



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, April 10, 2025

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

Please note: all times are approximate.

1. Call to Order

A. Roll Call

Time: 9:00 AM

B. Board Member Reports

Time: 9:05 AM

C. Break

Time: 10:05 AM

2. Public Comment

Time: 10:10 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: 10:20 AM

A. School Bus Driver's Certificate and Permit: OAR 581-053-0220 47

B. Charter School Renewal Request: The Ivy School 54

4. First Readings

A. Elementary and Secondary Education Act (ESEA) Equitable Services Complaint 135
Process Rules

Time: 10:25 AM

Janette Newton and Liz Ross, Office of Teaching, Learning, and Assessment

B. Early Literacy Success School District Grant Rules Technical Updates 144

Time: 10:40 AM

Sophie Hilton, Angelica Cruz, and Ken Greenbaum, Office of Teaching, Learning, and Assessment

C. Audit and Other Financial Appeals: Secure Rural Schools and Community Act 179
Rules

Time: 11:00 AM



Tenneal Wetherell, Office of the Director and Mike Wiltfong, Office of Finance and Information Technology

D. Student Records and Conditions for Disclosure Permanent Rules: 187
OAR 581-021-0220 and OAR 581-021-0371

Time: 11:10 AM

Karin Moscon and Thea Conbere, Office of Education Innovation and Improvement

E. Repeal of Audit Summary Rule: OAR 581-023-0037 200

Time: 11:45 AM

Hannah Sullivan and Devyn Castillo, Office of Finance and Information Technology

5. Break for Lunch

Time: 12:00 PM

6. Director's Report

Time: 1:00 PM

7. First Readings (continued)

A. Technical Fix: Administration of State Assessments Rule Revision 207

Time: 1:30 PM

Ben Wolcott and Dr. Audrey Lingley, Office of Research, Assessment, Data, Accountability, and Reporting

8. Adjourn

Time: 1:45 PM

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: Friday, April 4, 2025 1:06:29 PM
Attachments: [SB 736 report.pdf](#)
[wasting our minds TAG data for 2025 session.docx](#)

[*** This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond. ***]

Dear members of the Oregon State Board of Education:

On behalf of Oregon's 34,000 identified talented and gifted (TAG) students, the thousands of students who should have been identified but were not, and our tens of thousands of other potentially high-achieving students, I am writing to request that you reconsider the Board's declaration that "Lack of access to programs for academically gifted and high-achieving students does not constitute facing academic disparities." This excluded these students from the list of "focal groups" in the Student Success Act.

Since the SSA passed, many other state documents and studies have come to rely on this list of "focal groups" in their work.

Currently both the House and the Senate versions of the Governor's bills concerning "metrics" for student achievement rely on these "focal groups", leaving districts unaccountable for ensuring that all students are learning.

The Quality Education Model has also excluded TAG students. The [report](#) from the American Institutes for Research IR simply accepted its decision.

TAG students do experience academic disparities. Data from the Oregon Department of Education proves that access to advanced classes depends entirely on where the student lives. Overall, rural districts are less likely to provide services but some small rural districts provide a high level of instruction for *all* their students even as some larger districts have completely abandoned their responsibilities. Access to appropriate content often varies from school to school within districts but students may be unable to transfer.

The disparities don't end with geographical handicaps. Oregon students lack access to advanced opportunities *whether or not* they are members of a group that is specifically listed in the Student Success Act. As noted in a report from the Department of Education to the legislature

“...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.”

Your decision to omit high-achieving students from accountability data also makes it 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.

Our investment in these students has plummeted. Both the number and the percent of students identified for TAG has fallen steadily which has only increased inequities. The effective erasure of Oregon’s most capable students also helps account for our very poor performance on national and international assessments: we now trail other states in the percentage at the “advanced” level on the NAEP.

When we tell students that they literally don’t count, it reduces student motivation, engagement, and morale.

You have the power to add TAG students to the list of student groups by rule. We urge you to do so.

Sincerely yours,

Margaret DeLacy

From Senate Bill 141 -2 (the version with the current amendment)

“(11) ‘Student group’ means the following student groups:

“(a) Economically disadvantaged students, as determined based on rules adopted by the State Board of Education;

“(b) Students from racial or ethnic groups that have historically experienced academic disparities, as determined under rules adopted by the State Board of Education;

“(c) Students with disabilities;

“(d) Students who are English language learners;

“(e) Students who are foster children, as defined in ORS 30.297;

“(f) Students who are homeless, as determined under rules adopted

by the State Board of Education; and

“(g) Any other student groups that have historically experienced academic disparities, **as determined by the State Board of Education by rule.**

SB 736 Legislative Report

Study Identifying How to Increase Access to Advanced Instruction in the Public Schools of the State

September 2024



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Executive Summary

In 2023, the Oregon State Legislature passed Senate Bill 736, which tasked the Oregon Department of Education (ODE) with conducting a comprehensive study on enhancing access to advanced instruction in public schools.

Previous [departmental reports on accelerated learning programs](#) in Oregon have highlighted their remarkable growth and numerous benefits. These programs allow students to delve deeper into academic subjects, foster critical thinking skills, and accelerate their learning pace. Despite these positive developments, significant disparities in access and participation remain. Students from underserved groups, such as those from low-income families, rural and remote students, racial and ethnic minorities, and students with disabilities, are often underrepresented in accelerated learning programs.

Legislative initiatives such as [HB 2263](#) (2019 session) have aimed to address these disparities by providing some funding for programs that increase opportunities for accelerated college credit. The [High School Success](#) Fund enacted by Measure 98 also creates a dedicated source for targeted funding for investments to improve student progress toward graduation beginning with Grade 9, increase the graduation rates of high schools, and improve high school graduates' readiness for college and career. However, equitable access to accelerated learning programs begins with high leverage instructional practices for all students beginning in kindergarten. Merely offering the classes at the secondary level doesn't mean students were effectively and equitably prepared to be successful in advanced learning classes during their elementary and middle school years. 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.

Equitable access to accelerated learning programs is essential for supporting students' successful transition into post-secondary education and careers. These programs provide students with the academic rigor and skills necessary to excel in college and the workforce. Moreover, they can help close achievement gaps and create a more level playing field for all students.

The benefits of accelerated learning programs [are well-documented](#). Students in these programs typically achieve higher test scores, have higher college acceptance rates, and earn higher incomes than their peers. They are also more likely to graduate from college and pursue advanced degrees.

The disparities in access and participation in accelerated learning programs are a matter of social justice. The consequences of these disparities are significant. Students who are denied access to accelerated learning programs miss out on opportunities to develop their academic potential, gain advanced skills, and prepare for college and careers. This can lead to lower educational attainment, reduced job opportunities, and diminished social mobility.

All students, regardless of their background, should have the opportunity to reach their full potential.

The High School Success Initiative (HSS; established as part of Measure 98 in 2016) seeks to remove barriers and broaden access to advanced coursework so that all students may benefit. HSS funding may be used to expand access to college-level opportunities. Additionally, one of the four eligibility areas identified in statute concerns equitable access to advanced coursework. In 2023, ODE published an updated eligibility rubric laying out expected and recommended practices in this area, including providing early counseling and encouragement to all students, removing barriers and adding supports for advanced coursework, and working to create a positive and welcoming culture for all students. Additionally, HSS maintains the expectation that grantees should leverage their data systems to identify disparities in access, conduct outreach to identify and remove barriers to advanced coursework enrollment, and have a plan to move towards equal representation. Courses should be assigned without barriers, bias, consideration of previous academic outcomes, or reliance on teacher recommendations.

HSS recipients reported a range of activities in 2021-23 aimed at increasing access to advanced coursework (college-level opportunities). Some of these activities included:

- Culturally sustaining and trauma-informed professional development for AP/IB teachers around creating a sense of belonging and support for focal student groups.
- Partnerships to increase interaction and provide role models and guidance from college students to high school students.
- Employing graduation coaches and counselors to support students in selecting and successfully completing college-level coursework.
- Employing or contracting for data analysis to identify disparities in access at the local level.
- Funding students to take college-level coursework in partnership with local community colleges or universities.
- Training and employing additional AP/IB teachers or supporting existing teachers to become AP/IB certified.
- Extended school day supports to provide students with accessible help in completing college-level coursework, aligned with student schedules and availability.
- Expanding accessible on-ramps to advanced coursework.
- Identifying and eliminating barriers to access, including fees.

Addressing the disparities in access to and participation in accelerated learning programs requires a comprehensive approach that includes:

1. Expanding funding for these programs to make them more affordable for families from all socioeconomic backgrounds.
2. Providing outreach and support to families and students to raise awareness of accelerated learning programs and assisting with the application process.
3. Implementing policies and practices to eliminate bias and discrimination in the selection of students for these programs.

4. Ensuring that accelerated learning programs are designed to be inclusive and responsive to the needs of all students, regardless of their background or ability.
5. Instituting targeted efforts for remote and rural schools to increase qualified staffing levels, expand the quantity of courses and CTE programs of study offered and provide additional classroom space.

By taking these steps, we can create a more just and equitable education system that provides all students with the opportunity to reach their full potential.

SB 736 Legislative Report: Study Identifying How to Increase Access to Advanced Instruction in the Public Schools of the State

Background and Purpose of Report

In 2023, the Oregon State Legislature passed [Senate Bill 736](#), which requires the Oregon Department of Education (ODE) to conduct a study to identify how to increase access to advanced instruction in the public schools of the state.

The bill stipulates that “the department shall submit a report in the manner provided by ORS 192.245, and may include recommendations for legislation, to the interim committees of the Legislative Assembly related to education no later than September 15, 2024.”

This report will provide information and recommendations relating to increasing access to advanced instruction in the state's public schools.

Summary of Existing Reports and Laws

The existing literature on increasing access to advanced instruction in the public schools of the state of Oregon is limited. However, some evidence suggests providing students with access to advanced instruction can lead to improved academic outcomes.

Accelerated learning access, outcomes, and credit transfer in Oregon

For example, [REL Northwest \(2018\)](#) found that students who participated in advanced learning programs were more likely to graduate from high school and enroll in college.

REL Northwest defined accelerated learning as types of programs that allow students to earn college credit while still in high school. In Oregon, there are several different types of accelerated learning programs, including dual enrollment, direct enrollment, and International Baccalaureate (IB) and Advanced Placement (AP) courses. REL Northwest found that participation in accelerated learning was growing in Oregon, with more than 20,000 students participating in 2015-16.

REL Northwest also found that students who participate in accelerated learning were more likely to graduate from high school, enroll in college, and persist in college than students who do not participate in accelerated learning.

Finally, REL Northwest found that students who participate in accelerated learning are more likely to transfer their college credits to a four-year college.

REL Northwest recommended a number of paths for Oregon to continue to support the growth of accelerated learning, including:

- Increasing funding for accelerated learning programs
- Providing more training and support for teachers who teach accelerated learning courses

- Expanding the availability of accelerated learning courses to more students
- Making it easier for students to transfer their college credits

Overall, REL Northwest found that accelerated learning is a promising approach to helping students succeed in college. It is important to acknowledge that the accelerated learning definitions used by REL do not align with accelerated rates of learning for TAG students as TAG definitions do not include college credit opportunities.

Table 1: Percentage of students participating in various forms of accelerated learning, by grade level 2013-14 to 2015-16

Type of Learning	2013-14	2014-15	2015-16
Any Accelerated Learning	22.8	31.1	32.8
Dual Credit	14.9	16.8	18.3
Community College Dual Credit	13.5	15.1	16.2
CTE Dual Credit	5.9	6.1	6.3
University Dual Credit	2	2.6	3.2
Direct Enrollment	4.5	4.6	4.8
Community College Direct Enrollment	4	4.2	4.3
University Direct Enrollment	0.5	0.4	0.5
AP Exam	8	8.8	9.2
AP Course	N/A	13.8	15.1
IB Course	N/A	4.1	4.3

Source: REL Northwest analysis of data from the Oregon Department of Education, Higher Education Coordinating Commission, and College Board

Accelerated Learning in Oregon: Access and Impact

[HECC \(2019\)](#) analyzed two fundamental aspects of accelerated learning in Oregon and includes answers to the questions posed by HB 4053 (2018) in these analyses.

Specifically, the report asked:

- Who has access to accelerated learning, and how has this changed over time?
- What is the impact of accelerated learning on postsecondary outcomes such as college-going rates, transferability of credits, time to completion, and financial cost?

