ongoing issue.

## **EQUITY IMPACT ANALYSIS**

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Students who take 1 or more years of career technical education graduate at higher rates. CTE concentrators, those taking 2 years in a single CTE Program of Study, have graduation rates of 95%, well above the state average. Improved graduation rates are true across all student demographics. Since

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2020, CTE programs have been working toward including work-based learning (WBL) opportunities for students. Oregon has one of the most equitable participation in WBL in the country. Work-based learning not only helps students develop employability and professional skills, it helps students create a professional network that opens doors to opportunity. CTE, career connected learning, and intentional connection of students to professionals is a key strategy for creating a more equitable society. Of note is for many of our focal student groups participation in Work-based learning is high with Native Hawaiian/Pacific Islander student CTE Concentrators having the largest percentage participation in WBL experiences for any of our student groups.

There exist inequities in access for focal student populations to become CTE concentrators. Some of the issues raised during community engagement include a lack of communication about opportunities and benefits of CTE to families, limited offering of CTE programs in some schools, conflicts in scheduling and lack of information from educators around the benefits of CTE. The CTE State plan will prioritize efforts and funding to reduce these barriers. Recent research also shows a link between career connected learning and student well-being and there are many intersections with the transformative social emotional learning standards and employability skills. Infusing career connected learning and more CTE opportunities into our education system will benefit all students, but provide particular benefit to students who are marginalized.

## **FISCAL ANALYSIS**

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Successful approval by OCTAE of Oregon's CTE State Plan is required for Oregon to receive roughly 17 million in annual federal Perkins funds. The proposed state plan impacts the work of ODE, HECC, school districts, ESDs, community colleges, and other CTE partners including business and industry, workforce boards, community organizations, families and youth.

The CTE State Plan does not impact the agency's budget, though Perkins does require a match of administrative funds and a maintenance or growth of existing support for CTE. The new plan does require a commitment of the agency to support CTE and work toward greater integration of career connected learning within the agency's priorities.

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## **ATTACHMENTS**

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Attachment 1: Draft Oregon CTE State Plan

## Appendix I: Performance Targets

The Performance indicators and their names and guidelines stem from (federal) Perkins V legislation and related U.S. Department of Education guidance.

### Performance Indicator 3-Part Naming Convention

**Part 1: Metric Series Number:** Metrics are grouped into series; some series have only one metric in the group; some series have multiple mandatory metrics; one series (5S) has multiple metrics with only one of the metrics mandatory for ODE’s Perkins reporting.

**Part 2: Metric Education Level Code:** S is used for secondary metrics; P is used for postsecondary metrics.

**Part 3: Metric In-Series Sequence Number:** Some metric series contain more than one indicator; this number specifies which in-series metric is referenced. All metrics have this third naming component; for series with only one metric in the sequence, the metric uses 1 for this number.

### Performance Indicator Series

**1S Series:** Secondary Graduation Rates

**2S Series:** Secondary Academic Proficiency

**3S Series:** Postsecondary Placement of Secondary Students

**4S Series:** Nontraditional (by gender) Program Enrollment of Secondary Students

**5S Series:** Secondary Program Quality

**1P Series:** Postsecondary Retention and Placement of Postsecondary Students

**2P Series:** Postsecondary Industry Recognized Credentialing of Postsecondary Students

**3P Series:** Nontraditional (by gender) Program Enrollment of Postsecondary Students

*Table 1 Proposed Perkins Performance Targets, Secondary*

Secondary Indicator	Baseline Level	2024-25 Targets	2025-26 Targets	2026-27 Targets	2027-28 Targets
1S1: Four-Year Graduation Rate	>95%	93.25%	93.50%	93.75%	94.00%
1S2: Extended Graduation Rate	>95%	93.50%	93.75%	94.00%	94.25%
2S1: Academic Proficiency in Reading Language Arts	59.87%	51.45%	51.90%	52.30%	52.70%
2S2: Academic Proficiency in Mathematics	26.75%	19.80%	20.00%	20.20%	20.40%
2S3: Academic Proficiency in Science	60.79%	54.65%	55.15%	55.65%	56.15%
3S1: Postsecondary Placement	60.53%	61.20%	61.80%	62.30%	62.90%
4S1: Non-Traditional Program Enrollment	33.70%	35.00%	35.50%	36.00%	36.50%
5S3: Program Quality – Participated in Work-Based Learning	54.40%	55.80%	56.40%	57.00%	57.60%

Table 2 Proposed Perkins Performance Targets, Postsecondary

Postsecondary Indicator	Baseline Level	FY 2024 Target	FY 2025 Target	FY 2026 Target	FY 2027 Target
1P1: Postsecondary Retention and Placement	80.42%	83.75%	84.25%	84.75%	85.25%
2P1: Earned Recognized Postsecondary Credential	55.41%	55.50%	56.00%	56.50%	57.00%
3P1: Non-Traditional Program Enrollment	19.10%	19.15%	19.40%	19.65%	19.90%

## Performance Level Analysis & Proposed Targets

### 1P1: Postsecondary Retention and Placement

In Perkins V, the 1P1 Performance Indicator “*Postsecondary Placement*” assesses the percentage of CTE Concentrators who either remain enrolled in postsecondary education, engage in advanced training, military service, participate in a service or volunteer program, or are placed or retained in employment.

**Numerator:** # of CTE Concentrators who completed a program or program of study and, at 2nd quarter after program completion, remain enrolled in postsecondary education, are in advanced training, military service, or a service program that receives assistance under title I of the National Community Service Act of 1990, are volunteers as described in section 5(a) of Peace Corps Act, or are placed or retained in employment

**Denominator:** # of CTE Concentrators who completed a program or program of study during the reporting year

Table 3 Indicator 1P1 Performance Analysis

Indicator Value Type, 1P1	Report year 2020-21	Report year 2021-22	Report year 2022-23	Base Level	Report year 2023-24
Numerator Count	5,105	4,401	4441	4421	
Denominator Count	5,837	5,529	5467	5498	
Actual Performance	<b>87.46%</b>	<b>79.60%</b>	<b>81.23%</b>	<b>80.42%</b>	
Performance Target	62.80%	63.20%	67.60%		72.00%
Performance Type	Met or Exceeded Target	Met or Exceeded Target	Met or Exceeded Target		

Oregon’s statewide performance in the Postsecondary Retention and Placement (1P1) indicator was 87.46% in 2020-21, 79.60% in 2021-22, and 81.23% in 2022-23. The average performance of program years 2021-22 and 2022-23, referred to as the Base Level, is 80.42%. (Table 3).

Table 4 Indicator 1P1 Proposed Targets

Report Year	Proposed Target
2024-25	83.75%
2025-26	84.25%
2026-27	84.75%

Report Year	Proposed Target
2027-28	85.25%

The proposed targets for the *Postsecondary Retention and Placement* (1P1) performance indicator for program years 2024-25 through 2027-28 are outlined in Table 4. These targets are based on the Base Level (the two-year average performance) and align with the “continuous improvement” federal standard.

### 2P1: Earned Recognized Postsecondary Credential

In Perkins V, the 2P1 Performance Indicator “Earned Recognized Postsecondary Credential” assesses the percentage of CTE Concentrators who attain a recognized postsecondary credential during their participation in a program or within one year of program completion.

**Numerator:** # of CTE Concentrators who received a recognized postsecondary credential during participation in or within 1 year of program completion

**Denominator:** # of CTE concentrators who left postsecondary education in the prior reporting year

*Table 5 Indicator 2P1 Performance Analysis*

Indicator Value Type, 2P1	Report year 2020-21	Report year 2021-22	Report year 2022-23	Base Level	Report year 2023-24
Numerator Count	4,530	4,503	5,521	<b>5,012</b>	
Denominator Count	9,347	8,426	9,623	<b>9,024.5</b>	
Actual Performance	<b>48.46%</b>	<b>53.44%</b>	<b>57.37%</b>	<b>55.41%</b>	
Performance Target	39.00%	39.40%	42.30%		45.20%
Performance Type	Met or Exceeded Target	Met or Exceeded Target	Met or Exceeded Target		

Oregon’s statewide performance in the *Earned Recognized Postsecondary Credential* (2P1) indicator was 48.46% in 2020-21, and 53.44% in 2021-22, and 57.37% in 2022-23. The average performance over these two program years, 2021-22 and 2022-23, is 55.41% (Table 5).

*Table 6 Indicator 2P1 Proposed Targets*

Report Year	Proposed Target
2024-25	55.00%
2025-26	56.00%
2026-27	56.50%
2027-28	57.00%

The proposed targets for the “Earned Recognized Postsecondary Credential” (2P1) performance indicator for program years 2024-25 through 2027-28 are outlined in Table 6. These targets are based on the Base Level (the two-year average performance) and align with the “continuous improvement” federal standard.

### 3P1: Nontraditional Program Enrollment

Under Perkins V, the 3P1 Performance Indicator, “Nontraditional Program Concentration” measures the percentage of CTE Concentrators from underrepresented gender groups participating in career and technical programs and programs of study that lead to nontraditional fields.

**Numerator:** # of CTE Concentrators from underrepresented gender groups who participated in nontraditional programs

**Denominator:** # of CTE Concentrators who participated in nontraditional programs

**Table 7 Indicator 3P1 Performance Analysis**

Indicator Value Type, 3P1	Report year 2020-21	Report year 2021-22	Report year 2022-23	Base Level	Report year 2023-24
Numerator Count	1,879	2,266	2,945	<b>2,605.5</b>	
Denominator Count	10,764	11,298	16,238	<b>13,768</b>	
Actual Performance	<b>17.49%</b>	<b>20.06%</b>	<b>18.14%</b>	<b>19.10%</b>	
Performance Target	16.00%	16.40%	17.90%		19.40%
Performance Type	Met or Exceeded Target	Met or Exceeded Target	Met or Exceeded Target		

Oregon statewide performance in the Nontraditional Program Concentration (3P1) indicator was 17.49% in 2020-21, 20.06% in 2021-22, and 18.14% in 2022-23. The average performance of program years 2021-22 and 2022-23 is 19.10%. (Table 7)

**Table 8 Indicator 3P1 Proposed Targets**

Report Year	Proposed Target
2024-25	19.15%
2025-26	19.40%
2026-27	19.65%
2027-28	19.90%

The proposed targets for the Nontraditional Program Concentration (3P1) performance indicator for program years 2024-25 through 2027-28 are outlined in Table 8. These targets are based on the Base Level (the two-year average performance) and align with the “continuous improvement” federal standard.

### 1S1: Four-Year Graduation Rate

The percentage of secondary CTE Concentrators in the 4-year cohort who graduate within four years. This indicator uses the same definition for a high school graduate as the one used to determine overall state four-year graduation rates.

**Numerator:** # of CTE Concentrators who graduate high school (regular diploma, modified diploma, or post-graduate scholars), as measured by the four-year adjusted cohort graduation rate.

**Denominator:** # of CTE Concentrators in the state’s adjusted four-year cohort in the reporting year. The adjusted four-year cohort includes students who were first enrolled in high school four years prior to August of the reporting year plus those students who transferred into the cohort within these four years and minus those students who transferred out of the cohort within these four years.

**Table 9 Indicator 1S1 Performance Analysis**

Indicator Value Type, 1S1	Report year 2020-21	Report year 2021-22	Report year 2022-23	Base Level	Report year 2023-24
Numerator Count	*	*	*	*	
Denominator Count	8168	4586	8341	6464	

Indicator Value Type, 1S1	Report year 2020-21	Report year 2021-22	Report year 2022-23	Base Level	Report year 2023-24
Actual Performance	> 95%	> 95%	> 95%	> 95%	
Performance Target	89.50%	90.00%	90.50%		91.00%
Performance Type	Met or Exceeded Target	Met or Exceeded Target	Met or Exceeded Target		

Oregon’s statewide performance in the *Four-Year Graduation Rate* (1S1) indicator was over 95% in all three report years, 2020-21, 2021-22, and 2022-23. The average performance of the most recent two years is above 95%. (Table 9)

**Table 10 Indicator 1S1 Proposed Targets**

Report Year	Proposed Target
2024-25	93.25%
2025-26	93.50%
2026-27	93.75%
2027-28	94.00%

The four-year graduation rate for CTE Concentrators has consistently exceeded the statewide average for all students. Historically, the Oregon CTE four-year graduation rate has hovered around 90%. The first three years of Perkins V Concentrator definition saw ODE exceed targets.

A special circumstance prevents Oregon from establishing this set of SDPLs for this indicator higher than the Base Level actual performance because Oregon must protect student confidentiality with certain levels of data suppression applied to summary performance results. That data suppression includes coding any group’s results of 95% or higher as “> 95%.” This means that no SDPL can be publicly reported higher than 95%, while Oregon categorizes subgrantee and student group disaggregations in all three performance types in the public report set. The CTE administrators and instructors in Oregon requested maintenance of a target set below the 95% public-reporting threshold for their community partner engagement.

For the above reasons, the proposed 1S1 targets (Table 10) maintain small target increases each year as the rate approaches 100%. For continuous improvement, we move from 91% in 2023-24 to 93% in 2024-25.

### 1S2: Extended Graduation Rate

The percentage of secondary CTE Concentrators in the 5-year cohort who graduate within five years. This indicator uses the same definition for a high school graduate as the one used to determine overall state five-year graduation rates.

**Numerator:** # of CTE Concentrators who graduate high school (regular diploma, modified diploma, or post-graduate scholars), as measured by the five-year adjusted cohort graduation rate

**Denominator:** # of CTE Concentrators in the state’s adjusted five-year cohort in the reporting year. The adjusted five-year cohort includes students who were first enrolled in high school five years prior to August of the reporting year, plus those students who transferred into the cohort within these five years and minus those students who transferred out of the cohort within these five years.

**Table 11 Indicator 1S2 Performance Analysis**

Indicator Value Type, 1S2	Report year 2020-21	Report year 2021-22	Report year 2022-23	Base Level	Report year 2023-24
Numerator Count	*	*	*	*	
Denominator Count	7348	4341	7973	6157	
Actual Performance	> 95%	> 95%	> 95%	> 95%	
Performance Target	90.00%	90.50%	91.00%		91.50%
Performance Type	Met or Exceeded Target	Met or Exceeded Target	Met or Exceeded Target		

Oregon’s statewide performance in the *Five-Year Graduation Rate* (1S2) indicator was over 95% in all three report years, 2020-21, 2021-22, and 2022-23. The average performance of the most recent two years is above 95%. (Table 11)

**Table 12 Indicator 1S2 Proposed Targets**

Report Year	Proposed Target
2024-25	93.50%
2025-26	93.75%
2026-27	94.00%
2027-28	94.25%

This graduation rate for all students typically exceeds the four-year rate by about 0.5% to 1%. The proposed target for this indicator reflects this. The first two years of Perkins V Concentrator definition saw ODE exceed targets.

A special circumstance prevents Oregon from establishing this set of SDPLs for this indicator higher than the Base Level actual performance because Oregon must protect student confidentiality with certain levels of data suppression applied to summary performance results. That data suppression includes coding any group’s results of 95% or higher as “> 95%.” This means that no SDPL can be set higher than 95% while Oregon categorizes subgrantee and student group disaggregations in all three performance types in the public report set. The CTE administrators and instructors in Oregon requested maintenance of a target set below the 95% public-reporting threshold for their community partner engagement.

For the above reasons, the proposed 1S2 targets (Table 12) maintain small target increases each year as the rate approaches 100%. For continuous improvement, we move from 91.5% in 2023-24 to 93.5% in 2024-25.

