



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, October 17, 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: 8:30 AM

B. Board Member Reports

Time: 8:35 AM

C. Break

Time: 9:20 AM

D. Director's Report

Time: 9:25 AM

2. Public Comment

Time: 9:55 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: 10:10 AM

- A. Technical Fix: Civil Rights Coordinators 14
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- E. Pupil Athlete Agent Certification Process: OAR 581-021-0515 122
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4. Adoptions



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April Campbell and Nicole Barney, Office of Indian Education	
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Emily Nazarov, Stacey Guise, and Mark Mayer, Office of the Director	
C. Senate Bills 283 (2023), 5506 (2023) and 5701 (2024) Implementation: Special Education Staff Stipend Grant Program	204
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Sara Spencer, Educator Advancement Council	
5. Informational Reports	
A. Community Informed Information Gathering Process at Kindergarten	211
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Sody Fearn, Andrea Lockard, and Dan Farley, Office of Research, Assessment, Data, Accountability, and Reporting and Elizabeth Tremaine, Department of Early Learning and Care	
6. Break for Lunch	
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7. First Readings	
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Chelsea Mabie, Sarah Dey, and Tim Boyd, Office of Education Innovation and Improvement	
B. House Bill 4084 (2024) Implementation: Pilot Grant to Improve Educational Outcomes of Foster Care Students	297
<i>Time: 1:30 PM</i>	
Marlie Magill and Cynthia Stinson, Office of Teaching, Learning, and Assessment	
C. Senate Bill 1532 (2024) Implementation: Immigrant and Refugee Student Success Plan Grant Program	319
<i>Time: 2:15 PM</i>	
Deb Lange, Mariana Praschnik-Enriquez, Heidi Harless, and Mujidat Saaka, Office of Equity, Diversity, and Inclusion	
D. Technical Fix: Fund Administration for Student Investment Account, High School Success, and Early Literacy	336
<i>Written Report Only</i>	
8. Adjourn	
<i>Time: 2:30 PM</i>	

From: [Dahviya Eriksson](#)
To: Governor.Kotek@oregon.gov
Cc: [StateBoard Public Email](#); [WILLIAMS Charlene * ODE](#)
Subject: Re: Spotlight on Oregon's Failing Education System – Time for Accountability and Change
Date: Saturday, October 5, 2024 10:05:49 AM

Some people who received this message don't often get email from nwsimplicity@gmail.com. [Learn why this is important](#)

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Dear Governor Kotek (and Dr. Williams and Oregon Board of Education),

I am writing to express deep concern regarding the state of Oregon's public education system. I am writing as an Oregonian (born and raised in Oregon), mother of 3, and a public school teacher. I have both a Master of Arts in Teaching and a Master of Education in Special Education. I am a teacher for the Beaverton School District and prior to that Portland Public. The recent assessment data released by the Oregon Department of Education on October 3, 2024, paints a dismal picture for our students and Oregon's education system. Statewide testing results for spring 2024 show only 31% of students proficient in math, 43% in English, and 29% in science—alarming numbers that remain significantly below pre-pandemic levels, as noted by several news outlets such as the Oregonian, Lake Oswego Review, OPB and the list goes on.

The decline in performance is particularly concerning when comparing the 2018-19 school year to the present. For example, 46.5% of Oregon's third graders were proficient in English in 2019, but that number has dropped to 39% in 2024. In math, the proficiency rate dropped five percentage points to 39.9%. These declines are mirrored across all grades and subjects.

Though the pandemic affected education nationwide, Oregon's recovery has been very slow. A report by Harvard and Stanford Universities' Education Recovery Scorecard placed Oregon third from the bottom in reading score improvement between 2019 and 2023. Even more troubling, Oregon was the only state that failed to improve in math between 2021 and 2023, barely avoiding a repeat of this failure with a negligible 0.4% improvement this spring.

Making matters worse, Oregon's educational standards have been lowered. The passage of Senate Bill 744 in 2021 removed the requirement for high school students to demonstrate proficiency in essential skills like reading, writing, and math in order to graduate. As reported by *The Hill*, this shift represents a significant setback in preparing our students for the future. This is deeply troubling, especially in light of WalletHub's recent report ranking Oregon's K-12 schools as 45th in the nation, trailing behind states like Alabama and West Virginia.

Why is Oregon consistently failing when neighboring states, whether politically liberal (Colorado ranks #5 and Washington ranks #13 for states with best public education systems according to US News and World Report Ranking) or conservative Utah ranks #2 and Idaho #18 according to US News and World Report Ranking), are doing significantly better? We must ask hard questions and demand accountability at the highest levels. Our children's future—and the future of our state—is at stake. We need a larger intervention quickly in order to create immediate and lasting change for our state and our students. Something is horribly wrong and year after year nothing changes. We can't simply blame this on behavior, or teachers or dumping more money into curriculum, because if our neighboring states, who have dealt with similar difficulties have been able to figure out methods to help, we can as well.

Change won't happen unless we take time to study methods that work to create success. Allowing students to graduate without any qualifiers to pass proficiency isn't the answer. Can you imagine having our pilots for the airlines never have to pass a proficiency test? Can you imagine our doctors, nurses and dentist never having to pass a proficiency test? Can you imagine our journalist never having to show they can speak clearly, write legibly or use proper grammar? I can't think of many careers that don't need to pass a basic proficiency test that shows that you can read, write and do basic math. We must enforce standards or we will have an even further failing system in Oregon.

It's time to shed light on these issues in a much larger way. We need to prioritize investigating why our education system in Oregon is failing and begin studying successful systems from other states, rather than continuing to pump money into a system without addressing the root causes of its dysfunction. Behavioral issues in classrooms are at an all-time high and our students are falling behind, Oregon is in crisis in many ways but it doesn't have to stay this way.

Our state deserves better. I urge you to take up this critical issue and continue to spotlight the crisis in Oregon's education system. We cannot afford to wait any longer to make the changes our students so desperately need.

Thank you for your attention to this urgent matter.

Best,

Dahviya

Dahviya Eriksson, MAT, M.Ed.

Pronouns: She, Her, Hers

Cell: 503-530-6143

Email: nwsimplicity@gmail.com

From: [REDACTED]
To: [StateBoard Public Email](#)
Subject: Racism At Football Games
Date: Saturday, September 28, 2024 1:54:07 PM

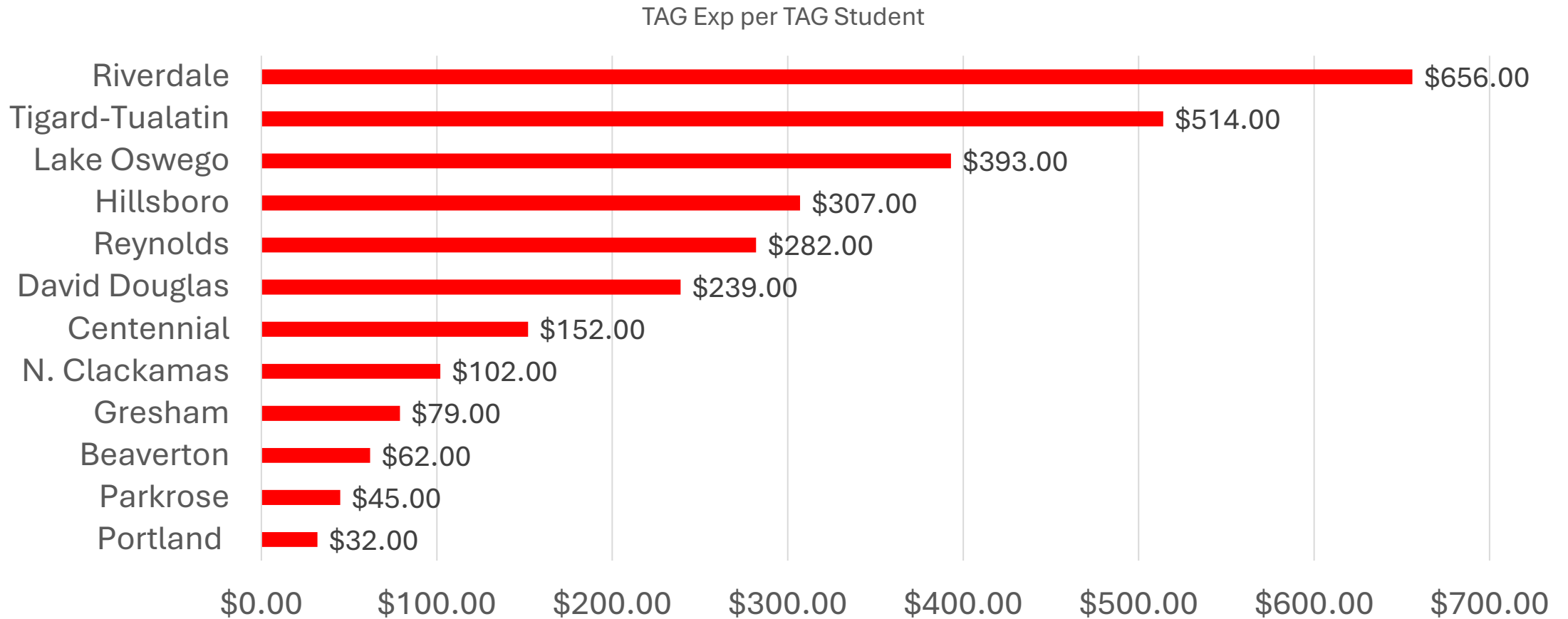
[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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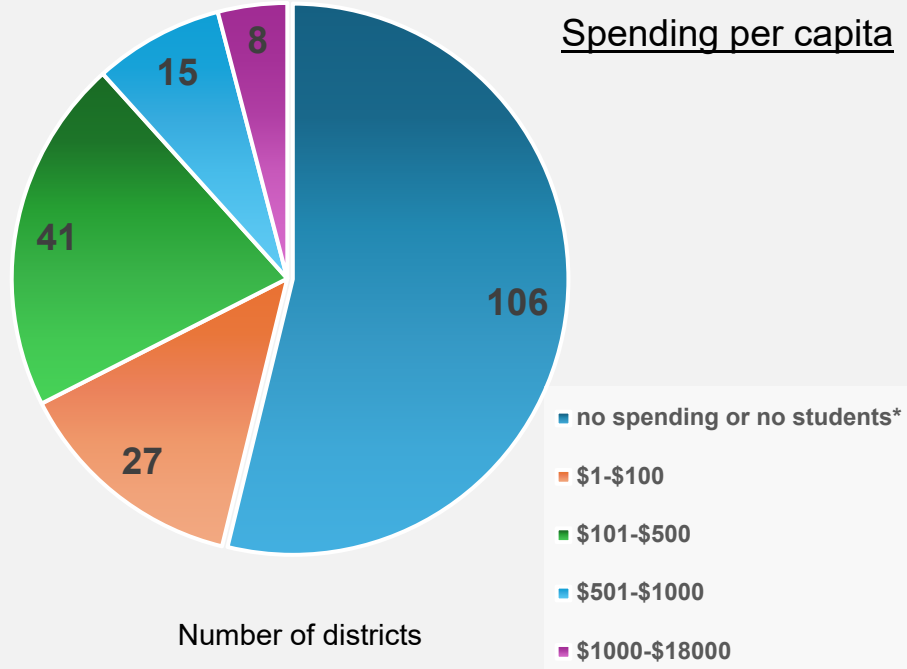
Good afternoon, I am a David Douglas High School student. Recently at our away games at Forest Grove, Rex Putnam, and Nelson, our players and viewers have had monkey sounds chanted at them, players have been called King Kong, and at Nelson we has a cake thrown at the players parents as well as monkey sounds chanted at a coach. As far as I know, all that has been done is stopping the games to address the issue. We have one of the most diverse high school in Oregon at David Douglas, and we do have lots of recourses for our students but this should not be tolerated. We have come a long way in Oregon from racism, and this is sending us further back. High school should be a place for ALL students to feel safe. I would like this to be brought to someones attention so something by can be done about this. No student should have to go through this while pursing something they are passionate about.

Thank you,
Sent from my iPhone

Portland metro per capita TAG spending 2022



District TAG spending per identified TAG student, 2021-22



District TAG spending per capita, 2021/2	Number of districts
no spending or no students*	106
\$1-\$100	27
\$101-\$500	41
\$501-\$1000	15
\$1000-\$18000	8

*67 districts with no students

*39 districts with students but no spending

From: margaretdelacy@comcast.net
To: [StateBoard Public Email](#)
Subject: "Lack of access to programs for academically gifted and high-achieving students does not constitute facing academic disparities."
Date: Monday, September 23, 2024 10:52:07 PM
Attachments: [Portland metro per capita TAG spending 2022.pdf](#)
[2021-22 TAG spending pie chart.docx](#)

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Margaret

Dear Members of the Oregon School Board:

At Thursday's meeting, Board members asked about a sentence in my comments asking you to revisit the declaration that "Lack of access to programs for academically gifted and high-achieving students does not constitute facing academic disparities."

This sentence was included in your docket, item 7.C., on revisions to the Student Success Act (SSA) on April 21, 2022.

Section 9 of the (SSA) established certain categories of students who experience "disparities" in access to education but permitted the state board to add categories "by rule."

<https://www.oregon.gov/ode/studentsuccess/pages/default.aspx>

In the docket, ODE staff recommended against including gifted and high-achieving students. Their recommendation was adopted.

The docket can be found here:

<https://meetings.boardbook.org/Public/Agenda/2146?meeting=525389>

In fact, however, talented and gifted (TAG) and high-achieving students do experience academic disparities. One has only to look at the disparities from one district to another (see the attached charts).

Access to advanced high school classes depends entirely on where the student lives.

Most younger students lack access to advanced opportunities *whether or not* they are members of a designated group. To quote from the just-released report from the Department of Education to the legislature under SB 736:

"...equitable access to accelerated learning programs begins ... in kindergarten.

... The successful implementation of these early education initiatives has been hampered by a lack of adequate funding. It is crucial to secure sustainable funding sources to ensure equitable access to accelerated learning opportunities for all students.”

We agree that there are serious disparities in TAG identification. This problem stems from a lack of funding for staff training and support in addition to the lack of early services. However, refusing to acknowledge the disparities that affect all high-achieving students only contributes to the problem.

Since the SSA passed, many other state documents and studies have come to rely on this list of “focal groups” in their work. For example, the recent Quality Education Model referred to the “focal groups” and chose to remove TAG students. Omitting high-achieving students from these studies makes it much harder to understand problems such as absenteeism or to track disparities between the longitudinal performance of high-achieving students in the focal groups and other high-achieving students.

The lack of any state support for TAG services produces inequities statewide and reduces opportunities for all students. We invite you to recommend categorical state funding for TAG and to support our call for more transparent reporting about the learning progress of all students.

Below is the testimony I submitted for the 2022 hearing.

Yours Sincerely,

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

From: Margaret DeLacy
To: StateBoard.publicEmail@
Subject: Student Investment Account definitions
Date: Wednesday, April 20, 2022 10:56:44 PM

Dear Chair Howard and Members of the Board of Education:
On your docket today is a reading of a draft revision to the rule creating definitions under the Student Investment

Account process.

Tucked away in section 14 is the following entry:

"Lack of access to programs for academically gifted and high-achieving students does not constitute facing academic disparities."

The Oregon Association for Talented and Gifted strongly objects to the inclusion of this statement.

Approval of this statement will have the effect of preventing the reporting of data on the access of gifted students in

other underserved populations to the instruction that meets their academic needs.

In April, you approved a new rule changing the way we identify Talented and Gifted students.

We need data to

ensure that the rule is working as intended to improve equity and inclusion. This is not the moment to prevent the

state from collecting and reporting TAG student data including the representation of culturally and ethnically

diverse students within the identified TAG population or the services that they have access to.

We believe that this provision was quietly added in order make it impossible for gifted students to be included in the

Student Investment Account process. This would forestall the explicit recommendations in the report of the Joint

Interim Committee on Student Success that the state should remedy the inadequacy of TAG funding.

If a lack of access to gifted programs does not constitute an academic disparity, what does?

Sincerely yours,

Margaret DeLacy

Oregon Association for Talented and Gifted

www.oatag.org

Melodi Molt
30886 Eben Ray Ln
Burns, OR 97720

September 27, 2024

Oregon State Board of Education
Board Members
255 Capitol Street NE
Salem, OR 97310

I hope this letter finds you well. As a concerned mother of two sons, I have been deeply engaged in their education and the experiences of their peers. I want to share some observations regarding high school education that I believe warrant your attention.

During the sophomore year, many students begin to contemplate their future paths. Some aspire to attend college, while others are drawn to trade schools. Unfortunately, I've noticed that those who do not plan on pursuing a college education often disengage from high school altogether. This disengagement results in a waste of their last two years, with some students merely doing enough to get by, while others may drop out entirely and enter the unskilled workforce.

To address this issue, I propose the introduction of a "sophomore diploma." This would provide students with a tangible milestone and the flexibility to either continue their education in preparation for college or pursue vocational training. Such a program could help maintain their engagement and motivation, empowering them to make informed choices about their futures.

Furthermore, our society is facing a critical shortage of skilled workers in essential trades such as appliance repair, electrical work, plumbing, and carpentry. It is vital that we place greater emphasis on guiding students toward trade schools during their high school years. Not every student is suited for a traditional college environment, and we must ensure that pathways to skilled trades are both available and encouraged.

Additionally, the skyrocketing costs of a four-year college education are prohibitive for many young people and their families. By promoting alternative educational routes, we can provide viable options that lead to successful careers without the burden of overwhelming debt.

Lastly, the rising enrollment in charter schools and the increasing trend of homeschooling indicate that there are significant issues within our current educational system. It is essential for us to rethink and reshape our approach to better serve all students.

I urge you to consider these points as we strive to create a more inclusive and effective educational system that prepares all students for successful futures. Thank you for your attention to this matter. I look forward to your support in advocating for meaningful changes in our schools.

Sincerely,

Melodi Molt



Margaret DeLacy, President
Oregon Association for Talented and Gifted
www.OATAG.org
October 15, 2024

Public Comment for the State Board of Education

Agenda Item 4b, Complaints and Appeals

The Oregon Association for Talented and Gifted (OATAG) advocates for the needs of talented and gifted students statewide and supports families, educators, and communities.

We support the proposed revisions to the rules for complaints and appeals that are before you today and urge you to approve them.

We also urge the State Board to review the extensive recommendations and comments we submitted for the first reading of this draft.

Two problems are still of great concern to us

- (1) In many cases, the OARs require districts to HAVE rules implementing state standards, but not to APPLY or IMPLEMENT those rules. This renders the rules unenforceable and undermines the intent of the standards.
- (2) There has been a lot of work on improving the processes for submitting and reviewing appeals but there is still no process for ensuring that once a compliance order is issued, it is effective or adequately implemented.

These two problems deserve further action.

Respectfully submitted,

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

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

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<p>SUBJECT: Civil Rights Coordinator Rules Filing Correction - OAR 581-021-0660 & 0665</p> <p>STAFF NAME & OFFICE: 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 <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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BACKGROUND

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

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bill, ODE continued to send targeted emails and surveys regarding the training and implementation 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

This rule was before the board in March and May, and June 2024. Most recently, this ruleset was before the State Board of Education on September 19, 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?

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

POLICY ISSUE OR CONCERNS

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;

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- Require the civil rights coordinator to monitor, coordinate, and oversee district compliance with 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

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complaints filed as part of their investigative process. The tracking requirement is therefore intended to 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

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

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

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may have associated costs.

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

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

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

ATTACHMENTS

Attachment 1: OAR 581-021-0660 & OAR 581-021-0665.

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<p>SUBJECT: Standards for Approved Recovery Schools – OAR Chapter 581 Division 30 – New Division of OARs</p> <p>STAFF NAME & OFFICE: 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 <input type="checkbox"/> Amend Existing Rule <input checked="" type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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BACKGROUND

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

This ruleset was before the State Board of Education in March and April 2024. Most recently, this ruleset was before the State Board of Education on September 19, 2024, as a written report. The board approved the ruleset.

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

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

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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

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, 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

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

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

ATTACHMENTS

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;

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- 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;

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- 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.

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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~~

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~~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

Standards for Approved Recovery Schools

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.⁴¹
 - (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>SUBJECT: Senate Bill 3 Permanent Rules: OAR 581-021-0003 and OAR 581-022-2010</p> <p>STAFF NAME & OFFICE: 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 rules have had minor technical fixes since being adopted as temporary in June.</p> <p><input checked="" type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p>X Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</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. These include:

- Definitions OAR 581-022-0102
- Diploma Requirements OAR 581-022-2000
- Modified Diploma OAR 581-022-2010
- District Curriculum OAR 581-022-2030
- Career Education OAR 581-022-2055
- Atypical Assignments OAR 584-210-0170

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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.

SUMMARY OF PREVIOUS BOARD ACTION

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 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. This item was brought before the Board for a first-read at the September 2024 meeting.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

Commented [1]: This year? THat's great.

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No; same as last month

Yes – As follows: In response to feedback from districts, ODE has provided technical changes to OAR 581-022-2010 and OAR 581-021-0003. The remaining rules are unchanged from the versions presented in June.

POLICY ISSUE OR CONCERNS

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 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

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.

Commented [2]: Strongly articulated :)

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October 17, 2024

AGENDA ITEM: 3.C.

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.

Commented [3]: Clear and strong

FISCAL ANALYSIS

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.

Commented [4]: and perhaps paying for time so teachers can plan and collaborate

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.

EFFECT OF A "YES" OR "NO" VOTE

A "YES" vote will result in the permanent adoption of OAR 581-022-0102, OAR 581-022-2000, OAR 581-022-2010 (revised), OAR 581-022-2030, OAR 581-022-2055 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 581-022-0102, OAR 581-022-2000, OAR 581-022-2010 (revised), OAR 581-022-2030, OAR 581-022-2055 and OAR 581-021-0003 (revised) to support the implementation of updates to ORS 329.45 outlined in Senate Bill 3 (2023).

STAFF RECOMMENDATION

X Approve Approve next month No recommendation at this time

Prompted by: X State law changes Federal law changes other

ATTACHMENTS

Attachment 1: OAR 581-021-0003 with Tracked Changes

Attachment 2: OAR 581-022-2010 with Tracked Changes

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”;

(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](#)

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 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

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: 3.D.

<p>SUBJECT: Transportation Rule Changes STAFF NAME & OFFICE: Brock Dittus, Pupil Transportation & 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 <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation <input checked="" type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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BACKGROUND

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

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AGENDA ITEM: 3.D.

- 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

The board has reviewed these proposed changes for the September 2024 meeting, and had no questions.

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:

Representatives from Oregon private schools and the Oregon Christian Education Coalition expressed concern with the wording added to OAR 581-053-0003 specifying that transportation entities would be defined as including any "...individual public or private school" and requested this be considered further. ODE has chosen to pursue further engagement and legal opinion to ensure that this would not exceed the authority given in current statute. The 581-053-0003 draft retains a technical update to the definition of certain small school buses (Type A-II) to match that of federal rule.

POLICY ISSUE OR CONCERNS

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

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

Oregon State Board of Education

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AGENDA ITEM: 3.D.

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

A "yes" vote would implement the changes summarized above, increasing the safety in transportation for students within the state.

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

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

ATTACHMENTS

- 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

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](#)

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: Athlete Agent Rule Changes

<p>SUBJECT: Athlete Agent Rule Changes, 581-021-0515</p> <p>STAFF NAME & OFFICE: Brock Dittus, Pupil Transportation & 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 <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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BACKGROUND

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

This is the second time this proposed rule change has been presented to the board. September’s meeting generated some discussion around Athlete Agents more generally, but did not directly address the proposed changes.

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

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: Athlete Agent Rule Changes

No concerns have been expressed regarding the fingerprinting process for Athlete Agents, as the department has performed background screens for Athlete Agent candidates 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.

EQUITY IMPACT ANALYSIS

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

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

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

ATTACHMENTS

Attachment 1: OAR 581-021-0515

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: 3.F.

<p>SUBJECT: Supplemental Plan Revision for Helix SD STAFF NAME & OFFICE: Brock Dittus, Pupil Transportation & 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"/> Informational Presentation</p> <p><input checked="" type="checkbox"/> Written Report</p>
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BACKGROUND

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 establishes the first supplemental plan requested by the district.

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: 3.F.

SUMMARY OF PREVIOUS BOARD ACTION

The State Board has not previously established a supplemental plan for Helix School District due to a lack of previous need.

POLICY ISSUE OR CONCERNS

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 with special needs who would otherwise face 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

Attachment 1: Helix SD Supplemental Plan

Helix School District 1R

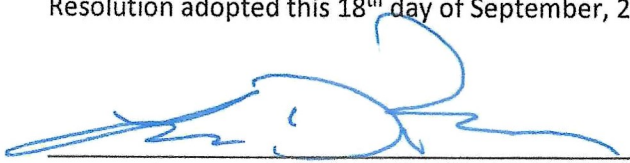
Resolution Adopting the “Supplemental Bus Plan” for the Helix School District

BE IT RESOLVED that the Board of Directors of the Helix School District 1R hereby adopts the
Transportation Supplemental Plan for 2024-25.


The plan is developed as a result of health and safety reasons including special education students that live within the defined walk boundaries. The targeted students who would be transported within the one mile limit of elementary and one and one half mile limit for the secondary are those students who are currently living in an area considered as a safety hazard.

Helix Charter School: Student in the middle school who is special needs rides the bus home in the afternoon. This is to ensure that the student makes it home safely each day when parents are not able to retrieve the student after school. This number of students affected by the Supplemental Bus Plan is 1 student.

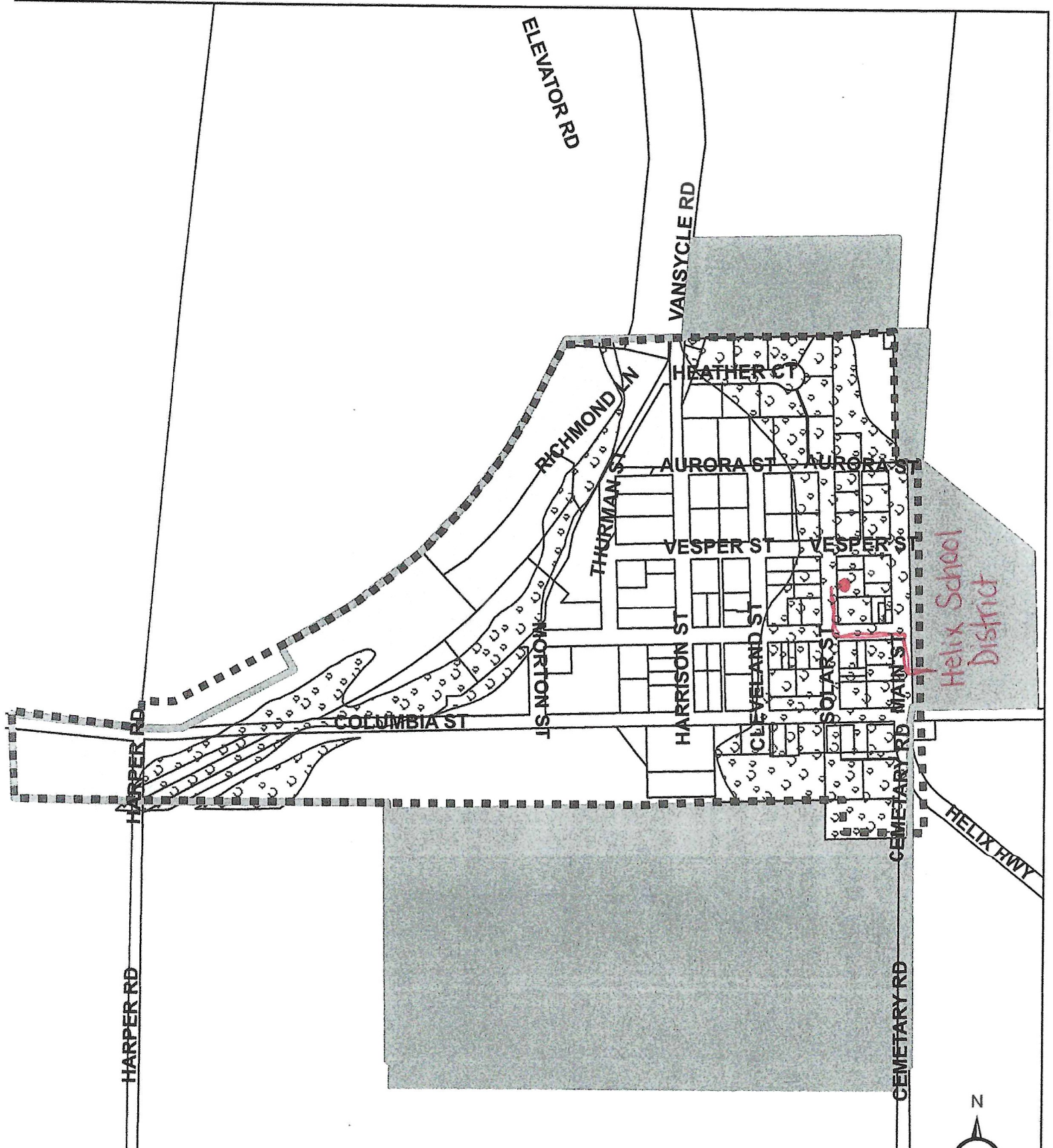
Resolution adopted this 18th day of September, 2024



Larry Parker
Chairman, Board of Directors



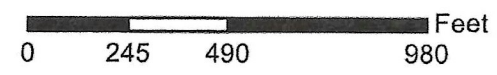
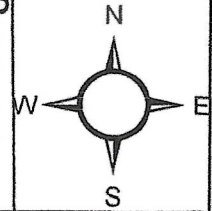
Brad Bixler
Superintendent/Principal, Helix School District



Legend

- City Limits
- Urban Growth Boundary
- R-GEN, General Residential
- R-COM, Residential Commercial

- M-GEN, General Industrial
- F1, Exclusive Farm Use (UGA)
- Flood Hazard Overlay 130
- EFU



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Green, Umatilla County Planning Department Date: 9/24/2020

* indicates "exemplary" program scoring of 80% or higher with no criterion score o
 **Instructional materials designated as "does not meet Oregon adoption criteria" r
 School districts must complete an independent evaluation to independently adop

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 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

if zero.

may still be adopted as (1) supplemental materials or (2) in other course categories, at the discretion of the board. Materials designated as “does not meet Oregon adoption criteria” in the category of Health Education

Program Title	Copyright Date	Available in Spanish and/or other languages	Price List
Oregon Health and Wellness	2024	N/A	
Michigan Model for Health	2024	N/A	
The Great Body Shop	2020	Yes	Price List
Child Safety Matters	2021	N/A	
Quaver Health	2024	N/A	
<hr/>			
Teen Safety Matters	2024	N/A	
Michigan Model for Health	2024	N/A	
Live Well: Middle School Health	2021	Yes	Price List
The Great Body Shop	2024	Yes	Price List
Comprehensive Health Skills for Middle School	2025	Yes	Price List
Essential Health for Middle School	2025	N/A	
<hr/>			
Teen Safety Matters	2021	N/A	
Michigan Model for Health	2024	N/A	
Live Well Comprehensive High School Health	2024	Yes	Price List
Comprehensive Health Skills for High School	2025	N/A	
Essential Health for High School	2025	N/A	

Materials in Health Education - Contract Years 2025-2032

f local school boards.

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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
1	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**

[Publisher
Response](#)

N/A
N/A
N/A
N/A



N/A
N/A
N/A
N/A
N/A
Will be linked
if submitted



N/A

N/A
N/A
Will be linked
if submitted
Will be linked
if submitted



[Redacted]

[Redacted]

[Redacted]

<p>SUBJECT: Health Education Instructional Materials Adoption/OAR 581-011-0070 & 0071 Instructional Materials Adopted by the State Board of Education</p> <p>STAFF NAME & OFFICE: Jenna Montgomery, Suzanne Hidde, Sasha Grenier, and Alexa Pearson; Office of Teaching, Learning, and Assessment</p> <p>Rules 581-011-0070 and 581-011-0071 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 581-011-0117. 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 <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading</p> <p><input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> X Action</p> <p><input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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BACKGROUND

The State Board of Education 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 their materials, which has since been completed. The recommended materials list (which is attached to this docket) was updated to reflect the outcome of this re-evaluation.

