



# THE OREGON STATE BOARD OF EDUCATION

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

## AGENDA

**Regular Meeting**  
**Public Service Building 251 A/B**  
**255 Capitol Street NE**  
**Salem, OR 97310**  
**Thursday, September 19, 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: 10:00 AM*

#### D. **Director's Report**

*Time: 10:05 AM*

### 2. Public Comment

*Time: 10:35 AM*

A. The State Board of Education will hold space for virtual public comment. 3  
Individuals must register to provide virtual comment. Written public comment received will be posted to BoardBook.

### 3. Consent Agenda

*Time: 10:50 AM*

A. 2024-2025 Superintendent Advisor Nomination 25

B. 2024-2025 Student Advisor Nominations 29

C. Transportation Supplemental Plan Revision: Stanfield School District 32

### 4. Adoptions

A. Sign Language Interpreter Rulemaking: Temporary Rules 39

*Time: 10:55 AM*

Georgeann Harty, Office of Enhancing Student Opportunities

### 5. First Readings

A. Pupil Transportation Rules Updates 43

*Time: 11:10 AM*

Brock Dittus, Pupil Transportation and Fingerprinting Team



|   |     |
|---|-----|
| B. Pupil Athlete Agent Certification Process: OAR 581-021-0515<br><i>Time: 11:20 AM</i>   | 118 |
| Brock Dittus and Shonna Bumgarner, Pupil Transportation and Fingerprinting Team   |     |
| C. Complaints and Appeals Improvement Process<br><i>Time: 11:25 AM</i>  | 123 |
| Emily Nazarov, Stacey Guise, and Mark Mayer, Office of the Director   |     |
| <b>6. Break for Lunch</b>   |     |
| <b>7. First Readings (continued)</b>  |     |
| A. Senate Bills 283 (2023), 5506 (2023) and 5701 (2024) Implementation: Special Education Staff Stipend Grant Program<br><i>Time: 1:00 PM</i> | 161 |
| Sara Spencer and Dr. Karen Perez, Educator Advancement Council  |     |
| B. Instructional Materials Adoption: Health Education<br><i>Time: 1:30 PM</i>   | 167 |
| Jenna Montgomery, Suzanne Hidde, and Sasha Grenier, Office of Teaching, Learning, and Assessment  |     |
| C. Instructional Materials Adoption: K-5 English Language Arts<br><i>Time: 1:50 PM</i>  | 189 |
| Jenna Montgomery and Tina Roberts, Office of Teaching, Learning, and Assessment   |     |
| D. Instructional Materials Substitution Request<br><i>Written Report Only</i>   | 222 |
| E. Technical Fix: Civil Rights Coordinators<br><i>Written Report Only</i>   | 226 |
| F. Technical Fix: Standards for Approved Recovery Schools<br><i>Written Report Only</i>   | 233 |
| G. Technical Fix: Senate Bill 3 (2023) Implementation<br><i>Written Report Only</i>   | 247 |
| <b>8. Adjourn</b><br><i>Time: 2:15 PM</i>   |     |

**From:** [Peter Steinfeld](#)  
**To:** [StateBoard Public Email](#)  
**Subject:** Public comment: Support for ODE's plan for Computer Science Education  
**Date:** Sunday, September 15, 2024 9:50:42 AM

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

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This is in response to the State Board of Education's call for public comment for the meeting on September 19th, 2024.

I'm writing in support of [ODE's plan for Computer Science Education](#), published in December, 2023. Computer science and technology has an accelerating impact on all of our lives. For Oregon's students to thrive, they need to have adequate technology knowledge and skills.

According to [Code.org's](#) 2023 report on the [state of Computer Science Education](#), Oregon is the worst state in the country for policies that support Computer Science Education. We must take action now to avoid falling farther behind. Contrast Oregon with Maryland, which ranks among the best states in implementing policies supporting Computer Science Education. A recent [study from the University of Maryland](#) shows that Maryland students who have taken a Computer Science course in high school had an 8% increase in earnings over other students. This is what we want for Oregon's students.

Support for ODE's plan should include the following:

- Every public K-12 school in Oregon should offer opportunities to learn computer science
- Systems should be established to recruit, prepare, support and retain Computer Science teachers
- Computer Science should be recognized as a Content Area in rule and statute
- We must permanently staff ODE with positions dedicated to computer science education
- Computer Science education must have stable, long-term funding
- The ODE staff for Computer Science education should control how the money allocated for Computer Science education is spent

Pete Steinfeld  
Executive Director  
[TechStart](#)



Margaret DeLacy, President  
Oregon Association for Talented and Gifted  
P.O. Box 1703  
Beaverton OR 97075  
[www.OATAG.org](http://www.OATAG.org)  
September 19,2024

## Testimony for the Oregon School Board concerning proposed amendments to state rules for appeals

The Oregon Association for Talented and Gifted (OATAG) is a statewide, nonprofit membership organization dedicated to equity and excellence in education. OATAG advocates for the needs of our talented and gifted students and serves as a resource for families, educators, and communities.

We thank the staff of the Oregon Department of Education for their continued efforts to improve the policies and procedures for complaints and appeals.

The current complaint-driven system does not serve Oregon students well. Although we think that Oregon should be more proactive in ensuring that every district meets state standards, we also have concerns about the proposed revisions to the existing process. The timelines are too long and create delays that harm students, the language is imprecise and confusing, and the whole process is ineffective.

We urge the Department to shorten timelines, clarify processes, and adopt a more proactive approach. Appeals should be streamlined, and immediate temporary remedies should be available for urgent violations. Districts must be held accountable for sustained compliance, and families should have clear, transparent information about the status of their appeals and the Department's findings. Finally, the system must ensure that violations are truly remedied and that districts remain compliant over time.

### **Timelines and language:**

We advise families who have problems relating to Division 22 standards. We encourage them to resolve their concerns informally and warn them that the timelines for appeals mean that remedies may not help their own students. Most families do not follow up with a formal complaint. The few who persist find the current process intimidating, confusing, and frustrating.

The proposed timeline for managing an appeal is too long, especially the increase to **270 days** between the date when a department issues a written notice of acceptance and the "resolution" of an appeal.

A complainant has already waited a minimum of **90 days** from the first written complaint to their district to be allowed to appeal, plus **either 14 days** (under 581-075-0015) or **an indeterminate time** (under 501-075-0200) for the Department to send a written notice of acceptance to the relevant district. This is **approximately 104 days** (at least) after the initial complaint. Under the new rule, appellants must then wait for **270 more days** (or even more if extended) for the department to “resolve” the appeal.

It is not clear whether “resolving” an appeal means completing an investigation, issuing a final order, accepting a plan for compliance, or certifying that a district has returned to standard.

ORS 327.103 refers to a “*finding of deficiency.*” Presumably, this follows an investigation. It sets a timeline of 90 days for a district to *submit* a plan of correction *after* a “*finding.*” It also states that the deficiency itself must be *corrected* by the beginning of the school year following issuance of the findings (unless there is an extension for cause).

The draft OAR (586-075-0200) refers to a “resolution” and to a “final order,” not to a “*finding.*” It says the district must *complete its “plan”* in accord with ORS 327.103 (i.e. by the beginning of the next school year). Is “completion” the same thing as “resolution?” How does it dovetail with 270 days? In this case, when is the next “school year?” Setting a shorter and more specific timeline for the Department’s response would help resolve some of this, as would setting a shorter timeline for districts to resolve complaints.

What happens if the “completed” plan does not in fact “correct” the deficiency as required in ORS 327.103? This is the biggest problem we have found. If the plan is completed but ineffective, is the appeal “resolved?”

**Appellants for non-Division 22 standards** forfeit their right to request reconsideration or judicial review to settle an appeal more quickly. Once a settlement is reached, the appeal is automatically dismissed. There is no process for verifying that a corrective action under this option has been effective or has been completed or what happens if the agreement is not honored.

These violations (e.g. symbols of hate, sexual harassment, restraint and seclusion, retaliation) are serious, urgent, and sometimes life-changing. A student experiencing such violations and waiting more than a year for a remedy will lose faith in our education system and may be permanently traumatized.

**For Division 22 violations** the inflexible 270-day timeline will thwart appeals. Most will be futile because students will already have changed their classrooms, and many will have changed schools or even districts before there will be any resolution. Districts will conclude that they can violate the Division 22 standards with impunity, sustaining a culture of non-compliance.

The Department has already extended the timeline for Districts’ own assurances of Division 22 compliance. This also allows districts to remain non-standard for months longer than used to be the case.

The Department should expedite the process instead of stretching the timelines. Appeals alleging a district-wide failure could be separated from appeals affecting just one classroom or a few students that can be resolved quickly. Another possibility would be the *immediate* issuance, when appropriate, of a *temporary* order and remedy (such as removal of the symbol,

reassignment of the staff or student, trial acceleration) pending a settlement or completion of an investigation and final order.

A new rule should permit *proactive investigations* instead of waiting for complaints and appeals. ORS 327.103 refers to a “finding of deficiency” but does not make this “finding” dependent on a complaint. In fact, the state used to have school inspectors. Actual retaliation may be rare, but the fear of retaliation is very real and prevents legitimate complaints.

### **Other sources of confusion:**

The definitions in the rule permit complaints to “district staff.” However, the remaining rules refer to behavior by *districts*. Appellants and complainants interact with the *people* in a district and do not always know who speaks for a district. They are uncertain about what counts as submitting a complaint *to a district* or receiving a response *from a district*. If they submit a written complaint to a classroom teacher, TAG coordinator, Special Education aide, family engagement officer, school board member, or family liaison, is that the same as submitting a complaint “to the district? If an administrator responds orally or in writing to a verbal complaint, does that count as a “step?” If complainants allege a district-wide failure to implement an OAR, do they have to follow a process that says they must start at the classroom level or can they go straight to the Superintendent and/or school board? Will a failure to follow the complaint process to the letter void an appeal? What happens when a district policy is updated but not posted or followed? This is even more confusing when entities other than districts are involved. We have seen all these conundrums. We believe that the rule should allow written complaints to “any district employee” and the Department should be more specific about responses “from a district,” or other actions by a “district.”

When several appellants sign an appeal, the Department treats one of them as the spokesman for all and relies on that person for follow-up during the appeal. But since appeals routinely take more than a single school year, the “spokesman” may no longer have first-hand knowledge. We have seen group appeals that revealed systemic problems, but the district only offered to remedy immediate personal situations or waited until the students had left the district without ever making any systemic reforms.

Once the Department has found a widespread and/or systemic problem, the Department should continue to monitor the district and to ensure that it has put policies, procedures, and systems in place that will ensure that *all* classrooms return to standard.

### **Appellants need better information**

Appellants need information about the status of their appeal and options for resolution. That has not always been the case. *All* Department findings, orders, and notices of compliance should be provided to appellants and should assign actual dates for each step, not just the number of “calendar days”. Appellants should receive notice of negotiations between a district and the Department about timelines (such as an extension for cause), have a chance to object, and be notified of any new date. Appellants should also have a chance to object to a final order if they believe it would be ineffective in addressing the cause of the initial complaint and should be informed of this opportunity.

The Oregon Department of Justice has issued an opinion about what can and cannot be included in compliance orders. The Department of Education should make this opinion public to

ensure that appellants know what is within the scope of Department remedies. No law prevents the Department from sharing it.

A lack of clarity and transparency makes it difficult for appellants to know when the 60-day window for requesting reconsideration and judicial review has begun or ended. Appellants should also be notified of this right.

### **Districts should have to follow their own policies**

The fact that many Division 22 standards require districts and ESDs to have specific “policies and procedures”, but do not require that districts *follow, apply, or implement* their own policies frustrates appellants.\* A family reads the district policy, complains to the district that it hasn’t followed its own written policies, is denied or ignored by the district, and appeals to the state. After a prolonged wait, the family is informed that an Administrative Rule requires the district to *have* this policy, but the Department cannot require the district to *implement* the policy or even to follow its own complaint procedure.\*\* OARs should include the words “and apply” whenever possible and a new OAR should require districts to “apply” their written policies.

### **Ensuring that a district has remedied the violation**

Both appellants and district staff need to know how a final order will be monitored and/or enforced. The Department should reject compliance plans that are not clear, actionable, targeted, effective, and timely. Compliance orders should not merely require “training” about the violation but should include specific steps that will actually *remedy* the violations as required by ORS 327.103 and spell out required evidence of success. The Department should not accept a mere declaration that a district has carried out the plan or informed staff about the plan. When appropriate, orders should include a follow-up visit on a given date to verify implementation. This visit should actually take place.

If an order or plan is *not* being implemented, appellants need to know who to contact. Final orders are sent to a district superintendent, but the superintendent may delegate responsibility for implementation to someone much lower down in the district. This leaves appellants unsure about who is truly responsible for following up on a final order.

Final orders should specify who is responsible for implementation. That person should actually have the ability to ensure compliance. Parents may assume that their school board is responsible for implementing practices when in fact it is the superintendent. In the case of TAG complaints, remediation is often delegated to district staff who lack the authority to change the policies and procedures that created the problem. A final order may be implemented for the family or families making the complaint, but the policy and/or practice remains and ensnares the next cohort of students.

If a district fails to *prove* it has returned to standard, the Department should actually withhold funds, not promise further steps at a later date or leave the entire situation hanging.

### **Unsolved problem: maintaining compliance**

The intent of ORS 327.103 is that a district should *remain* standard, not just return to standard and immediately drop its effort, yet there is no procedure for the Department to determine whether its orders and district compliance plans were (1) carried out, (2) effective or (3) sustained. All orders should not merely require a district to *develop a plan* for compliance but to

develop *and apply* corrective actions by a given date. Appellants should have notice and a chance to object if this date is extended. Orders should also require that corrective actions are *sustained* after a notice of compliance and offer recourse if they are not sustained.

Once the Department has released a district from a final order, there should be a process to verify that the district *continues* to meet standards. Today, there are no sanctions for districts that act in bad faith or play cat and mouse with the process. If a district commits the same violation again, the complainant must begin again and wait 90 days for the district, followed by 284 days for the Department to accept and "resolve" an appeal. If a district waits at least 60 days to revert to bad habits after being released from an order, the appellants also lose their right to judicial review. Appellants whose complaint has previously been upheld should be able to refer a repeated violation immediately to the Department within a reasonable time (say three years) after a district has been released from an order. They should also be entitled to judicial review as the administrative process clearly failed to work.

Students only have one chance at school, so justice delayed is truly denied. Our slow and ineffective process thwarts the intent of our education laws, allows violations to fester, and ensures that some students in Oregon never receive an education that meets state standards. We urge you, together with the Department to take meaningful steps to improve the appeals process for the benefit of all students.

.....

\*ODE findings RE: Case #2019-MM-10

"Importantly, when investigating whether a school district's written plan for TAG programs and services violates OAR 581-022-2500(2) and (3), the department is limited to examining whether *the plan* complies with the rule. The provision *only* requires a school district to *have* a written plan containing certain elements. If a school district wrote a plan that contains those elements, the department's investigation ends. The department, acting under the authority of the standard on appeal, does not review the quality of the programs and services offered by the school district or the school district's implementation of those programs or services. Those matters fall under the oversight of the school district's locally elected school board. "

\*\* ODE letter to appellant, March 13, 2015

"The requirement that districts adopt a local complaint process is set forth in OAR 581-022-1941 [now OAR 581-022-2370]. That rule requires districts to " establish a process for the prompt resolution of a complaint by a person who resides in the district or by any parent or guardian of a student who attends school in the school district." If a district has a policy that meets the requirements of OAR 581-022 -1941, the Department's investigation ends. The Department, acting under the authority of a Division 22 appeal, does not review the quality of the investigation conducted by the district, the district's adherence to timelines in the policy, or the district 's responsiveness to and relationship with community members. Those issues fall under the oversight of the locally elected school board."

**From:** [megan.robertson](#)  
**To:** [ODE RuleTestimony](#); [StateBoard Public Email](#)  
**Subject:** Public comment: agenda item 5.C. (9/19/24 regular meeting)  
**Date:** Monday, September 16, 2024 5:17:50 PM

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I am writing concerning the *Complaints and Appeals Improvement Process* listed for first reading on September 19 2024.

I appreciate the Department's efforts to improve the policies and procedures for complaints and appeals, with the goal of a clear and transparent appeal process with timely and effective outcomes.

As a parent and community advocate, I have filed Division 022 complaints and assisted others in filing their complaints when less formal resolution/agreement was not forthcoming. That said, I've also spoken with many parents who are afraid to file a complaint due to possible negative impact on their child or who are understandably put off by long timelines to resolution. Most of the complaints I've read are trying to get at a larger issue/pattern that is district-wide but it is nearly impossible to use the district complaint process to evoke improvement. Complaints are assigned to the lowest level staff possible who can address the complainant's personal situation. That staff has no influence on or accountability for the larger issue and there is no real improvement, aside from possibly making an exception for the individual student. The school district seems content to avoid responsibility for responsive or proactive improvements, despite the desire for collaboration held by their constituent families.

In the event a complaint is appealed to and accepted by the Department, the timeline can stretch out incredibly long, depending on the scope of the investigation. In addition to being under-resourced, my experience is that the process does not support the desired systemic improvement. There is no mechanism for managing district-wide complaints, which places a wholly unreasonable burden on the individual who successfully documents and shepherds a large-scale complaint. The conciliation process for a district-wide violation is an enormous investment of time and effort, and requires significant technical knowledge on the part of the complainant, while serving to even further lengthen the timeline to possible improvement. It was incredibly uncomfortable and felt truly inappropriate to develop a conciliation agreement governing a whole department's multi-year work plan for my entire district, even though I am a trained educator. In the end, the district failed to fulfill even one year of the conciliation agreement. On the other hand, the Department's final orders seem to rely mainly on requiring districts to develop an improvement plan to submit to the Department for feedback, which does not address the questions of determining quality of implementation or of determining that improvement or compliance has been reached.

There does not appear to be an established process for tracking the outcomes of large-scale complaints or ensuring that districts will effectively improve and continue to resource and hold to that improvement. There is an extreme lack of accountability for the district, which results in the development of large-scale problems that persist over years (decades!) with no meaningful improvement. I think part of the issue is that there is a disconnect between the

legal conciliation agreement or final order put in place at the district superintendent level, while the Department's technical support offered to districts is limited and optional and is provided to a fairly low-level district staff member who often has limited authority and resourcing. This creates a set of silos or separations between those who hold authority and responsibility and those who carry out related daily work for a specific Division 022 violation, for example.

Beyond the process and its timelines, there really is no accountability. No one wants money withheld from a school district, even in the case of ongoing noncompliance - families and staff want the district to truly develop a collaborative, student-centered culture and to do its work well. Often the best case scenario for a complaint that is appealed to the Department is that the public eye turns toward the area that is in deficit. If the Department were to publish summary information and status about Division 022 complaints, that might encourage increased accountability by the districts.

Thank you for your consideration.

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Megan Robertson  
*she/they*  
837 NE 44th Ave  
Portland OR 97213

Public comment  
9/19/2024 Oregon State School Board

Thank you for the opportunity to address this board. My name is Glenda Scherer, and my family and I live in Gladstone.

My son missed 7 months of school during kindergarten because the instructional assistant under investigation for physically abusing him was still at his school building while she was under investigation. No one at the local school, Oregon department of Education, or TSPC seemed to care.

My husband and I would like to request a meeting with Governor Kotek as she is the superintendent of Oregon Public Schools. We would like to discuss what happened to our 5 year old son who was enrolled as a kindergartener at the Gladstone School District in September 2022. We have taken many steps to try to find resolution before coming here.

Enrollment in Oregon Public Schools is declining, and it is because of how students and families are treated by local schools and the Oregon Department of Education. I am a licensed teacher, and our experience sadly exemplifies why families would leave Oregon Public Schools.

In fall 2022 our 5 year old exhibited a sudden change in behavior after starting school at the Gladstone Center for Children and Families. He started scratching his face. Hitting himself. Having daytime accidents, and verbally expressing fear saying, "I am afraid someone is going to take me away from you and give me to a new family. He was afraid of being alone. At night, he woke up crying in distress. He did not want to go to school. All of this was uncharacteristic of him.

All the while his teacher assured us that he was doing great.

Then I noticed that he had bruises on both armpits, on his collar bone, and forearm. I reported suspected physical and emotional abuse to the Gladstone Department Police department, and they assigned the school resource officer to investigate.

The school resource officer did NOT complete the steps outlined in the Gladstone Police Department policy for a child abuse investigation nor comply with karly's law yet dragged the process out for 7 months.

To be clear, Gladstone School Board, Oregon Department of Education, and The Teachers Standards and Practices Commission have not addressed the fact that our son was kept out of an Oregon Public School for nearly 7 months. We were given no other options except to have him return to the facility where we suspected that he was abused. No family should be held hostage like that.

We don't believe that Jeremiah Patterson, assistant superintendent at the time followed Oregon law that requires people being investigated for child abuse be placed paid administrative leave.

Further, Mr Patterson did not take steps to make sure Russell was able to access public education and receive his speech and language services. Again, Our kindergartener was kept out of an Oregon Public School for 7 months.

In April 2023 we were forced to enroll him in a neighboring school district so that he could complete his kindergarten year. At that school, we felt welcomed and that our son is being treated with dignity and respect. He is thriving there.

Currently I drive Russell to and from the other district daily; That takes up about two hours of my time each day, and prevents me from earning money for my family. We do not believe that the current situation is fair and in line with a Free and Appropriate Public Education.

**In November 2023 I learned that "independent 3rd party investigator" Keith Ussery who investigated Bob Stewart, Sarah Dunkin, Micheal Shelton worked with Bob Stewart's wife at the Willamette ESD for years. When I notified the board members, no one responded.**

Our situation is not resolved. No one has been held accountable.



**Each month when I attend the Gladstone School Board meeting this is Mr. Patterson's demeanor to me.** We are asking for a meeting with Governor Kotek as my family and children do not feel welcome at Gladstone School District.



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## 3rd party investigator compromise

1 message

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**Glenda Scherer** 

Tue, Nov 14, 2023 at 3:50 PM

To: Donna Diggs <diggsd@gladstone.k12.or.us>, Tracey Grant <grantt@gladstone.k12.or.us>, Stacie Moncrief <moncriefs@gladstone.k12.or.us>, parkinm@gladstone.k12.or.us, chuc@gladstone.k12.or.us, longe@gladstone.k12.or.us, whittenj@gladstone.k12.or.us

In fall 2022 Keith Ussery was selected as a 3rd party investigator for my complaint where Bob Stewart was exonerated of charges.

I just learned 3 days ago that he and Bob Stewart's wife, Diana Stewart were co-workers for years at the Willamette ESD.

I am wondering how this was a fair, independent, and impartial investigation?

Glenda Scherer



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**follow up**

3 messages

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**Glenda Scherer** [redacted]  
To: Sen Gelser Blouin <sen.saragelser@oregonlegislature.gov>

Fri, Jan 6, 2023 at 12:28 PM

Hi Sara,

When you originally reached out to me, you brought me hope and encouragement. There had been no meaningful help from ODE, FACT, and Disability Rights of Oregon. This has been a lonely, tough road as the Gladstone School District has actively thwarted my efforts to obtain a Free Appropriate Public Education for Russell. Further, they withheld information to which I am legally entitled to receive and retaliated by removing Russell from their enrollment and refusing to reenroll him on November 4, 2022.

I found a glimmer of hope from you, and shared Russell's personal documents with you with the understanding that you were helping me.

I am discouraged that you are distancing yourself and withdrawing support regarding Russell's situation so you can "remain credible". How does helping Russell impact your credibility?

Did someone from the Gladstone School District or Oregon Department of Education contact you regarding your advocacy for Russell?

Sincerely,

Glenda

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**Sen Gelser Blouin** <Sen.SaraGelser@oregonlegislature.gov>  
To: [redacted]

Fri, Jan 6, 2023 at 12:51 PM

Dear Glenda,

I apologize that I did not communicate that very artfully. I am not stepping away from this in any way and am very committed to seeing Russell--- and countless other students--- find resolution. What I was trying to express is that I am trying to figure out how to move forward in general with the data that I have for multiple children and to channel that in the most effective way to achieve rapid change for all. The issue of my own credibility was not about you or Russell--- it was about how to manage the way that I am communicating and engaging with the different organizations so that I am not simply dismissed with a: "Well, that's Sara for you!"

Helping Russell **does not** undermine my credibility. What undermines my credibility is not being strategic about how I move forward to address these different issues. For instance, if you have already filed a complaint with ODE it doesn't necessarily help for me to file an additional one especially given that I am not sure my duplicating the complaint would bring any meaningful resolution to Russell. In fact, it could slow it down. It has also not been clear to me what the table looks like beginning next week in terms of leadership at the state level. I just learned this morning that Colt Gill will remain at ODE through the end of the Legislative Session and that Melissa Goff has been hired as Governor Elect Kotek's education advisor. I have a good relationship with Melissa and in fact had reached out to her yesterday for guidance on some of these issues and the legislation that I am bringing forward. I shared information about Russell's

situation specifically with her. I also shared that information in two other meetings as well. (I did not share his name, nor would I ever share any documents that you have shared with me without your express permission)

Russell's story is powerful on its own and even more powerful when combined with kids from all across the state who are grappling with similar violations of law. I am trying to figure out how to most effectively leverage all of that information in a way that helps all of those kids and those that come after them. On Monday I am meeting with the Committee administrator to get a sense of the timeline for moving forward with legislation that will address many of the issues you have raised. Passing these measures will be hard. But figuring out how to accomplish that will become easier next week when I am able to formally begin discussions with colleagues and the new Governor's team. I will get to you a one pager that lists all of the concepts and I hope that you will engage with it.

One of the pieces of Russell's story that I think is most compelling is the failure of the district to put the EA on administrative leave. I would like to file a complaint with TSPC about this but would likely need the name of the EA. When I looked into the process of filing a third party complaint, I found that it is fairly difficult simply because I don't have access to records and I do not have direct access to the process, people and was not a witness to any of them. Those things can make a complaint from me weak—and submitting a complaint that fails would weaken the process overall and frankly risk emboldening bad behavior and noncompliance on the part of districts.. However, the issue of failure to place a person under investigation for an allegation of child abuse until that investigation is complete is a very clear, fact based complaint. I have never engaged with TSPC yet on a complaint and that will be a big piece of the strategy for accountability. Trying that avenue with an issue that is as clear cut as not putting the individual on paid administrative leave for the duration of the investigation would provide a great test run of the process, get the different agencies engaged with each other and hopefully also bring some accountability around what happened (and is continuing to happen) for Russell.

I hope that this better explains my thinking and I apologize profusely for leading you to believe that I thought advocating for Russell would harm me in any way. It is quite the opposite—I want to be thoughtful about how I am moving forward so that I do not undermine the potential for clear remedy and resolution for Russell and for the other kids and parents who have been so generous to have their stories shared with me.

Please let me know if you have questions, and please also let me know if you are comfortable sharing the name of the EA so that I can get that TSPC complaint in. I would likely also need the name of the principal, the SPED director and the Superintendent. The latter two aren't too hard for me to find—but the principal is a little more challenging.

Sincerely,

Sara

P.S. I found this filing for a current court case last night. I thought you would find it interesting given some similar issues around notifications, video tape and written records.

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**From:** [REDACTED]  
**Date:** Friday, January 6, 2023 at 12:29 PM  
**To:** Gelser Sen <[Sen.SaraGelser@oregonlegislature.gov](mailto:Sen.SaraGelser@oregonlegislature.gov)>  
**Subject:** follow up

**CAUTION: This email originated from outside the Legislature. Use caution clicking any links or attachments.**

[Quoted text hidden]



**M.M Multnomah ESD Restraint.pdf**  
9745K

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To: Sen Gelser Blouin <sen.saragelser@oregonlegislature.gov>

Thu, Jan 12, 2023 at 6:46 AM

Thank you for explaining it more fully.

*Glenda*

[Quoted text hidden]



Glenda Scherer [REDACTED] >

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**Re: My kindergartner was physically and emotionally abused at Gladstone Center for Children and Family**

9 messages

---

**Governor Tina Kotek** <info@otg.oregon.gov>

Thu, Nov 16, 2023 at 12:48 PM

Reply-To: info@otg.oregon.gov

To: Glenda Scherer [REDACTED]



GOVERNOR TINA KOTEK



November 16, 2023

Dear Glenda,

Thank you for sharing your concerns with the Office of Governor Tina Kotek. The role of Governor Kotek's Constituent Services Team is to ensure all Oregonians are receiving the assistance they need while navigating state government and that their voices are being heard.

You have contacted our office regarding a matter that is currently being investigated by **TSPC : Teacher Standards and Practices Commission**. To ensure the agency has all information necessary to complete their work, we ask that you work directly with the individuals you've been in contact with at TSPC.

Since TSPC is the appropriate agency to connect with about your complaint, our office will not be in further communication with you while this matter is under agency review. Once TSPC completes their investigation into your concerns, they will advise you regarding the results.

Sincerely,

Constituent Services Team  
Office of Governor Tina Kotek

#####

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Office of the Governor

900 Court Street, Suite 254 | Salem, OR 97301-4047 | Phone: 503-378-4582

<https://www.oregon.gov/>



On August 11, 2023, 3:26:54 PM PST Glenda Scherer <[REDACTED]>  
wrote:

My kindergartner was physically and emotionally abused at Gladstone Center for Children and Family by an instructional assistant, [REDACTED] and the school district kept her working directly with children WHILE being investigated by OTIS. The OTIS investigation took far too long (almost 9 months), and my son was prevented from accessing education and his services. The district refused to provide home bound instruction.

1. Oregon Department of Education did absolutely NOTHING to help us, and said to contact TSPC. Mark Mayer did not investigate the complaint of improper restraint and told me in December that he has never substantiated a claim of retaliation. I was never interviewed by him.

2. I filed two complaints with TSPC. One against the Assistant Superintendent Jeremiah Patterson for failing to place [REDACTED] on leave. She worked the entire time while UNDER investigation with OTIS. 2. Against Sarah Dunkin, principal for failing contact me the day of the incident, failing to act as a mandatory reporter, and withholding 2 additional incidents (I found out almost two months later by accident).).

TSPC did not charge either staff person despite clear evidence. I was never interviewed by Kevin Cooley, the investigator with TSPC. Additionally, Mr. Cooley recorded in the file that he attempted to interview me when he did not.

Through gathering public records, I learned that Director Roseliz violated OAR 584-200-0100 with respect to the license of Michael Shelton, Director of Gladstone Students Services and probably other licensees.

Trent Danowski fulfilled my public records request, and I have reason to believe that he was fired or pushed out in retaliation. Director Roseliz stated in a phone call with me on Thursday July 13 that he did not understand why I had the PEER forms (that verified experience), and there was a reason that he (Trent Danowski) no longer worked for TSPC.

I do not believe that I the investigations regarding my son's situation were conducted in a thorough, fail, and accurate manner.

#ICACB16e512779fc64934a3c02835be3913f7FBFCRM



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**investigation**

2 messages

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**Glenda Scherer** <[REDACTED]>  
To: GOFF Melissa J \* TSPC <Melissa.J.Goff@tspc.oregon.gov>

Thu, Nov 16, 2023 at 2:08 PM

Hi Melissa,

I received an email from Governor Kotek's office this afternoon explaining that TSPC was doing an investigation and that I should work directly with the agency.

Could you please identify the scope of the investigation and possible outcomes?

Thank you,

Glenda Scherer  
503 679 4179

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**GOFF Melissa J \* TSPC** <Melissa.J.Goff@tspc.oregon.gov>  
To: Glenda Scherer [REDACTED]

Thu, Nov 16, 2023 at 2:22 PM

Hello, Ms. Scherer –

I do not have context for your question regarding an investigation. Could you please forward me the email from the Governor's Office so that I may provide you with an answer?

Thank you,

Melissa

*Melissa Goff*

Interim Executive Director

Teacher Standards and Practices

250 Division Street NE

Salem, OR 97301

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**From:** Glenda Scherer [REDACTED]  
**Sent:** Thursday, November 16, 2023 2:09 PM

**To:** GOFF Melissa J \* TSPC <[Melissa.J.Goff@tspc.oregon.gov](mailto:Melissa.J.Goff@tspc.oregon.gov)>  
**Subject:** investigation

You don't often get email from [REDACTED]. [Learn why this is important](#)

[Quoted text hidden]



# Teacher Standards and Practices Commission

250 Division Street NE, Salem, OR, 97301-1012

Phone: 503-378-3586 | Fax: 503-378-3758

[www.oregon.gov/tspc](http://www.oregon.gov/tspc)

Submit to: [complaints.tspc@tspc.oregon.gov](mailto:complaints.tspc@tspc.oregon.gov)

## Public Complaint Form

**Please Note - The Commission does not hire educators, fire educators, or make any other employment decisions regarding educators. The Commission only has authority to take action on an educator's license after finding a violation of applicable statutes and rules has occurred, and after providing the educator an opportunity for a hearing.**

### REVIEW AND CHECK APPLICABLE BOXES:

- I have reviewed and understand the [Public Complaint Guide](#).
- I understand that while investigations are confidential, complainant information may be released at the discretion of the agency.
- I understand my complaint and information may be shared with the involved educator.
- I understand anonymous complaints obstruct the investigative process.
- I have attempted to resolve my complaint at the local level (school district), and per revised statute ORS342.176(1)(b), I am including documentation with this form as verification of my efforts to resolve my complaint at the local level (school district).\*\*

I will testify at a hearing

Other Agencies Notified (*check below*)

Dept. Education     BOLI (Labor)

Police                     DHS

Other:

### Complaint Against

|   |                               |  |                                       |
|---|-------------------------------|--|---------------------------------------|
| SCHOOL DISTRICT where educator is employed<br><b>Gladstone School District</b>      |                               | SCHOOL BUILDING where educator is employed<br><b>District Office</b> | DATE of INCIDENT<br><b>09/08/2022</b> |
| EDUCATOR<br><small>(a separate form must be completed for each individual.)</small> | First Name<br><b>Jeremiah</b> | Middle Name  | Last Name<br><b>Patterson</b>         |
| CITY<br><b>Gladstone</b>  |                               | STATE  | ZIP CODE<br><b>97027</b>              |
| ADDITIONAL LOCATION / CONTACT INFORMATION (if any)                                  |                               |  | PHONE (if known)                      |

Please enter the Nature / Description of the complaint on the next page

(Attach additional pages and support materials as necessary; three additional pages maximum. The assigned TSPC investigator may contact you directly for additional support material or information.)

### Person Filing Complaint

|                               |             |                             |                           |
|-------------------------------|-------------|-----------------------------|---------------------------|
| First Name<br><b>Glenda</b>   | Middle Name | Last Name<br><b>Scherer</b> | DATE<br><b>02/03/2023</b> |
| MAILING ADDRESS<br>[REDACTED] |             |                             |                           |
| CITY<br><b>Gladstone</b>      |             | STATE                       | ZIP<br><b>97027</b>       |
| HOME PHONE<br>[REDACTED]      | WORK PHONE  | CELL PHONE<br>[REDACTED]    |                           |
| EMAIL ADDRESS<br>[REDACTED]   |             |                             |                           |

WHAT OUTCOME DO YOU ANTICIPATE AS A RESULT OF FILING THIS REPORT?

## Public Reprimand

I certify that, to the best of my knowledge and understanding, the information on or relating to this form is true and correct.  
If you are submitting this form electronically, please enter your full legal name in the Signature box below. If you have printed the form and are mailing it to TSPC, please sign in the Signature box below.

Glenda Earlene Scherer

**\*\*As of January 1, 2018, ORS342.176(1)(b) grants the Commission the authority to require verification from public complainants demonstrating that attempts were made to resolve the complaint through the complaint process of the school district that employs the person against whom the complaint was filed. Additionally, the Commission has the authority to delay a TSPC investigation until such time that sufficient verification is provided by the public complainant.**

Data Classification Level – 1 – Published.  
April 2018; DO: Danowski

Please enter the Nature / Description of the complaint

*(Attach additional pages and support materials as necessary; three additional pages maximum. The assigned TSPC investigator may contact you directly for additional support material or information.)*

Jeremiah Patterson is the administrator responsible for Human Resources in the Gladstone School District.

██████████ is an instructional assistant who works with students at the Gladstone Center for Children and Families. ██████████ is currently under investigation for physical child abuse. Mr. Patterson has failed to put/keep ██████████ on paid administrative leave as required by ORS 339.388.

# Oregon State Board of Education

September 19, 2024

AGENDA ITEM: 3.A.

|   |  |
|---|--|
| <b>SUBJECT:</b> State Board of Education Advisor Nominations<br><b>STAFF NAME &amp; OFFICE:</b> Corey Rosenberg, State Board of Education Administrator | <input type="checkbox"/> <b>First Reading</b><br><input type="checkbox"/> Presentation<br><input type="checkbox"/> No<br><b>Presentation</b><br><input checked="" type="checkbox"/> <b>Action</b><br><input type="checkbox"/> Temp Rule<br><input type="checkbox"/> Presentation<br><input checked="" type="checkbox"/> <b>No</b><br><b>Presentation</b> |
|---|--|

## BACKGROUND

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The State Board of Education Procedures & Policy Manual states in Policy Number 102 that each year, the board may elect to have board advisors. The Board of Education selects new or reappoints Advisors on a yearly basis. The selection process begins in March of every year. Advisors will serve a one-year term from July 1 through June 30. Advisors may serve more than a single term and be re-elected for consecutive terms. Advisors will receive all materials distributed to the board as a whole.

Policy # 102 also provides a process for accepting nominations:

*K-12 School Administrator:* Up to three nominations from the Confederation of School Administrators (COSA) will be submitted to the board. The board Executive Committee will recommend a candidate to the full board who will vote on the selection.

### Responsibilities of Advisors

- Attend board meetings
- Assist the board in analyzing issues, proposals, and requests before it
- Other duties as assigned by the board chair

A vote of the full board is required.

The following recommendation has been made:

*K-12 School Administrator:* George Mendoza, Superintendent, La Grande School District

## SUMMARY OF PREVIOUS BOARD ACTION

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This is the first year that George Mendoza is being considered by the full board.

## HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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# Oregon State Board of Education

September 19, 2024

AGENDA ITEM: 3.A.

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

## **POLICY ISSUE OR CONCERNS**

---

The Coalition of Oregon School Administrators (COSA) recommended George Mendoza for this position in June 2023. After reviewing COSA's recommendation and connecting with Superintendent Mendoza, Board leadership for the 2024-2025 is now proposing Superintendent Mendoza to the full Board for confirmation.

## **EQUITY IMPACT ANALYSIS**

---

A major consideration in the selection of the school district administrator advisor was balanced and diverse geographical representation. Taking into account the current geographical makeup of the Board, including members and advisors, board leadership sought to ensure a voice from eastern Oregon was included.

## **FISCAL ANALYSIS**

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Advisors are eligible for reimbursement of actual expenses incurred in attending board meetings and board-related activities, including mileage, meals and hotels.

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

---

A yes vote will confirm the nomination. A no vote will leave the board without a school district superintendent advisor while alternative candidates are identified and interviewed.

## **STAFF RECOMMENDATION**

---

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: COSA Letter Nominating George Mendoza as State Board Advisor June 12, 2024



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June 12, 2024

TO: Chair Guadalupe Martinez Zapata, Vice-Chair Jennifer Scurlock, and members of the State Board of Education

RE: Nominating George Mendoza to serve as State Board Advisor

Dear Chair Martinez Zapata, Vice-Chair Scurlock, and members of the State Board:

We have greatly appreciated the voice and work of Dr. Paul Coakley in his role as Board Advisor. Our members are grateful for his two years of dedicated service and his willingness to share the voice and perspective of superintendents and administrators in critical policy discussions.

On behalf of the Coalition of Oregon School Administrators (COSA) and our 2,900 members across Oregon, we want to share our strongest endorsement and recommendation for you to appoint LaGrande School District Superintendent George Mendoza to the position of State Board Advisor. Superintendent Mendoza's student-centered leadership, honesty, and unique ability to work in partnership with education leaders and partners from across Oregon will both inform the policy discussions of the State Board and serve as a clear voice for the perspectives of superintendents and administrators all across the state.

Superintendent Mendoza has led the LaGrande School District since 2017 and has made improving student outcomes his top priority. The results speak for themselves: increased graduation rates – especially for students with disabilities, decreases in suspension rates due to restorative justice practices, and increases in the number of ninth graders on track to graduate.

Superintendent Mendoza's leadership led to a significant vote of confidence from his community in 2022 with the passage of a bond to improve facilities for students at LaGrande Middle School. Additionally, his superintendent colleagues entrusted him to serve as the President of the Oregon Association of School Executives (OASE) during the 2022-23 school year. As president of OASE, Superintendent Mendoza was the elected voice of superintendents on critical education policy and funding issues with legislators, policymakers, and other critical K-12 partners.



**COALITION OF  
OREGON SCHOOL  
ADMINISTRATORS**

Coalition of Oregon School Administrators  
707 13th Street SE, Ste. 100  
Salem, Oregon 97301  
Phone 503-581-3141  
[www.cosa.k12.or.us](http://www.cosa.k12.or.us)

---

From COSA's perspective, Superintendent Mendoza is the best person to serve as an Advisor to the State Board of Education because he is a collaborator, an active listener, and student-centered in his educational equity work.

We have included a copy of Superintendent Mendoza's resume for you and your fellow board members to review. He is also willing to provide any additional information or respond to any inquiries from the Board.

Please contact me at your convenience if we can provide you with any additional information.

Best regards,

Morgan Allen, COSA Deputy Executive Director

Attachments: Resume for Supt. Mendoza

*Cc: Dr. Charlene Williams, Tenneal Wetherell, and Corey Rosenberg*

# Oregon State Board of Education

## September 19, 2024

AGENDA ITEM: 3.B.

|   |  |
|---|--|
| <b>SUBJECT:</b> State Board of Education Student Advisor Nominations<br><b>STAFF NAME &amp; OFFICE:</b> Corey Rosenberg, State Board of Education Administrator | <input type="checkbox"/> <b>First Reading</b><br><input type="checkbox"/> Presentation<br><input type="checkbox"/> No<br><b>Presentation</b><br><input checked="" type="checkbox"/> <b>Action</b><br><input type="checkbox"/> Temp Rule<br><input type="checkbox"/> Presentation<br><input checked="" type="checkbox"/> <b>No</b><br><b>Presentation</b> |
|---|--|

### BACKGROUND

---

The State Board of Education Procedures & Policy Manual states in Policy Number 102 that each year, the board may elect to have board advisors. The Board of Education selects new or reappoints Advisors on a yearly basis. The selection process begins in March of every year. Advisors will serve a one-year term from July 1 through June 30. Advisors may serve more than a single term and be re-elected for consecutive terms. Advisors will receive all materials distributed to the board as a whole.

Policy # 102 also provides a process for accepting nominations:

*K-12 Student:* The board administrator will solicit candidates, review applications, and forward up to three names to an interviewing committee named by the board chair who will recommend a candidate to the full board who will vote on the selection.

#### Responsibilities of Advisors

- Attend board meetings
- Assist the board in analyzing issues, proposals, and requests before it
- Other duties as assigned by the board chair

A vote of the full board is required

The following nominations have been made:

Sabina Carano, Senior at West Salem High School, Salem-Keizer School District; and Jorge Sanchez Bautista, Senior at McDaniel High School, Portland Public Schools

### SUMMARY OF PREVIOUS BOARD ACTION

---

The Board has not taken action on these nominations before.

# Oregon State Board of Education

## September 19, 2024

AGENDA ITEM: 3.B.

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

---

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

### POLICY ISSUE OR CONCERNS

---

For the Student Advisor positions, the recruitment process began with an announcement and application instructions sent to all Oregon Superintendents, Principals, Oregon Advanced Placement and International Baccalaureate Coordinators and Teachers, Charter School Leaders, K-12 Public Information Officers, the members of the ODE's Rules Advisory Committee, and subscribers of our Student Success Act (SSA) Advisory Groups, the State Board of Education, and Oregon Social Sciences distribution lists. Students were asked to fill out a nomination application and respond to three essay questions addressing the challenges in the K-12 system as they see them, how their past experiences prepares them for the student advisor role, and their reasons for wanting to serve. The Board Administrator worked closely with ODE staff to review applications and ultimately select four finalists for review by Board leadership.

The Chair and her leadership team are now making their final recommendations to the full board.

### EQUITY IMPACT ANALYSIS

---

In an effort to provide more opportunities to students from historically underserved populations, the Board has made an intentional effort to ensure opportunities are provided statewide and to students from both geographical and diverse backgrounds. The selection of new student advisors provides an avenue for the Board to close the opportunity gap and provide professional development to students who otherwise would not have the ability to serve on a professional state board.

### FISCAL ANALYSIS

---

Advisors are eligible for reimbursement of actual expenses incurred in attending board meetings and board-related activities, including mileage, meals and hotels.

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

---

# Oregon State Board of Education

## September 19, 2024

AGENDA ITEM: 3.B.

A yes vote confirms the appointments. A no vote would leave the board without student advisors while alternative candidates were identified and interviewed.

### STAFF RECOMMENDATION

---

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

### ATTACHMENTS

---

Attachment 1:

# Oregon State Board of Education

## September 19, 2024

AGENDA ITEM: 3.C.

|   |  |
|---|--|
| <p><b>SUBJECT:</b> Supplemental Plan Revision for Stanfield SD<br/><b>STAFF NAME &amp; OFFICE:</b> Brock Dittus, Pupil Transportation &amp; Fingerprinting</p> <p>This district has submitted a new supplemental plan for board approval. This will change the areas in which transportation will be provided / required for students who live within the statutory minimum for transportation.</p> | <p><input type="checkbox"/> <b>Informational Presentation</b></p> <p><input checked="" type="checkbox"/> <b>Written Report</b></p> |
|---|--|

### BACKGROUND

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In 1991 the Oregon Legislature added a requirement, and funding, to provide transportation to school students who live a certain distance from their elementary or secondary school. The distances established coincide to the previous limit at which students were required to attend school prior to Oregon’s Compulsory School Law.

The legislature also recognized that students who live closer than these prescribed limits may also require transportation due to health or safety reasons, so ORS 327.043 allows for a “supplemental plan” that must be approved by the State Board of Education.

Other than the legislative guidance that the transportation must be for “health or safety” reasons, the State Board has traditionally allowed local school districts to determine areas within their district that require transportation within the distance limits.

In 1992, many districts submitted supplemental plans for approval from the State Board, and all were adopted. Having an approved supplemental plan does two things:

1. It allows a school district to be reimbursed as part of the transportation grant of the state school fund; and
2. It requires transportation to be provided by the district. In other words, the district can’t stop providing this transportation without the approval of a new plan.

The State Board does have the discretion to approve or not approve supplemental plans. The Pupil Transportation Unit does ensure that plans presented to the board present a health or safety reason for the plan.

A supplemental plan must be approved by the local school board prior to presentation to the State Board for approval. The District Boards approved these supplemental plans at their regular meetings and submitted the plan to ODE for approval thereafter.

The supplemental plan submitted by this school district accounts for attendance boundary changes within the walk distance areas and local hazards acknowledged by school leadership and residents. Proponents and opponents of the submitted plan had the opportunity to be heard at the local level. This plan replaces or supplements the previously existing plan.

# Oregon State Board of Education

September 19, 2024

AGENDA ITEM: 3.C.

## SUMMARY OF PREVIOUS BOARD ACTION

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The State Board approved Stanfield School District's original supplemental plan in 1992, with revisions in 2001.

## POLICY ISSUE OR CONCERNS

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The School District submitted a supplemental plan for State Board approval after the local school board adopted them during sessions open to the public. ODE does not engage with stakeholders regarding these plan revisions separate from the district's public process.

In this case, the district is updating their plan to account for students who would otherwise be required to walk in dangerous conditions due to speed and/or volume of vehicle traffic, width and condition of street, lack of shoulders or sidewalks suitable to walking, poor visibility, and dangerous crossings or intersections, among other hazards.