The HECC report focuses on accelerated learning programs that are

- High school-based college credit partnerships,
- Advanced Placement,
- International Baccalaureate, and
- A category referred to as “undifferentiated college credit,” which may include any of the first three kinds of programs or another kind of program but is not clearly recorded.

The report examined high school-based partnerships (in which students earn credit from an Oregon community college or public university in a program based at their high school) in the greatest depth, as these programs are most common and data on them are most available.

The report's findings include the following:

- Accelerated learning programs and enrollment have increased over time.
- Students from all backgrounds participate in these and other kinds of accelerated learning, but many in historically underserved groups appear to be underrepresented.
- Participation in accelerated learning appears related to students' college-going rates.
- Students who do continue their education bring substantial credit into public universities and community colleges, and nearly all of this credit is accepted by the receiving institution.
- Students entering public universities with at least ten accelerated learning credits completed their bachelor's degrees sooner, by one-half year, than students who entered with fewer than ten credits.

Table 2: Oregon public high school twelfth graders, AP test takers, and HS-based partnerships with community colleges, and public universities, by race/ethnicity and gender, 2018-19.

Student Group	Percent of Twelfth Graders	Percent of AP Test Takers	Percent of Students Earning Community College Credit	Percent of Students Earning Public University Credit
Asian	4.5%	11.4%	4.9%	7.0%
Black	2.6%	1.3%	1.4%	1.2%
Hispanic	22.7%	16.1%	17.4%	19.9%
American Indian or Alaskan Native	1.5%	0.3%	1.0%	1.0%
Native Hawaiian or Pacific Islander	0.7%	0.3%	0.5%	0.5%
Multiracial	5.9%	6.3%	5.1%	3.5%
White	61.9%	63.1%	54.4%	52.9%
Not Reported		1.3%	15.3%	14.1%
Male	48.0%	55.0%	55.5%	58.80%
Female	52.0%	45.0%	44.50%	41.20%

Source: HECC analysis of Oregon Department of Education, 2019; College Board, 2019; HECC Office of Research and Data.

HECC found that accelerated learning, as it exists today in Oregon, appears to be both beneficial for those enrolled and inequitable for which students gain these benefits. The report recommended that expanded opportunities to access these benefits be pursued, and that programmatic investments be made to design programs to be more available to students underrepresented in higher education and to further align accelerated learning opportunities with general education requirements.

Participation in College-Level Coursework

[ODE \(Mar 2022\)](#) studied Oregon student access to various options for college-level coursework, including:

- participating in Advanced Placement (AP) or International Baccalaureate (IB) courses offered by their high school;
- participating in a dual credit program offered in collaboration between their high school and a college or university;
- enrolling directly in a college/university class while in high school via programs such as expanded options or early college.

ODE found that disparities exist related to students' access to and participation in college-level opportunities.

Rural Availability of AP and IB Courses

AP courses are significantly more prevalent than IB courses in Oregon schools, both in terms of the number of students taking them, and in terms of the number of schools offering at least one course. In 2018-19, 178 schools reported offering AP courses, compared to only 34 schools reporting IB courses. Most districts that offered IB in at least one school also offered AP courses. Students in more rural districts were much less likely to have access to IB coursework, and somewhat less likely to have access to AP coursework. Many rural schools are making the conscious decision to shift AP programs away from district provided courses to local college partnerships because

- AP teacher training requirements increase the difficulty of staffing in areas that already face serious teacher staffing challenges
- AP examination fees may be prohibitive as students have to pay to take the test
- AP credit isn't guaranteed, but is conditional upon exam performance level and specific college transfer credit policies

Therefore, lower levels of district-provided AP and IB opportunities are not necessarily a deficit/lack of opportunity for students in districts intentionally following a policy of partnership with local higher education partners.

Benefits to Advanced Coursework

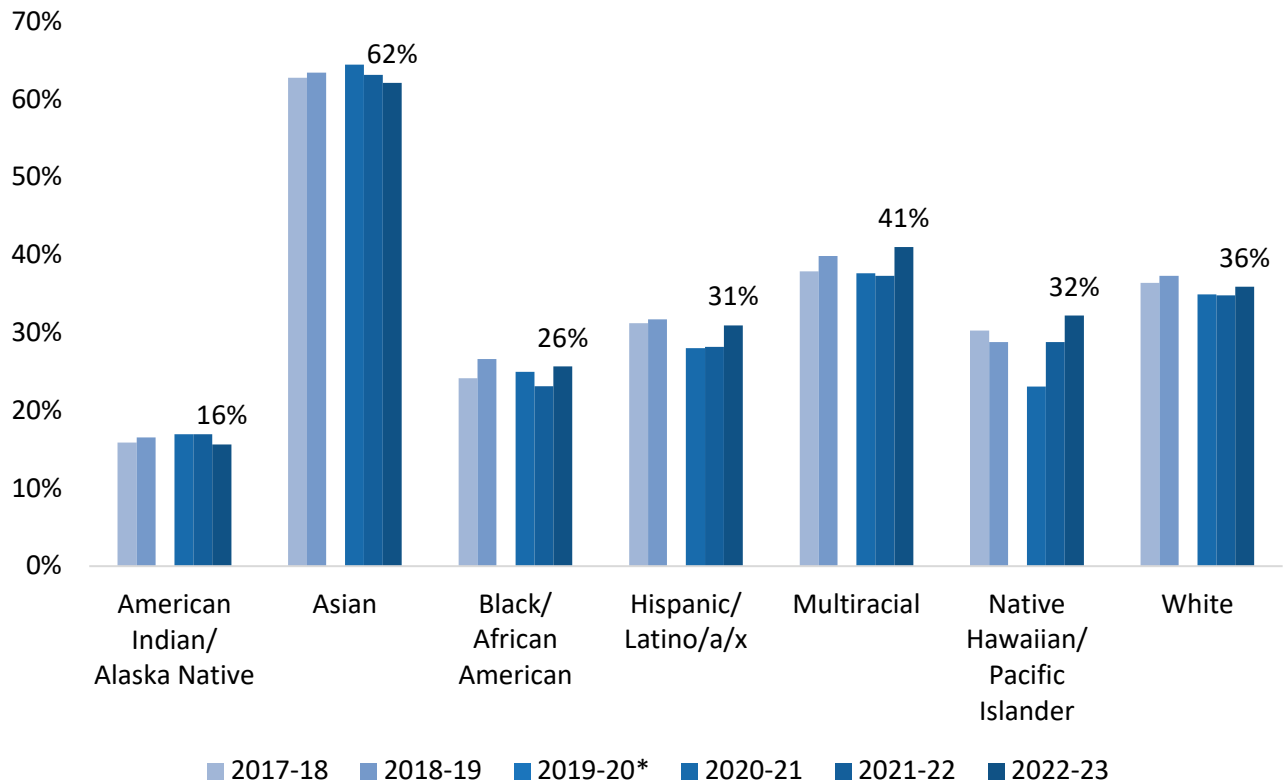
Research has found that additional AP credits are associated with several beneficial outcomes for students who continue to college or university. Some of the associated outcomes may represent the higher degree of access to AP coursework among urban/suburban and affluent students; however, many of the outcomes likely reflect the impacts of the AP credit attainment itself. These include finishing college earlier, increased likelihood of enrolling in graduate school, and increased access to advanced math and science courses during college.

Racial and Ethnic Disparities in Advanced Coursework Participation

Because of these many benefits, it is important for all students in Oregon to have access to opportunities to earn college credit while in high school. As in many arenas, racial disparities in course participation exist. Among IB courses, there is evidence of improvement in representation for some groups, such as Black/African American students, whose participation rate has increased 68% between 2014-15 and 2020-21, from 5% of students to almost 9% of students participating in IB coursework in 11th or 12th grade. Hispanic/Latino/a students and Native Hawaiian/Pacific Islander students have seen smaller, but still substantial, growth in the rates at which they enroll in IB coursework. While enrollment does not necessarily lead to earning credit, it is an important intermediary indicator.

Figure 1: AP and IB Course Enrollment Rates

11th and 12th Grade



*2019-20 data are unavailable due to disruptions to data collection caused by the onset of the COVID-19 pandemic
 Supplemental data for this figure available in [Appendix: Supplemental Data Tables](#)

In 2019, the Oregon State Legislature passed House Bill 2263, which requires the Oregon Department of Education (ODE), in coordination with the Higher Education Coordinating Commission (HECC), to administer grants for three programs:

1. Accelerated College Credit Planning Partnership Grant Program
2. Accelerated College Credit Partnership Enhancement Grant Program
3. Accelerated College Credit Instructor Grant Program.

Accelerated College Credit Grant Programs: Results of HB 2263 Grant Implementation

This report [[ODE \(Dec 2022\)](#)] was a legislative study providing information about the grant activities resulting from HB 2263. The Accelerated College Credit Grant Programs were created by HB 2263 in 2019 to provide funding for programs that increase opportunities for students to earn accelerated college credit. The programs were to be administered jointly by the Oregon Department of Education (ODE) and the Higher Education Coordinating Commission (HECC).

However, the programs have not been implemented due to a lack of funding. The initial delay in making funds available to grantees was coupled with the disruptions caused by the COVID-19 crisis. These events had a significant impact on the effectiveness of these programs.

ODE, HECC, and program partners believe in the mission of the policy and funding proposals represented by the passage of HB 2263. However, the lack of resources, including funding and a shortage of qualified AP-certified teachers, has prevented the intended implementation of many of the goals of this legislation.

Creating equitable opportunities for all students to access Accelerated Learning is critical to supporting and preparing students for their transition into career and college. Participation in Accelerated Learning has been shown to support the key education outcomes of graduation, college enrollment, and college persistence.

The grant programs could be an important tool to achieving equitable access to Accelerated Learning for all Oregon students.

Accelerated College Credit Transferability: HB 4053 (2018) Legislative Report

[CEdO \(2018\)](#) summarized information about accelerated learning credits students earned in high school and the transfer of (where applicable) those credits to all 17 community colleges and seven public universities in Oregon for the 2017-18 school year.

The 2018 report found that the majority of students with accelerated college credits had their credits accepted at Oregon's 17 community colleges and seven public universities.

Most of these students had graduated from the state's high schools located in or near population centers, were white and female, and had most of their credits accepted at Oregon public universities.

Students who attempted to transfer credits from accelerated college credit programs to Oregon public postsecondary institutions of education came from all the state's high schools. Most of these credits came from students who attended the state's public high schools with the largest enrollments (e.g., Barlow, Beaverton, Gresham, and Sheldon).

When looking at the specific types of accelerated college credits Oregon high school students transferred to the state's public community colleges and universities in the 2017-18 school year, most of those credits (70% to 90%) came from high school-based college credit partnerships.

Overall, the report found that accelerated college credit programs are a valuable tool for students who want to earn college credits while still in high school. The report also highlights the need for continued work to ensure that all students have access to these programs and that their credits are accepted by colleges and universities.

Data Story

We consulted with subject-matter experts, including ODE's Accelerated Learning Specialist and ODE's Talented and Gifted Instruction Specialist, whose contributions deeply informed this report.

Disparities in Access to Accelerated Coursework

Students have access to various options for college-level coursework, including:

- Participating in Advanced Placement (AP) or International Baccalaureate (IB) courses offered by their high school.
- Participating in a dual credit program offered in collaboration between their high school and a college or university.
- Enrolling directly in a college/university class while in high school via programs such as expanded options or early college.

The options available to each student depend in large part on the programming offered by their school or district, and on the level of cooperation between their school or district and local institutions of higher education. Availability for individual students may also hinge on placement and scheduling decisions made at the local level.

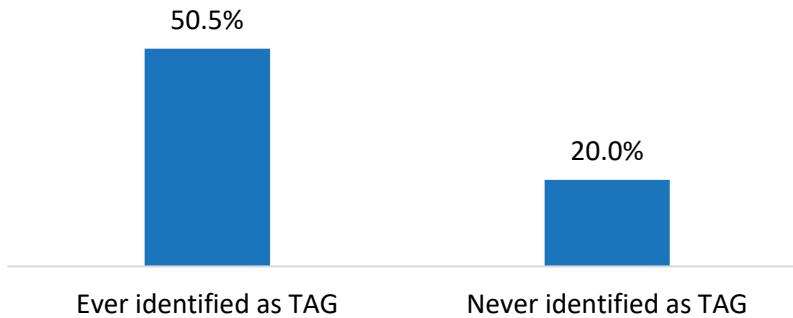
On-ramps to accessing Accelerated Coursework

Historically, students identified for Talented and Gifted (TAG) instruction have been disproportionately represented in accelerated coursework. As shown in the graph below, in 2018-19,¹ high school students with a history of TAG identification were 2.5 times as likely to enroll in AP or IB coursework as their classmates who had never been identified as TAG.