If adopted by the State Board of Education, 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

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?

- N/A; first read—hasn't been before board
- No; same as last month
- Yes – As follows: The materials list was updated to reflect the results of a re-evaluation request.

EQUITY IMPACT ANALYSIS

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

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

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

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

ATTACHMENTS

Attachment 1: 2024 Health Education Category 1-3 (Grades K-12) Adoption List



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 Great Minds PBC and Wilson
Category 1: Grades K-2	MEETS	1008	Language Training 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 Amplify Education (updated)
Category 2: Grades 3-5	MEETS*	2003 Benchmark Education Imagine Learning LLC (formerly
Category 2: Grades 3-5	MEETS	2005 Edgenuity / LearnZillion)
Category 2: Grades 3-5	DOES NOT MEET	2007 Essential Skills Great Minds PBC and Wilson
Category 2: Grades 3-5	MEETS*	2008 Language Training 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 3005 Edgenuity / LearnZillion)
Category 3: Grades 6-8	MEETS*	3008 Great Minds PBC
Category 3: Grades 6-8	MEETS*	Houghton Mifflin Harcourt Publishing 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 4005 Edgenuity / LearnZillion)
Category 4: Grades 9-12	MEETS*	Houghton Mifflin Harcourt Publishing 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
Core Knowledge Language Arts 2nd Edition (CKLA2) (Grades K-2)	2022	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
Benchmark Advance ©2022 (Grades K-2)	2022	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
LearnZillion/EL Education** (Grades K-2)	2019	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
Complete Reading (Grades K-2)	2015	Does Not Meet	0: Does not meet the criteria	0: Does not meet the criteria	0: Does not meet the criteria
Wit & Wisdom with Foundations and Geodes (Grades K-2)	2022	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
HMH Into Reading (Grades K-2)	2022	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
Open Court Resources (K-2)	2023	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
Wonders (Grades K-2)	2020	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
Bookworms (K-2)	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 & 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

Amplify ELA (Grades 6-8)	2019	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
Mirrors & Windows: Connecting with Literature (Grades 6-8)	2020	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
LearnZillion EL Education (Grades 6-8)**	2020	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
Wit & Wisdom (Grade 6-8)	2022	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
HMH Into Literature (Grades 6-8)	2022	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
ELA Full Core Curriculum (All units and modules; Grades 6-8)	2021	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
StudySync (Grades 6-8)	2021	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
EL Education K-8 Language Arts (Grades 6-8)**	2019	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
myPerspectives English Language Arts (Grades 6-8)	2022	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
ThinkCERCA ELA (Grades 6-8)	2021	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
Foundations of Language & Literature (Grade 9)	2018	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
Advanced Language & Literature 2nd edition (Grade 10)	2021	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
American Literature & Rhetoric (Grade 11)	2021	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
Foundations of Language & Literature (Grade 9)	2023	Meets	N/A	N/A	N/A
Mirrors & Windows: Connecting with Literature (Grades 9-12)	2021	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
LearnZillion Odell Education (Grades 9-12)**	2021	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
HMH Into Literature (Grades 9-12)	2022	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
ELA Full Core Curriculum (All units and modules; Grades 9-12)	2020	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria

StudySync Core ELA & British Literature (Grade 9-12)	2021	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
Odell Education High School Literacy Program (Grades 9-12)**	2021	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
myPerspectives English Language Arts (Grades 9-12)	2022	Meets	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria
ThinkCERCA ELA (Grades 9-12)	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	Publisher Response
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	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	Publisher Response
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	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
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	Publisher Response

	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria	3: Meets all criteria	Publisher Response
	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	Publisher Response
	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](#)

[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



<p>SUBJECT: K-5 ELA Mid-Cycle Instructional Materials Adoption/OAR 581-011-0070 & 0071</p> <p>STAFF NAME & OFFICE: Jenna Montgomery, Tina Roberts, Alexa Pearson; Office of Teaching, Learning, and Assessment</p> <p>Rules 581-011-0070 and 581-011-0071 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 581-011-0117. 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 adopt.</p> <p><input type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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BACKGROUND

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. 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

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?

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

POLICY ISSUE OR CONCERNS

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

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

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

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

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

ATTACHMENTS

Attachment 1: 2024 K-5 ELA Adoption List (Updated)

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

<p>SUBJECT: Substitution Request for Instructional Materials (Cengage), OAR 581-011-0086</p> <p>STAFF NAME & OFFICE: 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 <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> X Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation X <input type="checkbox"/> No Presentation</p>
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BACKGROUND

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

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?

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

POLICY ISSUE OR CONCERNS

The impact of this approval is that districts will be allowed to purchase the updated edition of *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

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

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

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

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

ATTACHMENTS

Attachment 1: Cengage Life Substitution Request

ADOPT: 581-017-0805

RULE TITLE: Early Literacy Community Grants Program: Funding

NOTICE FILED DATE: 01/23/2024 RULE SUMMARY: This rule requires Early Literacy Community Grants Program applicants to submit a detailed budget on how the grants from this program will be used.

RULE TEXT:

(1) Applicants must submit a detailed budget that explains how Grant funds will be used. Expenditures for community grants must be approved prior to being incurred and align with agency policy.

(2) Indirect costs will be allowed as a percentage of the direct costs of the Grant award disbursed as follows:

(a) up to five percent for school districts, education service districts, public charter schools, early learning hubs, or postsecondary institutions of education;

(b) up to fifteen percent for community-based organizations, public libraries, or providers of early learning services;

(c) indirect costs for partnerships or consortiums will be allowed based on the lead entity's organization type;

(d) for Tribes, up to fifteen percent or the Tribe's federally recognized indirect rate, as provided in the grant agreement.

(3) Applicants may use Grant funds only for authorized purposes.

STATUTORY/OTHER AUTHORITY: ORS 327.254, ORS 327.274, ORS 327.800, ORS 327.843

STATUTES/OTHER IMPLEMENTED:

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: 4.A.

<p>SUBJECT: Early Literacy Tribal Grants Fix/OAR 581-017-0805 - Early Literacy Community Grants Program: Funding</p> <p>STAFF NAME & OFFICE: April Campbell & Nicole Barney, Office of Indian Education (OIE)</p> <p>Tribes are referenced in HB 3198 (Early Literacy Success Initiative) and within a section of the rules adopted under Community Grants (OAR 581-017-0801); however, Tribes are not included in Administrative Indirect Rates rules (OAR 581-017-0805). Without this amendment, indirect rates will not apply to Tribes thus making it difficult to initiate or continue their early literacy initiatives. We propose amending section (2) of OAR 581-017-0805 to include the Tribes and allow the use of either fifteen percent or their federal indirect rate for allowable administrative costs. The proposed rule change would allow Tribes to access indirect costs, mirroring the language found in OAR 581-017-0687 and ensure equitable funding, supporting the successful implementation of early literacy programs within tribal communities.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

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

1. History:

a. What prompted the rule?

The rule was established through HB 3198 (2023), as part of the Early Literacy Success Initiative. An amendment to OAR 581-017-0805 – Early Literacy Community Grants Program: Funding is being proposed for two main reasons:

- i. The early literacy grant rules do not currently authorize Tribes to receive indirect costs.
- ii. The rule does not acknowledge Tribes' federal indirect rate, which can be as high as 50%. This omission significantly affects Tribes' ability to access the necessary funds to cover administrative costs.

b. What is the current requirement in rule or statute?

The current version of OAR 581-017-0805 references Community-Based Organizations. Tribes do not qualify as "Community-Based Organizations" because they are sovereign nations, and as a result, the current rules do not authorize them to receive indirect costs.

2. Purpose

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AGENDA ITEM: 4.A.

- a. **What function does the current rule hold?**
The current rule, OAR 581-017-0805, outlines the requirements for applicants to the Early Literacy Community Grants Program. The rule establishes indirect costs are allowed as a percentage of the direct costs of the grant, though it currently only applies to Community-Based Organizations, school districts, ESDs, public charter schools, early learning hubs, post-secondary institutions, and consortiums.
- b. **How long has the rule been in place?**
The rule has been in place since **March 22, 2024**.

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

- a. Yes, the board has discretion.

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

- a. **Who was involved in bringing this to the Board?**
The Office of Indian Education (OIE) was involved in bringing this issue forward.
- b. **What did engagement in this process entail?**
OIE has been in discussion with the 9 nations about this ongoing issue of allowable indirect. Tribes helped negotiate the language OAR 581-017-0687, which allowed Tribes to use their federal indirect rate for the Student Success Grants. Additionally, discussions were held at the Government to Government education cluster meeting, and the American Indian/Alaska Native Advisory Committee meeting.
- c. **Who may be affected by this?**
The nine federally recognized Tribes of Oregon and AI/AN students across the state.
- d. **Whose voice is missing potentially?**
At this time, all key stakeholders have been engaged through discussions with tribal representatives and the American Indian/Alaska Native Advisory Committee. No additional voices are identified as missing.
- e. **What additional information does the Board need prior to moving forward?**
Currently, no further information is required for the Board to move forward, as all relevant stakeholders have been consulted and the necessary details have been provided.

SUMMARY OF PREVIOUS BOARD ACTION

- 1. **Has this been before the board before? If so, what action did the board take?**
No, this issue has not been brought before the State Board of Education.

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:

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: 4.A.

POLICY ISSUE OR CONCERNS

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

1. Stakeholders

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

Yes. The nine federally recognized Tribes of Oregon have been involved through continuous discussions, most recently at the September Government to Government education cluster meeting and the AI/AN Advisory Committee meeting. The Office of Indian Education (OIE) worked closely with tribal representatives to ensure the rule aligns with their needs.

- b. **Who are the historically underserved groups affected?**

The nine federally recognized Tribes of Oregon and AI/AN students across the state, who have historically faced inequitable access to education funding.

- c. **If the rule change or policy decision has tribal implications and it has been deemed appropriate by the Department's Tribal Liaison, the Deputy Superintendent, or State Board, has there been engagement or collaboration with tribes in this rule change or policy decision?**

Yes, there has been engagement with Tribes.

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

The proposed rule change addresses Tribes' unique needs as sovereign nations, ensures they have equitable access to grant funding, and will ultimately improve educational outcomes for AI/AN students.

2. Negative/Positive Effects

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

The nine federally recognized Tribes of Oregon are most affected by this rule. The inability to use their federal indirect rates limits their capacity to implement early literacy initiatives, further disadvantaging communities that have historically faced systemic inequities in education. Without adopting temporary rules, Tribes may encounter administrative cost caps which do not meet their needs and affect program administration. Additionally, some Tribes may opt out of accessing funds because of indirect cost barrier.

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

By enabling Tribes to fully access grant funding, this proposed rule change will help close the achievement gap for AI/AN students. Better-funded literacy programs will

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AGENDA ITEM: 4.A.

provide more equitable educational opportunities, addressing systemic inequities that have historically impacted AI/AN students' academic success.

c. **Have all the potential unintended consequences been considered?**

Yes, the proposed rule change has been discussed with tribal representatives to ensure that it meets the needs of the Tribes without creating unintended financial or administrative burdens. The rule is designed to support equitable funding while avoiding any negative impacts.

d. **Does this rule advance the 40/40/20 goals?**

Yes, this proposed rule change contributes to Oregon's 40/40/20 goals by improving early literacy outcomes for AI/AN students. Strong early literacy foundations are crucial for long-term academic success, which will help increase the percentage of Native students who complete high school, pursue higher education, and earn degrees or certificates.

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

a. **State or federally mandated?**

The current state rules do not explicitly mention the nine federally recognized Tribes of Oregon or allow them to use their federal indirect rate. Amendments to state rules are needed to ensure Tribes can draw down these funds equitably.

b. **Political?**

There may be political barriers related to adjusting state rules to better reflect the unique status and needs of sovereign tribal nations. Ensuring ongoing collaboration with state agencies and Tribes is essential to addressing concerns from different partners and upholding the government-to-government relationship with Tribes.

c. **Emotional?**

Historical and ongoing inequities faced by AI/AN communities in education can have an emotional impact. Addressing these concerns with cultural sensitivity and understanding of the Tribes' unique histories and sovereign status will help build trust and foster engagement.

d. **Financial?**

The exclusion of Tribes from receiving indirect costs in the current rule creates financial barriers for these sovereign nations to effectively manage and implement programs. Allowing federal indirect rates addresses this by ensuring adequate funding for administrative needs that reflect the unique financial challenges faced by Tribes.

e. **Programmatic?**

Without the ability to fully access funds, Tribes face programmatic barriers in implementing culturally relevant and effective early literacy programs. Ensuring the rule change is enacted in a timely manner will remove these barriers and allow Tribes to create programs that meet the unique needs of their communities and AI/AN students.

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AGENDA ITEM: 4.A.

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

1. Will historically underserved populations be impacted by this docket item?

Yes. The nine federally recognized Tribes of Oregon, along with AI/AN students across the state, are historically underserved populations that will be directly impacted by this proposed rule change. The proposed rule change would allow Tribes to use their federal indirect rate, ensure that early literacy initiatives move forward, contributing to improved outcomes for AI/AN students across Oregon.

a. If yes, describe how the rule changes, policy, or action could produce other unintended consequences not listed in the docket.

No additional unintended consequences are anticipated at this time.

2. Examine the potential impact of the rule changes, policy, or action on historically underserved populations in Oregon. Describe this ongoing and/or foreseeable impact, using as much detail as possible.

The proposed rule change is designed to have a positive and long-lasting impact on historically underserved populations, particularly the nine federally recognized Tribes and AI/AN students from across the state. By allowing Tribes to access their federal indirect rate, the rule enables them to better fund administrative costs and more effectively implement culturally relevant early literacy programs. These programs are crucial in addressing educational inequities, enhancing literacy outcomes, and supporting the academic success of AI/AN students. This access to full funding will help Tribes design and sustain programs that align with their unique cultural needs and educational priorities.

3. Explain how the rule change, policy, or action works toward the elimination of either (one or both):

a. The achievement gap

The proposed rule change directly supports efforts to close the achievement gap for AI/AN students by ensuring that early literacy programs are adequately funded. These initiatives aim to foster early literacy and language skills, which are foundational to long-term academic success. By providing equitable access to resources, the rule change allows Tribes to address systemic barriers that have historically contributed to lower literacy and academic outcomes among AI/AN students.

b. The opportunity gap

The proposed rule change also works to close the opportunity gap by enabling Tribes to fully access the funding needed to create and sustain educational programs that meet the specific needs of their communities. The ability to implement early literacy programs with proper administrative support will give AI/AN student's opportunities

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for better educational engagement and success, which historically underserved communities often lack due to inequitable access to resources.

FISCAL ANALYSIS

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

1. **How does the proposed rule fit within the budget of the agency?**
The proposed rule amendment has no fiscal impact.
 - a. **Which units/divisions/offices will be impacted and how?**
The Office of Indian Education will manage the grant, aligning with its mission to support AI/AN students.
2. **How does the proposed rule change impact school districts and ESDs?**
The proposed rule change has no direct fiscal impact on school districts or ESDs. It focuses on providing equitable access to funding for Tribes, with school districts and ESDs potentially benefiting through collaboration but without a direct budgetary effect.
3. **How does the proposed rule change impact schools and other educational institutions?**
While schools and educational institutions partnering with Tribes on literacy programs may see improved outcomes, there is no direct fiscal impact on their budgets.
4. **Does the proposed rule change impact other stakeholders?**
The proposed rule change does not impact other stakeholders.

EFFECT OF A "YES" OR "NO" VOTE

Effect of a "Yes" Vote:

A "yes" vote by the Board would approve the proposed rule change, allowing the nine federally recognized Tribes of Oregon to apply their federally recognized indirect rates. This would ensure that Tribes can access the full administrative funding needed to implement and manage early literacy initiatives, leading to more effective outcomes for AI/AN students.

Effect of a "No" Vote:

A "no" vote would mean the current rules remain unchanged, continuing to prevent Tribes from accessing the grant and from their full federal indirect rates. This would limit their ability to cover administrative costs and could delay or reduce the effectiveness of early literacy programs aimed at closing the achievement gap for AI/AN students.

STAFF RECOMMENDATION

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

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ATTACHMENTS

Attachment 1: Early Literacy Tribal Grants Rule Fix

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AGENDA ITEM: 4.B.

<p>SUBJECT: ODE Appels Processes Rules/OAR 581-075-0001, OAR 581-075-0005, OAR 581-075-0010, OAR 581-075-0015, OAR 581-075-0020, OAR 581-075-0025, OAR 581-075-0030, OAR 581-075-0040, OAR 581-075-0045, OAR 581-075-0050, OAR 581-075-0200, OAR 581-075-0205, OAR 581-075-0210</p> <p>STAFF NAME & OFFICE: Emily Nazarov, Government and Legal Affairs Manager, Stacey Guise, Complaint and Appeals Resolution Unit Manager, Mark Mayer, Complaint and Appeals Specialist (All from the Office of the Director)</p> <p>The proposed rules make changes to ODE’s appeals processes.</p> <p><input checked="" type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input checked="" type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

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

1. History:
 - a. What prompted the rule (why do we have it?) State law? Federal law? Incident? Why are changes/amendments being proposed?

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

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- Complaints alleging violations of Division 22 standards require different investigatory and remedial procedures than other types of complaints.

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 to 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 violations of Division 22 standards 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.

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The statutes pertaining to 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 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 Resolution 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.

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AGENDA ITEM: 4.B.

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.

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.

ODE also has specifically met with OSBA and COSA over the past several weeks to ensure that those member organizations are aware of these possible changes and have adequate opportunity to provide feedback.

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

None.

SUMMARY OF PREVIOUS BOARD ACTION

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

Yes. These rules were first read to the board on September 19, 2024. The board did not take any action at that time, but it did provide feedback.

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:

The department has received several comments during this rulemaking. The department made the following changes in response to those comments:

Comment: Students may need more than one year to file a complaint with a district. **Under today's proposal, complainants will have two years to file a complaint with a district.**

Comment: Investigations lasting 270 days do not serve students. **Under today's proposal, ODE will have 210 days to conduct an investigation.**

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Comment: Districts should not be prohibited from having legal representation at settlement meetings when complainants do not have legal representation. **Under today’s proposal, districts may have legal representation during settlement meetings.**

Comment: Language in the rule specifying how long the department has to “resolve” an appeal is vague. **Under today’s proposal, the language has been updated to specify how long ODE has to “conduct an investigation and issue a final order or notice of compliance.”**

Comment: Districts will need to update administrative regulations and policies that include information on how to appeal a complaint to ODE. **In a concurrent temporary rulemaking, ODE is proposing that it accept appeals under current standards until April 30, 2025.**

POLICY ISSUE OR CONCERNS

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

1. Stakeholders

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

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.

- 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

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- 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 effect of this proposed rulemaking is that 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 provide students suffering harm timely 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.

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

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.

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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.

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 Resolution Unit needs language translation services to process appeals for non-English speaking complainants).

EQUITY IMPACT ANALYSIS

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

1. How are historically underserved populations impacted by this docket item?
 - a. Demonstrate how the rule changes, policy, or action could produce other unintended consequences not listed in the docket.
 - b. Refer to *Policy Issue or Concerns* and identify the historically underserved populations affected. Conduct a reflection and examination, which will and should answer 1a.

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.

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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.

FISCAL ANALYSIS

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

1. How does the proposed rule fit within the budget of the agency?
 - a. Which units/divisions/offices will be impacted and how?

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 Resolution 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.

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AGENDA ITEM: 4.B.

4. Does the proposed rule change impact other stakeholders?

No.

EFFECT OF A "YES" OR "NO" VOTE

A "yes" vote will repeal the existing rules and replace them with language that includes the above-mentioned changes. A "no" vote will retain the existing language.

STAFF RECOMMENDATION

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

ATTACHMENTS

Attachment 1: Proposed Rules for Complaints and Appeals Processes

Oregon State Board of Education

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AGENDA ITEM: 4.B.

<p>SUBJECT: ODE Appels Processes Temporary Rule/OAR 581-075-0901</p> <p>STAFF NAME & OFFICE: Emily Nazarov, Government and Legal Affairs Manager, Stacey Guise, Complaint and Appeals Resolution Unit Manager, Mark Mayer, Complaint and Appeals Specialist (All from the Office of the Director)</p> <p>Under the proposed rule, ODE would accept appeals in accordance with existing appeals processes until April 30, 2025.</p> <p><input checked="" type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input checked="" type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

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

1. History:

- a. What prompted the rule (why do we have it?) State law? Federal law? Incident? Why are changes/amendments being proposed?

Before the State Board of Education is a concurrent rulemaking that would change ODE’s appeals processes, including the circumstances under which ODE would accept an appeal. Those rules were first read on September 19, 2024.

ODE received comments from the Oregon School Boards Association (OSBA) that even though those proposed rules do not require school districts to change their own complaint processes, school districts often include in their policies and administrative regulations information on how to appeal a complaint to ODE. School districts will need to update that information to reflect the new circumstances under which ODE would accept an appeal.

- 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)

- c. Why is this rule being brought forward right now?

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During the concurrent rulemaking that would change ODE’s appeals processes, ODE received feedback that school district policies and administrative regulations would need to be updated to accurately inform parents and students about how to appeal a complaint to ODE.

2. Purpose

- a. What function does the current rule hold?

Under existing rules, ODE accepts appeals under certain circumstances.

In the concurrent rulemaking, ODE is proposing that the board change the circumstances under which ODE would accept an appeal.

Under this temporary rule, ODE would retain existing standards for accepting an appeal until April 30, 2025. That would be the only effect of this proposed temporary rule. This would give districts additional time to update information in their policies and administrative regulations about how to appeal a complaint to ODE.

The temporary rule should only be considered if the board chooses to adopt the concurrent rulemaking that would change ODE’s appeals processes.

- 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 board has discretion to determine the circumstances under which ODE would accept an appeal.

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

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

The Complaints and Appeals Resolution Unit within the Director’s Office of ODE.

- b. What did engagement in this process entail?

Before beginning the concurrent rulemaking, ODE 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.

Throughout the concurrent rulemaking, ODE met with OSBA, COSA, and OATAG. (1) ODE met with OSBA and OATAG about those proposed rules on August 27, 2024. (2) ODE

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presented the proposed rules at ODE's Ongoing Rules Community Advisory group (ORCA) on September 5, 2024. (3) ODE met with OSBA and COSA about the proposed rules on September 16, 2024. (4) ODE presented the proposed rules at ORCA a second time on October 3, 2024.

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.

d. Whose voice is missing?

Before beginning the concurrent rulemaking, ODE 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. Although this temporary rule is being proposed because of feedback received from a single organization, OSBA, it is part of the larger proposal that has undergone a lengthy and thorough vetting process.

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

None.

SUMMARY OF PREVIOUS BOARD ACTION

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

No.

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However, as mentioned above, this temporary rule is being proposed as part of a larger rulemaking for changing ODE’s appeals processes. Those rules were first read to the board on September 19, 2024. The board did not take any action at that time, but it did provide feedback.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

POLICY ISSUE OR CONCERNS

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

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

Yes. Before beginning the concurrent rulemaking, ODE 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. ODE has since presented to ORCA on September 5, 2024, and October 3, 2024, and met with OSBA, COSA, and OATAG on August 27, 2024, and September 16, 2024.

- 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?

For this temporary rule, no. For the concurrent rulemaking making changes to ODE’s appeals processes, yes.

- 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?

This temporary rule serves a single purpose: To give districts additional time to update information in their policies and administrative regulations about how to appeal a complaint to ODE, thereby enabling them to provide parent and student

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complainants, including those belonging to historically underserved communities, with accurate information about ODE's appeals processes.

2. Negative/Positive Effects

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

The positive effect of this proposed temporary rule is singular: It will enable districts to provide parent and student complainants with accurate information about ODE's appeals processes.

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

Providing parent and student complainants with accurate information about ODE's appeals processes will improve access to those processes.

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

The proposed temporary rule would not eliminate any opportunity or achievement gap.

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

Yes.

- e. Does this rule advance the ESSA goals?

Yes. The proposed temporary rule advances equity and promotes a well-rounded education. The proposed temporary rule would help school districts to provide parent and student complainants with accurate information about ODE's appeals processes.

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?

The temporary proposed rule would not create barriers to more equitable outcomes.

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EQUITY IMPACT ANALYSIS

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

1. How are historically underserved populations impacted by this docket item?
 - 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.

Because the proposed temporary rule retains ODE's existing standards for accepting an appeal through April 30, 2025, it would enable school districts to provide accurate information to student and parent complainants, including those belonging to historically underserved populations, about ODE's appeals processes.

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.

By retaining ODE's existing standards for accepting an appeal through April 30, 2025, the proposed temporary rule would enable school districts to provide accurate information to student and parent complainants, including those belonging to historically underserved populations, about ODE's appeals processes.

3. Explain how the rule change, policy or action works toward improving achievement, opportunities and a sense of worthiness for underserved students?

By retaining ODE's existing standards for accepting an appeal through April 30, 2025, the proposed temporary rule would enable school districts to provide accurate information to student and parent complainants, including those belonging to historically underserved populations, about ODE's appeals processes.

FISCAL ANALYSIS

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

1. How does the proposed rule fit within the budget of the agency?
 - a. Which units/divisions/offices will be impacted and how?

The proposed temporary rule would not have any impact on the budget of the agency.

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AGENDA ITEM: 4.B.

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

Assuming the concurrent rulemaking is adopted by the board, the proposed temporary rule would give districts three months to update information in their policies and administrative regulations about how to appeal a complaint to ODE.

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

It does not. The proposed temporary rule would not impose on districts any mandates or increase ODE’s remedial powers. The proposed temporary rule is about retaining ODE’s existing standards for accepting an appeal for three months to give districts time to update information in their policies and administrative regulations.

4. Does the proposed rule change impact other stakeholders?

No.

EFFECT OF A “YES” OR “NO” VOTE

Assuming the concurrent rulemaking is adopted by the board, a “yes” vote will retain ODE’s existing standards for accepting an appeal through April 30, 2025, giving districts three months to update information in their policies and administrative regulations, while a “no” vote will result in ODE’s standards for accepting an appeal to immediately change.

STAFF RECOMMENDATION

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

ATTACHMENTS

Attachment 1: Proposed Rules for Complaints and Appeals Processes

**PROPOSED RULES FOR COMPLAINTS AND APPEALS PROCESSES
MM 10/07/24**

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 education 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; and

(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 339.347 (Bias Incidents and Symbols of Hate Prohibited), ORS 659.850 (Discrimination 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 and 342.704 (Duties Related to Sexual Harassment) or 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, a violation of OAR 581-021-0655 (Duty to Designate One or More Civil Rights Coordinators) and-or OAR 581-021-0660 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 659.850 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 had been filed with the district.

(4)(a) The complaint on which the appeal is based must have been initially filed with the district not later than two calendar years 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.

(5) 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 rule.

(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 581-075-0025

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)(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) 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.

(3) The department must issue a final order or notice of compliance under subsection (2) of this rule not later than 210 calendar days after the date on which the department gave notice that it is accepting the appeal under OAR 581-075-0015.

(4) Corrective action ordered under this rule may include:

(a) Reviewing and rewriting policies or written regulations;

(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)(a) Notwithstanding subsection (2) and (3) of this rule, for any appeal accepted by the department on or before the effective date of this rule, if the department determines that a violation may have occurred, the department must issue a preliminary final order containing the procedural history of the appeal, the facts upon which the department is basing its conclusions, and an explanation of the department's conclusions. After the department issues the order described in this subsection, the complainant and the district will have an opportunity to resolve the appeal through conciliation. The time period for resolving the appeal through conciliation may not be longer than 30 days unless the complainant and the district agree in writing to a different time period.

(b) The district may not have an attorney attend any meeting held in-person, by phone, online, or virtually for the purpose of conciliating unless the complainant has an attorney attend that meeting.

(c) Upon request, the department will provide technical assistance to support the complainant and district during conciliation.

(d) Any conciliation agreement entered into under this subsection must contain a statement identifying the parties to the agreement, a statement that the parties entering the agreement intend that the agreement will resolve the appeal, a statement or list specifying the terms to which the parties have agreed, a statement that the parties have read and agreed to the terms contained in the agreement, the signature of each party to the agreement, and a statement that the parties further agree that:

(A) Upon execution of the agreement, the department will stay the appeal until the department confirms in writing that the parties have fulfilled their obligations contained in the agreement or the department has determined that a party has failed to fulfill the terms of the agreement;

(B) The department will continue to have jurisdiction over the matter until the parties have fulfilled their obligations under the agreement;

(C) The department may investigate either party's compliance with the agreement to determine whether the parties have fulfilled their obligations under the agreement;

(E) The department may issue a final order adopting the findings and conclusions contained in the preliminary order if the department finds, by substantial evidence, that a party having an obligation under the agreement has failed to fulfill that obligation and no good cause exists for that failure; and

(F) Upon completion of all obligations contained in the agreement as confirmed by the department, the department shall issue an order closing the appeal.

(e) If the complainant and the district fail to provide the department with a fully executed conciliation agreement within 30 days or other time period as agreed to by the complainant and the district, or if the department finds, by substantial evidence, that a party having an obligation under the agreement has failed to fulfill that obligation and no good cause exists for that failure, the department will issue a final order containing the procedural history of the appeal, the facts upon which the department is basing its conclusions, an explanation of the department's conclusions, and any action that the district must take to correct the violation.

(7) 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 issue an order or notice of compliance 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 581-075-0025 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 581-075-0025, 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 581-075-0025 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 581-075-0025, 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) 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.

(4) 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 581-075-0025 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; and

(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)(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 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.~~ a summary of the allegations made against the district and a summary of the department's conclusions.

(7) The department must issue a final order or notice of compliance as described in subsection (6) of this rule not later than 210 calendar days after the date on which the department gave notice under subsection (4) of this rule unless the Director of the Oregon Department of Education or the director's designee extends the time by which the department must issue the order or notice for good cause.

(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 (6) 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~~ and 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 complaint on which the appeal is based must have been initially filed with the district not later than two calendar years 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.

(4) 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.

(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

OAR 581-075-0901

Temporary Provision Related to Accepting Appeals Alleging Discrimination, Restraint and Seclusion, Retaliation, or a Violation of a Division 22 Standard

(1)(a) For purposes of subsection (2) of this rule, “complaint,” “department,” and “district” have the meaning given those terms in OAR 581-075-0001.

(b) For purposes of subsection (3) of this rule, “department” and “district” have the meaning given those terms in OAR 581-075-0200.

(2) Notwithstanding OAR 581-075-0010(4) and (5), until April 30, 2025, a complainant may appeal a complaint filed with a district to the Oregon Department of Education if:

(a) The appeal meets the criteria set forth in OAR 581-075-0010(2), (3), and (6);

(b) The complaint upon which the appeal is based was initially filed with the district by the later of the following two dates:

(A) The date occurring two years after the date on which the alleged violation occurred or on which the complainant discovered the alleged violation or unlawful incident; or

(B) The date occurring one year after the date on which the affected student graduated from, moved away from, or otherwise left the district; and

(c) The appeal was received by the department no later than:

(a) One year after the date on which the district issued a written determination in accordance with its complaint process resolving the complaint; or

(b) If the district fails to issue a written determination in accordance with its complaint process resolving the complaint, two years after the date on which the complainant first filed the complaint with the district.

(3) Notwithstanding OAR 581-075-0205(2), (3) and (4), until April 30, 2025, a complainant may appeal a complaint filed with a district to the department if:

(a) The appeal meets the criteria set forth in OAR 581-075-0205(5);

(b)(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;

(c) The complaint upon which the appeal is based was initially filed with the district by the later of the following two dates:

(A) The date occurring two years after the date on which the alleged violation occurred or on which the complainant discovered the alleged violation or unlawful incident; or

(B) The date occurring one year after the date on which an affected student graduated from, moved away from, or otherwise left the district; and

(d) The appeal was received by the department no later than:

(A) One year after the date on which the district issued a written determination in accordance with its complaint process resolving the complaint; or

(B) If the district fails to issue a written determination in accordance with its complaint process resolving the complaint, two years after the date on which the complainant first filed the complaint with the district.