## EQUITY IMPACT ANALYSIS

---

ODE does not conduct a separate analysis of a supplemental plan adopted by a local school board except to verify that the supplemental plan is being submitted for health or safety reasons as required by statute. In this case, the proposed changes will not have any negative impact on any students living in the affected areas, and may support an increased equity for students who might be subject to the listed hazards.

## FISCAL ANALYSIS

---

There is no fiscal analysis because supplemental plans do not usually have a significant impact on agency funds. There is no requirement for ODE to act as a result of this action. There may be a very small change in impact to the State School Fund Transportation Grant as a result of providing this transportation; however, in most cases the buses / routes that will be transporting these students will pick them up on their way in from other mandated transportation areas around the district.

Adoption of these plans will not have an effect on any other school district, and will allow the districts to be reimbursed at their current rate for the transportation of these students as part of their transportation grant.

## ATTACHMENTS

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Attachment 1: Standfield SD Supplemental Plan

# STANFIELD SCHOOL DISTRICT



1120 North Main Street • Stanfield, OR 97875  
www.stanfield.k12.or.us

School Transportation Supplemental Plan– Amended 4.23.2024

## Number of Students to be Transported

At the current time the number of students signed up for transportation that are in the boundaries of the supplemental plan (“walk zone”) are:

- A. Kindergarten: 15 students
- B. Grades 1-5: 70 students
- C. Grades 6-8: 5 students
- D. High School: 2 students

## Health and Safety Reasons

The 2 subdivisions adjacent to the Stanfield School District property have been deemed a safe “walk zone” by district administration. Presently, neither subdivision has any residences located further than 1 mile from either school on our single campus..

We accept the area south of the Highway 395/Locust Street intersection to be inside of 1 mile, incorporating it into our supplemental plan for elementary students (K-5) given the lack of safe walking routes and the volume of traffic in that specific area. With improved crosswalks and signage it is safe for 6th-12th grade students to safely navigate to school. The exceptions to the walk zone for grades 6-12 include the southwest side of the railroad tracks that cross through town as well as any residence East of South Edwards Rd. as there is a lack of safe walking routes (no sidewalks/road shoulder, no marked pedestrian paths, and high volume of traffic). All residents on the south side of the railroad tracks and residents east of South Edwards Rd. are included and eligible for transportation in our supplemental plan.

All elementary students K-5 that reside inside the supplemental plan boundaries are eligible for transportation as well as students K-12 qualifying under Section 504 and Special Education students with Individual Education Plans (IEPs) specifying transportation that currently live within 1 mile for grades K-8 and 1 ½ miles for grades 9-12.

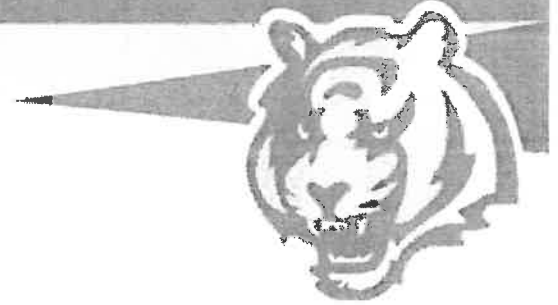
## Resolutions

The Stanfield School District Board of Directors passed two resolutions at their May board meeting, one resolution for each school.

## Supporting Documentation

Maps of Stanfield with the walkzone highlighted in yellow are included. The yellow highlighted streets/roads outline and signify the walk zone.

# STANFIELD SCHOOL DISTRICT



1120 North Main Street • Stanfield, OR 97875  
www.stanfield.k12.or.us

## Stanfield Elementary School Transportation Supplemental Plan Resolution

Whereas students qualifying under Section 504 and Special Education students with Individual Education Plans (IEPs) that specify transportation as a requirement and who currently live within the 1-mile limit around Stanfield Elementary School and;

Whereas K-5 students of Stanfield Elementary School currently residing within the areas indicated on the attached map and are subject to the attached described hazardous conditions that include inadequate pedestrian walkways and high traffic volume shall be eligible to ride district-provided transportation to and from school;

It is therefore resolved that the BOARD OF DIRECTORS OF STANFIELD SCHOOL DISTRICT 61R shall include the aforementioned groups of students in a supplemental transportation plan for submission to the Oregon State Board of Education.

Passed this 8 day of May, 2024.

A handwritten signature in black ink that reads "Scott Morris". The signature is written in a cursive style and is positioned above a horizontal line.

Scott Morris, Board Chair

Beth Burton, Superintendent  
beth.burton@stanfieldsd.org

Phone: (541)449-8766  
Fax: (541) 449-8768

EDUCATE. EMPOWER. INSPIRE.

# STANFIELD SCHOOL DISTRICT

1120 North Main Street • Stanfield, OR 97875  
www.stanfield.k12.or.us



## Stanfield Secondary School Transportation Supplemental Plan Resolution

Whereas students qualifying under Section 504 and Special Education students with Individual Education Plans (IEPs) that specify transportation as a requirement, and who currently live within the one and one-half (1 ½)-mile limit around Stanfield Secondary School and;

Whereas students of Stanfield Secondary School (6-12) currently residing within the areas indicated on the attached map and are subject to the attached described hazardous conditions that include inadequate pedestrian walkways and high traffic volume shall be eligible to ride district-provided transportation to and from school;

It is therefore resolved that the BOARD OF DIRECTORS OF STANFIELD SCHOOL DISTRICT 61R shall include the aforementioned groups of students in a supplemental transportation plan for submission to the Oregon State Board of Education.

Passed this 8 day of May, 2024.

A handwritten signature in black ink, appearing to read "Scott Morris", is written over a horizontal line.

Scott Morris, Board Chair

Beth Burton, Superintendent  
beth.burton@stanfieldsd.org

Phone: (541)449-8766  
Fax: (541) 449-8768

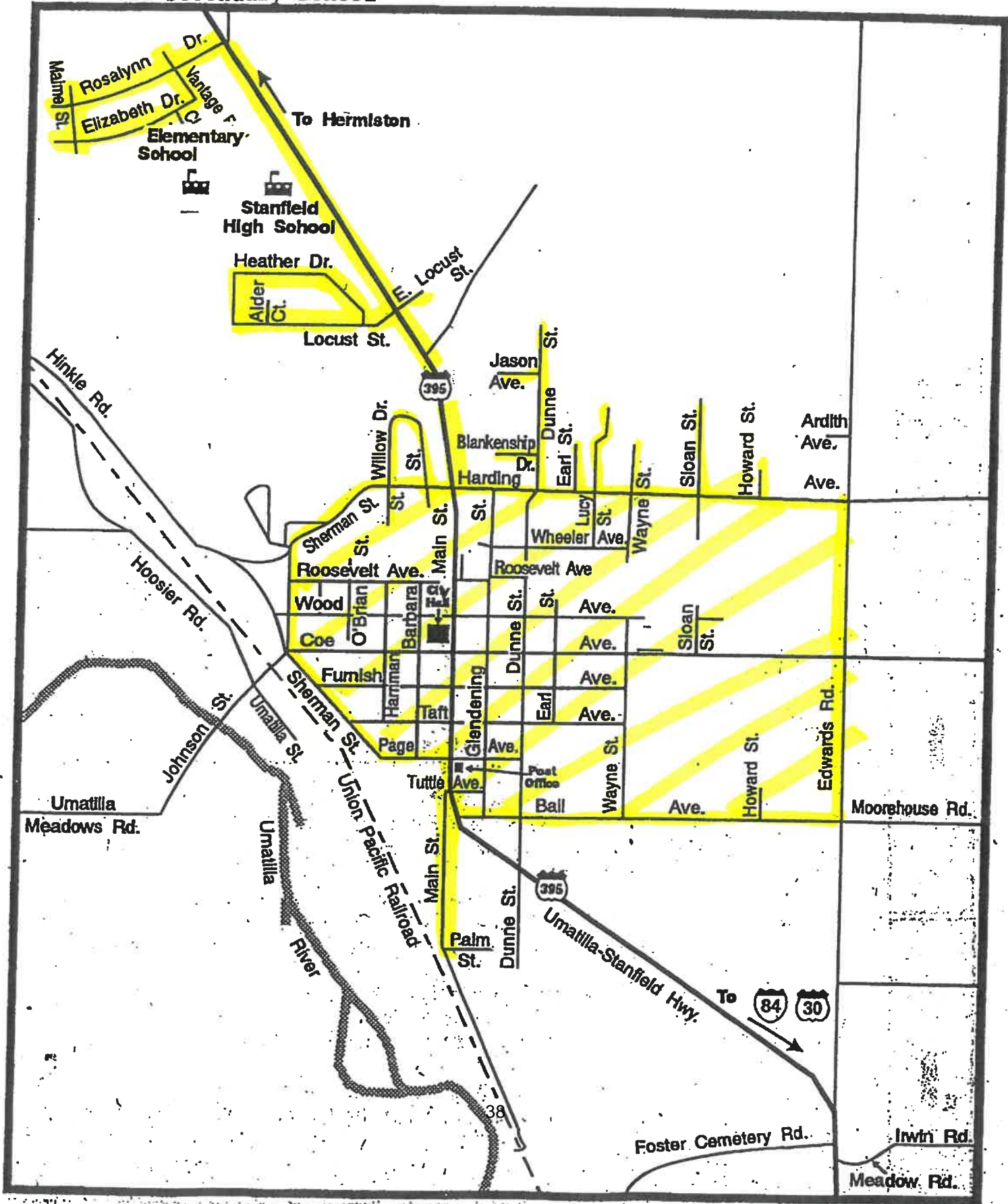
EDUCATE. EMPOWER. INSPIRE.



[Yellow box] = walk zone

# STANFIELD

Stanfield Secondary School



# Oregon State Board of Education

## September 19, 2024

AGENDA ITEM: 4.A.

|   |   |
|---|---|
| <p><b>SUBJECT:</b> Sign Language Interpreter Rulemaking: Temporary Rules<br/><b>STAFF NAME &amp; OFFICE:</b> Georgeann Harty, Office of Enhancing Student Opportunities.</p> <p>OAR 581-015-2035 was updated following HB 2696, which directed the Oregon Health Authority’s (OHA) Health Licensing Office (HLO) to establish a licensing board for educational, medical, and legal sign language interpreters. The HLO is still in the process of finalizing the implementation of this licensing system. In the meantime, a temporary adjustment to our OAR is necessary until the process is complete.</p> <p><input type="checkbox"/> New Rule<br/><input checked="" type="checkbox"/> Amend Existing Rule<br/><input type="checkbox"/> Repeal Rule</p> | <p><input type="checkbox"/> <b>First Reading</b><br/><input type="checkbox"/> Presentation<br/><input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> <b>Action</b><br/><input checked="" type="checkbox"/> Temp Rule<br/><input type="checkbox"/> Presentation<br/><input type="checkbox"/> No Presentation</p> |
|---|---|

### BACKGROUND

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HB 2696, which was passed in June 2023, establishes a comprehensive regulatory framework for licensing sign language interpreters in Oregon, under the oversight of the Health Licensing Office (HLO). The bill defines various types of sign language interpreters, including supervisory, educational, medical, and legal interpreters, each requiring distinct licenses. It also sets clear qualifications for each license type, including adherence to professional codes of conduct, education, experience, and fee requirements.

Key components include:

- **Licensing Requirements:** Individuals must be at least 18 years old, meet educational and training standards set by the State Board of Sign Language Interpreters, and follow professional conduct guidelines from recognized interpreter organizations.
- **Scope of Practice:** Different licenses allow interpreters to work in specific settings, such as educational, medical, and legal environments. For example, only licensed medical or legal interpreters can work in their respective fields, and provisional interpreters must work under supervision.
- **State Board of Sign Language Interpreters:** A seven-member board, appointed by the governor, advises on licensing, grievance processes, and rule-making. The board includes representatives of the Deaf and interpreting communities.
- **Exemptions:** Unlicensed individuals may interpret only in emergencies or specific legal settings, such as court proceedings under ORS regulations.
- **Confidentiality:** Interpreters are required to maintain confidentiality of sensitive information obtained during their work.
- **Discipline:** The bill allows for disciplinary measures in case of violations, enforced by the HLO in accordance with state laws.

This bill aims to ensure high-quality interpretation services by regulating who can provide sign language interpretation in Oregon while addressing the unique needs of the Deaf community.

# Oregon State Board of Education

## September 19, 2024

AGENDA ITEM: 4.A.

The passage of HB 2696 required revisions to [OAR 581-015-2035](#) to direct sign language interpreters to the HLO for licensure. The Oregon Department of Education (ODE) engaged with school administrators, teachers of the deaf, sign language interpreters, deaf citizens, and the Department of Justice to gather input on the necessary changes to the OAR.

In June 2024, the State Board of Education (SBE) approved revisions to OAR 581-015-2035 to align with the HLO’s anticipated rule, expected to be adopted by the newly established Sign Language Interpreting Board that same month. However, due to unforeseen challenges, the Health Licensing Board has not yet finalized the licensure process. As a result, OAR 581-015-2035 currently includes a requirement for an HLO license that is not yet available.

In response to this delay, the HLO secured a waiver, which has been extended through December 31, 2024. ODE is requesting a temporary amendment to OAR 581-015-2035 to remove the requirement for HLO licensure for sign language interpreters until December 31, 2024. Without this change, school districts and sign language interpreters would be out of compliance with licensing requirements, potentially disrupting services for children and students who are deaf or hard of hearing. This temporary amendment would ensure the continuity of services for these children and students.

### SUMMARY OF PREVIOUS BOARD ACTION

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In June 2024, the State Board of Education (SBE) approved revisions to OAR 581-015-2035 to align with the Health Licensing Office’s anticipated rule.

### 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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Currently, the Oregon Department of Education has a representative attending Health Licensing Office (HLO) Rules Advisory Committee and State Board of Education meetings related to sign language interpreter licensure. When the HLO waiver was extended, ODE was contacted with serious concerns from teachers of the deaf, sign language interpreters, parents, and school administrators regarding the potential lack of sign language interpretation services for children and students in schools.

This temporary amendment is essential to ensure the continuity of services for students who are deaf or hard of hearing and to allow school districts to employ sign language interpreters legally. It also ensures that interpreters can provide services in compliance with the law. Access to sign language interpretation is a mandated service under the Individuals with Disabilities Education Act (IDEA) to guarantee a Free Appropriate Public Education (FAPE) for students who are deaf or hard of hearing.

# Oregon State Board of Education

September 19, 2024

AGENDA ITEM: 4.A.

## EQUITY IMPACT ANALYSIS

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The temporary amendment to OAR 581-015-2035, postponing the licensure requirement for sign language interpreters until December 31, 2024, is crucial to ensuring equitable access to education for deaf or hard of hearing students, particularly those from historically underserved populations. This change helps prevent service disruptions that could disproportionately affect marginalized students, including those who are economically disadvantaged, from rural areas, or from communities of color. By maintaining access to sign language interpretation, the amendment upholds students' right to a Free Appropriate Public Education (FAPE) under IDEA and ensures that all students, regardless of background, can fully participate in their education.

## FISCAL ANALYSIS

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There is no fiscal impact related to this change.

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

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A "YES" vote would remove the requirement for HLO licensure for sign language interpreters until December 31, 2024.

A "NO" vote would retain the requirement for HLO licensure and cause school districts and sign language interpreters to be out of compliance with licensing requirements, potentially disrupting services for children and students who are deaf or hard of 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

## ATTACHMENTS

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Attachment 1:

[581-015-2035](#)

**Minimum Standards for Sign Language Interpreters Serving Students in Public Schools**

(1) Definitions. For purposes of this rule, the following definitions shall apply:

(a) “CI” means Certificate of Interpretation issued by RID.

(b) “CT” means Certificate of Transliteration issued by RID.

(c) “EI/ECSE” means Early Intervention and Early Childhood Special Education.

(d) “EIPA” means the Educational Interpreter Performance Assessment®, including both the written and performance components.

(e) “NIC” means the National Interpreter Certification by RID.

(f) “Public School” means a public agency or school district or as defined in OAR 581-015-2000.

(g) “RID” means Registry of Interpreters for the Deaf Inc.

(h) “Sign Language Interpreter” means a person who provides educational interpreting services to students with hearing impairments.

(i) “Student” means a student with a hearing impairment who is:

(A) Eligible for EI/ECSE or special education services under OAR 581-015-2150; or

(B) A qualified student with a disability under Section 504 as defined in OAR 581-015-2390.

(2) Minimum Standard. A public school may employ or contract for the services of a sign language interpreter for a student only if the sign language interpreter ~~is licensed through the Health Licensing Office, and~~ meets the following minimum standards:

(a) The sign language interpreter must achieve a passing score of 3.5 or above on the EIPA Performance Test or hold RID NIC, CI or CT Certification; and

(b)(A) Hold a Bachelor’s or Associate’s Degree from an Interpreter Education Program or in a related educational field; or

(B) Achieve a passing score on the EIPA Written test.

**Statutory/Other Authority:** ORS 185.225 & ORS 343.041

**Statutes/Other Implemented:** ORS 185.110 & ORS 185.225

**History:**

[ODE 33-2024, amend filed 06/14/2024, effective 06/14/2024](#)

ODE 11-2008, f. & cert. ef. 4-21-08

## 581-053-0003

### Definitions

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

- (1) "Accident" means an occurrence that results in any of the following:
  - (a) An injury requiring medical or dental treatment.
  - (b) Combined vehicle and property damage in excess of \$500. This includes:
    - (A) Damage to the school bus or school activity vehicle; and
    - (B) Damage to property other than the school bus or school activity vehicle, including damage to another school bus or school activity vehicle, or transportation entity property.
- (2) "Activity trip" means transportation between a school or location to another school or location, but not home-to-school.
- (3) "Actual knowledge" means direct and clear awareness of a circumstance or fact, resulting from either observation or investigation.
- (4) "Approved" means a motor carrier approved by ODE for transportation of school children for activity trips.
- (5) "Authorized official" means a person designated by the local employer.
- (6) "CDL" means a commercial driver license as defined in ORS 801.207.
- (7) "CFR" means code of federal regulations.
- (8) "CLP" means a commercial learners permit issued by this state or another jurisdiction to allow an individual to be trained on the operation of a commercial motor vehicle, including a school bus.
- (9) "Carrier or Motor carrier" means for-hire carrier or private carrier subject to ORS Chapter 825.
- (10) "Certificate of Carrier Approval" means a certificate from ODE authorizing a motor carrier to transport students for Oregon schools.
- (11) "Chaperone" means a person authorized by the school district.
- (12) "Chargeable Accident" is an accident in which the driver is answerable as the primary cause of, or the result of, the accident.
- (13) "Classroom instructor" means a person who holds one or more of the following certificates issued by ODE:
  - (a) Core Instructor Certificate;
  - (b) Core Refresher Instructor Certificate; or

- (c) Transporting Students with Special Needs Instructor Certificate.
- (14) “Contractor” means any company, organization or person that provides transportation services to a transportation entity and is not subject to ORS Chapter 825 while providing that service.
- (15) “DMV” means the Oregon Department of Transportation, Driver and Motor Vehicle Services Division.
- (16) “Diabetic person” means a person who takes insulin.
- (17) “Driving instructor” means a person who holds one of the following certificates issued by ODE:
- (a) Behind-the-Wheel Trainer Certificate;
  - (b) Behind-the-Wheel Probationary Trainer Certificate;
  - (c) Advanced Reference Point Trainer Certificate; or
  - (d) Assistant Trainer Certificate.
- (18) Electric Vehicles: electric vehicles derive all or part of their power from electricity supplied by the electric grid. They include all-electric vehicles and plug-in hybrid electric vehicles.
- (a) All-Electric Vehicles are powered by one or more electric motors. They consume no petroleum-based fuel, produce no tailpipe emissions and do not have an internal combustion engine. They include battery electric vehicles and fuel cell electric vehicles.
  - (b) Plug-In Hybrid electric vehicles use batteries to power an electric motor, plug into the electric grid to charge, and use a petroleum-based or alternative fuel to power the internal combustion engine.
- (19) “FMCSA” means the Federal Motor Carrier Safety Administration.
- (20) “Invalid” means a certificate or permit that has expired, has been made inactive, or is otherwise immediately disqualified by rule.
- (21) “Medical certificate” is defined in OAR 735-063-0060.
- (22) “Home to School” means transportation between the student’s residence, babysitter, daycare or designated pick up or drop off spot and their educational facility.
- (23) “Motor coach” means an over-the-road bus, having a gross vehicle weight rating (GVWR) of 26,000 lbs or more but does not include the following:
- (a) Buses used in public transportation provided by a State or local government; and
  - (b) Vehicles owned or operated by a mass transport district created under ORS Chapter 267.
- (24) “OAR” means Oregon Administrative Rule(s).
- (25) “ODE” means the Oregon Department of Education.
- (26) “ORS” means Oregon Revised Statute(s).

(27) "Provider of Motor coach services" means a motor carrier providing passenger transportation service with a motor coach for compensation, including per-trip compensation or chartered compensation.

(28) "Refused" means that ODE has determined that an applicant is unqualified for the certificate or permit being applied for.

(29) "Rejected" means that an application for certificate or permit is incomplete and no determination of qualification will be made.

(30) "Revoke" means the termination of one or more certificates or permits. Revoked certificates are not reinstated at the end of the revocation period. Individuals who have had a certificate revoked shall reenter the program in the same way as an individual entering the program for the first time.

(31) "School board" means the governing board or governing body of the transportation entity.

(32) "School activity vehicle" is defined in ORS 801.455 and includes all such vehicles that are owned, leased, or rented by a transportation entity.

(33) School Activity Vehicle Types:

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

(b) "Type 20 vehicle" means a vehicle that has a capacity of not more than 20 passengers, a gross vehicle weight rating of not more than 14,500 pounds, and are used to transport students to and from authorized school activities.

(c) "Type 21 vehicle" means a vehicle that has a capacity of more than 20 passengers or a gross vehicle weight rating of more than 14,500 pounds, and is used to transport students to and from authorized school activities.

(d) "School pupil activity bus (SPAB)" means a motor coach with a gross vehicle weight rating of more than 26,000 pounds and operated by a motor carrier, used under a contractual agreement between a transportation entity and a carrier to transport school pupils on activity trips.

(34) "School bus" is defined in ORS 801.460 and includes all such vehicles that are owned, leased, or rented by a transportation entity.

(35) School Bus Types:

(a) "Type A-1" means a school bus with a gross weight rating of 14,500 pounds or less.

(b) "Type A-2" means a school bus with a gross weight rating between 14,500 and ~~19~~19,500 pounds, and a passenger capacity not to exceed 36.

(c) "Type B" means a school bus with a gross weight rating between 10,000 pounds and 19,500 pounds. Most of the engine is beneath and/or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.

(d) "Type C" means a school bus with all or part of the engine in front of the windshield and the entrance door behind the front wheels.

(e) "Type D" means a school bus with the engine mounted in the front behind the windshield, midship, or rear. The entrance door is ahead of the front wheels.

(36) "Skills test" means the test given to a school bus or school activity vehicle driver prior to certification or approval to drive that type of vehicle. The skills test is composed of the following tests:

(a) Vehicle Inspection Test

(b) Basic Control Skills Test (only applicable to a school bus or type 21 test)

(c) On-Road Driving Test

(37) "Submit" means that a document has been received by ODE

(38) "Supervisor":

(a) Prior to July 1, 2015 means a person authorized by the transportation entity or contractor.

(b) On or after July 1, 2015 means a person designated by the transportation entity or contractor who holds ODE Supervisor Certification.

(39) "Suspend" means the temporary withdrawal of one or more certificates or permits for a period not to exceed one year. Suspended certificates are reinstated at the end of the suspension period provided that all other certificate requirements are met.

(40) "Trained in first aid" means a person who possesses a valid first aid card verifying completion of a hands-on first aid class that meets the requirements of the American Red Cross first aid program or an equivalent course that is consistent with the Best Practices Guide: Fundamentals of a Workplace First-Aid Program (OSHA 3317-2006) published by the Occupational Safety Health Administration, U.S. Department of Labor. The training program shall include instructor observation of acquired skills and shall include, but not be limited to, the following training:

(a) Curriculum based on a consensus of scientific evidence;

(b) Treating airway obstruction in a conscious victim;

(c) Recognizing the signs and symptoms of shock and providing first aid for shock due to illness or injury;

(d) Controlling bleeding with direct pressure;

(e) Poisoning;

(f) Wounds;

(g) Burns;

(h) Temperature Extremes;

(i) Musculoskeletal Injuries;

(j) Eye Injuries;

(k) Mouth and Teeth Injuries; and

(l) Bites and Stings.

(41) "Transportation entity" means any school district, individual public or private school, educational service district or head start agency to which the rules of this division apply.

(42) "Transportation service" means home to school or school to home transportation provided to a qualifying student, regardless of how that transportation is provided.

(43) "Valid" means an unexpired, active certificate or permit with no automatic disqualifiers listed in the rule for that certificate or permit.

**Statutory/Other Authority:** ORS 327.013 & 820.100 - 820.120

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

**History:**

[ODE 5-2020, amend filed 03/20/2020, effective 03/20/2020](#)

ODE 40-2014, f. & cert. ef. 9-3-14

ODE 19-2012, f. & cert. ef. 6-14-12

**581-053-0040**

**Physical Examinations**

(1) An applicant for a school bus driver's permit or certificate, or renewal of a school bus driver's certificate must have passed a physical examination approved by the Oregon Department of Education and administered within six months prior to the date of application by an individual certified by FMCSA and listed on the National Registry of Certified Medical Examiners.

~~(2) Physicians completing the required ODE forms for diabetic persons must be a:~~

~~(a) Board-certified endocrinologist;~~

~~(b) Board-certified diabetologist;~~

~~(c) Board-certified family practitioner; or~~

~~(d) Board-certified internist.~~

(23) A cardiac stress test shall be required with medical examination given any evidence of myocardial infarction within the past three months or unstable angina pectoris. The examining physician may require a resting electrocardiogram (ECG) or other testing as determined appropriate related to coronary insufficiency, thrombosis or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse or congestive heart failure.

(34) Physical examination and certificate application forms adopted by the ODE shall be utilized by applicants for a school bus driver's certificate or permit.

(45) An applicant is physically qualified to drive a school bus if the applicant:

(a) Has no impairment in the use of the driver's foot, leg, finger, hand or arm or other structural defect or limitation likely to interfere with the driver's ability to perform tasks associated with operating a school bus. Drivers may be required to demonstrate their ability to:

(A) Utilize a manually operated bus entrance door control with a force of at least 30 pounds;

(B) Ascend and descend steps with a maximum step height of 17 1/2 inches;

(C) Operate two hand controls simultaneously and quickly;

(D) Have a reaction time of 3/4 of a second or less from the throttle to the brake control;

(E) Carry or drag a 125 pound person 30 feet in 30 seconds or less;

(F) Depress a brake pedal with the foot to a pressure of at least 90 pounds;

(G) Depress a clutch pedal with the foot to a pressure of at least 40 pounds unless operating an automatic transmission; and

(H) Exit from an emergency door opening of 24 x 48 inches at least 42 inches from the ground in ten seconds or less.

(b) Is physically able to open all emergency exits installed in any school bus they drive; and

(c) Has no mental, nervous, organic or functional disease or disability likely to interfere with safe driving or other responsibilities of a school bus driver.

(d) Has visual acuity of at least 20/40 (Snellen) in each eye either with or without corrective lenses and a binocular acuity of at least 20/40 (Snellen) in both eyes either with or without corrective lenses. Form field of vision shall not be less than a total of 140 degrees and the ability to distinguish colors red, green and yellow. Drivers requiring corrective lenses shall wear properly prescribed lenses at all times while driving.

(e) Perceives a forced whispered voice in the better ear not less than five feet with or without the use of a hearing aid, or if tested by the use of an audiometric device, the applicant shall not have average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard Z24.5-1951. Drivers requiring a hearing aid shall wear a properly operating hearing aid at all times while driving.

(f) Controlled substances:

(A) Does not use any controlled substance identified in 21 CFR 1308.11 Schedule 1, an amphetamine, a narcotic, or other habit-forming drug.

(B) Does not use any non-Schedule I controlled substance except when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a school bus.

(g) Has no current clinical diagnosis of alcoholism.

(h) Has not had a loss of consciousness or loss of control (cognitive function) due to a diabetic event within the preceding one year period, provided there has not been a recurrent hypoglycemic reaction requiring assistance of another person within the previous five years. A period of one year of demonstrated stability is required following the first episode of hypoglycemia.

(i) Does not have a diabetic condition unless such condition is evaluated by a medical examiner as fit to operate a commercial motor vehicle according to the provisions of 49 CFR Part 391; Applicants with a diabetic condition may be physically qualified provided they comply with all of the following requirements. Drivers drivers shall:

(A) Self-monitor their blood glucose ~~and demonstrate a blood glucose level of more than 100mg/dl and less than 300 mg/dl, using a device approved by the Food and Drug Administration, U.S. Department of Health and Human Services,~~ within one hour before driving pupil transporting vehicles and approximately every four hours while on duty;

(B) Report immediately to their employer, any ~~failure to comply with specific glucose level requirements as listed in paragraphs (i)(A) and (E) of this subsection, or~~ loss of consciousness or control;

(C) Maintain a daily log of all blood glucose test results for the previous six month period and provide copies to their employer, the examining physician and the Oregon Department of Education, upon request;

(D) Carry a source of readily absorbable, fast-acting glucose while on duty;

~~(E) Undergo and submit physician-signed results of a glycated hemoglobin (HbA1c) test indicating glucose levels of more than 5.9 percent and less than 9.6 percent to their employer for transmission to the Oregon Department of Education every six months;~~

~~(F) Undergo and submit the results of an annual examination to detect any peripheral neuropathy, unstable diabetic retinopathy or clinically significant eye disease that prevents the individual from meeting current vision standards included in this rule, or circulatory insufficiency;~~

~~(G) Provide a signed statement by the examining physician indicating that within the past three years the driver has completed instruction to address diabetes management and driving safety, to identify signs and symptoms of hypoglycemia and hyperglycemia, and what procedures must be followed if complications from diabetes arise;~~

~~(H) Submit all required Oregon Department of Education forms signed by the appropriate medical professionals within the prescribed timelines;~~

(j) Does not have severe hypertension (grade 3 retinopathy); or

(k) Does not have an established medical history or clinical diagnosis of epilepsy or any other condition likely to cause loss of consciousness or any loss of ability to control a motor vehicle.

~~(56)~~ A driver is no longer physically qualified to operate a school bus and shall be immediately removed from duty for the following:

(a) Diabetic person:

~~(A) Results of an HbA1c test indicating values less than 6.0 or greater than 9.5 unless accompanied by the required medical opinion that the event was incidental and not an indication of failure to control glucose levels;~~

~~(BA)~~ Results of self-monitoring indicate glucose levels less than 100 mg/dl or greater than 300 mg/dl, until self-monitoring indicates compliance with specifications; ~~proofread~~

~~(CB)~~ Experiencing a loss of consciousness or control ~~relating to a diabetic condition~~; or

~~(DC)~~ Failing to maintain or falsifying the required medical records.

(b) A new diagnosis of diabetes requiring insulin until all requirements under subsection ~~(54)~~(i) have been met ~~resulting in approval by a qualified DOT medical examiner~~;

(c) Notwithstanding subsections (a) and (b) of this section, if the driver has a serious illness, injury, or change in physical or mental condition and no longer meets the physical requirements outlined in this rule, then re-examination and medical approval are required before the driver may resume driving a school bus.

~~(67)~~ Notwithstanding any other section of this rule, Type 20 CDL drivers and SPAB drivers shall meet the FMCSA physical requirements found in 49 CFR part 391 and shall carry a medical certificate to indicate compliance.

**Statutory/Other Authority:** ORS 327.013 & 820.100 - 820.120

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

**History:**

ODE 40-2014, f. & cert. ef. 9-3-14

ODE 19-2012, f. & cert. ef. 6-14-12

## 581-053-0120

### Vehicle Inspector Certificate

(1) Any person performing an annual school bus or school activity vehicle inspection and signing the Annual Vehicle Inspection and Maintenance Report form 581-2255-M, or performing repairs on a school bus or school activity vehicle, must successfully complete a test administered by the Oregon Department of Education or designee and be certified over the contents of the School Bus Maintenance and Inspection Manual for Oregon School Buses, current edition.

(2) ODE may require re-certification when the School Bus Maintenance and Inspection Manual is revised.

(3) Vehicle inspection certificate may be suspended or revoked under the provisions of OAR 581-053-0060.

(4) ODE may issue a Vehicle Inspector Certificate to any qualified individual who is 18 years of age or older.

**Statutory/Other Authority:** ORS 327.013 & 820.100 - 820.120

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

**History:**

ODE 19-2012, f. & cert. ef. 6-14-12

**581-053-0130**

**Assistant Trainer ~~Certificate~~Approval**

(1) The Oregon Department of Education may ~~issue~~ approve an ~~Assistant Trainer Certificate~~ to an individual as an Assistant Trainer who has:

- (a) One year experience operating a school bus;
- (b) A current School Bus Driver's Certificate;
- (c) Submitted ~~an application~~ letter of request that includes information regarding the behind-the-wheel trainer(s) that the applicant will be working with; and
- (d) Submitted a letter of recommendation from their supervisor.

(2) Assistant trainers shall work under the direction of a certified behind-the-wheel trainer.

(3) The Assistant Trainer ~~Certificate~~ approval authorizes an individual to:

(a) Work with school bus driver applicants on portions of the behind-the-wheel training that have already been taught and documented by a certified behind-the-wheel trainer; and

(b) Train applicants to drive a type 20 vehicle and sign off on the type 20 performance check-list ~~and application~~ in accordance with OAR 581-053-0420 only if the applicant has a valid driver license or CDL. If the type 20 vehicle is designed to hold 15 or more passengers, a CDL or CLP with a valid medical certificate is required.

(4) Assistant trainers shall not sign off on any item on the performance checklist for new school bus drivers except for the assistant trainer line on the last page.

(5) The assistant trainer ~~certificate~~ approval shall be invalid if:

- (a) The assistant trainer no longer has a valid school bus certificate; or
- (b) The behind-the-wheel trainer(s) identified in the approval letter is (are) no longer available to provide direction to the assistant trainer.

**Statutory/Other Authority:** ORS 327.013 & 820.100 - 820.120

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

**History:**

ODE 40-2014, f. & cert. ef. 9-3-14

ODE 19-2012, f. & cert. ef. 6-14-12



**581-053-0140**

**Behind-the-Wheel Trainer Certificate**

(1) The Oregon Department of Education shall issue a Behind-the-Wheel Trainer Certificate to an individual who has:

- (a) Two years' experience operating commercial motor vehicles;
- (b) One year experience operating a school bus;
- (c) Six months experience as a certified assistant trainer, except that:

(A) This requirement may be waived by the ODE Director of Pupil Transportation. Request for exception from this requirement will be decided on an individual basis.

(B) Trainers who have attended the Behind-the-Wheel Instructor Workshop prior to July 1, 2012 are exempt from this provision.

- (d) A current School Bus Driver's Certificate;
- (e) Been recommended by a transportation entity or contractor; and
- (f) Either:

(A) Completed the Behind-the-Wheel Instructor Workshop with a score of at least 80%; or

(B) Met all conditions of probation after being issued a Behind-the-Wheel Probationary Trainer Certificate in OAR 581-053-0145 prior to the expiration date of the probationary certificate.

(2) The Behind-the-Wheel Training Certificate authorizes an individual to:

(a) Train applicants for a School Bus Driver's Permit or Certificate in accordance with OAR 581-053-0220, only if the applicant has:

(A) A valid CDL with passenger ("P") and school bus ("S") endorsements listed and applicable restrictions removed on the CDL as required by DMV to operate the vehicle used for training, or a valid CLP with passenger ("P") and school bus ("S") endorsements listed and applicable restrictions removed on the CLP as required by DMV to operate the vehicle used for training; and

(B) A valid medical certificate.

(b) Train applicants for a Type 20 Certificate in accordance with OAR 581-053-0420, only if the applicant has a valid driver license or CDL. If the type 20 vehicle is designed to hold 15 or more passengers, a CDL or CLP with a medical certificate is required.

(c) Test applicants for a School Bus Driver's Permit or Certificate who have:

(A) Met all requirements of subsection (a) of this section;

(B) A School Bus Application Form signed by the a medical examiner, the applicant, and the behind-the-wheel trainer that conducted the training; and

(C) A completed school bus performance checklist on file that is initialed and signed by the applicant and the behind-the-wheel trainer that conducted the training.

(d) Test applicants for a Type 20 Certificate who have:

(A) A valid driver's license or CDL. If the type 20 vehicle is designed to hold 15 or more passengers, a CDL with a medical certificate is required; and

(B) A completed type 20 performance checklist on file that is initialed and signed by the applicant and the behind-the-wheel or assistant trainer that conducted the training.

(e) Teach the material out of the Advanced Reference Point Manual, published by ODE, to school bus drivers who already possess a valid School Bus Driver's Permit or Certificate and sign-off mastery of the reference points on the Advanced Reference Point Performance Checklist for the driver's file and ODE training credit.

(3) A certified Behind The Wheel Trainer shall ensure the applicant's employer has verified a qualified driving record and validity of the applicant's driving credentials before beginning training.

~~(43)~~ The Behind-the-Wheel Training Certificate shall become invalid if the certificate holder:

(a) Does not have a valid School Bus Certificate; or

(b) Does not recertify when required by OAR 581-053-0100.

(4) Behind-the-wheel trainers shall not conduct skills tests for school bus driver applicants they have trained unless:

(a) The applicant has taken a CDL skills test at DMV that resulted in the issuance of a school bus endorsement; or

(b) The behind-the-wheel trainer has written permission from ODE.

**Statutory/Other Authority:** ORS 327.013 & 820.100 - 820.120

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

**History:**

[ODE 51-2020, amend filed 12/21/2020, effective 12/21/2020](#)

ODE 40-2014, f. & cert. ef. 9-3-14

ODE 19-2012, f. & cert. ef. 6-14-12



## 581-053-0210

### Administrative Requirements Pertaining to School Buses

(1) Each school board shall adopt and implement a written transportation policy regarding student conduct and discipline that conforms to ORS 339.250 Duty of student to comply with rules; discipline, suspension, expulsion, removal and counseling; written information on alternative programs required, ORS 343.533 Transportation service to preschool children with disabilities, OAR 581-021-0065 Suspension, 581-021-0070 Expulsion, 581-015-2400–581-015-2445 Special Education: Discipline, and the Individuals with Disabilities Education Act, 20 USC 1400 et seq.

(2) Safety instruction:

(a) All regularly transported pupils shall receive the following instruction at least once within the first six weeks of the first half of each school year and once within the first six weeks of the second half of each school year:

(A) Safe school bus riding procedures, including but not limited to loading, unloading and crossing;

(B) Use of emergency exits; and

(C) Planned and orderly evacuation of the school bus in case of emergency, including participation in actual evacuation drills.

(b) All pupils who are not regularly transported shall receive the following instruction at least once in the first half of each school year:

(A) Safe school bus riding procedures, including but not limited to loading, unloading and crossing; and

(B) Use of emergency exits.

(c) Records listing safety instruction course content and dates of training shall be maintained locally.

(3) Transportation entities or contractors selling a used school bus shall be responsible for removing all markings that would identify it as a school bus, including the bus safety lights and school bus stop arm. If the school bus is sold for the purpose of:

(a) Transporting school children to and from a school, the school bus identifying markings, bus safety lights, and school bus stop arm need not be removed; or

(b) Transporting workers, the bus safety lights need not be removed.

(4) A transportation entity shall verify a school bus or activity vehicle driver applicant has a qualified driving record under OAR 581-053-0050 and valid driving credentials before beginning training.

**Statutory/Other Authority:** ORS 327.013 & 820.100 - 820.120

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

**History:**

ODE 19-2012, f. & cert. ef. 6-14-12



## **581-053-0240**

### **Minimum Standards for School Buses**

#### (1) Air Cleaner

(a) The engine intake air cleaner shall be furnished and properly installed by the chassis manufacturer to meet engine specifications;

(b) All Type C and Type D buses equipped with diesel engines shall have an air cleaner restriction indicator properly installed by the chassis manufacturer to meet engine specifications.

(2) Air System: All buses equipped with air systems for brakes shall provide and identify an appropriate air port for plumbing in air powered accessories.

(3) Air-Operated Accessories: Air-operated accessories shall be plumbed into the vehicle's air supply system in compliance with all the following:

(a) Safeguarded by a check valve or equivalent device located between the air supply system and the accessory to prevent air loss due to accessory failure. This shall include the supply line for a designated accessory air tank;

(b) Connected to the air supply system in compliance with all applicable Federal Motor Vehicle Safety Standards;

(c) Connected in the manner prescribed by the vehicle manufacturer.

#### (4) Aisle:

(a) Minimum clearance of all aisles shall be 12 inches.

(b) Minimum clearance of aisles from wheelchair areas to an emergency door shall be at least 30 inches wide to permit passage of a wheelchair. Special service entrance doors are not considered emergency doors unless in compliance with all right side emergency door requirements.

(5) Axles: The front and rear axles and suspension systems shall have a gross axle weight rating at ground commensurate with the respective front and rear weight loads of the bus loaded to the rated passenger capacity.

#### (6) Body Construction:

(a) Construction shall be of prime commercial quality steel, or other metal, or other material with strength at least equivalent to all-steel as certified by bus body manufacturer;

(b) Construction shall provide a water-tight and reasonably dustproof unit;

(c) Must meet or exceed applicable federal motor vehicle safety standards for construction, effective December 2, 1993.

#### (7) Body Sizes:

(a) Body manufacturer shall determine the vehicle's maximum designed and equipped passenger capacity and post it on the vehicle with the GVWR and vehicle compliance information.

(b) For determining standard requirements on buses with power lifts and wheel chair tie down stations, the passenger and gross vehicle weight rating classification will be determined as if the vehicle were equipped with a standard seating arrangement.

(8) Brakes:

(a) Air brakes are required on all buses having a manufacturer's gross vehicle weight rating of 26,001 pounds or greater;

(b) Buses using air or vacuum in the operation of the brake system shall be equipped with warning signals, readily audible and visible to the driver, that will give a continuous warning when the air pressure available in the system for braking is 60 psi (pounds per square inch) or less or the vacuum in the system available for braking is 8 inches of mercury or less. An illuminated gauge shall be provided that will indicate to the driver, the air pressure in pounds per square inch available for the operation of the brake.

(A) Vacuum-assist brake systems shall have a reservoir used exclusively for brakes which shall be adequate to ensure loss in vacuum at full stroke application of not more than 30 percent with engine not running. Brake system on gas-powered chassis shall include suitable and convenient connections for the installation of separate vacuum reservoir;

(B) Any brake system dry reservoir shall be so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored dry air or vacuum shall not be depleted by the leakage or failure.

(c) Buses using a hydraulic assist-booster in the operation of brake system shall be equipped with a warning signal, readily audible and visible to the driver, which will provide continuous warning in the event of a loss of fluid pressure from primary source or loss of electric source powering the backup system;

(d) The brake lines and booster-assist lines shall be protected from excessive heat and vibrations and be so installed as to prevent chafing;

(e) All brake systems shall be designed to permit visual inspection of brake lining wear without removal of any chassis components except for inspection dust covers or wheels;

(f) Air brake systems shall be equipped with manual drain valves on all air tanks. A provision shall be made to operate manual drain valve(s) on first (wet) reservoir(s) from the side of the bus unless one of the following options is provided:

(A) Automatic moisture ejector on the first (wet) reservoir;

(B) An air dryer that has the drying ability to ensure an adequate margin of safety under normal and adverse operating conditions;

(C) Skirt-mounted controls for manual drain valve(s) shall not extend beyond the outer side of bus skirt panel.

(9) Bumper (Front):

(a) The bumper on Type A-2, B, C, and D buses shall be equivalent in strength and durability to pressed steel channel at least 3/16 inches thick and not less than 8 inches wide (high). It shall extend beyond the forward-most part of the body, grille, hood and fenders and shall extend to the outer edges of the fenders at the bumper's top line.

(b) Type A-1 buses may be equipped with an OEM-supplied bumper.

(c) The bumper shall be of sufficient strength to permit pushing or being pushed by another vehicle with the same GVWR on a smooth surface with a five degree (8.7 percent) grade, without permanent distortion to the bumper, chassis, or body.

(d) The bumper shall be designed or reinforced so that it will not deform when the bus is lifted by a chain that is attached to both tow hooks when the bus is empty and positioned on a level, hard surface and both tow hooks share the load equally.

(e) Deer guards may be added to a front bumper to protect the front grill. Deer guards shall not be in any portion of the driver's forward view, including use of all mirrors.

(10) Bumper (Rear):

(a) Rear bumper for all body on chassis units shall be of pressed steel channel or equivalent material at least 3/16-inch thick and eight inches wide (high), and of sufficient strength to permit pushing by another vehicle without distortion;

(b) Bumper for all body on chassis units shall wrap around back corners of bus. It shall extend forward at least 12 inches, measured from rear-most point of body at floor line;

(c) Bumper shall be attached to chassis frame in such manner that it may be easily removed, shall be so braced as to develop full strength of bumper section from rear or side impact, and shall be so attached as to prevent the insertion of small fingers between the body and bumper;

(d) Bumper shall extend beyond rear-most part of body surface at least one inch, measured at floor line;

(e) An energy absorbing rear bumper may be used providing a self-restoring energy absorbing bumper system so attached as to prevent the hitching of rides and of sufficient strength to permit pushing by another vehicle without permanent distortion to the bumper, chassis, or body;

(f) The manufacturer of the energy absorbing system shall provide evidence from an approved test facility (capable of performing the above FMVSS tests) that their product conforms to the above.

(11) Cameras:

(a) 360-degree camera system: A 360-degree camera system may be installed:

(A) The camera housings shall not block any signage or lights that are required;

(B) The monitor for the camera system shall not block the view of any window, gauge, or required indicator light.

(C) The monitor shall only work when:

(i) The transmission is in reverse;

(ii) The transmission is in park; or

(iii) The parking brake is set.

(b) Back-up camera: A back-up camera may be installed.

(A) The camera housing shall not block any signage or lights that are required.

(B) The monitor for the back-up camera system shall not block the view of any window, gauge or required indicator light.

(C) The monitor shall only work when the transmission is in reverse or when activated as part of a 360-degree camera system.

(c) Forward-facing camera: A forward facing camera may be installed:

(A) If installed outside of the vehicle, it shall be installed on the front of the vehicle and shall not block any signage or lights that are required;

(B) If installed inside of the vehicle, it shall be mounted so that it does not block the view of any window, mirror, gauge, or required indicator light.

(d) Video surveillance cameras may be mounted inside or on either the forward or rear bulkhead, or to the ceiling in compliance with the following requirements:

(A) Surface mounted camera/camera housing/recording devices shall be mounted as far forward (if forward mounted) or as far rearward (if rear mounted) as possible and directly above the center of the windshield/rear window, and shall not:

(i) Extend into the passenger compartment more than 9 inches;

(ii) Extend(s) down from the ceiling more than five inches;

(iii) Be more than five inches wide;

(iv) Interfere with the rear view mirror or sun visor.

(B) Recording devices or their housings shall not be mounted overhead in the passenger compartment;

(C) Video cameras/housings (not recorders) may be mounted overhead in the passenger compartment, provided they are over the seating area, but not over any part of the aisle, all edges must be rounded and/or protected with enclosure of shatterproof construction;

(D) Flush mounted cameras/housings may be mounted in any position in the front or rear bulkhead or ceiling provided that any modification to the body, in order to achieve flush mounting does not compromise the structural integrity of the body panels;

(E) All video related devices mounted to the interior bus body shall be securely fastened in a manner to prevent separation from the bus body in the event of collision or mishap;

(F) Recording devices/housings must allow ready access for camera and video recording medium removal without the use of tools;

(e) a Stop Arm Camera system may be installed which may record drivers who fail to stop for bus safety lights in violation of ORS 811.155, and that is capable of recording the date, time, registration plate number and location of the offense.