## 2S1: Academic Proficiency in Reading/Language Arts

The percentage of secondary CTE Concentrators who demonstrate proficiency in reading/language arts as measured by the statewide assessment—Assessment results are reported in the year that the student takes the assessment. In Oregon, statewide assessments are administered during the 11th grade.

**Numerator:** who have met the proficient or advanced level on Oregon’s **reading/language arts** assessment administered under Section 1111(b)(3) of ESEA as amended by the No Child Left Behind Act

**Denominator:** # of CTE Concentrators who took the ESEA assessment in **reading/language arts**

**Table 13 Indicator 2S1 Performance Analysis**

Indicator Value Type, 2S1	Report year 2020-21	Report year 2021-22	Report year 2022-23	Base Level	Report year 2023-24
Numerator Count	14	494	8290	<b>4392</b>	
Denominator Count	42	753	15313	<b>8033</b>	
Actual Performance	<b>33.33%</b>	<b>65.60%</b>	<b>54.14%</b>	<b>59.87%</b>	
Performance Target	68.00%	64.40%	72.90%		77.43%
Performance Type	Below 90% Level	Met or Exceeded Target	Below 90% Level		

Oregon’s statewide performance in the *Academic Proficiency in Reading / Language Arts (2S1)* indicator was 33.33% in 2020-21, 65.60% in 2021-22, and 54.14% in 2022-23. The average performance of the most recent two years is 59.87%. (Table 13) The average performance of all three years is 51.02%.

**Table 14 Indicator 2S1 Proposed Targets**

Report Year	Proposed Target
2024-25	51.45%
2025-26	51.90%
2026-27	52.30%
2027-28	52.70%

Oregon suspended these assessments briefly in the early pandemic. The assessments are again required<sup>1</sup> for all of Oregon’s 11th-grade students. Performance on these state assessments is uncertain in the years following the significant education interruptions of the early pandemic school closures and in consideration of the fact that Oregon students continue to experience interruptions to learning during fires, smoke pollution days, and other severe weather school closures.

Special consideration applies to the interpretation of Oregon’s actual performance results in this indicator for the 2020-21 and 2021-22 report years. These years saw Concentrator assessment data available in samples too small for accurately tracking statewide, subgrantee, or school district performance. We anticipate continued fluctuation in the sample of students participating in this assessment as students may now opt out.

For the above reasons, modest increases are proposed to this target in the State Plan 2024 with a starting point closer to the three-year average than the two-year average. (Table 14)

## 2S2: Academic Proficiency in Mathematics

The percentage of secondary CTE Concentrators who demonstrate proficiency in mathematics as measured by the statewide assessment—Assessment results are reported in the year that the student takes the assessment. In Oregon, statewide assessments are administered during the 11th grade.

**Numerator:** # of CTE Concentrators who have met the proficient or advanced level on Oregon’s **mathematics** assessment administered under Section 1111(b)(3) of ESEA as amended by the No Child Left Behind Act

**Denominator:** # of CTE Concentrators who took the ESEA assessment in **mathematics**

<sup>1</sup> Circumstances exist for individual students to opt-out of these required assessments.  
Oregon Department of Education | Higher Education Coordinating Commission

**Table 15 Indicator 2S2 Performance Analysis**

Indicator Value Type, 2S2	Report year 2020-21	Report year 2021-22	Report year 2022-23	Base Level	Report year 2023-24
Numerator Count	*	210	3749	<b>1979.5</b>	
Denominator Count	41	755	8290	<b>4522.5</b>	
Actual Performance	< 5%	<b>27.81%</b>	<b>25.69%</b>	<b>26.75%</b>	
Performance Target	35.70%	34.40%	39.60%		42.75%
Performance Type	Below 90% Level	Below 90% Level	Below 90% Level		

Oregon’s statewide performance in the *Academic Proficiency in Mathematics (2S2)* indicator was below 5% in 2020-21 and was 27.81% in 2021-22, and 25.69% in 2022-23. The average performance of the most recent two years is 26.75%. (Table 15) The average performance of all three years is in the range<sup>2</sup> of 17.83% to 19.50%.

**Table 16 Indicator 2S2 Proposed Targets**

Report Year	Proposed Target
2024-25	19.80%
2025-26	20.00%
2026-27	20.20%
2027-28	20.40%

Oregon suspended these assessments briefly in the early pandemic. The assessments are again required<sup>3</sup> for all of Oregon’s 11th-grade students. Performance on these state assessments is uncertain in the years following the significant education interruptions of the early pandemic school closures and in consideration of the fact that Oregon students continue to experience interruptions to learning during fires, smoke pollution days, and other severe weather school closures.

Special consideration applies to the interpretation of Oregon’s actual performance results in this indicator for the 2020-21 and 2021-22 report years. These years saw Concentrator assessment data available in samples too small for accurately tracking statewide, subgrantee, or school district performance. We anticipate continued fluctuation in the sample of students participating in this assessment as students may now opt out.

For the above reasons, modest increases are proposed to this target in the State Plan 2024 with a starting point closer to the three-year average than the two-year average. (Table 16)

### 2S3: Academic Proficiency in Science

The percentage of secondary CTE Concentrators who demonstrate proficiency in science as measured by the statewide assessment—Assessment results are reported in the year that the student takes the assessment. In Oregon, statewide assessments are administered during the 11th grade.

**Numerator:** # of CTE Concentrators who have met the proficient or advanced level on Oregon’s science assessment administered under Section 1111(b)(3) of ESEA as amended by the No Child Left Behind Act

**Denominator:** # of CTE Concentrators who took the ESEA assessment in science

<sup>2</sup> The range represents alternately substituting 0% and 5% for the suppressed actual performance in 2020-21.

<sup>3</sup> Circumstances exist for individual students to opt-out of these required assessments.

**Table 17 Indicator 2S3 Performance Analysis**

Indicator Value Type, 2S3	Report year 2020-21	Report year 2021-22	Report year 2022-23	Base Level	Report year 2023-24
Numerator Count	13	267	6079	3173	
Denominator Count	33	327	15229	7778	
Actual Performance	<b>39.39%</b>	<b>81.65%</b>	<b>39.92%</b>	<b>60.79%</b>	
Performance Target	45.90%	44.00%	50.40%		54.15%
Performance Type	Below 90% Level	Met or Exceeded Target	Below 90% Level		

Oregon’s statewide performance in the *Academic Proficiency in Science (2S3)* indicator was 39.39% in 2020-21, 81.65% in 2021-22, and 39.92% in 2022-23. The average performance of the most recent two years is 60.79%. (Table 17) The average performance of all three years is 53.65%.

**Table 18 Indicator 2S3 Proposed Targets**

Report Year	Proposed Target
2024-25	54.65%
2025-26	55.15%
2026-27	55.65%
2027-28	56.15%

Oregon suspended these assessments briefly in the early pandemic. The assessments are again required<sup>4</sup> for all of Oregon’s 11th-grade students. Performance on these state assessments is uncertain in the years following the significant education interruptions of the early pandemic school closures and considering that Oregon students continue to experience interruptions to learning during fires, smoke pollution days, and other severe weather school closures.

Special consideration applies to the interpretation of Oregon’s actual performance results in this indicator for the 2020-21 and 2021-22 report years. These years saw Concentrator assessment data available in samples too small for accurately tracking statewide, subgrantee, or school district performance. We anticipate continued fluctuation in the sample of students participating in this assessment as students may now opt out.

For the above reasons, modest increases are proposed to this target in the State Plan 2024 with a starting point closer to the three-year average than the two-year average. (Table 18)

## S1: Postsecondary Placement

The percentage of CTE Concentrators who, in the report year fall quarter after exiting from secondary education, are in postsecondary education, are in advanced training, military service, or a service program, or are employed.

**Numerator:** # of CTE Concentrators who, in the fall quarter after exiting from secondary education, are in postsecondary education, are in advanced training, military service, or a service program that receives assistance under Title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.); are volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), or are employed

<sup>4</sup> Circumstances exist for individual students to opt-out of these required assessments.  
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**Denominator:** # of CTE Concentrators who exited secondary education in the school year immediately preceding the reporting year

About

**Table 19 Indicator 3S1 Performance Analysis**

Indicator Value Type, 3S1	Report year 2020-21	Report year 2021-22	Report year 2022-23	Base Level	Report year 2023-24
Numerator Count	3,322	19,517	11,846	<b>15,681.5</b>	
Denominator Count	9,185	31,829	19,832	<b>25,830.5</b>	
Actual Performance	<b>36.17%</b>	<b>61.32%</b>	<b>59.73%</b>	<b>60.53%</b>	
Performance Target	49.30%	47.20%	55.80%		59.85%
Performance Type	Below 90% Level	Met or Exceeded Target	Met or Exceeded Target		

Oregon’s statewide performance in the *Postsecondary Placement (3S1)* indicator was 36.17% in 2020-21, 61.32% in 2021-22, and 59.73% in 2022-23. The average performance of the most recent two years is 60.53%. (Table 19)

**Table 20 Indicator 3S1 Proposed Targets**

Report Year	Proposed Target
2024-25	61.20%
2025-26	61.80%
2026-27	62.30%
2027-28	62.90%

While ODE has increased number of data partners to improve postsecondary matching and unemployment rates are stabilizing in the wake of early COVID pandemic disruptions across the nation and in Oregon, the first year of Perkins V performance targets saw the state fail to meet the 90% level on this metric.

ODE has observed that the strong regional economies across the Pacific Northwest have presented unique hurdles in tracking postsecondary activity of secondary CTE Concentrators. Namely, students who proceed to work in neighboring states, Idaho and Washington, are not able to be identified in ODE Perkins reporting at this time. ODE continues to develop data partnerships that will support data agreements, producing information on CTE concentrator employment in the region.

**4S1: Non-Traditional Program Concentration**

The percentage of CTE Concentrators in CTE programs and Programs of Study that lead to fields that are nontraditional for the gender of the Concentrator. Programs’ traditional gender categories are identified using national designations.

**Numerator:** # of CTE Concentrators who concentrated in a state-approved Program of Study that leads to a non-traditional field for their gender

**Denominator:** # of CTE Concentrators in a state-approved Program of Study in the report year that is associated with a traditional gender

**Table 21 Indicator 4S1 Performance Analysis**

Indicator Value Type, 4S1	Report year 2020-21	Report year 2021-22	Report year 2022-23	Base Level	Report year 2021-24
Numerator Count	5726	3319	4912	<b>4115.5</b>	
Denominator Count	18030	9652	14881	<b>12266.5</b>	
Actual Performance	<b>31.76%</b>	<b>34.39%</b>	<b>33.01%</b>	<b>33.70%</b>	
Performance Target	27.50%	28.00%	28.50%		29.00%
Performance Type	Met or Exceeded Target	Met or Exceeded Target	Met or Exceeded Target		

Oregon’s statewide performance in the *Non-Traditional Program Concentration (4S1)* indicator was 31.76% in 2020-21, 34.39% in 2021-22, and 33.01% in 2022-23. The average performance of the most recent two years is 33.70%. (Table 21)

**Table 22 Indicator 4S1 Proposed Targets**

Report Year	Proposed Target
2024-25	35.00%
2025-26	35.50%
2026-27	36.00%
2027-28	36.50%

Not all CTE programs are associated with a traditional gender for the field. Of the active program CIP codes in Oregon Perkins V CTE, 37.1% are associated with a traditional gender; this equates to roughly 42% of secondary CTE programs registered with ODE in the first years of tracking this metric.

The inconsistent availability of programs eligible for this metric across the state is a primary reason for the conservatism in increases on this target. (Table 22)

ODE is actively developing statewide frameworks for CTE programs that are expected to support access to all program types in all areas of the state. As those frameworks gradually come online, we can reassess this set of targets.

### **5S3: Program Quality – Participated in Work-Based Learning**

CTE Work-based Learning is defined in Oregon as “structured learning in the workplace or simulated environment that provides opportunities for sustained interactions with industry or community professionals that foster an in-depth, firsthand experience of the expectations and application of knowledge and skills required in a given career field.”

**Numerator:** # of CTE Concentrators who graduated from high school the school year immediately preceding the report year and had a CTE WBL experience in their program of Concentration.

**Denominator:** # of CTE Concentrators who graduated from high school the school year immediately preceding the report year

**Table 23 Indicator 5S3 Performance Analysis**

Indicator Value Type, 5S3	Report year 2020-21	Report year 2021-22	Report year 2021-23	Base Level	Report year 2021-24
Numerator Count	3273	2392	6378	<b>4385</b>	
Denominator Count	9815	4746	10924	<b>7835</b>	
Actual Performance	<b>33.35%</b>	<b>50.40%</b>	<b>58.39%</b>	<b>54.40%</b>	
Performance Target	5.00%	12.00%	20.00%		25.00%
Performance Type	Met or Exceeded Target	Met or Exceeded Target	Met or Exceeded Target		

Oregon’s statewide performance in the *Program Quality – Participated in Work-Based Learning (5S3)* indicator was 33.35% in 2020-21, 50.40% in 2021-22, and 58.39% in 2022-23. The average performance of the two most recent years is 54.40%. (Table 23)

**Table 24 Indicator 5S3 Proposed Targets**

Report Year	Proposed Target
2024-25	55.80%
2025-26	56.40%
2026-27	57.00%
2027-28	57.60%

ODE has improved data tracking for this metric. This was a new performance indicator under Perkins V, and the initial years reporting on this metric revealed confusion in the field regarding both CTE classification of WBL and CTE WBL data submission specification that led to significant over-reporting of CTE WBL experiences. ODE has been refining programming guidance and data management around CTE WBL and is continually improving data literacy supports around this metric and for those reasons, anticipates an ostensible decrease in CTE WBL reporting in the coming years. ODE has specified Clinical/practicum/internships, school-based enterprises, workplace simulation/technology-based learning, service-learning, and cooperative work experiences for CTE WBL reporting and has recently added capacity to match CTE WBL to the appropriate CE program for a given student. Despite this anticipated adjustment to data reporting, CTE WBL is anticipated to be a significant and growing component of CTE programming across Oregon, as reflected in the proposed target set (Table 24).

2024 – 2027

# Oregon's CTE State Plan

*Oregon Department of Education  
In partnership with the  
Oregon Higher Education Coordinating Commission*



OREGON  
DEPARTMENT OF  
EDUCATION

*Oregon achieves . . . together!*

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## Structure of the CTE State Plan

Oregon’s vision for Career and Technical Education (CTE) guides the structure of our State Plan. Ongoing consultation and coordination between the Oregon Department of Education (ODE) and the Higher Education Coordinating Commission (HECC), in partnership with local education entities, other agencies, and Oregon’s communities, have been key to the growth and changes CTE has experienced since 2020. This revision of Oregon’s CTE State Plan is meant to be a high-level, four-year strategic plan outlining outcomes and strategies to guide Oregon’s ongoing work to build world-class CTE. The appendices provide the context and details of the plan and how Oregon will meet federal Perkins requirements. The appendices also include an action plan aligned to Advance CTE’s National [CTE Without Limits Framework](#) and will guide priorities over the coming years. This action plan serves as one means to measure the state’s progress, in combination with others, including CTE data, number of programs, and connections with business and industry. The action plan and progress reports will be updated each summer and posted on the ODE [website](#).

## Building Equitable Aligned Career and Technical Education (CTE)

Education and workforce development are the cornerstones of building an equitable economy and community. In an ever-evolving global landscape, where access to opportunities and resources are not distributed equally, career connected learning (CCL) and career and technical education (CTE) play a crucial role in bridging the gaps between education and workforce, as well as influencing who has access and opportunity to benefit from these systems. CCL and CTE can help level the playing field. Education with multiple pathways that empower individuals with knowledge, skills, and opportunities to develop career identity and build a network of professional connections can serve as a catalyst for upward mobility. CCL and CTE strengthen communities and form the foundation upon which Oregon can construct a society where everyone has the chance to make an impact and thrive.