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 provided 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 school district as defined in ORS 330.003.

(B) An education service district.

(C) The Oregon School for the Deaf.

(D) A public charter school as defined in ORS 338.005.

(E) An educational program under the Youth Corrections Education Program and Juvenile Detention Education Program.

(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) The Department shall draft an intergovernmental agreement and School Districts shall execute the intergovernmental agreement with the Department before receiving any grant funds.

(b) The Department will provide a form requesting the number of Qualifying Staff from each School District and confirm the final count with School Districts via email.

(2) School Districts shall apply for the Special Education Staff Stipend Grant as follows:

(a) School Districts will provide the number of Qualifying Staff using the correct form as posted on the Department's website.

(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.

(d) If the School District does not submit the form by the required date, the School District will no longer be eligible to receive grant funds.

(3) Once the form has been submitted and approved, the Department will confirm the final number of Qualifying Staff with each School District via email, then calculate the 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 District.

(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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<p>SUBJECT: Senate Bills 283 (2023), 5506 (2023) and 5701 (2024) Implementation: Special Education Staff Stipend Grant Program</p> <p>STAFF NAME & OFFICE: Dr. Karen Perez-Executive Director & 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 with an individualized education program.</p> <p><input checked="" type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</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

The Board held a First Reading of this item in September 2024

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:

Page 2 of the Draft SPED Stipend Rules has been edited to update previously inaccurate numbering (2, 3, 2 and should have been 2,3,4 etc.)

In addition, page 2 language has been modified as follows:

From: 3 (a) School Districts shall execute an intergovernmental agreement with the Department before receiving any grant funds.

To: 3 (a) The Department shall draft an intergovernmental agreement and School Districts shall execute the intergovernmental agreement with the Department before receiving any grant funds.

Rationale: This new language was added to articulate that the Department is the entity that will draft the intergovernmental agreement.

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From: 3 (b) The Department will estimate the number of Qualifying Staff in each School District.

To: 3 (b) The Department will provide a form requesting the number of Qualifying Staff from each School District and confirm the final count with School Districts via email.

Rationale: The rules need to include a process for confirming the final count with School Districts.

From: (5) 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.

To: (5) Once the form has been submitted and approved, the Department will confirm the final number of Qualifying Staff with each School District via email, then calculate the 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.

Rationale: Restates previous procedural statement in 3b further articulating that the Department will provide confirmation of Qualifying Staff counts prior to allocation of funds.

POLICY ISSUE OR CONCERNS

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.

EQUITY IMPACT ANALYSIS

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

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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

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

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.

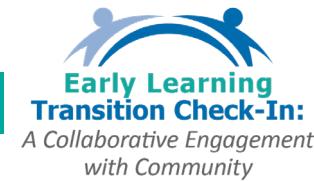
STAFF RECOMMENDATION

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

ATTACHMENTS

Attachment 1:
Draft stipend rules

Priorities for the Fall 2023 Pilot



The Oregon Department of Education (ODE) and Oregon Early Learning Division (ELD) are working with communities across the state to redesign the Oregon Kindergarten Assessment (OKA). In fall 2022, Oregon Kitchen Table (OKT) hosted community conversations with families and providers who participated in “Family Interviews,” a pilot approach to support students’ transitions into kindergarten.

Visit oregonskitchentable.org/results/early-learning-transition-check-ins to download OKT’s executive summary and full report.

The report was shared with the project’s advisory panel to review and provide feedback. The table below provides a summary of OKT’s recommendations and of the advisory panel’s suggestions. Based on this information, ODE and ELD will focus on the following priorities in the fall 2023 pilot:

- Ensure timely communication with educators and families.
- Put questions regarding pre-kindergarten care, programs, and services into context.
- Provide opportunities for follow-up with families.

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These priorities were selected based on how important action steps are to the success of the pilot.

Family Interviews: Advisory Panel Suggestions

OKT Recommendations	Project Goal	Potential Action Steps
<p>*Ensure timely communication with educators and families.</p>	<p>Improve information sharing for families and educators.</p> <hr/> <p>Be clear about the goals and purpose of the interview.</p>	<ul style="list-style-type: none"> • Provide timely, clear, simple, and culturally responsive messaging. • Make sure educators and early learning partners have the necessary information to communicate with school staff and families in early spring. • Share the purpose of the Family Interview, questions, and how data will be collected and used. Provide specific examples of how data will be used. • Use a variety of communication tools (in-person, video, phone, etc.) to increase awareness. <hr/> <ul style="list-style-type: none"> • Provide a clear and culturally responsive orientation of purpose, process, and goals of the interview. • Create visual and audio materials (e.g., mock interview) in various languages for use in training and orientation to increase accessibility. • Inform early learning and care providers about the process for their awareness and to support families with transition. • Inform families that participation in the pilot is optional.

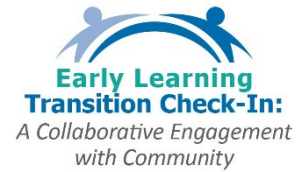
OKT Recommendations	Project Goal	Potential Action Steps
<p>*Put questions regarding pre-kindergarten care, programs, and services into context.</p>	<p>Change descriptions and interview language to increase family and caregiver understanding and improve experiences.</p>	<ul style="list-style-type: none"> Describe the purpose of each question to families and educators. Replace “programs” with “experiences” in one of the questions so it reads, “What experiences programs and/or services did your child receive or participate in to help them learn and grow? Some examples of experiences your child may have participated in are...” Include examples of specific programs and services in question.
<p>*Provide opportunities for follow-up with families.</p>	<p>Ensure data gathered is used as intended, and shared in a helpful and timely way.</p>	<ul style="list-style-type: none"> Prevent misuse of data collected in the Family Interviews. Share data and findings with families and educators. Be transparent with families, educators, and the general public. Share how data will inform funding and programing decisions. Encourage schools to connect with families after the interviews. Suggest ongoing and meaningful engagement activities to build a sense of belonging and community.
<p>Strengthen culturally specific outreach to families.</p>	<p>ODE and ELD to improve outreach and communication with families.</p>	<ul style="list-style-type: none"> Create print and digital materials for families (videos, signs, posters, etc.). Organize community outreach efforts to connect families with trusted community partners to help increase awareness.
<p>Strengthen community connections through community conversations.</p>	<p>Encourage conversations and relationship building between educators and families to continue after the interview. Make sure these efforts are family- and district-driven.</p>	<ul style="list-style-type: none"> Work with regional partners to support and inform family engagement efforts. Provide additional, flexible funds for educators to support family engagement after the interview. Build in time for relationship building within school schedules.

For more information on the Early Learning Transition Check-In: A Collaborative Engagement with Community, visit oregonearlylearning.com/PreKCheckin.

If you have any questions, please email PreKCheckin@ode.oregon.gov.



2023-2024 Early Learning Transition Check-In (ELTC)



High-level Overview of Data Analysis

As part of the ELTC 2023 pilot, teachers from 30 participating schools submitted data from over 1,000 check-in conversations with families of entering kindergarteners.

In a joint effort between the Oregon Department of Education (ODE) and the Department of Early Learning and Care (DELIC), research analysts from both agencies partnered to analyze the data in a way that aligns with the goals and values of the broader ELTC project¹. The analysis process developed for the 2023 pilot data will guide the approach to analyzing the ELTC data as it is implemented in more schools and districts.

Goals of the ELTC

The ELTC is designed to 1) help educators connect with and learn about the children and families entering their class and 2) inform DELIC and ODE about families' experiences prior to starting Kindergarten.

The ELTC uses two types of questions to reach these goals:

1. Open-ended questions which allow for families to share their thoughts and experiences in their own words (e.g., "What are your hopes and dreams for your child?")
2. Closed-ended questions which allow for teachers to select from a list of common responses (e.g., "What experiences, programs and/or services did your child receive or participate in to help them learn and grow?")

Approach to Analyzing the ELTC 2023 Pilot Data

Given the richness of the ELTC data, the ELTC Data Analysis Team is taking a *mixed methods* approach to analyzing data from the 2023 pilot. A *mixed methods* approach includes

- *Qualitative methods* (i.e., analyzing answers to open-ended responses to identify patterns and themes in what was shared by families),
- *Quantitative methods* (i.e., analyzing answers to close-ended questions, such as counting the number of families that selected a particular response), and
- A combination of qualitative and quantitative methods, where qualitative patterns and themes are described in a quantitative way (e.g., counting the number of responses that fall into each identified theme, or describing how often themes overlap with each other)

Current State of the Analysis

Analysis of the 2023 pilot data is ongoing. To date, the Analysis Team has conducted quantitative analysis of close-ended questions, developed a codebook for the qualitative analysis of open-ended questions, coded all open-ended responses, and begun integrating the qualitative and quantitative analyses into meaningful themes.

At a high-level, the preliminary analysis of the ELTC data provides insights into

1. **Families' experiences with early learning supports, services, and systems** – this includes understanding the types of services families and children accessed prior to kindergarten, barriers to accessing these services, and the ways in which families found these services to be helpful (or unhelpful).
2. **The strengths of entering kindergarteners and their families** – this includes positioning entering kindergarteners as whole, complex people with interests, personal strengths, and opportunities to grow; understanding families' connections with their children; and recognizing how families advocate for their children early in the kindergarten transition by directly communicating their kindergartener's needs.
3. **Families' aspirations for their children, in kindergarten and beyond** – this includes aspirations related to how their entering kindergartener will develop as a learner (e.g., the skills they will develop, how they will approach learning and school) and a whole person (e.g., understanding their culture and identity), the relationships their entering kindergartener will develop with their peers and teachers, and how the kindergarten context and broader education system will support their child (e.g., wanting their child to be safe, have their needs met).

The Analysis Team is in the process of refining the themes, and more detailed results will be shared in an upcoming full report.

ⁱ ELTC Project Goals:

- Intentionally **incorporating anti-racist practices** (e.g., professional learning around culturally responsive educator practices and implicit bias).
- Reaching out and **elevating voices from communities** whose voices have largely been ignored in our current educational system. It is essential that we listen to our diverse advisory panel for guidance, seek feedback from families who participated in listening sessions, and more importantly implement those suggestions to the best of our abilities to make positive systemic changes.
- Establish a platform where families can begin to **build meaningful relationships with kindergarten educators**.
- The tool will need to also **inform early learning and care systems** about their programs, practices and policies.
- And most importantly, **improve efforts** to meet the needs of Oregon students and their families.

Early Learning Transition Check-in
Preliminary Analysis of Data from the Fall 2022 Pilot

Office of Research, Assessment, Data, Accountability & Reporting

Oregon Department of Education

June 2023

Introduction

The Early Learning Transition Check-In (ELTC) is a collaborative process between the Oregon Department of Education and the Department of Early Learning and Care to redesign Oregon's Kindergarten Assessment. Oregon's Kindergarten Assessment consisted of three parts: Early literacy, Early Numeracy and Approaches to Learning. While the information gathered made sense and aligned with practices with approximately 17 other states, there were concerns and challenges shared by **community partners during engagement opportunities with ELD and ODE prior to the suspension of the KA in 2020**. Some concerns were related to implementation and other concerns were related to the biased nature of the assessment. There were a few concerns:

- There are two purposes: data would inform Early Learning System and assist K teachers to gauge student ability before K instruction
- Users of the data questioned if the tool could actually be used for two purposes
- Led to inconsistent buy-in from proctors and users and confusion about communication with families and caregivers
- Districts wanted to keep instructional time sacred and reduce redundancy of data and began administering the tool at the first encounter with students
- There was a lot of concern about the cultural responsiveness of the tool, including but not limited to assessing all children in English even if their home language was not
- high risk of implicit bias with the approaches to learning measure that were based on dominant culture school success criteria

Specific objectives and uses the instrument was developed to fulfill:

In order to address many of these concerns, the ELTC's components needed to center antiracist practices and involve families. With the help of our Advisory Panel, a new purpose statement was created. The new tool will:

- collect a statewide snapshot of data about children and families as they begin kindergarten.
- inform state-level decisions about Oregon's Early Learning System. In addition, it will assist local and regional sectors with their decision making. We anticipate that the data will be used in combination with data from other sectors to tell us about the early learning system as a whole. also meaningfully support families in building relationships with their kindergarten educators

In the fall of 2022, ODE piloted the first component of the redesign which is a family interview.

Each fall, Kindergarten educators will meet individually with each family entering their classes. The Family Interview is a tool intentionally designed to provide families and educators time to connect individually and establish 2 way communication at the beginning of the school year. The Family Interview provides a platform so families can begin to build relationships between educators. It also addresses some major concerns from the previous version:

- Intentional inclusion of family voice
- Pushes us to think about the child more holistically
- Provides needed state-level information regarding students' experience prior to attending Kindergarten. Each year, Oregon expects approximately 40,000 kindergarten students, however we only have concrete data on about 9,000 preK students who previously attended a state funded program. What we don't know is what other experiences are children and families accessing and how agencies across the state could support them. We think this approach will help us answer that question.
- Takes focus off "readiness" for children and families; somewhere along the way, the previous version gave families the impression that students needed to be ready for kindergarten and if a child was not ready then they were prevented from entrance. We recognize that families and students' have had different opportunities and we need to change the narrative to "schools being ready for students" regardless of experience.

Questions

During Spring 2022, small Listening Sessions with families of diverse backgrounds and experiences were conducted and seven questions were developed to support the new approach. Three broad categories of questions were piloted:

The first two were designed to build rapport and support a welcoming environment:

- What are your hopes and dreams for your child this school year?
- What brings your child joy?

The next three, with a follow up question was intended to engage with families around child/family's experience prior to kindergarten:

- What kinds of child care did your family have for your child? For example, were they cared for only by you or another parent or guardian? OR was your child cared for by other people, like friends, other relatives or teachers?
- What programs and/or services did your child receive or participate in to help them learn and grow?
- Of the family and/or services you just mentioned, which one would you say was the most helpful to your child and your family?
- Which programs and/or services do you wish your child had received?

The last two were designed to let families take the lead:

- What else would you like for me to know and understand about your child or your family?
- What questions do you have for me?

How it was administered

The Family Interview was meant to be conducted in person. When in person was not possible, some educators scheduled families virtually or by phone to complete the interviews. ODE provided guidance to educators about interpreting and how to best schedule them in a culturally responsive way. ODE suggested that schools schedule families who needed

interpreters, then families who belong to groups that have been underserved by our educational system. This guidance provided equitable opportunity for families who needed times that would work within their needs.

How the data were recorded

Nine schools across Oregon participated in the Fall 2022 Pilot: Family Interview. The schools were located across the state both in rural and urban communities. Three schools indicated they offered dual immersion Spanish programs.

All educators were provided an optional note taking form to use and a Smartsheet form to enter data. Educators could choose the option that worked best for them. Along with the answers to the questions, educators were asked to enter their school district, name of school, their name and an 8 digit State Student Identification number. For answers where there was a closed response, educators used a drop down selection. For short answer questions, educators were guided to write only a few sentences that would summarize the family's response to the question.

Scope of the present report

The present report offers an exploratory analysis of data collected during the Family Interview pilot in Fall 2022. Its purpose is to stimulate further discussion and refinement of the interview protocol, explore analysis alternatives, and help examine the utility of the Family Interview for informing state and local policy. Other reports developed by Oregon's Kitchen Table at Portland State University address the benefits of the Family Interview for early educators.

The pilot phase of the Family Interview was designed to try out the questions and data collection methods, but not to provide state level data on the responses received. The results that follow are provided for illustrative purposes only and should not be used for public policy purposes.

Method

Data Collection

Between August 31 and October 17, 2022 a total of 334 family interview records were submitted with family consent by staff at the nine pilot schools. Participation by school as a proportion of kindergarten fall membership ranged from a low of 10 percent to a high of 93 percent, with an overall participation across the nine schools of 62 percent. Four schools had participation rates higher than 80 percent.

Data on student race/ethnicity and participation in special education and English learner programs were appended to the interview records by matching on the Student SSID field. Data for race/ethnicity and disability status were obtained from the ODE Fall Membership collection, a snapshot of student characteristics on October 1, 2022. Data on English learner status came from the Fall English Learner collection.

Out of the 334 interview records, 244 matches to the supplied SSID were found in the two ODE collections noted above. The missing matches to 90 records could have resulted from using a local student ID, errors in data entry, or student mobility (i.e., moving out of state before October 1). Due to clustering of missing demographic data by school, the use of local student IDs is the most likely cause.

Analysis of Interview Responses

The Early Transition Family Interview included two types of questions as described in the Introduction: four open-ended questions and three closed-response questions with the instruction to select all that apply. The three closed-response questions included an “other” category which allowed for open-ended responses. One open-response follow-up question asked the respondent to indicate the programs/services that were “most helpful to your child and your family.”

Open-Ended Questions. Content analysis techniques were used to analyze responses to the four open-ended questions and the “other” responses to closed-response questions. It allows examining and quantifying the presence of certain words, subjects, and concepts in text (Krippendorff, 2018). This method of data analysis has been defined as a systematic, replicable technique for compressing text into fewer content categories based on explicit rules of coding (Stemler, 2001). In other words, content analysis is a procedure that is performed following a sequence of pre-established steps (systematic), which make it replicable by different researchers. The objective is to assign text into content categories.

Stemler (2001) describes two different approaches to the coding of data: emergent and *a priori*, sometimes referred as open coding and template coding (Blair, 2015). In emergent coding, the

categories are drawn inductively from the text, whereas with *a priori* coding the categories are created beforehand (e.g. based on a theory) and those are later applied to the text. There are benefits and drawbacks to both procedures (outside of the scope of this report) and the choice of categorization approach is usually based on what is best suited to the study.

For this particular analysis, emergent categorization was chosen, based on a preliminary review of the material. The categories were added, deleted or modified as the researchers worked through the complete set of 334 responses to a question, until all of them were represented by one or more categories. Some responses were fairly lengthy, requiring more than one category to represent the statement. The researcher first read the responses attempting to find common themes connecting the answers and, later those themes were grouped into categories.

For the data from the Early Learning Family Transition Interview, category derivation was conducted manually as described in the previous paragraph, using the whole sentence to create categories that summarize the content of each response and assigning each response to one or more of the categories. Alternatively, an R package, TidyText, was used to keep only meaningful sets of adjacent words for each one of the answers, termed “n-grams.” For example, a “bigram” consists of two adjacent words selected from the original response. A given answer may contain more than one set of bigrams. The researcher then read the bigrams and attempted to find themes that were common among them, refining them later into categories using a manual process of category development similar to the whole sentence method. The work with n-grams also was attempted using three and four words. The best results, meaning greater interpretability, was obtained using two words.

When the full set of categories had emerged, using TidyText and using the whole sentence approaches, they were compared and resulted in very similar categories. The results are summarized in frequency tables available in the next session.

Automated text analysis also can be used to identify positive and negative ideas expressed in the ELTC interview. For example, if the respondent is anxious or worried about the child’s transition to kindergarten, their statements may be classified using words having negative connotations. Conversely, if the answers are hopeful, excited, or pleasant, the classification will tend to be positive. For the last two open-ended questions, sentiment analysis was performed using the R package TidyText to categorize sentiments as positive or negative. The software uses “dictionaries” containing lists of hundreds of words that have been pre-classified in terms of the degree to which they express positive or negative ideas. The software searches for matching words in the family member responses and “scores” the statement by counting the number and degree to which the individual words are positive or negative.

Three dictionaries widely used in automated text analysis were tried in the analysis of answers to the final two questions: “What else would you like me to know and understand about your child or your family?” and “What questions do you have for me?” Dictionaries, such as NRC, Bing and Afinn, are used to recognize words associated with positive or negative sentiments.

- The NRC dictionary classifies words in eight categories, four positive (surprise, joy, anticipation, trust) and four negative categories (disgust, fear, anger, and sadness), and also generates positive and negative overall categories.
- The Afinn dictionary attributes a score to each word that is associated with the sentiments (e.g., the word “excellent” has a score of three). The scores range from -5 (extreme negative) to +5 (extreme positive).
- Finally, the Bing dictionary categorizes the sentiments in positive and negative counting the frequency of the words. The graphs for the sentiment analysis are provided in the results session, using each of the dictionaries mentioned.

One limitation of the TidyText program is that the context in which a word is used is not taken into account. For example the phrase “My child is not happy” would be classified as a positive sentiment because the word “not” is ignored. Other software (e.g., SentimentR) is designed to evaluate phrases that contain “negators.”

Closed-Response Questions. Analysis of the three closed-response questions consisted of distributions of the choices made by the respondents. The frequency distributions may be disaggregated by student group, as illustrated in the Results section. As noted above, the “other” responses to the closed-response questions were coded through manual content analysis.

Results

The introductory family interview question asked “What are your hopes and dreams for your child this school year?” Categories assigned to the responses are listed in the following table in order of overall frequency. Most responses mentioned more than one hope/dream, resulting in a total of 628 categorizations from the 334 respondents. Percentage of the total sample will add to more than 100% due to multiple responses per family.

What are your hopes and dreams for your child this school year?

Categories	N	Percentage of Total Sample
Academic/cognitive development	156	47%
Social development	155	46%
Experience success/enjoy learning	86	26%
Feel safe/comfortable/happy in school environment	73	22%
Self-regulation	59	18%
Develop confidence/independence/resilience	55	16%
Special learning: Spanish language and culture	24	7%
Special learning: Speech/communication	15	4%
Special learning: Fine motor skills	5	1%

The response categories were developed through the emergent coding process described in the Method section above. Sample quoted responses are provided to convey category meanings.

Category	Sample Responses
Academic/cognitive development	<ul style="list-style-type: none"> • Learning, and learning her alphabet, reading, • to learn to read, work on her numbers • Know and recognize his numbers, letters, and shapes. • For him to learn how to read and write as much as possible. • Learn all the core academics in kindergarten
Social development	<ul style="list-style-type: none"> • For her to learn how to communicate and have more friends. • To be more social with other kids • Be a kind friend, and grow socially • That she would grow socially, she is very shy. • Maybe by the end of kindergarten she will have more friends.

Experience success/enjoy learning	<ul style="list-style-type: none"> • I wish my child to have fun at school. • We want our child to excel in class and continue to love learning. ...That he leaves kindergarten with confidence going into first grade. • Be more confident in academics • I want her to love school and learning • I hope he thrives in the classroom and continues to enjoy learning
Feel safe/comfortable/happy in school environment	<ul style="list-style-type: none"> • I want them to be comfortable around teachers and kids • Be more comfortable in social situations • Getting used to being in school all day • Instill school is fun - wants to go • To feel heard, understood and feel safe
Self-regulation	<ul style="list-style-type: none"> • Work with distraction and emotional skills • Work on emotions and reactions to his emotions • Focus on listening and following directions • Learns better focus and and working with kids on ADHD diet • Learn to control emotions instead of acting on it
Develop confidence/independence/resilience	<ul style="list-style-type: none"> • Grow as a stronger and more independent, smart little girl. • Stepping out of his shell, shy and parent dependent • She becoming a confident learner • Grow in independence- she can get nervous and want to be with mom • I hope he develops strength and resilience as well as problem solving skills
Special learning: Spanish language and culture	<ul style="list-style-type: none"> • We would love for him to gain more confidence in his Spanish knowledge • More confident speaking Spanish • To appreciate and enjoy culture and Spanish, for it not to be negative
Special learning: Speech/communication	<ul style="list-style-type: none"> • Speech therapy – referral • That we can understand her speech better and that she understand what others are saying to her • Struggles with speech and putting together sentences with words
Special learning: Fine motor skills	<ul style="list-style-type: none"> • My child also needs to continue his fine motor skill development • He struggled a little in Head Start with how to correctly hold scissors • He struggles with fine motor

The second introductory question asked “What brings your child joy?” eliciting highly specific responses that could be categorized in a variety of ways. Responses to this question should be valuable in

establishing connections between the child, family, and teacher. As such, reduction of responses to more general categories does not appear to add much value. Sample responses are quoted below.

What brings your child joy?

Sample Responses
<p>My child enjoys learning about everything and like when things are explained to him as to why thing work the way they do. He loves eating different foods. He is the most happy when he is playing with his toys. Big imagination!</p>
<p>He loves being good at things. He likes to teach himself to do something, but becomes very frustrated when he can't accomplish what he wants to accomplish. He also loves 1 on 1 time with an adult.</p>
<p>He loves games, blocks, anything he can build and use his imagination. He love animals and animal fact.</p>
<p>She loves animals! She loves dinosaurs! She can fin joy in anything she does. She loves to learn and pick up on things fairly quick.</p>
<p>He enjoys painting and doing hands on activities. He also enjoys singing and dancing.</p>
<p>My son likes to go to the beach, to the park. He enjoys when we take him on walks or to run by the river. He like interacting with other children. He is happy knowing I am always there for him.</p>
<p>He is a social butterfly and love being around others. He is a very active child and enjoys doing his best. He loves to play and get very excited when he learns something new and enjoys sharing that.</p>
<p>My child enjoys helping the teacher and making sure her classmates don't feel left out. She is independent, a child who's ready for new subjects and ready to try anything.</p>
<p>He loves all thing garbage: cans, trucks and taking out the trash. He also loves being outside doing just about anything.</p>
<p>My child is a keen observer who loves music and singing. She has an excellent imagination. She went to Montessori and love the independence of that classroom.</p>
<p>They are a pretty happy kid and they enjoy when they get things right.</p>
<p>Encouragement, Acknowledgement, recognition, playing making friends, and telling stories.</p>
<p>He likes to be alone, take apart and put things back together, transformers.</p>
<p>He loves so many things, anything new. He loves things with broad explanations, science magic tricks, and experiments.</p>
<p>He's very competitive so whenever there is opportunity to be successful in activities, he is happy. He loves praise as well.</p>
<p>He likes to read, write and do math.</p>
<p>Everything- he is a happy kid most of the time</p>

The first closed-response question asked “What kinds of child care did your family have for your child? For example, For example, were they cared for only by you or another parent or guardian? OR was your child cared for by other people, like friends, other relatives or teachers?” Frequency counts are provided in the following table. Percentages are calculated with the number of respondents as the denominator, and will add to more than 100% because multiple selections were permitted.

What kinds of child care did your family have for your child?

Response Choices	N	Percentage of Sample
Child was only cared for by parent or legal guardian	191	57%
Child was cared for in their own home	129	39%
Child was cared for in a center or school	101	30%
Child was cared for in someone else’s home	73	22%
Other	58	17%
None of the above	3	1%

Responses elaborating on the “Other” response choice were recorded verbatim. The categories listed below were developed using the emergent coding method for open-ended responses. In many cases the “Other” response duplicated one of the offered choices, possibly indicating difficulty in conveying the list of options. In other cases, the response may suggest refinements in the wording of offered choices.

Other child care your family had for your child

Categories	N	Percentage
Preschool/daycare	30	55.6%
Family	14	25.9%
Friends	4	7.4%
Professional care	3	5.6%
Short term care and support	3	5.6%

The second closed-response question asked “What programs and/or services did your child participate in to help them learn and grow?” Frequency counts are provided in the following table. Percentages are calculated with the number of respondents as the denominator, and will add to more than 100% because multiple selections were permitted.

What programs and/or services did your child receive or participate in to help them learn and grow?

Categories	N	Percentage
Child care or preschool program	207	62%
Early educator who spoke family's home language	49	15%
Early educator who reflected family's race or culture	37	11%
Parent-child classes or play groups	45	13%
Home visitor	18	5%
Other	54	16%
Therapist	35	10%
Non-traditional hours for care	11	3%
Special education services	11	3%
Relief nursery	0	0%
None of the above	70	21%

See the Appendix for histograms of responses to this question disaggregated by Racial/Ethnic group, disability, and English learner status.

A follow-up question asked "Of the programs and/or services you just mentioned, which one would you say was the most helpful to your child and your family?" The responses are grouped below using the emergent coding strategy.

Of the programs and/or services you just mentioned, which one would you say was the most helpful to your child and your family?

Category	N	Percentage
Daycare/Preschools	82	24%
Therapy	20	6%
Skipped/not answered	17	5%
Head Start	15	5%
Other programs (sports, arts, music)	7	2%
Oregon Child Development Coalition-Malheur County	4	1%
None of the above	4	1%
Other	19	6%
No response recorded	166	50%

The final closed-response question asked "Which programs and/or services do you wish your child had received?" Frequency counts are provided in the following table. Percentages are calculated with the number of respondents as the denominator, and will add to more than 100% because multiple selections were permitted.

Which programs and/or services do you wish your child had received?

Categories	N	Percentage
Child care or preschool program	48	14%
Parent-child classes or play groups	35	10%
Therapist	20	6%
Early educator who reflected family's race or culture	12	3%
Early educator who spoke family's home language	14	4%
Special education services	9	3%
Non-traditional hours for care	0	0%
Home visitor	2	1%
None of the above	169	50%
Other	54	16%

Responses elaborating on the "Other" response choice were recorded verbatim. The categories listed below were developed using the emergent coding method for open-ended responses. As with the first closed-response question some open-ended responses overlap with the pre-specified choices.

Other programs and/or services you wish your child had received

Categories	N	Percentage
Preschool/daycare(affordable, bilingual, starting at earlier age)	17	41.5%
Professional care	3	7.3%
Before/after school care	1	2.4%
More social interaction	1	2.4%
Other	19	46.3%
Total	41	100%

The final phase of the family interview encouraged the respondent to take the lead by posing two broad questions. Responses were manually categorized using the emergent coding strategy.

What else would you like me to know and understand about your child or your family?

Categories	N	Percentage
Concerns	244	46.4%
Living situation	124	23.6%
Highlights	103	19.6%
What child likes	33	6.3%
Personal habits	4	0.8%
Total	526	100%

Sample responses are quoted below:

Sample Responses
<p>Biological mom is out of the picture completely and working on custody issues.</p> <p>Father is incarcerated, abuse in early childhood</p> <p>He has autism</p> <p>Has a referral for speech that mom wants to transfer over to this school.</p> <p>Child has a lot of energy and following directions is hard. Personal boundaries can be hard for him. When angry, he yells and name calls.</p> <p>Can get emotional at the end of the day.</p> <p>Lots of iep's in the family</p> <p>Busy schedule</p> <p>For health reasons, he could not attend school. He has fevers that result in seizures.</p> <p>When he gets frustrated, he needs some space to cool down for a few minutes. Might need help making friends due to being shy.</p> <p>OT is wondering if he has ADHD - overstimulated/overwhelmed</p> <p>My child has a speech delay. When he doesn't know people he is very timid and nervous. Loud noises trigger him to cry. He speaks really quiet when he pronounces a word or is shy.</p> <p>We both work nights. He has a sister who is 11 and attends middle school this year. It may become hectic because their schools are not together. Child has severe food allergies: dairy, wheat, soy, nuts, eggs, sesame, shellfish. We are getting approval from our insurance to have further testing done to see if he is still allergic to all of these things and to see if he has more allergies.</p> <p>I wish my daughter had a Head start program. My child is new to this area we just moved her in February. She is still adjusting, being a little girl with so many new experiences and emotions can be hard. We all have bad days so do our littles. We are a patient family with lots of love.</p> <p>Child was not as exposed to other kids his age because of COVID, so socialization may be challenging. Child can get overwhelmed with emotions sometimes, as well he may also need an extra moment to</p>

compose himself, not often, just to be aware. He also has a tongue tie he has had since birth. Some sounds he physically can't make, which is why he is in speech therapy.

We value and appreciate our educators. Please reach out to us if you have any concerns or questions. You have our support and respect.

My child loves to be involved in everything and enjoys helping/fixing problems. She has a bit of a stuttering problem when she gets overly excited and tries to speak too fast. She also complains about her heart beating fast at random times. I hope she doesn't get picked on because of her speech problem.

He is very curious and active. Something has to have his interest for him to stay involved.

Worried about not making friends because he is quiet

He is very good at math and I have worked a lot with counting, but I don't know how to teach him to read.