(12) All electrical connections shall be made with UL approved wiring and terminals, and protected by grommets any place it passes through metal panels. Any electrical load added to the vehicles electrical system shall be protected with appropriate over current device (fuse). Certification:

(a) The vehicle shall be certified as a "School Bus" as required in the FMVSS certification requirements of 49 CFR part 567.

(b) Manufacturer will, upon request, certify to the Oregon Department of Education that their product meets minimum standards on items not covered by FMVSS certification requirements of 49 CFR part 567.

(13) Chains, Automatic: Automatic tire chains (traction) may be installed at drive wheels in conformance with manufacturer specifications and any applicable chassis manufacturer standards. (Note: Air-applied chain systems must comply with air-operated accessory requirement included in this rule.)

(14) Child Safety Restraint Systems:

(a) Child safety restraint systems used for transporting infants, toddlers, or others requiring added support shall conform to specific strength and performance standards or dynamic test standards identified in 49 CFR 571.213 for protection of a child up to 50 pounds;

(b) Child safety restraint systems shall bear a label specifying compliance with all applicable Federal Motor Vehicle Safety Standards at the time of their manufacture;

(c) Child safety restraint systems shall be secured to the school bus seat as per the manufacturer's instructions. If used, a child safety restraint anchorage system must meet 49 CFR 571.225 and a seat belt shall meet section 61 of this rule.

(15) Clutch:

(a) Clutch torque capacity shall be equal to or greater than, the engine torque output;

(b) A starter interlock shall be installed to prevent actuation of the starter if the clutch is not depressed on all buses manufactured after January 1, 1999.

(16) Color:

(a) Chassis and bumpers shall be black; Wheels may be painted either black or National School Bus Yellow. Type A-1, A-2, and B buses may have manufacturer standard color wheels.

(b) The school bus body shall be painted a uniform National School Bus Yellow. The body exterior paint trim, bumper, lamp hoods, and emergency door lettering shall be black. The engine hood may be painted low-luster yellow. The roof of the bus may be painted white. The white color may extend across the roof down to the drip rails or within 6 inches above the passenger windows on the sides of the bus except that front and rear caps shall remain National School Bus Yellow. Retroreflective material may be used as trim on rear bumper;

(17) Crossing Arm: A crossing arm may be mounted on the front of a school bus in accordance with the following specifications:

(a) Installed on the front bumper as close as practicable to the right (curb) side, opening left to right and providing an extension of the curbside of bus;

(b) Arm shall be located at least 18 inches but not more than 32 inches above ground level and in the closed position; arm shall not cover numbers on license plate;

(c) Installed in a manner to limit the outward deployment to 90 degrees from the front bumper;

(d) Arm shall extend 70 inches from the front bumper in its extended position;

(e) Arm shall be activated through the existing bus safety light system assuring the driver is required to take no additional action to either deploy or retract the arm. No outward movement of the arm may occur before red flashing sequence begins;

(f) Override switches are prohibited;

(g) Crossing arm must be safeguarded from damage due to pushing or pulling by hand through the use of a clutch-like device or equivalent, double spring hinges are not acceptable);

(h) The arm may be equipped with an amber flashing light that functions only when the arm is in the fully extended position;

(i) Entire unit shall have no sharp edges or other projections that could injure children or others due to casual contact;

(j) Unit shall provide secure mounting opportunities to prevent misalignment or failure due to extreme weather conditions;

(k) Shall be either air, vacuum, or electrically operated and in conformance to section (71)(g) of this rule;

(l) Crossing arm color shall be yellow or yellow and black;

(m) All components and connections shall be weatherproofed.

(18) Cup holders on vehicles manufactured after July 1, 2013 shall not be allowed. No additional cup holders shall be installed.

(19) Defrosters:

(a) Defrosting and defogging equipment shall direct a sufficient flow of heated air onto the windshield, the window to the left of the driver and the glass in the viewing area directly to the right of the driver to reduce the amount of frost, fog and snow;

(b) The defrosting system shall conform to SAE performance standards J-381;

(c) The defroster and defogging system shall be capable of furnishing heated outside ambient air, except that part of the system furnishing additional air to the windshield, entrance door and step well may be of the recirculation air type;

(d) Auxiliary fans, if used, shall not be considered as a defrosting and defogging system:

(A) Auxiliary fans shall be mounted above the windshield, so as not to interfere with the driver's vision of the roadway, mirrors or students outside the bus;

(B) The fan blades shall be covered with a protective cage.

(20) Doors:

(a) Service door shall be under the driver's control, designed to afford easy release and to provide a positive latching device on manual operating doors to prevent accidental opening. When hand lever is used, no part shall come together so as to shear or crush fingers. Manual door controls shall not require more than 25 pounds of force to operate at any point throughout the range of operation, as tested on a 10% grade, both up hill and downhill;

(b) Service door shall be located on right side of bus opposite driver and within direct view;

(c) Service door shall have minimum horizontal opening of 24 inches and minimum vertical opening of 68 inches;

(d) Service door shall be a split-type door and shall open outward;

(e) If service door is power operated, pressure shall be controlled by a regulator valve or switch and provision shall be made for opening the door manually in the event of driver disability or mechanical failure. Emergency release valve or switch for power operated doors shall be located in an accessible place, in plain view, as near the service door as practicable. Valve or switch shall be properly identified and "open" and "closed" position plainly marked, and shall have no more than two positions;

(f) All service door windows shall be approved safety glass. Bottom of lower glass panel shall not be more than ten inches from top surface of bottom step. Top of upper glass panel shall not be more than six inches from top of door.

(g) Vertical closing edges on the service door shall be equipped with flexible material to protect children's fingers.

(h) There shall be no door to left of driver. (This shall not be interpreted to conflict with emergency doors or windows.) Type A-1 and A-2 and B buses may be equipped with chassis manufacturers' left side driver's door;

(i) All doors shall be equipped with an energy absorbing pad at the top edge of each door opening. Pad shall be at least 3 inches wide and 1-inch-thick and extend the full width of the door opening.

(21) Drive Shaft: Drive shafts over 24 inches in length shall be protected by metal guard or guards around circumference of drive shaft to reduce the possibility of the shaft whipping through floor or dropping to ground if broken. Guards shall be mounted around front half of each drive shaft section.

(22) Electrical System:

(a) Battery(ies):

(A) Battery shall have a minimum cold cranking capacity rating equal to the cranking current required for 30-seconds at 0° Fahrenheit (-17.8c) and a minimum reserve capacity rating of 120-minutes at 25 amps. Higher capacities may be needed dependent upon optional equipment and local environmental conditions;

(B) The manufacturer shall securely attach the battery(ies) on a slide-out or swing-out tray in a closed, vented compartment in the body skirt so that the battery(ies) is accessible for convenient servicing from the outside. Battery compartment(s) door or cover shall be hinged at front or top and secured by adequate and conveniently operated latch or other type fastener. Type A-1 and A-2 buses may have battery(ies) mounted under the hood in an accessible location;

(C) Access to battery shall not be through body floor;

(D) Buses may be equipped with a battery shut-off switch. The switch shall be placed in a battery compartment or the engine compartment.

(b) Circuits: An appropriate identifying diagram (color and number coded) for electrical circuits shall be provided to the body manufacturer for distribution to the end user;

(c) Generator or Alternator:

(A) All buses with a GVWR of 14,500 pounds or less shall have a generator or alternator with a minimum rating of at least 130 amperes (in accordance with Society of Automotive Engineer rating) with minimum charging of 50 percent of maximum rated output at manufacturer's recommended engine idle speed (12-volt system), and shall be ventilated and voltage-controlled and, if necessary, current-controlled;

(B) All buses with a GVWR greater than 14,500 pounds shall have a generator or alternator with a minimum rating of at least 160 amperes (in accordance with Society of Automotive Engineer rating) with minimum charging of 50 percent of maximum rated output at manufacturer's recommended engine idle speed (12-volt system), and shall be ventilated and voltage-controlled and, if necessary, current-controlled;

(C) Generator or alternator may be direct/gear driven or belt driven. Belt driven generator or alternators shall be capable of handling the rated capacity of the generator or alternator with no detrimental effect on other belt driven components;

(d) Wiring, Chassis:

(A) General — all wiring shall conform to current applicable recommended practices of the Society of Automotive Engineers. All wiring shall use a standard color coding and each chassis shall be delivered with a wiring diagram that coincides with the wiring of the chassis;

(B) Chassis manufacturer shall install a readily accessible terminal strip or plug on the body side of the cowl, or at accessible location in engine compartment of vehicles designed without a cowl, which shall contain the following terminals for the body connections:

(i) Main 100-amp body circuit;

(ii) Tail lamps;

(iii) Right turn signal;

(iv) Left turn signal;

(v) Stop lamps;

(vi) Back up lamps;

(vii) Instrument panel lights (controlled by dimmer switch).

(e) Wiring, Body:

(A) All wiring shall conform to current standards of Society of Automotive Engineers;

(B) Circuits:

(i) Wiring shall be arranged in circuits, as required, with a circuit protection system. A system of color or number coding shall be used for all buses purchased after September 1, 1993 and an appropriate identifying diagram shall be provided the end user along with the wiring diagram provided by the chassis manufacturer. The following interconnecting circuits shall be color coded as noted:

(I) Left rear directional light — yellow;

(II) Right rear directional light — dark green;

(III) Stop lights — red;

(IV) Back-up lights — blue;

(V) Tail lights — brown;

(VI) Ground — white;

(VII) Ignition feed, primary feed — black;

(VIII) The color of cables shall correspond to SAE J1128.

(ii) Wiring shall be arranged in at least seven regular circuits, as follows:

(I) Head, tail, stop (brake) and instrument panel lamps;

(II) Clearance and step well lamps (step well lamp shall be activated when service door is opened);

(III) Dome lamp;

(IV) Ignition and emergency door signal;

(V) Turn signal lamps;

(VI) School Bus Safety Lights;

(VII) Heaters and defrosters.

(iii) Any of above combination circuits may be subdivided into additional independent circuits;

(iv) Whenever possible, all other electrical functions (such as sanders and electric-type windshield wipers) shall be provided with independent and properly protected circuits.

(C) The entire electrical system of the body shall be designed for the same voltage as the chassis on which the body is mounted;

(D) All wiring shall have an amperage capacity equal to or exceeding the designed load. All wiring splices are to be done at an accessible location and noted as splices on wiring schematic;

(E) Each body circuit shall be coded by number or letter on a diagram of easily readable size and be furnished with each bus body or affixed in an area convenient to the electrical accessory control panel;

(F) Body power wire is to be attached to special terminal on the chassis;

(G) All wires passing through metal openings shall be protected by a grommet;

(H) Wires not enclosed within body shall be fastened securely at intervals of not more than 18 inches. All joints shall be soldered or joined by equally effective connectors and shall be moisture and corrosion resistant.

(I) A 12-volt power port may be installed in the driver's area;

(J) There shall be a non-momentary manual noise suppression switch installed in the control panel. The switch shall be clearly labeled and distinguishable from other switches. This switch shall be an on/off type that deactivates body equipment that produces noise, including the AM/FM/audio radio, heaters, air conditioners, fans and defrosters. The switch shall not deactivate safety systems such as windshield wipers or lighting systems.

(23) Emergency Equipment:

(a) Belt cutter: Each bus shall have a belt cutter mounted in the driver's compartment within reach of a driver sitting in the driver's seat. Belt cutter shall be of a design offering protected cutting edges to prevent accidental or intentional injury to drivers or passengers;

(b) Emergency road reflectors:

(A) Each bus shall be equipped with at least three reflex reflective triangle vehicle warning devices that conform to 49 CFR 581.125;

(B) Reflectors must be in a container securely mounted with nut-and-bolt fasteners enhanced with large flat (fender) washers or held in place by a nut-and-bolt mounted metal bracket that also protects and secures the container lid. Both shall be located in an accessible location. Reflectors shall not be mounted in any engine compartment;

(c) Body fluid cleanup kit: Buses shall have a removable moisture proof and dust proof body fluid cleanup kit, mounted in an accessible place within the driver's compartment. Contents shall include at least the following items:

(A) Two pair rubber/latex gloves;

(B) Two four-ounce packages of stabilized chlorine absorbent deodorant (or equivalent) capable of stabilizing at least 1 liter/36 fl. oz. of body fluids;

(C) One spatula for pick up of congealed fluid;

(D) One plastic bag in which to place congealed fluid;

(E) One red plastic bag with tie, identified for infectious waste and as a bio-hazard;

(F) One two-ounce bottle of germicidal detergent to apply to a contaminated area;

(G) Four paper towels to wipe up contaminated area;

(H) One one-ounce antiseptic alcohol hand rinse (or equivalent);

(I) One placard of step by step use instructions;

(J) Germicidal detergents, stabilized chlorine absorbent deodorant, alcohol hand rinse, or their equivalents shall provide documentation of EPA approval regarding their microbiological efficacy for at least the following:

(i) Staphylococcus aureus;

(ii) Pseudomonas aeruginosa;

(iii) Salmonella choleraesuis;

(iv) Streptococcus species;

(v) Herpes simplex Type II;

(vi) HIV (Associated with AIDS);

(vii) Fungi (athlete's foot);

(viii) Poliovirus; and

(ix) Tuberculosis.

(K) Documentation of efficacy for Hepatitis B may be hospital or test studies. The certified effective shelf life of these products shall be a minimum of 12 months. Product expiration date shall be clearly displayed on all time-sensitive products.

(d) Fire extinguishers:

(A) Each bus shall be equipped with at least one pressurized, dry, chemical type fire extinguisher, mounted in a bracket, located in the driver's compartment, and readily accessible. A pressure gauge shall be mounted on the extinguisher so as to be readily read without removing the extinguisher from its mounted position;

(B) The fire extinguisher shall be of a type approved by the Underwriters Laboratories, Inc., with a rating of not less than 2 A-10 BC. The extinguisher shall have a minimum five-pound capacity and equipped with a hose and nozzle;

(C) The operating mechanism shall be sealed with a type of seal that will not interfere with the use of the fire extinguisher;

(D) Extinguishers with plastic heads are not permitted.

(e) First aid kit;

(A) Each bus shall have a readily removable, moisture proof and dustproof first-aid kit container mounted in an accessible place within driver's compartment;

(B) The first aid kit contains a minimum of 24 units that shall include the following:

- (i) One 1" adhesive compress — 16 per unit;
- (ii) Two 2" bandage compress — 4 per unit;
- (iii) Two 3" bandage compress — 2 per unit;
- (iv) Two 4" bandage compress — 1 per unit;
- (v) Two 3" x 3" plain gauze pads — 4 per unit;
- (vi) Two 2" x 6 yards gauze roller bandage — 1 per unit;
- (vii) Three 1/2 square yard gauze;
- (viii) Three 24" x 72" gauze;
- (ix) Four triangular bandages;
- (x) One 1/2 x 5 yards adhesive tape - one per unit;
- (xi) One round nose scissors and tweezers. Latex gloves - one pair; and
- (xii) One micro-shield for mouth-to-mouth airway (to lay on top of other contents).

(C) Specific local requirements may be substituted in lieu of 2 units of 1/2 square yard gauze.

(f) Any piece of emergency equipment may be mounted in an enclosed compartment, provided the compartment is labeled in not less than 1 inch letters, identifying each piece of equipment contained therein. If emergency road reflectors are stored outside the driver's compartment, the location of the triangles shall be displayed in a readily viewable location by the driver in minimum 1 inch letters.

(24) Emergency Exits:

(a) All emergency exits and doors shall comply with the design and performance requirements of 49 CFR 571.217, Bus Emergency Exits and Window Retention and Release applicable to that type of exit.

(b) In addition to the requirements of 49 CFR 571.217, all emergency exits and doors shall meet the additional requirements:

(A) Doors:

(i) Upper portion of emergency door shall be equipped with approved safety glazing, exposed area of not less than 400 square inches;

(ii) Lower portion of rear emergency door shall be equipped with approved safety glass and shall have an exposed area of not less than 350 square inches of approved safety glazing;

(iii) There shall be no steps leading to emergency door;

(iv) Clearance between outside emergency door handle and emergency door shall not exceed 1/4 inch when handle is in the closed position. Handle shall not provide a firm handhold for someone trying to "hitch" a ride. Handles shall be positioned to prevent snagging of clothing or pinching of fingers;

(v) Emergency door hinge shall not provide an opening for insertion of fingers when door is closed;

(vi) An adequately padded head bumper shall be placed on the interior directly above any emergency exit door opening. The pad shall extend the full width of the door opening and shall be at least three inches wide and one inch thick;

(vii) If emergency door is lockable, provision must be made to prevent the bus from starting while the door is locked. An audible warning which does not affect engine operation shall be provided to alert the driver should the door be locked while the bus is in operation; and

(viii) Emergency doors shall be labeled "Emergency Door" in minimum 2 inch letters that contrast with the background at the top of, or immediately above, the emergency door on both the inside and outside of the bus;

(B) Rear Push-Out Window:

(i) Rear push-out window shall be operable from inside or outside the bus;

(ii) Rear push-out window shall have a lifting assistance device that will aid in lifting and holding the rear emergency window open; and

(iii) If rear push-out window is lockable, provision must be made to prevent the bus from starting while the exit is locked. An audible warning which does not affect engine operation shall be provided to alert the driver should the exit be locked while the bus is in operation;

(C) Swing-Out Windows:

(i) Swing-out windows are windows along the side of the bus with a hinge that is opposite of the emergency release so that it "swings-out" when opened. Swing-out windows may be hinged along any edge of the window. If the hinge is installed vertically, it shall be installed on the forward side of the window;

(ii) Swing-out windows shall not be located above a stop arm;

(iii) Swing-out windows shall provide a minimum clear opening of 18" x 24"; and

(iv) Swing-out windows that are inoperable from the outside shall include the message "Operates From Inside Only" adjacent to the outside "Emergency Exit" labeling required under 49 CFR 571.217;

(D) Roof Hatches:

(i) Roof hatch shall be waterproof and provide a minimum clear opening of 16" x 16";

(ii) When a release mechanism on the roof hatch is open and the vehicle's ignition is in the "on" position, a continuous warning shall be audible at the drivers seating position; and

(iii) Roof hatch may also serve as a roof ventilator; however, this shall not be used in place of the required static vent.

(c) Each bus shall be equipped with:

(A) A rear emergency exit door and one roof hatch; or

(B) A left side emergency exit door, a rear emergency push out window, and one roof hatch.

(d) Buses equipped with a rear emergency exit door and roof hatch (as in paragraph (c)(A) of this section) require additional emergency exits based on the maximum design passenger capacity listed below (see also table 1):

(A) Buses designed or equipped with a maximum design passenger capacity of 1 to 22 shall also provide:

(i) 2 swing-out windows placed at approximately the midpoint of the passenger compartment; or

(ii) Side windows with a 12-inch vertical drop.

(B) Buses designed or equipped with a maximum design passenger capacity of 23 to 45 shall also provide:

(i) Left side emergency door; or

(ii) 2 swing-out windows at approximately the midpoint of the passenger compartment.

(C) Buses designed or equipped with a maximum design passenger capacity of 46 and above shall also provide one additional roof hatch and:

(i) Left side emergency door; or

(ii) 4 swing-out windows at approximately the midpoint of the passenger compartment, but not immediately adjacent to each other.

(e) Buses equipped with a left side door and rear push-out window (as in paragraph (c)(B) of this section) require additional emergency exits based on the maximum design passenger capacity listed below (see also table 2):

(A) Buses designed or equipped with a maximum design passenger capacity of 1 to 22 shall also provide:

(i) 2 swing-out windows placed at approximately the midpoint of the passenger compartment; or

(ii) Side windows with a 12-inch vertical drop.

(B) Buses designed or equipped with a maximum design passenger capacity of 23 to 45 shall also provide:

(i) Right side emergency door; or

(ii) Two 2 swing-out windows.

(C) Buses designed or equipped with a maximum design passenger capacity of 46 and above shall also provide one additional roof hatch and:

(i) Right side emergency door; or

(ii) Four swing-out windows.

(f) Any additional emergency exits necessary to comply with the “additional emergency exit area” requirements of 49 CFR 571.217 shall be made by the vehicle purchaser.

(g) Manufacturer shall identify all emergency exits used for calculations relating to this rule and 49 CFR 571.217 compliance and list the daylight (clear) opening for each exit.

(h) All emergency exits shall be marked on the exterior perimeter with one-inch retroreflective yellow or white material that meets the retro-reflectivity requirements of section (57) of this rule. ~~The color of the retroreflective material may be white for a roof hatch on a white roof.~~

(25) Emissions: School buses that operate on diesel fuel shall:

(a) Have engines manufactured on or after January 1, 2007; or

(b) Be retrofitted to meet the same federal emission standards as a bus equipped with an engine manufactured on or after January 1, 2007.

(26) Engine Compartment Fire Suppression System: An automatic fire suppression systems may be installed. If installed, the fire suppression system shall:

(a) Be located in the engine compartment on buses and be automatically activated when the fire detector has detected a fire in the engine compartment. The system shall also include a mechanism for activation by the driver;

(b) Have nozzles for fire suppression that shall be located under the school bus, in the electrical panel and under the dashboard, but not in the passenger compartment.

(c) Include a lamp or buzzer to alert the driver when the system has been activated; and

(d) Meet the SP Technical Research Institute of Sweden (SP) P-Mark certification standard.

(27) Exhaust System:

(a) The exhaust pipe, muffler, and tailpipe shall be outside bus body compartment and attached to chassis so any other chassis component is not damaged;

(b) Tailpipe and after-treatment system shall be constructed of a corrosion-resistant tubing material at least equal in strength and durability to 16-gauge steel tubing of equal diameter;

(c) Tailpipe shall meet one of the following options:

(A) Tailpipe may exit in the rear of the bus provided it:

(i) Does not create a hand hold.

(ii) Does not create a step.

(iii) Exhaust is defused away from passenger compartment.

(iv) Exits to the left or the right of the emergency exit door.

(B) Tailpipe may extend to, but not beyond the body limits on the left side of the bus forward or rearward of the rear tires outboard of chassis centerline. If the tailpipe terminates forward of the rear tires it shall terminate not more than 24 inches or less than 6 inches forward of rear tires. No tailpipe shall terminate beneath any emergency exit or fuel fill receptacle;

(C) Tailpipe shall not exit the right side of the vehicle.

(d) Exhaust system shall be properly insulated from fuel tank and connections by securely attached metal shield at any point where it is 12 inches or less from tank or tank connections;

(e) Muffler shall be constructed of corrosion-resistant material;

(f) The design of an after-treatment system shall not allow active (non-manual) regeneration of the particulate filter during the loading and unloading of passengers. Manual regeneration systems will be designed such that unintentional operation will not occur; and

(g) For after-treatment systems that require Diesel Exhaust Fluid (DEF) to meet federally mandated emission standards:

(A) The composition of DEF must comply with ISO 22241-1; and

(B) The DEF supply tank shall be sized to meet a minimum ration of three diesel fills to one DEF fill.

(28) Fenders, Front:

(a) Total spread of outer edges of front fenders, measured at fender line, shall exceed total spread of front tires when front wheels are in straight-ahead position;

(b) When equipped, front fenders shall be properly braced and free from any body attachments.

(29) Floor:

(a) Floor in under seat area, including tops of wheel housing, driver's compartment and toe board, shall be covered with rubber floor covering or equivalent having minimum overall thickness of .125 inch:

(A) Floor covering in aisle shall be of aisle-type fire-resistant rubber or equivalent, wear-resistant and ribbed or equivalent non-slip material. Minimum overall thickness shall be .1875 inch measured from tops of ribs;

(B) Floor covering shall be permanently bonded to floor and shall not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof and shall be of type recommended by manufacturer of floor-covering material. All seams shall be sealed with waterproof sealer.

(b) Edge of floor at step well shall be treated as a step edge and shall be protected as required in section (69)(f)(C) of this rule;

(c) A vapor and liquid proof inspection plate provided for access to the fuel tank sending may be installed;

(d) A subfloor of 5-ply plywood, at least 1/2-inch nominal thickness or equivalent for type A buses and 5/8-inch nominal thickness or equivalent for all other buses, shall be installed over the standard school bus floor. Plywood shall equal or exceed properties of exterior grade C-C plywood as specified in NIST PS 1. Floor shall be level from front to back and from side to side except for wheel housing, toe board and driver's seat platform areas;

(e) Plywood sub-floor may be replaced with an equivalent material provided it has equal or greater insulation R-value, sound abatement, deterioration-resistant, and moisture-resistant properties.

(30) Frame:

(a) Frame shall be of such design and strength characteristics as to correspond at least to standard practice, for trucks of same general load characteristics which are used for highway service;

(b) Any secondary manufacturer that modifies the original chassis frame shall guarantee the performance of workmanship and materials resulting from such modification;

(c) Any frame modification shall not be for the purpose of extending the wheelbase;

(d) Holes in top or bottom flanges of frame side rail shall not be permitted except as provided in original chassis frame. There shall be no welding to frame side rails except by chassis manufacturer;

(e) Frame lengths shall be established in accordance with the design criteria for the complete vehicle.

(31) Fuel System:

(a) The following fuels may be used:

(A) Diesel, including biodiesel blends,

(B) Gasoline, including ethanol blends,

(C) Liquefied Petroleum Gas (LPG),

(D) Compressed Natural Gas (CNG),

(E) Dual fuel systems using any combination of (A) through (D) above, provided that the system:

(i) Meets Environmental Protection Agency specifications;

(ii) Meets vehicle manufacture specifications; and

(iii) Has been approved by the Oregon Department of Education.

(F) Other fuels may be approved by the Oregon Department of Education upon request.

(b) Buses with a capacity of 57 or less shall be equipped with one or more fuel tanks that provide a combined liquid capacity of not less than 25 gallons.

(c) Buses with a capacity of 58 or more shall be equipped with one or more fuel tanks that provide a combined liquid capacity of not less than 60 gallons.

- (d) The actual draw capacity of each fuel tank shall be a minimum of 83 percent of the tank capacity.
  - (e) No portion of the fuel system, which is located outside of the engine compartment, except the filler tube, shall extend above the top of the chassis frame rail. Fuel lines shall be mounted to obtain maximum possible protection from the chassis frame;
  - (f) Fuel filter with replaceable element shall be installed between fuel tank and engine;
  - (g) Tank(s) shall be mounted, filled and vented outside of body. The tank(s) location shall not permit fuel spillage to drip or drain on any portion of the exhaust system.
  - (h) Liquefied Petroleum Gas (LPG) systems shall comply with National Fire Protection Association (NFPA) 58, Liquefied Petroleum Gas Code.
- (32) G.P.S. Navigation: A G.P.S. navigation unit may be installed. The unit shall not block any windows, gauges or indicator lights that are required. Portable units shall use an installed 12-volt power port.
- (33) Governor:
- (a) An electronic engine speed limiter shall be provided and set to limit engine speed, not to exceed the maximum revolutions per minute, as recommended by the engine manufacturer.
  - (b) When it is desired to limit road speed, a road-speed governor should be installed;
- (34) Heaters:
- (a) At least one heater of hot water type shall be required;
  - (b) If only one heater is used, it shall be of fresh-air or combination fresh-air and recirculation type;
  - (c) If more than one heater is used, additional heaters may be of recirculation air type;
  - (d) The heating system shall be capable of maintaining throughout the bus a temperature of not less than 50 degrees Fahrenheit at average minimum January temperature as established by the National Weather Service, for the area in which the vehicle is to be operated;
  - (e) All heaters shall bear a name plate which shall indicate the heater rating in accordance with SBMTC Standard No. 001, said plate to be affixed by the heater manufacturer which shall constitute certification that the heater performance is as shown on the plate;
  - (f) Heater hoses shall be adequately supported to guard against excessive wear due to vibration. The hoses shall not dangle or rub against the chassis or sharp edges, and shall not interfere with or restrict the operation of any engine function. Heater hose shall conform to SAE J20c. Heater hoses on the interior of the bus shall be shielded to prevent scalding of the driver or passengers;
  - (g) Each hot water heater system installed by a body manufacturer shall include a shutoff valve installed in the pressure and return lines near the engine in an accessible location. There shall be a water flow regulating valve or airflow regulating door for the front heater installed for convenient operation by the driver while seated;
  - (h) Return heater lines on body company installed heaters shall be equipped with bleeder valves in an accessible location to allow for removal of heater line air;

(i) Auxiliary fuel-fired combustion heating systems may be installed, provided that:

(A) The auxiliary heating system shall be marked plainly with certification stating, "Meets FMCSA Bus Heater Requirements"

(B) The auxiliary heating system shall utilize the same type of fuel as specified for the vehicle engine;

(C) The auxiliary heating system may be direct, hot air-type or may be connected to the engine coolant system;

(D) When connected to the engine coolant system, the auxiliary heating system may be used to preheat the engine coolant or preheat and add supplementary heat to the heating system, or both;

(E) Auxiliary heating systems shall be installed pursuant to the manufacturer's recommendations outside of the passenger compartment;

(F) Exhaust from auxiliary heating system shall not exit the right side of the bus;

(G) Installation of auxiliary heating system shall not compromise the requirements of Title 49 CFR Part 579.301 Fuel System Integrity.

(j) Portable heaters shall not be used.

(35) Horn: Bus shall be equipped with horn or horns of standard make, each horn capable of producing complex sound in bands of audio frequencies between approximately 250 and 2,000 cycles per second and tested per SAE Standard J-377.

(36) Identification:

(a) School buses shall bear the words "SCHOOL BUS" in black capital series letters at least eight inches high and of proportionate width on both front and rear of bus. Lettering shall be placed as high as possible without impairment of its visibility. The background shall be a maximum of 12 inches by 36 inches and shall be either:

(A) Retroreflective material that conforms to the retro-reflectivity requirements of section (57); or

(B) Illuminated.

(b) A warning sign shall be installed on the rear of all school buses calling attention to the school bus stop law. It shall be located in the most attainable vertical center of the rear emergency door, between the upper and lower windows. Signs on rear engine transit type buses shall be vertically centered and horizontally adjacent to the left and right upper brake lights. Sign shall be either:

(A) A decal with white retroreflectorized letters that conforms to the retroreflective requirements listed in section (59) of this rule mounted on a flat black background. The word message shall be centered horizontally and vertically on the decal. The decal shall have the lettering shown below:

UNLAWFUL TO PASS (3 inches in height)

WHEN (1 inches in height)

RED LIGHTS FLASH (3 inches in height) or:

(B) An electronic sign that displays warning messages to motorists. The electronic sign:

(i) Shall be sealed weather tight construction approximately 23.5 X 8.75 X 1.5 in size.

(ii) Shall be connected to the school bus safety lights;

(iii) Shall alternately flash the word message "CAUTION" and the word message "STOPPING" when the amber school bus safety lights are active. The letters in the word messages shall be amber with a minimum height of three inches;

(iv) Shall alternately flash the word message "STOP" and the word message "DO NOT PASS" when the red school bus lights are active. The letters in the word messages shall be red with a minimum of three inches;

(v) May flash or display the word message "CAUTION" or the word message "CAUTION STOPPING" when the hazard lights are activated. The letters in the word message shall be amber with a minimum height of three inches;

(vi) May flash or display the word message "CAUTION" when the backup lights are activated. The letters in the word message shall be amber with a minimum height of three inches;

(vii) Shall have a minimum viewing angle of 15 degrees on each side of the perpendicular axis;

(viii) Flashing messages may be controlled by the hazard light and school bus safety light flashers;

(ix) Word and picture messages shall be clearly visible in direct sunlight from a distance of 500 feet along the axis of the vehicle; and

(x) L.E.D. lights, if used, shall be of sufficient quantity to result in a clear and legible message.

(C) An electronic sign that displays warning messages to motorists may be placed on the front of the bus provided that:

(i) There is an electronic sign on the back of the bus per section (B) above;

(ii) The sign shall only be wired to the amber and red bus safety lights; and

(iii) The sign shall be mounted below the windshield, vertically centered.

(D) If a Stop Arm Camera system as described in section (11) is installed, the warning sign shall include a decal that shall have the lettering shown below in white retroreflectorized letters that conforms to the retroreflective requirements listed in section (59) of this rule mounted on a flat black background:

CAMERA IN USE (3 inches in height)

If space will not permit this lettering below the other three required lines of text, it may be applied below the rear door window.

(c) The name of the school district, private school, or parochial school, and contractor name if applicable, shall be placed on the left and right sides of the bus. The name shall appear in the area directly below the side windows and the letters and figures in the name shall not be less than four inches nor more than seven inches in height and of proportionate width;

(d) School team name or contractor's insignia may be placed above the side windows on the front portion of the bus body. All such lettering must be approved by the Pupil Transportation Section of the Oregon Department of Education;

(e) One bus identification number at least four inches in height shall be placed on a flat vertical surface on each side and on the front and rear of the bus. At least one complete bus identification number shall be visible from any point 50 feet from the bus. Type A-1 and A-2 bus numbers may be three inches in height.

(f) Only signs and lettering approved by state law or by the regulations of the Department of Education shall appear on the inside or outside of a school bus.

(g) Optional identification and lettering may be added to the vehicle as outlined below:

(A) Bus identification number on top of the bus. Numbers shall be black and a minimum of 12 inches high;

(B) The location of the battery(ies) identified by the word "BATTERY" or "BATTERIES" in black letters on the battery compartment door in 2-inch capital series letters;

(C) Manufacture or dealer identification or logos. Placement must be approved by the Pupil Transportation Section of the Oregon Department of Education;

(D) Identification of fuel type on or adjacent to the fuel filler opening in 2-inch black capital series letters;

(E) Symbols, letters, or numbers not to exceed 64 square inches of total display near the entrance door, displaying information for identification by the students of the bus or route served;

(F) Buses designed and used for transporting children with special needs may display universal handicapped symbols located near service entrance door and at the rear of the vehicle below the window line. Such emblems shall be white on blue, shall not exceed 12 inches square in size, and may be reflectorized.

(37) Inside Height:

(a) Clear inside body height for type A-1 buses shall be a minimum of 62 inches measured at any point on the longitudinal center line from the front vertical bow to the rear vertical bow.

(b) Clear inside body height for all other buses shall be a minimum of 72 inches measured at any point on the longitudinal center line from front vertical bow to rear vertical bow.

(c) Height requirements do not apply to air conditioning units installed in the passenger compartment when installed to manufacture's specifications.

(38) Instruments, Gauges, and Indicators:

(a) Bus shall be equipped with the following instruments and gauges. (Telltale warning lights in lieu of gauges are not acceptable except as noted:

(A) Speedometer;

(B) Odometer, which will give accrued mileage including tenths of miles;

(C) Voltmeter: A graduated charge and discharge ammeter compatible with generating capacities is permitted in lieu of or in addition to a voltmeter;

(D) Oil-pressure gauge;

(E) Water temperature gauge;

(F) Fuel gauge;

(G) High beam headlight indicator light;

(H) Air pressure or vacuum gauge according to brake system used: Light indicator or gauge required on vehicle equipped with hydraulic-over hydraulic brake system;

(I) Turn signal indicator light;

(J) Tachometer on type B, C, or D buses. Tachometer is optional on Type A buses;

(K) Glow plug indicator light, where appropriate;

(L) Fog light indicator, if fog lights are installed;

(M) Bus safety light pilot lamps / monitors: Each bus shall be equipped with 2 illuminated pilot lamps, one amber and one red. The placement of these lamps shall be in accordance with other telltale light placement requirements in 49 CFR 571.101 Controls and Displays. Pilot lamps shall provide an unmistakable indication that the flasher system is operating and an unmistakable indication if any lamp is not operating or the system is not otherwise functioning normally.

(b) All instruments shall be easily accessible for maintenance and repair;

(c) Above instruments and gauges shall be mounted on instrument panel in such a manner that each is clearly visible to and lies within a 140-degree field of vision for a 95th percentile female anthropomorphic dummy while in normal seated position. Items installed after manufacture shall not block the view of any instrument or gauge listed above.

(d) Instrument panel shall have lamps of sufficient candlepower to illuminate all instruments and gauges and shift selector indicator for automatic transmission.

(e) All control and indicator lights shall be dimmable except telltale lights. Control and indicator lights may be controlled by one or two dimmer switches.

(39) Insulation:

(a) Ceiling and walls shall be insulated with proper material to deaden sound and to reduce vibration to a minimum.

(b) Thermal insulation that is fire-resistant, non-water absorbing, UL approved, with a minimum R-value of 5.5 shall be installed in the ceiling and walls;

(c) If floor insulation is desired it shall be installed in accordance with the floor section of this rule.

(40) Interior:

(a) Interior of bus shall be free of all projections, including but not limited to luggage/book racks or attendant hand holds, that can cause injury in the event of a collision or rollover. Padded and full enclosed overhead storage above the seating area is allowed.

(b) The ceilings and walls shall have an inner lining.

(c) If ceiling is constructed with lap joints, forward panel shall be lapped by rear panel and exposed edges shall be beaded, hemmed, flanged or otherwise treated to minimize sharp edges;

(d) Buses shall assure noise level taken at the ear of the occupant nearest to the primary vehicle noise source shall not exceed 85 DBA when tested according to the Noise Test Procedure.

(41) Lamps and Signals:

(a) All lamps, signals, and reflectors shall comply with the design and performance requirements of FMVSS No. 108, Lamps, reflective devices, and associated equipment; Oregon Revised Statutes, Chapter 816, Vehicle Equipment: Lights; and Oregon Administrative rules, Chapter 735, Division 108, Lighting Equipment applicable to that type of lamp, signal or reflector.

(b) The following lights shall be installed with any additional requirements listed:

(A) Back-up lamps: The bus shall be equipped with 2 white rear back-up lamps that have a minimum illuminated area of 12 square inches. If back up lamps are placed in the same horizontal line as the tail-stop lamps and turn signal lamps, they shall be to the inside.

(B) Back-up warning alarm: An automatic audible alarm shall be installed on the rear of the bus that complies with SAE 994 Back-Up Alarm Standard specifying a minimum of 97±4db(A).

(C) Bus Safety Lights:

(i) Shall have red and amber flashing lights installed in accordance with SAE Standard J887. Each amber light shall be located near each red signal lamp, at the same level, but closer to the vertical centerline of the bus.

(ii) The area around each lens of the bus safety lights shall be painted black, extending outward a minimum of 3 inches where practicable.

(iii) The front bus safety lights shall be visible either directly or indirectly from inside the bus.

(iv) A separate fuse or circuit breaker, adequate to prevent damage to the system in the event of a short circuit, shall be provided between the power source and flasher system.

(v) The system shall be wired so that the system is activated by a manually operated spring-loaded switch that is clearly labeled and distinguishable from other switches.

(vi) A circuit master switch, if installed, shall be part of the activation switch outlined in subparagraph (v) of this paragraph.

(vii) Buses equipped with power-controlled entrance doors may have an additional spring loaded switch that will activate the red school bus safety lights prior to opening the entrance door or keep the red bus safety lights on after closing the entrance door.

(viii) The flashing mechanism shall be capable of carrying the full current load of the signal system.

(ix) Each lamp shall have a minimum illumination area of 38 square inches, flash a minimum of 60 times per minute, and be clearly visible in direct sunlight from a distance of 500ft along the axis of the vehicle.

(x) The Bus Safety Light System shall operate as follows:

(I) The bus safety light activation switch shall activate the amber safety lights when the entrance door is closed or red safety lights when the entrance door is open;

(II) When amber safety lights are activated, they shall automatically deactivate and the red safety lights shall automatically activate when the entrance door is opened; [door switch shall not have more than two positions to open or close door;](#)

(III) Once active, the red safety lights shall automatically deactivate when the entrance door is closed; No bus safety lights shall activate when the entrance door is opened without first pressing the bus safety light activation switch;

(IV) The amber bus safety lights and red bus safety lights shall not flash at the same time.

(V) There shall be a canceling switch that will deactivate the bus safety lights and activation sequence if they are accidentally activated or if the driver discovers there is no need to make a stop after activating the switch.

(D) Clearance lamps;

(E) Headlamps;

(F) Identification Lamps;

(G) Fog lamps may be installed:

(i) Fog lamps shall be mounted symmetrically around the front centerline of the bus, below the headlights not less than 12 inches, no more than 30 inches above the ground;

(ii) Fog lamps shall be wired to a separate switch and pilot light and shall only come on when the low beam head lights are on.

(H) Interior dome lamps: Interior lamps shall be provided which will adequately illuminate interior aisles. There shall be at least one interior lamp for every two rows of passenger seats. One or two rear dome lamp(s) shall be wired through a separate switch unless there are less than five rows of seats.

(I) Reflectors;

(J) Side Marker Lamps;

(K) Step well Lamp: A step well lamp shall be provided which will adequately illuminate the entire step well. The lamp circuit shall be wired through the headlamp or clearance lamp system and shall be activated only when the door is opened.

(L) Strobe Lamp: A white flashing strobe lamp may be installed on the longitudinal center of the roof on the rear third of the bus, but no closer than one foot from the rear of the bus.

(i) The lamp shall have a single clear lens emitting light 360 degrees around its vertical axis and may not extend above the roof more than 6-1/2 inches, or exceed maximum legal vehicle height.

(ii) The lamp shall have a separate switch and be wired through the vehicle hazard lamp system. A pilot lamp to indicate when the light is in operation is required.

(M) Tail lamps & Stop lamps: Buses shall be equipped with four combination red tail-stop lamps.

(i) Two combination lamps with a minimum 38 square inches of illuminated area shall be mounted immediately inside of, and in line with, the rear turn signal lamps.

(ii) Two combination lamps with a minimum 12 square inches of illuminated area shall be placed on the rear of the bus between the beltline and the floor line. The horizontal centerline of the lights shall be a maximum of 12 inches above the floor line.

(iii) Stop lamps shall be activated by the service brakes and shall emit a steady light when illuminated.

(N) Turn Signals:

(i) Front signals shall either:

(I) have a minimum illuminated area of 38 square inches; or

(II) be manufacturer's standard front turn signals for Type A.

(ii) Rear signals shall have a minimum illuminated area of 38 square inches and be placed as wide apart as practical with the horizontal centerline a maximum of 12 inches below the rear window.

(iii) Side signals: A turn signal lamp with a minimum of 4 candlepower shall be mounted on each side of the bus at approximately seat level height, located to the rear of the entrance door on the right side, and to the rear of the stop arm on the left side. Side turn signals should be in approximately the same location on each side of the bus. Additional side turn signals may be installed if the horizontal centerline is the same for all side turn signals, and additional signals are in the same approximate location on each side of the bus.

(iv) All turn signal lamps shall be amber in color.

(v) All turn signal lamps shall be independent units and connected to turn signal switch and four-way hazard warning switch that will cause all turn signals to flash simultaneously.

(42) Metal Treatment:

(a) All metal used in construction of bus body shall be zinc- or aluminum-coated or treated by equivalent process before bus is constructed. Included are such items as structural members, inside and outside panels and floor sills; excluded are such items as door handles, grab handles, interior decorative parts and other interior plated parts;

(b) All metal parts that will be painted shall be (in addition to above requirements) chemically cleaned, etched, zinc-phosphate coated and zinc-chromate or epoxy primed or conditioned by equivalent process;

(c) In providing for these requirements, particular attention shall be given lapped surfaces, welded connections of structural members, cut edges, punched or drilled hole areas in sheet metal, closed or box sections, un-vented or un-drained areas and surfaces subjected to abrasion during vehicle operation;

(d) As evidence that above requirements have been met, samples of materials and sections used in construction of bus shall be subjected to a cyclic corrosion testing as outlined in SAE J1563.

(43) Mirrors:

(a) Exterior Mirror Systems:

(A) Bus shall be equipped with mirror systems complying with 49 CFR Part 571, FMVSS 111 as adopted by the National Highway Traffic Safety Administration for December 3, 1993 implementation, plus all applicable standards specified in this rule;

(B) Manufacturer shall certify compliance with mirror and direct/indirect visibility standards listed in the aforementioned FMVSS 111.

(b) Interior Mirror:

(A) Interior mirror shall be either laminated or tempered. Mirror shall be a minimum of 6" x 30". Mirror shall have rounded corners and protected edges;

(B) Type A buses shall be equipped with a mirror that is 6" x 16" or providing at least 96 square inches of flat mirror surface;

(C) Bus seller shall certify compliance with mirror and direct/indirect visibility standards listed in the aforementioned FMVSS 111 and provide a copy to used bus purchasers when certification is not available from manufacturer for all buses manufactured prior to January 1, 1994.

(44) Mobile Data Terminal (MDT): A school bus may be equipped with a MDT which meets all of the following specifications:

(a) The MDT shall be installed so that it does not block any windows, mirrors, operational controls, gauges, or telltale indicator lights.

(b) Unless used as a navigation aid, the MDT display shall be blank anytime that:

(A) The vehicle transmission is not in the park position, or for a vehicle that does not have a park position, anytime that the vehicle is not in neutral and the parking brake is not engaged; or

(B) The bus safety lights are operating

(c) If used as a navigation aid, the MDT may display a map of the route instead of a blank display when required.

(d) The MDT shall not accept driver input or other interaction at any time that the screen is to be blank or displaying a map as required in this section.

(45) Mounting:

(a) Chassis frame shall support rear body cross member. Bus body shall be attached to chassis frame at each main floor sill, except where chassis components interfere, in such a manner as to prevent shifting or separation of body from chassis under severe operating conditions;

(b) Body front shall be attached and sealed to chassis in such manner as to prevent entry of water, dust or fumes through joint between chassis cowl and body;

(c) When floor is provided by bus body manufacturer, adequate insulating padding shall be placed at all contact points between body and chassis frame. Insulating material shall be approximately 1/4-inch thick and shall be so attached as to prevent movement under severe operating conditions.

(46) Mud Flaps:

(a) Mud flaps or splash aprons are required for rear wheels on all school buses;

(b) Flaps shall be of heavy-duty rubberized material or equivalent and shall extend at least the full width of tires from a point above the center of the tires to a point not more than ten inches above the surface of the highway when such vehicle is empty.

(47) Oil Filter: Oil filter of replaceable element or cartridge type shall be provided and shall be connected by flexible oil lines if it is not built-in or engine mounted design. Oil filter shall have a capacity in accordance with the engine manufacturer's recommendation.

(48) Openings: All openings in floorboard or firewall between chassis and passenger-carrying compartment, such as for gearshift lever and parking brake lever, shall be sealed. Access plates to cover openings shall have adequate gaskets and be fastened securely.

(49) Overall Length: Maximum length for school buses shall be limited to 45 feet.

(50) Overall Width: Overall width of bus shall not exceed 8.5 feet. The mirrors may exceed the maximum allowable width by a distance of not greater than five inches on each side of the vehicle.

(51) Overhang: Body shall be so mounted as to comply with requirements described in chassis weight distribution standard. Body length extending beyond the rear axle shall not exceed three-fourths the length of the vehicle's wheel base per Oregon Vehicle Code.

(52) Passenger Load:

(a) Actual gross vehicle weight (GVW) is the sum of the chassis wet weight, plus the body weight, plus the driver's weight, plus total seated pupil weight:

(A) For purposes of calculation, the driver's weight is 250 pounds;

(B) For purposes of calculation, the pupil weight is 120 pounds per pupil.

(b) Actual gross vehicle weight (GVW) shall not exceed the chassis manufacturer's gross vehicle weight rating (GVWR) or gross axle weight rating (GAWR) for the chassis;

(c) Manufacturer's gross vehicle weight rating and other chassis information shall be furnished by the manufacturer, the manufacturer's representative or seller to the Oregon Department of Education on forms furnished by the department.

(53) Power and Gradeability: Gross vehicle weight (GVW) shall not exceed 165 pounds per net published horsepower of the engine at the manufacturer's recommended maximum number of revolutions per minute.

(54) Power Lift: A power lift may be installed

(a) Vehicle lifts and installations shall comply with the public use lift requirements set forth in 49 CFR 571.403, Platform Lift Systems for Motor Vehicles, and 49 CFR 571.404, Platform Lift Installations in Motor Vehicles. This rule change applies to buses manufactured after December 27, 2004.