*The CTE State Plan focuses on more fully integrating academic knowledge, professional/employability skills, and technical ability for all learners, ensuring that historically and currently marginalized populations have the support needed to feel welcome and be successful in the CTE program of their choice.*

The authorization of the Strengthening Career and Technical Education for the 21st Century Act (Perkins V) allowed Oregon CTE leaders and partners to collaborate on developing a CTE State Plan in 2020. The CTE State Plan has been updated to be more than a Perkins plan; it is Oregon's guide to building equitable CTE pathways and prioritizing our career-related learning resources. This plan supports a future-ready Oregon workforce and aligns with the Workforce and Talent Development Board's focus on workforce readiness by aligning CTE and the skills needed to succeed in the workplace beyond those learned in academic settings. In Oregon, these are known as Essential Employability Skills.<sup>1</sup>

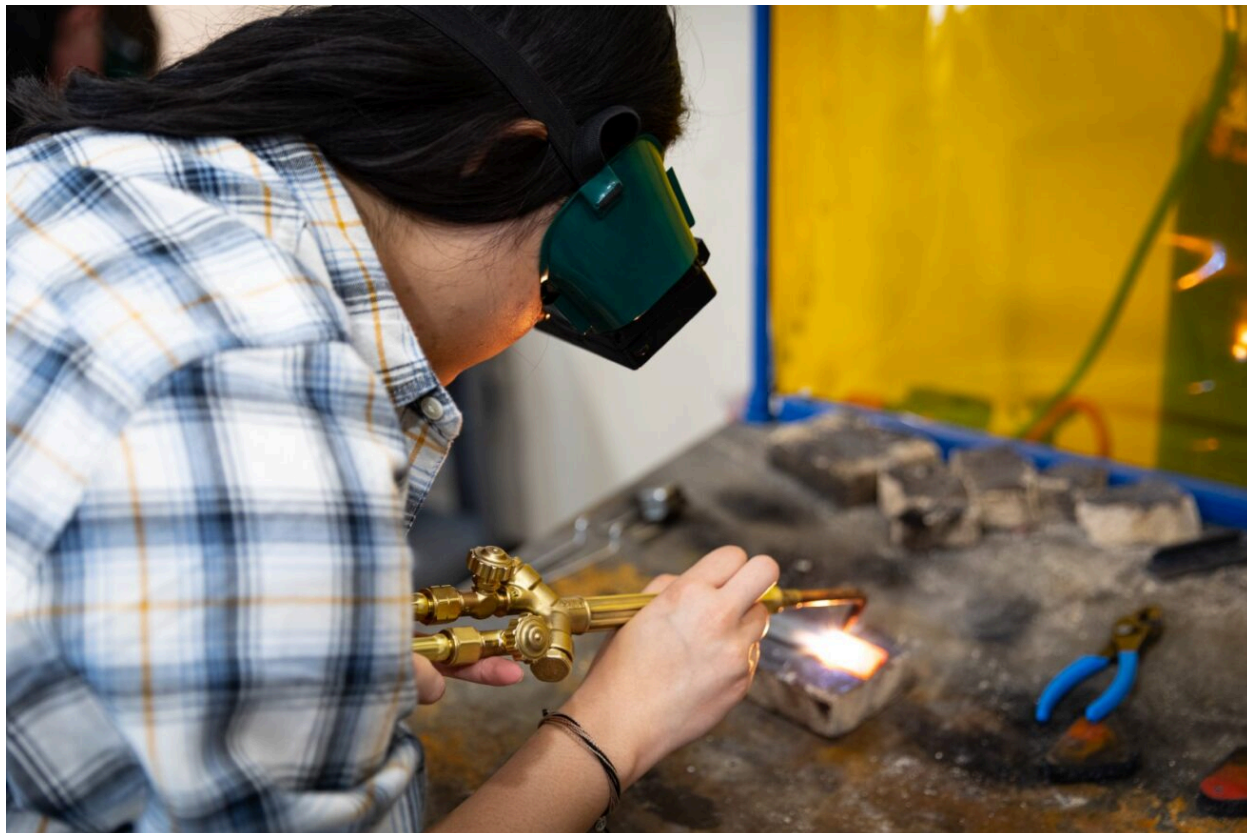
As we have worked to revise this plan, agencies have been collaborating to align CTE with other federal initiatives, including the Every Student Succeeds Act, Workforce Innovation and Opportunity Act (WIOA), Higher Education Act, and the Individuals with Disabilities Act. Oregon state staff worked closely together to coordinate and align the development of the CTE and WIOA state plans. There are increasing partnerships and coordination in the joint work as one of Oregon's WIOA Joint Priorities is to: "Concretely deepen the integration of K-12 education in the entire workforce system." CTE also connects to other WIOA joint priorities around the transition of adults to credit-bearing CTE through Integrated Education and Training models, Career Pathways, Credit for Prior Learning, career connected learning, and work-based learning opportunities. The CTE State Plan supports the [Oregon Business Plan](#) by building systems to prepare Oregonians for the jobs of today and tomorrow and by ensuring alignment of CTE programs with labor market needs.

By 2027, Oregon will make progress on achieving three overarching outcomes:

- 1) Career connected learning that is systemically integrated with education and workforce development,
- 2) Increased equitable participation in high-quality CTE and career connected learning, and
- 3) Expanded communication, transparency, and diversity of voices and contributors connected to education and workforce development partnerships.

<sup>1</sup> Oregon Workforce and Talent Development Board - [Final Report](#), Essential Employability Skills Task Force. December 2020

Oregon CTE programs, with the support of state agency staff, CTE regional leaders, STEM leaders, educators, faculty, administrators, community partners, Tribes, workforce development agencies, and business and industry partners, will ensure that historically and currently underserved and marginalized students and families feel welcome, safe, and included in our institutions and programs. The goal is that all Oregonians will receive appropriate and equitable access to and benefits from CTE and career connected learning. Our priority is to create quality relationships, experiences, and interactions among learners, educators, business partners, and community members.



*Salem-Keizer student works on a soldering project*

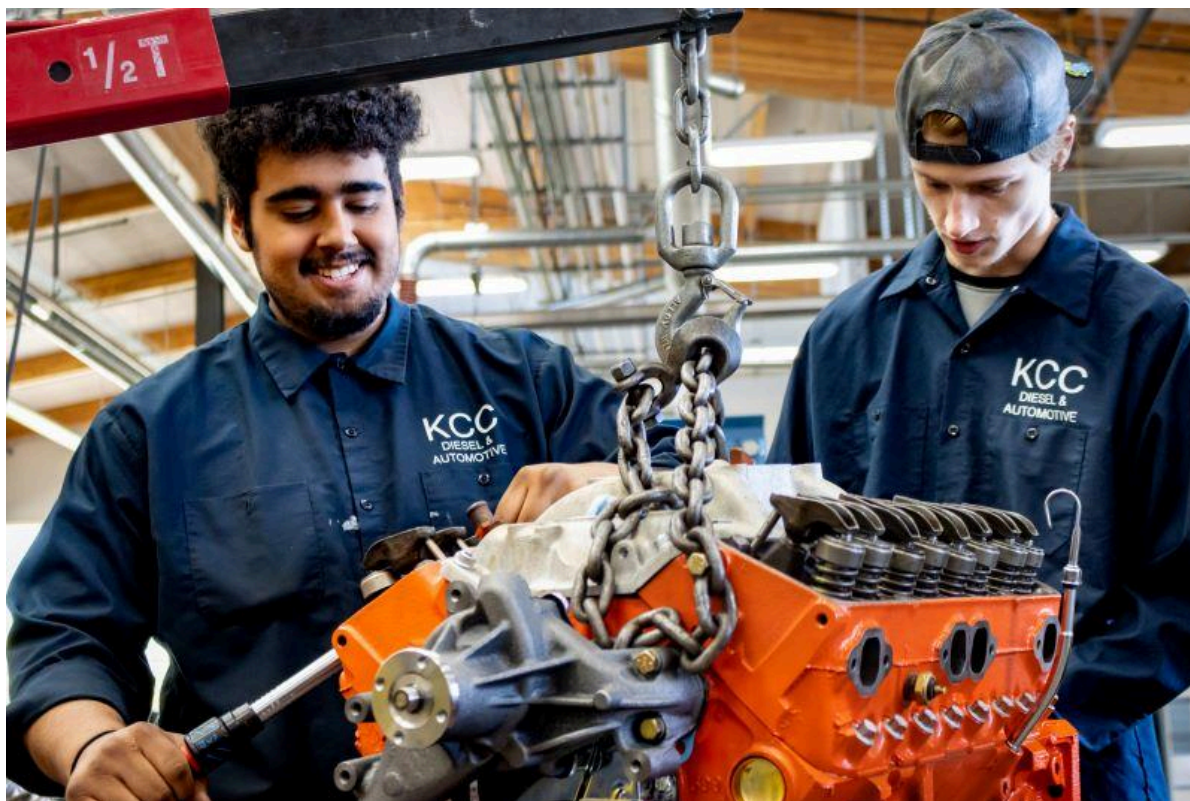
## **Oregon's Vision for CTE**

Oregon's CTE State Plan will highlight Oregon's shared vision for CTE, outcomes that the state is working toward, and actionable strategies for working together to achieve that vision. All Oregonians deserve meaningful living wage careers, access to opportunities to learn about career opportunities, and to receive training to develop the skills necessary to secure these careers and contribute to their communities. With an intentional focus on equity and removing barriers to ensure high-quality learning and access for each learner regardless of race, gender, or zip code, the state can realize the full potential of each of our talented residents. CTE is a proven strategy that increases educational outcomes and grows a skilled workforce. CTE is critical to creating a more equitable and prosperous future for Oregon.

## Vision for CTE

Building on CTE’s past vision and based on input from CTE partners and agency staff, Oregon has identified the following vision for CTE that will guide Oregon’s CTE State Plan:

*Oregon will reimagine and transform learner experiences to enhance learners’ future prospects, empower their communities, and ensure equity in an inclusive, sustainable, innovation-based economy.*



*Photo Courtesy of Klamath Community College Diesel and Automotive program*

## Oregon CTE Today

With the CTE State Plan, Oregon has an opportunity to improve how we prepare Oregonians to succeed in high-wage, high-skill, and in-demand careers<sup>2</sup> and, in doing so, put the state on a path to an even brighter future for our communities and our economy. More specifically, we have an opportunity to continue to remove barriers and ensure high-quality learning and access for each learner regardless of age, race, gender, or zip code. More than 184,000 K-12 learners participate in CTE, and over 7,000 CTE degrees and certificates were awarded at Oregon community colleges (Figure 1). Regional partnerships, led by CTE Regional Coordinators, exist in every corner of Oregon. CTE Programs of Study exist in nearly

<sup>2</sup> Defined in Glossary, [Appendix J: CTE State Plan Glossary](#).

every Oregon high school and all 17 community colleges. Secondary students who concentrate in CTE graduate high school at rates higher than their counterparts who do not participate in CTE (Chart A); this finding holds true across all demographics but is even more significant for historically and currently underserved and marginalized students. The CTE State Plan will build on the success of the past and improve programs to bring greater consistency and access.



Figure 1: CTE participation and outcomes

Chart A: High school graduation and CTE

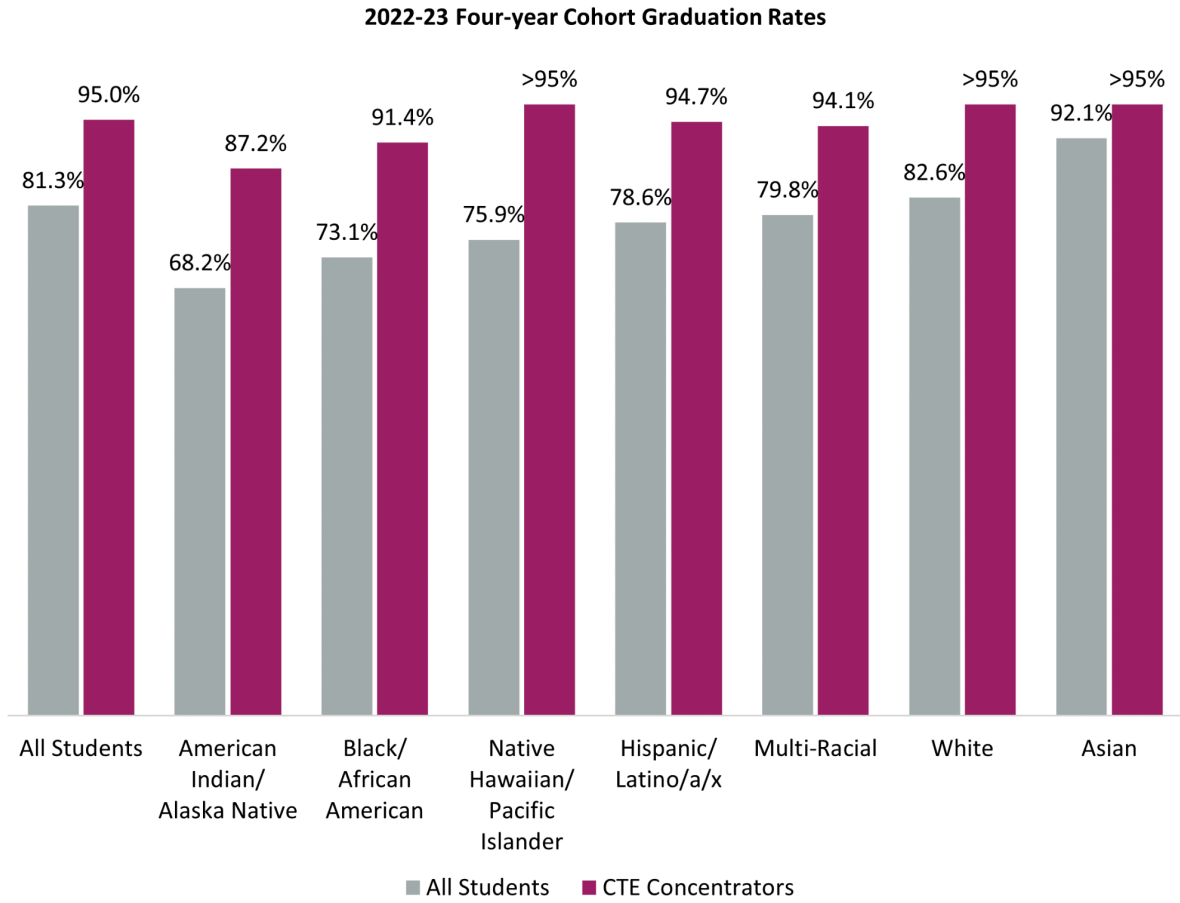
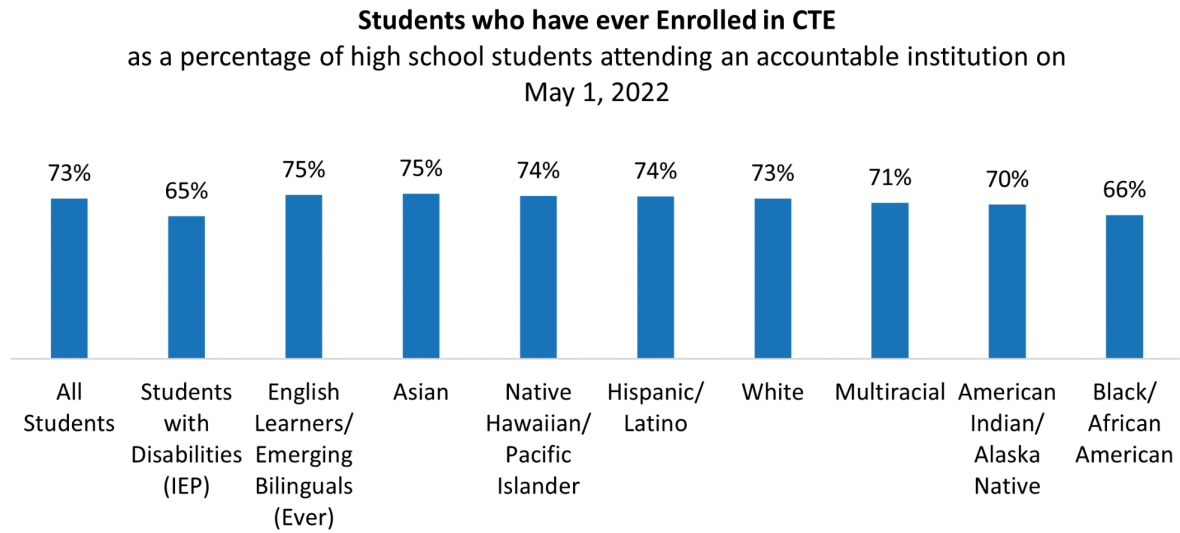
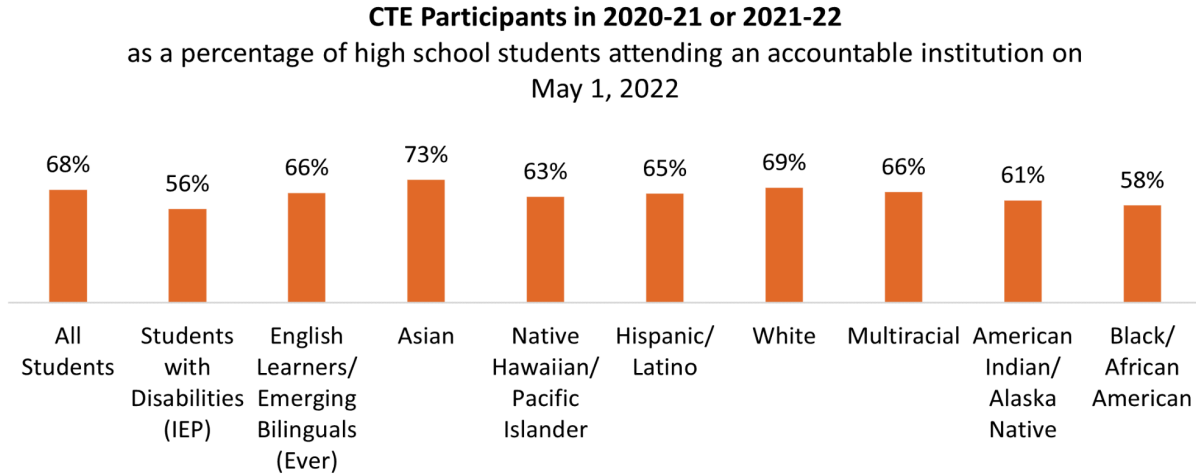