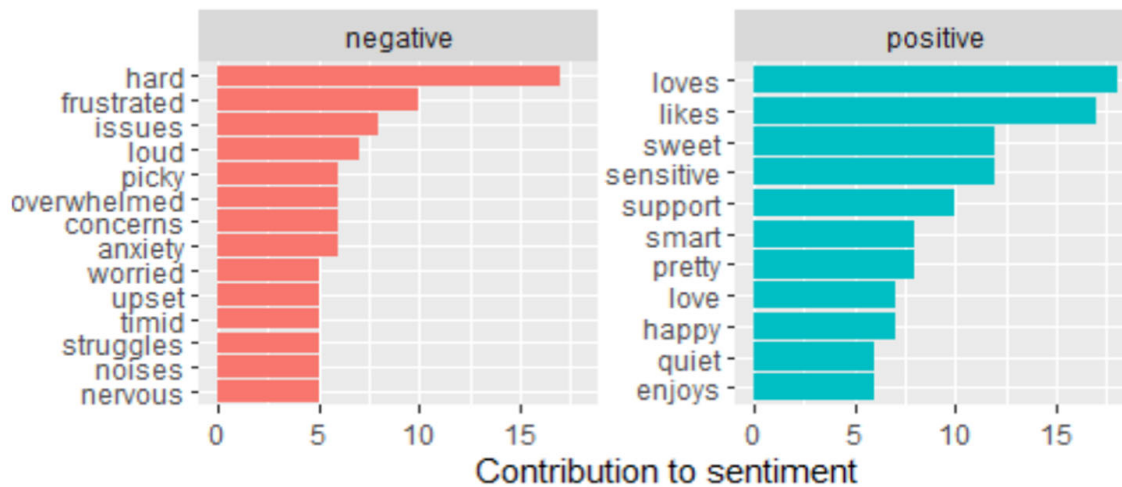
He is working on learning to be okay with not being "the first". He is hard on himself. He is very intelligent. His mind is constantly working on what's next. He needs "slow down" moments.

It is just mom. Student has supervised visits with ex-grandparents. Homeless in the past. Open to seeing school counselor.

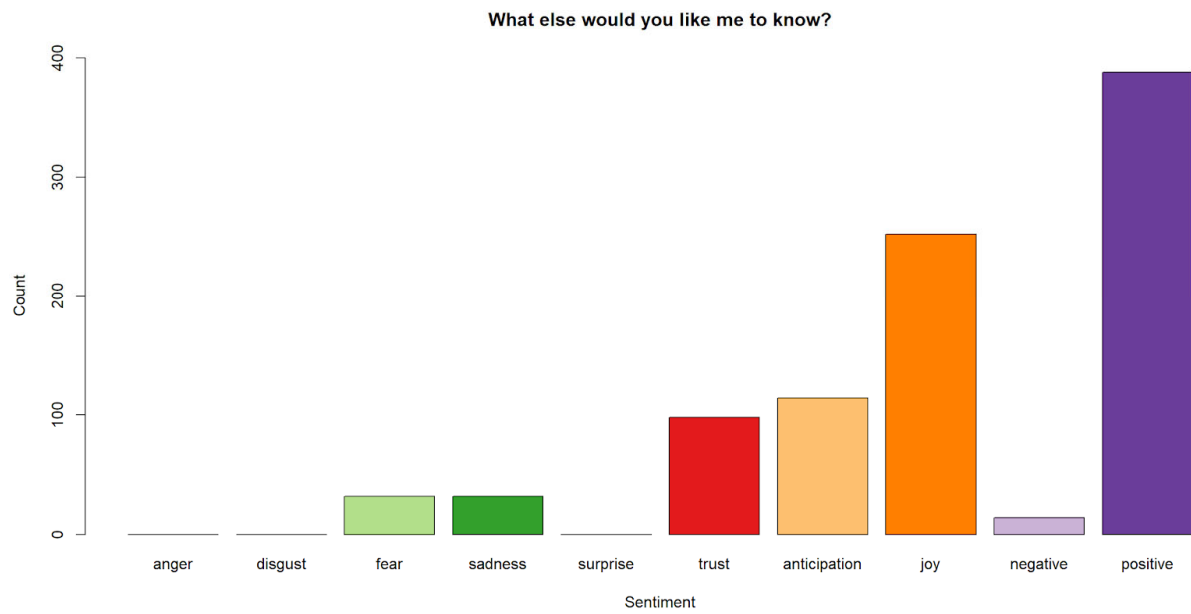
Responses were classified as positive or negative through the sentiment analysis procedure in TidyText, as described in the Method section above.

- The Bing dictionary categorizes words into positive and negative categories, then counts the number of times those words appear and that will be the contribution to the sentiment.
- The NRC dictionary categorizes words into positive or negative categories and then assigns them into subcategories of positive (anticipation, joy, surprise, and trust) and negative (anger, disgust, fear, sadness) feelings.
- The Afinn dictionary assigns words with a score that runs between -5 and 5, with negative scores indicating negative sentiment and positive scores indicating positive sentiment.

Sentiment analysis- Bing dictionary



Sentiment analysis- NRC dictionary



Note: The horizontal axis first lists the eight sentiment subcategories, followed by the two overall categories.

The final open-ended question asked “What questions do you have for me?”

What questions do you have for me?

Categories	N	Percentage
Practical issues	68	52.3%
Academic related	36	27.7%
Behavioral related	13	10%
How to help/contact	13	10%
Total	130	100%

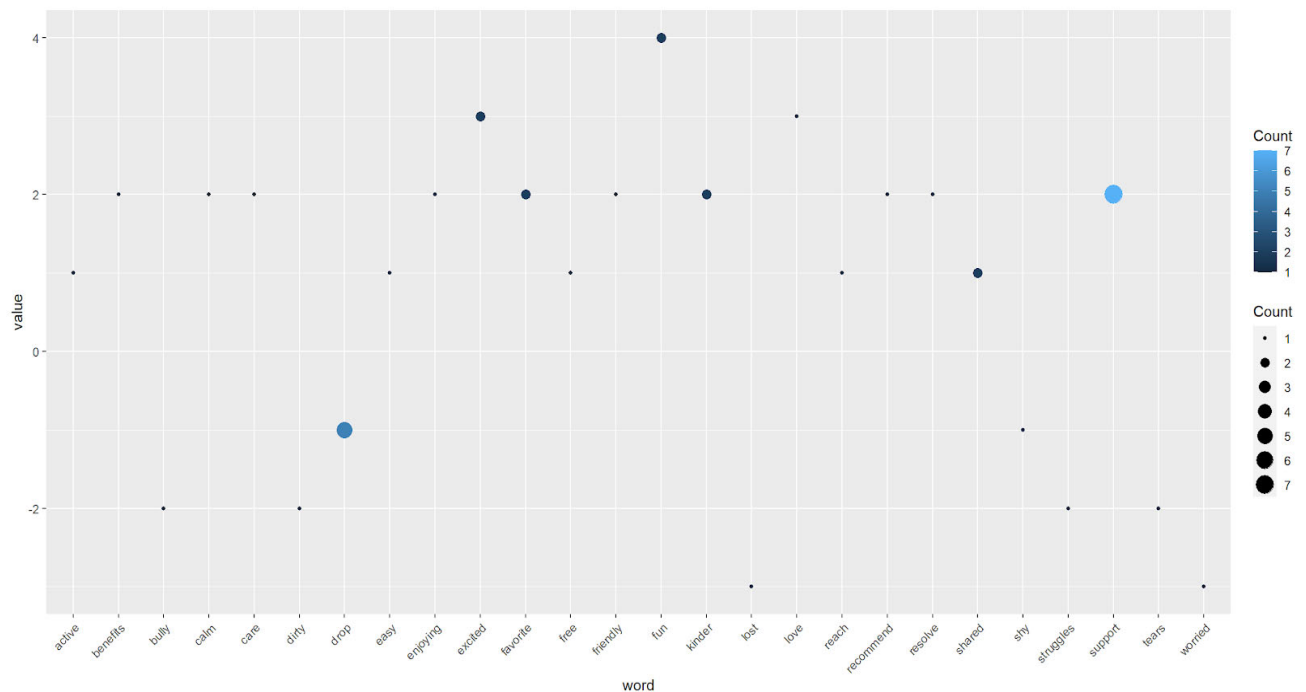
Sample responses are quoted below:

Sample Responses
How do we connect with you to get updates on her needs and how can we help at home?
Will there be homework sent home (paper homework) or will it all be online through the app?
How can I support you?
How or what are you using the survey for?
How does Dual Immersion work?
The parent wondered how we are teaching in a blended room.
How are kids moved from place to place? Will it only be you in the classroom?
School attire related: are uniforms required for transitional kinder?
I like to help. I just want to know if parents can help or volunteer.
Will there be some sort of syllabus of their studies for the year, especially with this being the first year of the dual language program.
How can we make sure he is not eating anything that is not HALAL (Kosher)?
How is she doing taking direction? Does comply with adults and pay attention well?
How can I help teach him to read?
Will you be keeping us informed about our child's behavior?
Why did I choose to teach Kindergarten?
I love how your room is set up to be calm, dark, quiet, is this a particular teaching philosophy?
Do we need to pack a snack or just lunch?
How many students will be in the class?
If he qualified for special services at NWRESD what does that mean for him at school? Will he have extra support?
What activities will you be doing? What is the walk-through of a typical day?

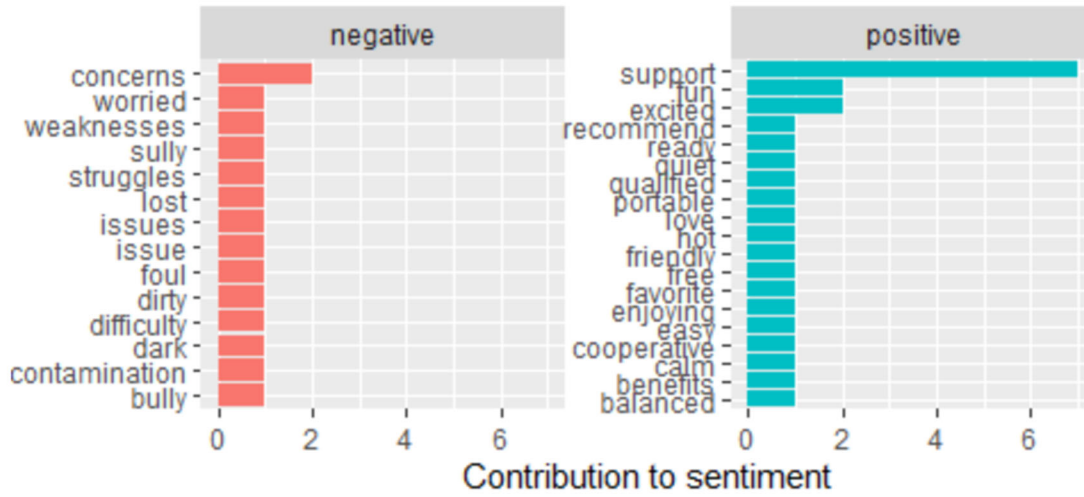
Responses to the final interview question “What questions do you have for me?” were classified as positive or negative through the sentiment analysis procedure in TidyText, as described in the Method section above.

- The Bing dictionary categorizes words into positive and negative categories, then counts the number of times those words appear and that will be the contribution to the sentiment.
- The NRC dictionary categorizes words into positive or negative categories and then assigns them into subcategories of positive (anticipation, joy, surprise, and trust) and negative (anger, disgust, fear, sadness) feelings.
- The Afinn dictionary assigns words with a score that runs between -5 and 5, with negative scores indicating negative sentiment and positive scores indicating positive sentiment.

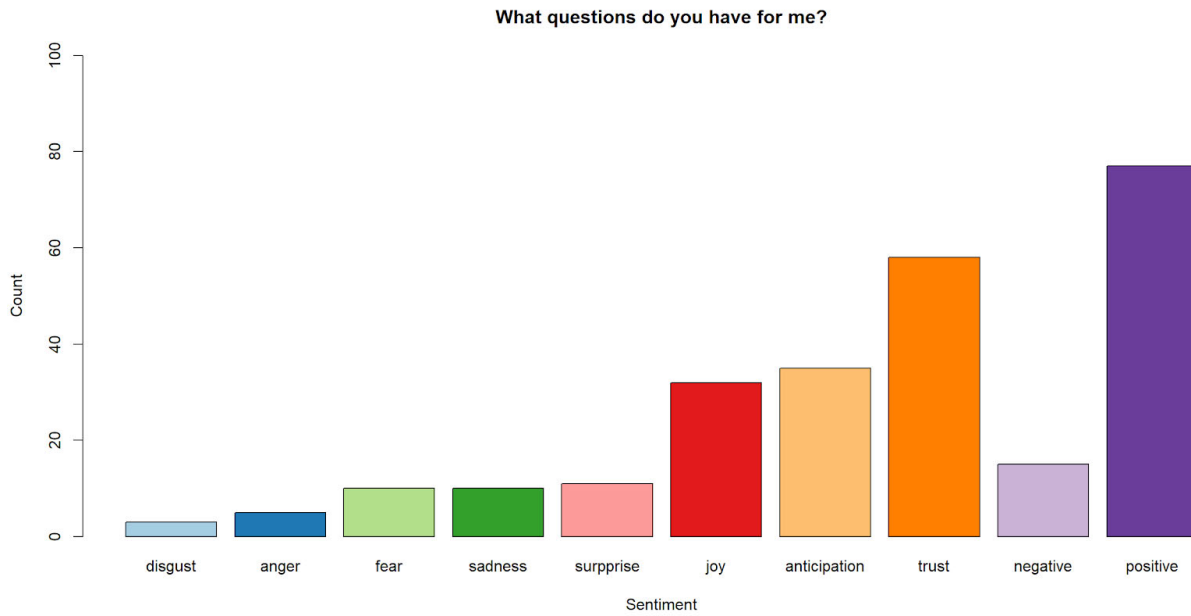
Sentiment analysis - Afinn dictionary



Sentiment analysis - Bing dictionary



Sentiment analysis - NRC dictionary



Note: The horizontal axis first lists the eight sentiment subcategories, followed by the two overall categories.

Discussion

Lessons learned from the Early Learning Transition Check-In pilot, *as informed through the lens of data analysis*, are discussed in the following sections. It is important to keep in mind that many more practical lessons were derived from the surveys and focus groups conducted by Oregon's Kitchen Table, from direct discussion with pilot participants, and through the ODE project management process. All conclusions must consider tradeoffs among expectations of local educators, participating families, data analysis staff, and issues of data quality and completeness. As the ELTC transitions to operational scale, these tradeoffs may also change.

Question Wording. The open-ended questions elicited a wide range of information that should prove valuable in establishing a relationship between the teacher and the family. The first question began a dialogue about the family's hopes for the child's kindergarten experience, which seems likely to be continued over the year. It also is important that the teacher understand the student through an asset-based lens, which the second open-ended question invited. The responses captured by the interviewer were very specific and seemed to provide a good starting point for understanding the child as an individual. Similarly, the final two open-ended questions allowed the family member to direct the discussion, bringing out concerns that wouldn't necessarily be prompted by a more structured or narrow set of prompts. The Oregon's Kitchen Table report contains other feedback on the interview protocol.

It is inherently difficult to pose questions about a child's pre-kindergarten care and learning experiences without increasing the burden on the interviewer and family member. The current wording seems appropriate for capturing the level of detail needed for both local and state purposes in a reasonable amount of time. It may be wise to conduct a type of "cognitive laboratory" with a small sample of families to determine if the closed-response questions are understood and the prepared response choices capture nearly all of the possibilities. In other words, the "Other" category should be used sparingly if response choices are exhaustive. Interviewers should be allowed to repeat the question if the family member voices an "Other" response that could have been selected.

Because the closed-response questions ask for factual information, another study could be conducted to validate the accuracy of the responses recorded. For example, a sample of families could receive a more detailed follow-up survey to confirm the information provided in the interview (e.g., name, location, and dates of preschool attendance). When the ELTC is implemented more broadly, validation of state or regional population data against the American Family Survey or similar surveys with carefully-designed samples would be appropriate.

Data Collection and Recording Methods. Data collection procedures used in the pilot seem effective in capturing a considerable amount of information that should establish the school-family relationship. The OKT report has more to say about the recording methods.

One issue that came up in the pilot that would affect the use of data for state policy purposes is the local unfamiliarity with the state student ID numbers, which provide a way to link demographic and program participation data to the interview. A quality control check could be made built into the Smartsheet program to flag student IDs that are not in the ODE SSID system. Each SSID contains a "check digit" that validates it as an official ID. Local student IDs would not pass this check. Additional validation against

school and district institution IDs could be performed to make sure the student was attending the school at the time of the interview.

Analysis Methods. Data on individual students used by teachers and other school staff can be interpreted at face value and supplemented or clarified through normal school/home communication. On the other hand, qualitative data create a challenge for analysis when aggregated at the state, district, and school levels.

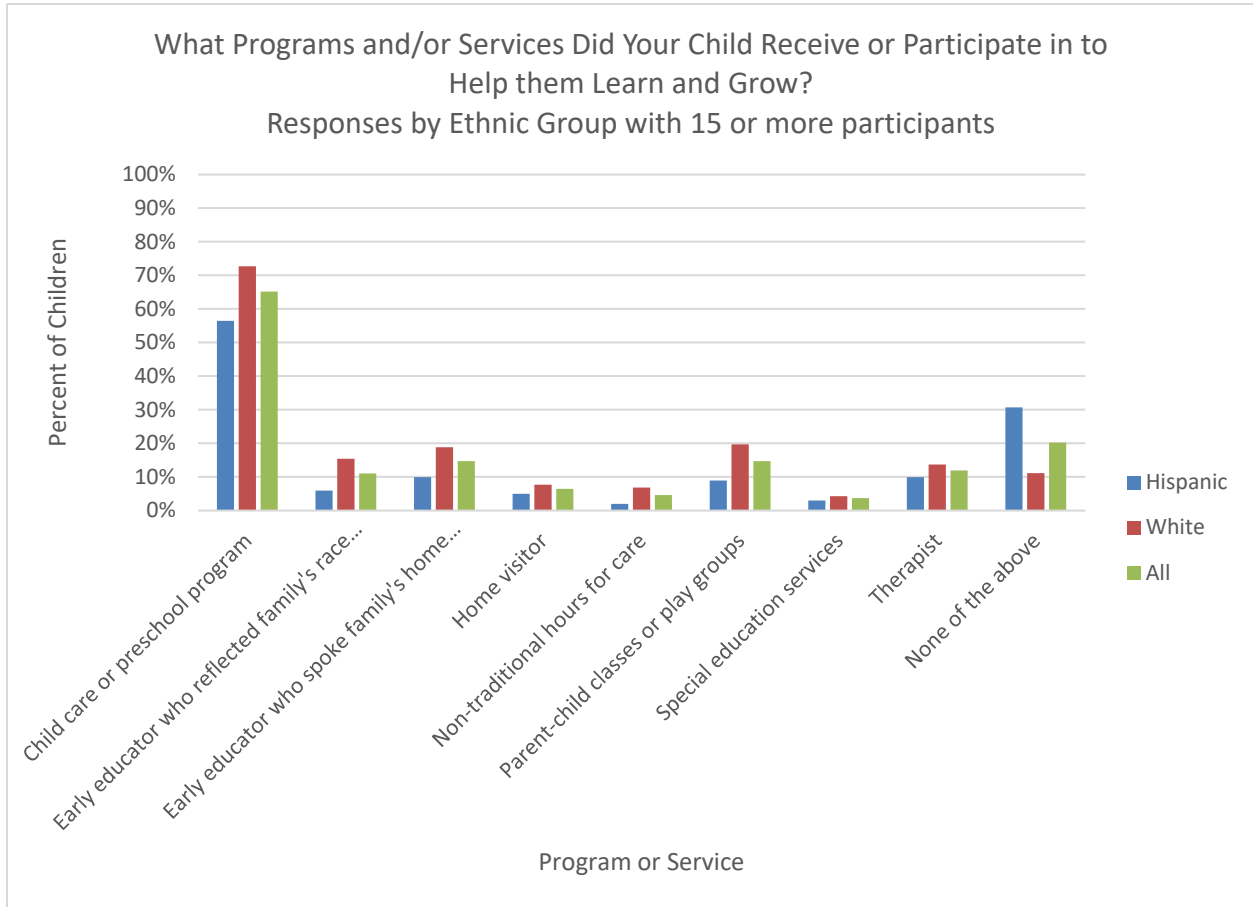
It will be important to discuss with data users at the state and local levels the type of information that should be extracted from qualitative responses to the open-ended questions. For example, the question “What else would you like me to know?” appears to elicit responses related to social-emotional skills, adverse childhood experiences, and specific student needs. The first open-ended question, “What are your hopes and dreams for your child this school year?” brings out the implicit goals held by families for the public school system—data that should be of interest to teachers, administrators, and local school board members. In essence, the ELTC interview provides an unbiased full-population focus group to tap into the expectations and concerns of each and every family. (Contrast this data source with the 1-2 minute public comment segment of district Board meetings, where self-selection biases cloud the message.)

Manual data reduction techniques can be developed to capture the most relevant information for policy purposes, but are expensive to perform on a large scale. Automated and hybrid data reduction methods are increasingly used for commercial purposes and hold promise for use in public policy development. It is recommended that ODE and DELC examine a variety of automated methods for summarizing qualitative data obtained from the ELTC Family Interview.

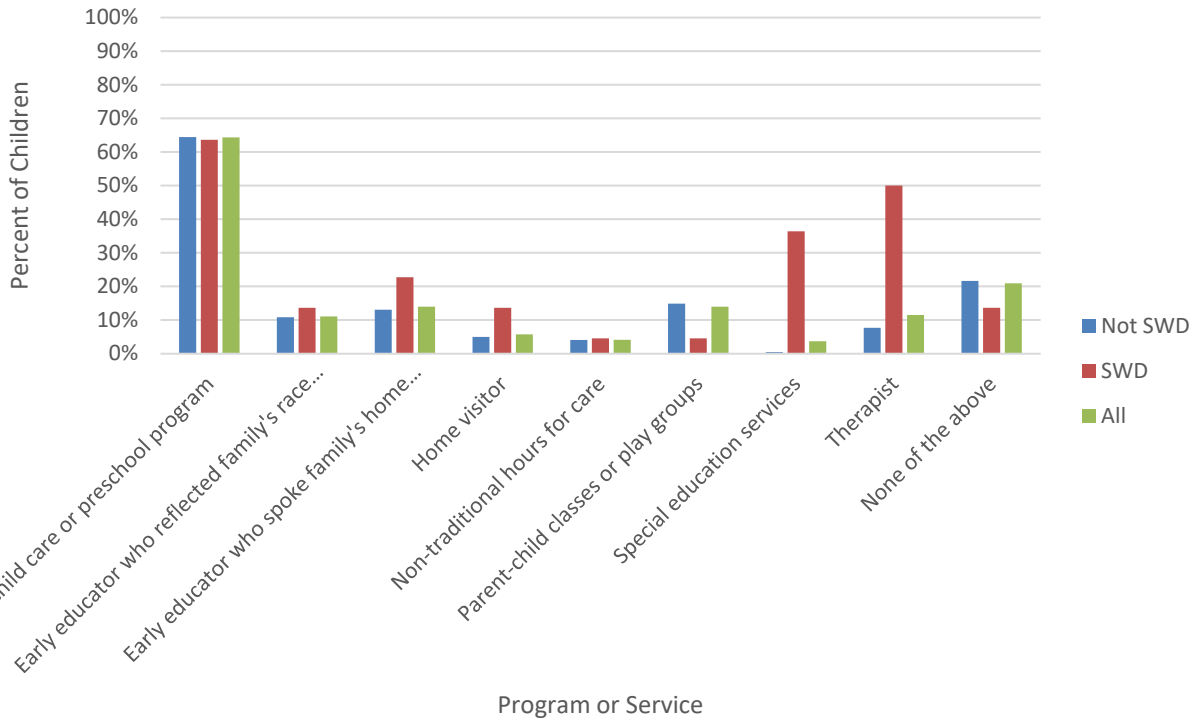
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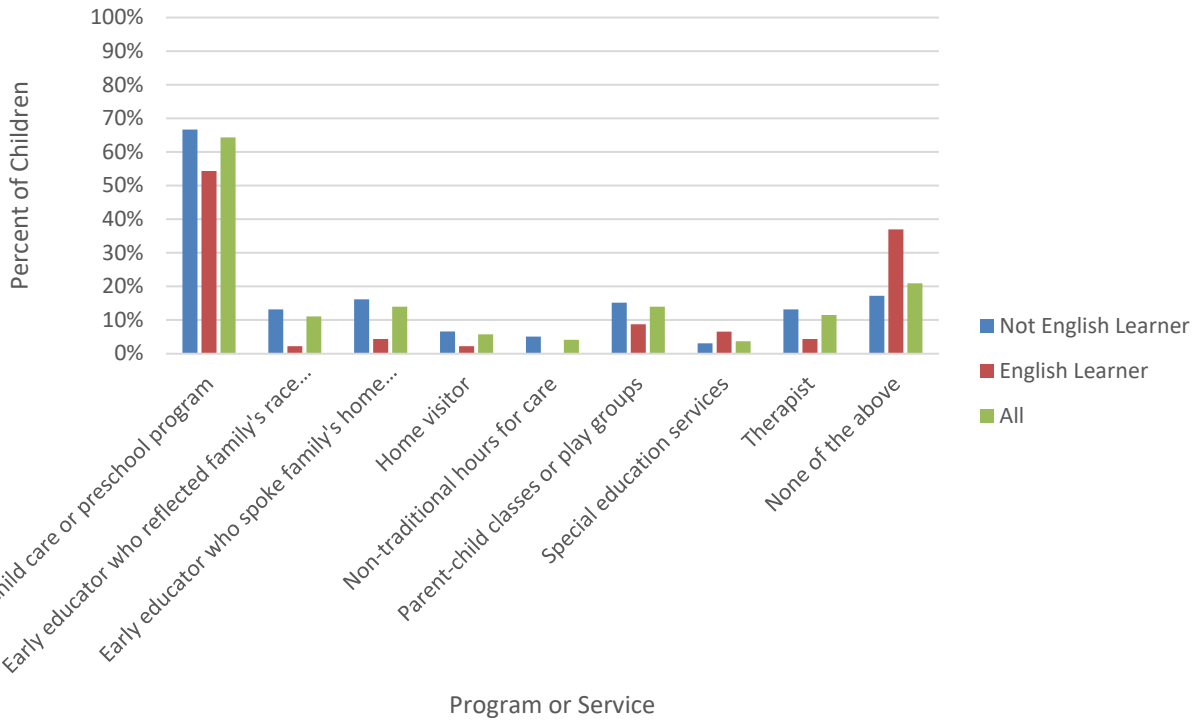
Appendix



What Programs and/or Services Did Your Child Receive or Participate in to Help them Learn and Grow? Responses by Disability Status



What Programs and/or Services Did Your Child Receive or Participate in to Help them Learn and Grow? Responses by English Learner Status



Oregon State Board of Education

October 17, 2024

AGENDA ITEM: 5.A.

<p>SUBJECT: OAR 581-022-2130 Community Informed Information Gathering Process at Kindergarten</p> <p>STAFF NAME & OFFICE: Sody FEARN, RADAR; Elizabeth Tremaine, DELC; Andrea Lockard, RADAR</p> <p>The Early Learning Transition Check-In (ELTC) has nearly completed its third pilot in 2024, the Family Conversation. Following the first two pilot conversations, ODE and the Department of Early Learning and Care, collaborated with Oregon’s Kitchen Table and held feedback sessions with kinder educators, families, culturally specific groups, and early learning partners. Our team would like to provide an update to the State Board about the ELTC process, share information about what we are learning through community engagement, our plans for future implementation based on these engagements and the data analysis process that is currently underway using a mixed method research approach.</p>	<p><input checked="" type="checkbox"/> Informational Presentation</p> <p><input type="checkbox"/> Written Report</p>
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BACKGROUND

- History:
 - a. What prompted this update to the board?

The process to redesign Oregon’s Kindergarten Assessment is currently underway. The first component, the Family Conversation, was piloted first in Fall 2022 with nine schools, again in Fall 2023 with over 30 schools and will complete it’s third pilot in Fall 2024 with more than 50 schools across Oregon.

On February 16, 2023, Oregon’s State Board of Education adopted the amended rule [OAR 581-022-2130](#), Community Informed Information Gathering Process at Kindergarten. The amended rule fully supports [the kindergarten assessment redesign process called the Early Learning Transition Check In: A Collaborative Engagement with Community \(ELTC\)](#).

Our team would like to provide an update to the State Board about the ELTC process, share information about what we learned through community engagement, our plans for future implementation based on these engagements as well as share information about our data analysis process.

- Purpose
 - a. What function does this policy or update hold?
 - i. How long has this policy in place?

Adopted February 16, 2023, OAR 581-022-2130, Community Informed Information Gathering Process at Kindergarten establishes that the Department of Education shall implement a community-informed process at the kindergarten level as part of the statewide assessment system implemented pursuant to ORS 329.485. The process shall allow for information collection that will inform state-level decisions about Oregon’s early education and child care programs and policies to improve quality and access to programs and promote relationship building among educators, children, and families.

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: 5.A.

- Does the board have any areas of discretion on this policy and/or update?
The board established the OAR that defines the Community Informed Information Gathering Process at Kindergarten and has full authority in establishing that rule.
- Stakeholder voice/input (individual and collective i.e., groups)
 - a. Who was involved in bringing this to the Board?
 - b. What did engagement in this process entail?
 - c. Who may be affected by this?
 - d. Whose voice is missing?
 - e. What more information does the Board need prior to moving forward?

The Department of Education (ODE) and Department of Early Learning and Care (DELIC) are collaborating with an advisory panel to redesign the assessment process. The advisory panel consists of early educators, kindergarten educators, early learning system partners, and researchers. The selection process ensured that panel members have:

- A strong equity lens
- Represent Oregon's diverse communities, including those who identify as Black, American Indian/Alaska Native, Latiné and other people of color
- Represent different regions around the state
- Have experience delivering the Kindergarten Assessment and/or have used the Kindergarten Assessment data to inform classroom practices and educational systems

Spring 2022: ODE and DELIC, conducted Family Listening Sessions with a small number of families to gain initial feedback. ODE and ELD, now known as DELIC, wanted to know if the questions were clear and meaningful and if the process was welcoming to families. In consultation with the advisory panel, adjustments were made to the questions and process of the Fall 2022 Family Interview pilot based on feedback from these families.

Fall 2022: The revised version was used during a Fall 2022 Pilot to try out the new tool with a larger number of kindergarten educators and families. Nine schools from nine different school districts across the state, both rural and urban were part of the pilot. ODE and ELD collaborated with [Oregon's Kitchen Table](#) to conduct engagement with pilot participants, both families and educators to gain insight about the training materials and the process.

Winter/Spring 2022-23: With the input from the Early Learning Transition Check-In Advisory Panel, ODE and DELIC used the recommendations from that report to [set priorities](#) and make adjustments to the 2023 pilot process. As part of our work of engagement process, these priorities were sent back to school districts and families that participated OKT's engagements.

Fall 2023: The Family Conversation was piloted again in Fall 2023, which included over 30 schools across different parts of the state. The family interview, now known as the Family Conversation, is the first component of this process. ODE and DELIC again collaborated with [Oregon's Kitchen Table](#) to conduct engagement with pilot participants, both families and educators to gain insight about the revised training materials and the process.

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: 5.A.

Winter/Spring 2024: The ELTC updated the training materials in response to feedback from Fall 2023 pilot.

- Districts and families wanted ODE and DELC to ensure timely communication. In response, ODE hosted several informational webinars and Office Hours to support districts implementation of the Family Conversation. The Office Hours were an opportunity for districts to collaborate and learn from each other about their implementation process.
- Families indicated there were some confusion around the questions being asked and wanted questions to be asked in context as opposed to a series of questions. With the support of the Advisory Panel, the ELTC team created a more robust sample script and updated the recording to support this suggestion.
- Families also indicated that they wanted more time to connect with educators to build a sense of belonging to the school community. In the training webinars, ODE and DELC stressed that the Family Conversation should be one of several opportunities to engage with families.