¹ The Class Roster data collection, which is the source of ODE's course-taking data, was cancelled in 2019-20 in response to the COVID pandemic. This report uses data from 2018-19 or earlier to minimize the impact of this missing data.

Figure 2: Rates of Enrollment in AP or IB Coursework

Enrollment in 2018-19, among students in grades 9-12



These disparities continue to compound across high school. By the end of their fourth year in high school, 79% of students who had ever been identified as TAG² had taken at least one AP or IB course, compared to only 38% of students who had never been identified as TAG.

Similar disparities are seen in rates of accessing college coursework in high school, though these rates are believed to be an underestimate of true rates of access, since ODE data does not consistently capture students pursuing dual credit, or those taking college coursework in combination with other enrollment types. By the end of their fourth year in high school, 5% of students who had ever been identified as TAG³ had been reported in college coursework⁴, compared with only 3% of students who had never been identified as TAG.

The High School Success Initiative (HSS; established as part of Measure 98 in 2016) seeks to remove barriers and broaden access to advanced coursework so that all students may benefit. One of the four eligibility areas identified in statute concerns equitable access to advanced coursework. In 2023, ODE published an [updated eligibility rubric](#) laying out expected and recommended practices in this area, including providing early counseling and encouragement to all students, removing barriers and adding supports for advanced coursework, and working to create a positive and welcoming culture for all students. Additionally, HSS maintains the expectation that grantees should leverage their data systems to identify disparities in access, conduct outreach to identify and remove barriers to advanced coursework enrollment, and have a plan to move towards equal representation. Courses should be assigned without barriers, bias, consideration of previous academic outcomes, or reliance on teacher recommendations.

HSS recipients reported a range of activities in 2021-23 aimed at increasing access to advanced coursework (college-level opportunities). Some of these activities included:

² Using the cohort of students entering high school for the first time in 2015-16; rates for previous cohort are nearly identical.

³ Same cohort as above.

⁴ Expanded Options, Post-graduate Scholars, or Other College Coursework. More information on how this data is collected is available in the [Cumulative ADM Manual](#).

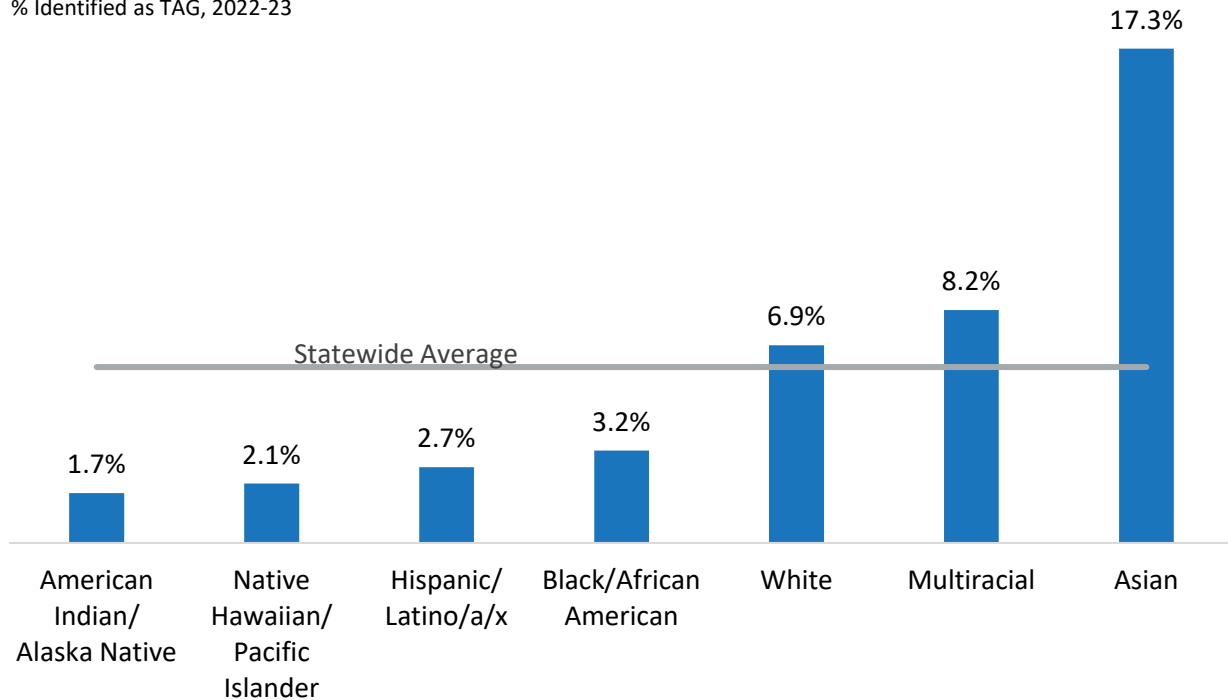
- Culturally sustaining and trauma-informed professional development for AP/IB teachers around creating a sense of belonging and support for focal student groups.
- Partnerships to increase interaction and provide role models and guidance from college students to high school students.
- Employing graduation coaches and counselors to support students in selecting and successfully completing college-level coursework.
- Employing or contracting for data analysis to identify disparities in access at the local level.
- Funding students to take college-level coursework in partnership with local community colleges or universities.
- Training and employing additional AP/IB teachers or supporting existing teachers to become AP/IB certified.
- Extended school day supports to provide students with accessible help in completing college-level coursework, aligned with student schedules and availability.
- Expanding accessible on-ramps to advanced coursework.
- Identifying and eliminating barriers to access, including fees.

TAG Disparities

There are well-documented racial inequities in TAG identification. In 2022-23, 6.2% of all students were identified as TAG, but rates varied dramatically by student group. American Indian/Alaska Native students were 72% less likely to be identified; Black/African American and Hispanic/Latino/a/x students were around half as likely to be identified, and Native Hawaiian/Pacific Islander students were 66% less likely to be identified, compared to students overall. Students with disabilities (served through an IEP) were also substantially underrepresented in TAG identification.

Figure 3: Significant Racial Disparities Exist in TAG Identification Rates

% Identified as TAG, 2022-23



In 2018-19, students who were identified as economically disadvantaged were about 70% less likely to be identified as TAG, compared to students who were not identified as economically disadvantaged. 10.8% of students who were not identified as economically disadvantaged were identified as TAG, compared to only 3.3% of economically disadvantaged students.

Given that early TAG identification is a major pathway to advanced coursework, these disparities are likely contributing to later disparities in advanced coursework access.

Equitable Access to Advanced Coursework

Equitable access to advanced coursework is the idea that all students, regardless of their background or circumstances, should have both the opportunity to take challenging courses that will prepare them for college and careers and be at a minimum proportionally enrolled in challenging courses. This is important because it ensures that all students have the chance to reach their full potential. When students have access to advanced coursework, they are more likely to graduate from high school and go on to college. They are also more likely to earn higher salaries and have better job prospects.

There are many reasons why equitable access to advanced coursework is important.

First, it allows students to develop the skills and knowledge they need to succeed in college and careers. Advanced coursework challenges students to think critically and solve problems. It also exposes them to new ideas and concepts. These experiences can help students develop the skills they need to be successful in college and in the workforce.

Second, equitable access to advanced coursework helps to close the achievement gap. Students from low-income families and students of color are less likely to take advanced coursework than their peers from higher-income families and white students. This is a problem because it means that these students are not getting the same opportunities to succeed in college and careers. Equitable access to advanced coursework can help to close the achievement gap by giving all students the opportunity to take challenging courses.

Third, equitable access to advanced coursework helps to promote social mobility. Students who take advanced coursework are more likely to graduate from high school and go on to college. They are also more likely to earn higher salaries and have better job prospects. This means that equitable access to advanced coursework can help students from low-income families and students of color to move up the economic ladder.

In conclusion, equitable access to advanced coursework is important because it ensures that all students have the chance to reach their full potential. It also helps to close the achievement gap and promote social mobility.

Strategies to Address Equity Gaps

The following are some targeted strategies that can be used to address equity gaps in dual credit, AP, and IB course enrollment:

- **Use focused and intentional communication strategies to convey the academic and financial benefits of enrolling in accelerated learning, as well as its costs and participation requirements, and make this information readily available to students and families.** Provide clear examples of how accelerated learning can benefit students, whether they are preparing for college or a career after high school graduation.
- **Provide opportunities for students to give feedback about their needs and experiences.** For students who take an accelerated learning course, create a brief exit survey to find out how they learned about the course, the level of support they received in deciding to enroll, from whom they received the support, their experience in meeting requirements to enroll in the course, and their feelings of belonging in accelerated learning classes in their school. Create a similar survey for students who did not enroll in accelerated learning courses.
- **Provide professional development to educators focused on strategies for recognizing personal biases and overcoming them.** Using facilitators or equity coaches, build courageous spaces in which to explore and discuss these challenging issues.
- **Broaden eligibility for students to enroll in accelerated learning courses by using multiple measures for assessing academic readiness.** By considering a broader range of student assets and educational experiences, a multiple-measures approach is both a more inclusive and a more accurate way to evaluate a student's ability to meet course requirements. In addition to grades and cumulative grade point averages, these measures could include counselor or teacher recommendation; completion of prerequisite courses; a student's demonstrated proficiency in

the targeted subject, even if they are not proficient in other subjects; or a demonstrated supplemental support team (e.g., participation in AVID, TRIO, or other student support programming that provides academic resources and support).

Addressing the disparities in access and participation in accelerated learning programs requires a comprehensive approach that includes:

1. Expanding funding for these programs to make them more affordable for families from all socioeconomic backgrounds.
2. Providing outreach and support to families and students to raise awareness of accelerated learning programs and assistance with the application process.
3. Implementing policies and practices to eliminate bias and discrimination in the selection of students for these programs.
4. Ensuring that accelerated learning programs are designed to be inclusive and responsive to the needs of all students, regardless of their background or ability.
5. Instituting targeted efforts for remote and rural schools to increase qualified staffing levels, expand the quantity of courses and CTE programs of study offered and provide additional classroom space.

By taking these steps, we can create a more just and equitable education system that provides all students with the opportunity to reach their full potential.

Citations

CEdO (Nov 2018). *Accelerated College Credit Transferability; House Bill 4053 (2018) Legislative Report*. <https://5il.co/12nau>

HECC (Nov 2019). *Research Brief: Accelerated Learning in Oregon*.

<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/PublicTestimonyDocument/98380>

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ODE (Dec 2022). *Accelerated College Credit Grant Programs; Results of Grant Implementation*.

<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/PublicTestimonyDocument/98378>

ODE (Jul 2023). *High school success eligibility rubric 2.0*.

https://www.oregon.gov/ode/StudentSuccess/Documents/HSSRubric_2023.pdf

REL Northwest (Nov 2018). *Accelerated learning access, outcomes, and credit transfer in Oregon*.

<https://files.eric.ed.gov/fulltext/ED589159.pdf>

Appendix: Supplemental Data Tables**Data for Figure 1: AP and IB Course Enrollment Rates**

11th and 12th Grade

School Year	Race/Ethnicity	% Enrolled in at least one AP course	% Enrolled in at least one IB course	% Enrolled in at least one AP or IB course
2017-18	American Indian/Alaska Native	13%	3%	16%
2018-19	American Indian/Alaska Native	14%	4%	17%
2020-21	American Indian/Alaska Native	14%	4%	17%
2021-22	American Indian/Alaska Native	13%	4%	17%
2022-23	American Indian/Alaska Native	13%	3%	16%
2017-18	Asian	47%	17%	63%
2018-19	Asian	46%	19%	63%
2020-21	Asian	43%	23%	64%
2021-22	Asian	41%	23%	63%
2022-23	Asian	42%	22%	62%
2017-18	Black/African American	17%	7%	24%
2018-19	Black/African American	19%	8%	27%
2020-21	Black/African American	16%	9%	25%
2021-22	Black/African American	15%	9%	23%
2022-23	Black/African American	18%	8%	26%
2017-18	Hispanic/Latino/a/x	23%	9%	31%
2018-19	Hispanic/Latino/a/x	23%	9%	32%
2020-21	Hispanic/Latino/a/x	19%	9%	28%
2021-22	Hispanic/Latino/a/x	18%	11%	28%
2022-23	Hispanic/Latino/a/x	20%	12%	31%
2017-18	Multiracial	28%	11%	38%
2018-19	Multiracial	29%	12%	40%
2020-21	Multiracial	26%	12%	38%
2021-22	Multiracial	24%	14%	37%
2022-23	Multiracial	27%	15%	41%
2017-18	Native Hawaiian/Pacific Islander	24%	6%	30%
2018-19	Native Hawaiian/Pacific Islander	22%	7%	29%
2020-21	Native Hawaiian/Pacific Islander	15%	8%	23%
2021-22	Native Hawaiian/Pacific Islander	18%	12%	29%
2022-23	Native Hawaiian/Pacific Islander	19%	14%	32%
2017-18	White	28%	9%	36%
2018-19	White	29%	10%	37%
2020-21	White	26%	10%	35%
2021-22	White	25%	10%	35%
2022-23	White	27%	10%	36%



Wasting our talent

Data Submitted by the Oregon Association
for Talented and Gifted for the Senate
Education Committee January 22, 2025

Margaret DeLacy

Introduction

For decades, we have neglected our gifted and high-achieving students. They lack the support and specialized instruction they need to thrive, and their teachers lack the necessary training to guide them.