(b) Lifting mechanism shall be located on the right side of the bus and be capable of lifting a minimum load of 800 pounds;

(c) When the platform is in the fully upright position, it shall be locked in position mechanically by means other than a support, or lug in the door;

(d) Controls shall be provided that enable the operator to activate the lift mechanism from either inside or outside of the bus. There shall be a means of preventing the lift platform from falling while in operation due to a power failure. If equipped with a control switch flex cord, the cord shall be installed to minimize entanglement with lift mechanism;

(e) Power lifts shall be so equipped that they may be manually raised and lowered in the event of power failure of the power lift mechanism;

(f) Lift travel shall allow the lift platform to rest securely on the ground;

(g) All edges of the platform shall be designed to restrain wheelchair and operator's feet from being entangled during the raising and lowering process;

(h) Lift platform shall have a minimum usable area of 30 inches by 48 inches;

(i) Platform shall be fitted on both sides with full width barriers which extend above the floor line of the lift platform;

(j) A restraining device shall be affixed to the outer edge (curb end) of the platform that will prohibit the wheelchair from rolling off the platform when the lift is in any position other than fully extended to ground or desired platform level. Minimum height of device/barrier shall be four inches;

(k) A self-adjusting, skid resistant plate shall be installed on the outer edge of the platform to minimize the incline from the lift platform to the ground level. This plate, if so designed, may also suffice as the restraining device described in subsection (h) of this section. The lift platform must be skid resistant;

(l) A circuit breaker or fuse shall be installed between power source and lift motor if electrical power is used;

(m) The lift mechanism shall be equipped with adjustable limit switches or bypass valves to prevent excessive pressure from building in the hydraulic system when the platform reaches the full up position or full down position;

(n) Sharp corners or projections of the lift which are likely to cause injury to passengers in the event of a collision or rollover shall be padded with impact absorbing material;

(o) There shall be no exposed areas on lift mechanism or adjacent to lift that could cause injury to children while lift is in motion;

(p) Power unit for lift shall be located so as not to restrict or impair center aisle space or foot and leg room between seats;

(q) If body floor section serves as a portion of the lift platform, the adjacent under-floor areas on three sides shall be closed off with shields when platform is in the lowered position;

(r) Platform shall be confined within the perimeter of the school bus body when not extended, in no way attached to the exterior sides of the bus.

(55) Racks: The installation of any kind of exterior luggage rack outside the bus is prohibited. This does not prohibit enclosed luggage compartments.

(56) Radios and Public Address Systems:

(a) Buses shall be equipped with a public address system having interior and exterior speakers and a switch to separate inside and outside speaker systems.

(b) AM/FM/audio radio may be installed.

(c) Interior speakers mounted in the ceiling panels or side panels shall be either flush mounted or may protrude not more than 1-1/2 inches if the speaker housing is free of any corners or projections which can cause injury by striking with the head or in the event of a collision or rollover. Speakers protruding more than 1-1/2 inches may be mounted in the vertical end panels above the windshield or back windows as long as speakers are free of corners or projections that could cause injury;

(d) Speakers shall not be placed above any aisle or within four feet of the driver's seat back in its rearmost upright position;

(57) Ramps: a ramp may be installed on Type A buses:

(a) Ramp shall utilize a special service entrance located on the right side of the bus that is not less than 30 inches in width;

(b) Ramp shall be of sufficient strength and rigidity to support wheelchair, occupant and attendant. It shall be equipped with protective flange on each longitudinal side to keep wheelchair on ramp;

(c) Floor of ramp shall be covered with nonskid material;

(d) Ramp shall be of weight, and equipped with handle(s), to permit one person to put ramp in place and return it to storage place;

(e) Provisions shall be made to secure ramp to side of bus for use without danger of detachment, and ramp shall be connected to bus at floor level in such manner as to permit easy access of wheels on wheelchair to floor of bus;

(f) Ramp shall be at least 80 inches in length, and width of the ramp shall be adequate to accommodate wheelchairs up to 30 inches wide. Ramp shall be of one piece, or two 40-inch sections hinged to allow for storage;

(g) Dustproof and waterproof enclosed container shall be provided.

(h) Ramp shall not be stored in the passenger compartment.

(58) Retarder System: Retarder system, if installed, shall maintain the speed of the fully loaded school bus at 19.0 MPH on a seven percent grade for 3.6 miles without incurring damage to the retarder or vehicle.

(59) Retroreflective Material and Placement:

(a) Red: when used or required, red retroreflective material shall meet or exceed ASDM D4956 standards for type V super high-intensity sheeting and have a coefficient of retro-reflection equal to or greater than:

(A) 120 for an observation angle of 0.2 degrees and a light entrance angle of -4 degrees; and

(B) 72 for an observation angle of 0.2 degrees and a light entrance angle of +30 degrees; and

(C) 28 for an observation angle of 0.5 degrees and a light entrance angle of -4 degrees; and

(D) 13 for an observation angle of 0.5 degrees and a light entrance angle of +30 degrees;

(b) White: when used or required, white retroreflective material shall meet or exceed ASDM D4956 standards for type V super high-intensity sheeting and have a coefficient of retro-reflection equal to or greater than:

(A) 700 for an observation angle of 0.2 degrees and a light entrance angle of -4 degrees; and

(B) 400 for an observation angle of 0.2 degrees and a light entrance angle of +30 degrees; and

(C) 160 for an observation angle of 0.5 degrees and a light entrance angle of -4 degrees; and

(D) 75 for an observation angle of 0.5 degrees and a light entrance angle of +30 degrees;

(E) Exception: white retroreflective material on the "unlawful to pass" sign shall meet or exceed ASDM D4956 standards for type I engineering grade sheeting and have a coefficient of retro-reflection equal to or greater than:

(i) 70 for an observation angle of 0.2 degrees and a light entrance angle of -4 degrees; and

(ii) 30 for an observation angle of 0.2 degrees and a light entrance angle of +30 degrees; and

(iii) 30 for an observation angle of 0.5 degrees and a light entrance angle of -4 degrees; and

(iv) 15 for an observation angle of 0.5 degrees and a light entrance angle of +30 degrees;

(c) Yellow: when used or required, yellow retroreflective material shall meet or exceed ASDM D4956 standards for type V super high-intensity sheeting and have a coefficient of retro-reflection equal to or greater than:

(A) 470 for an observation angle of 0.2 degrees and a light entrance angle of -4 degrees; and

(B) 270 for an observation angle of 0.2 degrees and a light entrance angle of +30 degrees; and

(C) 110 for an observation angle of 0.5 degrees and a light entrance angle of -4 degrees; and

(D) 51 for an observation angle of 0.5 degrees and a light entrance angle of +30 degrees;

(d) All retroreflective material shall maintain at least 50 percent of the coefficient of retro-reflection for a minimum of six years.

(e) Bumpers may be marked diagonally 45 degrees down to centerline of pavement with two-inch wide strips of black retroreflective material.

(f) Rub Rails may have retroreflective black material.

(g) The rear of the bus body shall be marked with strips of retroreflective yellow material that is a minimum of 1 inch and a maximum of 2 inches to outline the perimeter of the back of the bus. The horizontal strips shall be placed above the rear windows, and immediately above the bumper. Both horizontal strips shall extend to each rear corner of the bus. The vertical strips shall connect the two horizontal strips.

(h) Each side of the bus shall be marked with yellow retroreflective material that extends for the entire length of the bus body and is either:

(A) A background for the name of the school district identification required in section (36)(c) of this rule that is not less than 6 inches and not more than 12 inches in width; or

(B) A two-inch-wide strip that is between the beltline and the floor line;

(i) Further retroreflective placement requirements can be found in: Emergency Exits (section 24 of this rule), Identification (section 36 of this rule), and Stop Arm (section 69 of this rule)

(60) Rub Rails:

(a) There shall be one rub rail on each side of bus at, or no more than 8 inches above, the seat cushion level which shall extend from rear side of entrance door completely around bus body (except for emergency door and access panel(s)) to point of curvature near outside cowl on left side;

(b) There shall be one rub rail located 10 inches or less above the floor line which shall cover same longitudinal area as upper rub rail, except at wheel housing, and shall extend only to longitudinal tangent of right and left rear corners;

(c) All rub rails shall be attached at each body post and all other upright structural members;

(d) All rub rails shall be four inches or more in width, shall be of 16-gauge steel, suitable material of equivalent strength, and shall be constructed in corrugated or ribbed fashion;

(e) All rub rails shall be applied to the outside body or outside body posts. Pressed-in or snap-on rub rails do not satisfy this requirement. For buses using rear luggage or engine compartment, rub rails need not extend around rear corners.

(f) The bottom edge of the body side skirts shall be stiffened by application of a rub rail, or the edge may be stiffened by providing a flange or other stiffeners.

(61) Sanders and other traction assisting devices:

(a) Sanders may be installed. When installed, sanders shall:

- (A) Be of hopper cartridge-valve type;
- (B) Have metal hopper with all interior surfaces treated to prevent condensation of moisture;
- (C) Be of at least 100 pound (grit) capacity;
- (D) Have cover on filler opening of hopper, which screws into place, sealing unit airtight;
- (E) Have discharge tubes extending to front of each rear wheel under fender;
- (F) Have no-clogging discharge tubes with slush-proof, nonfreezing rubber nozzles;
- (G) Be operated by electric switch with telltale light mounted on instrument panel;
- (H) Be exclusively driver-controlled.

(b) Automatic traction chains may be installed.

(62) Seat Belts:

(a) Driver's seat belt: A Type 2 seat belt shall be provided for the driver, a driver's seat with an integrated Type 2 seat belt may be substituted. Each belt section shall be booted to keep belt and the button or buckle type latch off floor when not in use. Shoulder belt assemblies on Type B, C, and D buses shall provide for a height adjustment of at least four inches at its upper point of attachment to the bus. Belt shall be anchored or guided in a manner at the seat frame to prevent the driver from sliding sideways when belt is in use. Locking retractors may be either an ELR (Emergency Locking Retractor) or an ALR (Automatic Locking Retractor). All ALR equipped buses received after July 1, 1989, must include an approved anti-cinching device;

(b) Passenger seat belts:

(A) On buses manufactured prior to October 21, 2011 with a GVWR of more than 10,000 pounds, Type 1 seat belts or Type 2 seat belts may be installed. The attachments, belts and installation shall meet the requirements of:

(i) 49 CFR 571.208 Occupant Crash Protection, 49 CFR 571.209 Seat Belt Assemblies, and 49 CFR 571.210 Seat Belt Assembly Anchorages, as they apply to school buses with a GVWR of 10,000 pounds or less; or

(ii) The voluntary Type 1 or Type 2 installation requirements outlined in 49 CFR 571.222 School Bus Passenger Seating and Crash Protection that take effect on October 21, 2011.

(B) On buses manufactured on or after October 21, 2011 with a GVWR of more than 10,000 pounds, Type 2 seat belts may be installed. Standards for voluntary installation of seat belts are outlined in 49 CFR 571.222 School Bus Passengers Seating and Crash Protection.

(C) On buses with a GVWR of 10,000 pounds or less, mandatory seat belt standards are outlined in 49 CFR 571.222 School Bus Passenger Seating and Crash Protection.

(63) Seats and Crash Barriers:

(a) Driver's seat shall be so located in relationship to the steering wheel that the driver may assume a natural position while driving, have a clear view of the road, and sufficient leg room to operate safely and effectively the brake and clutch pedals and accelerator without cramping or interference. Minimum distance between steering wheel and back rest of driver's seat shall be 11 inches. Driver's seat shall have a fore-and-aft adjustment of not less than four inches and shall on Type B, C, and D buses be capable of being raised and lowered at least three inches and shall be strongly attached to comply with acceptable installation procedures:

(A) For type B, C, and D buses, driver's seat shall be a high back (suspension) seat with a minimum seat back adjustment of 15 degrees, not requiring the use of tools, and with a head restraint to accommodate a 95th percentile female anthropomorphic dummy as defined in FMVSS 208. The driver's seat shall be secured with nuts, bolts, and washers or flanged-headed nuts. Type A buses may use manufacturer's standard driver's seat.

(B) Driver's seat positioning and range of adjustment shall be designed to accommodate comfortable actuation of the foot control pedal by 95 percent of the adult female population.

(b) Passenger Seats: In addition to the requirements of 49 CFR 571.222 School Bus Passenger Seating and Crash Protection, all passenger seats have the following requirements:

(A) All seats shall have minimum depth of 15 inches;

(B) In determining seating capacity of bus, the minimum allowable rump width shall be 13 inches;

(C) Seat, seat back cushion and crash barrier shall be covered with a material having a minimum 42-ounce finished weight, 54-inch width and finished vinyl coating of 1.06 broken twill, or other material with equal tensile strength, tear strength, seam strength, adhesion strength, resistance to abrasion, resistance to cold, and flex separation. Material shall meet or exceed the criteria contained in the School Bus Seat Upholstery Fire Block Test. (see Appendix);

(D) All seats shall be forward facing and shall be securely fastened to that part(s) of bus that support them with a nut-and-bolt type of fastener. Each seat leg shall be secured to the floor by a minimum of two nut-and-bolt type fasteners of at least grade 5 SAE strength. Sheet metal screw-type fasteners without a nut are not acceptable, except in areas where it is not possible to install a nut-and-bolt type fastener. Seats may be track mounted;

(E) If flexible track mounted seating is installed, the manufacturer shall supply minimum and maximum seat spacing dimensions on a label permanently affixed to the bus to notify end user of seat installation requirements.

(F) No bus shall be equipped with jump seats or portable seats. Flip-up seats at side emergency exit doors are allowed;

(G) Seat spacing shall not be less than 24 inches between the front of the back of each seat and the rear of the back of the seat immediately ahead, measured at the center of the seat. The seat upholstery may be placed against the seat cushion padding, but without compressing the padding, before the measurement is taken.

(64) Shock Absorbers: Bus shall be equipped with front and rear double-acting shock absorbers compatible with manufacturer's rated axle capacity at each wheel location.

(65) Side skirts shall be 2 inches above the horizontal line between the center of the front spindle to the center of the rear axle, or lower. Measurement shall apply to an unloaded school bus located on a flat, level surface.

(66) Special Service Entrance:

(a) Bus bodies may have a special service entrance constructed in the body to accommodate a power lift;

(b) The special service entrance shall be at any convenient point on the right of the bus and far enough to the rear to prevent the door(s) from obstructing the right front regular service door when open;

(c) The opening may extend below the floor through the bottom of the body skirt. If such an opening is used, reinforcements shall be installed at the front and rear of the floor opening to support the floor and give the same strength as other floor openings;

(d) Entrance shall be of sufficient width and depth to accommodate various mechanical lifts and related accessories as well as the lifting platform. The minimum clear opening width shall be adequate to accommodate the minimum platform defined in section (10) of this rule;

(e) Door posts and headers from entrance shall be reinforced sufficiently to provide support and strength equivalent to the areas of the side of the bus not used for service doors;

(f) A drip molding shall be installed above the opening to effectively divert water from entrance;

(g) A pad shall be placed at the top edge of the special service entrance that is at least three inches wide and one inch thick and shall extend the full width of the door opening.

(h) A single door or double door may be used for special service entrance;

(i) A single door shall be hinged to the forward side of the entrance. If double doors are used, the system shall be designed to prevent the door(s) from being blown open by the aerodynamic forces created by the forward motion of the bus, and/or shall incorporate a safety mechanism to provide secondary protection should the primary latching mechanism(s) fail;

(j) All doors shall open outwardly;

(k) All doors shall be weather sealed;

(l) All doors shall have positive non-hitchable fastening devices to hold doors in the open position;

(m) All doors shall be weather sealed and on buses with double doors, they shall be so constructed that a flange on the forward door overlaps the edge of the rear door when closed;

(n) When manually operated dual doors are provided the rear door leaf shall have at least a one-point fastening device to the header. The forward mounted door shall have at least three-point fastening devices. One shall be to the header, one to the floor line of the body, and the other shall be into the rear door. These locking devices shall afford maximum safety when the doors are in the closed position. The door and hinge mechanism shall be of a strength that will provide for the same type of use as that of a standard entrance door;

(o) If optional power doors are installed the design shall permit manual release of the doors for opening and closing by the attendant from the platform inside the bus;

(p) Door materials, panels, and structural strength shall be equivalent to the conventional service and emergency doors. Color, rub rail extensions, lettering and other exterior features shall match adjacent sections of the body;

(q) Each door shall have windows set in a waterproof manner that are visually similar in size and location to adjacent non-door windows. Glazing shall be of the same type and tinting (if applicable) as standard fixed glass in other body locations;

(r) Door(s) shall be equipped with a device that will activate a green flashing signal located in the driver's compartment when door(s) is not securely closed and ignition is in "on" position;

(s) A switch shall be installed so that the lifting mechanism will not operate when the lift platform door(s) is closed;

(t) An interior light shall be placed to illuminate the area directly inside the special service door and be activated when the door is open. Circuit may be wired through step well light circuit.

(u) Buses equipped with special service entrance doors not currently in use for service to students with disabilities or power lift equipped, must assure that doors are in compliance with all requirements for right side emergency door, or all of the following:

(A) Be sealed and inoperable;

(B) Have no handles; and

(C) Have the words NOT AN EXIT placed in letters at least two inches high above the door on both the interior and exterior of the bus.

(67) Springs:

(a) Capacity of springs or suspension assemblies shall be commensurate with chassis manufacturer's gross vehicle weight rating;

(b) If rear springs are used, they shall be of progressive type. Front leaf springs shall have a stationary eye at one end and shall be protected by a wrapped leaf in addition to the main leaf.

(68) Steering Gear:

(a) Steering gear shall be approved by manufacturer and designed to assure safe and accurate performance when vehicle is operated with maximum load and at maximum speed;

(b) Steering mechanism that allows for external adjustment to correct for lost motion shall provide an accessible adjustment location;

(c) No changes shall be made in steering apparatus which are not approved by manufacturer;

(d) There shall be clearance of at least two inches between steering wheel and cowl, instrument panel, windshield, or any other surface;

(e) Power steering of the integral type is required;

(f) The steering system shall be designed to provide for means for lubrication of all wear-points, if wear points are not permanently lubricated.

(69) Steps:

(a) Service door entrance may be equipped with two-step or three-step step well. Risers in each case shall be approximately equal and shall not exceed 10 inches in height. When plywood floor is used on steel, differential may be increased by thickness of plywood used:

(A) First step at service door for type A-1, A-2, and B buses shall be not less than 10 inches and not more than 14 inches from ground, based on standard chassis specifications;

(B) Type C and D buses shall be equipped with a three-step step well. First step at service door shall not be less than 12 inches and not more than 16 inches from the ground based on standard chassis specifications.

(b) Steps shall be enclosed to prevent accumulation of ice and snow;

(c) Steps shall not protrude beyond side body line;

(d) Steps (if any) on Type A-1 and A-2 buses not manufactured originally as school buses may be chassis manufacturer's standard;

(e) At least one grab handle not less than 20 inches in length shall be provided to assist passengers during entry or egress in unobstructed locations inside doorway. Grab handle shall be designed, installed and maintained to minimize the opportunity for entanglement of passenger clothing and belongings.

(f) Step Treads:

(A) All steps, including floor line platform area, shall be covered with 3/16-inch rubber floor covering or other materials equal in wear resistance and abrasion resistance to top grade rubber;

(B) The step covering shall be permanently bonded to a durable backing material that is resistant;

(C) 3/16-inch ribbed or pebbled step tread shall have a 1-1/2-inch white or yellow nosing as integral piece without any joint;

(D) Rubber portion of step treads shall have the following characteristics:

(i) Special compounding for good abrasion resistance and high coefficient of friction;

(ii) Flexibility so that it can be bent around a 1/2-inch mandrel both at 130 degrees F and 20 degrees F without breaking, cracking or crazing;

(iii) Show a durometer hardness 85 to 95.

(E) Notwithstanding subsection (a) of this section, a spray on application type material may be used. Spray on material shall meet subsections (b) through (d) of this section. The material shall also be applied to the underneath exterior of the step treads if not otherwise covered by undercoating.

(70) Steps, Windshield Access: There shall be at least one folding step or recessed foothold and suitably located handles on each side of the front of the body for easy accessibility for cleaning the windshield and

lamps except when windshield and lamps are easily accessible from the ground. Standard does not apply to chassis not originally manufactured as school buses.

(71) Stop Signal Arms: Buses shall be equipped with stop signal arms mounted in accordance with the following requirements:

(a) Shall be installed on the left side of the bus; the vertical center of the stop blade shall be at least seven inches but not more than 14 inches below the window line, on the first body post to the rear of the driver or as close as practicable;

(b) A wind guard or mechanism defaulting the stop signal arm to a retracted state when not activated shall be provided. All sheet metal parts shall be 16-gauge metal or heavier;

(c) All parts of the assembly that are not color specific in 49 CFR 571.131 School Pedestrian Safety Devices shall be painted black;

(d) Shall be equipped with two, four-inch, double faced alternating flashing red lamps to be mounted centered on the vertical centerline of the stop arm near the perimeter of the sign with a minimum of 12 inches spacing between lamp centers. Lamps shall be LED or strobe

(e) The stop arm and lamps shall be wired to the circuit of the flashing red warning lamps mounted on the front and rear of the bus and shall operate simultaneously with the red bus safety lamps. Override switch is prohibited;

(f) Shall be retroreflectorized on both sides meeting the Retroreflective Materials standard (57) of this rule.

(g) Shall be either air, vacuum, or electrically operated:

(A) Air operated stop arms:

(i) Air may be supplied from an air accessory tank or from the first (wet) tank;

(ii) If source is from the first (wet) tank a pressure protection valve shall be installed to prevent the tank air supply from falling below 60 pounds;

(iii) Stop arm system must have a pressure regulating valve;

(iv) All fittings shall be brass.

(B) Vacuum operated stop arms:

(i) Vacuum shall be supplied from a separate accessory tank. Tank shall be protected by a check valve;

(ii) All fittings shall be brass.

(72) Sun Visor: Interior adjustable sun visor, not less than 6 by 30 inches in size, shall be installed above windshield in position convenient for use by driver. If transparent visor is used, it shall be of such material so as not to prevent distinguishing between the colors of red and green traffic signals. Type A-1 and A-2 may be equipped with manufacturer's standard visor. Visor shall have protected edges.

(73) Throttle: The force required to operate the throttle shall not exceed 16 pounds throughout the full range of accelerator pedal travel.

(74) Tires and Rims:

(a) Tires and rims of proper size and tires with load rating commensurate with chassis manufacturer's gross vehicle weight rating shall be provided. The use of multi-piece rims and/or tube type tires shall not be permitted;

(b) All tires on new buses shall be of same size. Load range of tires shall meet or exceed the gross axle weight rating as required by 49 CFR 571.120 Tire Selection and Rims for Vehicles Other Than Passenger Cars, and as indicated on the manufactures data plaque;

(c) If bus is equipped with spare tire and rim assembly, it shall be of the same size and load range as those mounted on the vehicle;

(d) A spare tire, when carried, shall be suitably mounted in an accessible location outside passenger compartment. Type A-1, and A-2 buses may have spare tire securely mounted in the rear corner of passenger compartment;

(e) Recapped tires are prohibited on the front of the bus;

(f) Regrooved tires are not permitted on any bus;

(g) Minimum tread depth on tires shall be:

(A) Front axle — 4/32 inch;

(B) Rear axle — 2/32 inch.

(h) Tread depth shall be measured as follows: The minimum depth in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire but not on wear indicators.

(75) Tool Compartment: A metal container of adequate strength and capacity for storage of tire chains, tow chains and such tools as may be necessary, may be provided. Container may be located inside or outside of passenger compartment. If inside, it shall have a cover and positive type latch to prevent opening in event of a severe impact or bus rollover, and shall be attached to the floor with a nut and bolt fastener, or may be securely attached to a seat frame under a seat. If tool compartment is outside, it shall be lockable.

(76) Tow Hooks: Type C and D buses shall have two front and rear tow hooks that have sufficient strength to pull or be pulled by another vehicle of the same GVWR. Tow hooks shall be installed in order that no permanent distortion to the body or chassis will result if the bus must be towed.

(77) Transmission:

(a) Transmission shall have an input torque capacity greater than maximum net torque developed by engine.

(b) When automatic or semi-automatic transmission is used, it shall provide for not less than three forward and one reverse speed. The shift selector, if applicable, shall provide a detent between each gear position when shift selector is not steering column mounted. Type C and D buses shall be equipped with a transmission temperature gauge.

(c) When manual transmission is used, second gear and higher shall be synchronized. A minimum of three forward speeds and one reverse shall be provided.

(d) Automatic transmissions incorporating a parking pawl shall have a transmission shifter interlock controlled by the application of the service brake to prohibit accidental engagement of the transmission. All non-park pawl transmissions shall incorporate a park brake interlock that requires the service brake to be applied to allow release of the parking brake.

(78) Trash container: When used, the trash container shall be secured by a holding device that is designed to prevent movement and to allow easy removal and replacement. It shall be installed in an accessible location in the driver's compartment, not obstruct passenger access to the entrance door and maintained to minimize the opportunity for entanglement of passenger clothing and belongings.

(79) Turning Radius:

(a) Chassis with a wheel base of 264 inches or less shall have a right and left turning radius of not more than 42 1/2 feet, curb to curb measurement;

(b) Chassis with a wheelbase of 265 inches or more shall have a right and left turning radius of not more than 44 1/2 feet, curb to curb measurement.

(80) Under carriage luggage compartments: Luggage compartments may be installed on the outside of the bus mounted below the floor level or in the rear of the bus. Access to compartments must be from the outside only. Compartment doors must have a positive retention to hold the doors open. Compartment doors must be lockable.

(81) Undercoating:

(a) The entire underside of the bus body, including floor sections, cross members and below floor-line side panels, shall be coated with rust-proofing material for which the material manufacturer has issued to the bus manufacturer a notarized certification that the materials meet or exceed all performance requirements of SAE J1959, Corrosion Preventive Compound, Underbody Vehicle Corrosion Protection;

(b) The undercoating material shall be applied to the material manufacturer's specifications, including application method and recommended film thickness, and shall show no evidence of voids in the cured film.

(c) The undercoating material shall not cover any exhaust components of the chassis.

(82) Ventilation:

(a) Body shall be equipped with suitable, controlled ventilating system of sufficient capacity to maintain proper quantity of air under operating conditions without opening of windows except in extremely warm weather;

(b) Static-type non-closable exhaust ventilation shall be installed in low-pressure area of roof.

(83) Weight Distribution:

(a) Weight distribution of fully loaded bus on level surface shall be such as to not exceed the manufacturer's front gross axle weight rating and rear gross axle weight rating;

(b) Weight distribution of fully loaded bus on level surface shall be such that no more than 75 percent of gross vehicle weight is on rear tires and no more than 35 percent is on front tires. Type B and D buses with engine inside front of body and entrance door ahead of front wheels shall have no more than 75 percent of gross vehicle weight on rear tires, no more than 50 percent on front tires. If entrance door is behind front wheels, no more than 75 percent of gross vehicle weight shall be on rear tires, no more than 40 percent on front tires. With engine in rear, no more than 75 percent of gross vehicle weight shall be on rear tires, no more than 40 percent on front tires.

(84) Wheel housing:

(a) The wheel housing opening shall allow for easy tire removal and service;

(b) Wheel housing shall be attached to floor sheets in such a manner as to prevent any dust, water or fumes from entering the body. Wheel housing shall be constructed of 16-gauge steel, or other material of equal strength;

(c) The inside height of the wheel housing above the floor line shall not exceed 12 inches;

(d) The wheel housing shall provide clearance for installation and use of tire chains on single and dual (if so equipped) power-driving wheels;

(e) No part of a raised wheel housing shall extend into the emergency door opening.

(85) Wheelchair Tie Down and Occupant Restraint System (WTORS):

(a) A WTORS that meets 49 CFR 571.222 shall be provided for each fixed wheelchair location.

(b) A WTORS that meets 49 CFR 571.222 shall be provided for each flexible wheelchair location not occupied by a flexible track mounted school bus seat.

(c) The WTORS, including the anchorage track, floor plates, pockets or other anchorages, shall be provided by the same manufacturer or shall be certified to be compatible by the manufacturers of all equipment/systems used.

(d) Adjustable and accessible positive fastening devices shall be provided, attached to floor or walls or both, that will securely hold wheelchairs or other type of ambulatory mobility devices in the event the vehicle is overturned and to prevent the wheels from leaving the floor in case of a sudden movement. All floor-mounted attachment devices shall be affixed with nut and bolt fasteners, except in areas where it is not practicable.

(e) Wheelchairs or other devices designed solely for use by handicapped or convalescent passengers may be positioned in a direction other than forward-facing only at the specific direction of the student's IEP when forward-facing positions are available;

(f) No fastening device shall be attached to any door;

(86) Wind deflectors may be installed according to manufacturer's standards on the rear roof to deflect snow, dust and dirt from the rear window.

(87) Windshield and Windows:

(a) All glass in windshield, windows and doors shall be of approved safety glass so mounted that its identification mark is visible and of a quality to prevent distortion in any direction. All glazing materials shall be on the approved list of the Oregon Department of Motor Vehicles;

(b) Windshield shall be of safety plate glass AS-1 grade as specified by American National Standards Institute Safety Code Z26.1;

(c) Windshield glass may be heat absorbing and may have a horizontal gradient band starting slightly above the line of the operator's vision and gradually decreasing in light transmission to 20 percent or less at the top of the windshield in compliance with Federal Motor Vehicle Safety Standard 205;

(d) Glass in all side windows, doors and rear windows shall be AS-2 or better grade, as specified in ANSI Z26.1, or AS-4 coated abrasion resistant rigid plastic meeting requirements of Federal Motor Vehicle Safety Standard 205. Rigid plastic cannot be used for windshields or windows immediately to the left or right of the driver;

(e) Side windows shall conform to the following:

(A) Buses shall provide full drop or split sash windows which provide an unobstructed opening of at least 12 inches and not more than 14 inches in height, obtained by lowering the sash, and at least 22 inches in width. Type A-1 and A-2 buses may have a full drop or split sash windows which provide an unobstructed opening of at least 9 inches and not more than 13 inches in height, obtained by lowering the sash, and at least 22 inches in width, provided the bus has 2 swing-out windows. This requirement does not apply to emergency exit windows installed in compliance with subsection (22) of this rule

(B) One window on each side of the bus may be less than 22 inches in width. This window need not be split sash.

(C) Windows may be tinted.

**Statutory/Other Authority:** ORS 327.013 & 820.100 - 820.120

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

**History:**

[ODE 19-2021, amend filed 05/27/2021, effective 05/27/2021](#)

[ODE 5-2018, amend filed 02/21/2018, effective 02/21/2018](#)

ODE 40-2014, f. & cert. ef. 9-3-14

ODE 19-2012, f. & cert. ef. 6-14-12



## 581-053-0250

### **Retrofit Standards for Oregon School Buses**

In addition to meeting the minimum standards in effect at the time of purchase, all school buses in use by a pupil transportation entity shall meet the following additional requirements:

- (1) Body Fluid Kits: All school buses shall have body fluid kits that meet the requirements in OAR 581-053-0240
- (2) Emergency equipment – Belt Cutter: Each bus shall have a belt cutter that meets the requirements of OAR 581-053-0240
- (3) Emergency Door and Exit Labeling:
  - (a) All emergency doors shall have the designation “Emergency Door” in letters at least one-inch-high, of a color that contrasts with its background. The designation shall be located at the top of, or directly above, the emergency door on both the inside and outside surfaces of the bus;
  - (b) All emergency window exits (swing-out windows and rear push-out windows) shall have the designation “Emergency Exit” in letters at least one-inch-high, of a color that contrasts with its background. The designation shall be located at the top of, or directly above, or at the bottom of the emergency window exit on both the inside and outside surfaces of the bus.
- (4) Emissions: School buses that operate on diesel fuel and do not meet the emission standards applicable to an engine manufactured on or after January 1, 2007 shall not be used on or after January 1, ~~2025~~2026.
- (5) Fog Lights: Regardless of the age of the vehicle, if a front fog light system is installed after January 21, 1997, then the system shall meet the following requirements:
  - (a) Fog lamps shall be mounted symmetrically around the front centerline of the bus, below the headlights not less than 12 inches no more than 30 inches above the ground;
  - (b) Fog lamps shall be wired to a separate switch and shall only come on when the low beam head lights are on.
  - (c) A steady burning indicator light shall be wired so it comes on when the fog lamps are turned on and mounted in a location readily visible to the driver
  - (d) Fog light systems installed on vehicles prior to January 21, 1997 are exempted from this regulation.
- (6) Identification: The name of the school district, private school, or parochial school shall be placed on all school buses on both the left and right sides of the bus. The name shall appear in the area directly below the side windows and the letters and figures in the name shall not be less than four inches nor more than seven inches in height and of proportionate width.
- (7) Stop Arm: All school buses shall have a stop arm that meets the requirements in OAR 581-053-0240 except that retroreflective material on the stop arm is not mandated on buses manufactured prior to October 21, 2011.
- (8) Wheelchair Restraint Systems: All buses manufactured prior to September 3, 1993 that are equipped to transport students in a wheel chair shall be retrofitted to meet the following requirements:

(a) Each wheelchair location shall have not less than four wheelchair securement anchorages and shall be situated so that:

(A) The wheel chair is secured in a forward-facing position; and

(B) The wheelchair can be secured by wheelchair securement devices at two locations in the front and two locations in the rear.

(b) Each wheelchair location shall have:

(A) Not less than one anchorage for the upper end of the upper torso restraint; and

(B) Not less than two floor anchorages for wheelchair occupant pelvic and upper torso restraint.

(c) Wheelchair securement devices and an occupant restraint may share a common anchorage.

(d) All components must conform to 49 CFR 571.222 School Bus Passenger Seating and Crash Protection published in volume 58 of the Federal Register, September 3, 1993.

**Statutory/Other Authority:** ORS 327.013 & 820.100 - 820.120

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

**History:**

[ODE 6-2018, amend filed 02/21/2018, effective 02/21/2018](#)

ODE 40-2014, f. & cert. ef. 9-3-14

ODE 19-2012, f. & cert. ef. 6-14-12

**581-053-0320**

**Type 10 Driver Training and Approval**

Oregon Department of Education shall approve a type 10 driver who:

- (1) Is at least 18 years of age;
- (2) Possesses a valid driver license or commercial driver license;
- (3) Is not disqualified based on driving or criminal record as required in OAR 581-053-0050;
- (4) Receives emergency procedure and evacuation training, vehicle pretrip inspection training and all other training as determined necessary by the transportation entity;
- (5) Submits an application for type 10 driver approval signed by a supervisor certifying:
  - (a) The employer will immediately notify ODE if the employer learns of any changes to the applicant's driving and criminal records that could disqualify them from driving under OAR 581-053-0050 and ensure that the driver complies with all applicable OARs;
  - (b) The applicant will be trained in first aid within 120 days of ODE approval. The applicant shall remain trained in first aid to maintain approval with ODE.
- (6) A type 10 driver may use a type 10 vehicle for a regular home to school route if:
  - (a) The applicant meets all minimum requirements for a type 10 driver listed in this rule;
  - (b) The applicant demonstrates the knowledge and ability to operate a type 10 vehicle safely and to perform related duties; and
  - (c) The applicant has passed a driving skills test and written knowledge test of laws and regulations if the applicant will be transporting students from home to school.
- (7) ODE shall maintain a list of approved drivers for each school district. The approved driver list will be sent to each transportation entity twice a year, and shall be made available on request.
- (8) Occasional/emergency use provision - A person who does not currently meet the driver requirements for a type 10 vehicle may be used on an occasional/emergency basis if such driver:
  - (a) Is judged competent by the local supervisor;
  - (b) Possesses a valid driver license or commercial driver license;
  - (c) Does not operate vehicles under this provision more than three days in any given fiscal year (July 1 to June 30); and
  - (d) Is not transporting students to and from school on regularly scheduled routes.

(9) ODE may issue a certificate for a Type 10 driver to provide transportation for multiple transportation entities if an application is made by a transportation entity that will serve as sponsor for the certificate and maintain records of required training and testing of such a driver. Type 10 certificates shall expire two years after the date issued by ODE.

(10) Type 10 certificates shall be immediately invalid if:

(a) The driver fails to maintain first aid certification after the initial 120 day period; or

(b) The transportation entity notifies ODE that the driver is no longer employed with the entity or is no longer performing duties related to type 10 driving, and the entity is no longer ensuring the driver's compliance with applicable OARs.

**Statutory/Other Authority:** ORS 327.013 & 820.100 - 820.120

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

**History:**

ODE 19-2012, f. & cert. ef. 6-14-12



**581-053-0410**

**Transportation Entity Requirements for Type 20 School Activity Vehicle Operation**

(1) Type 20 activity vehicles shall not be used for home to school transportation, in accordance with the definition in Code of Federal Regulations Title 49, Subtitle B, Chapter V, Part 571, Subpart A, §571.3(c) of a Multifunction School Activity Bus (MFSAB).-

(2) Each transportation entity that operates type 20 activity vehicles shall implement written procedures to ensure compliance with applicable rules and laws.

(3) Transportation entity shall notify ODE within 30 days if a type 20 driver is no longer driving for the entity.

**Statutory/Other Authority:** ORS 327.013 & 820.100 - 820.120

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

**History:**

ODE 19-2012, f. & cert. ef. 6-14-12



## 581-053-0440

### Minimum Standards for Purpose Built Type 20 Vehicles

Type 20 school activity vehicles shall meet all minimum standards for a type A-1 school bus as listed in OAR 581-053-0240 and retrofit standards applicable to a type A-1 school bus as listed in 581-053-0250, with the following modifications. Type 20 vehicles:

(1) Shall be certified as a school bus or multifunctional school activity bus, as required by the FMVSS, in accordance with the definition in Code of Federal Regulations Title 49, Subtitle B, Chapter V, Part 571, Subpart A, §571.3( c) of a Multifunction School Activity Bus (MFSAB).

(2) May be painted any color.

(3) Shall not have a crossing arm.

(4) Shall not display the words "School Bus."

(5) Shall not display bus safety lights. If the vehicle has been converted from school bus use to activity vehicle use, the safety lights shall be inoperable.

(6) Shall not display a school bus stop arm. If the vehicle has been converted from school bus use to activity vehicle use, the school bus stop arm shall be removed.

(7) Do not require a public address system.

(8) Shall be exempt from OAR 581-053-0240 (25) Emissions.

**Statutory/Other Authority:** ORS 327.013 & 820.100 - 820.120

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

**History:**

ODE 40-2014, f. & cert. ef. 9-3-14

ODE 19-2012, f. & cert. ef. 6-14-12

**581-053-0511**

**District Requirements for Type 21 School Activity Vehicle Operation**

(1) Type 21 activity vehicles shall not be used for home to school transportation, in accordance with the definition in Code of Federal Regulations Title 49, Subtitle B, Chapter V, Part 571, Subpart A, §571.3(c) of a Multifunction School Activity Bus (MFSAB).

(2) Each transportation entity that operates type 21 activity vehicles shall implement written procedures to ensure compliance with applicable rules and laws.

(3) Transportation entity shall notify ODE within 30 days if a type 21 driver is no longer employed by the entity.

(4) Transportation entity shall ensure that all type 21 drivers are part of a random drug testing pool as required under 49 CFR 382, and that any driver who has been out of a random drug testing pool for longer than 30 days is given a pre-employment screen required under 49 CFR 382.

**Statutory/Other Authority:** ORS 327.013 & 820.100 - 820.120

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

**History:**

ODE 19-2012, f. & cert. ef. 6-14-12

## **581-053-0540**

### **Minimum Standards for Type 21 Vehicles**

Type 21 school activity vehicles shall meet all minimum standards for a school bus as listed in OAR 581-053-0240 and retrofit standards applicable to school buses as listed in 581-053-0250, with the following modifications. Type 21 vehicles:

- (1) Shall be certified as a school bus or multifunctional school activity bus, as required by the FMVSS.
- (2) May be painted any color.
- (3) Shall not display the words "School Bus".
- (4) Shall not display bus safety lights.
- (5) Shall not display a school bus stop arm.
- (6) Do not require a public address system.

(7) Shall be exempt from OAR 581-053-0240 (25) Emissions.

**Statutory/Other Authority:** ORS 327.013 & 820.100-820.120

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

**History:**

ODE 40-2014, f. & cert. ef. 9-3-14

ODE 19-2012, f. & cert. ef. 6-14-12

1EB 26-1986, f. 7-17-86, ef. 10-1-86

**581-053-0615**

**Special Pupil Activity Bus (SPAB) Motor Carrier Requirements**

(1) Providers of SPAB services to Oregon Transportation Entities must receive a Certificate of Carrier Approval from ODE.

(2) ODE shall issue a Certificate of Carrier Approval to a provider of SPAB services if the provider submits:

(a) A complete ODE Certificate of Carrier Approval application form;

(b) A copy of insurance information obtained through Federal Motor Carrier Safety Administration (FMCSA's) SAFER site;

(c) Documentation of a safety rating of:

(A) "Satisfactory" from the USDOT within the last 3 years; or

~~(B) "1, 2, or 3" from Pupil Transportation Safety Program (PTSP); or~~

~~(CB) "1, 2, or 3" from Department of Defense (DOD); or~~

~~(DC) Current copies of:~~

(i) A level 1 or 5 safety inspection report with the number of Commercial Vehicle Safety Alliance (CVSA) decal for each SPAB; and

(ii) Documentation that the provider has implemented an alcohol and controlled substance testing program in compliance with 49 CFR parts 40 and 382; and that all drivers seeking [SBAP-SPAB](#) certification are enrolled in a random testing program for alcohol and controlled substance meeting all applicable requirements; and

(iii) Driver logs as requested by ODE during the past 6 months; and

(iv) List of SPABs by license plate number that will be used for student activities.

(3) Certificate of Carrier Approval shall expire one year after date of issuance.

(4) ODE may inspect records of vehicles and drivers at the carrier's facility. Failure to allow ODE to inspect records may result in revocation of the "Certificate of Carrier Approval".

(5) SPAB Carriers may only subcontract with carriers that possess a valid Certificate of Carrier Approval to provide SPAB services.

(6) A SPAB shall not be used for home to school transportation services.

(7) ODE shall revoke a "Certificate of Carrier Approval" for failure to maintain or meet requirements of this rule.

(8) The provisions of this rule apply to SPAB carriers providing services to Oregon schools and students.

**Statutory/Other Authority:** ORS 327.013 & 820.100 - 820.120

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

**History:**

ODE 19-2012, f. & cert. ef. 6-14-12

## **581-053-0650**

### **Minimum Standards for All-Electric School Buses**

An all-electric vehicle school bus shall meet all minimum standards for the applicable type of school bus as listed in OAR 581-053-0240 and all retrofit standards as listed in 581-053-0250 with the following modifications. All-electric vehicle school buses:

- (1) Shall meet all applicable FMVSS regulations.
- (2) Shall be exempt from the following standards:
  - (a) Air Cleaner
  - (b) Generator/alternator
  - (c) Exhaust system
  - (d) Fuel system
  - (e) Governor
  - (f) Gauges:
    - (A) Fuel gauge
    - (B) Oil pressure
    - (C) Water temperature
    - (D) Tachometer
  - (g) Oil filter
  - (h) Power & Gradeability
  - (i) Throttle
  - (j) Transmission
- (3) Electrical System shall not be required to have a cold cranking capacity, nor conform to a uniform voltage with the chassis for non-propulsive electrical components.
- (4) Wiring installed as part of the electric propulsion system is not required to conform to a standard color coding system.
- (5) An equivalent display for electric propulsion power shall be required in place of a fuel gauge.
- (6) Heaters need not be hot water type.
- (7) Shall be equipped with an interlock device to prevent vehicle motion when connected to charging infrastructure.

(8) All paint, lettering, trim, and any other markings shall conform to existing minimum standards in place at the time of construction;:-

(a) Accepted colors shall be national school bus yellow or black for all markings;:-

(b) Lettering specifying electric drive may be used in place of fuel type decals, and shall meet the same requirements as fuel type decals;:-

(c) the graphical symbol ISO 7010 – W012 registered as IEC 60417-5036 “Dangerous voltage,” signifying a warning regarding electricity, may be applied to an all-Electric school bus;

(d) master cutoff location for high-voltage system shall be clearly labeled;

(9) a 24-volt system may be installed, provided it can deliver 12-volt power to interior systems.

**Statutory/Other Authority:** ORS 327.013 & 820.100 - 820.120

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

**History:**

[ODE 5-2020, adopt filed 03/20/2020, effective 03/20/2020](#)

# Oregon State Board of Education

September 19, 2024

AGENDA ITEM: 5.A.

|   |  |
|---|--|
| <p><b>SUBJECT:</b> Transportation Rule Changes<br/><b>STAFF NAME &amp; OFFICE:</b> Brock Dittus, Pupil Transportation &amp; Fingerprinting</p> <p>Various technical updates and fixes to the Division 53 rules based on field observations and feedback, industry changes, ODE staff recommendation, and new legislation.</p> <p><input type="checkbox"/> New Rule<br/><input checked="" type="checkbox"/> Amend Existing Rule<br/><input type="checkbox"/> Repeal Rule</p> | <p><input checked="" type="checkbox"/> <b>First Reading</b><br/><input type="checkbox"/> Presentation<br/><input type="checkbox"/> No<br/><b>Presentation</b></p> <p><input type="checkbox"/> <b>Action</b><br/><input type="checkbox"/> Temp Rule<br/><input type="checkbox"/> Presentation<br/><input type="checkbox"/> No<br/><b>Presentation</b></p> |
|---|--|

## BACKGROUND

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Oregon Department of Education has been given the responsibility by the legislature for oversight and regulation of school transportation since the late 1970s, and in that time has maintained an excellent safety record among its district partners, contracted transportation providers, and other operators serving K-12 education programs. A significant reason for this success in safe and equitable transportation has been the development and maintenance of detailed regulations on what is permissible for use in the transportation of students.

A few things contribute to this slate of rulemaking. ODE staff has noticed a lack of clarity on established departmental requirements and technical alignments needed based on conversations with district partners. New legislation for camera equipment for school buses also prompted updates to the minimum standards for school buses in Oregon.

A summary of the proposed changes follows:

- 581-053-0003: align definition of a Type A-II school bus with weight classification in national school bus standards.
- 581-053-0040: remove certificate restrictions related to a driver with a diabetic condition to align with federal Department of Transportation certificate changes and avoid any potential related discrimination while retaining safety standards around persons with a diabetic condition.
- 581-053-0120: clarify that inspector certificate will only be issued to those 18 years of age or older
- 581-053-0130: clarify terminology around assistant trainers and requirement for valid driving credentials.
- 581-053-0140 and 581-053-0210: require verification of driving credential validity before training drivers.
- 581-053-0240: permit the installation of stop arm camera systems under HB 4147 and establish signage requirements; clarify bus safety light operation & equipment; simplify retroreflective tape requirements for roof hatches.
- 581-053-0250: revise age-out date for diesel school buses under HB 4147.

# Oregon State Board of Education

## September 19, 2024

AGENDA ITEM: 5.A.

- 581-053-0320: institute certificate program for Type 10 activity drivers who serve more than one school district.
- 581-053-0410, 581-053-0440, 581-053-0511, 581-053-0540: reference to federal requirements around activity vehicles for school use; clarify emissions restriction applicability.
- 581-053-0615: remove unknown reference to safety evaluation for motorcoach use by school programs.
- 581-053-0650: update requirements for electric school buses on signage and safety matters.

This is an "omnibus" rulemaking, addressing a number of smaller technical matters related to pupil transportation within the state of Oregon. It is anticipated that these changes will result in an equal or greater degree of safety for the pupils and program staff transported in Oregon, and should present no burden or inconvenience to the students enrolled in Oregon schools.

### SUMMARY OF PREVIOUS BOARD ACTION

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The board has not seen these proposed changes previously.

### 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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Aside from promulgating the desired result of increased safety for all students receiving transportation services, no concerns regarding these changes have been identified.

### EQUITY IMPACT ANALYSIS

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The proposed changes have no anticipated impacts to racial equity across the state, and should increase the safety of all students attending Oregon schools.