While training materials were being updated, Oregon's Kitchen Table hosted a series of engagements with Early Learning partners and Culturally Specific groups across the state to discuss the Family Conversation and asked them to describe:

- specific ways they support families going through phases of early childhood
- how they ensure families feel welcomed
- important aspects about the culture and communities they serve that would influence the transition into kindergarten
- what is most important to understand to support families who have been marginalized by our school system

Oregon's Kitchen Table's final report is set to be published with recommendations to the Departments. ODE and DELC will work with the Advisory Panel to discuss potential action steps for Fall 2025 implementation.

In addition, an ELTC Data Team was established in October 2023 made up of Analysts from the Departments and volunteers from the Advisory Panel. This group is continuing to study and build on the work on the 2022 Tech Report using a mixed method analyzation approach.

Fall 2024: Family Conversation is being piloted again with over 50 schools across the state. Enhanced training materials were provided to assist educators based on the recommendations from OKT's engagements with families and educators from Fall 2023.

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: 5.A.

SUMMARY OF PREVIOUS BOARD ACTION

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

Yes, On October 19, 2023, the ELTC team provided an update to the pilot process. The board provided comments around the authentic family engagement and asked ELTC staff to come back to provide an update to the project.

POLICY ISSUE OR CONCERNS

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

1. Stakeholders
 - a. How have you intentionally involved stakeholders who are also members of communities affected by this rule?
In addition to what was learned in the family listening sessions and fall pilots above, ODE and DELC presented to the following groups to collect feedback about the direction, process and questions:
 - Accelerated Learning K-8th Grade Educator Summit August 2024
 - Early Learning Advocates Meeting August 2024
 - Oregon Early Learning Conference April 2024
 - Oregon Association for Comprehensive Education February 2024
 - Oregon School Board Annual Convention November 2023
 - COSA Equity Conference September 2023
 - Oregon School Board Summer Conference August 2023
 - English Learner Advisory Committee May 2023
 - AI/AN, Latino/a/x and Indigenous, AAB Student Success Advisory Committee Monthly Meetings in April 2023
 - Oregon Early Learning Conference April 2023
 - Oregon Head Start Association April 2023
 - Oregon State Board Rules Advisory Committee in September 2022 and January 2022
 - COSA conferences: Summer 2022 Conference and Annual Principals Conference 2022
 - Preschool/K12 Summit Summer 2022
 - Migrant Education Summit Fall 2022 about the family interview for the fall 2022 pilot
 - b. Who are the historically underserved groups affected?
Historically Underserved groups include:
 - children who are navigating poverty

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AGENDA ITEM: 5.A.

- children of color, including Black/African American, American Indian/Alaska Native, and Latiné, Pacific Islander, and communities who experienced a disproportionate impact of the pandemic
 - children who are emerging bilingual or multilingual
 - children whose families are in the migrant education program
 - children on an Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP)
 - children who have not yet had a formalized education experience
 - children in the care of an adult other than the parent or guardian
 - children who are unhoused or are experiencing housing instability
- c. Has there been consultation or collaboration with tribes in this rule change or policy decision?

In spring 2021, a representative from the Department of Early Learning and Care, worked directly with Tribes and connected the project with families who participated in the listening sessions. The team is also engaging in regular conversations with representative members of ODE's Office of Indian Education to connect us with different school districts with Title VI officers and plan to have regular collaborative conversations with the American Indian/Alaska Native Advisory Committee. In addition, several members of our advisory panel identify as American Indian or Alaskan Native.

- d. How has the Oregon Department of Education modified or enhanced the rule change or policy decision to address the needs of historically underserved communities? The ODE and DELC team have received multiple recommendations from community members. The input from the Spring 2022 listening sessions, migrant education educators/families, feedback from the Fall 2022/2023 pilots and SSA Advisory Committees have been most impactful to this project thus far. The team intentionally seeks opportunities to engage and ask for input from communities that are currently and historically underserved in our school system. Oregon's Kitchen Table just wrapped an engagement with early learning partners and community organizations that serve culturally specific groups.

2. Negative/Positive Effects

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

The ELTC would support these goals:

- Incorporate anti-racist practices in assessment approach
- Elevate community voice in assessment design
- Strengthen connections between families and educators
- Inform early learning and care programs, practices, and policies
- Improve efforts to meet the needs of Oregon children and families

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

The process honors the whole child, the assets they bring and allows for stronger relationships to be built between educators, families, and students starting at the beginning of a student's K-12 career as opposed to an assessment that may ultimately serve as a barrier that also has long-term impact on the connection

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between school and home. In addition, the rule change intentionally advances equity, by taking a more holistic view of children, by giving families an opportunity to share important contextual information about themselves, and by shifting away from focusing on children’s “readiness.”

- c. What is the impact on eliminating the opportunity or achievement gap?
Establishing and building relationships with families will create welcoming and inclusive environments, creating communication pathways to improve student success. Learning about children’s experiences prior to kindergarten and how to improve access to publicly-funded programs for families, will also help the early learning and care sector increase both the quality and reach of the services that it makes available in Oregon.
- d. Have all the potential unintended consequences been considered?
ODE and DELC will continuously refine and enhance the training materials that accompany the family conversation protocols and scripts, ensuring that local education agencies (LEAs) and educators can implement them with fidelity. The goal is to help educators feel confident in engaging families at the start of the school year and working effectively with translators. Additionally, we are developing guidance in alignment of data justice principles to avoid misuse of private information shared by families and incorporating training on historical trauma, particularly as it relates to groups that have been historically underserved and marginalized by the school system.

ODE and DELC will also need to offer training for partners on how to interpret and utilize the information collected—particularly regarding community funds of knowledge—for K-12 systems to adjust their curriculum, instruction, and assessment practices accordingly and to ensure children and families in communities have access to high quality early education programs; for early learning partners, to ensure access and quality for early learning programs that meets the needs of families and young children.

- e. Does this rule advance the ESSA goals?
Through this approach, we believe users at the Department of Early Learning and Care and its partners will better understand all families’ experiences before kindergarten, and gain insight on better ways to support families who choose other types of experiences prior to kindergarten such as home care. In addition, kindergarten educators and families will begin to develop positive relationships and make intentional changes to the classroom environment.

3. What are the barriers to more equitable outcomes:

- Data Collection
 - Statewide Data Collection Tool - requires tool development and hosting/platform capacity
- Statewide Reporting

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- Finalized reporting architecture - what will be included in the annual report and at what level (e.g. state, region)
- Ongoing Engagement
 - Additional engagement to identify potential constructs to add
- Expanded professional learning
 - Conducting the Family Conversation (how can this be applied to other family conversations/conferences)
 - How to use the data
- Staffing Resources
 - ODE: Additional staffing to support qualitative analysis and reporting
 - Paid days to facilitate conversations: Three dedicated staff days, for ~2,300, K Teachers

These barriers must be addressed if the ELTC process is to be scaled up statewide and expanded to include other sources of information that is critical to supporting students and families.

EQUITY IMPACT ANALYSIS

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

1. How are historically underserved populations impacted by this docket item?
 - a. Demonstrate how the rule changes, policy, or action could produce other unintended consequences not listed in the docket.

The Community Informed Information Gathering Process centers community and education partner voice and is implemented in accordance with anti-racist assessment practices. The first component of the new information gathering process is the Family Conversation, where Kindergarten teachers sit with families and ask them important questions about their child's experiences and the conditions that create the best learning environments for them.
 - b. Refer to *Policy Issue or Concerns* and identify the historically underserved populations affected. Conduct a reflection and examination, which will and should answer 1a.
2. Examine the potential impact of the rule changes, policy, or action on historically underserved populations in Oregon. Describe this ongoing and/or foreseeable impact, using as much detail as possible.

ODE and DELC are intentionally connecting with community partners, families and students who have been historically marginalized by our education systems to ensure that the approach we are taking is respectful, accessible, and provides meaningful information for both families and educators, regardless of the child's background.
3. Explain how the rule change, policy or action works toward improving achievement, opportunities and a sense of worthiness for underserved students?

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Establishing and building relationships with families will create welcome and inclusive environments, creating communication pathways to improve student success.

Learning about children’s experiences prior to kindergarten and how to improve access to publicly-funded programs for families will also help the Department of Early Learning and Care increase both the quality and reach of the services that it makes available in Oregon.

FISCAL ANALYSIS

Are there any fiscal impacts that the Board should consider as part of this update or report? Does the proposed rule change impact other stakeholders?

The pilot of the Early Learning Transition Check In was allotted \$250,000 for the 2023-24 school year in the Assessment Team’s budget. A similar level of ODE funds will be leveraged to support a pilot administration of the Early Learning Transition Check In process in the fall of 2024; DELC’s investment for the 2024-25 school year is not certain at this time. Substantial, additional investment will be required to develop and sustain the Family Conversation at scale in Oregon, including supporting educator time to participate in the engagement process, time spent training to conduct the family conversation, and articulating data review, reporting, and interpretive meetings to inform systems.

ATTACHMENTS

Attachment 1:

Priorities for the Fall 2023 Pilot

Fall 2022 Tech Report

Fall 2023 Data Analysis One Pager



Early Learning Transition Check-In: Family Conversation

State Board of Education

Sody Fearn, Lizzy Tremaine, Andrea Lockard & Dan Farley

October 17, 2024

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Outcomes

Where have we been?

- Purposes of the Early Learning Transition Check-In
- Links to other Oregon initiatives

Where are we now?

- Pilot process
- Data analysis plan

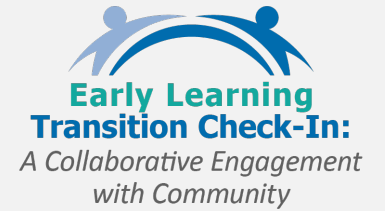
Where are we going?

Questions?



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Early Learning Transition Check-In: A Collaborative Engagement with Community



- Pursuant OAR 581-022-2130
- Community engagement in **co-creation, a reimagined process**
- ODE and DELC are working in **collaboration** to respond to historical concerns about the former Kindergarten Assessment
- **Shifting focus away** from children’s “readiness” for Kindergarten
- Creating a way to look at how **prepared** educators, schools, districts, communities, and **systems** are to support ALL children and families

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Family Conversation

- Each fall, Kindergarten educators will meet individually with each family entering their classes.
- The Family Conversation is a tool to support educators' conversations with families.



What it does:

- Collects information about families' early learning and care experiences
- Builds relationships among educators, parents/caregivers, and children

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How it advances equity:

- Takes a more holistic view of children
- Provides context about families
- Shifts focus off children's "readiness"

Comparing the Family Conversation to an Interview

What it is...



Two-way conversation



Dedicated time to listen, and learn from children's first teachers



Creating space for connection with families to school staff and resources



One component of family engagement to support the transition to kindergarten

What it isn't...



Checklist



Time to complete academic measures



Quick, surface level Interview/Survey



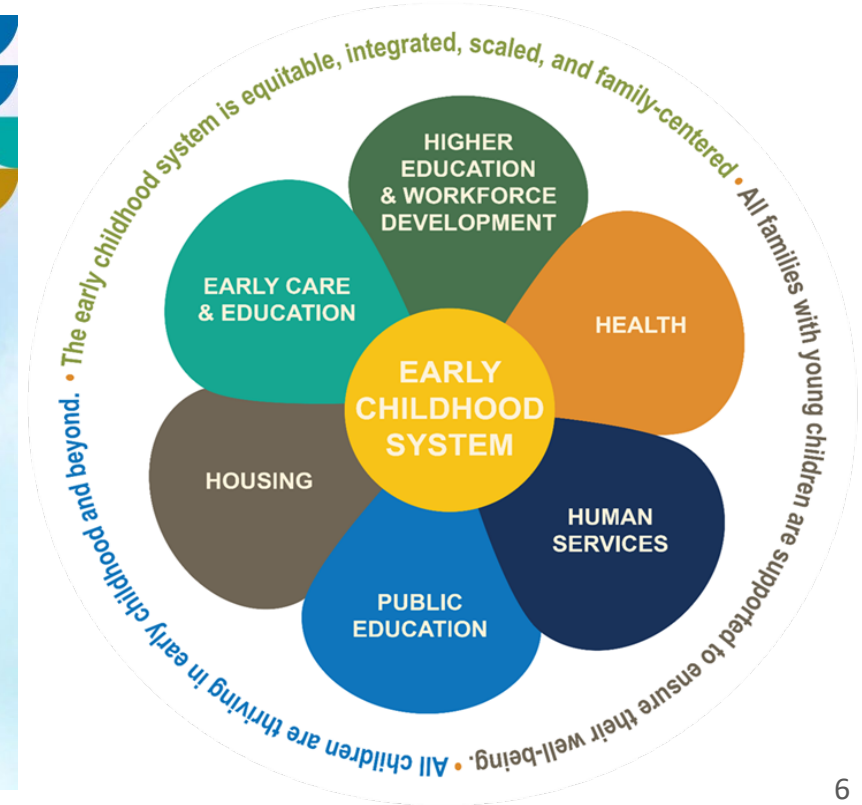
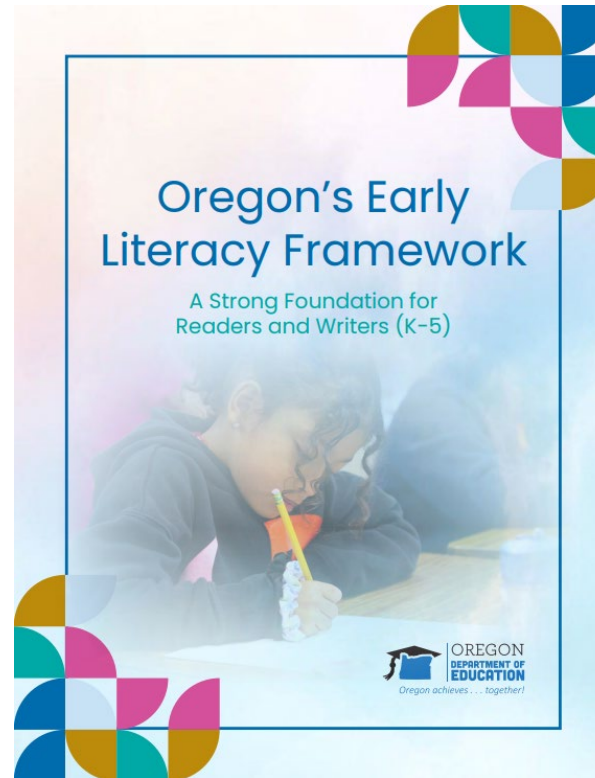
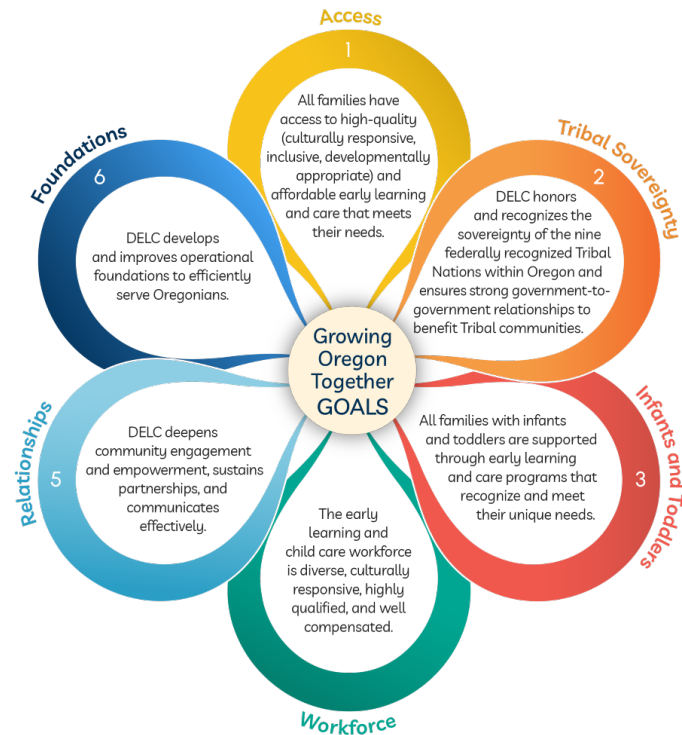
Teacher led discussion



Transactional

Links to Oregon Initiatives

STUDENT SUCCESS ACT



Family Conversation Pilots to Date

Spring 2022

- Six Families
- Representative of Diverse Perspectives

Fall 2022

- Nine schools / Nine Districts
- 300+ Families Participated
- Oregon's Kitchen Table Family & Educator Feedback

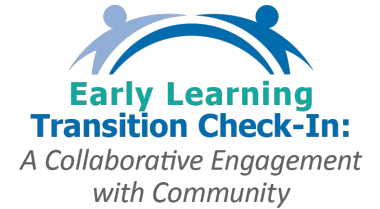
Fall 2023

- 30 Schools / Nine Districts
- 1000+ Families Participated
- Oregon's Kitchen Table
 - Family & Educator
 - Community Partner

Fall 2024

- 50 Schools / 15 Districts
- Survey

What does the process look like?



Preparing for the Conversation

- Training materials for teachers (manual, recordings, example script, office hours, etc.)
- Recruitment of families (communication materials sent to families using culturally responsive guidelines etc.)

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Timeline

- Family conversations take place (August to September), teachers take notes
- Teachers or other staff enter the conversation data by end of October into Data Collection Form

Family Conversation Questions

The ELTC is designed to

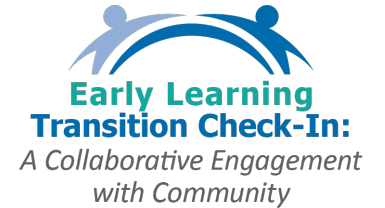
- help educators **connect with and learn about the children and families** entering their class
- **inform DELC and ODE about families' experiences** prior to starting Kindergarten

The ELTC uses two kinds of question types to reach these goals

- Open-ended questions allow for families to share their thoughts and experiences in their own words
 - e.g., “What are your hopes and dreams for your child?”
- Closed-ended questions allow for teachers to select from a list of common responses (informed from previous pilot iterations)
 - e.g., “What experiences, programs and/or services did your child receive or participate in to help them learn and grow?”

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Connecting with and learning about children and families



Personal Strengths

"They love to learn and are excited for school"

"[My child] loves to nurture and help others"

"My child has faced significant challenges during the past year and can therefore display strong emotional reactions. However, my child has grown and healed tremendously and I am very proud"

Familial Strengths

"She is very close to her two siblings"

"Culture and heritage is very important to family"

"She is biracial and her languages and culture are very important to her and family"

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Connecting with and learning about children and families



Aspirations

"To be a kind friend and learn how to work through differences"

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"Gain strong foundation of all subjects"

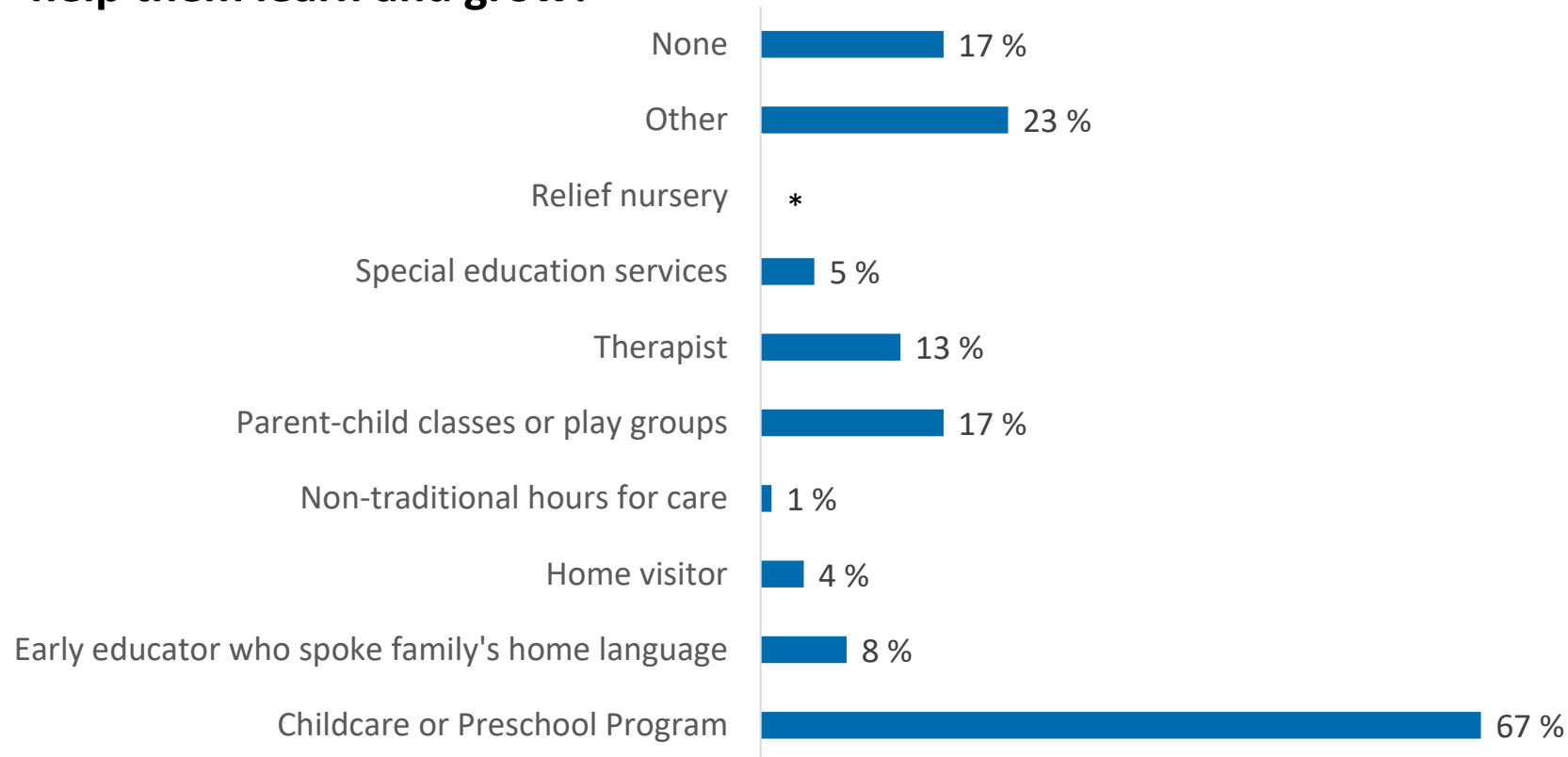
"We want her to blossom and thrive in this community"

"... feel loved at school"

Families' experiences prior to kindergarten



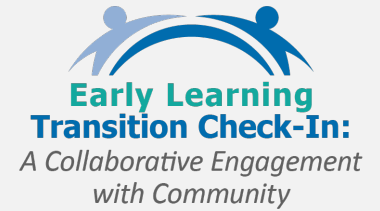
What experiences, programs or services did your child receive or participate in to help them learn and grow?



"He was able to make more friends and gain more independence at preschool."

"Speech was the most helpful. He learned about tools that help him express himself."

Early Learning Transition Check-In



Families' responses will be used...

- **By educators** – to get to know them better and to inform how you work with the children and families in their class
- **By DELC, its Hubs and ODE** – to better understand families' experiences before kindergarten and to inform how the state makes changes to state-funded programs

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By conducting the Family Conversation, we ultimately hope to...

- Improve children and families' experiences during kindergarten
- Improve the future of children and families' experiences in care and education before kindergarten

Next Steps

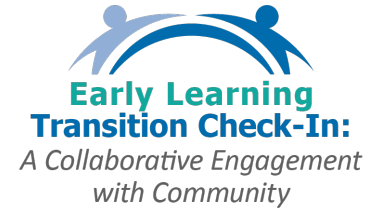
Engagement with
community partners,
educators and
families

Analyze and Report

Support ELTC for
fall 2024; Plan for
Future
Implementation

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Needs for Statewide Implementation



- Statewide Data Collection Tool
- Finalized reporting architecture
- Additional engagement to identify potential constructs to add
- Expanded professional learning
- Additional staffing to support qualitative analysis and reporting
- Additional funding to support district implementation

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Final Thoughts

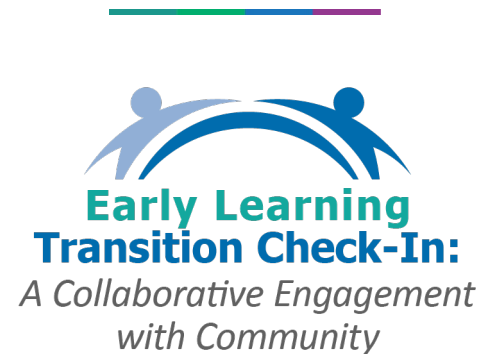


What questions do you have for us?

Early Learning Transition Check In Website:
<https://www.oregon.gov/delc/families/pages/early-learning-transition.aspx>

Email: PreKCheckin@ode.oregon.gov

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PROPOSED RULE REVISIONS—September 5, 2024

581-017-0729

Intensive Program & Student Success Teams: Definitions

The following definitions apply to OAR 581-017-0729 to 581-017-0744:

(1) “Advisory ~~Members~~Body” means the entity which may include the following members: Education Service District staff, additional Department staff, district contracted personnel, additional district educators (principals, teachers and paraprofessionals), students, ~~and~~ family, caregivers, and community members as defined by OAR 581-017-0729 (X).

(X) “Collaboration and Coordination” means activities and expenses that help the participating school district and the Department coordinate the program.

(X) “Community Member” means:

(a) a representative of a community-based organization, as defined by OAR 581-017-0550, that serves the local community;

(b) a representative of a culturally specific organization, as defined by OAR 581-017-0550, that serves the local community;

(c) a representation of an organization that regularly partners with the school district to network resources and assist students in meeting state and local standards, and prepare students for post high school transitions;

(d) a resident of the local community capable of representing underserved community voices, as defined by OAR 581-017-0550, or

(e) a resident of the local community capable of representing community voice, as defined by OAR 581-017-0550.

(2) “Community Steward” means the person designated by the Department who, among other things, brings expertise and experience in developing relational and operational community agreements aimed at fostering shared accountability for changing practice, policy and experiences.

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

(X) “District Point Person” means the designated school district employee who will support implementation of the program for the participating school district.

(4) “Focal Student Group” means the specific groups of students outlined in ORS 327.180(2)(b).

(5) “Initial Allocation” means the formula allocation developed for a participating school district for the first year of the program.

(6) “Leadership Steward” means the person designated by the Department who, among other things, brings expertise and experience in transformational education leadership aimed at dismantling structures of systemic oppression.

(7) “ODE Point Person” means the designated, full-time Department employee who will serve on the Student Success Team.

~~(8) “Planning Phase” means the period of time dedicated to establish the Student Success Team.~~

~~(9) “Public Charter Schools” means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between a sponsor and an applicant and operating pursuant to ORS 338.~~

(10) “School Districts” means an Oregon common school district, joint school district, or union high school district.

~~(11) “Sovereign Nation” means designated representation from one of Oregon’s nine Federally recognized Native American tribes.~~

(12) “Stewarding MembersBody” are is the decision-making entity of the Student Success Team which must include the following members: the ODE point person, the Leadership Steward, the Teaching and Learning Steward, the Community Steward, the district superintendent, a school board member or community member, and a classroom teacher.

(13) “Student Success Team” includes both the Stewarding Body and Advisory Body~~means the group of Stewarding Members and the group of Advisory Members.~~

(14) “Teaching and Learning Steward” means the person designated by the Department who, among other things, brings deep knowledge and expertise in culturally responsive, sustaining and inclusive instructional practices.

(15) “Total Allocation” means the ~~four-year~~ total grant-in-aid distributed to a participating district over their participation in the program given available funds. factoring in available funds for the entire program and participating districts.

581-017-0732

Intensive Program & Student Success Teams: Purpose

(1) The purpose of the intensive program is to assist school districts with the highest needs.

(2) For the purpose of assisting school districts participating in the intensive program, a Leadership Steward, a Teaching and Learning Steward, and a Community Steward will work with local personnel as part of the Stewarding MembersBody of the Student Success Team.

581-017-0735

Intensive Program & Student Success Teams: Eligibility

(1) The Department will review district demographic data and student outcome data to determine which school districts are most in need of additional support in the form of Student Success Teams. Districts who fall into the bottom quartile of the index will be eligible for invitation.

(2) The Department will develop a list of eligible districts once per biennium.

~~(3) Public Charter Schools are not eligible to participate or receive funding.~~

581-017-0738

Intensive Program & Student Success Teams: Criteria, Agreement and Establishing Improvement

(1) The department will prioritize districts with the greatest need as determined by a review of data. ~~Districts with the highest need will receive priority.~~ Given available resources, the department will determine the number of districts to include in the program.

(2) The Department will invite a minimum of three school districts and no more than 10 districts per biennium.

(3) Acceptance of the invitation requires:

(a) ~~Participation in the program for a minimum of four years;~~

~~(x) Execution of a grant agreement to receive grant-in-aid:~~

~~(A) Grant-in-aid will continue until June 30th of the participating district's final school year of program participation; Four-year participation in the program that starts with the execution of grant agreements for additional funding; and~~

~~(x) Including the Intensive Program into district requirements to engage in Tribal Consultation with Tribal Nations, for affected districts under Section 8538 of the Every Student Succeeds Act;~~

~~(x) Commitment to scheduling and supporting regular Student Success Team meetings;~~

~~(x) Ensuring that the decision-making process of the Stewarding Body centers students' perspectives, including represented focal student groups, as appropriate given the district's demographics.~~

~~(b) Commitment to membership and representation on the Student Success Team, whether by formal participation or through consultation, the experiences of the following perspectives, where applicable, must be included in decision-making considerations by the group of Stewarding Members:~~

~~—— (A) Focal student groups~~

~~—— (B) General student body~~

~~—— (C) Sovereign nation leadership~~

~~(x) Identifying a District Point Person to support the Intensive Program within the district for each year of participation;~~

(c) Acceptance and implementation of the recommendations of the Student Success Team pursuant to terms outlined in ORS 327.222.

(4) At the end of the fourth year of participation, four years, participating school districts will have demonstrated improvement when:

(a) The Student Success Team determines the district has made progress in achieving the stated outcomes outlined in the district's Aligning for Student Success integrated plan;

(b) A needs assessment, including community engagement, indicates that sufficient progress has been made;

(c) The school board and Student Success Team have established a sustainability plan to maintain and build on the progress and improvements made; and

(d) Student outcome data has improved since initial identification as measured by:

(A) Initial eligibility data; or

(B) The district is on-track to meet their longitudinal performance growth targets outlined in their Student Investment Account grant agreement.

(5) Whether a participating district has demonstrated improvement will be determined by a progress monitoring tool created by the Department using the criteria outlined in OAR-581-017-0738 (4).

(6) At the end of the fourth school year of participation, the Student Success Team may request that the district remain in the Intensive Program until the completion of the current fiscal biennium if the district has not yet demonstrated improvement.

~~(a) Student outcome data has improved to a point where the district would not be eligible for the program; and~~

~~—(b) The Student Success Team determines the district has made progress in achieving the stated goals; and~~

~~—(c) A community assessment indicates that sufficient progress has been made; and~~

~~—(d) The school board and success teams have established a sustainability plan to preserve the progress and improvements made.~~

581-017-0741

Intensive Program & Student Success Teams: Funding

(1) The Initial Allocation will be determined as follows:

(a) Available funds will be distributed at a rate of \$300 / ADMw.

(b) The maximum allocation a district will receive will not exceed \$5,000,000.

(c) The minimum allocation a district will receive will not fall below \$500,000.

(2) The Total Allocation for the four years will be determined using a tapered distribution over the course of four years.

(3) Additional funding for subsequent years of participation will be determined based on the district's need to sustain existing initiatives and the available grant-in-aid funds available for the program.

(4) The Department will provide additional funds to each participating district on an annual basis to support collaboration and coordination of the program at the district level.