Without appropriate interventions, many gifted students are left to struggle, becoming discouraged and disengaged. High-achieving students are rendered invisible by our data-reporting practices.

Inadequate state support not only limits their potential but also exacerbates disparities in identification and services.

Unequal access widens geographic divides, lowers overall educational outcomes, and hinders economic growth. Oregon students underperform advanced students elsewhere.

All students deserve instruction that meets their unique needs. Isn't it time we ensured that gifted and high-achieving learners are no exception?

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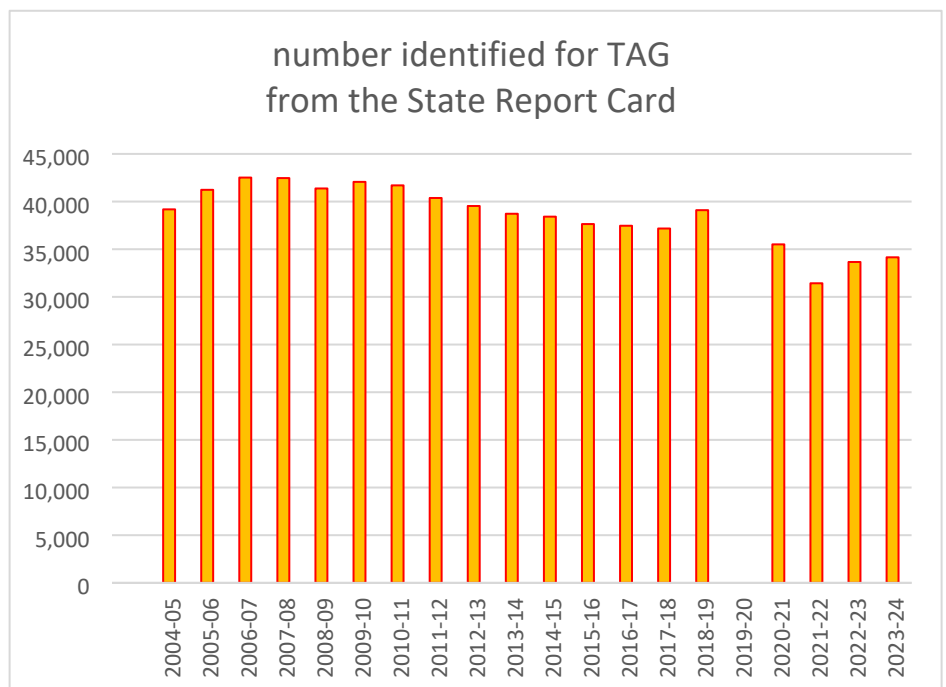
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1. Fewer TAG students are being identified today than 20 years ago:

In 2023-24 we had just 34,000 TAG students compared to 39,182 in 2004-5. (There was no report in 2019-20). (Solid counts began in 2004).

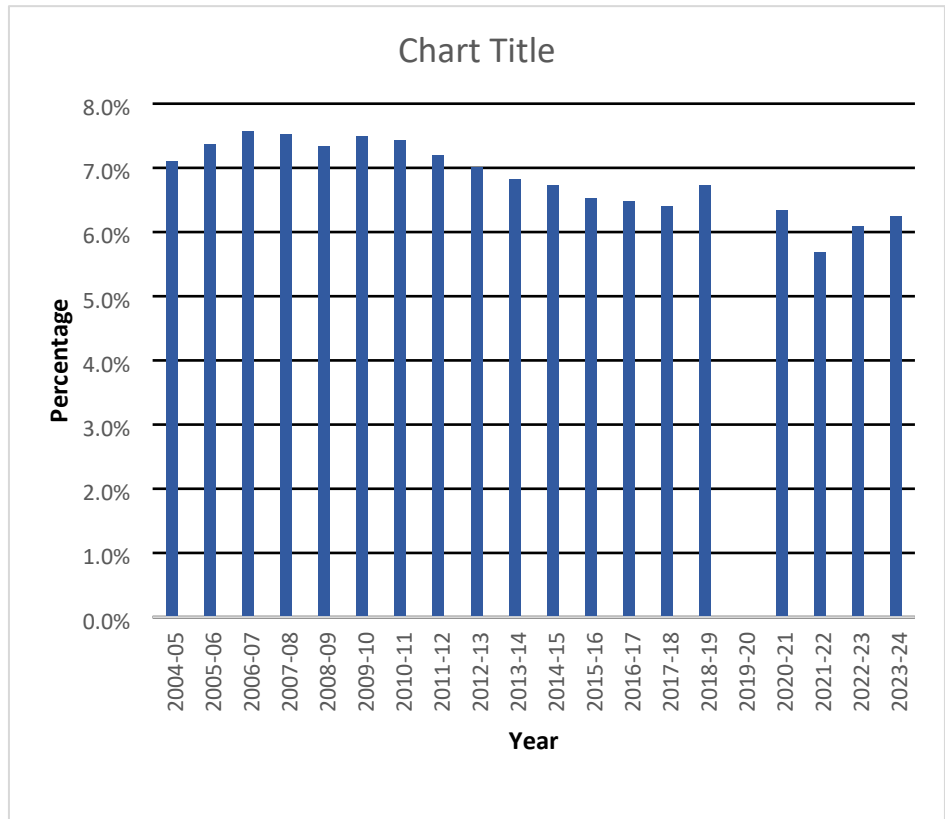
Year number

2004-05	39,182
2005-06	41,231
2006-07	42,517
2007-08	42,463
2008-09	41,374
2009-10	42,065
2010-11	41,698
2011-12	40,375
2012-13	39,534
2013-14	38,720
2014-15	38,417
2015-16	37,640
2016-17	37,462
2017-18	37,173
2018-19	39,097
2019-20	n/a
2020-21	35,509
2021-22	31,428
2022-23	33,660
2023-24	34,152



The percentage of TAG students identified has also fallen, outpacing the decrease in overall state enrollment

Year	% TAG
2004-05	7.1%
2005-06	7.4%
2006-07	7.6%
2007-08	7.5%
2008-09	7.3%
2009-10	7.5%
2010-11	7.4%
2011-12	7.2%
2012-13	7.0%
2013-14	6.8%
2014-15	6.7%
2015-16	6.5%
2016-17	6.5%
2017-18	6.4%
2018-19	6.7%
2019-20	----
2020-21	6.3%
2021-22	5.7%
2022-23	6.1%
2023-24	6.2%



2. Disparities in identification

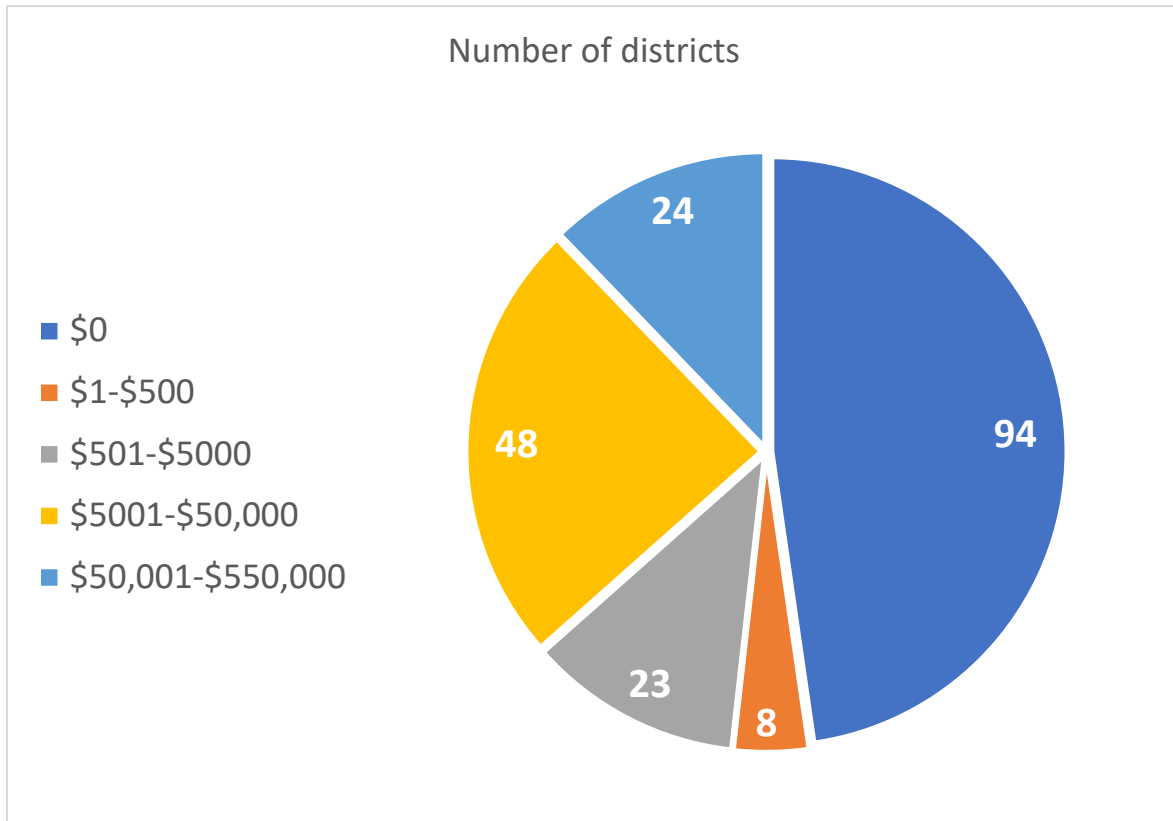
Student groups are disproportionately identified for TAG services

2023-24 Talented and Gifted Students

Student Group	Percent of All Students	Number of TAG Students	Percent of TAG Students	Percent of Student Group Identified as TAG
Total	100.0%	34,152	100.0%	6.3%
Female	48.0%	15,148	44.4%	5.8%
Male	51.4%	18,601	54.5%	6.7%
Non-Binary	0.5%	403	1.2%	13.9%
American Indian/Alaska Native	1.1%	118	0.3%	2.0%
Asian	4.1%	3,867	11.3%	17.2%
Black/African American	2.4%	416	1.2%	3.2%
Hispanic/Latino	26.1%	3,964	11.6%	2.8%
Multiracial	7.4%	3,359	9.8%	8.4%
Native Hawaiian/Pacific Islander	0.9%	95	0.3%	2.1%
White	58.0%	22,333	65.4%	7.1%
Students Experiencing Poverty	33.0%	3,406	10.0%	1.9%
Students Not Experiencing Poverty	67.0%	30,746	90.0%	8.5%
Special Education	16.0%	1,726	5.1%	2.0%
Not Special Education	84.0%	32,426	94.9%	7.1%