Chart B: High school enrollment in CTE



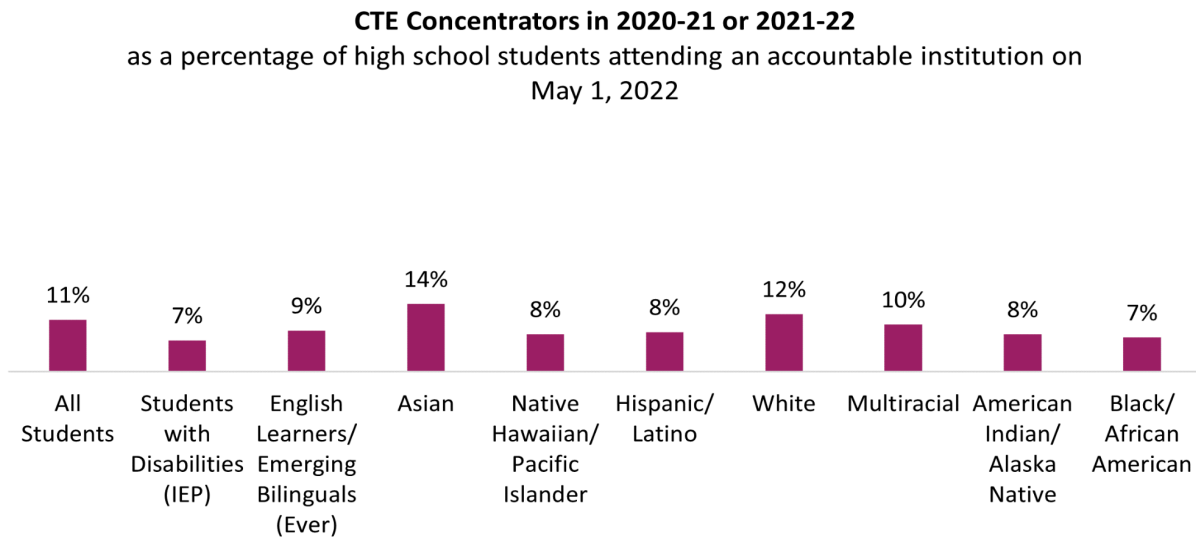
Note: "Ever" Emerging Bilinguals includes students who currently or previously were eligible to participate in an English Language Development program.

### Chart C: High school CTE participants in 2020-21 or 2021-22



Note: “Ever” Emerging Bilinguals includes students who currently or previously were eligible to participate in an English Language Development program. Participants also include concentrators.

### Chart D: High school CTE concentrators in 2020-21 or 2021-22

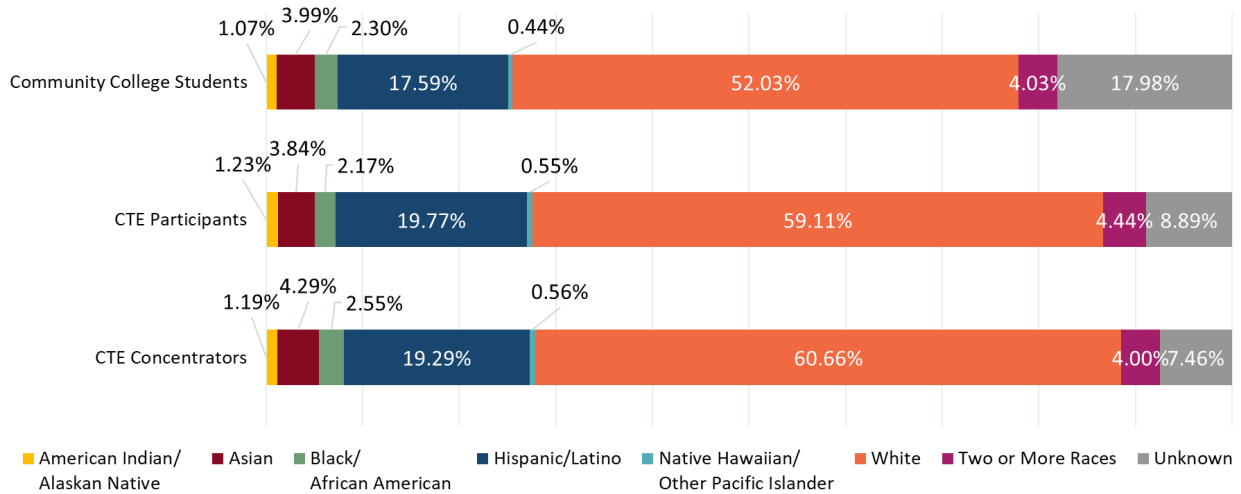


Note: “Ever” Emerging Bilinguals includes students who currently or previously were eligible to participate in an English Language Development program. Participants also include concentrators.

CTE can celebrate the fact that enrollment rates are similar across demographic groups, though gaps remain for some focal populations, and the consistent achievement of higher graduation rates across all student groups taking one year of CTE in high school. However, a closer look at the data shows that students of color, students with disabilities, and emerging bilingual students are underrepresented in obtaining CTE concentrator status (in-depth CTE as shown in Charts B-D). In postsecondary CTE, most historically underrepresented race/ethnicity groups participated in CTE at higher rates than the overall

community college student population, and Hispanic/Latino students were represented at higher rates in CTE programs (Chart E). The recent [Regional Education Laboratory report](#) highlights these opportunity gaps, but as an example, in the Business and Management Career Cluster®, a greater percentage of students who are not on an Individual Education Plan (IEP) and not emerging bilingual concentrate in a CTE program and complete three credits in the program (see Chart F).

**Chart E: Postsecondary CTE participants and concentrators by race and ethnicity compared to overall community college student population (2022-23)**



These findings are significant because greater benefits of CTE in terms of graduation, college success, and smooth transitions into a career are associated with in-depth participation. Far too often, students of color, students with disabilities, and emerging bilingual students are not benefiting from the promise of CTE at the same level as students who are white, not experiencing poverty, or don't identify as having a disability. Chart F shows the range of CTE secondary participation from one course to three credits for students with disabilities (IEP), emerging bilingual/multilingual students (EL), and students who are not members of these groups. Gaps are very small for students with disabilities, but there is a clear gap in the percentage of students taking more CTE courses for students who are emerging bilinguals/multilinguals. We see a similar gap in postsecondary, where students with disabilities are less likely to become CTE Concentrators, but English Language Learners are more likely to become Concentrators (Chart G). Understanding how all learners experience the education environment and supporting them accordingly is necessary to achieve Oregon's vision for CTE.

Chart F: Gap in CTE participation versus completing three credits in secondary CTE programs

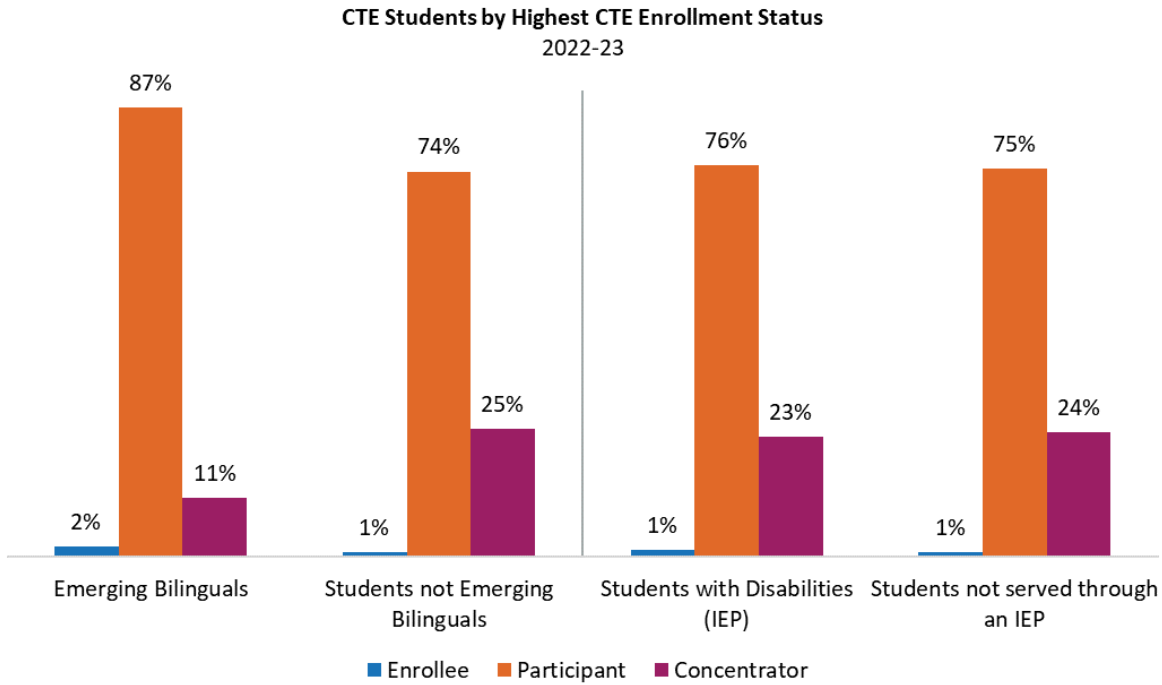
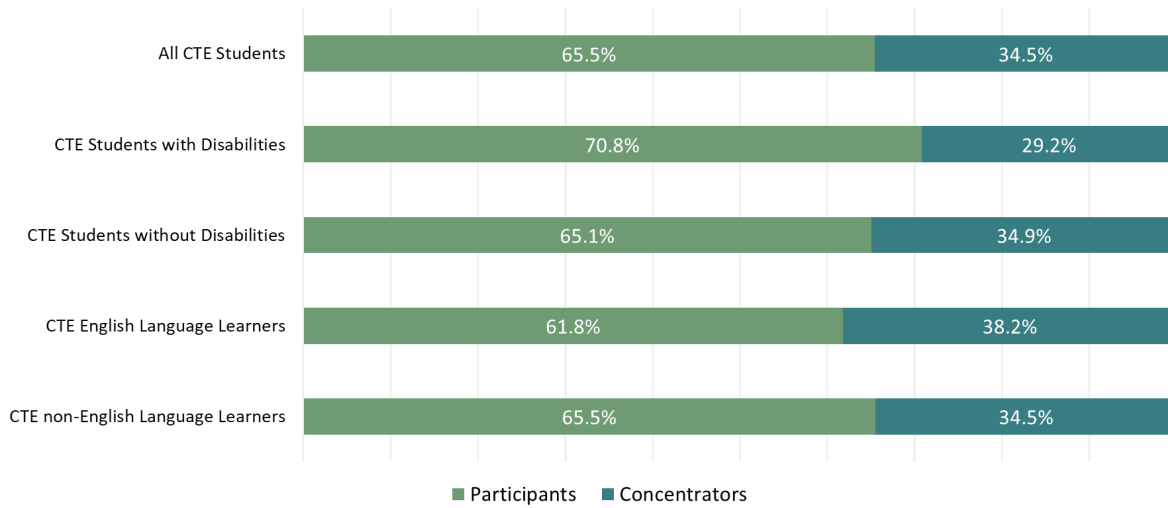


Chart G: Postsecondary CTE student persistence to Concentrator status 2022-23



Students with disabilities experience better retention and post-school outcomes when they participate in one credit of CTE compared to students with disabilities who are not involved with CTE (Chart F). Oregon has been working to promote career connected learning and CTE and to purposefully remove barriers that exist for students with disabilities to persist within a CTE Program of Study. The Oregon Department of Education (ODE) partners with vocational rehabilitation and student services and will focus on communication and support to encourage school structures that improve access for students with disabilities in CTE. Oregon’s community colleges also have strong partnerships with vocational

rehabilitation, and 11 of these colleges are participating in the [Inclusive Career Advancement Program \(ICAP\)](#). This program helps people experiencing disabilities obtain the training they need to find a pathway to a career, not just a job. Through individualized support, ICAP opens the door to a living wage and a lifetime of career advancement potential. ICAP is a grant-funded program through the U.S. Department of Education supported by Cornell University and Portland Community College.

Additionally, too often, participation rates vary by gender in specific Programs of Study. For example, female-identifying students are underrepresented in Computer Science and Manufacturing programs, and male-identifying students are underrepresented in Education programs. Over the past six years, Oregon has partnered with the National Alliance for Partnerships in Equity (NAPE) to train regional cohorts of instructors and advisors to identify and overcome barriers to success. Oregon will continue to support strategies to address gender inequities by sponsoring recruiting events, providing statewide training, and using state leadership funds to support regional and local evidence-based programs.