(a) The Department will determine additional funding to participating districts only if there are available programmatic funds;

(b) Each district's funding allocations will be based on a calculation determined by the Department;

(c) These funds are part of the participating district's Total Allocation;

(d) These funds will be available for the duration of the district's participation in the program;

(e) The participating district shall ensure that these funds are spent in accordance with federal and state law as well as Department guidance to support collaboration and coordination; and

(f) These funds are not required to be approved as a formal recommendation by the Stewarding Body.

~~(3) A portion of the Initial Allocation of at least \$50,000 but not to exceed 5% of the participating district's Initial Allocation may be used to support coordination and collaboration in the Planning Phase between The Department and the participating district.~~

~~(54) With the exception of the collaboration and coordination funds referenced in 581-017-0741(3), all remaining funds will be spent in accordance with recommendations from the Student Success Teams, including whether or not to sustain the expenditures for coordination and collaboration in subsequent years of participation.~~

581-017-0744

Intensive Program & Student Success Teams: Reporting

Participating school districts must provide reports in the manner and form required by the Department and in accordance with ORS 327.222.

Summary

Meeting Date: 10/17/2024

Title: Intensive Program– Administrative Rules/OAR 581-017-0729 to OAR 581-017-0744

Status: First Reading

Presentation: Yes

Key Staff: Chelsea Mabie, Sarah Dey, Tim Boyd

Topic Summary: The Intensive Program provides school districts with the highest needs in the states with additional support and funding. After three years of the program, these proposed rule changes reflect ODE staff and participating districts’ experience in the program. The proposed changes 1) align tribal consultation with current requirements at the Office of Indian Education’s request; 2) allow districts to participate beyond the minimum four years; 3) provide funding to participating districts to support collaboration and coordination with the Department; 4) refine exit criteria to deepen alignment with existing district requirements; and 5) make minor conforming edits throughout the ruleset.

ODE Education Equity

Stance

Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

BACKGROUND AND NEED

Members of the State Board of Education are volunteers, with existing lives and commitments. This section should provide context for this item, including any needed overviews of relevant programs or initiatives.

Briefly, how does this topic, program, or initiative currently operate? Where is it felt in the school setting? How does it ultimately serve students?

The Intensive Program provides funding and support to the districts with the highest needs. Districts are selected through a combination of student outcomes and student demographic data. Currently, the program has four participating districts and will invite additional districts in early 2025. The anticipated start date for this newest cohort is July 1, 2025.

Designed as a collaborative partnership model between the district and ODE, the Intensive Program provides a systems approach through the following:

- **Student Success Team:** The Student Success Team works collaboratively with district staff, ODE staff, community members, contracted stewards, and others to make binding recommendations to improve district practice, funding, and outcomes.
- **Stewards:** Each district is assigned three stewards who bring external perspectives and deep knowledge and skills in the focal areas of leadership, teaching and learning, and community engagement. Stewards work to build trust and leverage dispositions of transformational leaders in order to attend both to climate and culture challenges as well as instructional practices.
- **ODE Internal Alignment:** Staff from across the Agency meet regularly to support Intensive Program districts in an effort to examine ways to reduce burden, align processes, and reexamine policy to dismantle systems that are detrimental to student and district success.

The Stewarding Body formally approves recommendations which have been vetted by the Advisory Body. Districts must accept and implement any recommendations connected to grant-in-aid associated with the program, as well as Student Investment Account monies. Recommendations are specific to district system needs; recommendations from current districts range from starting new CTE pathways to district community engagement assessments. Current impacts of recommendations can be felt from the classroom level (e.g. infusing educational assistants to support early literacy initiatives), to the building level (e.g. hiring Climate and Culture TOSAs at each elementary school to support building a positive climate and culture), to district levels (e.g. reviewing assessments and audits to support reflection on current systems).

Please list the specific rule(s), statute(s), or recently passed legislation that allows the Board to take action on this item. Where are they prescriptive and where do they provide the Board and Department flexibility?

ORS 327.222– Student Investment Account, Intensive Program. Statute provides an outline for the Intensive Program, but ODE staff do not anticipate any key decision points in these proposed rule changes to conflict with statute.
OAR 581-017-0732 - 0744– Intensive Program rules

Has this item come before the Board before? If so, when did the Board last take action, and what was that action?

The Intensive Program ruleset was initially adopted by the State Board of Education on January 28, 2021. Out of the proposed changes, only the one related to collaboration and coordination funds has been the focus of additional rulemaking. The proposed rule changes would move collaboration and coordination funds from being a portion of the district's initial allocation to additional funding that all districts receive. Additional funding will particularly support small districts whose program allocation is limited.

- 9/22/21- State Board adopted temporary rules allowing collaboration and coordination funds to support implementation of the program.
- 3/25/22- State Board adopted the same rules as permanent.
- 6/23/22- State Board adopted a minor language change related to collaboration and coordination funds, specifying that they would be used during the planning phase of the program.

Why is this item coming before the Board now?

The Intensive Program is at a key moment in implementation. Our first participating district is just over halfway through their four year partnership. This district will begin examining exit criteria and what continued support could look like in the spring of this school year. Current rules outline how improvement is measured, with both participating districts as well as districts that have declined invitation, requesting additional clarity in this area.

Since implementation began, the Agency has moved forward the Aligning for Student Success Integrated Plan. The Student Investment Account is a key component of the Integrated Application, so finding ways to align implementation and rule to reduce burden for districts is a pillar the Intensive Program wants to uphold. Updating exit criteria, as well as definitions, to align with the Integrated Application ahead of the first district exiting the program has provided the urgency to come to the Board now.

In addition, the team is preparing to invite the next round of districts in early 2025. Having rule sets that incorporate the needed shifts from what the program has learned with the first two cohorts of districts, as well as providing greater clarity around how improvement is measured, feel essential in helping invited districts have the greatest clarity around the program they are considering opting into.

Who requested or brought about the need for this item?

- ODE Staff
- Students
- Families
- Community-Based Organizations
- Culturally Specific Organizations

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- School Districts
- Education Service Districts
- Charter Schools
- Oregon State Legislature
- Educational Associations
- Racial Justice Council
- Federal Government
- One or more of Oregon’s nine federally recognized tribes: _____
- Other: _____

ENGAGEMENT STRATEGY AND LEARNINGS

The State Board of Education expects all items that come before it be reviewed and influenced, to the greatest extent possible, by a robust community engagement process. This section should provide an overview of the role that engagement played in this item, including with Oregon’s nine federally recognized Tribes, other state agencies, and external partners.

How did the [Equity Decision Tree](#) inform your office/team engagement strategy? Who is most likely to be affected and how have they been intentionally incorporated into the engagement process for this item?

From the Equity Decision Tree, one of the most important questions that we considered as we planned our engagement around the proposed rule changes was how to solicit feedback in a way that builds relationships and creates a deeper sense of community. We knew that participating and invited districts were most likely to be affected as well as tribal communities in at least one participating district. We intentionally incorporated these districts as well as the Office of Indian Education in multiple rounds of engagement and ensured that their feedback was fully integrated into the proposed changes.

After consulting with ODE’s Rules Coordinator and the Office of Indian Education, did this item require Tribal Consultation and/or Tribal Communication with Oregon’s nine federally recognized tribes? (For more information, please reference ODE’s [Tribal Consultation Toolkit](#).)

- No
- Yes – Both Consultation and Communication.
- Yes – Only Communication.

Has your office/team considered how this item intersects with the authority of other state entities that serve the health and education needs of Oregon’s students, or otherwise contribute to the climate of Oregon’s school systems? If so, please select from the below list, share why they are involved, and share how the Department partnered and/or gathered feedback from them.

- N/A; this item does not intersect with other state entities.

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- Oregon Health Authority (OHA): _____
- Department of Early Learning and Care (DELIC; formerly ELD): _____
- Educator Advancement Council (EAC): _____
- Higher Education Coordinating Commission (HECC): _____
- Youth Development Oregon (YDO): _____
- Teacher Standards and Practices Commission (TSPC): _____
- Oregon Housing and Community Services (OHCS): _____
- Other: _____

Which geographic perspectives are intentionally represented in your office/team engagement strategy?

- Northeast Oregon
- Central and Southeast Oregon
- Southwest Oregon
- Willamette Valley and Central Coast
- Northwest Oregon
- Tribal lands
- Other: _____

Please highlight some of the key pieces of feedback your office/team received during the engagement process. How did this feedback influence the development of this item? How were differences in opinion accounted for?

The Intensive Program did multiple rounds of engagement with staff within the Office of Education Innovation and Improvement, the Office of Indian Education, the ORCA (early concept and first read), and with participating districts and steward contractors. During these engagement sessions with partners, common trends in feedback emerged:

- Strong support to allow continued participation beyond the statutorily required four years for districts, without a pause.
- A need to clarify how improvement will be measured and named in rule.
- Strong support for providing funding specifically for collaboration and coordination to strengthen implementation, especially in small districts.
- A need to refine definitions, and make small edits, to provide greater clarity for both participating districts as well as those invited.

The consistency in feedback helped prioritize areas of rules to refine as well as which areas of current rule sets needed greater clarity.

Please describe any additional engagement opportunities your office/team will be pursuing prior to asking the Board to take action on this item.

The team will return to the ORCA for a second read. No additional engagement opportunities are anticipated at this time.

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

Equitable resource allocation is a critical component of education equity. This section should describe the fiscal, administrative, and small business impacts of this item, and how it affects the larger social system that serves Oregon's students.

After consulting with ODE's Rules Coordinator and Grant Consolidation Team, was this item identified as a grant-related item?

- No
 Yes; please review Appendix B: Grant Consolidation below.

Will Board action create fiscal or administrative impacts on districts, ESDs, community-based organizations, and/or the nine federally recognized tribes? If so, please describe the anticipated short- and long-term effects and how they may be felt differently in small, rural, or remote communities.

Proposed Change: Collaboration and Coordination Funds: We anticipate that this change, which moves collaboration and coordination funds from a percentage of the district's initial allocation to additional funding, will have a positive fiscal impact on districts, especially small districts whose grant funds were significantly reduced by collaboration and coordination expenses.

Proposed Change: Aligning Tribal Consultation with Current Requirements: The Office of Indian Education requested that we align tribal consultation requirements for participating districts with existing ESSA requirements with the intention of reducing fiscal and administrative burden on tribes and districts.

Will Board action create a fiscal or administrative impact on state agencies, units of local government, and/or the public? Will it increase costs associated with compliance for small businesses?

ODE staff do not anticipate a fiscal or administrative impact on any of these entities, including small businesses.

EQUITY IMPACT ANALYSIS

The State Board of Education envisions an aspirational education system that honors its increasingly diverse student body and affirms every student to reach their full potential in a rapidly shifting global environment. This section should describe the impact of this item on students and the larger social system that serves their health and education needs.

How will Board action on this item ultimately impact students and their families, particularly those who have been and continue to be systemically marginalized?

Proposed Change: Collaboration and Coordination Funds: We anticipate that this change will have an outsized importance for small and rural school districts whose limited funding can be a barrier to supporting students and their families, especially those who are systemically marginalized.

Proposed Change: Aligning Tribal Consultation with Current Requirements: The intent of this proposed change to the program’s approach to tribal consultation is to lessen the burden and deepen the engagement for both tribes and participating districts in order to allow both entities to better serve students and families.

Proposed Change: Exit Criteria: The Integrated Application hones in on four key goals and outcomes around them. By aligning exit criteria to those in the district’s Integrated Application, we’re both directing the district to focus on what we believe will support students and families, especially those who are systemically marginalized, as well as alleviating the burden of districts’ addressing multiple sets of outcomes.

How will Board action on this item ultimately impact school district employees and volunteers, particularly those who have been and continue to be systemically marginalized?

We anticipate that these proposed changes will result in less administrative burden and more fiscal resources to support school districts and their employees.

What are the anticipated short- and long-term consequences of Board action on this item? Will Board action have a cumulative effect on students, families, educators, districts, or Oregon’s school systems?

ODE staff anticipate minimal short term impacts with the most significant being that participating districts will receive additional funds to support collaboration and coordination.

ODE staff anticipate more significant long-term impacts including: reduced administrative burden for participating districts and tribes through aligned requirements and exit criteria, strengthened collaboration and coordination between participating districts and the Department through the additional funds, and, ideally, stronger district, community, and student outcomes as a result of these changes.

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What are the anticipated short- and long-term consequences of inaction on this item and who would experience those consequences?

If the proposed changes are not adopted, the Intensive Program will likely have a more limited impact on participating districts and communities by duplicative requirements, processes, and outcomes and limited funding to support collaboration and coordination.

RECOMMENDED ACTION

The State Board of Education has dedicated itself to challenging the status quo and sharing responsibility for every student's academic and lifelong success. This section should describe the choice before the Board, the Department's recommendation, and any other relevant information.

Please provide a brief summary of the specific language your office/team is bringing to the Board. Are there are key decisions within this language that your office/team would like the Board to make?

Proposed Change: Collaboration and Coordination Funds: ODE staff drafted language to allow for collaboration and coordination funds, if there are available programmatic funds. Also, the language specifies that these funds– and only these funds– are not required to be approved as a recommendation by the Stewarding Body.

Proposed Change: Aligning Tribal Consultation with Current Requirements: ODE staff consulted OIE on this language and copied the language related to tribal consultation requirements in other areas of rule.

Proposed Change: Refining and Aligning Exit Criteria: ODE staff reordered the existing exit criteria to prioritize the outcomes in the district's Aligning for Student Success integrated plan and provided more specifics across all criteria.

Proposed Change: Allowing Districts to Participate Beyond Four Years: Current rule restates statute: districts must remain in the program for a minimum of four years. ODE staff proposed changing the rule to allow a participating district's Student Success Team to request staying in the program until the end of the fiscal biennium if the district has not yet demonstrated improvement. This would allow the district, if needed, to be reinvited into the next cohort at the end of the current biennium and ensure that support was continuous.

Proposed Change: Minor and Conforming Edits: Additional edits include minor language changes to definitions and requiring districts to identify a district point person.

How is this language responsive to identified needs and/or feedback received through the engagement process? How is it in alignment with [the Board's Mission, Vision, and Values](#)?

Discussions with and among participating districts, invited districts, OIE, and Intensive Program staff spurred these proposed rule changes which are deeply aligned to the Board’s equity-oriented mission, vision, and values. After multiple years of implementation, ODE staff recognized a need to adapt and innovate the current program to be more responsive to district needs, especially those serving systemically marginalized students and families. Engagement has reiterated these needs, and the proposed rule changes speak to the iterative and innovative nature of the program adjusting to current needs of districts in real-time.

Please describe the action your office/team is recommending to the Board and how it reflects the Department’s commitment to academic excellence, belonging and wellness, and reimagining accountability.

Following the second reading of these proposed rule changes, ODE staff recommend adoption of this item.

One of the Department’s key priorities is reimagining accountability, and the Intensive Program– and specifically these proposed changes– are deeply in alignment with the vision of this work: a vision that centers shared accountability for the success of students and families.

Please note any additional support the Department is (or will be) providing to ensure successful implementation of this item.

- N/A; this item does not require any additional support.
- Communications plan
- Technical assistance, professional development, and/or coaching
- Direct or differentiated support for small, rural, or remote school districts
- Corrective Action Processes
- Safety measures
- Organizational culture or practice changes (change management)
- Materials and/or supplies
- Guidance and/or supplemental resources
- Other: _____

Has this item changed since the last Board meeting?

- N/A; this item has not previously been before the Board
- No; same as last month
- Yes; please review Appendix A: Second Reading below.

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APPENDIX A: SECOND READING

This section should only be completed if required above. It should provide a summary of any additional engagements, learnings, or changes that have occurred since the First Reading of this item.

Please describe any additional engagement opportunities your office/team has pursued since the First Reading of this item. Which perspectives were intentionally included?

Please enter your answer here

Has your office/team received any additional public comment on this item? If so, who provided that comment and what feedback did they provide?

Please enter your answer here

Please describe any overall learnings that have occurred since the First Reading of this item. How were differences in opinion accounted for?

Please enter your answer here

Please provide a brief summary of the changes your office/team have made to this item since the First Reading. How are these changes responsive to identified needs and/or feedback received through the engagement process?

Please enter your answer here

APPENDIX B: GRANT CONSOLIDATION

This section should only be completed if required above. It should provide additional detail on how grant rules have been aligned and designed to support districts and meet administrative needs.

Please indicate which of the following underlying processes are required for this grant program.

- Conduct a needs assessment
- Gather and provide additional data
- Submit an application to ODE
- Submit a report to ODE
- Submit a plan to ODE
- Submit a budget to ODE
- Conduct community engagement
- Other: _____

How has your team/office worked to encourage more equitable resource allocation and address administrative impacts, particularly for small or rural school districts? How has this grant been aligned with existing grant programs?

Updates to 581-017-0738 Intensive Program & Student Success Teams: Criteria, Agreement and Establishing Improvement are specifically intended to address administrative impacts for districts. Namely, the focus on how schools demonstrate improvement (exit criteria) proposed language is aligned with processes and tools required in the Aligning with Student Success Application. The intention is for districts to incorporate the work they are already undertaking for that application into the Student Success Team as a means to demonstrate progress for the Intensive Program.

The inclusion of coordination and collaboration funds will positively impact all districts during implementation but will be especially helpful for small or rural participants. Currently, our smallest district is setting aside nearly a quarter of their grant-in-aid to support implementation work through staffing a District Point Person. By freeing up specific funds to support implementation, more grant-in-aid can be used to support initiatives in these districts that support students and community.

How are the grant requirements differentiated for small and rural school districts?

The Intensive Program rules currently include floor funding for grant-in-aid for the smallest districts since the amount of funds they would receive per their ADMw calculation would be very limited. As mentioned above, the shift in coordination and collaboration funding for implementation is particularly important for supporting small and rural districts.

Beyond funding amounts, grant agreements are the same for small or rural schools as larger districts. However, implementation for each district is specific to their context. For example, the advisory body size is adjusted and right sized for the district size.



Intensive Program OARs

Tim Boyd (he/him), Sarah Dey (she/her), & Chelsea Mabie (she/her)

Office of Education Innovation and Improvement

sarah.dey@ode.oregon.gov | chelsea.mabie@ode.oregon.gov

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Intensive Program OARs: Background

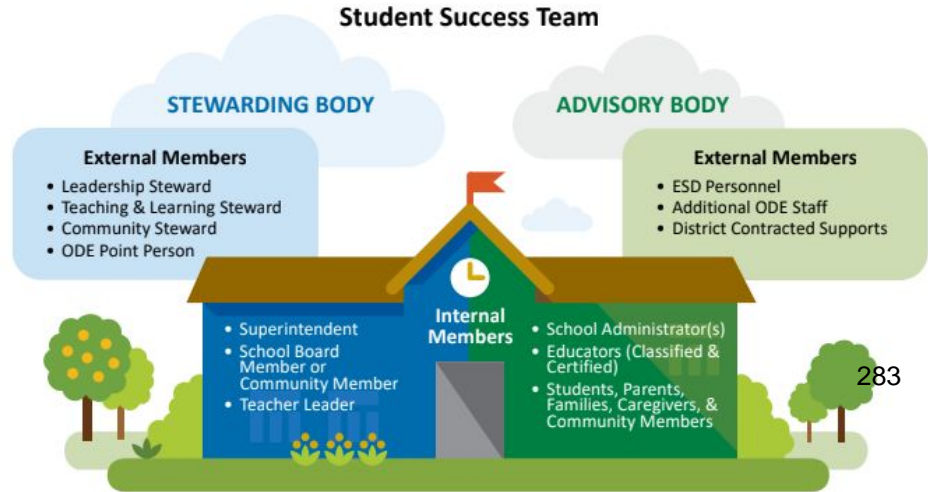
Background:

- The Intensive Program is part of the Student Success Act (2019).
 - Statute:** ORS: 327.222: Intensive program for high needs school districts; student success teams; rules.
 - Rules:** 581-017-0729 to 581-017-0744
- The Intensive Program aims to address persistent inequities by supporting districts to advance equity, authentically and effectively engage their community, deepen data-based decision making, and strengthen district systems and capacity. ²⁸²

Intensive Program Overview

Quick Facts

- Districts are invited into the program and opt in to participation.
- The Intensive Program works with the districts with the highest needs in the state.
- Districts receive additional grant-in-aid monies as well as support by ODE staff and highly skilled contractors (i.e. stewards).
- As named in statute, the partnership is for “at least four years.”
- Currently there are four districts participating, each at various stages of implementation.



Intensive Program OARs: Statement of Need

Why do these rules need to be changed now?

The first district is over halfway through the program and will begin examining exit criteria this spring.

Need: To clarify criteria that measure improvement

There's a renewed commitment to alignment and alleviating burden.

Need: To align program requirements with existing tribal consultation and district requirements related to Aligned for Student Success Integrated plan.

The next round of invites is scheduled for early 2025.

Need: To provide additional funding for collaboration as well as to clarify exit criteria, the reason some districts have declined previous invitations.

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Intensive Program OARs: Statement of Need

Who requested or created the impetus for these rule revisions?

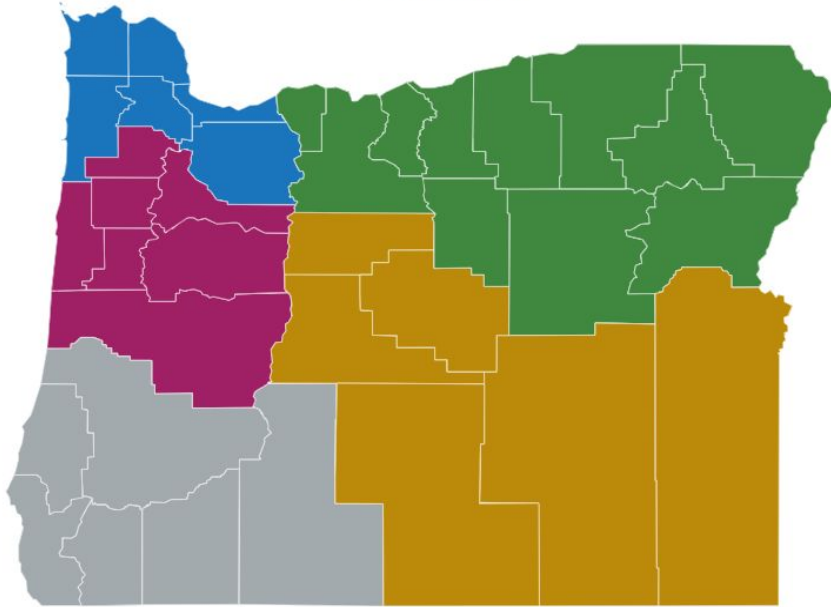
Participating and invited school districts sparked the need for these changes, and staff engaged these districts to make propose rule changes in response. Program staff also collaborated with the Office of Indian Education to make key definition changes and shifts to tribal consultation language.

Other key considerations were:

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- Feedback provided by districts who declined invitation in previous invitation cycles.
- Desire to create coherence with the Aligning for Student Success Integrated Plans, which includes the Student Investment Account.

Intensive Program OARs: Engagement Strategy



Regions Engaged (Districts):

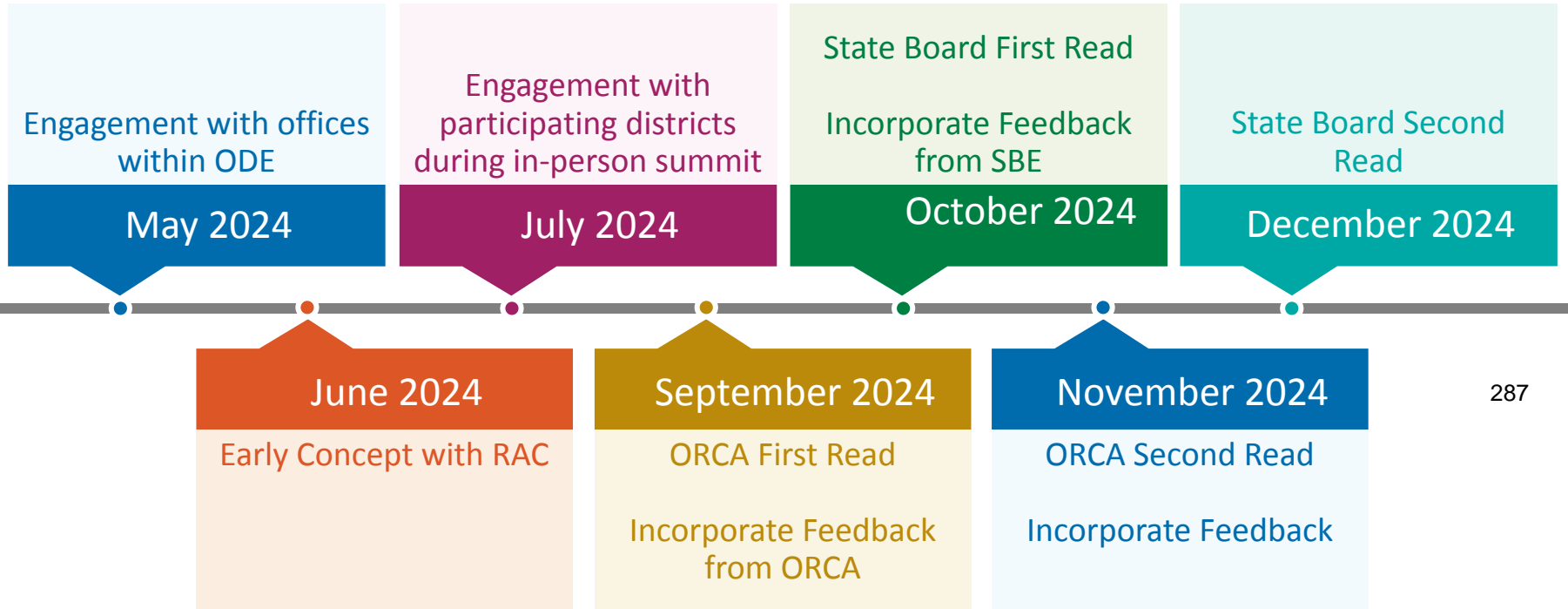
- Northeast
- Northwest
- Central and Southeast
- Willamette Valley and Central Coast

Other Groups Engaged:

- ODE Offices
 - Education Innovation and Improvement (EII); the Office of Indian Education (OIE)
- ORCA (early concept, first read)
- Steward Contractors

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Engagement Strategy Timeline



Engagement Feedback Trends

- ★ Strong support to **allow continued participation** beyond the statutorily required four years for districts, without a pause.
- ★ A need to **clarify how improvement will be measured** and named in rule.
- ★ Strong support for **providing funding** specifically for **collaboration and coordination** to strengthen implementation, especially in small districts.²⁸⁸
- ★ A need to **refine definitions**, and make small edits, to provide greater clarity for both participating districts as well as those invited.

Intensive Program OARs Proposed Changes

**Collaboration &
Coordination Funds**

**Aligning Tribal
Consultation with
Current Requirements**

**Refining and Aligning
Exit Criteria**

**Allow Districts to
Participate Beyond Four
Years**

**Minor and Conforming
Edits**

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581-017-0741:

Collaboration & Coordination Funds

ODE staff drafted language to allow for collaboration and coordination funds, if there are available programmatic funds.

Also, the language specifies that these funds— and only these funds— are not required to be approved as a recommendation by the Stewarding Body.

Equity Impact: Additional funding is most important for small and rural school districts with already limited funding.

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581-017-0738:

Aligning Tribal Consultation with Current Recommendations

ODE staff consulted the Office of Indian Education (OIE) on this language. At OIE's request, staff propose updating definitions and changing language related to tribal consultation requirements to what already appears in rule for other programs.

Equity Impact: Proposed changes seek to lessen the burden and deepen the engagement for both tribes and participating districts to allow both entities to better serve students and families.

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581-017-0738:

Refining and Aligning Exit Criteria

ODE staff reordered the existing exit criteria to prioritize the outcomes in the district's Aligning for Student Success integrated plan and provided more specifics across all criteria.

Equity Impact: By aligning exit criteria to those in the district Integrated Application, ODE staff seek to focus participating districts on the outcomes with the highest impact on students and families, especially those who are systemically marginalized, as well as alleviating the burden of districts address multiple sets of outcomes.

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581-017-0738:

Allowing Districts to Participate Beyond Four Years

Current rule restates statute: Districts must remain in the program for a minimum of four years. ODE staff propose changing the rule to allow a participating district's Student Success Team to request staying in the program until the end of the fiscal biennium if the district has not yet demonstrated improvement. This would allow the district, if needed, to be reinvited into the next cohort at the end of the current biennium and ensure that support was continuous.

Equity Impact: ODE staff received near-universal feedback on this point: allowing for a district's continued participation allows continued support for promising practices that are causing impact for students, families, and community.

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581-017-0729 to 581-017-0744: Minor & Conforming Edits

Additional edits include minor language changes to definitions; and requiring districts to identify a district point person.

Equity Impact: Deepen alignment and meaning in definitions to ensure consistency across programs, especially those serving students, families and communities who are systematically marginalized.

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Fiscal Impacts

Other than participating districts receiving additional funding through collaboration and coordination funds, **we do not anticipate any fiscal impacts with these rules changes.**

The program will provide these additional funds without requesting an increased biennial allocation. We do not anticipate a scenario where there are not enough funds in the program budget to provide these funds; however, the proposed rules do have language that these additional allocations will take place “only if there are available programmatic funds.”

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Questions and Feedback?

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: 7.B.

<p>SUBJECT: OAR 581-017-0915, OAR 581-017-0920, OAR 581-017-0025, and OAR 581-017-0930 Pilot Grant to Improve Educational Outcomes of Foster Care Students</p> <p>STAFF NAME & OFFICE: Marlie Magill and Cynthia Stinson; Office of Teaching, Learning, and Assessment</p> <p>With the passage of House Bill 4084, permanent rules are needed to implement a pilot grant program to meet the educational needs of students in foster care. Temporary rules were passed in June and will expire in December.</p> <p><input checked="" type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> First Reading <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

Per HB 4084, the department shall use moneys in the Statewide Education Initiatives Account to provide funding for a pilot program (considered a statewide education plan for purposes of ORS 327.254.) The program is aimed at meeting educational needs of students in foster care and improving academic outcomes, and the bill directed ODE to select three schools (middle or high schools) to participate. These schools are required to ensure that foster child students are provided access to an educational advocate who will provide guidance and educational support. The Department of Education shall also submit reports concerning the pilot program to the interim committees of the Legislative Assembly related to education in September of 2025 and 2027.

The provisions of the pilot program and its implementation, as articulated in the bill, lacked clarity with regard to definitions, selection, funding, and reporting. These rules were written to provide:

- Clearer definitions for key terms such as “foster child student” and “education advocate,” which are critical to understanding which students may participate in the pilot programs and the role of facilitators
- Insight on the grantee selection process and expectations for reporting
- Clarity on the appropriate use of funds related to this grant

The parameters outlined by these rules provide the selected schools with the necessary autonomy and discretion to implement a program that reflects the unique needs of their students in foster care.

The provisions established by HB 4084 required selected schools to create a pilot program from the grant funds; however, further detail was not provided on the administration of the grants.

Commented [MO1]: Any statutory language I can/should cite?

Commented [PO2R1]: I don't think it's needed.

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: 7.B.

Temporary rules were passed on Jun 13, 2024 to provide more detailed guidance. The purpose of this request is to make those Temporary rules permanent.

The draft rules were written by an internal cross-agency team within ODE and external partners including the ODE Foster Care Team, ODE Grant Consolidation Team, and ODHS's Child Welfare Education Program Coordinator. The ODHS Coordinator assisted with the Definitions rule, ensuring that the pilot program's definition of "foster child student" is in alignment with definitions used by ODHS and ODE. The Office of Indian Education provided feedback on the bill analysis during session, indicating there would be no tribal impact from this bill and pilot program directly. The Foster Care Team is working with WestEd to develop a reporting plan that will summarize the outcomes related to this pilot program and make recommendations for statewide action to benefit students in foster care. Within that process, the Foster Care Team will continue communicating with the Office of Indian Education to ensure tribal impact is considered when making recommendations for further statewide efforts to support foster child students.