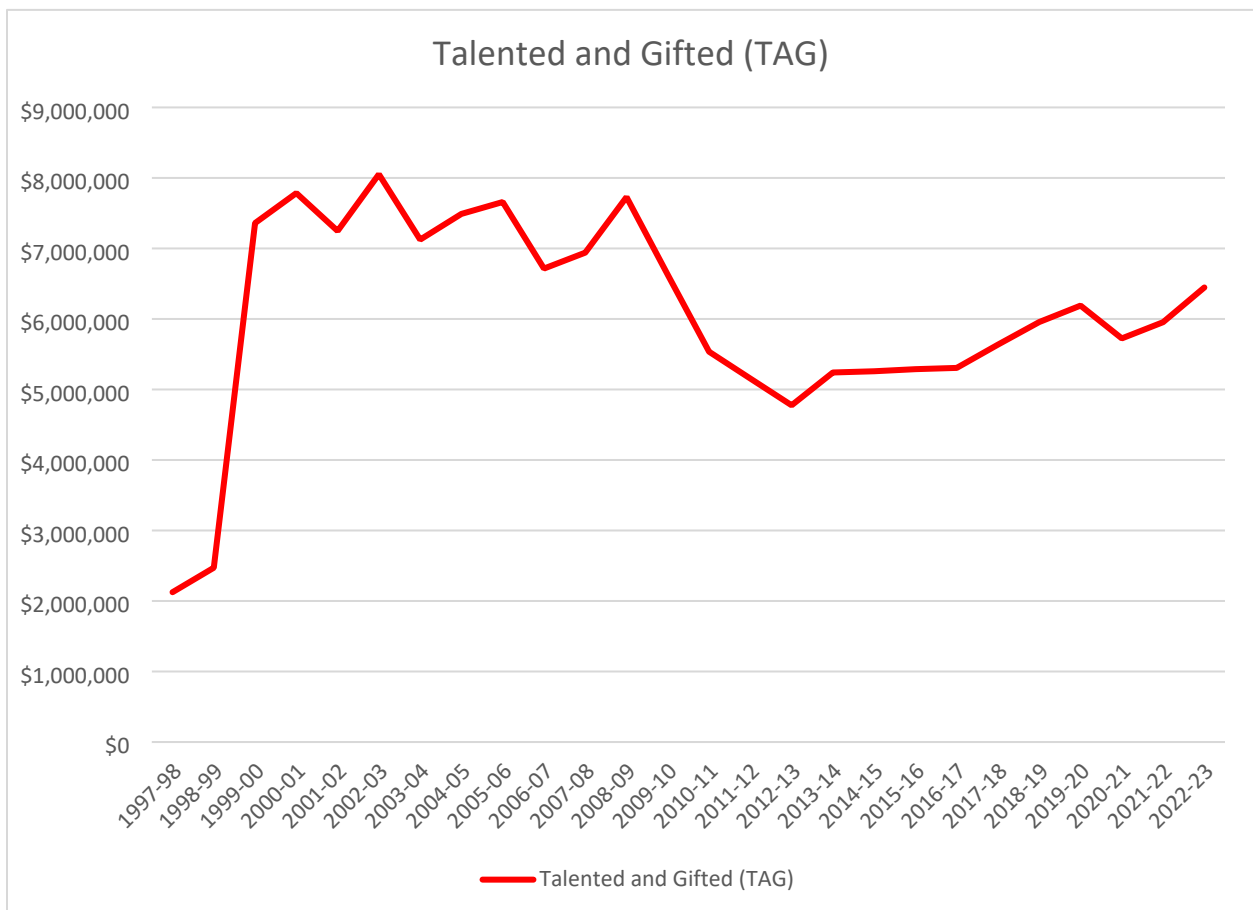
3. Disparities in access to resources

Nearly half of all Oregon districts reported no spending on Talented and Gifted services in 2022/3:

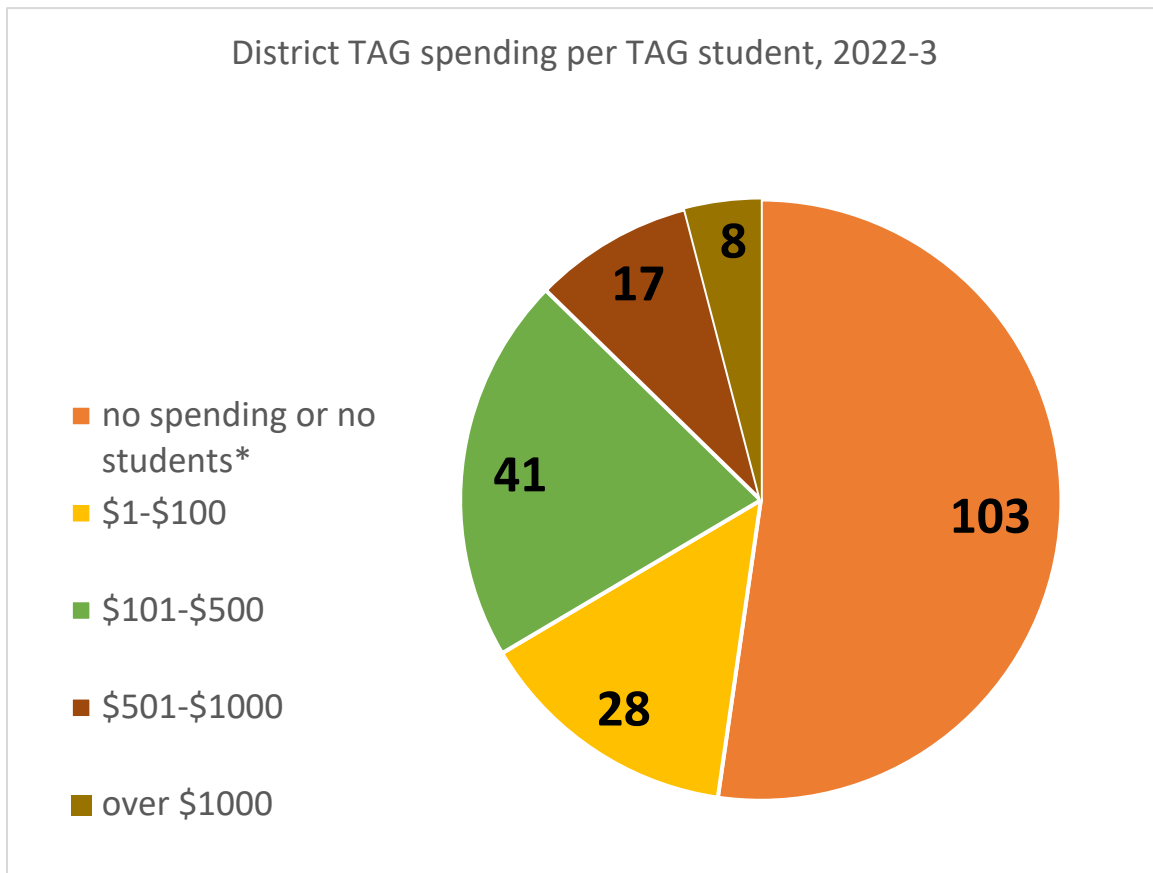


4. Overall TAG spending has fallen

In 2022/3 total TAG spending (\$6.45 million in real dollars not adjusted for inflation) is lower than it was in 2010 and even in 2000

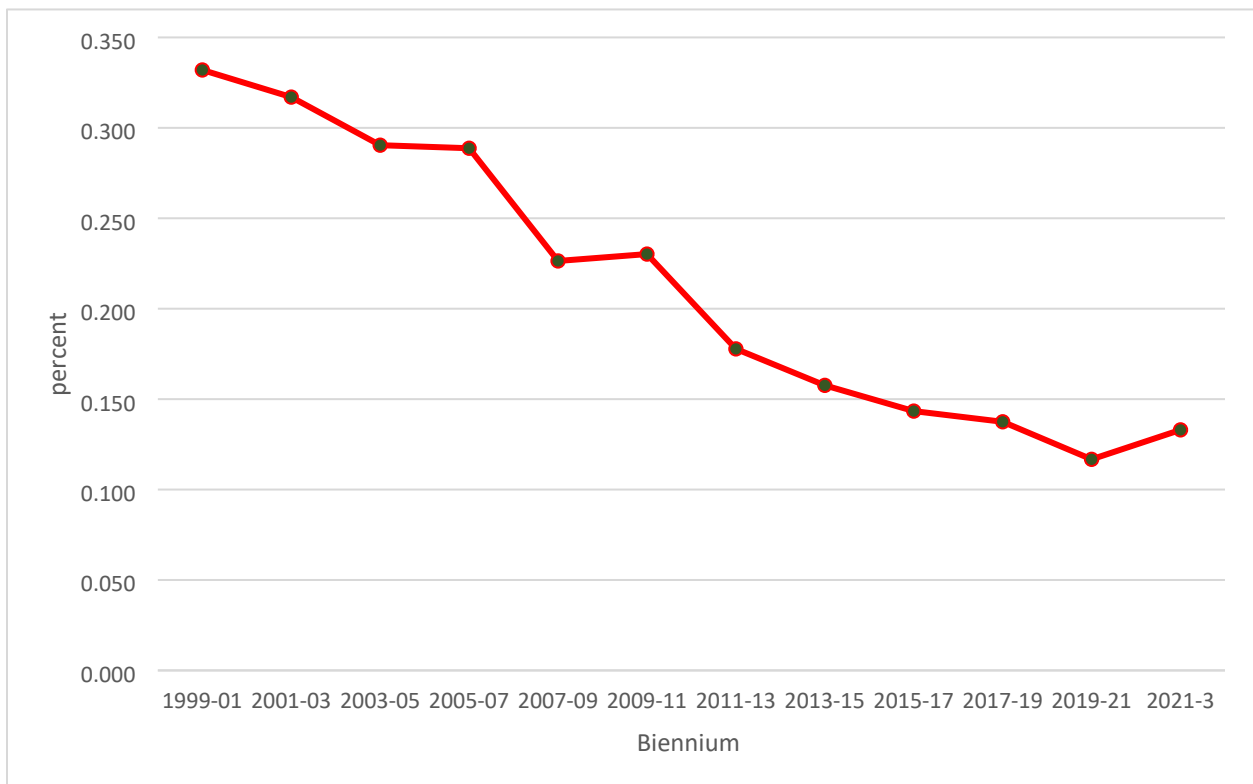


Per-capita spending varies greatly from district to district, causing inequities in services. More than half of all Oregon districts either do not identify TAG students or do not report any spending on services for them (A few districts report spending although they identified no students).

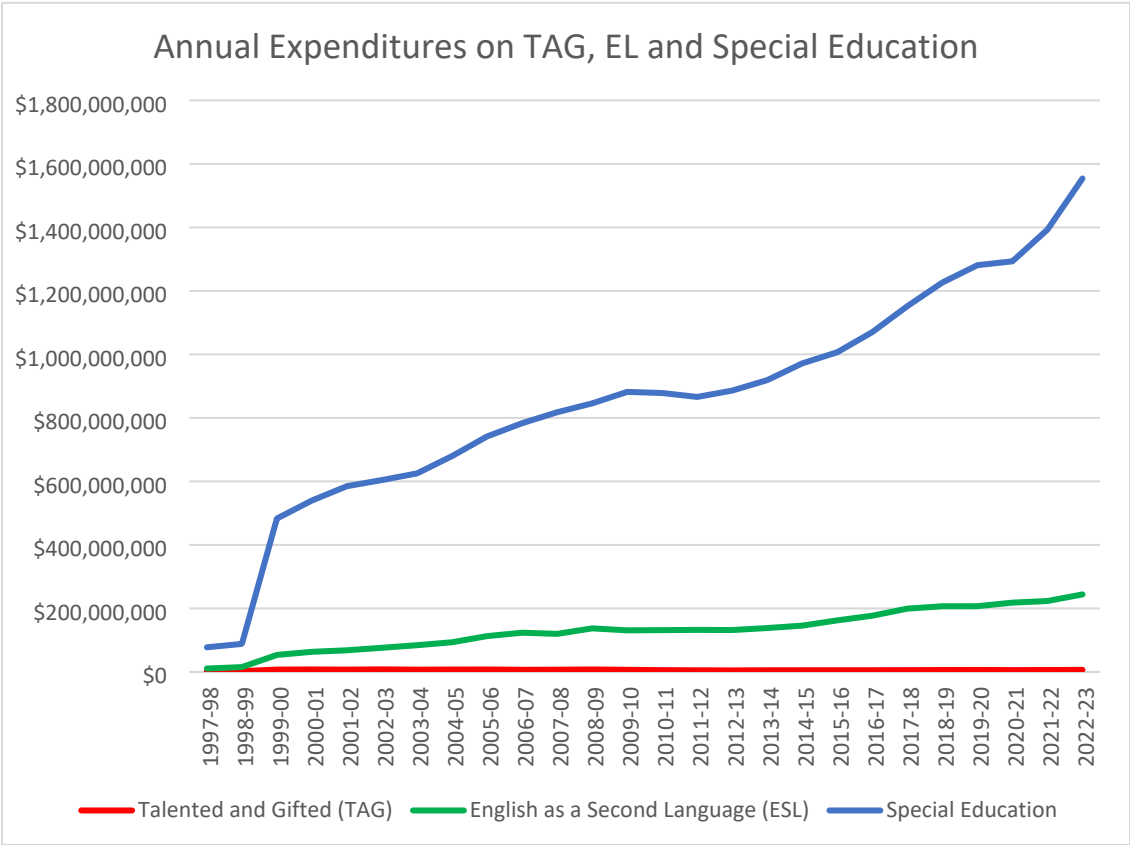


5. Support for TAG students has been falling for decades

TAG spending as a percentage of the entire state education budget has fallen steadily from about one-third of one percent in 2000 to about one-tenth of one percent today