During an annual review process, ODE will work with partners to monitor the performance and participation of all students. In the event any of the performance elements fall short, state-level improvement plans will be developed and monitored to ensure intentional steps are taken to address any gaps in performance.

Additionally, state staff will continue to offer professional development on providing accommodations for students, monitor access through the Methods of Administration plan, and provide grants to local education entities to use to increase equitable training in career areas dominated by a particular gender.

## Achieving Our Vision



*Photo Courtesy of Clatsop Community College Fire Science Program*

Implementing Oregon’s CTE State Plan and disrupting current program, participation, and outcome inequities requires workforce development, higher education, K-12, community partners, Oregon’s Tribal communities, and business and industry to align our work and support our common goals. Oregon continues its commitment to improved systems alignment and equity.

*“Career and Technical Education is foundational to thriving communities. There are very few skill-based services that don’t require training in some form of CTE. As Central Oregon continues to grow and our economy diversifies, CTE helps ensure our local businesses have the workforce they need today — and long into the future.”*

**~Dr. Laurie Chesley, President, Central Oregon Community College**

ODE collaborates extensively with both internal and external partners to enhance the prominence of Career and Technical Education (CTE) as a pivotal component of school improvement initiatives. As a result, the CTE/Perkins application process has been integrated with other grant programs into a comprehensive application framework.<sup>3</sup> This integrated approach encourages schools, districts, colleges, and regions to adopt a broader perspective on how CTE can contribute to student growth and success by engaging with all constituents and community members to conduct a comprehensive needs assessment that is inclusive of CTE/Perkins requirements. Internally, the CTE staff has been strategically incorporated into the Office of Education Innovation and Improvement, fostering close collaboration with teams dedicated to expanding access to CTE and college-level opportunities, improving student attendance, supporting student mental and behavioral health, improving academic performance, reducing disparities, and other related initiatives. This concerted effort aims to provide robust support for our students, families, and communities while enabling schools and districts to act with greater coordination and braid multiple funding sources to achieve critical outcomes.

Oregon’s CTE State Plan integrates with the broader priorities and goals of other Oregon plans, as orchestrating collective effort and investing together in Oregon’s future is essential. A key step has been to build Oregon’s CTE State Plan in alignment with the principles, commitments, and priorities laid out in [Future Ready Oregon](#), [Oregon’s K-12 Education Plan](#), the [Higher Education Coordinating Commission \(HECC\) Strategic Roadmap](#), the [Workforce and Talent Development Board Strategic Plan](#), the Workforce Innovation and Opportunity Act State Plan, and the [Oregon STEM Education Plan](#). One example is the direct connection to K-12 education in the Workforce Innovation and Opportunity Act State Plan Joint Priorities. “Concretely deepen the integration of K-12 education in the entire workforce system.” Starting with connections like this, the next step to building coherence is a joint commitment to ongoing dialogue and partnership among offices and teams implementing the many interwoven strategic initiatives across the state. In particular, a cross-agency team will continue working together to support work-based learning across the state. This joint effort connects workforce investment and CTE priorities and is guided by the [Workforce System Executive Team](#) (WSET).

The state consulted with over 1,000 CTE partners, including students and families/caregivers, Tribal leaders, educators, administrators, regional coordinators and grant managers, advisory council/board members, and business, industry, and workforce development partners and community-based organizations, to help develop the new four year CTE strategic plan. Below is a summary of the responses.

<sup>3</sup> [Aligning for Student Success: Integrated Guidance for Six ODE Initiatives.](#)

- Students wanted more CTE courses, teachers, and wrap-around support, such as advising and industry opportunities.
- Tribes, caregivers, and families wanted more career exploration offered in middle schools and targeted marketing campaigns to increase exposure and opportunities for students and families, particularly in underserved populations.
- Educators and administrators expressed a need for sustainable, consistent funding to support existing and future CTE Programs of Study, including industry-identified equipment, educator prep time, and professional development.
- Workforce partners desire more funding for data sharing and alignment between education and workforce development.
- Oregon Tribes indicated a need for more CTE access (especially in remote rural locations), better ways to connect with families and communities about those opportunities, and to have a voice in the development of these programs.
- Across the board, partners and Tribes expressed the need for more funding to support a strong CTE regional coordination and leadership structure, targeted resources for small/rural schools, more communication and marketing of CTE and the opportunities available for students, and the ability to effectively support the growth and maintenance of CTE programs, pathways, and opportunities that lead to high-wage, in-demand careers in Oregon.

[Appendix A: Community Engagement Summary](#) contains a comprehensive community engagement report.

*“Oregon is positioned to make additional progress in continuing to strengthen the relationship between CTE programs and the marketplace trends facing Oregon’s employers. It’s an exciting time to envision a future where barriers between educational institutions and real world employment opportunities can be broken down and addressed head on.”*

**~Jason Brandt, President & CEO, Oregon Restaurant & Lodging Association**

In 2020-2021, the state recruited partners to serve on an ongoing basis to advise the state on the implementation of the Oregon CTE State Plan, forming a standing CTE Advisory Council. The CTE Advisory Council identified three overarching priorities: Alignment, Equity, and Systems of Sharing/Communication.

Current Advisory Council membership composition includes

- 24 Standing Members
- 11 Business and Industry and Workforce Development Representatives
- 6 Secondary and Postsecondary Students
- 17 Ex Officio Members<sup>4</sup>
- 36% of Members Identify as Other than White<sup>5</sup>

<sup>4</sup> Representing ODE, HECC, Bureau of Labor and Industries, Workforce and Talent Development Board, Oregon Youth Works, High School Success, STEM Network, Future Ready Oregon, Career Connected Learning, and Work-based Learning.

<sup>5</sup> According to the [US Census](#), 85% of Oregonians identify as White.

More information about the Advisory Council, including the charter, the membership roster and meeting materials can be found on the [Statewide CTE Advisory Council web page](#).

As Oregon implemented the 2020-2024 CTE State Plan and worked with the Advisory Council, it became clear that there was a need for an intentional effort to include student voices in this work. With that in mind, Oregon participated in the Advance CTE [Leveraging Learner Voice to Strengthen CTE](#) Cohort, and the state created a CTE Youth Advisory Council to ensure that learner voices are used to improve CTE policies and practices.



*Photo Courtesy of Mt. Hood Community College Healthcare program*

As state staff implement Oregon's CTE State Plan, they will ensure clear communication, partnership, tracking of progress, and continuous improvement. Staff will also provide guidance on braiding/leveraging funding and will work toward cross-agency funding opportunities. The Statewide CTE Advisory Council and the CTE Youth Advisory Council members will be invited to participate in guiding the work, holding the staff accountable for progress on the work plan, and serving as important advocates who communicate with their constituents about the work being done in CTE across the state.

## Achieving Equity

Oregon's vision for CTE requires that learners have equitable opportunities for success. In light of this understanding, we will examine all policies, practices, and procedures using the SPST Decision Tool, [ODE's equity stance](#), and the [HECC Equity Lens](#) to deepen understanding, build relationships, and avoid

harm to currently and historically underserved communities.<sup>6</sup> Oregon will know we have achieved our equity goals when a learner’s demographic characteristics or geographic location can no longer predict participation and success in CTE programming.

### Our Beliefs:

- We have an ethical and moral responsibility to ensure an education system that provides optimal learning environments that lead students to be prepared for their individual futures.
- Speaking a language other than English is an asset, and our education system must celebrate and enhance this ability alongside appropriate and culturally responsive support for emerging multilingual students.
- Students receiving special education or disability services are an integral part of our educational responsibility, and we must be inclusive, make appropriate accommodations, support skill development, and celebrate their strengths and workforce contributions.
- Students who have previously been described as “at risk,” “underperforming,” “underrepresented,” or “minority” actually represent Oregon’s best opportunity to improve overall educational outcomes. Many counties in rural and urban communities have populations of color that make up the majority. The ability to meet the needs of our increasingly diverse population is a critical strategy for us to reach our state education goals successfully.
- We respect the right of each Tribe to assert both Tribal and educational sovereignty, emphasizing our dedication to the unique cultural and educational rights of Native American students in Oregon. Collaborating with Tribal communities to inform our educational programs is fundamental to advancing a more inclusive educational environment for all Native American students in the state.
- Every learner must be supported in accessing information about a broad array of career opportunities and education and training programs, including apprenticeships.
- Communities, parents, teachers, and community-based organizations have unique and important solutions to improving outcomes for our students and educational systems. Our work will be successful only if we are able to truly partner with communities, engage with respect, authentically listen, and have the courage to share decision-making, control, and resources.
- The rich history and culture of learners are a source of pride and an asset to embrace and celebrate.
- We believe in the critical importance of culturally responsive teaching and workforce diversification. An equitable education system requires providing educators with the tools and support to meet the needs of each student and a dedicated effort to increase the culturally and linguistically diverse educators who reflect Oregon’s rapidly changing student population. Our institutions of postsecondary education and training, and the P-20 system, will truly offer the best educational experience when their faculty, staff, and students reflect this state, its growing diversity, and the ability for all of these populations to be successful in their educations and ultimately in their careers.

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<sup>6</sup> HECC Equity Lens, ODE Education Equity Stance: Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights-protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.



Photo Courtesy of Southwestern Oregon Community College

Understanding that there have been barriers that have limited opportunities for many groups of students to benefit from high-quality CTE, we will focus on better understanding and then removing these barriers for our students—including but not limited to students of color, students with disabilities, students navigating housing instability, American Indian/Alaska Native students, students navigating poverty, students who are currently or were incarcerated, students pursuing nontraditional careers by gender, youth in or formerly in the foster care system, and adults who desire to increase their basic skills attainment to enter or advance in careers.

Successful implementation of the CTE State Plan relies on the engagement and support of our CTE partners: students, families, Tribes, diverse communities, educators, schools, colleges, business and industry, workforce development, local governments, and other state agencies. We all play a role in supporting CTE and our learners seeking to build and expand their careers. Participants who helped craft the CTE State Plan felt

strongly that they wanted to see their role in the work and the actions they could take to achieve our state vision. [Appendix C: Implementing the Plan – Proposed Partner Actions](#) provides many of the recommended ways partners can support the operationalization of this plan. State agencies will monitor the implementation of the CTE State Plan and engage with the CTE Advisory Council, Agency leadership, CTE leaders, and our constituents to ensure that our state is making progress toward our goals.

### **Youth Corrections**

Oregon has a team that helps youth correctional (YCEP) and juvenile detention (JDEP) facilities provide career exploration, programming, certifications, and other opportunities for their students that can lead to community college enrollment and/or a career in CTE. The team helps to distribute funding for various projects across the state.

*“We have added to our ability to help our youth develop skills and character that give them hope for their future. When we do our work through hands-on, project-based learning experiences, our youth discover “they can,” and that gives them courage, hope, and confidence for tomorrow.”*

~ **David Miller, Trask River School, Tillamook YCEP**

*“Students share that they appreciate the opportunity to learn hands-on. One student expressed that they felt valued because they are trusted with equipment. JDEP staff have expressed tremendous appreciation for the opportunity to learn these skills that they can then share with students. The staff at Jackson County JDEP are especially grateful and value this experience as one of the most impactful they have been able to participate in”*

~ **Dr. Larina Warnock, Medford School District, Jackson County JDEP**

## Matching Strategies to the Vision

CTE Programs of Study are the core of CTE in Oregon, and the outcomes and strategies in this plan will contribute to improvements in CTE Programs of Study in terms of quality, equity, and access. Building robust pathways with multiple on-ramps for instruction, starting with middle grades programs of exploration and moving through adulthood, will be key in communicating relevancy and opportunity. Only state-approved CTE Programs of Study are eligible for CTE funding in Oregon. This reflects the state's commitment to ensuring high-quality CTE programs that demonstrate partnership and alignment between secondary, postsecondary, and employers. Oregon has expanded the reach of Perkins dollars and leveraged other state and federal funds to expand career connected learning across Oregon. Increased opportunities to explore future careers are important to build equitable pathways into high-wage careers. Oregon's Programs of Study are based on the [16 National Career Clusters](#) and are organized around the following six career areas: Agriculture, Food, and Natural Resource Systems; Arts, Information, and Communications; Business and Management; Health Sciences; Human Resources; and Industrial and Engineering Systems. After program completion at the secondary level, a student may continue in a program to earn a credential, a certificate, or an associate or baccalaureate degree. Adult students may also transition from Adult Basic Skills to credit-bearing CTE through models such as Integrated Education and Training and Career Pathways. CTE programs at postsecondary institutions are the link to the needs of and opportunities within business and industry and provide flexible opportunities for CTE learners of all ages.

*Oregon CTE Programs of Study provide instruction in technical, academic, and employability skills that can lead to high-wage, high-skill, and in-demand occupations. A CTE Program of Study in Oregon describes a prescribed sequence of non-duplicative courses developed in partnership by a secondary school district and a postsecondary institution that prepares students to transition across education levels and seamlessly enter the workforce. Coursework integrates rigorous academic knowledge with industry-validated technical and employability skills, progressing in specificity and aligned with industry needs. Many CTE Programs of Study provide opportunities for high school students to earn college credit, though Oregon continues to work on the transferability of credits.*

The outcomes and strategies in this plan are organized under the [CTE Without Limits](#)<sup>7</sup> framework published by Advance CTE. This framework provides a bold vision for a career preparation ecosystem that is cohesive, flexible, and responsive, supporting a system that closes equity gaps in education and workforce readiness by leveraging CTE as a catalyst that ensures each learner can thrive in their chosen career. The work to achieve Oregon's vision for CTE is aimed at achieving three overarching outcomes. The plan below describes each outcome, shares a vision of what it will look like when Oregon achieves these outcomes and provides strategies to focus priorities in the coming 4-years. [Appendix D: Oregon's CTE Without Limits Action Plan](#) details a more comprehensive plan of the specific strategies and activities.

<sup>7</sup> Advance CTE - CTE Without Limits <https://careertech.org/our-vision/cte-without-limits/>

## Outcome 1: Career connected learning that is systemically integrated with education and workforce development.

Oregon has been promoting and supporting the development of Career Connected Learning since 2020. It has become a rallying call for partners across the state, particularly STEM Hubs, community-based organizations, and business and industry. Oregon has built career guidance supports, including a CCL Resource Hub, access to career guidance software, the Oregon Career Information System and YouScience, and media such as the Career Journey videos. The Oregon Department of Education defines Career Connected Learning (CCL) as a framework of career awareness, exploration, preparation, and training (Figure 2). Career learning develops over the course of one's lifetime. To support this process, CCL ensures purposeful instruction and engages diverse communities in building collaborative, community-driven learning. CCL connects the interests, aptitudes, education, and goals of every Oregon youth to their future.