The timeline established by HB 4084 required that participating districts receive grant funds by **July 1, 2024**, with the grant sunsetting **June 30, 2025**. This constituted an immediate need for temporary rules to be passed and resulted in a timeline that limited opportunity for community engagement. Further opportunities for community engagement have been, and will continue to be utilized. Each participating school has had the opportunity to identify programmatic needs and speak to the unique needs of students in foster care in their schools. This has been done through monthly meetings, continued correspondence as programmatic developments have taken place, and mutual feedback discussions in which selected schools have been able to name areas of growth or concern, potential barriers that the Foster Care Team may help address, and moments of success as this pilot program has gotten underway. Due to the specific limited nature and purpose of these rules, engaging with parties outside the pilot program may not provide the most relevant insight. Thus, those engaged have been school administrators in participating schools, those in the district fiscal department, Title I and Foster Care Program coordinators, local ODHS offices, and state-level ODHS education representatives.

Commented [PO3]: This is good

SUMMARY OF PREVIOUS BOARD ACTION

These rules were adopted by the Board as temporary rules on June 13th, 2024.

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:

Commented [PO4]: You might ask Corey how to answer this question since this is a first read of permanent rules. You might need to choose "first read" even though the rules have been seen before and have not changed. Maybe choose the first option and then type in "The proposed permanent rules are identical to the previously adopted temporary rules; no changes or updates were made."

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: 7.B.

* The proposed permanent rules are identical to the previously adopted temporary rules; no changes or updates were made.

POLICY ISSUE OR CONCERNS

Students in foster care disproportionately experience high chronic absenteeism, exclusionary discipline, and special education designations compared to their peers. Despite these areas of need, this population of students has not previously had any fiscal assistance specifically targeted at improving their educational experiences or outcomes. This program brings additional awareness to the unique needs of this population and may highlight current gaps in district and community services. Ideally, this pilot program will produce learnings that inform longer-term efforts to address educational disparities experienced by students in foster care.

The proposed rules provide clearer definitions for key terms such as “foster child student” and “education advocate,” which are critical to understanding who may participate in the pilot program and who may facilitate it. The rules also provide insight on the selection process, appropriate use of funds, and expectations for reporting. Within the space of required reporting, the selected districts will have discretion to implement a program that reflects the unique needs of their students in child welfare foster care.

Because the pilot program is for just two years and students in foster care may need support through graduation, the proposed rules were written to allow districts greater flexibility in their program implementation. As the experts in their communities, the selected schools have been able to determine what program design will best serve their specific community of students. This flexibility has allowed each selected school to develop unique collaborative relationships with community partners such as behavioral health departments, community colleges, and service coordinators to aid in the effective implementation of this pilot program.

The rules also provide the grantees with additional specificity regarding who the funds will serve and provide autonomy for how those funds are invested. The ODE Foster Care Team has created a contract with WestEd to develop an evaluation plan. This plan will help the ODE Foster Care Team pursue community engagement throughout the reporting process. Within that, we intend to seek opportunities for engagement and youth voice, to identify how future supports can build upon this program and expand services to improve the educational experiences for students experiencing foster care.

As we have begun engaging with schools on their plans for implementation, we have been able to see how the temporary rules have enabled the grantees to target needs related to graduation and school completion based on their direct work with students. Because data suppression policies and confidentiality measures might significantly limit what academic outcome data can be analyzed and/or shared in the legislative reports, it has been beneficial for schools to have the flexibility to make adjustments to their approach.

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: 7.B.

While this pilot program does have the potential for positive impact, it is also critical to anticipate potential barriers to its success. Federal mandates regarding education rights for foster care students are vague in interpretation and application. Consequently, there may be differing opinions about whether this pilot program aligns with federal requirements related to privacy and confidentiality, equal educational opportunities, and special support programs. As such, ODE's Foster Care Team has continued to engage with and advise grantees on what state and federal guidance should be considered when developing outcomes measures.

Additionally, students in foster care have only recently been identified as a student group for whom data and outcomes should be independently collected and evaluated. As a result, funding priorities have not historically included this population. These limitations on both resources and data have affected ODE's ability to develop historical context to pull from when drawing conclusions about areas of need. It has also limited the means by which these needs, when identified, may be addressed.

The amount of money allotted for this pilot program may also create limitations, as it is a relatively small grant. Consequently, identified areas of need for students in foster care may extend beyond what can be addressed and supported by the current allocation of funds. The selected schools, however, have been able to operate within the provisions of HB 4084 and the corresponding temporary rules to develop effective implementation plans. What these schools are able to demonstrate as this program progresses may be used to help inform larger-scale efforts to address the educational needs of students in foster care.

Non-participating school districts may have questions about the selection process and why they did not have the opportunity to participate, as this pilot is not a competitive formula grant. Because an ideal result of this pilot program is an overall emphasis on foster care student support, ODE will be working with WestEd to determine the most effective approach for gaining insight from non-participating schools on how this pilot program may lay a groundwork for long-term student success goals. Diverse representation and stakeholder voice will be a vital contribution to these future efforts.

Our team has also been considering the potential for barriers within the Foster Care Program as a whole. The Foster Care Team at ODE is robust, despite being relatively new in its conception. ODE's communication and partnership with district Foster Care Points of Contact/Liaisons is a critical aspect of preserving the educational rights and opportunities of students in foster care. Through monthly Office Hours, Federal Programs Monitoring, and direct case-management, ODE program staff work hard to ensure districts are aware of foster care student rights under the Every Student Succeeds Act (ESSA), and that their policies and protocols reflect that. Because these technical assistance and support efforts are still underway, there is potential for programmatic barriers if the roles and operations associated with the pilot program conflict with those of the existing Foster Care Program.

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: 7.B.

For example, the district Foster Care Liaison is the appropriate district point of contact to receive foster care identification notices and forms. Due to concern that this role may be confused or conflated with that of the liaison and, as a result, critical information not ending up with the correct parties, the ODE Foster Care Team has worked with the participating schools to ensure they are actively engaging all relevant parties. The grantees were expected to develop a Project Plan, and strategizing around how these roles may collaborate was an established action named in this plan.

Additionally, ODE's partnership with ODHS has allowed for this agency to play an active role in the implementation of this program at the local level. This has led to ODHS and the selected schools developing a collaborative process for referring students and families to the pilot program, thereby ensuring that sensitive student information remains with the appropriate parties.

EQUITY IMPACT ANALYSIS

HB 4084 focuses on providing educational support and advocacy for students in foster care. Foster care youth are a historically underserved population. Additionally, students in foster care are also statistically more likely to receive special education services, experience housing instability, receive exclusionary discipline, experience chronic absenteeism, and to be members of the LGBTQ2SIA+ community. Thus, students who will be participating in this pilot program are more likely to represent multiple identities within underserved communities. Currently, ODE's Foster Care Team is working with WestEd to determine the most effective data-collection practices for a program of this scope. It will be critical to collect and reflect on data related to student participation, services, and outcomes. At the same time, it will be critical to ensure these reflections can be shared in a meaningful way while maintaining confidentiality. ODE has been, and will continue to engage with participating schools, WestEd, and ODHS to strategize around analyzing equity impact given existing laws and policies. All of these partners will provide important feedback on the demographic of participating students, if/how outcomes progress over time (once the program has had time to get underway in selected schools,) and how students themselves may be engaged as they receive and continue to utilize these services.

FISCAL ANALYSIS

A total of \$450,000 may be distributed for the implementation of the grant. The rules authorize ODE to distribute these funds to the three selected districts. The Funding section of the proposed rules specifically has offered guidance on the appropriate use of funds and fund distribution.

EFFECT OF A "YES" OR "NO" VOTE

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A yes vote will make the existing temporary rules permanent and maintain continuity in the administration of the grant program outlined in House Bill 4084. This pilot program is intended to provide support for foster care students to improve their educational outcomes.

Should the board vote no, the expectations and provisions established by these rules may be disrupted, which would create confusion for the selected schools. As a result, ODE would experience barriers in continuing to implement the grant program and fulfill the bill requirements.

STAFF RECOMMENDATION

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

ATTACHMENTS

- [HB 4084 \(2024\)](#)
- Temporary Rules:
 - [Definitions: 581-017-0915](#)
 - [Selection: 581-017-0920](#)
 - [Funding: 581-017-0925](#)
 - [Reporting: 581-017-0930](#)
- [ORS 327.254](#)
- [ORS 339.133](#)
- [Foster Care Race Statistics | The Annie E. Casey Foundation - The Annie E. Casey Foundation \(aecf.org\)](#)



Pilot Grant to Improve Educational Outcomes of Foster Care Student

OARs 581-017-0915 through 581-017-0930

Cynthia Stinson, Director

Marlie Magill, Foster Care State Coordinator

Office of Teaching, Learning, and Assessment

ODE Equity Statement

Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

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Who are Our Foster Care Youth?



- Foster care youth are a historically underserved population, and are likely to represent multiple identities, including those who:
 - Receive special education services
 - Experience housing instability
 - Are members of the LGBTQ2SIA+ community
- Students in foster care are disproportionately impacted by factors such as:
 - Chronic absenteeism
 - Juvenile Justice contact
 - Exclusionary disciplinary action
- Students in foster care demonstrate the lowest graduation rates of any other focal student group identified by ODE
- Students in foster care only recently reflected in Report Cards and other data collection as their own group

House Bill 4084 and Established Pilot Program

Background: Passed in March 2024, House Bill 4084 requires the department to establish and administer a pilot program focused on foster care students.

Goals: Under the pilot program, the department shall provide grants to *three public middle or high schools* to improve the educational outcomes of foster child students by addressing:

- The disparities experienced by foster child students in indicators of academic success;
- The historical practices leading to disproportionate outcomes for foster child students; and the educational needs of foster child students.

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➤ **School Selection**

- Timeline for implementation created limitations for selection
- School selected to participate based on “Whereas” clauses in the HB

Why We Are Here Today?

The temporary rules passed in June will expire in December 2024. Permanent rules are needed to maintain continuity in the administration of the grant program outlined in House Bill 4084.

This further supports the pilot program, which is intended to provide support for foster care students to improve their educational outcomes. Continuity is also an important consideration for report-writing, which is also required by the House Bill. 307

These rules guide the implementation of the grant program outlined in House Bill 4084, including:

- Definitions
- Selection
- Reporting
- Funding language

Establishing and Running Pilot: March 2024-June 2025

HB 4084 is passed by legislature
Establishes pilot program to improve outcomes for students in foster care

March 2024

Pilot Grant Program
Selected schools participate

July 2024-June 2025

Permanent Rule-Making
Grants will be underway, but permanent rules will be needed for the second half of the grant.

Oct-Dec 2024

Temp Rules Expire
Rules must be made permanent by this time.

Dec 20, 2024

June 2024
Temporary Rule-making
Support implementation of pilot program



Fall 2024 and on
Report Drafting
Grantee reporting and community engagement and feedback will inform report development.

Reporting on the Pilot: July 2025-September 2027

First report must be submitted
Summarize progress of pilot program

September 2025

Section 1 of HB 4084 to be repealed
Mark formal completion of the pilot program

June 2027

Fall 2025- Summer 2027
Engagement
Collect additional information from previous grantees and from community engagement

September 2027
Second report submitted
Summary of pilot program, including changes to outcomes for students in foster care
Recommendations for statewide education plan for students in foster care

No Changes Proposed to Adopted Temporary Rules

Proposed rules for permanent adoption:

1. Definitions

- “Foster child student” establishes which students may participate
- “Education advocate” names who may facilitate the program

2. Selection

- Insight on the grantee selection process

3. Funding

- Clarity on the appropriate use of funds related to this grant

4. Reporting

- Establishes framework for reporting requirements

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Engagement

Engagement: Audience

District personnel carrying out the program

- School Principal
- Foster Care Points of Contact
- Title I Coordinator
- Business Manager

Partnering agencies

- ODHS
- Contracted service providers
 - Anthony's Circle
 - Behavioral Health
 - Community Colleges



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Engagement: Strategies

Monthly meetings with selected schools

- **August 2024:** Discuss pilot program & temporary rules
- **September 2024:** Quarterly report
- **October 2024:** Progress and tracking

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Weekly engagement with Oregon Department of Human Services (ODHS)

- Regular meetings with ODHS State Education Specialist
- Discussed barriers and concerns of selected schools
- Established contact to address local referral issues

Engagement: Findings

Monthly engagement with schools

- Definition of “foster child student” helped provide clarity on eligible students
 - School has students who are involved with ODHS, but not in ODHS custody
- Ability to consider Foster Care Point of Contact as the “education advocate” may not be feasible given existing agreement with Anthony’s Circle
- Selection rule aligned with their understanding of their involvement, since outreach efforts from Anthony’s Circle pre-dated the passing of HB 4084; they knew they were named in “Whereas” clauses

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Weekly ODHS meetings

- Experienced barriers with implementation given ODHS delay in following through on their referrals
- Requiring a report in September seemed less effective in terms of results given the limited scope of the program so early in the year

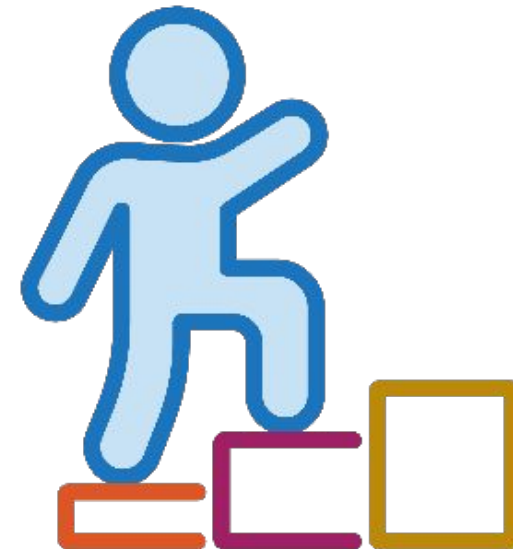
Engagement: Next Steps

Engaging community service providers

- Anthony's Circle
- Behavioral Health (GAPS)
- Community College (MSD)

Engaging students and Resource families

- Collecting data
 - Local ODHS office
 - Selected School
 - WestEd
- Seeking feedback
 - Experience in program thus far
 - Suggestions for improvement
 - For current iteration of the program
 - For potential future statewide efforts



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Looking Forward: Reports & Supports

Report writing

- Community engagement and initial review of pilot program will guide learning and reflection
 - What are the strengths of the program thus far? What needs are being identified?
 - What areas, if any, may benefit from further support or training?
 - What role should ODE Foster Care Team play in supporting continued focus and visibility of students in foster care?

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Supporting schools

- Continuing to train and advise districts on relevant state and federal guidance.
- Working with Foster Care Points of Contact and grant managers in participating schools on training and communication when needed.
- Remaining available and flexible to respond to the needs of involved parties as they arise.

Questions



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Thank you!

Marlie Magill, Oregon Foster Care Coordinator

- marlie.magill@ode.oregon.gov

Cynthia Stinson, Director - Education Program Standards

ODE Office of Teaching, Learning, and Assessment

- cynthia.stinson@ode.oregon.gov

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AGENDA ITEM: 7.C.

<p>SUBJECT: Immigrant and Refugee Student Success Plan (Senate Bill 1532); Definitions OAR 581-017-0885; 581-017-0890 Establishment; 581-017-0895 Eligibility; 581-017-0900 Criteria; 581-017-0905 Funding; 581-017-0910 Reporting</p> <p>STAFF NAME & OFFICE:</p> <p>Deb Lange, Assistant Superintendent Mariana Praschnik-Enriquez, Director Heidi Harless, Immigrant Refugee SSP Coordinator Mujidat Saaka, Immigrant Refugee SSP Coordinator</p> <p>Summarize the issue. The purpose of coming before the Oregon Department of Education State Board of Education is to share proposed adoption of permanent rules for the Immigrant and Refugee Student Success Plan that is to be established under Senate Bill 1532. Areas that are addressed in these permanent rules are: the OARs for Definitions; Establishment; Eligibility; Criteria; Funding; Reporting. During the 2024 legislative session, the Oregon Department of Education was provided \$4M in GIA per biennium, with \$2M in funding provided for the last year of the 23-25 biennium through Senate Bill 1532. This funding will establish a grant program which supports the implementation of the Immigrant and Refugee Student Success Plan strategies. The requested permanent rule set will allow for the grant program's establishment and implementation. This permanent rule language is rooted in three community engagement sessions and internal ODE review. This is the first time that this rule set is being presented for permanent rule adoption. OEDI seeks adoption of permanent rules.</p> <p><input checked="" type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> First Reading</p> <p><input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input type="checkbox"/> Action</p> <p><input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

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

1. History:
 - a. What prompted the rule (why do we have it?) State law? Federal law? Incident? Why are changes/amendments being proposed?
 - i. The passage of Senate Bill 1532 (SB 1532) during the 2024 legislative session provided funding for the implementation of the Immigrant and Refugee Student Success Plan (I/R SSP), the assembly of a statewide advisory group, and the \$4M in GIA provided per biennium beginning in 2025-27, with \$2M in funding provided for the last year of the 23-25 biennium. The permanent rules being presented today will allow for the establishment and implementation of the grant program.
 - b. What is the current requirement in rule or statute?

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- Advisory, and student voice. This feedback informed the development of permanent rules.
- ii. Permanent rules and an interim Immigrant Refugee Student Success Plan are required to establish a grant program. ODE is convening a task force of key perspectives and community voices to inform the development of the Interim Immigrant Refugee Student Success Plan over the next weeks. This task force will also engage in review of the permanent rules and provide perspective and feedback to inform the development of permanent rules that ODE will seek adoption for before January of 2025.
 - e. What additional information does the Board need prior to moving forward?
 - i. Permanent rules are being proposed to allow the Department to continue the Immigrant/Refugee Student Success Plan (I/R SSP) OAR development process as soon as possible thus ensuring that program funds can be allocated during the 2023-2025 biennium. ODE staff comes before the Board to propose draft Permanent rules.

SUMMARY OF PREVIOUS BOARD ACTION

- 1. Has this been before the board before? If so, what action did the board take?
 - i. Permanent OARs are being presented here for the first time.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

POLICY ISSUE OR CONCERNS

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

- 1. Stakeholders
 - a. How have you intentionally involved stakeholders who are also members of communities affected by this rule?
 - i. Through the community engagement processes described above, ODE has engaged with Immigrant/Refugee Student Success Plan (I/R SSP) advocates across the state and in a variety of contexts.
 - b. Who are the historically underserved groups affected?
 - i. The plan is designed to support Immigrant/Refugee students. The community engagement sessions highlighted that Immigrant/Refugee students and families have unique needs that make entering or accessing education challenging

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including: financial barriers such as housing instability or earning income for older students, safety and confidentiality concerns around immigration and asylum status, less support for older newcomer and ELL students who are at or nearing 18 or have recently graduated, lack of language supports in academic programs, specifically naming CTE, and supporting students who have been pushed out or are currently disengaged from school.

- a. If the rule change or policy decision has tribal implications and it has been deemed appropriate by the Department's Tribal Liaison, the Deputy Superintendent, or State Board, has there been engagement or collaboration with tribes in this rule change or policy decision?
 - i. OEDI is committed to ongoing and deep engagement and alignment of Student Success Plans, which include the American Indian/Alaska Native Student Success Plan implemented out of the Office of Indian Educations.
 - b. How has the Oregon Department of Education modified or enhanced the rule change or policy decision to address the needs of historically underserved communities?
 - i. The development and presentation of a permanent rule set to implement the Immigrant/Refugee Student Success Plan (I/R SSP) grant program is evidence.
2. Negative/Positive Effects
- a. What is the impact on the population most affected by this rule that the board should consider?
 - i. The department is hopeful that this ruling will lead to increased programming to support Immigrant/Refugee students and families across the state as well as allow the state to identify best and promising practices for accomplishing the statutory objectives of the Immigrant/Refugee Student Success Plan (I/R SSP) that can be scaled up and implemented across the state by Local Education Agencies to improve Oregon's education system.
 - b. What is the impact on eliminating the opportunity or achievement gap?
 - i. This permanent rule is designed to establish the parameters for the various OARs that guide the Immigrant/Refugee Student Success Plan (I/R SSP) as well as the distribution of Grants in Aid funding allocated by the Oregon Legislature for the purpose of identifying best and promising practices for accomplishing the statutory objectives of the Immigrant/Refugee Student Success Plan (I/R SSP).
 - c. Have all the potential unintended consequences been considered?
 - i. The program is designed to address the achievement gaps for Immigrant/Refugee students.
 - d. Does this rule advance the 40/40/20 goals?
 - i. Yes
3. What are the barriers to more equitable outcomes, either:

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- a. State or federally mandated?
 - i. None known/identified
- b. Political?
 - i. There may be opposition to the rule's focus on supporting NHPI students with some groups.
- c. Emotional?
 - i. Ongoing discrimination against Immigrant/Refugee students in the schools has been shown to have disproportionately higher negative academic and emotional outcomes, which may pose challenges to grantees and the youth they serve within program implementation.
- d. Financial?
 - i. The Immigrant/Refugee Student Success Plan (I/R SSP) will provide funding to support one of our most vulnerable populations, our Immigrant and Refugee students.
- e. Programmatic?
 - i. Immigrant/Refugee Student Success Plan (I/R SSP) will provide funding to support one of our most vulnerable populations; our Immigrant and Refugee students.

EQUITY IMPACT ANALYSIS

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

1. Will historically underserved populations be impacted by this docket item?
 - a. If yes, describe how the rule changes, policy, or action could produce other unintended consequences not listed in the docket.
 - i. This rule set is designed to support the needs of Immigrant/Refugee students and families and is based on community and internal ODE engagement.
 - b. If no, refer to *Policy Issue or Concerns* and identify the historically underserved populations affected. Conduct a reflection and examination, which will and should answer 1a.
 - i. The Immigrant/Refugee populations will be affected by this rule set
2. Examine the potential impact of the rule changes, policy, or action on historically underserved populations in Oregon. Describe this ongoing and/or foreseeable impact, using as much detail as possible.
 - i. The Immigrant/Refugee populations will be affected by this rule set. Through the implementation of the Immigrant/Refugee Student Success Plan grant

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program, best and promising practices will be identified for the purpose of scaling across local education agencies throughout the state to improve Oregon educational systems to better serve Immigrant/Refugee youth.

3. Explain how the rule change, policy, or action works toward the elimination of either (one or both):
 - a. the achievement gap
 - i. The Immigrant/Refugee Student Success Plan (I/R SSP) is designed to support the achievements, opportunities, and sense of belonging for Immigrant/Refugee students across Oregon. This grant program will allow for the implementation of programming in a wide array of local communities that will support the plan's strategies.
 - b. the opportunity gap
 - i. The Immigrant/Refugee Student Success Plan (I/R SSP) is designed to support the achievements, opportunities, and sense of belonging for Immigrant/Refugee students across Oregon. This grant program will allow for the implementation of programming in a wide array of local communities that will support the plan's strategies.

FISCAL ANALYSIS

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

1. How does the proposed rule fit within the budget of the agency?
 - a. Which units/divisions/offices will be impacted and how?
 - i. These permanent rules allow for the expenditure of Grants in Aid funding allocated to the agency for this purpose.
 - ii. The grant program funds will be allocated to eligible entities through the Office of Equity, Diversity, and Inclusion within ODE.
2. How does the proposed rule change impact school districts and ESDs?
 - i. The rule will provide Early Learning Hubs, providers of early learning services, school districts, Educational Service Districts, post-secondary institutions of education, Tribal governments, Community Based Organizations or a consortium of these entities, the opportunity to apply for funding for programming that achieves the objectives of the identify best and promising practices for accomplishing the statutory objectives of the Immigrant/Refugee Student Success Plan (I/R SSP). Through the implementation of the Immigrant/Refugee Student Success Plan grant program, best and promising practices will be identified for the purpose of scaling across local education agencies throughout the state to improve Oregon educational systems to better serve Immigrant/Refugee youth.

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3. How does the proposed rule change impact schools and other educational institutions?
 - i. These permanent rules start to set up a grant program that affirms Immigrant/Refugee students and helps address the needs identified in the Immigrant/Refugee Student Success Plan (I/R SSP).

4. Does the proposed rule change impact other stakeholders?
 - i. Yes, the proposed rule will allow Early Learning Hubs, providers of early learning services, school districts, Educational Service Districts, post-secondary institutions of education, Tribal governments, Community Based Organizations or a consortium of these entities, the opportunity to apply for funding to support programming in their local community that align to the goals of the Immigrant/Refugee Student Success Plan (I/R SSP).

EFFECT OF A “YES” OR “NO” VOTE

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

We are seeking the approval of these permanent rules for the Immigrant/Refugee Student Success Plan (I/R SSP) to embark on the work outlined/needed by SB1532. If the permanent rules are not approved in December, it is unlikely that the RFA process for grants will be completed during the 2023-2025 biennium.

STAFF RECOMMENDATION

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

ATTACHMENTS

Attachment 1: Draft Rules for the Immigrant/Refugee Student Success Plan (I/R SSP)

Immigrant / Refugee Student Success Plan Draft Rules

581-017-~~XXXX~~0885 Definitions ¹

The following definitions apply to OAR 581-017-~~0885XXXX~~ to 581-017-~~XXXX~~0910:

- (1) “Immigrant” means an individual who was born in another country and permanently resides in the United States.
- (2) “Asylum Seeker” means a person who has or is actively seeking protection and/or permanent relocation from inside of the U.S. due to having experienced grave danger because their home government is unwilling or unable to protect them or may be actively persecuting them.
- (3) “Refugee” means a person who has or is actively seeking protection and/or permanent relocation from outside of the U.S. due to having experienced grave danger because their home government is unwilling or unable to protect them or may be actively persecuting them.
- (4) “English Learner” means students who receive English language instruction, support, and services as part of an English language development (ELD) program as English learners.
- (5) “Multilingual Learners” means students who speak multiple languages and may or may not be eligible to receive English language instruction, support as part of an English language development (ELD) program.
- (6) Asexual means a person who does not experience sexual attraction, but could still experience other forms of attraction (e.g. emotional, intellectual).
- (7) Agender means a person who does not identify with a specific gender or feels neutral when it comes to their gender identity.
- (8) Bisexual means a person who is attracted to more than one gender.
- (6) Cisgender means a person who feels their gender identity and expression align with the gender they were assigned at birth or by society.
- (9) Community-Based Organization means a nonprofit organization that is reflective of a community or significant segments of a community it seeks to serve.
- (10) Community Voice means that members representing the community served by the project will be involved in co-constructing the project design, implementation, and/or providing strategic guidance in final decision-making.
- (11) Culturally Specific Organization means an organization that serves a particular cultural community and is primarily staffed and led by members of that community; these organizations demonstrate: intimate knowledge of lived experience of the community, including but not limited to the impact of structural and individual racism or discrimination on the community; knowledge of specific disparities, barriers or challenges documented in the community and how that influences the structure of their program or service; commitment to the community’s strength-based and self-driven thriving and resilience; ability to describe and adapt their services to the community’s cultural practices, health and safety beliefs/practices, positive cultural

identity/pride, religious beliefs, etc.

(12) Department means the Oregon Department of Education.

(13) Disproportionate refers to unequal or inequitable differences in access and outcomes that historical and current-day White supremacy has created between certain families, children and students. What is “proportionate,” however, must also be critically analyzed and addressed in terms of its values, intent, and ideology.

(14) Gay means a person who is attracted to a person of the same gender.

(15) Lesbian means a woman-identified person who is attracted to women.

(16) Non-binary/Genderqueer means people whose gender is not exclusively male or female, including those who identify with a gender other than male or female, as more than one gender, or as no gender.

(17) Partnership means a group of organizations, Tribes, districts or individuals who agree to work together with a common interest and shared vision. In a partnership, there is a high level of trust and 2-way communication, and differences in power and privilege are addressed. Roles and responsibilities on all sides are well-defined and developed with shared authority in decision making. There might be shared space and staff, with expectations and agreements in writing.

(18) Plan Student means a student enrolled in early childhood through post-secondary education who:

(a) Is an asylum seeker, a refugee or any other immigrant, regardless of status; and

(b) Has experienced disproportionate results in education due to current and historical practices and policies, as identified by the State Board of Education by rule.

(19) Transgender: A person who feels their gender identity and expression do not align with the sex they were assigned at birth or by society.

(20) Two-Spirit ~~is~~ means a term used within some Indigenous communities, encompassing cultural, spiritual, sexual and gender identity. The term reflects complex Indigenous understandings of gender roles, spirituality, and the long history of sexual and gender diversity in Indigenous cultures. Individual terms and roles for Two-Spirit people are specific to each nation.

Stat. Auth. Section [ORS 329.849](#)—, [House Senate Bill 1532](#)—

Stat. Implemented: [ORS 329.849](#)—, [House Senate Bill 1532](#)—

[History: ODE 40 – 2024, temporary adopt filed 06/14/2024, effective 6/14/2024 through 12/10/2024](#)

Notes: All definitions should be in alphabetical order. Definitions are useful to: (1) Limit or extend the meaning of a word, particularly if the word is used in other than its normal sense or has several meanings. (2) Translate technical terms or words of art into common language. “XXXX” is a placeholder for numbers received from the Secretary of State’s office.

581-017-~~XXXX~~0890 Establishment

(1) There is established the Immigrant Refugee Success Plan Grant Program to support early learning hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, and Community-Based

Organizations who are working to design, implement, improve, expand, or otherwise revise programs and services for Plan students.

- (2) The programs and services to be provided under the Grant must implement one or more of the strategies or address one or more of the objectives included in the Immigrant Refugee Success Plan
- (3) Subject to available funds, the Department of Education shall award Grants based on a detailed description of proposed programming or services. The programs or services may include:
 - a. The scale-up of an existing program or project; and/or
 - b. The implementation of a new program or project.
- (4) The purpose of the Grant program is to provide funds to applicants that document an understanding of the unique needs of Immigrant and Refugee students, have the potential to become exemplar programs, and who create collaborative practices relating to strategies outlined in the Immigrant Refugee Success Plan.

Stat. Auth. Section [ORS 329.849](#), [House Senate Bill 1532](#)
Stat. Implemented: [ORS 329.849](#), [House Senate Bill 1532](#)

Notes: It may not be necessary to establish the grant program by rule if the program is already established in statute.

581-017-~~XXXX~~0895 Eligibility

- (1) The Department will establish a process for eligible entities to apply for a Immigrant Refugee Success Plan Grant.
- (2) To be eligible to receive a Grant, an applicant must:
 - (a) Be a Community-Based Organization, early learning hub, provider of early learning services, school district, education service district, tribe, or post-secondary institution of education; and
 - (b) Demonstrate the majority of the students served by the proposed project are students served by the plan and their families.

Stat. Auth. Section [ORS 329.849](#), [House Senate Bill 3233 1532](#)
Stat. Implemented: [ORS 329.849](#), [House Bill Senate Bill 3233 1532](#)

Notes: In determining eligibility first review the statute that established the grant program. Eligibility must be consistent with the statute. Also review any documents that express the intent of the particular grant. These may include the enabling legislation or legislative testimony.

581-017-XXXX 0900 Criteria

(1) The Department will award Grants to eligible entities based on the following criteria:

- (a) Whether the proposed project successfully implements the strategies provided in the Immigrant Refugee Success Plan;
- (b) Whether the applicant authentically and consistently engages Community Voice in the proposed project; and
- (c) Whether the applicant demonstrates equitable distribution of Grant funds and resources in Partnership.

(2) The Department may give priority to applications that:

- (a) Are led by Culturally Specific or Community-Based Organizations that represent Immigrant Refugee communities;
- (b) Demonstrate authentic and on-going Partnerships with Community-Based Organizations, Culturally Specific Organizations, school districts, early learning hubs, educational service districts, providers of early learning services, post-secondary institutions of education, or tribe(s);
- (c) Will help ensure geographic diversity of the Grant program by including rural communities or other underserved communities with large Immigrant Refugee student populations; or
- (d) Address a strategy or an objective of the Immigrant Refugee Success Plan that requires additional support, as determined by the Department.
- (e) Address strategies or objectives that are common across the African American/Black Student Success Plan, Latino/a/x and Indigenous Student Success Plan and/or the American Indian/Alaska Native Student Success Plan, the LGBTQ2SIA+ Student Success Plan, ~~t~~The Native Hawaiian/Pacific Islander Student Success Plan and communities.