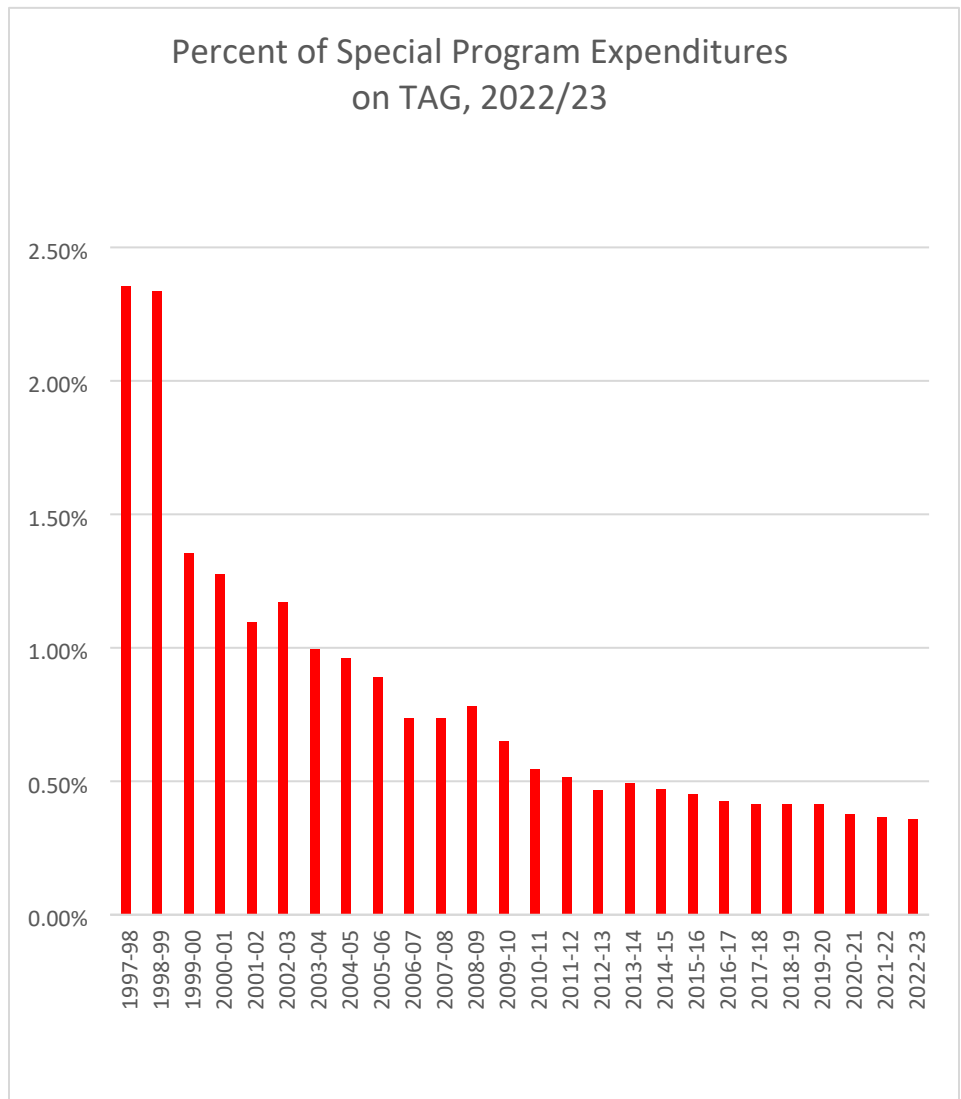


TAG spending as a portion of special population spending (TAG, ESL and Special Education) has plummeted, falling from 2.33% to 0.36% in 2022/3

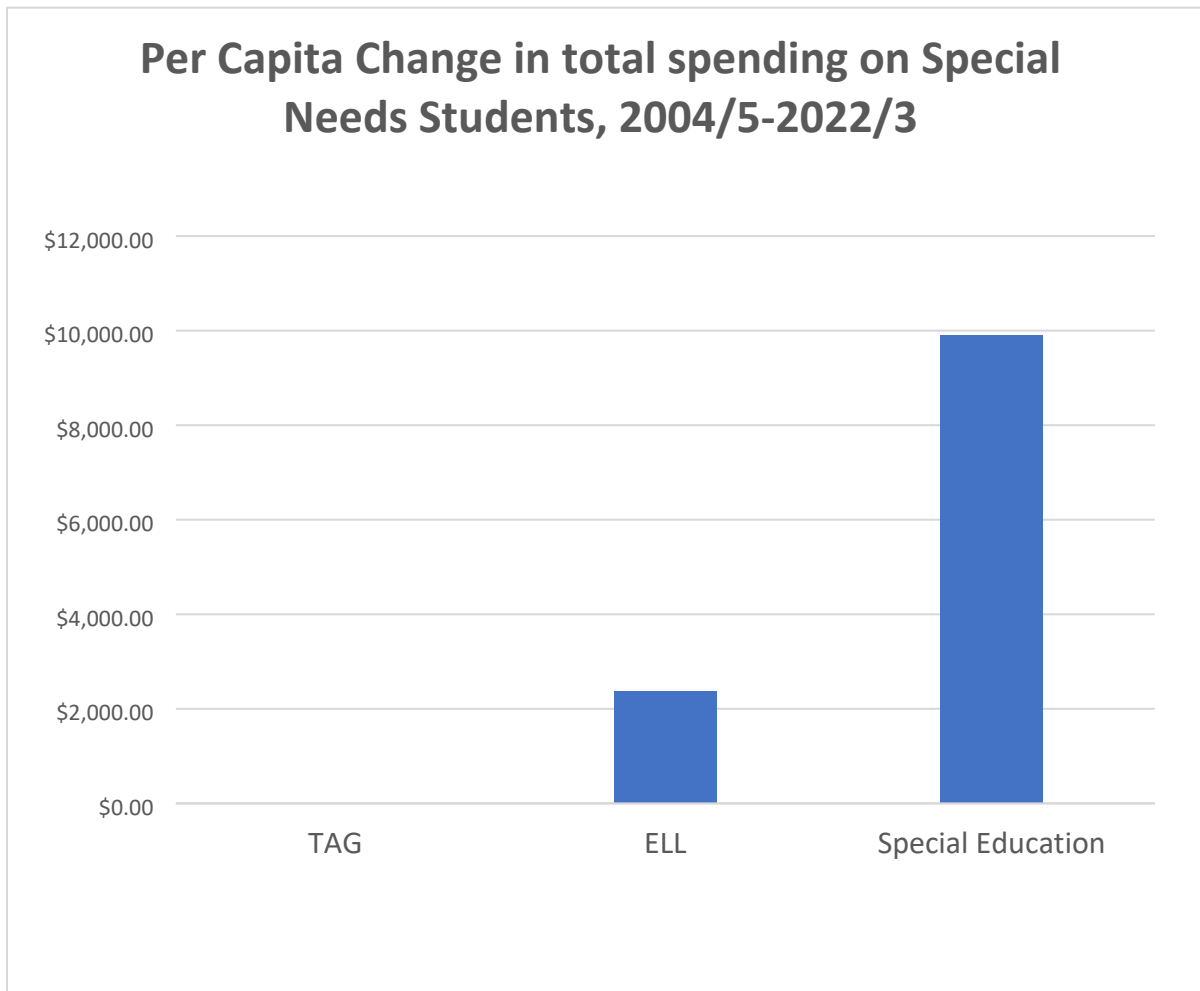


TAG spending data, graphs compiled from data supplied by the Oregon Department of Education, Dec. 19, 2024

School Year	Percent of Special Program Expenditures on TAG
1997-98	2.35%
1998-99	2.33%
1999-00	1.35%
2000-01	1.27%
2001-02	1.10%
2002-03	1.17%
2003-04	0.99%
2004-05	0.96%
2005-06	0.89%
2006-07	0.74%
2007-08	0.73%
2008-09	0.78%
2009-10	0.65%
2010-11	0.55%
2011-12	0.51%
2012-13	0.47%
2013-14	0.49%
2014-15	0.47%
2015-16	0.45%
2016-17	0.42%
2017-18	0.42%
2018-19	0.41%
2019-20	0.41%
2020-21	0.38%
2021-22	0.37%
2022-23	0.36%



Per Capita spending on TAG has remained level only because we are identifying fewer TAG students. Students identified for other special services have increased both in numbers and in *per capita* spending:



6. TAG and high-achieving students are often invisible

We do not include high-achieving students in our accountability systems. Schools assume they are “fine” without making an effort to ensure they are learning.

Most state accountability documents combine students who “meet” benchmarks and students who “exceed” benchmarks, for a single count of students who are “proficient.” This makes high-achieving students invisible.

These students were explicitly excluded from provisions of the Student Success Act when the State Board of Education on April 21, 2022 agreed that a *“Lack of access to programs for academically gifted and high-achieving students does not constitute facing academic disparities”*

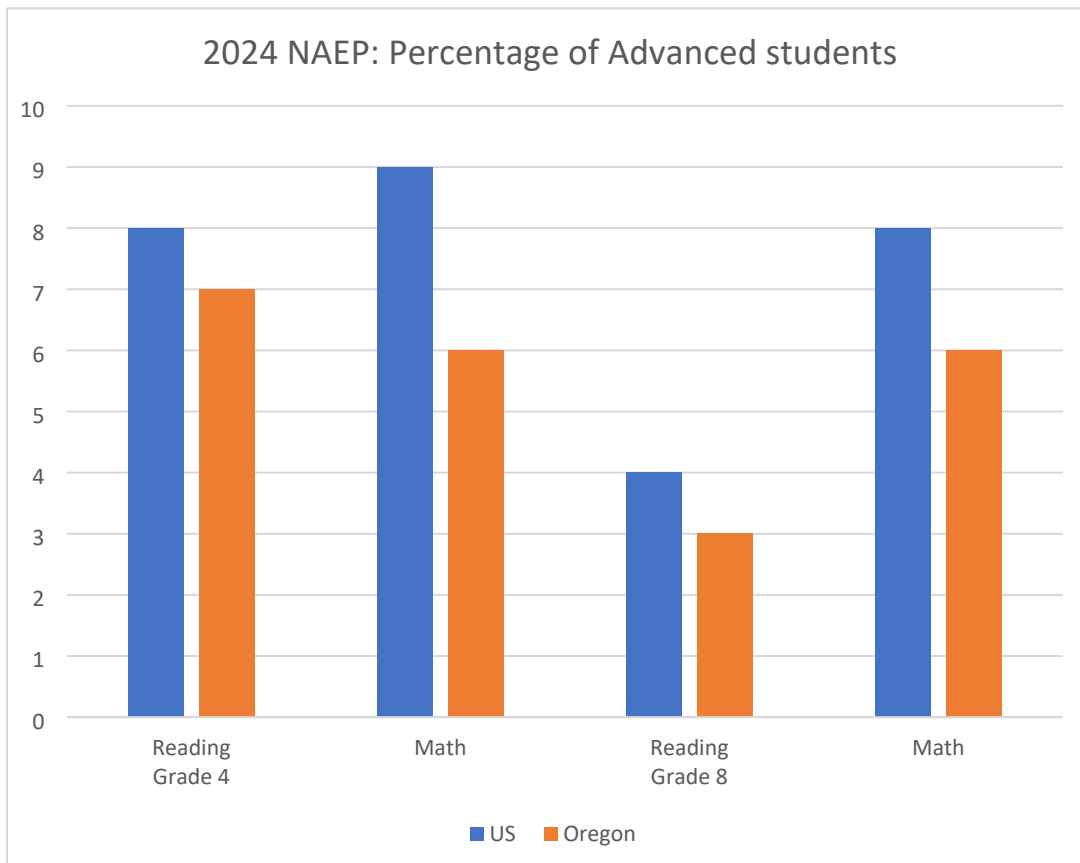
Because of this, these students are not included in “Metrics and Longitudinal Performance Growth Targets:” of the Student Success Act.