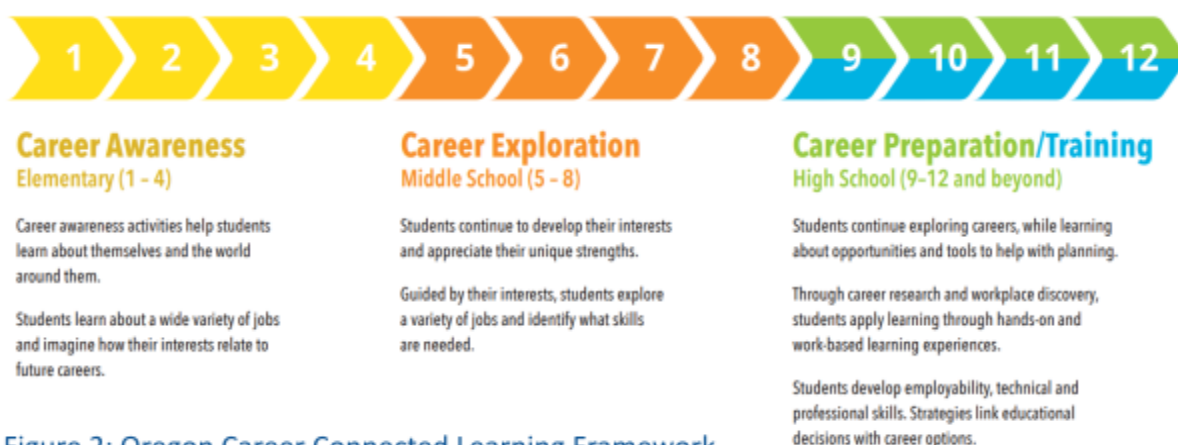


Figure 2: Oregon Career Connected Learning Framework

### What this looks like:

- Each and every learner has the opportunity to engage in cohesive, flexible, and responsive career awareness, exploration, preparation, and training
- Each and every learner has opportunities to explore future careers and connect learning in the classroom to their communities and/or future careers
- Each and every learner is empowered with information to skillfully navigate their own career journey

### Strategies to Achieve Outcome 1:

Strategy 1 - Align education and workforce systems to ensure equitable access to career connected learning and elevate effective resources and assets to foster seamless transitions from and between education, training programs, and careers.

Strategy 2 - Prioritize middle-grades career awareness and exploration to intentionally diversify and expand interest and opportunity for participation in CTE Programs of Study leading to high-wage, in-demand careers.

Strategy 3 - Empower all Oregon educators and community partners to support students' awareness and navigation of pathways to careers through learning and experiences.

*"Career and Technical Education is the bridge that connects students to the careers of the future, equipping Oregonians with the skills, knowledge, and real-world experience essential for success in high-skill, high-wage, high-demand professions. In collaboration with industry, community colleges play a pivotal role in shaping a robust workforce that not only fortifies our economy but also offers a pathway to economic mobility for all Oregonians, with a particular focus on historically underserved communities."*

**~Dr. Adrien Bennings, President, Portland Community College**

Career Awareness and Exploration can happen at any age and any stage for an individual. The pace and flow of career preparation and training may vary depending on student readiness, district programming, and community partnerships. The Career Connected Learning (CCL) domains in Figure 2 are organized by recommended grade levels to provide districts an example of a K-12 Scope and Sequence for career development. Work-based learning (WBL) is a focus area for CCL in Oregon, and since the 2020 plan, Oregon has grown WBL in CTE Programs of Study, with now over 50% of concentrators having high-value connections to business and industry partners.

## **Outcome 2: Increased equitable participation in high-quality CTE and career connected learning.**

Creating inclusive, high-quality CTE and CCL that provides equitable access to all Oregonians is fundamental to the state's vision for CTE. This outcome most directly ties to the work of Oregon's CTE leaders and educators and our partners in the Career Connected Learning community. Oregon has invested state funds to incentivize persistence in CTE Programs of Study and provided schools with additional resources to develop strong high school programs, including CTE.

### **What this looks like:**

- Each and every learner feels welcome in, is supported by, and has access to career exploration and awareness and the means to succeed in career preparation and training with a particular focus on all dimensions of diversity, equity, and access, including educational, racial, Tribal sovereignty, socioeconomic, gender, and geographic
- Removal of barriers (cultural, financial, physical, structural) that prevent learner participation
- All CTE Educators are given the tools, training, and supports necessary to provide equitable, inclusive, and high-quality CTE programs
- Each learner's strengths and skills are counted, valued, and portable
- Student Leadership (CTSO) opportunities and engagement that reflect real-life business and industry experiences and expectations
- Each learner can access CTE Without Borders, expand learners' access to high-quality CTE and work-based learning opportunities within and across state lines

*“CTE offerings at RCC play a critical role in our local economy. Many programs provide tracks for stacked credentialing so students can fill high-demand jobs sooner and continue to earn while they learn as advanced credentials are obtained.”*

**~Randy Weber, Ed.D., President | Rogue Community College**

### Strategies to Achieve Outcome 2:

Strategy 1 - Center equity and learner experience in decision-making, resource distribution, policies, and practices.

Strategy 2 - Strengthen the quality and consistency of CTE Programs of Study by developing resources and training educators, administrators, and partners to improve instruction.

Strategy 3 - Create clear CTE educator retention and recruitment systems, resources, and supportive spaces.

Strategy 4 - Develop innovative policies and models to ensure CTE programs have the flexibility needed to provide access for all students while meeting the demands of today and tomorrow.

The State Plan includes action steps to provide many resources and strategies that will help build and maintain high-quality CTE Programs of Study.

### Alignment to labor needs and state priorities:

Approved CTE Programs of Study must lead to occupations in high-skill, high-wage, in-demand career areas. Additionally, Oregon requires community colleges to develop and submit a Labor Market Analysis when submitting new programs for state approval. In order to ensure districts and community colleges have the most up-to-date information when designing new CTE Programs or updating their existing CTE Programs of Study, CTE Regional Coordinators participate in a Labor Market Information (LMI) training with the Oregon Employment Department, meet with their Local Workforce Analysts, and collaborate with postsecondary and workforce partners to prepare LMI materials for districts and local community colleges. These materials are then used by eligible recipients as they engage their communities through the needs assessment process and through engagement with CTE Advisory Committees, regional sector partnerships, and statewide Industry Consortia.

Through coordinated community engagement, aligned CTE Programs of Study, a shared understanding of regional needs and priorities, and pertinent labor market information, districts, and community colleges are able to build robust pathways for students' continued success after graduation. It is recommended that districts and community colleges

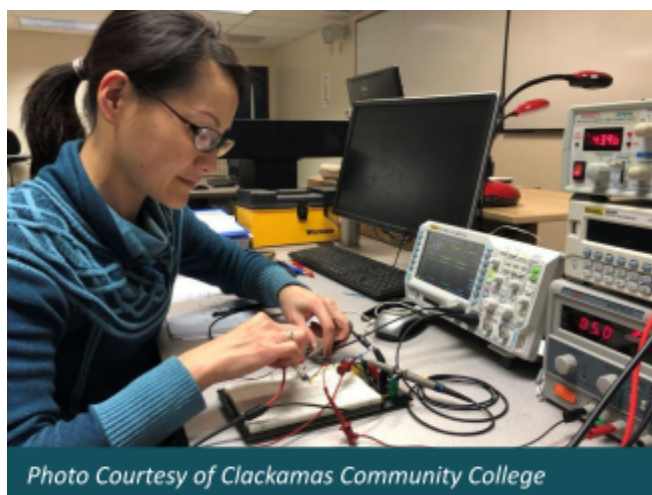


Photo Courtesy of Clackamas Community College

coordinate their partner engagement around CTE Programs of Study and regional labor market needs and priorities to further the required alignment between secondary and postsecondary CTE Programs of Study and strengthen the connection to high-skill, high-wage, in-demand careers. This intentional collaboration helps ensure the entire region and all partners are working towards providing a well-rounded education, building rigorous, relevant, and authentic learning experiences for students along with connections, networks, and pathways for each individual's successful transition into a career of their choice.

### Quality Program Support:

The [size, scope, and quality](#) definition creates the foundation for a CTE Program of Study. This definition will be used jointly by secondary and postsecondary institutions to demonstrate that a newly proposed CTE Program of Study has the fundamental requirements. This minimum definition will be maintained at all times and reviewed every three years during the CTE Program of Study renewal process.

The [CTE Program of Study Quality Rubric](#) is a tool designed to help secondary and postsecondary institutions explore a CTE Program of Study more deeply and create a plan for continuous improvement. Secondary and postsecondary institutions and CTE regional leaders will be expected to develop and document continuous improvement goals related to each CTE Program of Study and submit those as part of the CTE Program of Study renewal. CTE Programs of Study will be evaluated during the initial and renewal phases to ensure they meet state requirements and are supporting continuous improvement in academic, technical, and employability skill attainment. Approved CTE Programs of Study must have a purposeful alignment between the high school courses and a community college certificate or degree that leads to a high-wage, high-skill, and in-demand career (as defined in [Appendix J: CTE State Plan Glossary](#)) and progress in specificity of content to avoid duplication (See [Appendix E: CTE Program Approval Process](#)). The alignment can result in an opportunity for high school students to earn college credit and increase Oregon's achievement of goals for postsecondary credential attainment.

The size, scope, and quality definition and the CTE Program of Study Quality Rubric guide continuous improvement. The local and regional needs assessment provides the focus and evidence.

### Consistency and Support Statewide:



Photo Courtesy of Central Oregon Community College VetTech Program

The development of the statewide CTE Program of Study Frameworks has been identified by partners as an important new direction for Oregon. Oregon will complete the creation of Statewide CTE Programs of Study in each career area in 2024. The process was improved each year, and there is still a lot of work to be done to strengthen the Statewide Programs of Study and use the statewide frameworks to build better connections between industry, college, and K-12. The state will continue to provide support for the Statewide CTE Programs of Study.

Our CTE State Plan will allow students to learn from a range of knowledgeable experts who contextualize learning and create robust integration of academic and technical content. At the heart of every CTE program are the educators. Without quality educators who build relationships with our learners and support the journey from education to career, all the systems in the world will not achieve improved outcomes across our population of diverse students.

The recruitment and support of our educators, mentors, counselors, and business and industry partners is essential to achieving Oregon’s vision for CTE. Therefore, we are committed to building a diverse educator workforce in both secondary and postsecondary education, but we recognize that educator shortages and mismatch in systems of compensation for educators from traditional pathways and those who enter the profession from business and industry continue to be barriers.

#### **Flexibility to ensure CTE without limits:**

Our CTE State Plan will focus on flexible learning systems that allow Oregonians to gain necessary skills where and how they best meet their needs. Flexible learning helps achieve equity goals by acknowledging learners’ diverse needs and competing priorities while providing the tools and techniques that are critical to the success of a range of learners. CTE Program of Study choices vary by school and college location; the differences are often substantial and inequitable. Rural communities often have fewer CTE opportunities due to resource constraints, greater distances to population centers, and the nature and assortment of industries found in these areas. Supporting flexible learning is a way to explore creative solutions to bolster program offerings for rural communities.

*"At Clackamas Community College, we believe that CTE not only provides valuable skills and knowledge but also serves as a driving force for economic development. By equipping students with practical, hands-on training, we are not just educating individuals, we are preparing a skilled workforce that contributes to the growth and prosperity of our community."*

**~David Plotkin, Vice President of Instruction and Student Services, Clackamas Community College**

### **Outcome 3: Expanded communication, transparency, and diversity of voices and contributors connected to education and workforce development partnerships.**

A critical component is to ensure students, parents, and communities are informed about career pathway options and resources. ODE maintains a website of approved Programs of Study in each high school and college. HECC maintains an expanded list of all approved postsecondary CTE programs at each college. Additionally, this plan outlines resource development for Career Exploration and Work-Based Learning Opportunities.

#### **What this looks like:**

- Meaningful partnerships with students, families, educators, Tribes, community-based organizations, workforce development, state agencies, and industry partners deeply invested and involved in the design, delivery, and success of the CTE system
- Continuous improvement, collaboration, and alignment by leaders at all levels within our education and workforce development systems
- Actionable, transparent, and trustworthy data that addresses the demographic questions, the inclusion and equity aspects, and the longitudinal outcomes of our CTE Programs of Study

### Strategies to Achieve Outcome 3:

Strategy 1- Pursue meaningful collaboration with communities, Tribes, families, and students to provide comprehensive outreach and communication for those who are impacted by decisions regarding career connected learning and CTE systems.

Strategy 2 - Create structures to achieve transparent sharing of data to support well-rounded, equitable approaches to preparing learners for life after secondary education.

Strategy 3 - Enhance the use and accuracy of data, reporting, and information systems to drive data-informed decision-making, monitoring state-identified performance targets, local implementation of CTE Programs of Study, and use of funds.

Access to CTE State Leadership funds as well as ESSER funds has allowed ODE to work collaboratively with a wide array of educational leaders to develop and populate a [Career Connected Learning Resource Hub](#). The Resource Hub is available statewide and houses tools and resources to support practitioners, students, and families in the four domains of Career Connected Learning. A team of Career Connected Learning System Navigators, located at all 17 Oregon Community Colleges, along with a statewide Career Connected Learning Coordinator and a CTE Tribal Liaison, collaboratively support the dissemination of the CCL Resource Hub throughout the state. Their work focuses on supporting and aligning systems that provide career awareness, exploration, preparation, and training for learners down to middle grades and across the transitions into high school, career, and postsecondary opportunities. Additionally, the Tribal Liaison plays a pivotal role in facilitating collaboration among Tribes, the Oregon Department of Education, the Higher Education Coordinating Commission, local education agencies, community colleges, CCL Network, STEM Hubs, and local workforce development boards. This collaboration aims to expand opportunities for Tribal youth to access Career Connected Learning and CTE opportunities within their communities.

Our CTE State Plan will support seamless transitions, including those between technical and academic learning in education and the workplace and between secondary or Adult Basic Skills and postsecondary education.<sup>8</sup> Additionally, our statewide partner engagements have clearly identified a need for additional CTE courses and teachers, career information and exposure to CTE, particularly for students in the middle grades and underserved populations, and targeted resources for rural communities.

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<sup>8</sup> Multiple partners, including business partners and educators, cited a need to reexamine Oregon's graduation requirements to ensure that all students are gaining the skills necessary to be successful in the rapidly changing world. A reexamination of Essential Skills, career-related learning experiences, and requirements were all cited as possibly needing an update.

## Accelerated Learning:

*The Oregon Department of Education and the Higher Education Coordinating Commission have created a joint state team that manages approval, support, and guidance for accelerated learning programs. The state team tracks accelerated learning participation, including CTE, and coordinates opportunities for collaboration between partners, including research and evaluation, and tracking student outcomes such as education and training beyond high school, including college enrollment, persistence, and transfer of credit. Oregon’s CTE State Plan will create Statewide CTE Programs of Study—resources associated with these programs will communicate opportunities for earning college credit while in high school and how those credits fit into career pathways. The focus of accelerated learning in Oregon centers on educational equity and increasing equitable access, participation, and advancement for historically underrepresented students in postsecondary education. Recent trends indicate a significant drop in the percentage of college credit earned by high school students that is CTE credit. In 2017-18, 25% of these credits were considered CTE, which dropped to 12% during the pandemic-impacted 2020-21 school year and rebounded slightly to 17% in 2021-22. The joint state team has launched a research effort to identify the root causes of this decrease in CTE college credit earning that engages national, state, and regional partners, including K-12 and community college educators.*

## Accountability

Oregon will continue to focus on accountability through monitoring state-identified performance targets and local implementation of CTE Programs of Study and use of funds. Oregon convened a partner group, including K-12 and postsecondary partners, to analyze the past two years of available statewide CTE data and set our state-determined performance levels. See [Appendix I: Performance Targets](#) for a full description of our state-determined performance targets and the process for arriving at these levels.

Oregon continues its commitment to engage partners throughout the development and implementation of Oregon’s CTE State Plan and to inform the in-depth use of data and feedback. Part of that process includes the implementation of a comprehensive local needs assessment by each Perkins grant recipient to ensure that spending matches needs (see [Appendix B: CTE Needs Assessment](#)). In Oregon, Perkins and CTE have been included in an Integrated Application that integrates several education initiatives that



Photo Courtesy of Central Oregon Community College  
Apprenticeship program

all focus on well-rounded education, advancing equity, engaging community, and strengthening systems and capacity. All public K-12 districts go through the [needs assessment and community engagement process outlined](#) in the integrated guidance every two years. Post-secondary institutions and consortia complete a parallel [needs assessment process](#). Grantees are not required to submit their needs assessment but must share a high-level summary of the results as part of their Perkins Application and retain the complete needs assessment results for monitoring. The results of these needs assessments are used by local partners to determine priorities for resource allocation, collaboration, and engagement.