Stat. Auth. Section ORS 329.849, House Senate Bill 1532
Stat. Implemented: ORS 329.849, House Senate Bill 1532

Note: In determining the criteria for the grant, have you considered the Equity Lens adopted by the OEIB.

581-017-XXXX0905 Funding

- (1) Applicants must submit a detailed budget that explains how Grant funds will be used.
- (2) Administrative costs, which include indirect costs, will be allowed as a percentage of the Grant funds disbursed as follows:

- (a) Up to five percent for school districts, education service districts, early learning hubs, or post-secondary institutions of education; or
- (b) Up to fifteen percent for tribal governments, community-based organizations, or providers of early learning services.

Stat. Auth. Section [ORS 338.155 & ORS 329.849](#), [House Senate Bill 3233 1532](#)
Stat. Implemented: [ORS 329.849](#), [House Senate Bill 3233 1532](#)

Notes: In determining funding, you should review the amount available for the grant, how many recipients will be awarded the funds and determine whether there should be a minimum or maximum grant amount. You should also consider whether the grant amount should be done based on the number of students in a district. ADMw is one method of “counting” students but there are others.

581-017-~~XXXX~~0910 Reporting

1. Grant recipients must report project or program outcomes in the manner and form required by the Department of Education.

Stat. Auth. Section [ORS 329.849](#), [House Senate Bill 1532](#)
Stat. Implemented: [ORS 329.849](#), [House Senate Bill 1532](#)

Immigrant / Refugee Student Success Plan Draft Rules

581-017-~~XXXX~~0885 Definitions ¹

The following definitions apply to OAR 581-017-~~0885XXXX~~ to 581-017-~~XXXX~~0910:

- (1) “Immigrant” means an individual who was born in another country and permanently resides in the United States.
- (2) “Asylum Seeker” means a person who has or is actively seeking protection and/or permanent relocation from inside of the U.S. due to having experienced grave danger because their home government is unwilling or unable to protect them or may be actively persecuting them.
- (3) “Refugee” means a person who has or is actively seeking protection and/or permanent relocation from outside of the U.S. due to having experienced grave danger because their home government is unwilling or unable to protect them or may be actively persecuting them.
- (4) “English Learner” means students who receive English language instruction, support, and services as part of an English language development (ELD) program as English learners.
- (5) “Multilingual Learners” means students who speak multiple languages and may or may not be eligible to receive English language instruction, support as part of an English language development (ELD) program.
- (6) Asexual means a person who does not experience sexual attraction, but could still experience other forms of attraction (e.g. emotional, intellectual).
- (7) Agender means a person who does not identify with a specific gender or feels neutral when it comes to their gender identity.
- (8) Bisexual means a person who is attracted to more than one gender.
- (6) Cisgender means a person who feels their gender identity and expression align with the gender they were assigned at birth or by society.
- (9) Community-Based Organization means a nonprofit organization that is reflective of a community or significant segments of a community it seeks to serve.
- (10) Community Voice means that members representing the community served by the project will be involved in co-constructing the project design, implementation, and/or providing strategic guidance in final decision-making.
- (11) Culturally Specific Organization means an organization that serves a particular cultural community and is primarily staffed and led by members of that community; these organizations demonstrate: intimate knowledge of lived experience of the community, including but not limited to the impact of structural and individual racism or discrimination on the community; knowledge of specific disparities, barriers or challenges documented in the community and how that influences the structure of their program or service; commitment to the community’s strength-based and self-driven thriving and resilience; ability to describe and adapt their services to the community’s cultural practices, health and safety beliefs/practices, positive cultural

identity/pride, religious beliefs, etc.

(12) Department means the Oregon Department of Education.

(13) Disproportionate refers to unequal or inequitable differences in access and outcomes that historical and current-day White supremacy has created between certain families, children and students. What is “proportionate,” however, must also be critically analyzed and addressed in terms of its values, intent, and ideology.

(14) Gay means a person who is attracted to a person of the same gender.

(15) Lesbian means a woman-identified person who is attracted to women.

(16) Non-binary/Genderqueer means people whose gender is not exclusively male or female, including those who identify with a gender other than male or female, as more than one gender, or as no gender.

(17) Partnership means a group of organizations, Tribes, districts or individuals who agree to work together with a common interest and shared vision. In a partnership, there is a high level of trust and 2-way communication, and differences in power and privilege are addressed. Roles and responsibilities on all sides are well-defined and developed with shared authority in decision making. There might be shared space and staff, with expectations and agreements in writing.

(18) Plan Student means a student enrolled in early childhood through post-secondary education who:

(a) Is an asylum seeker, a refugee or any other immigrant, regardless of status; and

(b) Has experienced disproportionate results in education due to current and historical practices and policies, as identified by the State Board of Education by rule.

(19) Transgender: A person who feels their gender identity and expression do not align with the sex they were assigned at birth or by society.

(20) Two-Spirit ~~is~~ means a term used within some Indigenous communities, encompassing cultural, spiritual, sexual and gender identity. The term reflects complex Indigenous understandings of gender roles, spirituality, and the long history of sexual and gender diversity in Indigenous cultures. Individual terms and roles for Two-Spirit people are specific to each nation.

Stat. Auth. Section [ORS 329.849](#)—, [House Senate Bill 1532](#)—

Stat. Implemented: [ORS 329.849](#)—, [House Senate Bill 1532](#)—

[History: ODE 40 – 2024, temporary adopt filed 06/14/2024, effective 6/14/2024 through 12/10/2024](#)

Notes: All definitions should be in alphabetical order. Definitions are useful to: (1) Limit or extend the meaning of a word, particularly if the word is used in other than its normal sense or has several meanings. (2) Translate technical terms or words of art into common language. “XXXX” is a placeholder for numbers received from the Secretary of State’s office.

581-017-~~XXXX~~0890 Establishment

(1) There is established the Immigrant Refugee Success Plan Grant Program to support early learning hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, and Community-Based

Organizations who are working to design, implement, improve, expand, or otherwise revise programs and services for Plan students.

- (2) The programs and services to be provided under the Grant must implement one or more of the strategies or address one or more of the objectives included in the Immigrant Refugee Success Plan
- (3) Subject to available funds, the Department of Education shall award Grants based on a detailed description of proposed programming or services. The programs or services may include:
 - a. The scale-up of an existing program or project; and/or
 - b. The implementation of a new program or project.
- (4) The purpose of the Grant program is to provide funds to applicants that document an understanding of the unique needs of Immigrant and Refugee students, have the potential to become exemplar programs, and who create collaborative practices relating to strategies outlined in the Immigrant Refugee Success Plan.

Stat. Auth. Section [ORS 329.849](#)—, [House Senate Bill 1532](#)—
Stat. Implemented: [ORS 329.849](#)—, [House Senate Bill 1532](#)—

Notes: It may not be necessary to establish the grant program by rule if the program is already established in statute.

581-017-~~XXXX~~0895 Eligibility

- (1) The Department will establish a process for eligible entities to apply for a Immigrant Refugee Success Plan Grant.
- (2) To be eligible to receive a Grant, an applicant must:
 - (a) Be a Community-Based Organization, early learning hub, provider of early learning services, school district, education service district, tribe, or post-secondary institution of education; and
 - (b) Demonstrate the majority of the students served by the proposed project are students served by the plan and their families.

Stat. Auth. Section [_ORS 329.849](#)—, [House Senate Bill 3233 1532](#)
Stat. Implemented: [_ORS 329.849](#)—, [House Bill Senate Bill 3233 1532](#)

Notes: In determining eligibility first review the statute that established the grant program. Eligibility must be consistent with the statute. Also review any documents that express the intent of the particular grant. These may include the enabling legislation or legislative testimony.

581-017-~~XXXX~~ 0900 Criteria

(1) The Department will award Grants to eligible entities based on the following criteria:

- (a) Whether the proposed project successfully implements the strategies provided in the Immigrant Refugee Success Plan;
- (b) Whether the applicant authentically and consistently engages Community Voice in the proposed project; and
- (c) Whether the applicant demonstrates equitable distribution of Grant funds and resources in Partnership.

(2) The Department may give priority to applications that:

- (a) Are led by Culturally Specific or Community-Based Organizations that represent Immigrant Refugee communities;
- (b) Demonstrate authentic and on-going Partnerships with Community-Based Organizations, Culturally Specific Organizations, school districts, early learning hubs, educational service districts, providers of early learning services, post-secondary institutions of education, or tribe(s);
- (c) Will help ensure geographic diversity of the Grant program by including rural communities or other underserved communities with large Immigrant Refugee student populations; or
- (d) Address a strategy or an objective of the Immigrant Refugee Success Plan that requires additional support, as determined by the Department.
- (e) Address strategies or objectives that are common across the African American/Black Student Success Plan, Latino/a/x and Indigenous Student Success Plan and/or the American Indian/Alaska Native Student Success Plan, the LGBTQ2SIA+ Student Success Plan, ~~t~~The Native Hawaiian/Pacific Islander Student Success Plan and communities.

Stat. Auth. Section ~~ORS 329.849~~, ~~House Senate~~ Bill ~~1532~~
Stat. Implemented: ~~ORS 329.849~~, ~~House Senate~~ Bill ~~1532~~

Note: In determining the criteria for the grant, have you considered the Equity Lens adopted by the OEIB.

581-017-~~XXXX~~0905 Funding

- (1) Applicants must submit a detailed budget that explains how Grant funds will be used.
- (2) Administrative costs, which include indirect costs, will be allowed as a percentage of the Grant funds disbursed as follows:

- (a) Up to five percent for school districts, education service districts, early learning hubs, or post-secondary institutions of education; or
- (b) Up to fifteen percent for tribal governments, community-based organizations, or providers of early learning services.

Stat. Auth. Section [ORS 338.155 & ORS 329.849](#)—, [House Senate Bill 3233 1532](#)
Stat. Implemented: [—ORS 329.849—](#), [House Senate Bill 3233 1532](#)

Notes: In determining funding, you should review the amount available for the grant, how many recipients will be awarded the funds and determine whether there should be a minimum or maximum grant amount. You should also consider whether the grant amount should be done based on the number of students in a district. ADMw is one method of “counting” students but there are others.

581-017-~~XXXX~~0910 Reporting

1. Grant recipients must report project or program outcomes in the manner and form required by the Department of Education.

Stat. Auth. Section [—ORS 329.849—](#), [House Senate Bill —1532—](#)
Stat. Implemented: [ORS 329.849](#)—, [House Senate Bill —1532—](#)

Oregon State Board of Education

October 17, 2024

AGENDA ITEM: 7.D.

<p>SUBJECT: Technical Fix on Fund Administration for SIA, HSS, and Early Literacy/581-014-0004; 581-013-0015; 581-017-0809 – Fund Administration</p> <p>STAFF NAME & OFFICE: Cassie Medina & Brittany Deckard, Office of Education Innovation and Improvement</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>Current fund administration rules for SIA, HSS, and Early Literacy state that grantees can carry forward funds from one biennium to the next. A rule change is needed to amend the date to June 30. This will ensure that funds are expended in the biennium for which they are appropriated for SIA, HSS, and Early Literacy.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p> <p><input type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

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

1. History:
 - a. What prompted the rule (why do we have it?) State law? Federal law? Incident? Why are changes/amendments being proposed?
 - i. ODE learned that the practice of carrying funds forward from one biennium to the next for these grant programs, Student Investment Account, High School Success, and Early Literacy Success School District Grants, is not an allowable practice, and therefore the language in the rule must change.
 - b. What is the current requirement in rule or statute?
 - i. Grant recipients are currently allowed to carry funds forward from one biennium to the next to cover summer expenditures.
2. Purpose
 - a. What function does the current rule hold?
 - i. The current rule allows grant recipients to carry funds forward from one biennium to the next to cover summer expenditures.
 - b. How long has the rule been in place?
 - i. 581-014-0004: March 20, 2020
 - ii. 581-013-0015: March 1, 2017
 - iii. 581-017-0809: March 22, 2024
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.

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- i. This has limited board discretion as we need to bring the rule into alignment with accounting standards, practices, and laws.
- 4. Stakeholder voice/input (individual and collective i.e., groups)
 - a. Who was involved in bringing this to the Board?
 - i. ODE staff, the LFO, state CFO, and the Governor’s Office.
 - b. What did engagement in this process entail?
 - i. Initially, ODE engaged with the LFO as well as the state CFO to learn nuances around accounting practices. As we learned of changes that needed to be made to our current operating practice, we engaged with education partners, specifically COSA, OASBO, and OAESD as well as convened groups of superintendents and business managers to explain the situation and the shift that would be made. Furthermore, we engaged with ESD leadership to help prepare them for the shifts that were to come.
 - c. Who may be affected by this?
 - i. All 197 school districts, many charter schools, YCEP and JDEP programs, and Oregon School for the Deaf.
 - d. Whose voice is missing potentially?
 - i. We have made efforts to communicate this broadly to our education partners. Since this is a change that is required, we did not seek feedback on the amendment.
 - e. What additional information does the Board need prior to moving forward?

SUMMARY OF PREVIOUS BOARD ACTION

- 1. Has this been before the board before? If so, what action did the board take?
 - i. No. This admendment has not yet been before the board.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

POLICY ISSUE OR CONCERNS

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

- 1. Stakeholders
 - a. How have you intentionally involved stakeholders who are also members of communities affected by this rule?
 - i. We met with education partners and convened groups of district leaders to share information as it was available. As decisions were made, we

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- communicated with all impacted parties and have worked to support them in making any necessary operational shifts to align with the shift in practice.
- b. Who are the historically underserved groups affected?
 - c. If the rule change or policy decision has tribal implications and it has been deemed appropriate by the Department's Tribal Liaison, the Deputy Superintendent, or State Board, has there been engagement or collaboration with tribes in this rule change or policy decision?
 - i. No engagement or collaboration with tribes was required for this rule change.
 - d. How has the Oregon Department of Education modified or enhanced the rule change or policy decision to address the needs of historically underserved communities?
 - i. In light of this required rule change, ODE has examined our operational practices to make shifts that will support grantees and ensure early access to the next biennium's funds so as to not cause a delay in summer learning or planned summer expenditures.
2. Negative/Positive Effects
- a. What is the impact on the population most affected by this rule that the board should consider?
 - i. Grantees will be most affected by this rule change; however, it is not a change we have discretion over.
 - b. What is the impact on eliminating the opportunity or achievement gap?
 - i. ODE is working behind the scenes to ensure grantees do not have a delay in funding, and therefore can continue offering summer learning opportunities specifically designed to eliminate the opportunity and achievement gaps.
 - c. Have all the potential unintended consequences been considered?
 - i. We have examine all unintended consequences, and have made plans to address those that we can. As previously named, there is not a lot of discretion afforded in this rule change as it is currently in violation of accounting principles and laws.
 - d. Does this rule advance the 40/40/20 goals?
 - i. No, but it does not create a barrier either.
3. What are the barriers to more equitable outcomes, either:
- a. State or federally mandated?
 - a. N/A
 - b. Political?
 - a. N/A
 - c. Emotional?
 - a. N/A
 - d. Financial?
 - a. N/A
 - e. Programmatic?
 - a. N/A

EQUITY IMPACT ANALYSIS

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

1. Will historically underserved populations be impacted by this docket item?
 - a. No
 - a. If yes, describe how the rule changes, policy, or action could produce other unintended consequences not listed in the docket.
 - b. If no, refer to *Policy Issue or Concerns* and identify the historically underserved populations affected. Conduct a reflection and examination, which will and should answer 1a.
2. Examine the potential impact of the rule changes, policy, or action on historically underserved populations in Oregon. Describe this ongoing and/or foreseeable impact, using as much detail as possible.
 - a. If grantees experience a delay in access to SIA, HSS, and EL funds, they may not be able to provide summer learning opportunities that many historically underserved populations participate in.
3. Explain how the rule change, policy, or action works toward the elimination of either (one or both):
 - a. the achievement gap
 - b. the opportunity gap
 - i. ODE is working behind the scenes to ensure grantees do not have a delay in funding, and therefore can continue offering summer learning opportunities specifically designed to eliminate the opportunity and achievement gaps.

FISCAL ANALYSIS

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

1. How does the proposed rule fit within the budget of the agency?
 - a. Which units/divisions/offices will be impacted and how?
 - i. The Office of Education, Innovation and Improvement and the Office of Teaching, Learning and Assessment will be impacted as these programs are held across these two offices. Partners in the Office of Finance and Information Technology will also be impacted through workflows for staggered grant agreements, ensuring grantees do not experience delays in access to funds.
2. How does the proposed rule change impact school districts and ESDs?
 - a. Moving forward, school districts will be required to set 24-month budgets to ensure funds for these programs are spent within the biennium.
3. How does the proposed rule change impact schools and other educational institutions?
 - a. Grantees will be most affected by this rule change; however, it is not a change we have discretion over.

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- 4. Does the proposed rule change impact other stakeholders?
 - a. No.

EFFECT OF A "YES" OR "NO" VOTE

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

A "Yes" vote will ensure the Oregon Department of Education is operating within standard accounting principles and laws in the distribution of grant funds associated with SIA, HSS, and Early Literacy.

A "No" vote will mean the Oregon Department of Education is out of compliance with standard accounting principles and laws in the distribution of grant funds associated with SIA, HSS, and Early Literacy.

STAFF RECOMMENDATION

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

ATTACHMENTS

Attachment 1:

581-014-0004

Fund Administration for Student Investment Account

(1) For each biennium, the Oregon Department of Education will determine the amount of grant funds from the Student Investment Account to be apportioned among eligible applicants for each year of the biennium.

(2) For purposes of establishing the amount of grant funds apportioned to eligible applicants, the Oregon Department of Education will use the most current finalized ADMw from the State School Fund from the prior year.

(3) If a school district has an ADMw of 50 or less, it will receive an allocation based on an ADMw of 50.

(4) If an eligible applicant does not apply for a grant from the Student Investment Account by the close of the application period, the amount of their grant funds will revert to the Student Investment Account and be reallocated within the grant award cycle. An eligible applicant that does not apply for a grant will be eligible in the next application process for the Student Investment Account.

(5) Following approval of the grant agreement, an eligible recipient will receive payments of at least 25 percent on a quarterly basis per annual allocation. If adjustments to installment payments are required, a lower percentage may be used.

(6) Grant recipients will be eligible to expend funds until June 30 each year. Any allocated funds that are not used by a grant recipient by June 30 each year will be returned to the Student Investment Account for distribution in the next biennium.

(7) Funds received by a grant recipient under this section must be separately accounted for and must be used in accordance with the recipient's grant agreement for the Student Investment Account. A grant recipient may use funds for administrative costs, including indirect costs, directly related to allowed expenditures as provided in the grant agreement. Administrative costs are limited to five percent of the total expenditures or \$500,000 annually, whichever is less. Any administrative costs incurred by a participating charter school must be accounted for within the sponsoring school district's overall limit of five percent or \$500,000, whichever is less.

(8) The Deputy Superintendent of Public Instruction shall resolve any issues arising from the administration of the Student Investment Account grants not specifically addressed by this rule. The Deputy Superintendent of Public Instruction's determination shall be final.

Statutory/Other Authority: ORS 327.175 – 327.235

Statutes/Other Implemented: ORS 327.175 – 327.235

History:

[ODE 1-2023, amend filed 01/24/2023, effective 01/24/2023](#)

[ODE 23-2021, amend filed 06/22/2021, effective 06/22/2021](#)

[ODE 6-2020, adopt filed 03/20/2020, effective 03/20/2020](#)

[ODE 149-2019, temporary adopt filed 10/24/2019, effective 10/24/2019 through 04/20/2020](#)

581-013-0015

Fund Administration

(1) For each biennium, the Oregon Department of Education shall determine the total amount of funds to be apportioned among the eligible school districts and charter schools for each year of the biennium.

(2) For each school year, the Oregon Department of Education shall determine the portion of funds available to each school district or charter school that serves students in grades 9 through 12 from the High School Graduation and College and Career Readiness Fund. In calculating the portion available to each school district and charter school, the Oregon Department of Education shall use the most current finalized extended ADMw from the State School Fund from the prior year.

(3) Grant recipients will be eligible to expend funds until June 30 of odd years. Any allocated funds that are not used by a grant recipient by June 30 of odd years will be returned to the High School Graduation and College and Career Readiness Fund for distribution in the next biennium.

(4) Funds received by a school district or charter school under this section must be separately accounted for and must be used in accordance with the school district or charter school's approved biennial plan.

Statutory/Other Authority: Sec. 1, Ch. 1 & OL 2017

Statutes/Other Implemented: Sec. 1, Ch. 1 & OL 2017

History:

[ODE 3-2023, amend filed 01/24/2023, effective 01/24/2023](#)

[ODE 17-2019, amend filed 05/17/2019, effective 05/17/2019](#)

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

[581-017-0809](#)

Early Literacy Success School District Grants: Fund Administration

(1) For each biennium, The Oregon Department of Education will determine the amount of grant funds from the Statewide Education Initiatives Account to be apportioned among eligible applicants for each year of the biennium.

(2) For the 2024-2025 school year, the Oregon Department of Education shall determine the portion of funds available to each eligible applicant, using K-5 data. In calculating the portion available to each eligible applicant, the Oregon Department of Education shall use the most current finalized ADMw from the State School Fund from the prior year.

(3) For the 2025-2026 school year and thereafter, the Oregon Department of Education shall determine the portion of funds available to each eligible applicant, using K-3 data. In calculating the portion available to each eligible applicant, the Oregon Department of Education shall use the most current finalized ADMw from the State School Fund from the prior year.

(4) The department will determine floor funding for each biennium while ensuring eligible applicants with an ADMw of 50 or less, but not greater than 350 ADMw, will receive a minimum grant award.

(5) If an eligible applicant does not apply for the Early Literacy Success School Grant by the close of the application period, the amount of their grant funds will revert to the Statewide Education Initiatives Account.

(6) Following approval of the grant agreement, an eligible recipient will receive payments of at least 25 percent on a quarterly basis per annual allocation. If adjustments to installment payments are required, a lower percentage may be used.

(7) Grant recipients will be eligible to expend funds until June 30 of odd years. Any allocated funds that are not used by a grant recipient by June 30 of odd years will be returned to the Statewide Education Initiatives Account.

(8) Funds received by a grant recipient under this section must be separately accounted for and must be used in accordance with the recipient's grant agreement for the Early Literacy Success School Grant. A grant recipient may use funds for administrative costs, including indirect costs, directly related to allowed expenditures as provided in the grant agreement. Administrative costs are limited to five percent of the total expenditures.

(9) The Deputy Superintendent of Public Instruction shall resolve any issues arising from the administration of the Early Literacy Success School Grants not specifically addressed by this rule. The Deputy Superintendent of Public Instruction's determination shall be final.

(10) In the case of a public charter school closure that impacts a sponsoring district's allocation, the Department will determine the best way to reapportion funds based on the timing of the closure, context, and communication with the closing charter school and the sponsoring district. The Department may;

(a) Allocate what have been apportioned to the charter school to the sponsoring district at the same time as the district allocations are made.

(b) Allocate what would have been apportioned to the charter school to the charter schools successor entity.

(c) Return the apportioned amount to the Statewide Education Initiatives Account for reallocation in a subsequent fiscal year.

(11) An eligible applicant must advance the Early Literacy Success Plan with at least a 25 percent match of the allocation using any other fund sources available to the applicant.

(a) Eligible applicants are required to report the matching fund source in their application.

(b) Any eligible applicant with an ADMw of 50 or less is exempt from the matching requirement.

(c) For the 2024-2025 school year, eligible applicants may use match funding broadly to support literacy across prekindergarten through 5th grade.

(d) For the 2025-2026 school year and thereafter, eligible applicants may use match funding broadly to support literacy across prekindergarten through 3rd grade.

(12) Rules will be applied by ODE for fund administration of the Early Literacy Success Initiative beginning immediately after temporary OAR's 581-017-0800 and 581-017-0810 expire March 29, 2024.

Statutory/Other Authority: ORS 327.829 & ORS 327.833

Statutes/Other Implemented: ORS 327.825 to 327.837

History:

[ODE 13-2024, adopt filed 03/22/2024, effective 03/22/2024](#)



SIA, Early Literacy, and HSS Fund Administration: Technical Fix

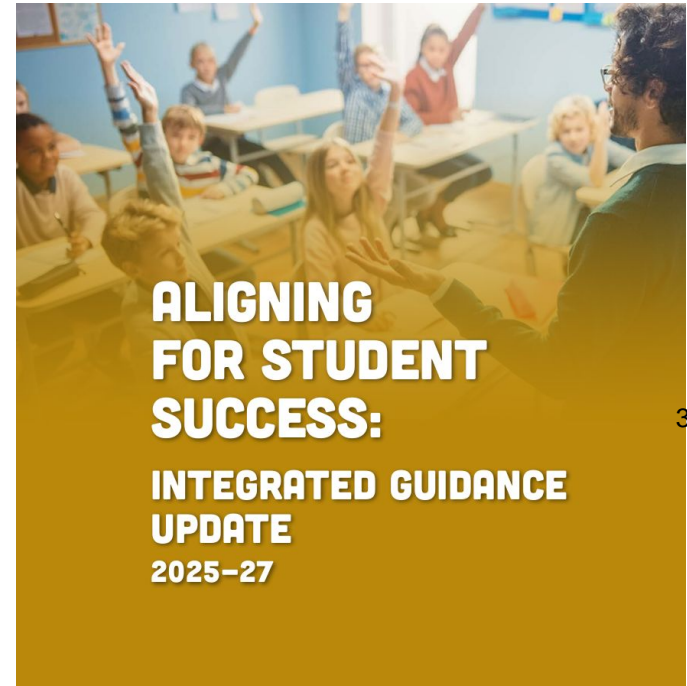
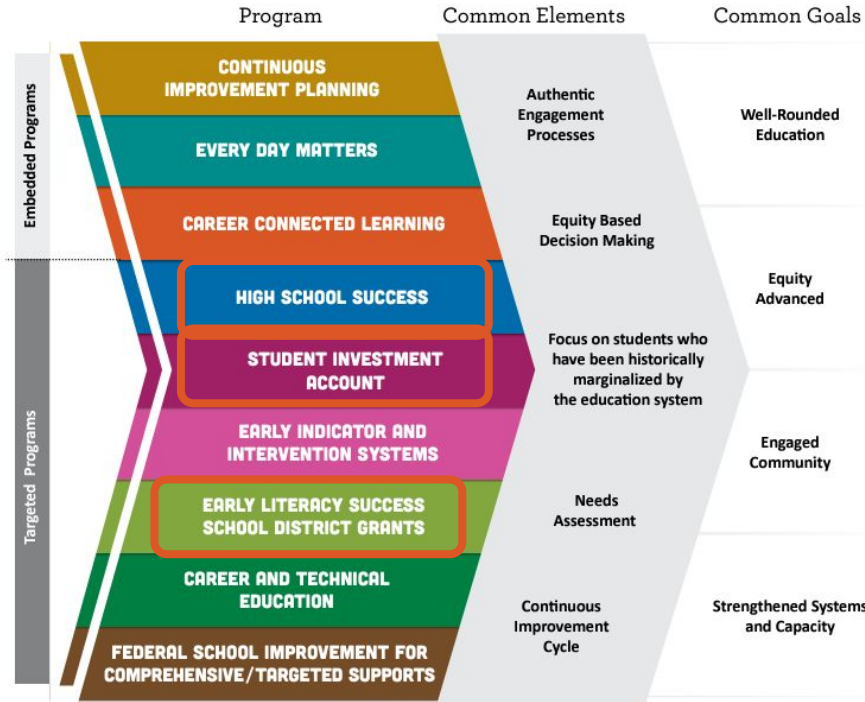
Cassie Medina (she/her)

Office of Education Innovation and Improvement

cassie.medina@ode.oregon.gov

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Fund Administration: Program Overview



Fund Administration: Need for Rulemaking

Current practice is in direct conflict with accounting rules and the legislative intent of the biennial funds. We have been directed to no longer allow spending beyond the biennium. Thus, we *must* change our practice and amend the existing Administrative Rule.

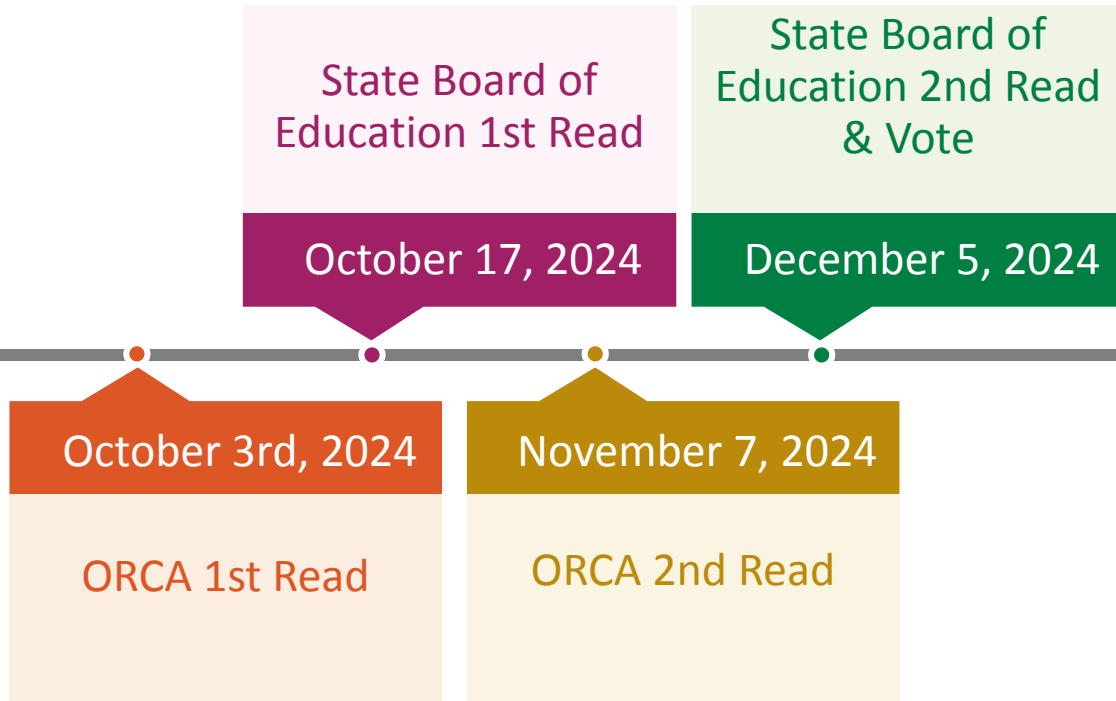


Fund Administration: Engagement Strategy

- ✓ Engage with Legislative Fiscal Office (LFO) and state Chief Financial Officer (CFO)
- ✓ Engage with educational partners (COSA, OASBO, OAESD)
- ✓ Engage with school district leaders to communicate shift
- ✓ Engage with school district business officials to communicate shift
- ✓ Communicate shift broadly to the field

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Fund Administration: Timeline



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Fund Administration: Summary of Changes

OAR	Summary of Change
<u>581-014-0004</u> - SIA Fund Administration	Change the date by which grantees must expend funds from September 30 to June 30, annually.
<u>581-013-0015</u> - HSS Fund Administration	Remove language allowing grantees to carry funds forward from one biennium to the first two months of the next biennium.
<u>581-017-0809</u> - ELSSDG Fund Administration	Change the date by which grantees must expend funds from September 30 to June 30, biennially.

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Fund Administration: Discussion

- These Fund Administration rules *must* change in order to bring ODE into compliance with accounting standards.
- There may be equity and fiscal impacts that will be addressed through ODE operations and how we shift to support grantees through the budgeting and planning process.

Happy to answer any clarifying questions at this time!

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