### FISCAL ANALYSIS

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No significant fiscal impact has been identified as a result of these changes, nor has any significant cost of compliance for small businesses.

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

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A "yes" vote would implement the changes summarized above, increasing the safety in transportation for students within the state.

# Oregon State Board of Education

September 19, 2024

AGENDA ITEM: 5.A.

A “no” vote would result in the persistence of outdated rules, misalignment with newest industry standards, increase the chance of continued problems with driver credentialing through our agency, and fail to align with new legislation.

## 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 581-053-0003
- Attachment 2: OAR 581-053-0040
- Attachment 3: OAR 581-053-0120
- Attachment 4: OAR 581-053-0130
- Attachment 5: OAR 581-053-0140
- Attachment 6: OAR 581-053-0210
- Attachment 7: OAR 581-053-0240
- Attachment 8: OAR 581-053-0250
- Attachment 9: OAR 581-053-0320
- Attachment 10: OAR 581-053-0410
- Attachment 11: OAR 581-053-0440
- Attachment 12: OAR 581-053-0511
- Attachment 13: OAR 581-053-0540
- Attachment 14: OAR 581-053-0615
- Attachment 15: OAR 581-053-0650

# Oregon State Board of Education

## September 19, 2024

AGENDA ITEM: 5.B.

|   |   |
|---|---|
| <p><b>SUBJECT:</b> Athlete Agent Rule Changes, 581-021-0515</p> <p><b>STAFF NAME &amp; OFFICE:</b> Brock Dittus, Pupil Transportation &amp; Fingerprinting</p> <p>Changes proposed to align hearing procedures for fingerprinting of Athlete Agents with those of other subject individuals evaluated by ODE.</p> <p><input type="checkbox"/> New Rule</p> <p><input checked="" type="checkbox"/> Amend Existing Rule</p> <p><input type="checkbox"/> Repeal Rule</p> | <p><input checked="" type="checkbox"/> <b>First Reading</b></p> <p><input checked="" type="checkbox"/> <b>Presentation</b></p> <p><input type="checkbox"/> <b>No Presentation</b></p> <p><input type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Temp Rule</b></p> <p><input type="checkbox"/> <b>Presentation</b></p> <p><input type="checkbox"/> <b>No Presentation</b></p> |
|---|---|

### BACKGROUND

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Oregon Department of Education is charged by the legislature with the responsibility to review and evaluate candidates for status as an Athlete Agent, someone who works with K-12 and college aged students to develop their opportunities in collegiate sports. Under statute, part of this process is a fingerprinting background screen to determine applicant suitability.

Aligning the appeal process in rule with other classified fingerprinting appeal processes for clarity and departmental efficiency is the goal of this rulemaking.

Statutory authority have given ODE the ability to fingerprint background check Athlete Agent candidates to review for suitability to the role requirements. This proposed change aligns the appeal process and appellant rights with other fingerprinting background check processes offered to other subject individuals.

### SUMMARY OF PREVIOUS BOARD ACTION

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This is the first time this proposed rule change has been presented to the board.

### 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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Few concerns present themselves, as the department has performed this work for decades without change. The right to appeal a decision regarding applicant suitability is offered to other fingerprinted subject individuals, and this proposed language would mirror that of other subject individuals.

# Oregon State Board of Education

September 19, 2024

AGENDA ITEM: 5.B.

## EQUITY IMPACT ANALYSIS

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The proposed changes have no anticipated changes in racial equity across the state.

## FISCAL ANALYSIS

---

No significant fiscal impact has been identified as a result of these changes, and no significant cost of compliance for small businesses is anticipated.

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

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A "yes" vote would allow the department to align their appeal process for athlete agent applicants with that of other subject individuals processed by the department, and would result in operational efficiency for the agency.

A "no" vote would leave appeal rights undefined for athlete agent applicants and require more extensive review on a case-by-case basis for contested cases.

## 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 581-021-0515

DRAFT DATED 8/30/2024

581-021-0515

Background Check on Athlete Agents

(1) Definitions

(a) "Athlete agent" has the definition given in ORS 702.005(2)(a).

(b) "Athlete agent application" meets the specifications given in ORS 702.017.means

(2) The Oregon Department of Education shall conduct a fingerprint-based criminal history background check on every athlete agent applicant.

~~(12) The Oregon Department of Education shall conduct a criminal history background check on every athlete agent applicant.~~

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

(b) The Oregon Department of Education shall request criminal records information from the Oregon State Police in the manner prescribed by law.

(3) The Oregon Department of Education shall refuse to issue a certificate of registration where:

(a) The athlete agent fails to submit a completed athlete agent application or complete the required background check;

(b) The background check reveals that the athlete agent applicant has been convicted of a crime listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number;

(c) The athlete agent applicant made a false, misleading, deceptive, or fraudulent representation on the athlete agent application;

(d) The athlete agent applicant is subject to mandatory registration reporting as a sex offender in this state or in any other jurisdiction; or

**Commented [EN1]:** We can point to the statute for the definitions but I don't think we can do a blanket statement.

**Commented [EN2]:** I moved this up

**Commented [EN3]:** I moved this up

(e) The athlete agent applicant has pleaded guilty or no contest to, has been convicted of, or has charges pending for a crime that, if committed in Oregon, would be a crime involving moral turpitude or a felony.

(4) The Oregon Department of Education may refuse to issue a certificate of registration where:

**Commented [EN4]:** This is a suggestion for your consideration.

(a) The athlete agent applicant has engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;

(b) The athlete agent applicant has engaged in conduct prohibited by ORS 702.027;

(c) The athlete agent applicant has a registration or licensure as an athlete agent suspended, revoked or denied or been refused renewal of registration or licensure as an athlete agent in any state;

(d) The athlete agent applicant has engaged in conduct the consequence of which was that a sanction, suspension or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event was imposed on a student athlete or educational institution; or

(e) The athlete agent applicant has engaged in conduct that significantly adversely reflects on the applicant's credibility, honesty or integrity.

(5) The department may suspend, revoke or refuse to renew a registration for conduct that would have justified denial of registration under subsections (3) or (4) of this rule.

**Commented [EN5]:** I added language to let you revoke

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

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

(8) Subject individuals may appeal a determination that prevents their issuance of a Permit as a contested case under ORS 183.413 to 183.470 to the Oregon Department of Education.

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

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

(a) Permit number

(b) Athlete Agent applicant submitting the fingerprints;

(c) Date the Department form is received;

(d) Date fingerprint information is sent to Oregon State Police; and

(e) Date Athlete Agent applicant denied or Permit approved.

(11) A Temporary Athlete Agent Permit issued by The Oregon Department of Education shall allow 14 days of athlete agent privileges if the applicant does not hold a current permit, if payment and application have been received, and the applicant has submitted fingerprinting. Oregon Department of Education shall only issue one temporary permit within a period of two years.

(12) An Athlete Agent shall notify Oregon Department of Education within 30 days of any change in employer or contact information.

~~(2) The Oregon Department of Education shall refuse to issue a certificate of registration where the background check reveals that the agent applicant has been convicted of a crime listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.~~

~~(3) Any conviction of a crime listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, shall disqualify a currently registered athlete agent from performing further duties previously allowed by the certification.~~

**Statutory/Other Authority:** ORS 702.012

**Statutes/Other Implemented:** ORS 702.012

**History:**

[ODE 27-2021, adopt filed 06/29/2021, effective 06/29/2021](#)

**PROPOSED RULES FOR COMPLAINTS AND APPEALS PROCESSES  
MM 9/17/24**

**OAR 581-002-0001, 581-002-0003, 581-002-0005, 581-002-0007, 581-002-0009, 581-002-0011, 581-002-0017, 581-002-0019, 581-002-0021, and 581-002-0023 are repealed.**

**OAR 581-075-0001**

**Definitions for Discrimination, Restraint and Seclusion, and Retaliation Appeals Processes**

**For purposes of OAR 581-075-0001 to OAR 581-075-0045:**

**(1) “Complaint” includes any written report of wrongdoing or written grievance that a complainant emails, mails, or otherwise communicates to a district or district staff member, or any verbal report of discrimination, that is not filed in accordance with a district’s complaint process unless the district, within 10 calendar days of receiving the report or grievance, directs the complainant, in writing in the complainant’s preferred language, to file the report or grievance in accordance with the district’s complaint process.**

**(2) “Department” means the Oregon Department of Education.**

**(3) “District” means:**

**(a) A school district, an education service district, a public charter school, a Youth Corrections Education Program as defined in ORS 326.695, a Juvenile Detention Education Program provider as defined in ORS 326.695, or a program that receives moneys pursuant to ORS 343.243; and**

**(b) Any educational agency, program, or service that receives moneys from an entity described in subparagraph (a) of this paragraph.**

**(4) “Public charter school” means an elementary or secondary charter school offering a comprehensive instructional program operating under a written agreement entered into between a sponsor and an applicant pursuant to ORS chapter 338.**

**(5) “Sponsor” means:**

**(a) The board of the school district or the union high school district that has developed a written charter to create a public charter school.**

**(b) The State Board of Education pursuant to ORS 338.075.**

**Statutory/Other Authority:** ORS 326.051, ORS 339.303, ORS 339.347, ORS 342.700, ORS 659.850, ORS 659.852 & ORS 659.855

**Statutes/Other Implemented:** ORS 339.303, ORS 339.347, ORS 342.700, ORS 659.850, ORS 659.852 & ORS 659.855

**OAR 581-075-0005**

**Scope of Discrimination, Restraint and Seclusion, and Retaliation Appeals Processes**

**OAR 581-075-0001 to OAR 581-075-0045 apply to appeals of complaints alleging:**

**(1) A violation of ORS 339.285 to 339.303 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion);**

**(2) A violation of ORS 659.850 (Discrimination Prohibited), ORS 339.347 (Bias Incidents and Symbols of Hate Prohibited), OAR 581-021-0045 (Discrimination Prohibited), OAR 581-021-0046 (Program Compliance Standards for Purposes Related to Discrimination), or OAR 581-022-2312 (Every Student Belongs);**

**(3) If the entity against whom the appeal is filed is a school district, education service district, or public charter school, a violation of ORS 342.700 (Sexual Harassment Policies) and OAR 581-021-0038 (Requirements Related to Sexual Harassment);**

**(4) If the entity is a school district or a public charter school, or an education service district that has entered into a contract with a school district for the purpose of designating and providing for the school district one or more civil rights coordinators, OAR 581-021-0655 and 581-021-0660 (Duty to Designate One or More Civil Rights Coordinators and Duties of and Training Requirements for Civil Rights Coordinators);**

**(5) If the entity against whom the appeal is filed is a school or program operated by a school district, education service district, or public charter school, a violation of OAR 581-021-0047 (Prohibition against Using Native American Mascots); or**

**(6) If the entity against whom the appeal is filed is a school district, an education service district, a Youth Corrections Education Program as defined in ORS 326.695, or a program that receives moneys pursuant to ORS 343.243 (3) or (4), a violation of ORS 659.852 (Retaliation).**

**Statutory/Other Authority:** ORS 326.051, ORS 339.303, ORS 339.347, ORS 342.700, ORS 659.850, ORS 659.852 & ORS 659.855

**Statutes/Other Implemented:** ORS 339.303, ORS 339.347, ORS 342.700, ORS 659.850, ORS 659.852 & ORS 659.855

**OAR 581-075-0010**

## **Acceptance of Appeal Alleging Discrimination, Restraint and Seclusion, or Retaliation**

**(1) A complainant may appeal a complaint filed with a district to the Oregon Department of Education if the appeal meets the criteria set forth in this rule.**

**(2) The appeal must be ripe. An appeal is ripe when:**

**(a) If the district has a complaint process:**

**(A) The district has issued a final written decision to the complainant in accordance with the district's complaint process;**

**(B) The district has failed to resolve a complaint within 90 calendar days of the initial submission of the complaint, unless the district and complainant have agreed in writing to a different time period for resolving the complaint; or**

**(C) If the district has a complaint process with more than one step, the district has failed to provide the complainant with a written response within 30 calendar days of the submission of the complaint at any step, unless the district and complainant have agreed in writing to a different time period for that step.**

**(b) If the district does not have a complaint process:**

**(A) The complainant has received any written response from the district; or**

**(B) The district has failed to resolve a complaint within 90 calendar days of the initial submission of the complaint, unless the district and complainant have agreed in writing to a different time period for resolving the complaint.**

**(3) Notwithstanding subsection (2) of this rule, an appeal may include a complaint alleging retaliation as prohibited by OAR 659.852 or discriminatory retaliation as prohibited by ORS 658.850 and OAR 581-021-0045 without the complainant having filed a complaint with the district alleging retaliation if the appeal alleges that the retaliation occurred in response to a complaint that was filed with the district.**

**(4) The appeal must be received by the Oregon Department of Education not later than one calendar year after the date on which the department could have first accepted the appeal under subsection (2) of this rule.**

**(5)(a) The complaint on which the appeal is based must have been initially filed with the district not later than one calendar year after the date on which:**

**(A) The alleged violation occurred; or**

**(B) The complainant discovered the alleged violation.**

**(b) For purposes of this subsection, if the alleged violation is of a continuing nature, the date on which the alleged violation occurred is the most recent date on which the alleged violation occurred.**

**(6) The appeal must:**

**(a) Be in writing;**

**(b) Be submitted in person, by mail, or electronically; and**

**(c) Contain:**

**(A) The name of the person filing the appeal;**

**(B) If the person filing the appeal has a phone number, address, or email address, the person's phone number, address, or email address;**

**(C) If the person is filing the appeal on behalf of a student, the name of the student;**

**(D) A statement of the facts upon which the appeal is based; and**

**(E) Other information requested by the department.**

**(7) The Director of the Oregon Department of Education or the director's designee may for good cause waive the requirements described in subsection (6) of this rule.**

**Statutory/Other Authority:** ORS 326.051, ORS 339.303, ORS 339.347, ORS 342.700, ORS 659.850, ORS 659.852 & ORS 659.855

**Statutes/Other Implemented:** ORS 339.303, ORS 342.700, ORS 339.347, ORS 659.850, ORS 659.852 & ORS 659.855

#### **OAR 581-075-0015**

#### **Notice of Acceptance or Denial of Appeal Alleging Discrimination, Restraint and Seclusion, or Retaliation**

**(1) Upon receipt of a request to appeal a complaint under OAR 581-075-0010, the Oregon Department of Education will determine whether the appeal satisfies the requirements of OAR 581-075-0005 and 581-075-0010.**

**(2) If the department determines that it must accept the appeal, the department will give written notice to the complainant and the district that the appeal has been accepted. Notice**

under this subsection must be issued not later than 14 calendar days after the date on which the department received the appeal.

**(3) If the department determines that it may not accept the appeal, the department will give written notice to the complainant that the appeal is denied. Notice under this subsection must be issued not later than 14 calendar days after the date on which the department received the appeal.**

**(4) The Director of the Oregon Department of Education or the director's designee may for good cause extend the time by which the department is required to issue notice under subsection (2) or (3) of this rule.**

**Statutory/Other Authority:** ORS 326.051, ORS 339.303, ORS 339.347, ORS 342.700, ORS 659.850, ORS 659.852 & ORS 659.855

**Statutes/Other Implemented:** ORS 339.303, ORS 342.700, ORS 339.347, ORS 659.850, ORS 659.852 & ORS 659.855

**OAR 581-075-0020**

**District Response to Appeal Alleging Discrimination, Restraint and Seclusion, or Retaliation**

**(1) Not later than 30 calendar days after the date on which the Oregon Department of Education gave notice that it is accepting an appeal under OAR 581-075-0015, the district must submit to the department a written response and any information that the department requested in the notice. The written response must include:**

**(a) A statement of facts;**

**(b) A description of any action that the district took in response to each allegation raised in the appeal, and an explanation of why the district took that action or did not take action;**

**(c) If the district and complainant settled the complaint, evidence of that settlement; and**

**(d) To the extent that the district is aware of the filing, a list of any complaint filed with another agency, or any action filed with an adjudicatory body, concerning the subject of the appeal.**

**(2) The Director of the Oregon Department of Education or the director's designee may for good cause extend the time by which the district is required to respond under subsection (1) of this rule.**

**Statutory/Other Authority:** ORS 326.051, ORS 339.303, ORS 339.347, ORS 342.700, ORS 659.850, ORS 659.852 & ORS 659.855

**Statutes/Other Implemented:** ORS 339.303, ORS 342.700, ORS 339.347, ORS 659.850, ORS 659.852 & ORS 659.855

**OAR 581-075-0024**

**Investigation of and Final Order for Appeal Alleging Discrimination, Restraint and Seclusion, or Retaliation**

**(1) After receiving the written response pursuant to OAR 581-075-0020, the Oregon Department of Education will conduct an investigation to determine whether the district violated a law or rule listed in OAR 581-075-0005.**

**(2) The department must resolve the appeal not later than 270 calendar days after the date on which the department gave notice that it is accepting the appeal under OAR 581-075-0015.**

**(3)(a) If the department determines that a violation occurred, the department must issue a final order. If the department determines that a violation did not occur, the department must issue either a final order or notice of compliance.**

**(b) A final order issued under this subsection must contain:**

**(A) The procedural history of the appeal;**

**(B) The facts upon which the department is basing its conclusions;**

**(C) An explanation of the department's conclusions; and**

**(D) If the department determines that a violation occurred, any action that the district must take to correct the violation.**

**(c) A notice of compliance issued under this subsection must contain:**

**(A) A summary of the allegations made against the district; and**

**(B) A summary of the department's conclusions.**

**(4) Corrective action ordered under this rule may include:**

**(a) Reviewing and rewriting policies;**

**(b) Reviewing and redesigning processes and procedures;**

**(c) Participating in specified training;**

**(d) Receiving other technical assistance identified by the department; and**

**(e) Any other corrective action authorized under the laws of this state.**

**(5) The department may not award damages or attorney fees when ordering corrective action.**

**(6) The Director of the Oregon Department of Education or the director's designee may for good cause extend the time by which the department must resolve an appeal under this rule.**

**Statutory/Other Authority:** ORS 326.051, ORS 339.303, ORS 339.347, ORS 342.700, ORS 659.850, ORS 659.852 & ORS 659.855

**Statutes/Other Implemented:** ORS 339.303, ORS 342.700, ORS 339.347, ORS 659.850, ORS 659.852 & ORS 659.855

#### **581-075-0030**

**Compliance with Corrective Action for Appeal Alleging Discrimination, Restraint and Seclusion, or Retaliation**

**(1) A district must complete any corrective action ordered by the Oregon Department of Education under OAR 581-075-0024 in a time and manner ordered by the department, unless an extension is granted by the Director of the Oregon Department of Education or the director's designee.**

**(2) If a district does not complete corrective action as described in subsection (1) of this rule, the department may withhold all or part of any distribution authorized under the laws of this state from the State School Fund, as determined by the Director of the Department of Education or the director's designee.**

**Statutory/Other Authority:** ORS 326.051, ORS 339.303, ORS 339.347, ORS 342.700, ORS 659.850, ORS 659.852 & ORS 659.855

**Statutes/Other Implemented:** ORS 339.303, ORS 342.700, ORS 339.347, ORS 659.850, ORS 659.852 & ORS 659.855

#### **OAR 581-075-0040**

**Early Resolution of Appeal Alleging Discrimination, Restraint and Seclusion, or Retaliation by Taking Corrective Action**

**(1) On any date preceding the date on which the Oregon Department of Education issues a final order or notice of compliance under OAR 581-075-0024, the complainant who filed the appeal and the district against whom the appeal is filed may jointly request the department**

to impose corrective action in the same manner that the department would impose corrective action under OAR 581-075-0024 if the department found that the district committed the alleged violation.

(2) Upon request, the department will assist the complainant and the district in understanding what corrective action would be appropriate.

(3) The department must dismiss an appeal accepted under OAR 581-075-0010 upon the fulfillment of corrective action imposed pursuant to this rule.

(4) For the department to impose corrective action pursuant to this rule, the complainant and the district must waive their right to seek reconsideration or judicial review of the corrective action.

**Statutory/Other Authority:** ORS 326.051, ORS 339.303, ORS 339.347, ORS 342.700, ORS 659.850, ORS 659.852 & ORS 659.855

**Statutes/Other Implemented:** ORS 339.303, ORS 342.700, ORS 339.347, ORS 659.850, ORS 659.852 & ORS 659.855

#### **OAR 581-075-0045**

##### **Early Resolution of Appeal Alleging Discrimination, Restraint and Seclusion, or Retaliation through Settlement**

(1) On any date preceding the date on which the Oregon Department of Education issues a final order or notice of compliance under OAR 581-075-0024, the complainant who filed the appeal and the district against whom the appeal is filed may jointly request to toll the proceedings described in OAR 581-075-0001 to 581-075-0045 for the purpose of settling the appeal.

(2) At any time during the tolling of proceedings under this rule, the complainant or the district may communicate to the department that they no longer wish to settle the appeal. If the complainant or the district communicates that they no longer wish to settle the appeal, the proceedings described in OAR 581-075-0001 to 581-075-0045 will commence at the point at which they began to toll.

(3) If a complainant does not have legal representation during meetings to settle an appeal, a district may not have legal representation during those meetings.

(4) Upon request, the department will assist the complainant and the district in understanding what corrective action the department would order if the department found that the district committed the alleged violation.

**(5) The department must dismiss an appeal accepted under OAR 581-075-0010 upon acquiring evidence that the complainant and the district have settled the appeal.**

**Statutory/Other Authority:** ORS 326.051, ORS 339.303, ORS 339.347, ORS 342.700, ORS 659.850, ORS 659.852 & ORS 659.855

**Statutes/Other Implemented:** ORS 339.303, ORS 342.700, ORS 339.347, ORS 659.850, ORS 659.852 & ORS 659.855

#### **OAR 581-075-0050**

##### **Judicial Review and Reconsideration of Appeals Alleging Discrimination, Restraint and Seclusion, or Retaliation**

**(1) Pursuant to ORS 183.484 and OAR 137-004-0080, a party may request reconsideration of a final order or notice of compliance issued by the Oregon Department of Education under OAR 581-075-0024 within 60 calendar days of service of the final order. The department and a party seeking reconsideration shall follow the procedure for reconsideration described in OAR 137-004-0080.**

**(2) Parties may seek judicial review of a final order or notice of compliance issued by the department under ORS 183.484. Judicial review may be obtained by filing a petition for review with the Marion County Circuit Court or with the circuit court for the county where the complainant resides. The petition must be filed within 60 calendar days of service of the final order or, if a petition for reconsideration has been filed, within 60 calendar days of service of an order denying reconsideration.**

**Statutory/Other Authority:** ORS 183.484

**Statutes/Other Implemented:** ORS 183.484

#### **OAR 581-075-0200**

##### **Investigations of Potential Violations of Division 22 Standards**

**(1) For purposes of OAR 581-075-0205 and this rule:**

**(a) “Department” means the Oregon Department of Education.**

**(b) “District” means a school district, education service district, public charter school, or other education entity to which a rule codified in Oregon Administrative Rules Chapter 581, Division 22, applies.**

**(c) “Public charter school” means an elementary or secondary charter school offering a comprehensive instructional program under a written agreement entered into between a sponsor and an applicant pursuant to ORS chapter 338.**

**(d) “Sponsor” means:**

**(A) The board of the school district or the union high school district that has developed a written charter to create a public charter school.**

**(B) The State Board of Education pursuant to ORS 338.075.**

**(2) OAR 581-075-0205 and this rule apply to potential violations of rules codified in Oregon Administrative Rules Chapter 581, Division 22.**

**(3) The department will investigate a potential violation of a rule codified in Oregon Administrative Rules Chapter 581, Division 22, if a complainant files an appeal of a complaint initially filed with a district in accordance with OAR 581-075-0205.**

**(4) Before conducting an investigation under this rule, the department must give written notice to the district that it is going to conduct the investigation. In the notice, the department may order the district to provide the department, in a time and manner ordered by the department, with a written explanation of any action that the district took or did not take with respect to the potential violation.**

**(5) For purposes of conducting an investigation under this rule, the department may order a district to provide the department with documents and other information necessary to investigate the potential violation.**

**(6) The department must resolve an investigation conducted under this rule not later than 270 calendar days after the date on which the department gave notice under subsection (4) of this rule unless the department extends the date by which it must resolve the investigation for good cause.**

**(7)(a) If the department determines that a violation occurred, the department must issue a final order. If the department determines that a violation did not occur, the department must issue a final order or notice of compliance.**

**(b) A final order issued under this subsection must contain the facts upon which the department is basing its conclusions, an explanation of the department’s conclusions, and if the department determines that a violation occurred, an order directing the district to prepare and complete a corrective action plan. If the district is a school district, the corrective action plan must be prepared and completed in accordance with ORS 327.103. If the district is an education service district, the corrective action plan must be prepared and completed in accordance with ORS 334.217. If the district is a public charter school or other type of education entity, the corrective action plan must be prepared in a time and manner prescribed by the department.**

**(c) Notice of compliance issued under this subsection must contain the department's conclusions.**

**(8) If a district does not prepare or complete a corrective action plan, the department may impose any penalty allowed under the laws of this state, including withholding all or part of any distribution authorized under the laws of this state from the State School Fund.**

**(9) On any date preceding the date on which the department issues a final order or notice of compliance under this rule, the district that is the subject of the investigation may request to prepare a corrective action plan in the same manner that the district would prepare a corrective action plan under subsection (7) of this rule if the department found that the district committed the potential violation. Upon request, the department will assist the district in understanding what corrective action would be appropriate.**

**Statutory/Other Authority:** ORS 326.051, ORS 327.103, ORS 338.115, & ORS 334.217

**Statutes/Other Implemented:** ORS 326.051, ORS 327.103, ORS 338.115, & ORS 334.217

#### **OAR 581-075-0205**

##### **Appeals of Potential Violations of Division 22 Standards**

**(1) The department will investigate a potential violation of a rule codified in Oregon Administrative Rules Chapter 581, Division 22, if a complainant files an appeal of a complaint initially filed with a district if the appeal meets the criteria set forth in this rule.**

**(2) The appeal must be ripe. An appeal is ripe when:**

**(a) If the district has a complaint process, the district has issued a final written decision to the complainant in accordance with the district's complaint process or the district has failed to resolve the complaint within 90 calendar days of the initial submission of the complaint, unless the district and complainant have agreed in writing to a different time period for resolving the complaint.**

**(b) If the district does not have a complaint process, the complainant has received any written response from the district or the district has failed to resolve the complaint within 90 calendar days of the initial submission of the complaint, unless the district and complainant have agreed in writing to a different time period for resolving the complaint.**

**(3) The appeal must be received by the department not later than one calendar year after the date on which the department could have first accepted the appeal under subsection (2) of this section.**

**(4) The complaint on which the appeal is based must have been initially filed with the district not later than one calendar year after the date on which the alleged violation occurred or the**

complainant discovered the alleged violation. For purposes of this subsection, if the alleged violation is of a continuing nature, the date on which the alleged violation occurred is the most recent date on which the alleged violation occurred.

**(5) The appeal must:**

**(a) Be in writing;**

**(b) Be submitted in person, by mail, or electronically; and**

**(c) Contain:**

**(A) The name of the person filing the appeal;**

**(B) If the person filing the appeal has a phone number, address, or email address, the person's phone number, address, or email address;**

**(C) A statement of facts upon which the appeal is based; and**

**(D) Any other information requested by the department.**

**Statutory/Other Authority:** ORS 326.051, ORS 327.103, ORS 338.115, & ORS 334.217

**Statutes/Other Implemented:** ORS 326.051, ORS 327.103, ORS 338.115, & ORS 334.217

#### **OAR 581-075-0210**

##### **Judicial Review and Reconsideration of Orders Related to Division 22 Standards**

**(1) Pursuant to ORS 183.484 and OAR 137-004-0080, a party may request reconsideration of a final order or notice of compliance issued by the Oregon Department of Education under OAR 581-075-0200 within 60 calendar days of service of the final order. The department and a party seeking reconsideration shall follow the procedure for reconsideration described in OAR 137-004-0080.**

**(2) Parties may seek judicial review of a final order or notice of compliance issued by the department under ORS 183.484. Judicial review may be obtained by filing a petition for review with the Marion County Circuit Court or with the circuit court for the county where the complainant resides. The petition must be filed within 60 calendar days of service of the final order or, if a petition for reconsideration has been filed, within 60 calendar days of service of an order denying reconsideration.**

**Statutory/Other Authority:** ORS 183.484

**Statutes/Other Implemented:** ORS 183.484

# Oregon State Board of Education

September 19, 2024

AGENDA ITEM: 5.C.

|   |  |
|---|--|
| <p><b>SUBJECT:</b> Title of topic/OAR # and Title</p> <p><b>STAFF NAME &amp; OFFICE:</b></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? If this is a rule, what is the change that needs to be made?</p> <p><input checked="" type="checkbox"/> New Rule<br/><input type="checkbox"/> Amend Existing Rule<br/><input checked="" type="checkbox"/> Repeal Rule</p> | <p><input checked="" type="checkbox"/> <b>First Reading</b><br/><input checked="" type="checkbox"/> <b>Presentation</b><br/><input type="checkbox"/> <b>No Presentation</b></p> <p><input type="checkbox"/> <b>Action</b><br/><input type="checkbox"/> <b>Temp Rule</b><br/><input type="checkbox"/> <b>Presentation</b><br/><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?

During the summer of 2022, ODE held eight separate listening sessions. A total of 44 invitees attended the sessions. Invitees included students, parents and caregivers, advocacy groups, administrators from nine school districts, COSA, OSBA, and members of other education related organizations. The purpose of the listening sessions was to gather input from the community about ODE’s appeals procedures and to elicit suggestions for improvement.

ODE received both positive and negative feedback from the attendees. Of the negative feedback received, the most concerning is the amount of time it takes ODE to resolve an appeal.

Pursuant to the listening sessions, ODE initiated rulemakings, proposed legislation, and made changes to internal agency processes.

ODE continued to engage the attendees by periodically sending them reports of improvements made. A final report was sent in February 2024.

The department continues to identify areas where its appeals procedures need to improve, namely that:

- The procedures remain slow and inefficient; and
- Complaints alleging violations of Division 22 standards require different investigatory and remedial procedures than other types of complaints.

# Oregon State Board of Education

September 19, 2024

AGENDA ITEM: 5.C.

- b. What is the current requirement in rule or statute?

The statutes governing the type of appeals that ODE accepts are:

- ORS 659.850 and 659.855 (Discrimination)
- ORS 339.285 to 339.303 (Restraint and Seclusion)
- ORS 659.852 and 659.855 (Educational Retaliation)
- ORS 327.006, 327.103 and 334.217 (Division 22 standards)

Importantly, the statutes pertaining discrimination, restraint, seclusion, and educational retaliation do not prescribe any procedures for ODE to follow while the statute pertaining to Division 22 standards does.

The processes by which the department accepts, investigates, and resolves appeals are currently set forth in OAR 581-002-0001 to 581-002-00023.

- c. Why is this rule being brought forward right now?

To increase the speed and efficiency with which ODE processes appeals, and to create a process for appeals alleging a violation of a Division 22 standard that better addresses the unique investigatory and remedial needs of those types of appeals.

## 2. Purpose

- a. What function does the current rule hold?

ODE accepts from parents and students appeals of complaints initially filed with school districts and other education entities that allege discrimination, restraint, seclusion, retaliation, and violations of education standards codified in OAR Chapter 581, Division 022 (Division 22 standards). The procedures that the department uses to investigate these appeals are currently set forth in OAR 581-002-0001 to 581-002-0027. The procedures include:

- The circumstances under which ODE will accept an appeal.
- The procedures by which ODE will investigate and resolve an appeal.
- The procedures by which ODE will hold deficient education entities accountable.

- b. How long has the rule been in place?

OAR 581-002-0001 to 581-002-0023 were adopted on March 25, 2019. Amendments were made to the rules during the Spring of 2023.

## 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.

The statutes pertaining discrimination, restraint, seclusion, and educational retaliation **do not** prescribe any procedures for ODE to follow when investigating and resolving those types of complaints. The statutes pertaining to Division 22 standards (ORS

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327.006, 327.103 and 334.217) **do** prescribe procedures for ODE to follow, particularly with respect to what deficient districts need to do to come back into compliance.

4. Stakeholder voice/input (individual and collective i.e., groups)
  - a. Who was involved in bringing this to the Board?

The Complaints and Appeals Unit within the Director's Office of ODE.

- b. What did engagement in this process entail?

During the summer of 2022, ODE held eight separate listening sessions. A total of 44 invitees attended the sessions. Invitees included students, parents and caregivers, advocacy groups, administrators from nine school districts, COSA, OSBA, and members of other education related organizations. The purpose of the listening sessions was to gather input from the community about ODE's appeals procedures and to elicit suggestions for improvement.

ODE continued to engage the attendees by periodically sending them reports of improvements made. A final report was sent in February 2024.

More recently, ODE met with OSBA and OATAG about the proposed rules on August 27, 2024, presented the proposed rules at ODE's Ongoing Rules Community Advisory group (ORCA) on September 5, 2024, and met with OSBA and COSA about the proposed rules on September 16, 2024. ODE has received feedback from OATAG about the proposed rules.

- c. Who may be affected by this?

Students of color, historically and currently marginalized students, students who identify as LGBTQ2SIA+, students with a disability, and other protected class students who or for whom an appeal alleging discrimination is filed.

Teachers, administrators, or other district staff belonging to a protected class who or for whom an appeal alleging discrimination is filed.

Other individuals belonging to a protected class who are on public school premises or at a public-school function who or for whom an appeal alleging discrimination is filed.

Students who allegedly have been restrained or secluded who or for whom an appeal alleging a violation of restraint and seclusion law is filed.

Students who allegedly have been subjected to retaliation who or for whom an appeal alleging retaliation is filed.

Student bodies to whom alleged violations of a Division 22 standard applies.

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- d. Whose voice is missing?

ODE has engaged with a broad variety of students, parents, education providers, education organizations, and advocacy groups with an emphasis on including those belonging to historically underserved groups.

After conducting the initial listening sessions during the summer of 2022, ODE determined that it had not included OATAG as an appropriate partner for rule development. With that in mind, ODE has specifically reached out to OATAG over the course of the past several weeks to receive additional feedback from that organization.

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

None.

### 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.

### 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?

Through the listening sessions conducted during the summer of 2022, subsequent interactions with listening session attendees occurring through February 2024, the ORCA presentation on September 5, 2024, and additional meetings held more recently, on August 27, 2024, and September 16, 2024.

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- b. Who are the historically underserved groups affected?

Students of color, historically and currently marginalized students, students who identify as LGBTQ2SIA+, students with a disability, and other protected class students.

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

One of the listening sessions held during the summer of 2022 was specifically dedicated to hearing the concerns of tribes. No other specific consultation or collaboration with tribes occurred.

- 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?

One of the main goals of this rule change is to modify ODE's appeals processes to make them timelier and more efficient. As specified above, of the negative feedback received by ODE about its appeals processes, the most concerning is the amount of time it takes ODE to resolve an appeal.

## 2. Negative/Positive Effects

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

The positive effects of this proposed rulemaking are increased speed and efficiency with which ODE investigates parent and student appeals, including those of students belonging to a protected class alleging discrimination.

The negative effects of this proposed rulemaking are twofold: (1) parent and student complainants will only have one year from the date that a local complaint is resolved to file an appeal with ODE (as opposed to one year under some circumstances, two years under other circumstances); and (2) parent and student complainants will no longer have an opportunity to conciliate with a school district that is deficient following an ODE investigation (this does not prevent a complainant from conciliating or settling with an education entity before ODE concludes its investigation).

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

The goal of this rule is to more swiftly resolve violations of education law, including discrimination, in order to timely provide students suffering harm equal access to education services.

Another benefit of the rule is to more swiftly provide deficient education entities with information necessary for them to come back into compliance with the law, which will have an effect on the entire student body.

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

Data shows that reducing the length of time that parent and student complainants may file an appeal with ODE (one year in all circumstances) will have a minimal impact. Of the 169 appeals accepted by ODE since 2018, only one was accepted where the local complaint was resolved more than a year before the complainant filed their appeal with ODE.

Eliminating post-investigation conciliation will remove a step from the current appeals process where parent and student complainants have an opportunity to tell education entities what they would like to receive to resolve a case. This step in the process gives complainants a voice. However, complainants' concerns often do not align with the concerns of the entire student body, and when cases are resolved early, ODE does not have the legal authority to direct education entities to undergo corrective action. Once an investigation is concluded, and ODE knows the full extent of an education entity's deficiencies, ordering corrective action that is specifically tailored to resolve the deficiency would have a greater benefit for the student body as a whole.

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

Yes.

- e. Does this rule advance the ESSA goals?

Yes. The proposed rule advances equity and promotes a well-rounded education. The proposed rule will provide students with timelier access to education services when they are facing discrimination, and the proposed rule will provide districts with timelier corrective action when deficiencies are identified.

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

- a. State or federally mandated?
- b. Political?
- c. Emotional?
- d. Financial?
- e. Programmatic?
- f. Language?
- g. Geography?
- h. Size?

There are a few processes for Division 22 standards set forth in state statute that cannot be circumvented. These are referenced in the rules.

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There are no other barriers to more equitable outcomes for these new processes that do not currently apply to ODE's existing processes (for example, language is a barrier insofar as the Complaints and Appeals Team needs language translation services to process appeals for non-English speaking complainants).

## 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.
  - 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.

Eliminating steps from the appeals process will have the effect of reducing points during the appeals process where parents and students belonging to an underserved population or protected class can access the process and provide their input. ODE will need to be deliberate about keeping lines of communication open, providing parents and students with resources, and taking into consideration the needs of individual parents and students when ordering corrective action.

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 goal of proposed rules is to increase the time by which ODE resolves appeals, thereby providing students from underserved populations who are suffering from discrimination with more timely access to educational services and programs.

Further, when education entities are deficient, timelier responses to complaints will provide them with the response and resources they need to come back into compliance with the law, including those laws specifically pertaining to underserved populations.

3. Explain how the rule change, policy or action works toward improving achievement, opportunities and a sense of worthiness for underserved students?

Students from underserved populations who are suffering from discrimination often lack the support and safety services they need to have full access to educational services and programs. By responding to complaints in a timelier manner, those students will be provided with that access when it matters, and education entities will receive instruction on how to provide necessary support and safety measures in the future.

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### 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?

The proposed rule will not have any impact on the budget of the agency, except to the extent that it allows the Complaints and Appeals Unit additional flexibility in processing complaints and appeals, thereby allowing the unit to better allocate resources, and to the extent that it eliminates from ODE's duties the responsibility of tracking and ensuring compliance with conciliation agreements, thereby preserving resources. Increased flexibility in allocating and preserving resources will allow ODE to spend those resources on resolving appeals in a more efficient manner.

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

It does not. The proposed rule does not impose on school districts or ESDs any mandates or increase ODE's remedial powers. The proposed rule is about ODE's processes for processing appeals.

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

It does not. The proposed rule does not impose on school districts or ESDs any mandates or increase ODE's remedial powers. The proposed rule is about ODE's processes for processing appeals.

4. Does the proposed rule change impact other stakeholders?

No.

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

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

### 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 Rules



# Appeals Process Rules

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Emily Nazarov, Government and Legal Affairs Manager, Office of the Director  
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# Appeals Rules: Background

ODE accepts from parents and students appeals of complaints initially filed with school districts and other education entities that allege discrimination, restraint, seclusion, retaliation, and violations of education standards codified in OAR Chapter 581, Division 022 (Division 22 standards). The procedures that the department uses to investigate these appeals are currently set forth in OAR 581-002-0001 to 581-002-0027. The procedures include:

- The circumstances under which ODE will accept an appeal.
- The procedures by which ODE will investigate and resolve an appeal.
- The mechanism by which ODE will hold deficient education entities accountable.

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# Appeals Rules: Background

During the summer of 2022, ODE held eight separate listening sessions. A total of 44 invitees attended the sessions. Invitees included students, parents and caregivers, advocacy groups, administrators from nine school districts, COSA, OSBA, and members of other education related organizations. The purpose of the listening sessions was to gather input from the community about ODE's appeals procedures and to elicit suggestions for improvement.

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# Appeals Rules: Background

ODE received both positive and negative feedback from attendees of the listening sessions. Of the negative feedback received, the most concerning is the amount of time it takes ODE to resolve an appeal.

Pursuant to the listening sessions, ODE initiated rulemakings, proposed legislation, and made changes to internal agency processes. ODE continued to engage attendees by periodically sending them reports of improvements made. A final report was sent in February 2024.

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# Appeals Rules: Background

The department continues to identify areas where its appeals procedures need to improve, namely that:

- The appeals process does not resolve appeals in a timely manner
- Appeals alleging violations of Division 22 standards require different investigatory and remedial procedures than other types of appeals

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**Primary Goal #1:** *To address the concern that ODE does not resolve appeals in a timely manner.*

**Primary Goal #2:** *To create a separate appeals process for Division 22 appeals that meets the unique needs of those types of appeals.*

# Appeals Rules: Statutory Authority

The statutes governing the type of appeals that ODE accepts are:

- ORS 659.850 and 659.855 (Discrimination)
- ORS 339.285 to 339.303 (Restraint and Seclusion)
- ORS 659.852 and 659.855 (Educational Retaliation)
- ORS 327.006 and 327.103 (Division 22 standards)

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Importantly, the statutes pertaining to discrimination, restraint, seclusion, and educational retaliation *do not* prescribe any procedures for ODE to follow. In contrast, the statute pertaining to Division 22 standards *does* prescribe procedures for ODE to follow.

# Appeals Rules: Considerations

- The Oregon legislature has allocated to ODE additional resources
- ODE currently has 48 open appeals, including:
  - Two that predate 2022
  - Five that date back to 2022
  - 17 that date back to 2023
  - 22 that were accepted during 2024
- ODE currently accepts an appeal once every week, a 100% increase since 2023
- ODE currently closes an appeal once every three weeks

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# Appeals Rules: Summary of Proposed Changes

Even though many elements of the existing procedures would remain the same, the clearest way to present these rules – given the number of proposed changes – is to repeal the existing rules and write new ones.

These new rules will be codified in a new division within OAR Chapter 581 dedicated to ODE compliance processes: OAR Chapter 581, Division 075.

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# Appeals Rules: Summary of Proposed Changes

## Complainant Files an Appeal

Under existing rules, a complainant may file an appeal with ODE under one of three circumstances:

- Exhaustion
- 90-day rule
- 30-day rule

This would remain unchanged for non-Division 22 appeals.

## ODE Accepts or Denies the Appeals

Under existing rules, ODE has 14 days to accept or deny the appeal.

This would remain unchanged.

## Rule of Limitations #1

Under existing rules, a person may file a complaint with a district within:

- Two years
- One year if the “student” left the district

Under proposed rules, a complainant would have one year to file a complaint with a district.

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# Appeals Rules: Summary of Proposed Changes

## Rule of Limitations #2

Under existing rules, a complainant may file an appeal with ODE within:

- One year if the district resolves the complaint
- Two years if the district fails to resolve the complaint

Under proposed rules, a complainant would have one year to file an appeal.

## District Response

Under existing rules, a district has 30 days to respond to an appeal.

This would remain unchanged.

## Investigation

Under existing rules, ODE has 90 days to complete its investigation.

Under proposed rules, ODE would have 270 days to complete its investigation.

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# Appeals Rules: Summary of Proposed Changes

Preliminary Order

Conciliation

Final Order

Under existing rules, upon a finding of deficiency, ODE issues orders as follows:

- For all appeals except Division 22:
  - If a district is deficient, ODE issues a preliminary order finding deficiency and offers the parties the opportunity to conciliate.<sup>153</sup>
  - Districts and complainants have 30 days to conciliate.
  - If the parties are unable to reach agreement, or the agreement is breached, ODE issues a final order finding deficiency and prescribing corrective action.
- For Division 22 appeals:
  - If a district is deficient, ODE goes straight to the last step of the process and issues a final order finding the deficiency and requiring corrective action. There is no conciliation period for Division 22 appeals.

Under proposed rules, all appeals will be handled like Division 22 appeals and ***there will be no conciliation period***. If a district is deficient, ODE would issue a final order finding the deficiency and requiring corrective action.

# Appeals Rules: Summary of Proposed Changes

## Enforcement Period

Under existing rules, ODE oversees corrective action and may withhold State School Funds if a district fails to implement corrective action.

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This would remain unchanged.

# Appeals Rules: Division 22 Process

## Filing an Appeal

No 30-day rule

## Accepting/Denying Appeal and Rules of Limitations

Same as other appeals

## District Response

Districts are not required to provide a response unless ODE requests one

## Investigations and Issuance of Final Order

Same as other appeals

## Corrective Action and Enforcement

Under the current rules, ODE prescribes corrective action. Under the proposed rules, districts will propose corrective action for ODE to review and approve. This aligns with ORS 327.103.

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# Appeals Rules: Feedback

Feedback related to proposed changes include:

- Existing district administrative regulations provide information on how to appeal a complaint to ODE and will need to be updated
- 270 days to complete an investigation is too long
- ODE should retain its authority to enforce compliance with conciliation agreements entered into between districts and complainants

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# Appeals Rules: Feedback

Feedback related to the proposed changes include:

- The language in the proposed rule for ordering and enforcing corrective action for Division 22 appeals does not match the language in ORS 327.103
- ODE should take into account the voiced concerns of parents and students when ordering corrective action
- Parents and students should be given the opportunity to object to required corrective action if they believe it would be ineffective
- ODE should not be bound by the demands of parents and students when ordering corrective action

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# Appeals Rules: Feedback

Feedback related to the existing rules and processes include:

- Does ODE have the authority to prohibit a district from having legal representation during settlement meetings when the complainant does not have legal representation?
- ODE should include more direction when ordering corrective action, such as who within a district is responsible for implementing specific parts of the corrective action
- ODE should be quicker to withhold State School Funds when a district fails to implement corrective action

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# Appeals Rules: Feedback

Feedback that would require additional action:

- ODE should have the authority to initiate investigations
- ODE should have the authority to order temporary corrective action while conducting investigations
- ODE's mechanism for enforcing corrective action – withholding State School Funds – is not effective and has the potential of harming students

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# In Conclusion: Highlighting Important Changes

Important proposed changes include:

- No 30-day rule for accepting Division 22 appeals
- Complainants have one year under all circumstances to file complaint with a district
- Complainants have one year under all circumstances to file appeal with ODE
- ODE has 270 days to complete an investigation
- No conciliation period – if a district is deficient, ODE will immediately require corrective action

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## Division 17 - Strategic Investments

### **581-017-1000 Special Education Staff Stipend Grants**

(1) The following definitions will be used in this section:

(a) "Significant Special Education Support" means if 75 percent or more of the educator's or employee's student caseload consists of students who have an Individualized Education Program.

(b) "Classified School Employee" includes all employees of a school district except those for whom a teaching or administrative license is required as a basis for employment in a school district.

(c) "Individualized Education Program" has the meaning given that term in ORS 343.035.

(d) "Licensed Educator" means a teacher, administrator or other school professional who is licensed, registered or certified by the Teacher Standards and Practices Commission.

(e) "Salary" has the meaning given that term in ORS 653.010.

(f) "School District" means:

(A) A common school district or a union high school district.

(B) An education service district.

(C) This term is inclusive of State funded charter schools and the Oregon School for the Deaf

(g) "Department" is the Oregon Department of Education.

(h) "Direct Relationship" means a relationship where the ESD or District directly employs a Qualified Staff member.

(i) "EGMS" is the Department's Electronic Grant Management System.

(j) "Qualified/Qualifying Staff" means a Licensed Educator or Classified School Employee who provides Significant Special Education Support and who are in a Direct Relationship with a District or ESD.

(2) The purpose of the Special Education Staff Stipend Grant is to provide a one time stipend to Qualifying Staff.