This declaration also has a downstream effect on other state reports and outreach efforts. In identifying education “stakeholders,” many ODE staff and contractors turn to “community-based organizations” that focus on the specific student groups called out in the SSA, overlooking the needs of high-achieving students. OATAG and/or TAG families seldom have opportunities to participate even when policies under consideration will affect these students directly.

The Quality Education Commission recommendation for 2025/7 (August, 2024, p. 61) also completely omitted TAG services even though they are mandated by state law.

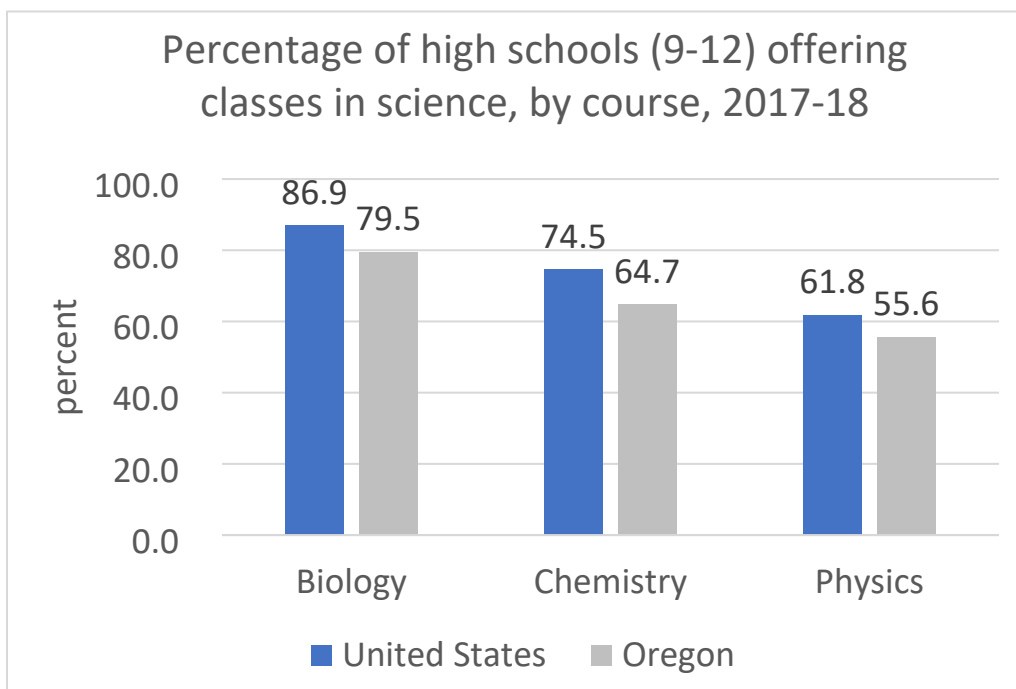
7. Disinvestment handicaps student achievement and reduces access to advanced classes for all students.

Results from the National Assessment of Educational Progress (NAEP) show that Oregon trails the rest of the country in the percentage of advanced students



https://www.nationsreportcard.gov/profiles/stateprofile/overview/OR?sfj=NP&chort=1&sub=MAT&sj=OR&st=AP&year=2024R3&cti=PgTab_OT

In 2017-18, Oregon High Schools offered fewer science courses than those in in the rest of the US

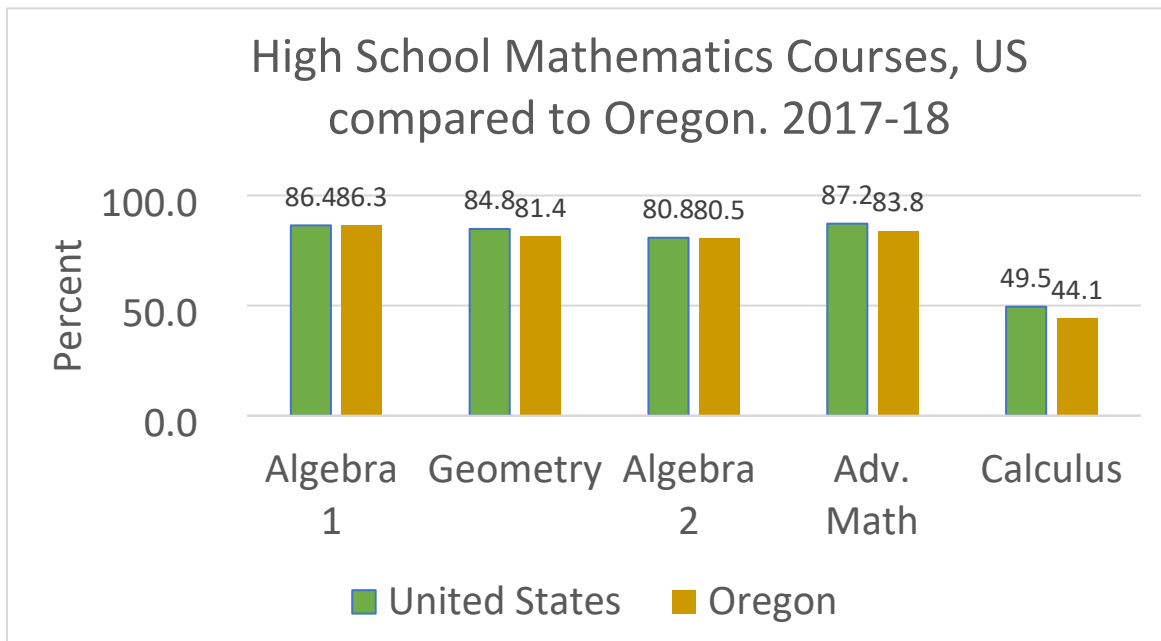


NOTE: Table reads (for US Totals): Of all 47,796 public schools with any grade 9-12 (or ungraded), 22,597 (86.9%) offered biology classes.

Data reported in this table represent 100.0% of responding schools.

SOURCE: U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, 2017-18, available at <http://ocrdata.ed.gov>.

Also In 2017-18, fewer Oregon high schools offered advanced mathematics and Calculus courses than the rest of the US. The current “math pathways” which further reduce Geometry and Algebra 2 requirements, seem likely to continue this decline and reduce access to advanced math.



¹ Advanced mathematics includes: trigonometry, trigonometry/algebra, trigonometry/analytic geometry, trigonometry/math analysis, analytic geometry, math analysis, math analysis/analytic geometry, probability and statistics, and precalculus.

NOTE: Table reads (for US Totals): Of all 26,310 public schools with any grade 9-12 (or ungraded) reporting data, 22,644 (86.4%) offered Algebra I classes.

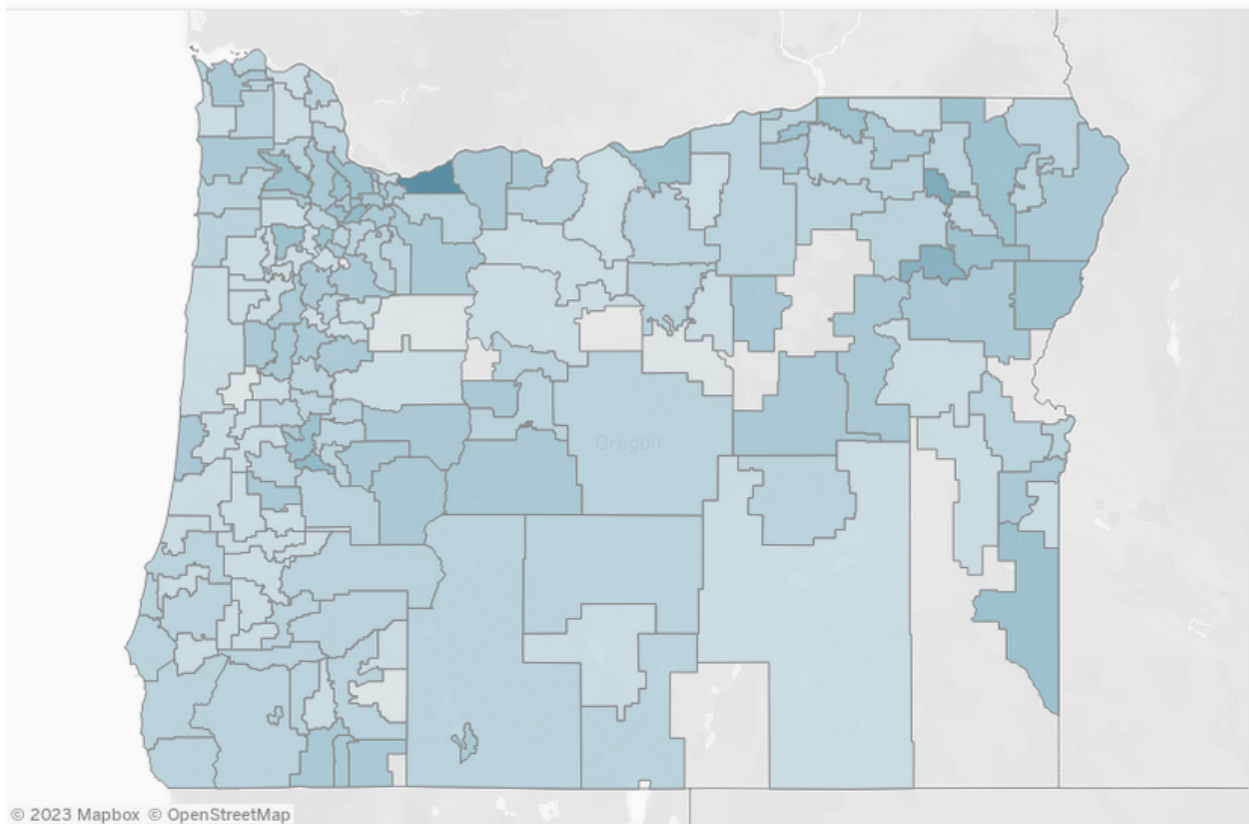
Data reported in this table represent 100.0% of responding schools.

Source: US Office of Civil Rights Civil Rights Data Collection 2017-18, available at <http://ocrdata.ed.gov>

Disparities in access to advanced instruction k-12 produce disparate educational opportunities, raise college costs for students, and reduce academic attainment.

There are Regional, Status, and Income-based Disparities in Access to all Accelerated Learning Opportunities

Accelerated learning participation rates by school district



Caption: Map of Oregon showing participation in any type of accelerated learning (including Advanced Placement, direct enrollment, dual credit, and International Baccalaureate) by school district among students in grades 9–12 during academic years 2017/18 through 2019/21.

Education Northwest: Accelerated Learning and Career and Technical Education in Oregon May 2022 <http://apps.educationnorthwest.org/or-accelerated-learning-dashboard/>

8. The problem starts early and continues through graduation even though most parents support advanced classes

According to the Oregon Department of Education in 2024:

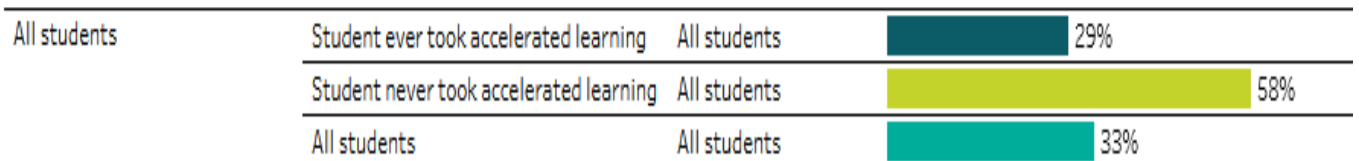
“[E]quitable access to accelerated learning programs begins with high leverage instructional practices for all students beginning in kindergarten. Merely offering the classes at the secondary level doesn't mean students were effectively and equitably prepared to be successful in advanced learning classes during their elementary and middle school years. 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.

Equitable access to accelerated learning programs is essential for supporting students' successful transition into post-secondary education and careers. These programs provide students with the academic rigor and skills necessary to excel in college and the workforce. Moreover, they can help close achievement gaps and create a more level playing field for all students. The benefits of accelerated learning programs are well-documented. Students in these programs typically achieve higher test scores, have higher college acceptance rates, and earn higher incomes than their peers. They are also more likely to graduate from college and pursue advanced degree.”