## Fiscal Guidance and Support

We will continue to support local education entities (school districts, regional recipients, and colleges) receiving federal and state sources of CTE funding to ensure proper stewardship of those funds. Federal CTE funds are allocated according to federal guidelines.<sup>9</sup>

Our federal funds are split evenly between secondary and postsecondary recipients (see [Appendix H: Perkins Budget](#)). This is based on our long history of equitable sharing of funds, and was reaffirmed during partner discussions in 2019.

Beginning with the 2023-2024 needs assessment, application, and budget submission, Perkins for K-12 recipients are included in an integrated application process called [Aligning for Student Success](#), which integrates application and reporting requirements for multiple ODE grant programs in order to promote cohesion between programs, reduce duplication of effort, and leverage expertise and resources across programs to produce better results and more equitable outcomes. The integrated application process includes all Perkins requirements for engagement needs assessment, application, and budget. Consortium and postsecondary direct application processes are aligned with the integrated application process.

Perkins Basic Grant recipients will submit an application to the state to receive their federal Perkins funds. The proposal will include a four-year strategic plan for CTE based on their local CTE needs assessment, which will be informed by their partner engagement process. The proposal will tie the local needs to academic and technical skill attainment activities that will lead to a recognized postsecondary credential. Prior to approval, ODE and HECC will review and approve the proposals to ensure that they align with the identified needs. There will be a bi-annual submission of a budget to ODE that demonstrates a tight connection to improving equitable access to and benefit from CTE and meeting needs identified in the local CTE needs assessment. Recipients will provide quarterly reports on grant expenditures, changes to the budget, and progress on activities. We are committed to ensuring that CTE works for Oregon and that the use of public funds supports the vision and goals of our state.<sup>10</sup> Oregon will monitor local recipients based on the process outlined in our [CTE Policy Guidebook \(Appendix K\)](#).

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<sup>9</sup> Secondary eligible recipients that do not qualify for the \$15,000 minimum or postsecondary that does not qualify for the \$50,000 minimum; or eligible recipients that cannot sustain a program of sufficient size, scope and quality will be encouraged to form or join a consortium with another eligible recipient. The funds generated by all eligible recipients within will be awarded to the fiscal agent of the consortium and shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and can be used only for Programs authorized under Perkins V.

<sup>10</sup> Oregon requires each Basic grant recipient to set aside a minimum of 15% for professional development needs identified. Additionally, there is a maximum cap of 30% of the Basic grant allocation that can be used for staffing costs associated with program leadership.

## Leadership Set Asides

The state is also committed to focusing resources on areas of identified needs. Each year, Oregon reserves 10% of the federal funding for CTE (Perkins funds) for use by state leadership. Oregon meets the required use of these funds through programs including:

- Supporting the recruitment of special populations into CTE programs by creating resources and best practices.
- Supporting CTE programs and opportunities for students in state institutions by focusing 2% of its 10% of leadership funds on youth and adult correctional facilities and the Oregon School for the Deaf.
- Ensuring equitable access to high-quality CTE programming by participating in a professional learning community with the National Association for Partners in Education (NAPE) and other states to further understanding and inclusion of student input to CTE programs.
- Ensuring better communication tools, including creating greater awareness of the CTE teacher licensure process and program development, focused communication on the value of CTE for focal populations, support and guidance for education administrators on how to build and support strong CCL and CTE programs, and guidance for business and industry on how to become involved in CTE.
- Creating and implementing an onboarding program to support new CTE educators during their first three years that includes a robust orientation; intentional mentorship; resource support; professional development in content, pedagogy, and working with partners in business, industry, and education; professional learning communities; administrator engagement; and opportunities to network with other CTE teachers across the state.
- Supporting educators through professional learning communities and training opportunities tied to industry changes, culturally sustaining pedagogy, and academic, employability, and technical skills integration in their CTE instruction.



Photo Courtesy of Southwestern Oregon Community College Agroecology Instructional program

The remaining leadership funds will be focused on achieving our vision for CTE by addressing the following needs identified through the statewide needs assessment process, including:

- Supporting statewide CTE Programs of Study Frameworks and the partnership between secondary and postsecondary institutions.
- Expanding career awareness and exploration opportunities into the middle grades.
- Supporting the domains of career connected learning by providing scope and sequence with multiple entry points for learners and training for practitioners on implementing quality career advising and development.
- Growing capacity to offer equitable quality work-based learning opportunities in secondary CTE programs.
- Piloting ways to support flexible CTE Programs to encourage more opportunities for students, particularly rural students.

## Perkins Reserve Fund Use

Oregon has a rich history and strong belief in the value of regional coordination of CTE programs and supporting partnerships between colleges, school districts, education service districts, workforce development, and regional employers. Oregon already has a regional CTE structure in place, which is supported by 14 CTE Regional Coordinators.

Oregon sets aside 15% of its Perkins Reserve Fund to build regional support for CTE Program of Study implementation and partnerships. The Perkins Reserve's priority focus is the development and implementation of Work-Based Learning (WBL), Career Connected Learning (CCL), and career technical education (CTE) within the context of CTE Programs of Study (POS), especially in small/rural/remote areas of Oregon.

In response to a Regional Education Laboratory Northwest study<sup>11</sup> showing a decline in programs and access in small/rural schools, a Small/Rural Regional Funding Supplement was provided to qualifying regions that includes a baseline leadership supplement, travel to support on-site support and an equalization supplement to equalize the cost of supports in a rural setting. The supplement was first provided during the 2021-2022 school year and continued to the 2023-2024 school year. A workgroup has been formed to explore longer-term strategies.

Regional Coordinators submit a WBL and CTE Project Plan that describes how the region will develop innovative approaches to creating multiple on-ramps and off-ramps to CTE Programs. Regional Reserve Grant Applications are reviewed to ensure applicants promote academic achievement and technical skill attainment leading to a postsecondary credential and that the local needs assessment takes into consideration local and regional labor market and education needs. Particular attention will be paid to rural CTE providers by focusing on developing, implementing, and adopting quality CTE POS and supporting regional coordination of promising CTE practices. Funds will support the implementation and expansion of career exploration and guidance and the implementation of equitable work-based learning, particularly in rural communities.

Funding allocations are calculated using the funding formulas found in Section 131 and Section 132 of the Perkins Act. Approved applications must demonstrate—among other things—how recipients will provide students with the skills needed to succeed in the workplace.

For compliance purposes, the following statements are offered:

- The data used to calculate allocations takes into account all current data reflecting school district boundaries.
- The agency does not seek a waiver to the secondary allocation formula.
- The agency does not seek a waiver to the postsecondary allocation formula.
- Oregon intends to maintain the current level of effort to support CTE..

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<sup>11</sup> Arneson, A., Hodara, M., & Klein, S. (2020). [Career and technical education in Oregon: Exploring who participates in high school and the outcomes they achieve](#). Portland, OR: Education Northwest, Regional Educational Laboratory Northwest.

## Appendices

APPENDIX A: [COMMUNITY ENGAGEMENT SUMMARY](#) (Under construction)

APPENDIX B: [CTE NEEDS ASSESSMENT TEMPLATES](#) (Under construction)

APPENDIX C: [IMPLEMENTING THE PLAN – PROPOSED PARTNER ACTIONS](#) (Under construction)

APPENDIX D: [IMPLEMENTING THE PLAN – HIGH-LEVEL ACTION PLAN](#)

APPENDIX E: [CTE PROGRAM APPROVAL PROCESS](#) (Under construction)

APPENDIX F: [CTE PROGRAM SIZE, SCOPE, AND QUALITY](#) (Under construction)

APPENDIX G: [HIGH-QUALITY PROGRAM OF STUDY RUBRIC](#) (Under construction)

APPENDIX H: [PERKINS BUDGET](#) (Under construction)

APPENDIX I: [PERFORMANCE TARGETS](#) (Under construction)

APPENDIX J: [CTE STATE PLAN GLOSSARY](#) (Under construction)

APPENDIX K: [CTE POLICY GUIDEBOOK](#)

A photograph of two healthcare professionals in a clinical setting. They are wearing blue scrubs, white masks, and gloves. One is wearing a blue and green patterned scrub cap, and the other is wearing a black scrub cap and safety glasses. They appear to be in a discussion or collaborative work. The background shows a clinical environment with a blue drape and a wooden cabinet.

Future Forward Education

# Oregon's CTE Strategic Plan

Aligning Work to Strengthen Systems and Support Students

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# The Need for Quality CTE

Once in a Generation Investments in America's Current and Future Workforce

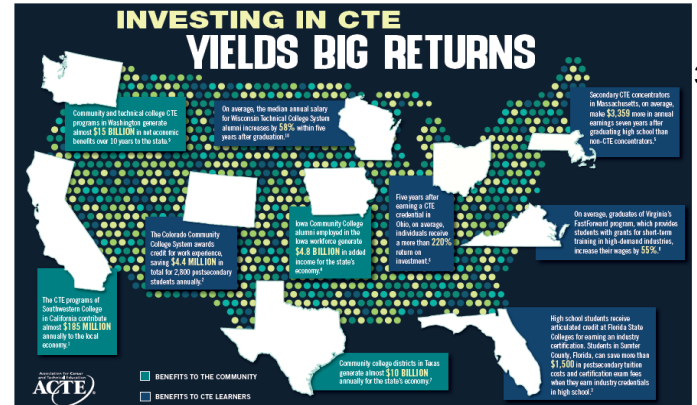
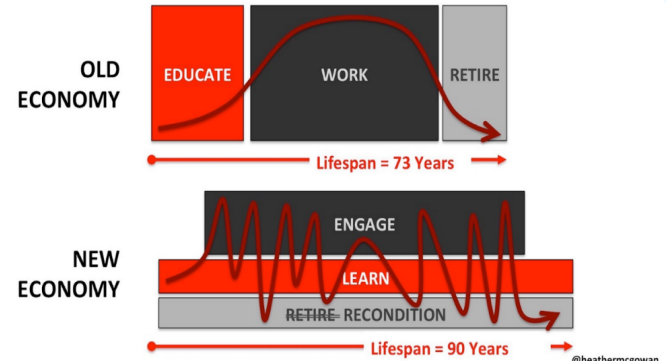


The question young people are considering for themselves is not: "What do you want to be when you grow up?"

Instead, it is: "What do you want your life to be like in the future?"

- Emerging research by Emily Lockwood at the Bill and Melinda Gates Foundation

Career Arc: New Economy Shifts Life Blocks



# Working Together to Build our Future



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*Photo Credit: Oregon Tradeswomen: Rural Pre-Apprenticeship Class*



*Photo Credit: Portland Community College*

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## Vision for CTE in Oregon

Oregon will reimagine and transform learner experiences in order to enhance their future prospects, empower their communities, and ensure equity in an inclusive, sustainable, innovation-based economy.

# Timeline for Revisions



# CTE Big Impacts



Oregon Department of Education

## Oregon Career and Technical Education 2022-23

**Secondary**  
184,360 Participants, including  
44,574 Concentrators

01

02

**Graduation**  
95% on-time graduation rate  
for CTE Concentrators

03

**Postsecondary**  
42,150 Participants, including  
14,562 Concentrators

04

**Credentials**  
7,185 Postsecondary  
Associate Degrees and  
Certificates Awarded

310



**Careers**  
81% of  
Postsecondary  
CTE Graduates  
Employed 6  
Months After  
Program  
Completion

Higher Education Coordinating Commission

# Outcomes

Career connected learning that is systemically integrated with education and workforce development

Increased equitable participation in high-quality CTE and career connected learning

Expanded communication, transparency, and diversity of voices and contributors connected to education and workforce development partnerships

# Questions: Please Contact Us

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Photo Credit: Clatsop Community College



OREGON  
DEPARTMENT OF  
EDUCATION

*Oregon achieves . . . together!*



Learning that works for Oregon

**CTE**



# Structure of the Plan

- 
- Strategic Plan and Perkins Grant Application
  - Outlines state of CTE and plans for accountability and use of federal funds
  - Action Plan and details in Appendices



# *Integrated CCL/CTE*

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**Strategy 1** - Align systems for career connected learning and elevate effective resources and assets

**Strategy 2** - Focus on middle school career exploration and planning

**Strategy 3** - Empower educators and community partners to support students' awareness and navigation of pathways to careers



*Photo Credit: South Coast ESD*

# Equitable Access



*Photo Credit: Klamath Community College*

**Strategy 1** - Center equity, learner experience, and outcomes in decision making, resource distribution, policies and practices.

**Strategy 2** - Strengthen the quality of CTE Programs of Study

**Strategy 3** - Create clear coherent CTE educator retention and recruitment systems and strong partnerships with industry.

**Strategy 4** - Ensure CTE programs are flexible to meet the demands of today and tomorrow

# Communication

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**Strategy 1** - Pursue meaningful collaboration with communities and students

**Strategy 2** - Create a multiple-measures indicator of career and college readiness

**Strategy 3** - Create accurate data information systems to drive data informed decision making

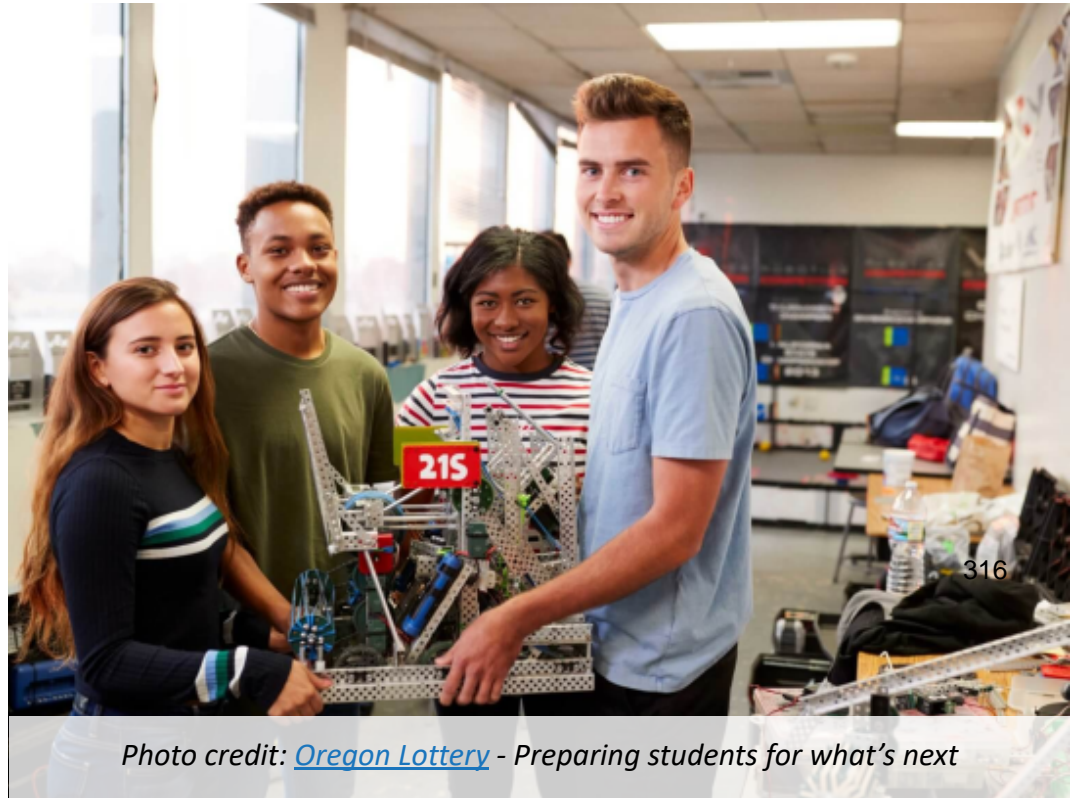


Photo credit: [Oregon Lottery](#) - Preparing students for what's next

# Accountability for Program Quality

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## Program Design:

- **Aligned to Labor Market Needs**
- **Teaches full scope of career, business and industry identified skill sets, integrated academic learning, professional/employability skills**
- **Aligned Secondary and Postsecondary**
- **Includes career advising**
- **Student Leadership**
- **Highly Qualified CTE Teacher**
- **Professional Development**
- **Industry Connections and Equipment**

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**HS CTE Courses, Teachers Licensure, and Programs are submitted to the State for Approval**

# Accountability for Program Quality

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## Secondary Student Performance (8)

- Graduation and Extended Graduation
- Performance on State Assessments (Math, ELA, Science)
- Postsecondary Placement
- Non-traditional by Gender Placement
- Work-based Learning

Number of Participants / Concentrators

Disaggregated by student demographics/characteristics and career cluster

## Postsecondary Student Performance (3)

- Retention and Placement
- Earned Recognized Postsecondary Credential
- Non-traditional by Gender Placement

Number of Participants / Concentrators

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Disaggregated by student demographics/characteristics and career cluster

## Accountability (State Determined Levels of Performance)

Secondary Indicator	Baseline Level	2024-25 Targets	2025-26 Targets	2026-27 Targets	2027-28 Targets
1S1: Four-Year Graduation Rate	>95%	93.25%	93.50%	93.75%	94.00%
1S2: Extended Graduation Rate	>95%	93.50%	93.75%	94.00%	94.25%
2S1: Academic Proficiency in Reading Language Arts	59.87%	51.45%	51.90%	52.30%	52.70%
2S2: Academic Proficiency in Mathematics	26.75%	19.80%	20.00%	20.20%	20.40%
2S3: Academic Proficiency in Science	60.79%	54.65%	55.15%	55.65%	56.15%
3S1: Postsecondary Placement	60.53%	61.20%	61.80%	62.30%	62.90%
4S1: Non-Traditional Program Enrollment	33.70%	35.00%	35.50%	36.00%	36.50%
5S3: Program Quality – Participated in Work-Based Learning	54.40%	55.80%	56.40%	57.00%	57.60%
<i>Postsecondary Indicator</i>	<i>Baseline Level</i>	<i>FY 2024 Target</i>	<i>FY 2025 Target</i>	<i>FY 2026 Target</i>	<i>FY 2027 Target</i>
<i>1P1: Postsecondary Retention and Placement</i>	<i>80.42%</i>	<i>83.75%</i>	<i>84.25%</i>	<i>84.75%</i>	<i>85.25%</i>
<i>2P1: Earned Recognized Postsecondary Credential</i>	<i>55.41%</i>	<i>55.50%</i>	<i>56.00%</i>	<i>56.50%</i>	<i>57.00%</i>
<i>3P1: Non-Traditional Program Enrollment</i>	<i>19.10%</i>	<i>19.15%</i>	<i>19.40%</i>	<i>19.65%</i>	<i>19.90%</i>

# Implementation of the State Plan



*Photo Credit: High Desert ESD*

- Multidisciplinary teams
  - ODE/HECC Staff
  - Statewide CTE Advisory Council
  - CTE Youth Advisory Council
- Strategies & Activities from Community Engagement Sessions
- Annual plan updates and sharing of progress

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## Appendix D: Oregon CTE without Limits Action Plan 2024 - 2027

[CTE Without Limits: A Shared Vision for the Future of Career Technical Education](#) (CTE Without Limits) is a bold national vision for a cohesive, flexible, and responsive career preparation ecosystem. This ecosystem will close equity gaps in educational outcomes and workforce readiness and leverage CTE as a catalyst for ensuring each learner can succeed in their chosen career. To achieve it, the systems and structures that need to be challenged and, in some cases, dismantled must be identified.

Oregon's vision for CTE was developed in 2018 before the national vision for CTE was released. This vision has driven Oregon's focus and priorities for the past four years and is in alignment with the national vision. This refinement of Oregon's CTE State Plan includes more intentional cross-over and connection with the national vision, as well as building on the work accomplished since the adoption of the 2020 CTE State Plan.

Oregon has made substantial progress toward the state vision for CTE since 2020. Career connected learning is being adopted as a framework and a goal across educational institutions, community organizations, and business and industry partners. Schools and regions have implemented innovative career exploration programs and resources to support learners in exploring their career options have been developed. Training programs for school counselors and advisors will be available in 2024. By year's end there will be statewide CTE Programs of Study frameworks and CTE educator professional learning communities in every career cluster. Oregon has launched an active CTE Advisory Council as well as a Youth CTE Advisory Council and started communications campaigns to expand awareness of CTE opportunities. A new CTE educator mentorship program has been adopted and training and resources to support strong work-based learning experiences are now in place. The CTE/CCL Tribal Liaison has met with the 9 tribes and created a plan to better support their interests and needs. Rural CTE regions have received extra support and Oregon is building stronger partnerships between workforce development and CTE, particularly through joint work on essential employability skills. While there is much to celebrate, the work is just beginning, and the action plan below offers next steps to continue growing and expanding successful and equitable career technical education programs.

**Oregon Vision: Oregon will reimagine and transform learner experiences to enhance learners' future prospects, empower their communities, and ensure equity in an inclusive, sustainable, innovation-based economy.**

## **Outcome 1: Career connected learning that is systemically integrated with education and workforce development.**

### **What this looks like:**

- *Each and every learner has the opportunity to engage in cohesive, flexible, and responsive career awareness, exploration, preparation, and training*
- *Each and every learner has opportunities to explore future careers and connect learning in the classroom to their communities and/or future careers*
- *Each and every learner is empowered with information to skillfully navigate their own career journey*

### **Strategies to achieve Outcome 1:**

Strategy 1 - Align education and workforce systems to ensure equitable access to career connected learning and elevate effective resources and assets to foster seamless transitions from and between education, training programs, and careers.

Activity 1.1: Create and implement training, guidance, and support for school administrators and other school personnel to launch and strengthen career connected learning (CCL) systems, including work-based learning, essential employability skills, and social-emotional learning standards.

Activity 1.2: Continue collaboration with regional and statewide partners (including the Workforce Talent and Development Board, community-based organizations, Oregon STEM, and the nine federally recognized Tribes in Oregon) to align CCL systems in education with industry-identified career pathways, Tribal-identified industry sectors, industry sector partnerships, and industry consortia.

Activity 1.3: Create clear transition support for students graduating high school to college, career, community organizations/partners, or WorkSource Oregon.

Activity 1.4: Complete CCL resources and scope and sequence K-14.

Activity 1.5: Increase access to Career Connected Learning and CTE resources, activities, and curriculum via a CCL Resource Hub.

Strategy 2 - Prioritize middle-grades career awareness and exploration to intentionally diversify and expand interest and opportunity for participation in CTE Programs of Study leading to high-wage, in-demand careers.

Activity 2.1: Convene a workgroup to create middle-grades CTE programs of exploration curriculum, resources, and training; identify available funding for implementation of these programs.

Activity 2.2: Align middle grades career connected learning exploration with learning about high school CTE Programs and local and regional out-of-school learning opportunities.

Activity 2.3 Create a framework and provide support to help middle grades administrators implement career exploration opportunities.

Activity 2.4: Ensure the new future planning graduation requirement includes connections to CTE and multiple postsecondary pathways.

Activity 2.5: Integrate the effective use of the Education Plan and Profile, labor market information, and career information systems as guiding tools for students beginning in seventh grade as they navigate the stages of career connected learning and develop employability skills and social-emotional competency.

**Strategy 3 - Empower all Oregon educators and community partners to support students' awareness and navigation of pathways to careers through learning and experiences.**

Activity 3.1: Create and maintain aligned resources in collaboration with our workforce partners that showcase the current and future economy to ensure students and families know about “high-skill,” “high-wage,” and “in-demand” careers and how to navigate the pathways to those opportunities.

Activity 3.2: Support and promote educator externships for CTE and non-CTE educators, counselors, advisors, and administrators.

Activity 3.3: Increase learner access to resources and tools designed to support CCL, including but not limited to the CCL Resource Hub, labor market information, aligned curriculum, partnerships with community organizations, connections to business and industry professionals, and career guidance systems of support.

Activity 3.4: Showcase, celebrate, and support promising practices in online and in-person, culturally responsive career development and advising.

## Outcome 2: Increased equitable participation in high-quality CTE and career connected learning.

### What this looks like:

- *Each and every learner feels welcome in, is supported by, and has access to career exploration and awareness and the means to succeed in career preparation and training with a particular focus on all dimensions of diversity, equity, and access, including educational, racial, Tribal sovereignty, socioeconomic, gender, and geographic*
- *Removal of barriers (cultural, financial, physical, structural) that prevent learner participation*
- *All CTE Educators are given the tools, training, and supports necessary to provide equitable, inclusive, and high-quality CTE programs*
- *Each learner's strengths and skills are counted, valued, and portable*
- *Student Leadership (CTSO) opportunities and engagement that reflect real-life business and industry experiences and expectations*
- *Each learner can access [CTE Without Borders](#), expand learners' access to high-quality CTE and work-based learning opportunities within and across state lines*

### Strategies to achieve Outcome 2:

Strategy 1 - Center equity and learner experience in decision-making, resource distribution, policies, and practices.

Activity 1.1: Increase the use of equity tools in rule-making, budgeting, and resource allocation through a close examination of data, including feedback from partners and Tribes, to identify and interrupt patterns of inequity.

Activity 1.2: Implement the [MOA State Plan](#) to ensure equitable systems and access for learners in Districts and Community Colleges.

Activity 1.3: Increase the accuracy of data reporting to ensure the inclusion of individual student identities, such as American Indian/Alaska Native (AI/AN+), within multiracial groups.

Activity 1.4: Deliver high-quality data and analysis tools that enable the identification and mitigation of equity gaps without suppressing the distinct identities of specific student focal groups.

Strategy 2 - Strengthen the quality and consistency of CTE Programs of Study by developing resources and training educators, administrators, and partners to improve instruction.

Activity 2.1: Intentionally engage business and industry, aligned with workforce partners and the Tribes, to strengthen our statewide Program of Study Frameworks to promote greater consistency in quality across the state and ensure more geographical equity in the development of CTE programs across the state.

Activity 2.2: Strengthen meaningful collaboration between secondary and postsecondary education, employers, Tribes, and the community in Program of Study application, design, and implementation.

Activity 2.3: Provide professional development and technical assistance on creating culturally responsive, inclusive, and welcoming CTE/CCL curriculum, courses, work-based learning opportunities, and other out-of-school learning experiences.

Activity 2.4: Provide guidance, resources, professional development, and technical assistance to support the planning, implementation, and continuous improvement of equitable, high-quality WBL experiences for CTE students (tools such as equity lens, equity gap analysis, consensus decision-making, root cause analysis).

Activity 2.5: Provide secondary and postsecondary institutions professional development, technical assistance, and resources that remove barriers for focal student populations and non-traditional by gender (4S1/SP1) students to participate and benefit from CTE Programs of Study.

Activity 2.6: Build strong continuous improvement structures and evidence-based supports for CTE Programs of Study.

Strategy 3 - Create clear CTE educator retention and recruitment systems, resources, and supportive spaces.

Activity 3.1: Create onboarding and recruitment statewide systems for CTE educators, focusing on individuals in groups underrepresented in the teaching profession and those transitioning from business and industry.

Activity 3.2: Align systems of educator licensure and initial and ongoing professional development to enhance access to business and industry experts and currently licensed teachers who want to add a CTE endorsement.

Activity 3.3: Create information and marketing materials to help recruit CTE educators, especially those underrepresented in the teaching profession, to expand awareness of opportunities and provide clarity on the licensure process.

Activity 3.4: Leverage Educator Professional Learning Communities (PLCs) to fully implement Statewide CTE Programs of Study and support quality CTE POS implementation.

Strategy 4 - Develop innovative policies and models to ensure CTE programs have the flexibility needed to access for all students while meeting the demands of today and tomorrow.

Activity 4.1: Share practices and support the expansion of tools that accelerate student progress, such as competency-based education, credit for prior learning, and accelerated learning.

Activity 4.2: Support adult learners in translating their experience into credit and accelerating progress toward certificate and degree completion by aligning Career Pathways, Competency Based Education, and Credit for Prior Learning.

Activity 4.3: Connect adults transitioning from Adult Basic Skills (ABS) programs to postsecondary credit through CTE Programs of Study and Career Pathway Programs aligned to ABS supports in the Integrated Education and Training model.

Activity 4.4: Work with small/rural/CTE innovation sites to pilot flexible learning structures to achieve program size, scope, and quality.

Activity 4.5: Communicate clear pathways for portability of CTE dual credit and other credentials.

## **Outcome 3: Expanded communication, transparency, and diversity of voices and contributors connected to education and workforce development partnerships.**

### **What this looks like:**

- *Meaningful partnerships with students, families, educators, Tribes, community-based organizations, workforce development, state agencies, and industry partners deeply invested and involved in the design, delivery, and success of the CTE system*
- *Continuous improvement, collaboration, and alignment by leaders at all levels within our education and workforce development systems*
- *Actionable, transparent, and trustworthy data that addresses the demographic questions, the inclusion and equity aspects, and the longitudinal outcomes of our CTE Programs of Study*

### **Strategies to achieve Outcome 3:**

Strategy 1 - Pursue meaningful collaboration with communities, Tribes, families, and students to provide comprehensive outreach and communication for those who are impacted by decisions regarding career connected learning and CTE systems.

Activity 1.1: Engage with education, Tribal and workforce partners, and CTE participants regularly to gather input and feedback for the comprehensive local needs assessment.

Activity 1.2: Create outreach strategies and materials in multiple formats and languages to help learners, families, and tribal communities access resources for exploring career pathways and support the steps in their chosen pathway to ensure success.

Activity 1.3: Develop and sustain a comprehensive communication campaign covering secondary and postsecondary awareness of Oregon CTE programs and services.

Activity 1.5: Facilitate and strengthen partnerships between Regional CTE Coordinators and local workforce development boards.

Strategy 2 - Create structures to achieve transparent sharing of data to support well-rounded, equitable approaches to preparing learners for life after secondary education.

Activity 2.1: Implement revised Industry Recognized Credentials approach aligned to industry sector partnerships, industry consortia, and other workforce development initiatives.

Activity 2.2: Build data visualizations, reports, and dashboards to share outcomes of CTE Programs of Study and identify gaps in access, opportunity, and benefit from CTE.

Activity 2.3: Improve data sharing and alignment with workforce system partners.

Strategy 3 - Enhance the use and accuracy of data, reporting, and information systems to drive data-informed decision-making, monitoring state-identified performance targets, local implementation of CTE Programs of Study, and use of funds.

Activity 3.1 Create a multiple-measures indicator of career readiness that looks at college credit, industry-recognized credentials, and work-based learning while in high school

Activity 3.2: Monitor progress toward meeting or exceeding state-identified performance targets on an annual basis.

Activity 3.3: Audit current data reporting systems and improve data quality and analysis through training, validations, and internal processing.

Activity 3.4: Implement accurate data collection and publish student focal group participation and retention results in CTE.

Activity 3.5: Improve the use of data to inform continuous improvement in CTE with a specific focus on equitable access, participation, and outcomes for historically underserved students.