(3) The Department shall allocate funds to School Districts as follows:

- (a) School Districts shall execute an intergovernmental agreement with the Department before receiving any grant funds.
- (b) The Department will estimate the number of Qualifying Staff in each School District.
- (2) School Districts shall apply for the Special Education Staff Stipend Grant as follows:
  - (a) School Districts will update Qualifying Staff numbers using the correct form as posted on the Department's website.
  - (A) If the School District does not submit the form by the required date, the School District will no longer be able to receive grant funds.
  - (b) School Districts will provide any additional information required by the Department to administer the Special Education Staff Stipend Grant.
  - (c) Submitting a form shall indicate the District is applying to receive funds.
- (3) Once the form has been submitted and approved, the Department will calculate a total amount of funds that will be allotted per Qualifying Staff. This amount will be published on the Department's website before claims are accepted.
- (4) The grant funds will be calculated by dividing the total grant funds by the total number of submitted Qualifying Staff from School Districts.
- (5) The Department will allocate the funds:
  - (a) To each individual School District that applied by multiplying the amount of funds per position by the number of Qualifying Staff.
  - (b) School Districts will submit a claim through EGMS (or the expected replacement system intended for the same purpose) for the total amount of the stipends for all Qualifying Staff by the deadline specified on the Department website. Claims will begin to be accepted at a date posted on the Department's website.
- (6) A School District may make a one-time payment in addition to the Qualifying Staff's salary or hourly wage based on the "per person" amount published by the Department on the Department's website, notwithstanding ORS 652.220.
- (7) A salary or wage increase specified in 5b is exclusive of health benefits and other benefits the School District provides to Qualifying Staff or that are otherwise required under the laws of this state.
- (8) School Districts must distribute funds to intended recipients by June 30, 2025 or the close of the 2024-2025 school year, whichever is earlier.

**Statutory/Other Authority: Enrolled [SB 5506: Section 90 \(2023\)](#)**

**Statutory/Other Authority: Enrolled [SB 5701 \(2024\)](#)**

**Statutes/Others Implemented: Enrolled [SB 283: Section 5 \(2023\)](#)**

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AGENDA ITEM: 7.A.

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| <p><b>SUBJECT:</b> Senate Bills 283 (2023), 5506 (2023) and 5701 (2024) Implementation: Special Education Staff Stipend Grant Program</p> <p><b>STAFF NAME &amp; OFFICE:</b> Dr. Karen Perez-Executive Director &amp; Sara Spencer-Educator Advancement Council</p> <p>With the passage of SB 283, temporary rules are needed to implement the expected stipend distribution to all special education educators in Oregon with a caseload of 75% or greater students enrolled in special education.</p> <p><input checked="" type="checkbox"/> New Rule<br/><input type="checkbox"/> Amend Existing Rule<br/><input type="checkbox"/> Repeal Rule</p> | <p><input checked="" type="checkbox"/> <b>First Reading</b><br/><input checked="" type="checkbox"/> <b>Presentation</b><br/><input type="checkbox"/> <b>No Presentation</b></p> <p><input type="checkbox"/> <b>Action</b><br/><input type="checkbox"/> <b>Temp Rule</b><br/><input type="checkbox"/> <b>Presentation</b><br/><input type="checkbox"/> <b>No Presentation</b></p> |
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### BACKGROUND

[SB 283](#) (2023), which was passed in July 2023, directed the Oregon Department of Education (ODE) to request funding through [SB 5506](#) (2023) and directed ODE to request this funding in the interim Legislative Session. Allocated through [SB 5701](#) (2024), the \$8.9 million is intended to provide stipends to licensed educators and classified school employees working more than 75% in special education during the 2024-2025 school year. These stipends are intended to honor and acknowledge special education educators for their efforts through a one-time stipend payment

The purpose of the proposed rules is to describe the legislative intent of these stipends and to create the mechanism for allocating and distributing stipends to “Qualified Staff”. This effort is strictly mirroring statute to closely align with the intent of the legislation. The proposed rules provide clear and inclusive definitions like “School District” and “Qualified/Qualifying Staff” to include all educational institutions who provide special education services to students which is critical to ensuring all qualifying educators are included. The rules also provide clarity around how the stipend amounts will be determined and distributed. The final stipend figure will not be known until all “School Districts” have provided their number of “Qualified Staff” or indicate that they are not participating in this effort. Districts are not required to participate in the stipend distribution to “Qualified Staff” and without indirect costs to offset the expense of this effort, this may occur. The impact of non-participation by “School Districts” will alter the final per person stipend amount and the final amount will not be determined until ODE has received information from each of them.

Initial engagement efforts included meeting with the Office of Enhancing Student Opportunities (OESO) to ensure alignment and shared understanding of SB 283 (2023). With support from OESO, we met with the regional special education directors to hear their recommendations on the best options for allocation of stipends. Supported by COSA, we engaged in a listening session with education partners from across the state that included Senator Dembrow who shared the intention for the stipend funds and methodology for distribution of funds. Collaboration in the development of this bill is ongoing as we continue to seek and incorporate education partner feedback as a part of this effort. As we develop the rules and processes for this bill, we are also considering the impact on district business office and payroll staff. Given this consideration, we also plan to meet with the Oregon Association of School Business Officials (OASBO) and the Oregon Association of Central Office Administrators (OACOA) and other

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education partners to gain further understanding of the impact of the proposed processes. Further engagement with districts is planned in addition to office hours meetings to address concerns and questions as the work unfolds. A set of FAQs directed to specific audiences such as special education teachers, classified employees, and district officials are also under development.

The breadth of this effort stretches across the state of Oregon reaching 197 school districts, 19 ESDs, the Oregon School for the Deaf, the Youth Corrections Education Program (YCEP), the Juvenile Detention Education Program (JDEP) and 127 charter schools. We acknowledge that additional engagement may be needed as we continue to work through the potential intended and unintended outcomes of this bill.

The draft rules were prepared and reviewed by internal and external education partners and the resulting analysis indicated that there would be no tribal impact from this bill and the subsequent distribution of stipends.

The timeline established by SB 283 (2023) requires that participating school districts receive their allocation for stipend distribution by **June 30, 2025**. This constitutes an immediate need for temporary rules to be passed and results in a timeline that limits the opportunity for engagement. Additional engagement will occur thru October with a focus on supporting the allocation and distribution of funds. FAQs and office hours will be available and ongoing throughout the process until its conclusion.

### SUMMARY OF PREVIOUS BOARD ACTION

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This issue has not yet been before the board.

### 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 Legislature has directed the funds from this initiative be focused on distributing equal stipend payments to all Qualifying Staff. The allocation and distribution of these funds' centers on the 75% caseload of each Qualifying Staff member. There may be unintended inequities created because of the caseload requirement which will exclude educators with less than 75%. In addition, if Districts choose not to participate, this could create inequities based upon where special education educators are employed and their inability to access a stipend. The amount of the stipend will be based on how many special education educators are qualified and identified by the school district. The more qualified staff included, the smaller the stipends and conversely if fewer qualified staff are identified, the larger the stipends.

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## EQUITY IMPACT ANALYSIS

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We are gathering necessary demographic data to determine the number of qualifying staff. If specific data is available regarding qualified staff, it will enable us to more effectively assess the potential impact on marginalized populations. Legislation was clear on who the recipients of the \$8.9 million one-time funds should be, and no changes will be made. However, there may be questions or concerns raised from educational institutions or others regarding alternative options for how this fund could have been spent or allocated.

The short- and long-term impacts of these funds is difficult to assess currently, as we don't yet have the final number of licensed and classified staff working 75% or more of their time with students who qualify for special education. Consequently, we have an \$8.9 million fund, and we cannot confirm how much each qualified staff member will receive in the stipend. The stipend could be small if the number of qualifying educators is very high. We will have more information after districts return their qualifying staff data which is due by **November 20, 2024**.

If we were asked to name a different scenario that may or may not have led to a more equitable outcome, it could have been to allocate these funds directly to districts to support decreasing caseload sizes and/or to direct support students with IEPs. However, with \$8.9 million for the whole state, this concept may not have had a significant impact and using these one time funds would have been a temporary opportunity.

## FISCAL ANALYSIS

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The overarching goal of distributing the funds has been to ensure the requirements and expectations are easy to interpret and follow. Districts will not be eligible for indirect costs so by creating a streamlined and clear methodology for accessing the funds we hope to encourage the maximum number of districts to participate resulting in the maximum number of educators receiving stipends.

We anticipate distributing funds to all 197 districts, 127 charter schools, 19 ESDs, the Oregon School for the Deaf, the Youth Corrections Education Program and the Juvenile Detention Education Program and we intend to equally distribute the entire \$8.9M allocation from the Emergency Fund among applicant districts' Qualifying Staff.

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

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A yes vote will provide a set of rules that will guide the implementation of the special education educator stipend program outlined in SB 283 (2023), SB 5506 (2023) and SB 5701 (2024). This effort is intended to provide stipends to individual educators who meet the qualified staff criteria to honor and acknowledge their work.

Should the board vote no, the absence of rules may prevent ODE from implementing the program and fulfilling the bill requirements.

# Oregon State Board of Education

## September 19, 2024

AGENDA ITEM: 7.A.

### 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 stipend rules

|  |   |
|--|---|
| <p><b>SUBJECT:</b> Health Education Instructional Materials Adoption/OAR 581-011-0070 &amp; 0071 Instructional Materials Adopted by the State Board of Education</p> <p><b>STAFF NAME &amp; OFFICE:</b> Jenna Montgomery, Suzanne Hidde, Sasha Grenier, and Alexa Pearson; Office of Teaching, Learning, and Assessment</p> <p>Rules <a href="#">581-011-0070</a> and <a href="#">581-011-0071</a> instruct the State Board of Education to adopt a list of basal instructional materials annually in the subject matter cycle adopted by the Board according to the criteria adopted by the Board under OAR <a href="#">581-011-0117</a>. The Health Education basal instructional materials list is ready for the Oregon State Board of Education to review for adoption.</p> <p><input type="checkbox"/> New Rule<br/> <input type="checkbox"/> Amend Existing Rule<br/> <input type="checkbox"/> Repeal Rule</p> | <p><input checked="" type="checkbox"/> <b>First Reading</b><br/> <input checked="" type="checkbox"/> <b>Presentation</b><br/> <input type="checkbox"/> <b>No Presentation</b></p> <p><input type="checkbox"/> <b>Action</b><br/> <input type="checkbox"/> <b>Temp Rule</b><br/> <input type="checkbox"/> <b>Presentation</b><br/> <input type="checkbox"/> <b>No Presentation</b></p> |
|--|---|

**BACKGROUND**

The State Board of Education adopts instructional materials on a seven-year subject matter cycle prior to October 31 each year. Traditionally, the adoption results in a seven-year contract with publishers for the content area proposed for adoption ([ORS 337.050](#), [OAR 581-011-0070](#), and [OAR 581-011-0071](#)). 2024 is the adoption year for Health Education.

The work of the instructional materials evaluation followed the review and revision of the 2023 Health Education state standards, which were adopted by the State Board in October of 2023. The standards were developed with the goal of fostering inclusive Health Education instruction which empowers students with a sense of self-efficacy to help them make informed decisions, access resources, and consent to issues that relate to their health, safety, and bodily autonomy.

Following the adoption of the 2023 Health Education standards in October 2023, ODE staff convened a diverse committee of teachers, curriculum specialists, and other content area experts to review, revise, and recommend adoption criteria for use in evaluation of K-12 Health Education instructional materials. The 2023 Health Education Instructional Materials Criteria Committee used ODE’s existing criteria framework, as well as state and nationally developed health education criteria, to tailor and align Oregon’s instructional materials criteria to the adopted 2023 Oregon Health Education Standards. This adoption criteria was adopted by the State Board in January 2024.

In spring of 2024, ODE began the process of recruiting for the Health Education Instructional Materials Evaluation Committee, and members were appointed in May of 2024. During the summer of 2024, the committee of K-12 Health and Sexuality educators participated in a combination of synchronous and asynchronous training. The training covered the core components of evaluating materials: educational equity, academic content standards, adoption criteria, and guidance on the rating, consensus, and feedback processes to support clear group scoring.

The evaluation committee reviewed and evaluated materials in a hybrid format during the month of July, assessing materials using the established adoption criteria. Evaluators provided detailed comments and feedback describing how each submission conformed to the adoption criteria. These insights will be shared when the adopted list is published and can be used by districts to support their local adoptions.

Final score notification was provided to publishers on August 16, 2024, with an opportunity for publishers to issue a response. One publisher requested re-evaluation of materials, which is currently in progress. The re-evaluation process is conducted internally, by ODE staff. The recommended materials list (which is attached to this docket) will be updated to reflect the outcome of this re-evaluation once completed.

If adopted by the State Board of Education in October, the Health Education Instructional Materials list will be posted to the Oregon Department of Education Instructional Materials webpage. All adopted Health Education materials will have a contract period beginning in February 1, 2025, and ending in June 30, 2032. Following adoption by the State Board, districts will have the option to: (1) select materials from the ODE-approved list ([ORS 337.050](#) and [OAR 581-022-2355](#)), (2) conduct independent adoptions using state criteria ([OAR 581-022-2350](#)), or (3) postpone adoption for up to two years ([OAR 581-022-2360](#)).

It is important to note that instructional materials alone cannot provide high quality instruction. These materials are intended to be utilized by a dedicated instructor, and supplemented where necessary, to create a comprehensive learning experience for students. School districts should evaluate the strengths and limitations of each recommended resource to guide their selection of supplemental materials. The reviewed Health Education instructional materials must meet all non-negotiable criteria, including alignment with content standards and equitable student engagement. Additionally, materials must meet a majority threshold in technical usability and assessment criteria in order to be recommended for adoption.

## **SUMMARY OF PREVIOUS BOARD ACTION**

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The Board adopts instructional materials for each of the content areas on the adoption cycle prior to October 31st each year.

## **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:

## **EQUITY IMPACT ANALYSIS**

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High-Quality Instructional Materials are a key lever in supporting equitable access to high-quality instruction in Oregon schools. The evaluation of health instructional materials is an opportunity to set a vision of what equitable teaching and learning looks like within K-12 Health Education.

Health education is a cornerstone of educational equity. Health Education works to center students' cultures, interests, values, and identities as they learn how to live healthy, safe, and flourishing lives as young people and adults, in relationships with one another, in communities, and in the world. Health Education supports young people to gain age-appropriate knowledge and skills that foster healthy behaviors, empowered decision-making, and a holistic understanding of their role in promoting individual, family, and community safety and well-being. Research shows that when health education is comprehensive, inclusive, skills-based, and scaffolded across grades, it leads to improved school climate, individual academic achievement, and long lasting intergenerational benefits.

By conducting a state-level instructional materials adoption process, the Oregon Department of Education (ODE) ensures that all districts have access to a list of vetted, high-quality instructional materials for Health Education. As highlighted on EdReports, "High-quality curriculum allows for students to build knowledge and skills that will prepare and provide opportunities for critical thinking and discourse to engage with the world successfully. Thus, we get to the heart of equity and empowerment" (Nychelle Toussaint, CA EdReports evaluator). Adopting the approved Health Education materials list will support districts in selecting resources that meet Oregon's high standards for alignment to learning goals, instructional excellence, and cultural responsiveness. The materials on this list have been evaluated using adoption criteria focused on cultural responsiveness and diverse representation.

## **FISCAL ANALYSIS**

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The statewide instructional materials adoption process is currently funded through publisher fees and supplemented by ODE General Fund dollars when needed. This adoption required the collection of fees from publishers to conduct the evaluation. These fees covered site costs, honorariums for evaluators, and other miscellaneous expenses related to the evaluation. In addition to the aforementioned, ODE staff time was also utilized to complete this project.

The Health Education Instructional Materials evaluation will not have an ongoing fiscal impact on the agency. However, it may financially benefit districts who have yet to adopt Health Education materials by providing a stable contract price for newly adopted materials.

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

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A "Yes" vote will provide Oregon school districts with a list of Health Education instructional materials to choose from that meet the Health Education adoption criteria.

A "No" vote will mean that there will not be an ODE approved list of adopted Health Education instructional materials for Oregon school districts; therefore, all public school districts would need to conduct independent adoptions to choose their Health Education materials.

## **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: 2024 Health Education Category 1-3 (Grades K-12) Adoption List

\* indicates "exemplary" program scoring of 80% or higher with no criterion score o

| Category                | Oregon Adoption Criteria | Publisher                       |
|-------------------------|--------------------------|---------------------------------|
| Category 1: Grades K-5  | DOES NOT MEET            | Studies Weekly                  |
| Category 1: Grades K-5  | DOES NOT MEET            | Michigan Model for Health       |
| Category 1: Grades K-5  | MEETS*                   | Children's Health Market        |
| Category 1: Grades K-5  | DOES NOT MEET            | Monique Burr Foundation         |
| Category 1: Grades K-5  | DOES NOT MEET            | QuaverEd                        |
| Category 2: Grades 6-8  | DOES NOT MEET            | Monique Burr Foundation         |
| Category 2: Grades 6-8  | DOES NOT MEET            | Michigan Model for Health Clear |
| Category 2: Grades 6-8  | MEETS                    | Human Kinetics                  |
| Category 2: Grades 6-8  | MEETS*                   | Children's Health Market        |
| Category 2: Grades 6-8  | MEETS                    | Goodheart Willcox               |
| Category 2: Grades 6-8  | DOES NOT MEET            | Goodheart Willcox               |
| Category 3: Grades 9-12 | DOES NOT MEET            | Monique Burr Foundation         |
| Category 3: Grades 9-12 | DOES NOT MEET            | Michigan Model for Health       |
| Category 3: Grades 9-12 | DOES NOT MEET            | Clearinghouse                   |
| Category 3: Grades 9-12 | MEETS*                   | Human Kinetics                  |
| Category 3: Grades 9-12 | DOES NOT MEET            | Goodheart Willcox               |
| Category 3: Grades 9-12 | DOES NOT MEET            | Goodheart Willcox               |

**Note:**

Materials highlighted in yellow are in the process of Re-Evaluation. Scores will be updated to reflect the results of this process once it is completed.

f zero.

| Program Title   | Copyright Date | Available in Spanish and/or other languages | Price List                 |
|---|----------------|---|----------------------------|
| <a href="#">Oregon Health and Wellness</a>                    | 2024           | N/A   |                            |
| <a href="#">Michigan Model for Health</a>                     | 2024           | N/A   |                            |
| <a href="#">The Great Body Shop</a>                           | 2020           | Yes   | <a href="#">Price List</a> |
| <a href="#">Child Safety Matters</a>                          | 2021           | N/A   |                            |
| <a href="#">Quaver Health</a>                                 | 2024           | N/A   |                            |
| <a href="#">Teen Safety Matters</a>                           | 2024           | N/A   |                            |
| <a href="#">Michigan Model for Health</a>                     | 2024           | N/A   |                            |
| <a href="#">Live Well: Middle School Health</a>               | 2021           | Yes   | <a href="#">Price List</a> |
| <a href="#">The Great Body Shop</a>                           | 2024           | Yes   | <a href="#">Price List</a> |
| <a href="#">Comprehensive Health Skills for Middle School</a> | 2025           | Yes   | <a href="#">Price List</a> |
| <a href="#">Essential Health for Middle School</a>            | 2025           | N/A   |                            |
| <a href="#">Teen Safety Matters</a>                           | 2021           | N/A   |                            |
| <a href="#">Michigan Model for Health</a>                     | 2024           | N/A   |                            |
| <a href="#">Live Well Comprehensive High School Health</a>    | 2024           | Yes   | <a href="#">Price List</a> |
| <a href="#">Comprehensive Health Skills for High School</a>   | 2025           | N/A   |                            |
| <a href="#">Essential Health for High School</a>              | 2025           | N/A   |                            |

## Materials in Health Education - Contract Years 2025-2032

| 1.1 Alignment to Health Education Standards | 1.2 Strengths-Based Approach | 1.3 Health Literacy and Analysis | 1.4 Comprehensive Sexuality Education & Violence/ Abuse Prevention | 2.1 Engagement and Motivation | 2.2 Culturally Responsive Instructional Support |
|---|------------------------------|----------------------------------|--|-------------------------------|---|
| 1   | 2                            | 1                                | 0  | 2                             | 1   |
| 0   | 1                            | 1                                | 0  | 1                             | 0   |
| 2   | 2                            | 2                                | 2  | 2                             | 1   |
| 0   | 1                            | 0                                | 0  | 1                             | 0   |
| 1   | 2                            | 1                                | 0  | 2                             | 1   |
|   |                              |                                  |  |                               |   |
| 0   | 1                            | 0                                | 0  | 1                             | 0   |
| 0   | 0                            | 1                                | 0  | 1                             | 0   |
| 2   | 1                            | 2                                | 1  | 2                             | 1   |
| 2   | 2                            | 2                                | 2  | 2                             | 2   |
| 1   | 2                            | 1                                | 1  | 2                             | 1   |
| 0   | 2                            | 1                                | 0  | 2                             | 1   |
|   |                              |                                  |  |                               |   |
| 0   | 0                            | 0                                | 0  | 0                             | 0   |
|   |                              |                                  |  |                               |   |
| 0   | 0                            | 1                                | 0  | 2                             | 0   |
| 2   | 2                            | 2                                | 2  | 2                             | 2   |
| 2   | 0                            | 2                                | 0  | 2                             | 0   |
| 2   | 0                            | 2                                | 0  | 2                             | 0   |



| 3.1 Supports for Teachers | 3.2 Supports for Students | 3.3 Digital Design Elements* | 4.1 Formative Assessment | 4.2 Performance Assessments | 4.3 Integrated Assessments* | Legal Requirements |
|---------------------------|---------------------------|------------------------------|--------------------------|-----------------------------|-----------------------------|--------------------|
| 2                         | 1                         | 2                            | 2                        | 2                           | 2                           | Yes                |
| 2                         | 0                         | 0                            | 2                        | 0                           | N/A                         | No                 |
| 2                         | 2                         | 2                            | 2                        | 2                           | 1                           | Yes                |
| 1                         | 0                         | 2                            | 1                        | 0                           | N/A                         | No                 |
| 2                         | 2                         | 2                            | 2                        | 1                           | 1                           | Yes                |
| 2                         | 0                         | 1                            | 0                        | 0                           | N/A                         | No                 |
| 2                         | 0                         | 1                            | 1                        | 1                           | N/A                         | No                 |
| 1                         | 2                         | 2                            | 2                        | 1                           | N/A                         | Yes                |
| 2                         | 2                         | 1                            | 2                        | 2                           | 1                           | Yes                |
| 1                         | 2                         | 1                            | 2                        | 2                           | N/A                         | Yes                |
| 1                         | 2                         | 1                            | 2                        | 2                           | N/A                         | Yes                |
| 2                         | 0                         | 1                            | 1                        | 0                           | N/A                         | No                 |
| 1                         | 0                         | 1                            | 1                        | 2                           | N/A                         | No                 |
| 1                         | 2                         | 2                            | 2                        | 2                           | N/A                         | Yes                |
| 2                         | 2                         | 2                            | 2                        | 2                           | N/A                         | Yes                |
| 2                         | 2                         | 2                            | 2                        | 2                           | N/A                         | Yes                |



**Publisher  
Response**







# Health Education Instructional Materials Adoption

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Suzanne Hidde, Health & Physical Education Specialist  
Sasha Grenier, Comprehensive Sexuality Education Specialist  
Jenna Montgomery, Instructional Materials Coordinator  
Alexa Pearson, Assistant Superintendent, OTLA

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# Purpose

- Share results of Health Education instructional materials evaluation
- Relevant policy:
  - ORS 337.050: List of textbooks and instructional materials.
  - OAR 581-011-0070: State Board's decision-making role
  - OAR 581-011-0071: adoption cycle
- (October) Adopt Oregon's recommended list of Health Education instructional materials



# Health Education Saves Lives

Health education supports young people to gain age-appropriate knowledge and skills that foster healthy behaviors, empowered decision-making, and a holistic understanding of their role in promoting **individual, family, and community safety and well-being.**

When health education is comprehensive, inclusive, skills-based, and scaffolded across grades it leads to **improved school climate and decreased violence, individual academic achievement, and long lasting intergenerational benefits.**

**Health education saves lives.**

# 2023 Health Standards

## → Health and sexuality education standards, adopted in October of 2023:

- ◆ Include Relevant topics when it is most timely for student health and well-being
- ◆ Are informed by OHA's Oregon Student Health Survey
- ◆ Reflect the National Health Education and National Sexuality Education Standards

## → The 2023 Standards are aligned with recommendations from the:

- ◆ American Medical Association, the American Academy of Pediatrics, the American Public Health Association, The Centers for Disease Control and Prevention's Division of Adolescent Health
- ◆ Data from peer-reviewed research studies

## → Reflect research about the timeliness of health instruction to result in health promotion

# Structure of the Health IM Criteria

## Part 1: Oregon Health Education Baseline Criteria [K-HS]

- 1.1 - Alignment to Health Education Standards
- 1.2 - Strengths-based approach
- 1.3 - Health literacy and analysis
- 1.4 - Comprehensive Sexuality Education and Violence/Abuse Prevention

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

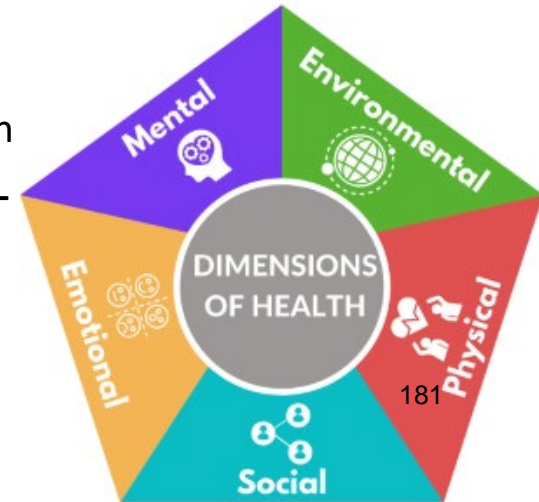
- 2.1 - Engagement & Motivation
- 2.2 - Culturally Responsive Instructional Support

## Part 3: Technical Usability Criteria [K-HS]

- 3.1 - Supports for Teachers
- 3.2 - Supports for Students
- 3.3 - Digital Learning Design Elements

## Part 4: Assessment Criteria [K-HS]

- 4.1 - Formative Assessment Process
- 4.2 - Performance Assessments
- 4.3 - Integrated Assessment System



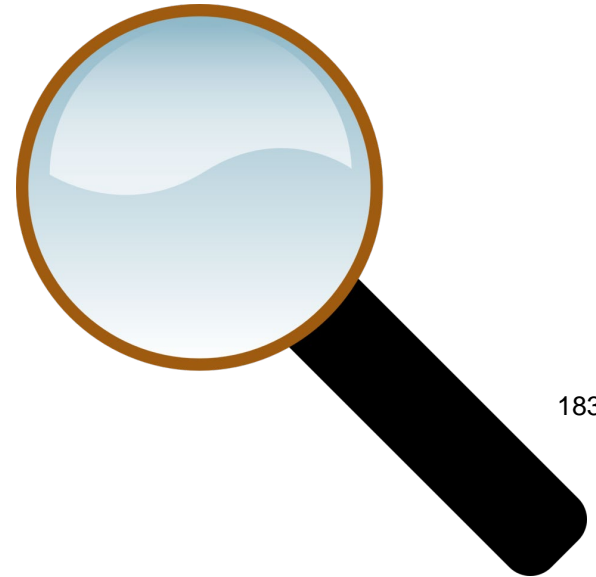
# Health Education Instructional Materials Timeline



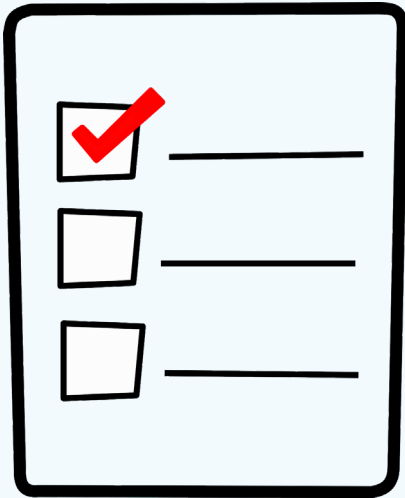
| January, 2024  | Spring, 2024  | July, 2024  | Sept-Oct, 2024  | Fall of 2025  | Fall of 2027  |
|--|---|---|---|---|---|
| <p><b>Comprehensive Health Education Adoption Criteria Approved by the Board.</b></p> <p>Criteria can be found on <a href="#">Instructional Materials Webpage</a>.</p> | <p><b>Recruitment of Evaluation Committee.</b></p> <p>Application made available to public for 5 weeks.</p> | <p><b>Hybrid Evaluation of Instructional Materials</b></p> <p>Publishers were notified of scores and given time to issue a response and/ or request reevaluation.</p> | <p><b>Presentation of Recommended Health Materials; Adoption by State Board in October.</b></p> <p>List of recommended materials, scores sheets, and publisher responses is published on ODE website.</p> | <p><b>Health Education Instructional Materials installed in classrooms.</b></p> <p>Date by which districts are required to install Health Education instructional materials in order to remain "on cycle"</p> | <p><b>Health Education Instructional Materials Postponement Period Ends</b></p> <p>Date by which materials must be installed in order to remain compliant with Division 22.</p> |

# Evaluation of Health Instructional Materials

- **[OAR 581-011-0066](#)**: outlines required committee composition
  - 19 total evaluators
  - Each committee= 75% or greater classroom teachers
- **16 submissions from 7 different publishers**
  - 5 programs in Grades K-5
  - 6 programs in Grades 6-8
  - 5 programs in Grades 9-12



# Hybrid Evaluation Process



## Virtual Component (June 24th- July 22nd):

- Evaluation committee training (2 days)
- Publisher presentations
- Q&A with publishers
- Review of materials using Quality Criteria Documentation (QCD) and standards alignment documents as a guide.
- Complete an individual Instructional Materials Evaluation Tool (IMET)

## In Person Component (Week of July 22nd):

- Group scoring and consensus discussions
- High-quality feedback statements

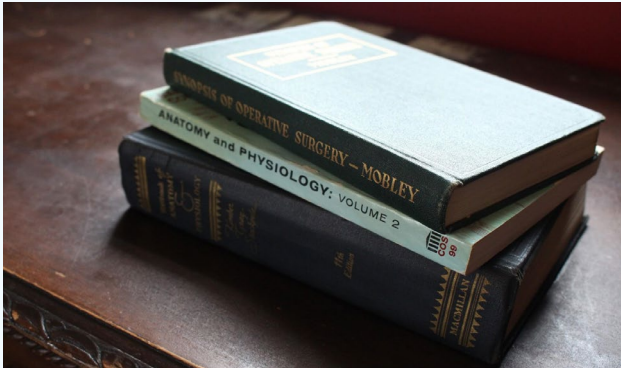
# Evaluation Results



Oregon Department of Education

- **5 of 16** submissions are recommended for adoption.
  - **1-** K-5 program
  - **3-** 6-8 programs
  - **1-** 9-12 program
- 3 recommended submissions received an **exemplary designation**.
- **Publishers received feedback** from the evaluation teams and were given the opportunity to respond/ request reevaluation.
  - One publisher requested re-evaluation; this is currently being conducted by internal ODE staff

# Resources for Districts



- Resources that will be made available on ODE's Instructional Materials webpage for districts to utilize as they select materials:
  - Score sheets
  - Feedback statements
  - Publisher responses
  - Virtual Caravan
- Health Instructional Materials Information Session (November 6th)

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# Why are there not more recommended materials?

## General Context:

- Publishers may make the decision to submit or abstain from submitting materials for review for a variety of reasons.
- As a matter of policy, and to maintain a neutral and unbiased review process, ODE does not solicit submissions from specific publishers.

## Health Evaluation:

- 10 publishers identified initial interest:
  - 3 publishers dropped out...
    - Due to fees
    - Supplemental (not basal)
- Of the submitted materials:
  - Several did not include Comprehensive Sexuality Education
  - Some did not reflect Oregon's commitment to culturally responsive, strengths-based, medically accurate education

# Thank you!



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|  |   |
|--|---|
| <p><b>SUBJECT:</b> K-5 ELA Mid-Cycle Instructional Materials Adoption/OAR 581-011-0070 &amp; 0071</p> <p><b>STAFF NAME &amp; OFFICE:</b> Jenna Montgomery, Tina Roberts, Alexa Pearson; Office of Teaching, Learning, and Assessment</p> <p>Rules <a href="#">581-011-0070</a> and <a href="#">581-011-0071</a> instruct the State Board of Education to adopt a list of basal instructional materials annually in the subject matter cycle adopted by the Board according to the criteria adopted by the Board under OAR <a href="#">581-011-0117</a>. In April of 2024, the State Board approved a request to add K-5 ELA to the 2024 instructional materials adoption schedule to support Early Literacy Success initiatives. ODE completed the evaluation of K-5 ELA materials as part of this off-cycle review. The additions to the K-5 ELA list are ready for the Oregon State Board of Education to review for this first read.</p> <p><input type="checkbox"/> New Rule<br/> <input type="checkbox"/> Amend Existing Rule<br/> <input type="checkbox"/> Repeal Rule</p> | <p><input checked="" type="checkbox"/> <b>First Reading</b></p> <p><input checked="" type="checkbox"/> <b>Presentation</b></p> <p><input type="checkbox"/> <b>No Presentation</b></p> <p><input type="checkbox"/> <b>Action</b></p> <p><input type="checkbox"/> <b>Temp Rule</b></p> <p><input type="checkbox"/> <b>Presentation</b></p> <p><input type="checkbox"/> <b>No Presentation</b></p> |
|--|---|

**BACKGROUND**

Instructional materials are regularly adopted by the State Board of Education on a 7-year subject matter cycle prior to October 31 each year ([OAR 581-011-0070](#)). This typically results in a 7-year contract with publishers for the content area proposed for adoption ([ORS 337.050](#), [OAR 581-011-0070](#), and [OAR 581-011-0071](#)). Once the State Board of Education has adopted the list of materials recommended for adoption, school districts may either select and adopt from the list ([ORS 337.050](#) and [OAR 581-022-2355](#)), independently adopt instructional materials using the state criteria ([OAR 581-022-2350](#)), or postpone adoption for up to two years ([OAR 581-022-2360](#)). In February 2020, the Board adopted instructional materials criteria for English Language Arts (ELA). The current contract period for the materials adopted in October 2021 runs from February 1, 2022, to February 1, 2028.

Governor Kotek has established early literacy as a top education priority of her administration. In 2023, the Oregon legislature passed the Early Literacy Success Initiative (HB 3198), and with this initiative, established the Early Literacy Success School District Grants. This legislation, the adoption of permanent rules for the grant in March of 2024, and ODE’s release of [Oregon’s Early Literacy Framework](#) present an opportunity for the State to support the use of high-quality, research-aligned, and culturally responsive instructional materials for ELA statewide. Per HB 3198, districts may use grant dollars to purchase and implement research-aligned, culturally relevant ELA curriculum. Starting in January 2025, funds from the Early Literacy Success School District Grant used for the adoption and implementation of K-3 core instructional materials may only be used to purchase materials from the State Board of Education adopted list for English Language Arts.

In response to the focus on early literacy, in April 2024, the State Board of Education approved a request from ODE to add K-5 English Language Arts to the 2024 adoption schedule. This shift allowed publishers that are not currently on the list to submit materials for review and possible adoption, potentially giving

districts that have not yet adopted core materials from the State Board list additional options that meet the Early Literacy Success School District Grant requirements. The intent of this action was to ensure that the instructional materials list for K-5 English Language Arts is as robust as possible before the Early Literacy Success School District Grant requirements begin in January, 2025.

In order to mitigate confusion from districts and publishers (who are generally accustomed to only one adoption occurring in Oregon each year), ODE made it a priority to engage in early and frequent communication.

Immediately following the State Board's decision to add K-5 ELA to the adoption schedule, ODE staff sent out written communications to districts and set up an Office Hours session to explain to districts the purpose of the off-cycle adoption. During this session, districts had the opportunity to ask questions.

Communication with publishers was emphasized as well. A circular of information was sent out to publishers to communicate that the agency would be evaluating K-5 ELA materials mid-cycle. A publisher's briefing was held, which was attended by over 30 participants. Publishers had the opportunity to ask questions, hear more about the adoption timeline, and were given the State Board-approved adoption criteria for English Language Arts. Communication with vendor representatives, as well as key partners like Northwest Textbook Depository, was maintained throughout the process.

In the end, two publishers submitted their materials for evaluation. Publishers may make the decision to submit or abstain from submitting materials for a variety of reasons. As a matter of policy, and to maintain a neutral and unbiased review process, ODE does not solicit submissions from specific publishers. For some publishers, the requirement to submit fees for an adoption that would result in a shorter than normal contract (3 years, as opposed to 7 years) may have been a deterrent.

The K-5 ELA Instructional Materials Evaluation Committee was appointed in the spring of 2024. As per [OAR 581-011-0066: Appointment of Committees to Evaluate Instructional Materials for State Adoption](#), the committee was comprised of at least 75% currently practicing classroom teachers. An application to participate in the committee was made publicly available for 5 weeks and evaluated by ODE staff. The committee members chosen were a group of experienced educators from varying backgrounds and school contexts, with expertise in early literacy and curriculum evaluation.

During the summer of 2024, the K-5 ELA Instructional Materials Evaluation Committee received synchronous training in the evaluation process. The training for evaluators included an equity grounding, information about the academic content standards and adoption criteria, and a section on Ratings, Consensus, & Feedback, which provided clarity on how to determine group scores and provide high-quality feedback.

The evaluation committee reviewed and evaluated both submitted materials during the final week of July, using the existing criteria that were adopted in 2020 and used for evaluation of ELA materials in 2021. The evaluators provided comments and feedback describing how each submission conformed to the review criteria. The comments and feedback will be shared when the updated adoption list is published and can be used by districts to support their local adoptions. Final score notification was provided to publishers on August 16, 2024, and one program is being recommended for adoption.

The Oregon Department of Education requests that the State Board of Education adopt the recommended instructional material program for K-5 ELA in October of 2024. The contract period for the

recommended material would begin on February 1, 2025, and end on June 30, 2028. Please see the attached ELA instructional materials list for more information about the program that is recommended for adoption.

No instructional materials currently on the 2021 SBE-adopted list will be removed or reevaluated until the next adoption cycle begins in 2027. Districts using materials on the current list need not re-adopt or be concerned that their materials in use will be removed from the SBE-adopted list.

It is important to note that instructional materials alone cannot provide high quality instruction. Instructional materials are intended to be utilized by a dedicated instructor, and supplemented where necessary, to create a comprehensive learning experience for students. To that end, school districts will need to review the strengths and weaknesses of each instructional material listed to guide supplemental material selection. The recommended K-5 instructional material program has met all non-negotiable criteria, which include content alignment and equitable student engagement. Additionally, materials met a majority threshold within the technical usability and assessment criteria in order to be recommended for adoption.

### **SUMMARY OF PREVIOUS BOARD ACTION**

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The Board adopts instructional materials for each of the content areas on the adoption cycle prior to October 31st each year. In April, 2024, the Board approved adding K-5 ELA to the adoption cycle in order to support the implementation of Early Literacy Success School District Grants.

### **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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#### **Stakeholders/Partners:**

- This additional adoption impacts all districts and charter schools eligible for the March 2025 Early Literacy Success School District Grant application (about 250 total districts and charter schools statewide) and provides eligible applicants the opportunity to review an expanded list as they consider any updates to their current early literacy curriculum.

#### **Positive Effects:**

- Districts utilizing Early Literacy Success School District Grant dollars for instructional materials will have one more material to choose from.
- High-Quality Instructional Materials are a key lever in executing the Early Literacy Success School District Grants to improve learning outcomes for students and address academic disparities for focal student groups. When districts and schools implement high-quality instructional materials, it can significantly improve student learning outcomes.

#### **Negative Effects/Barriers:**

- Because this is an update to the current Board approved list (and not a re-evaluation), it might not be obvious to districts that the list has been expanded and that they have one more option to choose from.

**Mitigation:**

- ODE will engage in early and frequent communication to districts.

**EQUITY IMPACT ANALYSIS**

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By conducting this mid-cycle review of K-5 ELA instructional materials, ODE helped ensure that the instructional materials list for ELA is as robust as possible ahead of the Early Literacy Success School District Grant requirements. Expanding the approved list of instructional materials for K-5 ELA, even by just one additional program, provides districts with greater flexibility when selecting instructional materials, increasing the likelihood of finding resources that fit within their school context, and meet the needs of their students.

Ensuring equitable access to high-quality materials, effective teaching practices, and consistent expectations is fundamental to our vision of supporting equitable early literacy achievement. Instructional materials serve as one of the cornerstones of early literacy, providing the critical support necessary for young learners to build essential reading and writing skills. As stated by EdReports, a non-profit organization that is generally recognized as a leader nationally in curriculum evaluation, "High-quality curriculum allows for students to build knowledge and skills that will prepare and provide opportunities for critical thinking and discourse to engage with the world successfully. Thus we get to the heart of equity and empowerment." (*Nychelle Toussaint, CA EdReports evaluator*).

Expanding the approved list for K-5 ELA will support districts in selecting instructional materials that align to their instructional vision and meet Oregon’s high standards for instructional excellence and cultural responsiveness. Materials on the approved list of ELA instructional materials have been evaluated using adoption criteria that include a focus on cultural responsiveness and diverse representation.

**FISCAL ANALYSIS**

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Statewide instructional materials adoption is a process currently funded through publisher fees and supplemented by ODE General Fund when needed. This adoption required the collection of fees from publishers to conduct the evaluation. These fees covered site costs, honorariums for evaluators, and other miscellaneous expenses related to the evaluation. In addition to the aforementioned, ODE staff time was also utilized to complete this project.

The K-5 Instructional Materials evaluation will not have an ongoing fiscal impact on the agency, and will not impact districts that adopted instructional materials for English Language Arts in 2022 (during the standard adoption year). However, it may financially benefit districts who have yet to adopt ELA materials by providing a stable contract price for newly adopted materials.

**EFFECT OF A “YES” OR “NO” VOTE**

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A “Yes” vote will add McGraw Hill’s *Open Court Reading* to the State Board approved instructional materials list for ELA.

A “No” vote will mean McGraw Hill’s *Open Court Reading* will not be added to the State Board approved instructional materials list for ELA.

**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: 2024 K-5 ELA Adoption List (Updated)

*Note: Instructional materials designated as “does r*

| Category               | Oregon Adoption Criteria | Submission # | Publisher   |
|------------------------|--------------------------|--------------|---|
| Category 1: Grades K-2 | MEETS                    | 1001         | Amplify Education   |
| Category 1: Grades K-2 | MEETS*                   | 1003         | Benchmark Education                                       |
| Category 1: Grades K-2 | MEETS                    | 1005         | Imagine Learning LLC (formerly Edgenuity / LearnZillion)  |
| Category 1: Grades K-2 | DOES NOT MEET            | 1007         | Essential Skills<br>Great Minds PBC and Wilson            |
| Category 1: Grades K-2 | MEETS                    | 1008         | Language Training<br>Houghton Mifflin Harcourt Publishing |
| Category 1: Grades K-2 | MEETS*                   | 1009         | Company   |
| Category 1: Grades K-2 | MEETS*                   | 1014         | McGraw Hill LLC   |
| Category 1: Grades K-2 | MEETS*                   | 1011         | McGraw Hill LLC   |
| Category 1: Grades K-2 | DOES NOT MEET            | 1015         | Open Up Resources   |

|                        |               |  |
|------------------------|---------------|--|
| Category 1: Grades K-2 | DOES NOT MEET | 1012 OpenUp Resources  |
| Category 1: Grades K-2 | MEETS         | 1013 Savvas Learning Company                                   |
| Category 2: Grades 3-5 | MEETS         | 2001 <a href="#">Amplify Education (updated)</a>               |
| Category 2: Grades 3-5 | MEETS*        | 2003 Benchmark Education<br>Imagine Learning LLC (formerly     |
| Category 2: Grades 3-5 | MEETS         | 2005 Edgenuity / LearnZillion)                                 |
| Category 2: Grades 3-5 | DOES NOT MEET | 2007 Essential Skills<br>Great Minds PBC and Wilson            |
| Category 2: Grades 3-5 | MEETS*        | 2008 Language Training<br>Houghton Mifflin Harcourt Publishing |
| Category 2: Grades 3-5 | MEETS         | 2009 Company   |
| Category 2: Grades 3-5 | MEETS*        | 1014 McGraw Hill LLC   |
| Category 2: Grades 3-5 | MEETS*        | 2011 McGraw Hill LLC   |
| Category 2: Grades 3-5 | DOES NOT MEET | OpenUp Resources   |
| Category 2: Grades 3-5 | MEETS         | 2012 OpenUp Resources  |
| Category 2: Grades 3-5 | MEETS*        | 2013 Savvas Learning Company                                   |
| Category 2: Grades 3-5 | DOES NOT MEET | 2014 ThinkCERCA  |

|                         |                      |  |
|-------------------------|----------------------|--|
| Category 3: Grades 6-8  | MEETS*               | 3001 Amplify Education   |
| Category 3: Grades 6-8  | MEETS*               | 3004 Carnegie Learning, Inc.                                     |
| Category 3: Grades 6-8  | MEETS                | Imagine Learning LLC (formerly<br>3005 Edgenuity / LearnZillion) |
| Category 3: Grades 6-8  | MEETS*               | 3008 Great Minds PBC   |
| Category 3: Grades 6-8  | MEETS*               | Houghton Mifflin Harcourt Publishing<br>3009 Company             |
| Category 3: Grades 6-8  | MEETS                | 3010 Inquiry by Design   |
| Category 3: Grades 6-8  | MEETS*               | 3011 McGraw Hill LLC   |
| Category 3: Grades 6-8  | MEETS                | 3012 OpenUp Resources  |
| Category 3: Grades 6-8  | MEETS                | 3013 Savvas Learning Company                                     |
| Category 3: Grades 6-8  | MEETS                | 3014 ThinkCERCA  |
|                         |                      |  |
| Category 4: Grades 9-12 | MEETS*               | 4002 Bedford, Freeman, and Worth                                 |
| Category 4: Grades 9-12 | MEETS*               | 4002 Bedford, Freeman, and Worth                                 |
| Category 4: Grades 9-12 | MEETS*               | 4002 Bedford, Freeman, and Worth                                 |
| Category 4: Grades 9-12 | MEETS (substitution) | 4002 Bedford, Freeman, and Worth                                 |
| Category 4: Grades 9-12 | MEETS*               | 4004 Carnegie Learning, Inc.                                     |
| Category 4: Grades 9-12 | MEETS                | Imagine Learning LLC (formerly<br>4005 Edgenuity / LearnZillion) |
| Category 4: Grades 9-12 | MEETS*               | Houghton Mifflin Harcourt Publishing<br>4009 Company             |
| Category 4: Grades 9-12 | MEETS                | 4010 Inquiry by Design   |

|                         |               |                              |
|-------------------------|---------------|------------------------------|
| Category 4: Grades 9-12 | MEETS*        | 4011 McGraw Hill LLC         |
| Category 4: Grades 9-12 | MEETS         | 4012 OpenUp Resources        |
| Category 4: Grades 9-12 | MEETS*        | 4013 Savvas Learning Company |
| Category 4: Grades 9-12 | DOES NOT MEET | 4014 ThinkCERCA              |

# Oregon Instructional Materials in English Language Arts & Literacy (ELA) - C

\* indicates "exemplary" program scoring of 100% on NN metrics as well  
 \*\*indicates that the program is based in openly-licensed content (open educational re.

not meet Oregon adoption criteria" may still be adopted as (1) supplemental materials or (2) in other course categories, at the discretion of local school boards. School

| Program Title   | Copyright Date | Legal Requirements | NN 1: High-Quality Text       | NN2: Evidence-Based Discussion and Writing | NN3: Building Knowledge       |
|---|----------------|--------------------|-------------------------------|--|-------------------------------|
| <a href="#">Core Knowledge Language Arts 2nd Edition (CKLA2) (Grades K-2)</a> | 2022           | Meets              | 3: Meets all criteria         | 3: Meets all criteria                      | 3: Meets all criteria         |
| <a href="#">Benchmark Advance ©2022 (Grades K-2)</a>                          | 2022           | Meets              | 3: Meets all criteria         | 3: Meets all criteria                      | 3: Meets all criteria         |
| <a href="#">LearnZillion/EL Education** (Grades K-2)</a>                      | 2019           | Meets              | 3: Meets all criteria         | 3: Meets all criteria                      | 3: Meets all criteria         |
| <a href="#">Complete Reading (Grades K-2)</a>                                 | 2015           | Does Not Meet      | 0: Does not meet the criteria | 0: Does not meet the criteria              | 0: Does not meet the criteria |
| <a href="#">Wit &amp; Wisdom with Foundations and Geodes (Grades K-2)</a>     | 2022           | Meets              | 3: Meets all criteria         | 3: Meets all criteria                      | 3: Meets all criteria         |
| <a href="#">HMH Into Reading (Grades K-2)</a>                                 | 2022           | Meets              | 3: Meets all criteria         | 3: Meets all criteria                      | 3: Meets all criteria         |
| <a href="#">Open Court Resources (K-2)</a>                                    | 2023           | Meets              | 3: Meets all criteria         | 3: Meets all criteria                      | 3: Meets all criteria         |
| <a href="#">Wonders (Grades K-2)</a>  | 2020           | Meets              | 3: Meets all criteria         | 3: Meets all criteria                      | 3: Meets all criteria         |
| <a href="#">Bookworms (K-2)</a>   | 2022           | Meets              | 3: Meets all criteria         | 3: Meets all criteria                      | 2: Meets most of the criteria |

EL Education K-8 Language Arts (Grades K-2)\*\*

|  |      |               |                               |                               |                               |
|--|------|---------------|-------------------------------|-------------------------------|-------------------------------|
|  | 2016 | Meets         | 3: Meets all criteria         | 3: Meets all criteria         | 3: Meets all criteria         |
| <u>myView Literacy, Words Their Way Classroom (Grades K-2)</u>       | 2020 | Meets         | 3: Meets all criteria         | 3: Meets all criteria         | 3: Meets all criteria         |
| <u>Core Knowledge Language Arts 2nd Edition (CKLA2) (Grades 3-5)</u> | 2017 | Meets         | 3: Meets all criteria         | 3: Meets all criteria         | 3: Meets all criteria         |
| <u>Benchmark Advance ©2022 (Grades 3-5)</u>                          | 2022 | Meets         | 3: Meets all criteria         | 3: Meets all criteria         | 3: Meets all criteria         |
| <u>LearnZillion EL Education (Grades 3-5)**</u>                      | 2019 | Meets         | 3: Meets all criteria         | 3: Meets all criteria         | 3: Meets all criteria         |
| <u>Complete Reading (Grades 3-5)</u>                                 | 2015 | Does Not Meet | 0: Does not meet the criteria | 0: Does not meet the criteria | 0: Does not meet the criteria |
| <u>Wit &amp; Wisdom with Foundations (Grades 3-5)</u>                | 2022 | Meets         | 3: Meets all criteria         | 3: Meets all criteria         | 3: Meets all criteria         |
| <u>HMH Into Reading (Grades 3-5)</u>                                 | 2022 | Meets         | 3: Meets all criteria         | 3: Meets all criteria         | 3: Meets all criteria         |
| <u>Open Court Resources (Grades 3-5)</u>                             | 2023 | Meets         | 3: Meets all criteria         | 3: Meets all criteria         | 3: Meets all criteria         |

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|  |      |               |                               |                       |                                 |
|--|------|---------------|-------------------------------|-----------------------|---------------------------------|
| <u>Wonders (Grades 3-5)</u>                                    | 2020 | Meets         | 3: Meets all criteria         | 3: Meets all criteria | 3: Meets all criteria           |
| <u>Bookworms (3-5)</u>   | 2022 | Does Not Meet | 3: Meets all criteria         | 3: Meets all criteria | 2: Meets most of the criteria   |
| <u>EL Education K-8 Language Arts (Grades 3-5)**</u>           | 2016 | Meets         | 3: Meets all criteria         | 3: Meets all criteria | 3: Meets all criteria           |
| <u>myView Literacy, Words Their Way Classroom (Grades 3-5)</u> | 2020 | Meets         | 3: Meets all criteria         | 3: Meets all criteria | 3: Meets all criteria           |
| <u>ThinkCERCA ELA (Grades 3-5)</u>                             | 2021 | Does Not Meet | 2: Meets most of the criteria | 3: Meets all criteria | 1: Partially meets the criteria |

|   |      |       |                       |                       |                       |
|---|------|-------|-----------------------|-----------------------|-----------------------|
| <a href="#">Amplify ELA (Grades 6-8)</a>  | 2019 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
| <a href="#">Mirrors &amp; Windows: Connecting with Literature (Grades 6-8)</a>  | 2020 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
| <a href="#">LearnZillion EL Education (Grades 6-8)**</a>                        | 2020 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
| <a href="#">Wit &amp; Wisdom (Grade 6-8)</a>                                    | 2022 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
| <a href="#">HMH Into Literature (Grades 6-8)</a>                                | 2022 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
| <a href="#">ELA Full Core Curriculum (All units and modules; Grades 6-8)</a>    | 2021 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
| <a href="#">StudySync (Grades 6-8)</a>  | 2021 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
| <a href="#">EL Education K-8 Language Arts (Grades 6-8)**</a>                   | 2019 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
| <a href="#">myPerspectives English Language Arts (Grades 6-8)</a>               | 2022 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
| <a href="#">ThinkCERCA ELA (Grades 6-8)</a>                                     | 2021 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
|   |      |       |                       |                       |                       |
| <a href="#">Foundations of Language &amp; Literature (Grade 9)</a>              | 2018 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
| <a href="#">Advanced Language &amp; Literature 2nd edition (Grade 10)</a>       | 2021 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
| <a href="#">American Literature &amp; Rhetoric (Grade 11)</a>                   | 2021 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
| <a href="#">Foundations of Language &amp; Literature (Grade 9)</a>              | 2023 | Meets | N/A                   | N/A                   | N/A                   |
| <a href="#">Mirrors &amp; Windows: Connecting with Literature (Grades 9-12)</a> | 2021 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
| <a href="#">LearnZillion Odell Education (Grades 9-12)**</a>                    | 2021 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
| <a href="#">HMH Into Literature (Grades 9-12)</a>                               | 2022 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |
| <a href="#">ELA Full Core Curriculum (All units and modules; Grades 9-12)</a>   | 2020 | Meets | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria |

|  |      |       |                               |                               |                               |
|--|------|-------|-------------------------------|-------------------------------|-------------------------------|
| <a href="#">StudySync Core ELA &amp; British Literature (Grade 9-12)</a>     | 2021 | Meets | 3: Meets all criteria         | 3: Meets all criteria         | 3: Meets all criteria         |
| <a href="#">Odell Education High School Literacy Program (Grades 9-12)**</a> | 2021 | Meets | 3: Meets all criteria         | 3: Meets all criteria         | 3: Meets all criteria         |
| <a href="#">myPerspectives English Language Arts (Grades 9-12)</a>           | 2022 | Meets | 3: Meets all criteria         | 3: Meets all criteria         | 3: Meets all criteria         |
| <a href="#">ThinkCERCA ELA (Grades 9-12)</a>                                 | 2021 | Meets | 2: Meets most of the criteria | 2: Meets most of the criteria | 2: Meets most of the criteria |

# Contract Years 2022-2028

Las >90% on AC metrics.  
 (source). Licensing may vary by vendor.

All districts must complete an independent evaluation to adopt materials designated as “does not meet Oregon adoption criteria” in the category of English Language A

| NN4: Foundational Skills        | AC1: Range and Quality of Texts | AC2: Questions, Tasks, and Assignments | AC3: Building Knowledge with Texts, Vocabulary, and Tasks | AC4: Access to Standards for All Students | AC5: Cultural Representation    | AC6: Accessibility/ Usability   | Publisher Response                 |
|---------------------------------|---------------------------------|--|---|---|---------------------------------|---------------------------------|------------------------------------|
| 3: Meets all criteria           | 3: Meets all criteria           | 3: Meets all criteria                  | 3: Meets all criteria                                     | 3: Meets all criteria                     | 2: Meets most of the criteria   | 3: Meets all criteria           | <a href="#">Publisher Response</a> |
| 3: Meets all criteria           | 3: Meets all criteria           | 3: Meets all criteria                  | 3: Meets all criteria                                     | 3: Meets all criteria                     | 3: Meets all criteria           | 3: Meets all criteria           | <a href="#">Publisher Response</a> |
| 3: Meets all criteria           | 3: Meets all criteria           | 3: Meets all criteria                  | 3: Meets all criteria                                     | 3: Meets all criteria                     | 2: Meets most of the criteria   | 3: Meets all criteria           | <a href="#">Publisher Response</a> |
| 1: Partially meets the criteria | 0: Does not meet the criteria   | 1: Partially meets the criteria        | 0: Does not meet the criteria                             | 1: Partially meets the criteria           | 0: Does not meet the criteria   | 1: Partially meets the criteria | N/A                                |
| 3: Meets all criteria           | 3: Meets all criteria           | 3: Meets all criteria                  | 3: Meets all criteria                                     | 3: Meets all criteria                     | 3: Meets all criteria           | 3: Meets all criteria           | N/A                                |
| 3: Meets all criteria           | 3: Meets all criteria           | 3: Meets all criteria                  | 3: Meets all criteria                                     | 3: Meets all criteria                     | 3: Meets all criteria           | 3: Meets all criteria           | N/A                                |
| 3: Meets all criteria           | 3: Meets all criteria           | 3: Meets all criteria                  | 3: Meets all criteria                                     | 2: Meets most of the criteria             | 2: Meets most of the criteria   | 3: Meets all criteria           | Will be linked once submitted.     |
| 3: Meets all criteria           | 3: Meets all criteria           | 3: Meets all criteria                  | 3: Meets all criteria                                     | 3: Meets all criteria                     | 3: Meets all criteria           | 3: Meets all criteria           | N/A                                |
| 1: Partially meets the criteria | 1: Partially meets the criteria | 2: Meets most of the criteria          | 2: Meets most of the criteria                             | 1: Partially meets the criteria           | 1: Partially meets the criteria | 1: Partially meets the criteria | Will be linked once submitted.     |

|                               |                       |                       |                       |                       |                               |                                 |                                    |
|-------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-------------------------------|---------------------------------|------------------------------------|
| 2: Meets most of the criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 2: Meets most of the criteria | 1: Partially meets the criteria | N/A                                |
| 3: Meets all criteria         | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 2: Meets most of the criteria | 3: Meets all criteria           | <a href="#">Publisher Response</a> |

|                       |                       |                       |                       |                       |                       |                               |                                    |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-------------------------------|------------------------------------|
| 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria         | N/A                                |
| 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria         | <a href="#">Publisher Response</a> |
| 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 2: Meets most of the criteria | N/A                                |

|                                 |                                 |                                 |                                 |                                 |                               |                                 |                                    |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|-------------------------------|---------------------------------|------------------------------------|
| 1: Partially meets the criteria | 1: Partially meets the criteria | 1: Partially meets the criteria | 1: Partially meets the criteria | 1: Partially meets the criteria | 0: Does not meet the criteria | 1: Partially meets the criteria | N/A                                |
| 3: Meets all criteria           | 3: Meets all criteria           | 3: Meets all criteria           | 3: Meets all criteria           | 3: Meets all criteria           | 3: Meets all criteria         | 3: Meets all criteria           | N/A                                |
| 3: Meets all criteria           | 3: Meets all criteria           | 3: Meets all criteria           | 3: Meets all criteria           | 3: Meets all criteria           | 3: Meets all criteria         | 3: Meets all criteria           | <a href="#">Publisher Response</a> |

|                       |                       |                       |                       |                               |                               |                       |                                |
|-----------------------|-----------------------|-----------------------|-----------------------|-------------------------------|-------------------------------|-----------------------|--------------------------------|
| 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 2: Meets most of the criteria | 2: Meets most of the criteria | 3: Meets all criteria | Will be linked once submitted. |
|-----------------------|-----------------------|-----------------------|-----------------------|-------------------------------|-------------------------------|-----------------------|--------------------------------|

|                       |                       |                       |                       |                       |                       |                       |                                    |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|------------------------------------|
| 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | <a href="#">Publisher Response</a> |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|------------------------------------|

|                                 |                                 |                               |                               |                                 |                                 |                                 |                                |
|---------------------------------|---------------------------------|-------------------------------|-------------------------------|---------------------------------|---------------------------------|---------------------------------|--------------------------------|
| 1: Partially meets the criteria | 1: Partially meets the criteria | 2: Meets most of the criteria | 2: Meets most of the criteria | 1: Partially meets the criteria | 1: Partially meets the criteria | 1: Partially meets the criteria | Will be linked once submitted. |
|---------------------------------|---------------------------------|-------------------------------|-------------------------------|---------------------------------|---------------------------------|---------------------------------|--------------------------------|

|                       |                       |                       |                       |                       |                       |                       |                                    |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|------------------------------------|
| 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | <a href="#">Publisher Response</a> |
| 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | <a href="#">Publisher Response</a> |

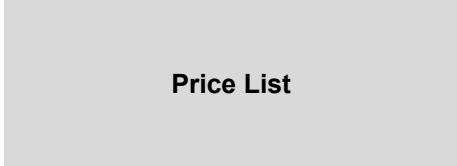
|                                 |                               |                       |                       |                       |                               |                       |     |
|---------------------------------|-------------------------------|-----------------------|-----------------------|-----------------------|-------------------------------|-----------------------|-----|
| 1: Partially meets the criteria | 2: Meets most of the criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 2: Meets most of the criteria | 3: Meets all criteria | N/A |
|---------------------------------|-------------------------------|-----------------------|-----------------------|-----------------------|-------------------------------|-----------------------|-----|



|  |                       |                       |                       |                               |                       |                       |                                    |
|--|-----------------------|-----------------------|-----------------------|-------------------------------|-----------------------|-----------------------|------------------------------------|
|  | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria         | 3: Meets all criteria | 3: Meets all criteria | <a href="#">Publisher Response</a> |
|  | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 2: Meets most of the criteria | 3: Meets all criteria | 3: Meets all criteria | N/A                                |
|  | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria         | 3: Meets all criteria | 3: Meets all criteria | <a href="#">Publisher Response</a> |
|  | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria | 3: Meets all criteria         | 3: Meets all criteria | 3: Meets all criteria | N/A                                |



arts.



**Price List**

[Amplify Education Price List](#)

[Benchmark Education Price List](#)

[Edgenuity/LearnZillion Price List](#)

N/A

[Great Minds PBC Price List](#)  
[Houghton Mifflin Harcourt](#)  
[Publishing Co. Price List](#)



[McGraw Hill Open Court Reading](#)  
[Price List](#)

[McGraw Hill LLC Price List](#)



N/A

N/A

[Savvas Learning Co. Price List](#)

[Amplify Education Price List](#)

[Benchmark Education Price List](#)

[Edgenuity/LearnZillion Price List](#)

N/A

[Great Minds PBC Price List](#)

[Houghton Mifflin Harcourt](#)

[Publishing Co. Price List](#)

[McGraw Hill Open Court Reading  
Price List](#)

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[McGraw Hill LLC Price List](#)

N/A

[OpenUp Resources Price List](#)

[Savvas Learning Co. Price List](#)

N/A

[Amplify Education Price List](#)

[Carnegie Learning, Inc. Price List](#)

[Edgenuity/LearnZillion Price List](#)

[Great Minds PBC Price List](#)

[Houghton Mifflin Harcourt](#)

[Publishing Co. Price List](#)

[Inquiry by Design Price List](#)

[McGraw Hill LLC Price List](#)

[OpenUp Resources Price List](#)

[Savvas Learning Co. Price List](#)

[ThinkCERCA Price List](#)



[BFW Price List](#)

[BFW Price List](#)

[BFW Price List](#)

[BFW Price List](#)

[Carnegie Learning, Inc. Price List](#)

[Edgenuity/LearnZillion Price List](#)

[Houghton Mifflin Harcourt](#)

[Publishing Co. Price List](#)

[Inquiry by Design Price List](#)

[McGraw Hill LLC Price List](#)

[OpenUp Resources Price List](#)

[Savvas Learning Co. Price List](#)

N/A





# K-5 ELA Instructional Materials Adoption

Jenna Montgomery, Instructional Materials Coordinator

Tina Roberts, Language Arts Education Specialist

Angelica Cruz, Early Literacy Director

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# Purpose

- Share results of mid-cycle K-5 ELA instructional materials evaluation
- Relevant policy:
  - ORS 337.050: List of textbooks and instructional materials.
  - OAR 581-011-0070: State Board's decision-making role
  - OAR 581-011-0071: adoption cycle
- (October) Adopt recommended K-5 ELA instructional materials to be added to the SBE approved list



# The Importance of High-Quality Instructional Materials



Oregon Department of Education

“A growing and compelling research base suggests that high-quality instructional materials can **yield improvements in student learning outcomes equal to or greater than many interventions** that are often more costly....[high-quality instructional materials] “are about **bringing equity to the district—a shared experience** creating a floor, but not a ceiling, around the teaching and learning that happens in our classrooms.”

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(Ilan, S., & Leifer, R. *How High-Quality Instructional Materials Can Drive Teacher Growth - K-12 Education*.)

## Why this Mid-Cycle Adoption?

- Per rules adopted earlier this year, starting in January 2025, funds from the Early Literacy Success School District Grants used for the adoption and implementation of K-3 core instructional materials may only be used for materials from the State Board of Education adopted list for ELA.
- Opportunity to expand options for high-quality instructional materials for districts and charter schools.

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## What does this mean for the current State Board ELA Adopted Materials List?

- All materials on the current adopted list established in 2021 will remain. This is an **expansion** of the current State Board ELA adopted list, not a re-evaluation.
- Districts using materials on the current list need not re-adopt or be concerned that the materials in use will be removed from the State Board adopted list.

# ELA Adoption Criteria



- Criteria Development Committee seated in Fall of 2019
- Criteria developed beginning in October of 2019
- Criteria shared with EdReports, Student Achievement Partners (SAP) for feedback and vetting
- Iterative process with revisions shared between Criteria Development Committee and SAP
- Criteria adopted by SBE in 2020

# K-5 ELA Instructional Materials Timeline

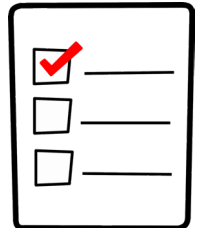


| April, 2024   | May June, 2024  | Late July, 2024  | Sept-Oct, 2024  | January, 2025   | June, 2028  |
|---|---|--|---|---|---|
| <p><b>K-5 ELA added to the adoption schedule to support Early Literacy initiatives.</b></p> <p>Purpose= Ensure IM list for K-5 English Language Arts is as robust as possible ahead of new grant requirements..</p> | <p><b>Recruitment of Evaluation Committee.</b></p> <p>Application made available to public for 5 weeks.</p> | <p><b>In-Person Training of Committee and Evaluation of Instructional Materials.</b></p> <p>Materials evaluated using 2021 ELA Adoption Criteria. Score notification sent out August 16th.</p> | <p><b>Presentation of Recommended K-5 ELA Materials; Adoption by State Board in October.</b></p> <p>SBE approved list for ELA updated to include newly recommended materials.</p> | <p><b>New Early Literacy School District Grant Requirements for Core Curriculum Begin.</b></p> <p>Districts that choose to utilize Early Literacy dollars on core curriculum may only do so for materials on the SBE approved list.</p> | <p><b>Contract for newly adopted material ends; coincides with contract end-date for other ELA materials.</b></p> <p>Back "on-cycle" for 2027 ELA Evaluation.</p> |

# Evaluation Process

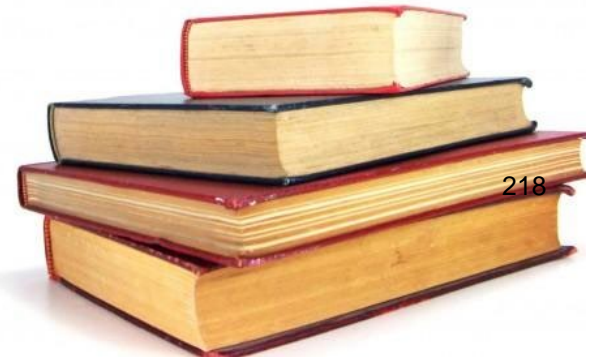
- **Monday, July 29th:**
  - Evaluator Training
  - Initial review of materials using Quality Criteria Documentation (QCD) and standards alignment documents as a guide.
- **Tuesday, July 30th:**
  - Publisher presentations
  - Q&A with publishers
  - Begin individual evaluation of materials using Instructional Materials Evaluation Tool (IMET)
- **Wednesday, July 31st:**
  - Individual evaluation of materials using Instructional Materials Evaluation Tool (IMET)
- **Thursday, August 1st:**
  - Group scoring and consensus discussions
  - High-quality feedback statements
- **August- September:**
  - Score Notification (August 16th)
  - Publishers given opportunity to respond and request re-evaluation

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# Evaluation of K-5 ELA Instructional Materials

- **[OAR 581-011-0066](#)**: outlines required committee composition
  - 1 committee; 5 total evaluators
  - 80% classroom teachers, from a mix of rural and urban areas
- 5 expert panelists were selected, each of whom demonstrated expertise in literacy instruction.
- **4 submissions reviewed from 2 publishers**
  - 2 programs in Grades K-2
  - 2 programs in Grades 3-5
- 1 K-5 program is being recommended for adoption



# Why are there not more recommended materials?

## General Context:

- Publishers may make the decision to submit or abstain from submitting materials for review for a variety of reasons.
- As a matter of policy, and to maintain a neutral and unbiased review process, ODE does not solicit submissions from specific publishers.

## K-5 ELA Evaluation:

- This is a mid-cycle adoption– many publishers have already submitted.
- 4 publishers identified initial interest:
  - 2 publishers dropped out
  - 1 due to fees; the other unknown
- Of the submitted materials, one met the criteria and one didn't.
- For some publishers, the requirement to submit fees for an adoption that would result in a shorter than normal contract (3 years, as opposed to 7 years) may have been a deterrent.

# Next Steps for Districts



- Districts wishing to utilize Early Literacy Success Grant dollars on instructional materials have one more option from which to choose.
- Next ELA evaluation cycle begins in 2027.
  - ODE can use evaluator feedback to inform this process.

# Thank you!



[twitter.com/ORDeptEd](https://twitter.com/ORDeptEd) | [fb.com/ORDeptEd](https://fb.com/ORDeptEd)



|  |   |
|--|---|
| <p><b>SUBJECT:</b> Substitution Request for Instructional Materials (Cengage), OAR 581-011-0086</p> <p><b>STAFF NAME &amp; OFFICE:</b> Jenna Montgomery and Alexa Pearson; Office of Teaching, Learning, and Assessment</p> <p>The publisher Cengage has requested substitution for a digital product that accompanies one of their instructional materials on contract: <i>Life</i>. Cengage requests to substitute the online platform Sparks for their former online platform, called myELT.</p> <p><input type="checkbox"/> New Rule<br/> <input type="checkbox"/> Amend Existing Rule<br/> <input type="checkbox"/> Repeal Rule</p> | <p><b>XReading</b><br/> <input type="checkbox"/> Presentation<br/> <b>X</b><input checked="" type="checkbox"/> <b>No</b><br/> <b>Presentation</b></p> <p><input type="checkbox"/> <b>Action</b><br/> <input type="checkbox"/> <b>Temp Rule</b><br/> <input type="checkbox"/> <b>Presentation</b><br/> <input type="checkbox"/> <b>No</b><br/> <b>Presentation</b></p> |
|--|---|

**BACKGROUND**

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The publisher Cengage submitted a substitution request for one of their instructional materials on contract: *Life*. The State Board of Education adopted *Life* in October 2021 as a recommended resource for English Language Proficiency. Since then, Cengage has updated the online platform that accompanies their printed instructional materials for their program. They are requesting permission to substitute their new online platform, Sparks, for the previous version of the online platform, called myELT. This platform update improves some features within their program, including allowing for offline access to their digital resources, and simplifying some processes for assigning materials. This update is largely technical rather than pedagogical, and *Life* continues to meet the English Language Proficiency criteria established in 2021. The updated version of *Life* can be used interchangeably with the previous platform.

Ben Wolcott (an English Language Proficiency Assessment Specialist at ODE) has completed a review of the updated program to confirm that this is an appropriate update based on the changes identified by the publisher. This update would be provided at the same contract pricing as the previous version, and would be available to districts as soon as the program launches. It would not impact student or teacher editions of materials.

The State Board of Education has the discretion to approve the update from myELT to Sparks or decline Cengage’s request to update their digital platform. ODE recommends that the State Board of Education approve this update.

**SUMMARY OF PREVIOUS BOARD ACTION**

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The Board has approved similar substitution requests under OAR [581-011-0086](#), including two other substitution requests from Cengage for their programs, *Impact* and *Perspectives*. The *Impact* and *Perspectives* substitutions were a result of the same platform update that is now being requested for *Life*.

**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 impact of this approval is that districts will be allowed to purchase the updated edition of *Life* from Cengage for a stable contract price, guaranteed through January 2030, without conducting a formal independent adoption.

Independent adoptions require districts to invest resources (time, labor, funds) in order to purchase and implement the materials. Since ODE has already reviewed the materials and confirmed they are appropriate for recommendation, districts who choose to use *Life* will be positively impacted. This substitution would allow districts access to updated materials while maintaining the current contract price.

### **EQUITY IMPACT ANALYSIS**

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According to the publisher, the “updated online learning platform allows for more stability, security, and accessibility” of their ELP program. In general, this update increases usability of instructional materials designed to support English Language Learners in reaching proficiency. Districts who utilize *Life* to serve their multilingual learners will benefit from this substitution, as the new platform makes Cengage’s platform more accessible for students. Approving this substitution request will help to ensure that Oregon students in districts that use Cengage get equitable access to an improved online platform.

### **FISCAL ANALYSIS**

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The proposed update to *Life* is fiscally beneficial to districts. Allowing the materials to be officially updated gives districts the opportunity to purchase the new edition of Cengage's program for the contract price of the version adopted in 2021. This will ultimately lead to cost savings for districts, as districts will not need to negotiate contract pricing with publishers.

### **EFFECT OF A “YES” OR “NO” VOTE**

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A “YES” vote would allow the publisher, Cengage, to substitute their existing digital platform, called myELT, with an updated digital platform, called Sparks. This update would apply to *Life*, which is currently on the ELP instructional materials list through January 2028.

A “NO” vote would deny the publisher’s request to substitute the digital platform that currently accompanies their printed instructional materials, called myELT, with their updated digital platform, called Sparks.

### **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: Cengage Life Substitution Request

June 26, 2024

Ms. Jenna Montgomery  
Instructional Materials Coordinator  
Oregon Department of Education  
255 Capitol Street NE  
Salem, OR 97310

Dear Ms. Montgomery,

National Geographic Learning, a part of Cengage, is requesting a substitution for a digital product that accompanies one of the textbooks on contract with the state.

The digital product to be substituted is a platform called myELT and is primarily used for accessing accompanying online activities amongst students and teachers for our *Life* program. The replacement platform will be available this summer and is called Spark.

We are looking to substitute myELT products on our upgraded online learning platform, Spark. The updated online learning platform allows for more stability, security and accessibility, along with other advantages including:

- Student's eBook brings the classroom to life with audio and video to encourage active participation
- Online Practice activities reinforce concepts and understanding with immediate feedback
- Course Gradebook helps students track their progress as the complete assignments and tests
- Online Tests provide convenient and affective assessment
- Mobile App for uninterrupted learning even when offline – anytime, anywhere

With this move, the student eBook, online practice, eAssessment, Classroom Presentation Tool, and teacher resources will be incorporated into Spark ISBNs. There will no longer be a need for separate ISBNs or purchases of those components.

*Life* was bid in May 2021 under English Language Proficiency, Grades 9-12. *Life* has a copyright of 2019 and publication dates from June 2018 and forward (please see the exact publication dates for each ISBN on the attached updated spreadsheet for both MyELT and Spark).

We appreciate your consideration of this substitution. The complete substitution list is attached.

For additional information on the migration of myELT for, please visit [this site](#) – which features details around supporting teachers with this change for the upcoming school year.

The original contract price will remain the same for all substitutions we are requesting.

Thank you for your consideration and attention to this matter.

Sincerely,

*Beverly M. Jones*

Beverly M. Jones  
State Adoption Bid Manager

# Oregon State Board of Education

## September 19, 2024

AGENDA ITEM: 7.E.

|   |  |
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| <p><b>SUBJECT:</b> Civil Rights Coordinator Rules Filing Correction - OAR 581-021-0660 &amp; 0665</p> <p><b>STAFF NAME &amp; OFFICE:</b> Haedon Brunelle, Kate Hildebrandt, Marinda Peters, Taylar Lewis, Director’s Office, Government and Legal Affairs</p> <p>Under the proposed rules implementing House Bill 2281, each district will be required to designate one or more civil rights coordinators. Civil Rights Coordinators will monitor, coordinate, and oversee compliance with state and federal laws prohibiting discrimination in public education. Prior filing errors are being brought back to be fixed.</p> <p><input type="checkbox"/> New Rule<br/><input checked="" type="checkbox"/> Amend Existing Rule<br/><input type="checkbox"/> Repeal Rule</p> | <p><input checked="" type="checkbox"/> <b>First Reading</b><br/><input type="checkbox"/> Presentation<br/><input checked="" type="checkbox"/> <b>No Presentation</b></p> <p><input type="checkbox"/> <b>Action</b><br/><input type="checkbox"/> Temp Rule<br/><input type="checkbox"/> Presentation<br/><input type="checkbox"/> No Presentation</p> |
|---|--|

### BACKGROUND

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This rule is being brought back for approval by the State Board of Education. There was a filing error that failed to incorporate a sentence in section (1)(b) of OAR 581-021-0660 from the Board’s initial passage of the OAR. In OAR 581-021-0665, the wrong date was filed. These errors are currently fixed under temporary rule revisions, and are now being brought back to the State Board of Education for correction. Below, you will find information from the prior docket.

House Bill 2281 was introduced at the request of the Governor on behalf of the Oregon Department of Education in the 2023 legislative session. House Bill 2281 mandated that school districts appoint a civil rights coordinator. The bill was signed by the Governor July 13, 2023, and went into effect on January 1, 2024.

The nondiscrimination duties of districts under state and federal nondiscrimination law are outlined by ORS 342.800 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those statutes’ implementing rules and regulations. Under federal law, districts are obligated to have designated Title IX, Section 504, and ADA coordinators. However, protected classes of race, color, and national origin, protected under Title VI of the Civil Rights Act of 1964, are excluded from federal coordinator requirements. The civil rights coordinator rules therefore fill a gap to help ensure districts comply with both state and federal nondiscrimination policies. The rule is intended to help districts implement existing civil rights laws with fidelity. Coordinators will help oversee district complaint processes, and ensure timely and effective resolution of discrimination concerns.

Prior to the HB 2281 (2023) effective date, ODE sent targeted emails to community partners through listservs. ODE also sent out a survey to community partners and stakeholders, and engaged in virtual engagement sessions, including with the Governor’s Racial Justice Council. After the enactment of the bill, ODE continued to send targeted emails and surveys regarding the training and implementation

# Oregon State Board of Education

## September 19, 2024

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rulemaking requirements. ODE conducted virtual engagement sessions for communities and families, school districts, and education partners.

Between September 2023 and February 2024, held targeted engagement sessions with communities and individuals directly impacted by these policies including, but not limited to:

- Community engagement session with Title IX Coordinators; (September 2023)
- Community engagement open session with families and community partners; (October 2023)
- Community engagement open session with schools and education partners; (October 2023)
- Community engagement session with the LBGTQ2SIA+ Student Advisory Group; (January 2024)
- Community engagement open session with families and community partners; (January 2024)
- Community engagement open session with schools and education partners; (January 2024)
- Community engagement session with the Governor’s Racial Justice Council Education Subcommittee; (January 2024)
- RAC presentation and feedback; (February 2024)
- Ongoing open request for community engagement via email.

ODE also provided an opportunity for schools and community members to give feedback through an open survey between December 2023 and February 2024. ODE anticipates that students, parents, and districts will be affected by this rulemaking. Particularly, marginalized populations – as represented by Oregon’s ten protected classes – will be most directly impacted by this rulemaking.

### SUMMARY OF PREVIOUS BOARD ACTION

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This rule was before the board in March and May, and June 2024. The board voted to approve these two OAR’s as well as two others relating to Civil Rights Coordinators, and implementing House Bill 2281 (2023). In June 2024, the board approved temporary revisions to these two OAR’s. This rule is back in order to be able to file the corrections permanently before they expire in December 2024.

### 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:

Language is retained and remains the same. This is checked off as temporary rule language would be marked permanent.

### POLICY ISSUE OR CONCERNS

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Broadly, the proposed rules will:

- Require districts to designate one or more civil rights coordinators;
- Require tracking and documentation of all reports of discrimination received, and all responses to those reports, by the district;
- Require the civil rights coordinator to monitor, coordinate, and oversee district compliance with

# Oregon State Board of Education

September 19, 2024

AGENDA ITEM: 7.E.

state and federal laws prohibiting discrimination in public education;

- Add training requirements for civil rights coordinators, including, but not limited to, identifying discrimination, responding to reports, conducting investigation, and conducting investigations.

These rules are designed to specifically address the needs of historically underserved communities.

Although discrimination based on race, color, and national origin is prohibited by state and federal law, no coordinators have previously been required. Adoption of these rules is intended to ensure fidelity of existing nondiscrimination law, including ensuring districts have a point person for responding to discrimination based on race, color, national origin, and other protected classes. The historically underserved populations represented include members of Oregon's ten protected classes such as LGBTQIA+ members, persons of color, and students with disabilities.

The proposed training requirements are designed to ensure that all Civil Rights Coordinators receive a baseline of training that will equip them to understand and implement their role in overseeing civil rights compliance. Many of the discrimination appeals ODE has processed in the last 5 years have found school district deficiencies related to understanding what discrimination is and the requirements of discrimination law. The proposed training requirements are designed to help minimize this impact on students by ensuring that there is a point person at each district who has the required training they need to effectively implement civil rights requirements.

We have received significant feedback on these proposals during our engagement sessions. Notably, feedback included:

- Community members appreciated that there was a formal coordinator to receive notice of complaints. Community members, including parents and partners, expressed that they felt this role was necessary and overdue, and were highly interested in ongoing recordkeeping and compliance requirements. Participants were glad that the rule aligned with current federal and state requirements for nondiscrimination policies.
- Participants felt that expectations were clear and that the rules provided additional accountability for districts.
- Participants appreciated the training requirements for coordinators, and expressed appreciation that ODE would be providing this training free of charge. There was some concern expressed by District participants that the requirements would impose a significant workload and would be difficult to balance with other responsibilities. Additionally, participants requested that ODE provide districts with training in a variety of formats, and requested ODE provide samples/templates for tracking purposes.
- District participants expressed concern that the rules impose a requirement to track data that goes beyond what is required by the statute.
- District participants expressed concern about funding and capacity. Participants were concerned that with no additional funding, districts (particularly smaller districts) would be unable to fulfill the requirements of this role.
- Districts appreciated that they were able to delegate the role of civil rights coordinator to an ESD but were somewhat confused on how the civil rights coordinator position aligned with other federally mandated coordinators (e.g. Title IX).

ODE is cognizant of district capacity and funding concerns. The proposed rules are intended to align with current state and federal nondiscrimination requirements and guidance, and to assist schools and districts in meeting legal compliance that is already expected of them by state and federal law. For example, although tracking requirements are not explicitly mandated by federal law, the U.S.

Department of Education Office for Civil Rights (OCR) frequently requests districts provide records of complaints filed as part of their investigative process. The tracking requirement is therefore intended to

# Oregon State Board of Education

September 19, 2024

AGENDA ITEM: 7.E.

help districts fulfill these expectations.

ODE is committed to supporting districts with implementation of these new rules. The rules were drafted with district flexibility in mind and allow districts to fulfill their coordinator requirements in numerous different ways (i.e. delegating an ESD, appointing several coordinators, training with ODE, training with an outside entity, etc.) ODE will be providing training, free of charge, in a variety of different formats during the 2024-25 academic year. ODE will also be available for technical assistance, questions, and guidance to appointed district coordinators. The department employs multiple Civil Rights Specialists available to guide and assist coordinators through training and implementation processes.

## **EQUITY IMPACT ANALYSIS**

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The proposed rules are intended to positively impact all protected class students and school community members. The proposed rules are intended to ensure school nondiscrimination policies and procedures are broadly accessible and reliable. The proposed rules do not change districts' existing obligations under state and federal nondiscrimination law. Rather, the rules provide parents students, and community members with a point of contact and liaison for any concerns or complaints related to discrimination based on protected class and are intended to ensure that current federal and state nondiscrimination law is implemented to fidelity.

The training and compliance requirements proposed under these rules are designed to align with, and complement, existing requirements for other designated coordinator positions. The rules are intended to supplement and work alongside other nondiscrimination laws such as the CROWN Act, Title VI of the Civil Rights Act of 1964, Section 504, and Title IX. While some protected classes have federally required coordinators, others such as race, class, and national origin, do not have mandated coordinator positions. The civil rights coordinator position, with accompanying training and implementation requirements as outlined above, is designed to fill that gap for marginalized students and their families. We received feedback during our community engagement sessions that families believe this is an important and necessary position, and generally received positive support for robust training requirements. Participants felt that these rules were particularly important for historically underrepresented populations who may be unaware of the protections afforded under state and federal law.

## **FISCAL ANALYSIS**

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The fiscal impact to ODE is minor. ODE employs multiple Civil Rights Specialists who can support districts with technical assistance around implementing these rules, and who can provide guidance and training for appointed coordinators.

Districts may have some associated costs with these rules. Districts will be required to update their policies and websites. They are also required to designate a coordinator and have the coordinator fully and appropriately trained. ODE is required by the law to make training available annually free of charge, but some school districts or charter schools may choose to seek training from another organization and may have associated costs.

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Although districts are already required to accept, investigate, and respond to allegations of discrimination, district participants expressed concern during engagement sessions that new rules would be financially burdensome.

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

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A yes vote allows districts to implement the Civil Rights Coordinators requirement prescribed in HB 2281 (2023) as planned. A no vote would put districts out of compliance with training Civil Rights Coordinators on time.

### 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 581-021-0660 & OAR 581-021-0665.

**6-7-2024 (EMN)**

**581-021-0660**

**Duties of and Training Requirements for Civil Rights Coordinators**

(1) At a minimum, a civil rights coordinator shall:

(a) Monitor, coordinate, and oversee district compliance with state and federal laws prohibiting discrimination in public education, including ensuring the availability of, and providing to students and staff:

(A) The notice of nondiscrimination required by OAR 581-021-0045; and

(B) The district's written complaint process for making reports of discrimination.

(b) Oversee and ensure the resolution of district investigations of complaints alleging and substantiating discrimination, including the provision of remedies **designed to restore and preserve equal access to an education program or activity**;

(c) Provide guidance to district staff on civil rights issues in the district;

(d) Respond to questions and concerns about civil rights in the district;

(e) Coordinate efforts to prevent civil rights violations from occurring in the district; and

(f) Satisfy the training requirements listed in subsections (2) and (3) of this rule.

(2) Upon being first designated under OAR 581-021-0655, a civil rights coordinator must receive the following training in accordance with a schedule established by the Oregon Department of Education:

(a) The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990.

(b) The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, those statutes' implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education's Office for Civil Rights.

(c) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators' duties.

(d) Identifying discrimination and reports of discrimination.

(e) Responding to reports of discrimination.

(f) Conducting civil rights investigations, including identifying conflicts of interest, and using strategies to mitigate conflicts of interest.

(g) Preventing discrimination in public school programs and activities.

(h) Identifying retaliation taken in response to reports of discrimination, responding to reports of such retaliation, and preventing such retaliation in public school programs and activities.

(i) Tracking and documenting reports of discrimination.

(3) In years subsequent to being designated a civil rights coordinator, a civil rights coordinator must annually receive the following training in accordance with a schedule established by the Oregon Department of Education:

(a) The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990.

(b) The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, those statutes' implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education's Office for Civil Rights.

(c) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, and those coordinators' duties.

(d) Reporting discrimination, and responding to reports of discrimination, including through complaint processes and investigations.

(4) The Oregon Department of Education annually will provide training for civil rights coordinators. Civil rights coordinators may take the department's training or may take any other training that fulfills the requirements of this rule.

**Statutory/Other Authority:** ORS 326, ORS 327.006, ORS 337.102, ORS 332.505, ORS 338.115 & ORS 659.855

**Statutes/Other Implemented:** ORS 332.505, ORS 338.115, ORS 326.051 & ORS 659.850

**History:**

ODE 27-2024, adopt filed 05/22/2024, effective 05/22/2024

**581-021-0665**

**Applicability Clause**

A civil rights coordinator designated under OAR 581-021-0655 before July 1, 2024, must complete the training required by OAR 581-021-0660 (2) by **June 30, 2025**.

**Statutory/Other Authority:** ORS 326, ORS 327.006, ORS 327.102, ORS 332.505, ORS 338.115 & ORS 659.855

**Statutes/Other Implemented:** ORS 332.505, ORS 338.115, ORS 326.051 & ORS 659.850

**History:**

ODE 27-2024, adopt filed 05/22/2024, effective 05/22/2024

# Oregon State Board of Education

## September 19, 2024

AGENDA ITEM: 7.F.

|   |   |
|---|---|
| <p><b>SUBJECT:</b> Standards for Approved Recovery Schools – OAR Chapter 581 Division 30 – New Division of OARs</p> <p><b>STAFF NAME &amp; OFFICE:</b> Haedon Brunelle, Kate Pattison, Brenda Martinek, Director’s Office</p> <p>There was a filing error from the April 2024 filing of these Recovery School rules. The intent was for multiple OAR’s to be filed into one, brand new, Division 30. Instead, one OAR was filed with all of the OAR content. This OAR filing splits OAR 581-030-0001 into several OAR’s.</p> <p><input checked="" type="checkbox"/> New Rule<br/><input type="checkbox"/> Amend Existing Rule<br/><input checked="" type="checkbox"/> Repeal Rule</p> | <p><input checked="" type="checkbox"/> <b>First Reading</b><br/><input type="checkbox"/> Presentation<br/><input checked="" type="checkbox"/> <b>No Presentation</b></p> <p><input type="checkbox"/> <b>Action</b><br/><input type="checkbox"/> Temp Rule<br/><input type="checkbox"/> Presentation<br/><input type="checkbox"/> <b>No Presentation</b></p> |
|---|---|

### BACKGROUND

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This ruleset was last before the Board at the April 2024 meeting. The intent was to file multiple new OAR’s for a new OAR Division 30 – centered on Recovery Schools. Instead, one OAR; 581-030-0001 was filed, which included all OAR content. This ruleset has returned to the board, to repeal the currently filed 581-030-0001, into multiple OAR’s. You will find the list of OAR’s. No language has changed since April 2024, besides one or two paragraphs being moved in order to improve the logistical flow of rule language for Division 30. Below, you will find the background of the prior Recovery Schools Board Dockets.

HB 2767 was signed in June 2023 (now ORS 336.680-336.685), establishing a limited number of approved recovery schools in Oregon. These schools, under an agreement with the Department of Education, will provide students with a holistic approach to both education and health care for grades 9 through 12 related to recovery from substance use disorders. Recovery schools will have two goals: 1) to deliver high quality education that leads to an Oregon high school diploma; and 2) to support students in recovery by providing mental and behavioral health support in a safe, supportive environment to maintain abstinence.

The new law allows for the Oregon Department of Education (ODE) to approve up to nine schools, regionally accessible across the state, between 2023 and June 2029. The Department may contract with school districts, ESDs, or public charter schools to operate approved recovery schools. These will be small high schools, typically serving between 5-30 students in spaces separate from the local high school. To support the educational and therapeutic design necessary for recovery schools to succeed in their mission, these schools are funded with a combination of State School Fund dollars and the Statewide Education Initiatives Account.

HB 2767 also established the Recovery Schools Advisory Committee that was established and started meeting in November 2023. This committee is made up of 15 members including the following categories with representation from Oregon’s geographic regions and demographics.

- Three members with experience in establishing or operating recovery schools.
- One member from the Department of Education.
- One member from the Youth Development Division.

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- One member from the Alcohol and Drug Policy Commission.
- One member from the Oregon Health Authority.
- One member from local public health or mental health authorities or providers.
- One member who is a family member or caregiver of a student recovering from a substance use disorder and who has experience with recovery schools or assisting others with overcoming substance use disorders.

One youth who has experience with a recovery school or who has overcome a substance use disorder.

- One member who is an administrator of a school district or an education service district, with preference for an administrator who has experience collaborating with a recovery school.

The proposed rules outline standards for the establishment and operation of approved recovery schools in Oregon. This new division includes fourteen sections of rule that outline the process and requirements for approving new recovery schools.

**1. Definitions:** This section provides important clarity and limitations regarding the scope of what approved recovery schools will do. When possible, definitions have been aligned with definitions from the Oregon Health Authority OARs.

a. **“Recovery”** has the meaning described by the Association of Recovery Schools in the Accreditation Manual document.

The Association of Recovery Schools defines “recovery” in their Accreditation Manual as: “a process of change focused on substance use abstinence, through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.”

**2. Approved Recovery School Establishment:** Allows an approved recovery school to be established as a new public school or converting from an existing public school or alternative education program. It also further clarifies that approved recovery schools cannot charge tuition to residents of Oregon and requires an application to be approved by ODE.

**3. Recovery School Approval Requirements and Timelines:** Outlines the minimum requirements of the application to operate an approved recovery school that will be submitted to ODE. These requirements will be incorporated into an RFA and corresponding guidance.

**4. Evaluation Criteria for Approved Recovery School Applications:** Names the criteria by which ODE will evaluate whether to approve an application to operate an approved recovery school.

**5. Term and Renewal of Approved Recovery School Agreements:** Establishes terms not to exceed ten years and the criteria for renewal and ongoing operation.

**6. Approved Recovery School Financial Management System and Audit:** Requires approved recovery schools to have a financial management system that complies with the uniform budget and accounting system for public schools and districts. It also requires the approved recovery school financials to be audited annually and include transparency on all funding sources to ensure actual operating costs can be calculated.

**7. Approved Recovery School Performance Evaluation:** Directs ODE to evaluate the schools based on current guidance. The current design is to align guidance with the national accreditation standards for recovery schools.

**Termination or Closure of an Approved Recovery School:** This section sets standards for the termination or closure of an approved recovery school.

**9. Assets of Approved Recovery Schools:** Directs assets to be given to ODE if an approved recovery school is closed. Assets may be distributed to other public schools or districts and may be prioritized to other operating approved recovery schools.

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10. **Approved recovery school campus location and multiple campuses:** Describes the location and boundaries of an approved recovery school. It also describes how, and within what limitations, an approved recovery school may operate a satellite campus outside of the primary boundaries.

11. **Requirements for Student Enrollment in an Approved Recovery School:** This section prescribes the foundational standards for enrollment including screening, agreement to random drug testing, and nondiscrimination. It also describes the requirements for student records transfers and identifies who provides certain forms of notice regarding special education responsibilities.

12. **Teacher Qualifications:** Reiterates the requirement for all teachers to be licensed by TSPC and states that all experience in an approved recovery school shall be equivalent to experience in other public schools.

13. **Transportation:** Establishes the responsibility of the approved recovery school to transport students who reside in the boundary where the school is located. It allows approved recovery schools to establish new routes and for transportation costs incurred by a school district for the approved recovery school to be reimbursable.

14. **State School Fund and Statewide Education Initiative Account (SEIA) Fund Calculations for Approved Recovery Schools:** Sets the foundational formula for how approved recovery schools will be funded from the State School Fund. Students will generate a 2.0 weight based on the Statewide Average General Purpose Grant per ADMw. It requires a regular reconciliation of the funds based on actual enrollment. The Department will set a minimum funding basis from the SEIA to supplement funding to ensure there is adequate support for startup and recovery programming.

The Recovery Schools Advisory Committee has been involved in the development of the proposed rules. They have met six times since November 15, 2023 with additional subcommittees meeting to discuss these standards and how ODE will implement this new legislation.

In addition to engagement with the advisory committee, these rules have been shared with education partners, the recovery schools listserv, and the Rules Advisory Committee (RAC). All feedback has been considered and incorporated in to the current draft.

## SUMMARY OF PREVIOUS BOARD ACTION

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This ruleset was before the State Board of Education in March and April 2024. The board approved the ruleset.

## 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:

OAR 581-030-0001 is to be repealed, as it is being split into multiple OAR's as originally intended. In addition, sections of the recovery school language relating to termination of an approved recovery school, has been moved, with language retained, will be filed as the final OAR's.

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## POLICY ISSUE OR CONCERNS

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### **1. Application Process, Contract Terms, Renewals, and Terminations: OAR vs contracts**

***How much detail should be included as requirements and criteria for establishing contracts to operate approved recovery schools?***

Staff and the advisory committee have discussed how prescriptive to be in OAR versus allow for more flexibility in RFP and contracting process. The current draft of rules reflects a leaning to include specific application requirements, contract term lengths and criteria for applications, renewals, and terminations to be included in OAR. The rationale is to ensure transparency and consistency in the initial establishment and operation of approved recovery schools. Feedback from the procurement team confirmed that the OARs have a sufficient amount of detail without being overly prescriptive. Additional requirements can be negotiated into our agreements with the applicants.

### **2. Transportation**

***Should approved recovery schools be required to transport students who enroll in the school regardless of where the student resides?***

Staff and the advisory committee have discussed what this could mean for an approved recovery school. Typically, bus transportation is managed by school districts and limited to the district boundaries. There are concerns that requiring an approved recovery school to provide transportation outside of the school district boundary where the school is located will be very difficult to ensure. This is the goal, and an area of policy staff will study in the first years of implementation. As recovery schools are approved and begin operating, staff may recommend new rules to require transportation. Nothing in the draft rules prohibits an approved recovery school from providing all students with transportation and all costs will be allowable for reimbursement.

### **3. Out of state students**

***Should Oregon allow students who are residents from other states to enroll in approved recovery schools?***

The current OAR draft does not allow for out of state students. However, it is likely that some of these schools may be located close to the borders of other states. It may be possible for approved recovery schools to accept tuition for out of state students or serve them on contract with the student's resident district. However, this raised questions about special education services and enrollment capacity. The recommendation at this time is to limit enrollment to Oregon students.

## EQUITY IMPACT ANALYSIS

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The proposed OARs align with the requirement in statute for the state to approve schools that represent a geographic distribution across the state to the greatest extent practicable. ODE staff, with the guidance and recommendations of the Recovery Schools Advisory Committee, are considering the disproportionate impact of substance use on certain groups of youth and communities in Oregon. These OARs have been carefully considered inequities of access to necessary prevention supports and treatment services. As ODE establishes guidance and materials related to approved recovery schools,

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staff will work closely with representatives from impacted youth, families, current recovery school practitioners, and recovery experts who can ensure implementation is equitable.

## FISCAL ANALYSIS

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HB 2767 (2023) identifies two sources of funding for approved recovery schools: 1) State School Fund (SSF) and 2) Statewide Education Initiatives Account (SEIA). The proposed rules before the Board address the SSF and SEIA formulas. The total amount appropriated to ODE for the purpose of funding recovery schools in the 2023-25 biennium is \$3,150,000.

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

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A yes vote will make the ruleset relating to Recovery Schools much easier to read and be received by school districts and Recovery Schools. A no vote would retain the lengthy single version of the OAR, and will not reflect the original intent of the rule filing.

## 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: Standards for Recovery Schools OAR Draft

# Standards for Approved Recovery Schools

## OAR 581-030-0005 Definitions

1. "ADM" means average daily membership as calculated based on the procedures and definitions in OAR 581-023-0006.
2. "ADMw" means the weighted Average Daily Membership for a Recovery School.
3. "Applicant" means an education service district, school district, or public charter school.
4. "Approved Recovery School" means a publicly funded school established by agreement with the Oregon Department of Education and operated by an education service district, school district, or public charter school to provide students enrolled in the school with:
  - a. Educational services leading up to a diploma for grades 9 through 12; and
  - b. Behavioral health services related to recovery and relapse prevention from substance use disorders.
5. "Behavioral Health Services" means recovery support services for substance use disorders and mental health. For the purpose of operating an approved recovery school, this does not include substance use disorders treatment services, medical, or psychiatric services.
  - a. Examples of behavioral health services may include providing Certified Recovery Mentors, Peer Support Specialists, Certified Alcohol and Drug Counselors.
6. "ESD" means an education service district as defined in ORS 334.003.
7. "Minimum Basis of Funding" means an amount that is determined by the program administrator to provide a minimum level of funding for a Recovery School, where enrollment levels may not be adequate to provide sufficient funding for startup.
8. "Primary Campus" means the school facility located within the applicant's geographic boundary.
9. "Public Charter School" means a public school as defined in ORS 338.005.
10. "Recovery" has the meaning described by the Association of Recovery Schools in the Accreditation Manual document.
11. "Satellite Campus" means a school facility that is not the primary campus and may be located outside of the applicant's geographical boundary.
12. "School District" means a common or union high school district as defined in ORS 332.002.
13. "SEIA Formula Balance" means the proration of remaining State Education Initiative Account funds to be distributed equitably amongst all Recovery Schools, where ADMw will be used in the numerator.
14. "Statewide Average General Purpose Grant per ADMw" means the aggregate general-purpose grants for all school districts divided by total ADMw for all school districts.
15. "Substance Use Disorder" as defined in DSM-5-TR, means disorders related to the taking of a drug of abuse including alcohol, the side effects of a medication, or a toxin exposure. The disorders include substance use disorders and substance-induced disorders, which include substance intoxication and withdrawal, and substance-related disorders such as delirium, neuro-cognitive disorders, and substance-induced psychotic disorder.
16. "Substance Use Disorders Treatment Services" means outpatient, intensive outpatient, and residential services and supports for individuals with substance use disorders.
17. "Urinalysis Test" means a sensitive, rapid, and inexpensive immunoassay screen that identifies the presence of a specific drug or metabolite in a urine specimen to eliminate "true negative" specimens from further consideration.

## OAR 581-030-0100 Approved Recovery School Establishment

1. Established as a:
  - a. A new public school;

## Standards for Approved Recovery Schools

- b. From an existing public school; or
  - c. From a public alternative education program as defined in ORS 336.615
2. To operate as an approved recovery school, it must:
    - a. Be approved by the Oregon Department of Education; and
    - b. Not charge tuition for Oregon residents.
  3. An applicant seeking to establish an approved recovery school shall submit an application to the Oregon Department of Education. The form and timelines will be determined by the Oregon Department of Education.

### **OAR 581-030-0200 Recovery School Approval Requirements and Timelines**

1. An applicant seeking to establish an approved recovery school shall submit a written application to the Oregon Department of Education.
  - a. The Department shall determine the form, contents and timelines of the application to become an approved recovery school;
  - b. Determine the records required for review and ordering the production of those records from the applicant and establishing timelines for the production of those records; and
  - c. Requiring the applicant to respond to written or oral inquiries related to review.
2. The application shall include, but need not be limited to:
  - a. The identification of the applicant;
  - b. The name of the proposed approved recovery school;
  - c. A description of the philosophy and mission of the approved recovery school;
  - d. A description of the curriculum of the approved recovery school;
  - e. The governance structure of the proposed approved recovery school;
  - f. The projected enrollment to be maintained and the grades to be served;
  - g. The legal address, facilities and physical location of the proposed approved recovery school, if known;
  - h. A description of admission policies and application procedures including how the school will satisfy the requirements in Section 11 of this chapter;
  - i. The proposed budget and financial plan for the proposed approved recovery school and evidence that the proposed budget and financial plan for the proposed approved recovery school are financially sound;
  - j. A description of the financial plan for the proposed approved recovery school, an explanation of how the financial management system will meet the requirements of Section 6 in this chapter, and a plan for having the financial management system in place at the time the school begins operating;
  - k. The standards for behavior and the procedures for the discipline, suspension or expulsion of students;
  - l. A plan for how the proposed approved recovery school will support students who have a recurrence of substance use or return to substance use.
  - m. A proposed plan for overdose prevention and responsiveness;
  - n. The proposed school calendar for the proposed approved recovery school, including the length of the school day and school year;
  - o. A description of the proposed staff members and required qualifications of teachers, special education providers, and therapeutic or recovery staff;
  - p. The date upon which the proposed approved recovery school would begin operating;
  - q. The provision of special education and related services pursuant to ORS 336.680 for students with disabilities who may attend the proposed approved recovery school;
  - r. Information on the manner in which community groups may be involved in the planning and development process of the proposed approved recovery school;

## Standards for Approved Recovery Schools

- s. A description of the formal and informal partnerships with other agencies and community based organizations;
- t. A proposed plan for the training and development of teachers and school employees;
- u. The manner in which the educational and recovery program will be evaluated;
- v. The manner in which the financial performance of the school will be audited;
- w. A description of the instructional program and assessments including any online or remote instructional classes and supports that will be offered;
- x. A plan to be accredited by a nonprofit accrediting organization composed of representatives of recovery schools and individuals who support the growth of recovery schools;
- y. A description of recovery support programming, including alternative peer groups, and a plan to assess it.

### **OAR 581-030-0210 Evaluation Criteria for Approved Recovery School Applications**

1. The Department of Education will evaluate an application to be an approved recovery school using the following criteria:
  - a. The demonstrated, sustainable support for the approved recovery school by local education agencies, teachers, parents, students, partner organizations, and other community members;
  - b. The capability of the applicant, in terms of support and planning, to provide comprehensive, culturally responsive, instructional programs to students pursuant to an approved application;
  - c. The capability of the applicant, in terms of support and planning, to provide recovery programs to students, including the school's plan for overdose prevention and responsiveness, pursuant to an approved application;
  - d. The demonstrated financial planning and viability of the applicant to operate sustainable approved recovery school;
  - e. The capability of the applicant to provide child find, special education, and related services for students with disabilities pursuant to ORS 336.680;
  - f. The proposed geographic location of the approved recovery school and any associated satellite campuses;
  - g. The demonstrated need for services by the community in which the approved recovery school would be located;
  - h. The prior history, if any, of the applicant in operating a recovery school or program, other public or private school, or in providing educational services; and
  - i. Any other information the Oregon Department of Education deems relevant to the decision.

### **OAR 581-030-0220 Term and Renewal of Approved Recovery School Agreements**

1. Upon approval of an application by the Oregon Department of Education under ORS 336.680, the Department of Education shall enter into an agreement with the ESD, school district, or public charter school to operate the approved recovery school.
2. The initial agreement to operate an approved recovery school shall be in effect for a period of not more than five years and shall be renewed upon the approval of the Department of Education using the process established under this rule.
  - a. Renewals of an approved recovery school shall be for a minimum of five years but may not exceed 10 years.
3. The approved recovery school shall submit a renewal application to the Oregon Department of Education.
  - a. The Department shall determine the form, contents and timelines of the application for renewal;

## Standards for Approved Recovery Schools

- b. Determine the records required for review and ordering the production of those records from the approved recovery school and establishing timelines for the production of those records; and
  - c. Requiring the approved recovery school to respond to written or oral inquiries related to renewal review.
4. The Department of Education shall evaluate an application to renew an approved recovery school using the following criteria:
- a. Is in compliance with state and federal laws;
  - b. Is in compliance with the agreement to operate an approved recovery school;
  - c. Is accredited or in the process of becoming accredited, by a nonprofit accrediting organization that establishes standards for recovery schools;
  - d. Is fiscally stable, is using a sound financial management system, and produces audited financial statements that comply with Section 6 of this chapter;
  - e. Is in compliance with any renewal criteria in the agreement to operate an approved recovery school; and
  - f. Is meeting or working toward meeting the student performance goals and other performance goals specified in the agreement to operate an approved recovery school.
5. The Department of Education shall base the evaluation described in subsection (d) of this rule primarily on a review of the approved recovery school's accreditation, annual audit of accounts, site visits, and any other information mutually agreed upon by the approved recovery school and the Department of Education.

### **OAR 581-030-0300 Approved Recovery School Financial Management System and Audit**

1. The financial management system of an approved recovery school must include a budget and accounting system that:
  - a. Complies with the requirements of the uniform budget and accounting system adopted by rule of the State Board of Education under ORS 327.511; and
  - b. Complies with the Oregon Program budgeting and Accounting Manual published by the Oregon Department of Education.
2. An approved recovery school shall maintain financial records that include all funding sources, expenditures, assets, and liabilities related to the operation of the approved recovery school minimally including:
  - a. Public funds received from the Oregon Department of Education;
  - b. Grants received from public or private grantors;
  - c. Donations;
  - d. In kind services or donations;
  - e. Loans or other financial debts;
  - f. Student accounts; and
  - g. Any other records necessary for complete and transparent accounting for the approved recovery school.

### **OAR 581-030-0310 Approved Recovery School Financial Management Audit**

1. An approved recovery school's financials shall be audited annually in accordance with Municipal Audit Law. The audit may be included as a special report within the audit of the ESD, school district, or public charter school. If the approved recovery school's audit is not included, the approved recovery school must submit an audit that minimally include:
  - a. Expenditures of the approved recovery school for administration, instruction, recovery programs, attendance, health services, operation of plant, maintenance of plant, fixed charges, transportation, food service, and student body activities; and
  - b. Revenue from public and private sources including fees.

## Standards for Approved Recovery Schools

2. Audited financial statements shall be submitted to the Oregon Department of Education.
3. An approved recovery school may be required to provide the Oregon Department of Education with regular financial reports described in the agreement to operate an approved recovery school.

### **OAR 581-030-0400 Approved Recovery School Performance Evaluation**

1. The Oregon Department of Education may evaluate the performance of an approved recovery school according to prevailing ODE Guidance.

### **OAR 581-030-0500 Termination or Closure of an Approved Recovery School**

1. ~~During the term of an approved recovery school agreement, the Oregon Department of Education may terminate the agreement on any of the following grounds:~~
  - ~~a. Failure to comply with state and federal laws.~~
  - ~~b. Failure to comply with the agreement to operate as an approved recovery school.~~
  - ~~c. Failure to obtain and maintain accreditation status by a nationally recognized recovery organization by the fifth year of operation.~~
  - ~~d. Failure to maintain financial stability.~~
  - ~~e. Failure to maintain a financial system that complies with Section 6 of this chapter.~~
2. ~~Notwithstanding subsection (a) of this section, the Oregon Department of Education may terminate an agreement immediately and close an approved recovery school if the school is endangering the health or safety of the students enrolled in the approved recovery school.~~
  - ~~a. The approved recovery school may request a hearing from the Department of Education on the termination of the approved recovery school under this subsection. The Department of Education shall hold a hearing within 10 days after receiving the request.~~
3. ~~Termination of an approved recovery school shall not abridge the ESD, school district, or public charter school from operating a public school or program that is not an approved recovery school.~~
4. ~~If an approved recovery school is terminated or closed, the student education records of the approved recovery school shall be transferred to:~~
  - ~~a. For an approved recovery school that was operated by an ESD, to the administrative office of the ESD;~~
  - ~~b. For an approved recovery school that was operated by a school district, to the administrative office of the school district; or~~
  - ~~c. For an approved recovery school that was operated by a public charter school, to the administrative office of the school district in which the public charter school was located.~~
5. ~~An ESD, school district, or public charter school may only terminate or close an operating approved recovery school at the end of a semester or trimester.~~

### **OAR 581-030-0510 Assets of Approved Recovery Schools**

1. ~~Assets of a terminated or closed approved recovery school that were obtained with public funds received because of the school's status as an approved recovery school will be given to the Oregon Department of Education. The Oregon Department of Education, at its discretion, may disburse these assets to ESDs, school districts or other public schools. The Department of Education will:~~
  - ~~a. Determine the form, process, and timelines for the disbursement;~~
  - ~~b. Determine the records required for the disbursement; and~~
  - ~~c. Require the approved recovery school to respond to written or oral inquiries related to the closure and assets of the approved recovery school.~~
2. ~~1. Assets of a terminated or closed approved recovery school that were obtained with grant funds will be disbursed according to the terms of the grant. If the grant is absent any reference to ownership or distribution~~

## Standards for Approved Recovery Schools

~~of assets, assets of a terminated or closed approved recovery school will be disbursed according to the provision set out in subsection (a) of this rule.~~

### **OAR 581-030-0500 Approved Recovery School Campus Location and Multiple Campuses**

1. An approved recovery school may operate multiple campuses under a single agreement to operate an approved recovery school in order to serve students in remote geographic areas.
2. An approved recovery school shall maintain a primary campus in:
  - a. The boundary of an ESD for a school operated by an ESD;
  - b. The school district boundary for a school operated by a school district; or
  - c. The school district boundary in which the public charter school is located for a recovery school operated by a charter school.
3. If an approved recovery school operates a satellite campus, the following is required:
  - a. An approved recovery school shall offer a comparable level of educational and behavioral health services to students at the satellite campus as offered to students at the primary campus;
  - b. Students shall have access to in-person behavioral health services; and
  - c. Student records shall be sent to the primary campus when a student withdraws;
4. If an approved recovery school operated by an ESD operates a satellite campus outside of the service district boundary, the ESD must obtain written permission from the school district in which the satellite campus is located prior to the first day students will be served at the campus.
5. The Oregon Department of Education must approve the operation of a satellite campus and the approval must be incorporated into the signed agreement with the approved recovery school.

### **OAR 581-030-1000 Requirements for Student Enrollment in an Approved Recovery School**

1. Student enrollment in an approved recovery school is voluntary.
2. All students who are residents in Oregon are eligible for enrollment in an approved recovery school if space is available and if the student:
  - a. Has a diagnosis for substance use disorder;
  - b. Has completed or participated in a substance use disorder treatment services program; or
  - c. Has completed a screening process with the approved recovery school that considers history of substance use, educational records, behavioral health history, and the student's willingness to participate in recovery services offered by the school.
3. Students must demonstrate their readiness to change through a standard screening process established by the approved recovery school.
4. Students who enroll in an approved recovery school shall participate in random urinalysis testing or other non-invasive drug testing provided by the school.
  - a. Fees and costs associated with testing shall be paid for by the approved recovery school.
5. An approved recovery school may require students to tour the campus and participate in an enrollment meeting.
6. An approved recovery school may require students to participate in a substance use disorder screening process with staff or students prior to enrolling in the approved recovery school.
7. An approved recovery school may not limit student enrollment based on race, religion, sex, sexual orientation, gender identity, ethnicity, national origin, disability, the terms of an individualized education program, income level, or proficiency in the English language.
8. If the number of students enrolling in an approved recovery school exceeds the capacity of the program, class, grade level, or building, an approved recovery school may give priority for admission to student groups identified in ORS 327.180(2)(b) and OAR 581-014-0001(4).

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9. Within 10 days of a student's enrollment in an approved recovery school, the Department of Education shall provide to the student's parent, legal guardian or person in parental relationship written information about:
  - a. Child find obligations to identify, locate and evaluate students enrolled in the approved recovery school to determine if students qualify for special education and related services; and
  - b. Who they can contact to answer questions or provide additional information related to special education and related services.

### OAR 581-030-1100 Requirements for Student Withdrawal in an Approved Recovery School

1. When a student withdraws from an approved recovery school for a reason other than graduation from high school, the approved recovery school shall:
  - a. Provide to the school district in which the student resides written notice that the student has withdrawn.
  - b. Provide to the student's parent, legal guardian or person in parental relationship written information about:
    - i. Compulsory attendance requirements;
    - ii. The responsibility of the school district in which the student resides to identify, locate, and evaluate students who reside in the school district to determine if students qualify for special education and related services; and
    - iii. How to contact the school district in which the student resides in order to answer questions or provide information related to special education and related services.

### OAR 581-030-1200 Requirements for Students on an IEP and Enrollment in an Approved Recovery School

1. If a student enrolls in an approved recovery school and has an individualized education program, the Department of Education must implement the individualized education program and follow the terms of the individualized education program until a new individualized education program is developed.
2. If a student withdraws from an approved recovery school and has an individualized education program, the school district in which the student resides must implement the individualized education program and follow the terms of the individualized education program until a new individualized education program is developed.
3. The Oregon Department of Education may contract with a school district, ESD, or approved recovery school to meet its obligations within this section.

### OAR 581-030-1300 Requirements for Student Participation in Approved Recovery Schools Fund-Raising

1. An approved recovery school may conduct fund-raising activities but may not require a student to participate in fund-raising activities as a condition of admission or continued enrollment to the approved recovery school.

### **OAR 581-030-2000 Teacher Qualifications**

1. For teacher licensing, employment experience at an approved recovery school shall be considered equivalent to experience in public schools.
2. Any person employed as an administrator or teacher in an approved recovery school shall be licensed by the Teacher Standards and Practices Commission.

### **OAR 581-030-3000 Transportation**

1. The approved recovery school is responsible for transporting students who reside within the school district where the approved recovery school is located and are enrolled in the approved recovery school.
2. An approved recovery school may establish bus routes or other transportation services to transport students who reside outside of the school district boundary where the approved recovery school is located.
3. Any transportation costs incurred by a school district under this section shall be considered approved transportation costs for the purpose of ORS 327.013 in the same manner as transportation costs incurred by the

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school district for transporting students who attend other public schools are considered approved transportation costs for purpose of ORS 327.013.

### **OAR 581-030-4000 State School Fund ~~Calculations~~ and Statewide Education Initiatives Account Fund Administration for Approved Recovery Schools**

1. For each biennium, the Oregon Department of Education will determine the amount of grant funds to be apportioned among eligible Recovery Schools for each year of the biennium.
2. For purposes of establishing the amount of grant funds apportioned from the State School Fund (SSF), the Oregon Department of Education will use estimates of enrollment from the Recovery School(s) for the initial appropriation calculation. An update to estimated payments will be made when the ADM data from the 2nd period ADM collection is available. Lastly, the Annual ADM collection data will be used for reconciliation in the following year for each school year. Any adjustments in funding due to final reconciliation will be netted against Recovery School payments in the subsequent fiscal year.

### **OAR 581-030-4100 State School Fund and Statewide Education Initiatives Account Fund Calculation for Approved Recovery Schools**

1. The amount of the distribution from the State School Fund shall be equal to the product of the Recovery School Program ADM times 2.0 times Statewide Average General Purpose Grant per ADMw.
2. Based on estimates of the distribution calculated in subsection (c) of this rule, funds shall be transferred to the Recovery School Program approximately 35 percent on the 15th day of each of the months of July and October, 15 percent on the 15th day of January, and the balance on April 15.
3. Adjustments to reflect actual Recovery School Program ADM and the actual Statewide Average General Purpose Grant per ADMw shall be made on May 15 of the subsequent fiscal year.
4. For the allocations made from the State Education Initiative Account (SEIA), a Recovery School shall receive a Minimum Basis of funding, which will provide a portion of the balance of resources not provided by the SSF for actual cost for providing education to students, to the greatest extent practicable. If the amount from the SSF exceeds the Minimum Basis, then additional resources from the Minimum Basis won't be necessary.
5. For any remaining SEIA funds after the Minimum Basis is established for each Recovery School, the SEIA Formula Balance will apply an equitable proration using the ADMw of each school. This amount will be in addition to the Subtotal Funding of both the SSF portion and the Minimum Basis portion. This becomes Total Funding, which represents the SSF portion plus the SEIA portion plus the SEIA Formula Balance.
6. A reserve will be established in the preliminary payments of the SEIA funds at the discretion of the Recovery School program administrator until final reconciliation in the following year. This is intended to provide positive cash flow and help with smoothing in the netting of reconciliation payments.
7. Any remaining funds allocated to approved recovery schools from the SSF and the SEIA Account shall remain with the Department of Education and shall be adjusted in the year following the distribution to reflect the actual ADMw of student in the approved recovery schools in the same manner as for school districts under ORS 327.101.

### **OAR 581-030-4200 State School Fund and Statewide Education Initiatives Account Fund Distribution for Approved Recovery Schools**

1. Following approval of the intergovernmental 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.
2. Recipients will be eligible to expend funds until ninety (90) days after the end of the first fiscal year of a biennium. Any allocated funds in excess of 10% of the total operating budget of that fiscal year that are not used

## Standards for Approved Recovery Schools

by a recipient by September 30 of first year of the biennium or June 30 of the second year of the biennium will be returned to the Recovery School Fund for distribution in the next biennium.

3. The Deputy Superintendent of Public Instruction shall resolve any issues arising from the administration of the Recovery School funds not specifically addressed by this rule. The Deputy Superintendent of Public Instruction's determination shall be final.

### **OAR 581-030-5000 Termination or Closure of an Approved Recovery School**

1. During the term of an approved recovery school agreement, the Oregon Department of Education may terminate the agreement on any of the following grounds:
  - a. Failure to comply with state and federal laws.
  - b. Failure to comply with the agreement to operate as an approved recovery school.
  - c. Failure to obtain and maintain accreditation status by a nationally recognized recovery organization by the fifth year of operation.
  - d. Failure to maintain financial stability.
  - e. Failure to maintain a financial system that complies with Section 6 of this chapter.
2. Notwithstanding subsection (a) of this section, the Oregon Department of Education may terminate an agreement immediately and close an approved recovery school if the school is endangering the health or safety of the students enrolled in the approved recovery school.
  - a. The approved recovery school may request a hearing from the Department of Education on the termination of the approved recovery school under this subsection. The Department of Education shall hold a hearing within 10 days after receiving the request.
3. Termination of an approved recovery school shall not abridge the ESD, school district, or public charter school from operating a public school or program that is not an approved recovery school.
4. If an approved recovery school is terminated or closed, the student education records of the approved recovery school shall be transferred to:
  - a. For an approved recovery school that was operated by an ESD, to the administrative office of the ESD;
  - b. For an approved recovery school that was operated by a school district, to the administrative office of the school district; or
  - c. For an approved recovery school that was operated by a public charter school, to the administrative office of the school district in which the public charter school was located.
5. An ESD, school district, or public charter school may only terminate or close an operating approved recovery school at the end of a semester or trimester.

### **OAR 581-030-5100 Assets of Approved Recovery Schools**

2. Assets of a terminated or closed approved recovery school that were obtained with public funds received because of the school's status as an approved recovery school will be given to the Oregon Department of Education. The Oregon Department of Education, at its discretion, may disburse these assets to ESDs, school districts or other public schools. The Department of Education will:
  - a. Determine the form, process, and timelines for the disbursement;
  - b. Determine the records required for the disbursement; and
  - c. Require the approved recovery school to respond to written or oral inquiries related to the closure and assets of the approved recovery school.

Assets of a terminated or closed approved recovery school that were obtained with grant funds will be disbursed according to the terms of the grant. If the grant is absent any reference to ownership or distribution of assets, assets of a terminated or closed approved recovery school will be disbursed according to the provision set out in subsection (a) of this rule.

**581-022-2010**  
**Modified Diploma**

(1) Definitions. As used in this rule:

(a) "Documented history" means evidence in the cumulative record and education plans of a student that demonstrates the inability over time to maintain grade level achievement even with appropriate modifications and accommodations.

(b) "Instructional barrier" means a significant physical, cognitive or emotional barrier that impairs a student's ability to maintain grade level achievement.

(c) "Modified course" means a course that has been systematically changed or altered for a student only after reasonable alternative instructional strategies (e.g. accommodations, remediation) are exhausted.

(d) "Other services" for the purposes of this rule means:

(A) Those services paid for or provided by another agency, such as Vocational Rehabilitation or Brokerages, which may be considered in the calculation of the total number of hours that equals at least the total number of instructional hours that is required to be provided to students who are attending public high school. These "other services" are not to be considered educational services and are not provided by or through the school district or public charter school.

(B) Those services identified in OAR 581-022-2320(4), such as school assemblies, student orientations, testing, etc, which may be considered in the calculation of the total number of hours that equals at least the total number of instructional hours that is required to be provided to students who are attending public high school. These services are provided by the school district or public charter school.

(2) On or after July 1, 2009, each district school board or public charter school governing board with jurisdiction over high school programs shall award a modified diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma even with reasonable modifications and accommodations but who fulfill all state requirements as described in this rule and all applicable local school district requirements as described in district school board policies or public charter school requirements as described in school policies. In addition, on or after July 1, 2009, a district school board or public charter school governing board may only award a modified diploma to a student who meets the eligibility criteria specified in section 3 of this rule.

(3)(a) Except as provided in paragraph (c) or (d) of this section, a school district or public charter school shall grant eligibility for a modified diploma to a student who has:

(A) A documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or

(B) A documented history of a medical condition that creates a barrier to achievement.

(b) A student shall have the opportunity to meet the requirements of a modified diploma by the later of:

(A) Four years after starting grade nine; or

(B) The student reaching the age of 21 years, if the student is entitled to a public education until the age of 21 years under state or federal law.

(c) A student may complete the requirements for a modified diploma in less than four years if the parent/guardian or adult student gives consent.

(A) The consent must be written and must clearly state that the parent/guardian or adult student is waiving the 4 years to complete the requirements for a modified diploma.

(B) A copy of all consents must be sent to the district superintendent.

(C) Each school district must annually provide the number of consents obtained to the State Superintendent of Public Instruction.

(D) The consent may not be used to allow a student to satisfy the requirements for a modified diploma in less than three years.

(d) A school district or public charter school may not deny a student who has the documented history described in paragraph (a) of this subsection the opportunity to pursue a diploma with more stringent requirements than a modified diploma for the sole reason that the student has the documented history.

(e) Students currently engaged in the use of illegal drugs are not eligible for a modified diploma if the significant learning and instructional barriers are due to the use of illegal drugs.

(f) Students currently engaged in the illegal use of alcohol are not eligible for a modified diploma if the significant learning and instructional barriers are due to the alcohol abuse, regardless of whether that student is disabled under Section 504 on the basis of alcoholism.

(g) Notwithstanding paragraph (c) and (d) of this section, a school district or public charter school may grant eligibility for a modified diploma to a student who is no longer engaging in illegal use of drugs or alcohol if the student:

(A) Has successfully completed a supervised drug or alcohol rehabilitation program and are no longer engaged in the illegal use of drugs or alcohol; or

(B) Has been rehabilitated successfully and is no longer engaged in the illegal use of drugs or alcohol; or

(C) Is participating in a supervised rehabilitation program and is no longer engaging in the illegal use of drugs or alcohol.

(4)(a) A school district or public charter school shall determine which school teams shall decide if a student will work toward obtaining a modified diploma. A student's school team must include an adult student, parent/ guardian of the student.

(b) A school district or public charter school may award a modified diploma to a student only upon the consent of the parent or guardian of the student or upon the consent of the adult student or

emancipated minor student. A district or school must receive the consent in writing and during the school year in which the modified diploma is awarded.

(A) If student is under 18, consent must be received from the parent or guardian.

(B) If the student is under age 18 and emancipated, consent must be received from the student.

(C) If the adult student is 18 or older, consent must be received from the student or guardian.

(D) If the student is under guardianship from the courts, consent must come from the court-appointed authority.

(c) Except as provided in subsection (e) of this section, a student's school team shall decide that a student should work toward a modified diploma no earlier than the end of the 6th grade and no later than 2 years before the student's anticipated exit from high school.

(d) For students with a documented history described in subsection 3a of this section, the following information must be provided annually, beginning in grade five or after such a documented history has been established:

i. Information about the availability of high school diplomas, modified diplomas and the requirements for the diplomas; and

ii. a disclosure that a student awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the state or school district and that the student awarded a certificate of attendance may not indicate that the student received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

(e) A student's school team may formally decide to revise a modified diploma decision.

(f) A student's school team may decide that a student who was not previously working towards a modified diploma should work toward a modified diploma when a student is less than 2 years from anticipated exit from high school if the documented history of the student described in section (3) of this rule has changed.

(5) Unit of credit requirements for students graduating with a modified diploma:

(a) To receive a modified diploma a student must earn 24 units of credit, between grade 9 and the end of their high school career with at least ~~13~~2 of those credits to include:

(A) Language Arts — 3;

(B) Mathematics — 2;

(C) Science — 2;

(D) Social Sciences (which may include history, civics, geography and economics (including personal finance)) — 2;

(E) Health Education — 1;

(F) Physical Education — 1; and

(G) Career Technical Education, The Arts or World Languages (units may be earned in any one or a combination) — 1.

(H) Personal Financial Education – 0.5; and

(I) Higher Education and Career Path Skills – 0.5

(b) School districts and public charter schools shall be flexible in awarding the remaining 112 units of credit. These credits must be awarded to meet the needs of the individual student as specified in the education plan of the student with the expectations and standards aligned to the appropriate grade level academic content standards. These credits may include:

(A) Additional core credits described in paragraph (a) of this section;

(B) Professional technical education;

(C) Electives; and

(D) Career development.

(c) Students may earn units of credit through regular education with or without accommodations or modifications and through modified courses.

(d) Students shall have the option to earn credit for demonstrating proficiency. A student may be given credit for successful demonstration of knowledge and skills that meets or exceeds defined levels of performance. Students may demonstrate proficiency through classroom work or documentation of learning experiences outside of school, or through a combination of these means.

(e) School districts and public charter schools shall ensure that students have access to needed courses, modifications and supports to pursue a modified diploma and to progress in the general education curriculum.

(f) A school district or public charter school may not require a student to earn more than 24 units of credit to receive a modified diploma.

(6) A school district or public charter school shall grant credit toward a modified diploma only for courses that contain substantial academic content. A school district or public charter school shall grant credit for a modified diploma through a continuum of instruction beginning at basic skills and progressing through high level skills.

(7) A school district or public charter school shall award a regular diploma under OAR 581-022-2000 if all requirements for a regular diploma are met. Completion of one or more modified courses shall not prohibit a student from earning a regular diploma; however, required core courses taken under modified conditions must be retaken under standard conditions to be counted toward a regular diploma.

(8) A school district or public charter school shall grant credit toward a modified diploma according to individual student needs across academic content areas including applied, consumer, academic, or knowledge and skill development.

(9) Each student shall develop an education plan and build an education profile as provided under OAR 581-022-2000.

(10) A school district or public charter school shall inform the student and parent or guardian of the student if the courses in grades 9-12 have been modified for an individual student.

(11) A school district or public charter school shall provide transcripts which clearly identify modified courses that do not count toward the regular diploma but that do count toward a modified diploma.

(12) Each student shall build a collection of evidence, or include evidence in existing collections, to demonstrate extended application of the standards as defined in OAR 581-022-0102;

(13) Each student receiving a modified diploma shall have the option of participating in the high school graduation ceremony with the members of their class receiving a high school diploma.

(14)(a) A student who receives a modified diploma shall have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student.

(b) When added together, the school district or public charter school will provide a total number of hours of instruction and services to the student that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school.

(c) The school district or public charter school may not unilaterally decrease the total number of hours of instruction and services to which the student has access regardless of the age of the student.

(d) Transition services and other services designed to meet the unique needs of the student may be provided to the student through an interagency agreement entered into by the school district if the individualized education program developed for the student indicates that the services may be provided by another agency. The school district or public charter school retains the responsibility for ensuring that the student has access to the number of service hours required to be provided to the student.

(e) An agency is not required to change any eligibility criteria or enrollment standards prior to entering into an interagency agreement with the school district.

(i) School districts and public charter schools shall ensure that all students have on-site access to the appropriate resources and courses to achieve a modified diploma at each high school in the school district or at the public charter school.

(15) The unit of credit requirements in section (5h & i ) of this rule for a modified diploma apply to all students who are awarded a modified diploma on or after January 1, 2027.

**Statutory/Other Authority:** ORS 329.451

**Statutes/Other Implemented:** ORS 329.451

**History:**

[ODE 15-2022, amend filed 03/24/2022, effective 03/24/2022](#)

[ODE 17-2017, temporary amend filed 10/10/2017, effective 10/10/2017 through 04/08/2018](#)

Renumbered from 581-022-1134 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 45-2014, f. & cert. ef. 12-17-14

ODE 4-2012, f. 2-1-12, cert. ef. 2-3-12

ODE 22-2009, f. & cert. ef. 12-10-09

ODE 15-2008, f. & cert. ef. 5-23-08

581-021-0003

Course Requirements for Personal Financial Education and Higher Education and Career Path Skills

- (1) Courses that include Personal Financial Education and Higher Education and Career Path Skills content standards shall be taught by a licensed or registered educator. Licensed educators ~~who shall~~ possess a valid license issued by the Teacher Standards and Practices Commission in at least one of the following areas:
  - (a) Teaching Licenses as found in Atypical Assignments OAR 584-210-0170
  - (b) School Counselor License as found in OAR 584-245-0110
  - (c) Administrative License as found in OAR 584-235-0030
  - (d) Restricted CTE Teaching License as found in OAR 584-230-0040
- (2) Districts shall award 0.5 credit in Personal Financial Education for courses that address all of the State Board Adopted Content Standards for the subject in accordance with OAR 581-022-2025 Credit Options.<sup>253</sup>
  - (a) Districts may award credit in more than one content area for a Personal Financial Education course that integrates other content standards.
  - (b) Districts may offer these courses as part of a college-credit granting opportunity.
- (3) Districts shall award 0.5 credit in Higher Education and Career Path Skills for courses that address all of the State Board Adopted Content Standards for the subject in accordance with OAR 581-022-2025 Credit Options.
  - (a) Districts may award credit in more than one content area for a Higher Education and Career Path Skills course that integrates other content standards.
  - (b) Districts may offer these courses as part of a college-credit granting opportunity.
- (4) A district or public charter school may request a waiver of the credit requirements described in ORS 329.251 (2)(a)(D) and (E) by demonstrating, to the satisfaction of the Oregon Department of Education that the district or school is unable to provide courses necessary for students to satisfy the credit requirements due to a lack of educators qualified to provide the courses. If

approved, this waiver is for students who will be awarded a high school diploma on or after January 1, 2027 and before January 1, 2028.

**(a)** If a district seeks to request a waiver, it shall submit an application to the Department which includes:

(A) The reason for seeking a waiver;

(B) The subject(s) for which the waiver is sought;

(C) The projected dates for implementation of required courses; and

(D) Local school board approval of the application and the date of such approval.

**(b)** Waivers may be approved at the Oregon Department of Education’s discretion. Denied waivers may be appealed to the State Board of Education.

**(c)** Waivers must be submitted to the Oregon Department of Education no later than July 1, 2026.

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**(d)** No waivers shall be granted for students graduating on or after January 1, 2028.

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| <p><b>SUBJECT:</b> Senate Bill 3 Technical Fixes: OAR 581-021-0003 and OAR 581-022-2010<br/><b>STAFF NAME &amp; OFFICE:</b> Aujalee Moore, Beth Wigham, Alexa Pearson - Office of Teaching, Learning, and Assessment.</p> <p>With the passage of Senate Bill 3, beginning with the class of 2027, the Oregon diploma requirements will include 0.5 credit in Personal Financial Education and 0.5 credit in Higher Education and Career Path Skills. The proposed permanent rules are necessary to establish and implement the requirements outlined by Senate Bill 3 (2023). The rule language currently proposed by the Department contains a limited number of technical fixes not presenting in the version adopted by the Board in June 2024. The direction and intent of these rules remains the same.</p> <p><input type="checkbox"/> New Rule<br/><input type="checkbox"/> Amend Existing Rule<br/><input type="checkbox"/> Repeal Rule</p> | <p><input checked="" type="checkbox"/> <b>First Reading</b><br/><input type="checkbox"/> Presentation<br/><input checked="" type="checkbox"/> <b>No</b><br/><b>Presentation</b></p> <p><input type="checkbox"/> <b>Action</b><br/><input type="checkbox"/> Temp Rule<br/><input type="checkbox"/> Presentation<br/><input type="checkbox"/> <b>No</b><br/><b>Presentation</b></p> |
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## BACKGROUND

[Senate Bill 3](#), requiring a 0.5 credit in Personal Financial Education and a 0.5 credit in Higher Education and Career Path Skills, received broad support from educators, parents, students, and business and community partners in the 2023 legislative session. In June 2023, the Oregon Legislature passed, and Governor Kotek signed Senate Bill 3. Together, this new legislation and the Senate Bill 744 community-informed recommendations for graduation requirements provide momentum to help create more equitable, inclusive, and accessible diploma requirements.

Beginning with the class of 2027, the Oregon diploma requirements will include a 0.5 credit in Personal Financial Education (PFE) and a 0.5 credit in Higher Education and Career Path Skills (HECPS), as part of the existing 24 credit requirements. The implementation of these new credit requirements necessitated the development of new standards designed to support students in developing skills they will need to be successful in their future lives.

Senate Bill 3 updated ORS 329.451 with the aforementioned credit requirements and authorized the State Board of Education to adopt by rule requirements for courses, including teachers of courses, that allow the courses to satisfy multiple credit requirements for a high school diploma, including mathematics. The State Board of Education has discretion over the rulemaking process; temporary rules and processes for the updated requirements were adopted in June 2024.

The Oregon Department of Education (ODE) facilitated a robust rulemaking process given the large scope of the proposed rule revisions. The rulemaking process began by convening an interagency workgroup that included staff from ODE, the Teachers Standards and Practices Commission (TSPC), and the Higher Education Coordinating Commission. The workgroup identified six currently existing OARs as requiring revision to incorporate requirements established by SB 3.

- Definitions OAR 581-022-0102
- Diploma Requirements OAR 581-022-2000

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- Modified Diploma OAR 581-022-2010
- District Curriculum OAR 581-022-2030
- Career Education OAR 581-022-2055
- Atypical Assignments OAR 584-210-0170

Five of the OARs are within ODE and the Board's authority; the remaining rule revision was coordinated by TSPC. Additionally, a new OAR in Division 21 was created to outline expectations for the new courses, such as who can teach the course, how credits are awarded, and waiver requirements.

Public engagement sessions were held February 21, 23, 26, and 27th. The 163 participants included high school teachers, administrators, school counselors, content experts, ESD staff, higher education personnel, business and industry partners, and parents from across Oregon. Additionally, the Rules Advisory Committee (RAC) was consulted in March and April to assist with the refinement of proposed rule language. Engagement has highlighted the importance of flexibility during the implementation of the new diploma requirements so districts may determine how the courses are implemented locally based on need and structures they already have in place.

On June 3, Oregon Kitchen Table (OKT) produced a final summary report on their findings from community engagement for the new diploma requirements which elevated themes, quotes, suggested edits and implementation needs and concerns. The feedback collected was related to the standards for each content area, as well as general implementation feedback. The report highlighted the following general feedback:

- There is broad agreement that Oregon students need more preparation to navigate a world full of large, often-intimidating systems and complex decision-making.
- Schools can provide information that families might not otherwise teach at home.
- It is important for teachers to understand how people from a wide variety of cultures relate to financial decision-making and future planning.
- Including more perspectives and people in this class, opposed to just a single teacher, would support student learning.

At the June meeting, the Oregon State Board of Education passed rules to support the implementation of Senate Bill 3 (2023). The rules were filed with the Oregon Secretary of State after the necessary deadline. For this reason, the rules were classified as "temporary" during the June adoption. ODE proposes to now make the rules permanent.

During the summer, additional feedback was received from public charter schools and districts serving students who will be receiving modified diplomas. The feedback included the following:

- There was a clerical error in OAR 581-022-2010 Modified Diploma which creates inconsistencies in expectations for districts.
  - The number of credits in section 5a currently reads as "13" and should be corrected to "12"
  - The number of credits in section 5b currently reads as "12" and should be corrected to "11"
- There was an inconsistency in language around who can teach the course in Section 1 of OAR 581-021-0003 Course Requirements for Personal Financial Education and Higher Education and

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Career Path Skills. To be inclusive of the charter school registry, language should be revised to “registered or licensed educator”.

ODE has since clarified the rules by incorporating the aforementioned feedback. The submitted versions of the permanent rules include the technical changes made to clarify the rules.

## SUMMARY OF PREVIOUS BOARD ACTION

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These rules were presented to the Board for a First Reading in April 2024 and adoption at the June 2024 meeting. They are being brought back now to address a filing error and include technical fixes.

## 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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### Stakeholders/Partners:

Members of the Personal Financial Education and Higher Education Career Pathway Skills standards panels had many conversations regarding the need to support districts with implementation of the bill through rules. These rules have the potential to clarify requirements and establish guidance that districts need to successfully implement SB 3, ensuring that students from historically underserved groups are positively impacted.

### Positive Effects:

These rule changes have the potential to support districts with implementation of the SB 3 new diploma credit requirements that can positively impact underserved and underrepresented students and their families who for generations have faced financial education and wealth gaps, and access and opportunity barriers to higher education and careers.

### Negative Effects/Barriers:

The barriers to implementing the requirements of Senate Bill 3 are related to the short implementation timeline, as well as lack of funding and district resources. Senate Bill 3 did not provide district funding for additional staffing or professional learning. For this reason, many districts expressed concerns about staffing and course forecasting. These barriers were taken into consideration during the rulemaking process.

Another key consideration is that Personal Financial Education standards are already embedded within the adopted Social Science standards for K-12 which are currently required to be taught. In addition to social sciences instruction, there are some districts and ESDs across Oregon that have been offering supplemental personal finance instruction through CTE Business Finance courses, Financial Algebra courses, or other electives. These districts and ESDs have spent money, resources, FTE, and time on instructional materials for the aforementioned courses. Districts that have previously offered this instruction within an existing course will need to plan for stand-alone course options. However, there is

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much all districts can learn from those with a longer history of teaching the PFE standards. ODE is committed to supporting all districts in this transition through the development of new state standards, professional learning opportunities, and sharing instructional material resources. Overall, the shift to a required 0.5 credit provides a consistent expectation for all Oregon high school students.

## Mitigation:

ODE will supporting the implementation of these new requirements by:

- Identifying and creating where needed, supplemental instructional materials to support the standards through openly licensed, free resources.
- Creating opportunities for districts to network and sharing promising practices during implementation.
- Providing guidance that supports cultural humility and culturally responsive pedagogy.

## EQUITY IMPACT ANALYSIS

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The passing of Senate Bill 3 highlights the impact that knowledge and skill-building for future planning and personal finance can have on the success of future generations. Historically, this information has been provided to some students through elective courses which are not offered by all districts. This has led to reported disproportionalities for underserved student groups in postsecondary access and completion, as well as inequalities within workforce systems. The requirements established by SB 3 provide students with access to the key concepts needed for navigating systems that have previously benefited some over others.

SB 3 creates a requirement that applies to all students graduating in the state of Oregon and takes the approach of helping students understand and navigate systems that have privileged white and middle class families for generations. The process of implementing SB 3 includes the creation of content standards related to future planning. Together, the rules and standards provide a baseline for instruction that all students in Oregon are required to receive. Previously, only the schools that had the funding to prioritize offering these courses as electives were providing the full scope of personal financial education to their students. Many other schools have limited personal financial education to the Social Science standards which are not as comprehensive as a full course. Senate Bill 3 and the proposed rule revisions provide more equitable access to knowledge that may have not been available across generations for historically and currently underserved students by establishing requirements regarding Higher Education and Career Path Skills and Personal Financial Education.

## FISCAL ANALYSIS

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School districts may be fiscally impacted as they may need to:

- secure additional staffing to meet the new requirements;
- procure materials to teach the course;
- provide educators with professional learning.

Other stakeholders that may benefit fiscally from the new requirements include publishers of instructional materials and providers of professional learning which may include financial institutions.

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

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A "YES" vote will result in the permanent adoption OAR 581-022-2010 (revised) and OAR 581-021-0003 (revised) to support the implementation of updates to ORS 329.45 outlined in Senate Bill 3 (2023).

A "NO" vote will reject revisions to OAR 581-022-2010 (revised) and OAR 581-021-0003 (revised) to support the implementation of updates to ORS 329.45 outlined in Senate Bill 3 (2023).

## 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 581-021-0003 with Tracked Changes

Attachment 2: OAR 581-022-2010 with Tracked Changes