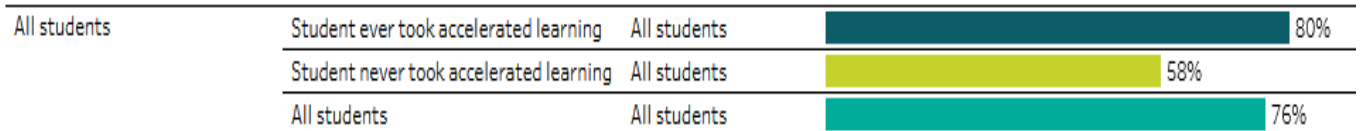
SB 736 Legislative Report Study *Identifying How to Increase Access to Advanced Instruction in the Public Schools of the State*, September 2024

Students who participate in accelerated classes are less likely to need “developmental” courses and more likely to graduate from college

Enrollment in developmental education at any Oregon public community college or university



College persistence (immediate enrollment)



Students enrolled in 12 grade in 2015-16 and 2017-18

Source: <http://apps.educationnorthwest.org/or-accelerated-learning-dashboard/>

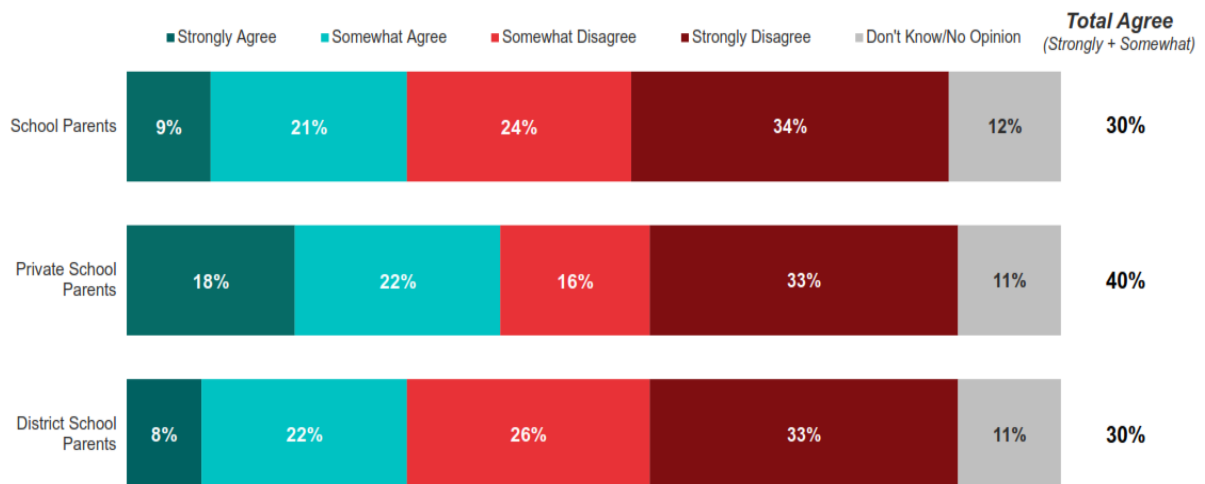
<https://www.oregon.gov/highered/research/Documents/Reports/Accelerated-learning-report-IssueBrief-2019.pdf>

Most parents think schools should offer advanced classes instead of mixing all students together.

The majority of school parents disagree that schools should eliminate advanced classes in order to mix students together.

To what extent do you agree or disagree that schools should eliminate academically advanced classes and have all students mixed together in the same classes?

School Parents



Survey conducted June 5, 2024 – June 7, 2024, among U.S. adults

MORNING CONSULT | edCHOICE

poll conducted by the business intelligence group *Morning Consult* June 5-7 2024

<https://www.edchoice.org/engage/gifted-education-important-to-parents-in-latest-monthly-poll/>

9. [Neglecting gifted and high-achieving students undermines our economy. This is unkind, unjust, and unwise.](#)

State experts agree:

According to Future Ready Oregon in 2024:

“OED [Oregon Employment Division] estimates that one-third of all job openings in the next decade will require some post secondary education and/or training and 60 percent of all job openings will require education beyond high school to be competitive in the applicant pool. For jobs earning above-average wages, 93 percent recommend education and training beyond high school to be competitive..... In 2023, 56% of Oregonians ages 25 to 34 earned a postsecondary award.”

Source: Amy G. Cox, Shanda Haluapo, and Alex Brunot, Office of Research and Data, Oregon Higher Education Coordinating Commission, December 2024.

According to the Higher Education Advancement Council in 2017:

“There is a strong connection between math course taking in college and the K-12 sector. Students who become math majors generally develop their identity as STEM or math students in middle school or high school. It is unusual for a student who struggles with math early in their education to become successful enough to attain a degree in math in college.”

Source: Higher Education Coordinating Commission, [Report to Oregon Legislature: Methods to Increase Math Degree Attainment at Oregon Public Universities](#) (2017)

According to Education Northwest in 2015-16:

“Students who were economically disadvantaged were less likely to participate in accelerated learning compared to their peers who were not economically disadvantaged. Similarly, schools with a higher percentage of economically disadvantaged students had lower participation rates in accelerated learning.”

“Predictors of participation in accelerated learning were the same as predictors of graduating from high school—and they can be traced to middle school. Specifically, malleable measures of

achievement and engagement in middle school (assessment scores, attendance, discipline, and school mobility) were consistently related to accelerated learning participation.”

“In the class of 2014/15, accelerated learning participants were 30 percentage points more likely to graduate from high school, 25 percentage points more likely to enroll in college, and 22 percentage points more likely to persist in college than similar peers who did not take accelerated learning in high school. Findings were consistent for Black, Latino/Hispanic, and American Indian/Alaska Native students.”

“The positive association between accelerated learning and education outcomes varied in magnitude based on accelerated learning mode.”

Source: “Supporting the Transition to College: Accelerated learning access, outcomes, and credit transfer in Oregon”, November 2018, Michelle Hodara, Ashley Pierson

National experts agree:

“schooling-induced differences in cognitive skills are significantly related to economic growth..... both the basic-skill and the top-performing dimensions of educational performance appear separately important for growth.... a ten percentage point increase in the share of top-performing students [in a country] is associated with 1.3 percentage points higher annual growth. ...the economic returns come only from policies that effectively improve student achievement and that thus add to the skills of the labor force – and not from ones that increase the length of schooling without improving achievement.”

Source: Eric A. Hanushek and Ludger Woessmann, “Do Better Schools Lead to More Growth? Cognitive Skills, Economic Outcomes, and Causation,” *Journal of Economic Growth* · February 2009
DOI: 10.1007/s10887-012-9081-x ·

“in the short run, participation [in a gifted program] is associated with a significant increase in math standardized test score performance. In the long run, participation is found to increase the probability a child takes Advanced Placement classes”

Source: Bhatt, R. R. (2009), “The impacts of gifted and talented education”, *Andrew Young School of Policy Studies Research Paper Series*, (09-11).

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1494334

“It Pays to Improve School Quality: States that boost student achievement could reap large economic gains,”

Source: Eric A. Hanushek, Jens Ruhose, Ludger Woessmann, *Education Next*, Summer, 2016.

<https://hanushek.stanford.edu/publications/it-pays-improve-school-quality>

581-053-0220

School Bus Driver's Permit and Certificate

(1) No person shall transport pupils in a school bus or a vehicle that has a capacity of more than 20 passengers and not subject to regulations promulgated by the Oregon Department of Transportation or U.S. Department of Transportation, unless such person has a valid School Bus Driver's Permit or Certificate or is a temporary driver, approved by ODE. No person shall transport pupils in a school bus of any size or type without first receiving documented instruction in its safe operation.

(2) ODE shall issue a School Bus Driver's Permit to an applicant who:

(a) Possess a valid CDL with proper endorsements for the vehicle being driven;

(b) Passes a physical examination as required in OAR 581-053-0040 Physical Examinations within six months prior to application;

(c) Passes a behind-the-wheel test administered by an ODE certified behind-the-wheel trainer within one year prior to application;

(d) Is not disqualified based on driving or criminal record as required in OAR 581-053-0050 Driving and Criminal Records;

(e) Submits an application for School Bus Driver's Permit or Certificate signed by the local supervisor certifying:

(A) The employer will:

(i) 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 Driving and Criminal Records;

(ii) Be in compliance with 49 CFR Part 382 FMCSA Controlled Substances and Alcohol Use and Testing; and

(iii) Ensure the driver complies with all applicable OARs.

(B) The applicant demonstrates the knowledge and ability to perform the duties of a school bus driver.

(f) Completes approved behind-the-wheel training.

(A) Training shall be for a minimum of 15 hours in actual operation of the vehicle(s) that the applicant will be expected to drive, except training may be to a minimum of four hours if:

(i) The applicant has regularly driven a school bus for a period of six months within the last three years;

(ii) The school bus was of a size and type similar to that which the applicant will be expected to drive; and

(iii) The employer has documentation from the applicant's previous employer regarding previous experience.

(B) Hours counted in paragraph (A) of this subsection shall be spent with a certified Behind-the-Wheel Trainer, or a certified Assistant Trainer working under the direction of a Behind-the-Wheel Trainer, as outlined in OAR 581-053-0130 Assistant Trainer Certificate.

(g) Reads and speak the English language sufficiently to converse with the general public, understand highway signs and traffic signals in the English language and respond to official inquires and make entries on reports and records; and

(h) Complies with 49 CFR Part 382, FMCSA Controlled Substances and Alcohol Use and Testing.

(i) Has not held a valid School Bus Driver's Permit or Certificate within the last year.

(3) ODE shall issue an original School Bus Driver's Certificate to applicants who:

(a) Possess a valid CDL with proper endorsements for the vehicle being driven;

(b) Pass a physical examination as required in OAR 581-053-0040 within six months prior to application;

(c) Pass a behind-the-wheel test administered by an ODE certified behind-the-wheel trainer within one year prior to application;

(d) Are not disqualified based on driving or criminal record as required in OAR 581-053-0050;

(e) Submit an application for School Bus Driver's Permit or Certificate signed by the local supervisor certifying that:

(A) The employer will:

(i) 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;

(ii) Be in compliance with FMCSA Controlled Substances and Alcohol Use and Testing regulations at 49 CFR 382; and

(iii) Ensure that the driver complies with all applicable OARs.

(B) The applicant:

(i) Demonstrates the knowledge and ability to perform the duties of a school bus driver;

(ii) Has completed the Core Course for school bus drivers taught by a certified Core instructor within the last four years; and

(iii) Is trained in first aid;

(f) Complete approved behind-the-wheel training.

(A) Training shall be for a minimum of 15 hours in actual operation of the vehicle(s) that the applicant will be expected to drive, except the training shall be for a minimum of four hours if:

(i) The applicant has regularly driven a school bus for a period of six months within the last three years;

(ii) The school bus was of a size and type similar to that which the applicant will be expected to driver; and

(iii) The employer has documentation from the applicant's previous employer regarding previous experience.

(B) Hours counted in paragraph (A) of this subsection shall be spent with a certified Behind-the-Wheel Trainer, or a certified Assistant Trainer working under the direction of a Behind-the-Wheel Trainer, as outlined in OAR 581-053-0130 Assistant Trainer Certificate;

(g) Read and speak the English language sufficiently to converse with the general public, understand highway signs and traffic signals in the English language, and respond to official inquiries and make entries on reports and records; and

(h) Comply with 49 CFR Part 382 FMCSA Controlled Substances and Alcohol Use and Testing regulations.

(i) Notwithstanding any other provision of this section, ODE shall issue a School Bus Driver's Certificate to an applicant who holds a valid School Bus Driver's Permit issued under section (2) of this rule, and who submits a School Bus Driver's Permit Conversion Card signed by a local supervisor certifying that the applicant has:

(A) Completed the Core Course for school bus drivers taught by a certified Core Instructor within the last four years; and

(B) Is trained in first aid.

(4) ODE shall renew a School Bus Driver's Certificate for an applicant who:

(a) Possesses or has possessed within the last 12 month period a valid School Bus Driver's Certificate;

(b) Possesses a valid CDL with proper endorsements for the type of vehicle being driven;

(c) Passes a physical examination as required in OAR 581-053-0040 Physical Examinations within six months prior to application;

(d) Is not disqualified based on driving or criminal record as required in OAR 581-053-0050 Driving and Criminal Records;

(e) Submits an application for School Bus Driver's Permit or Certificate signed by a local supervisor certifying:

(A) The employer will:

(i) 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;

(ii) Be in compliance with 49 CFR Part 382 FMCSA Controlled Substances and Alcohol Use and Testing; and

(iii) Ensure that the driver complies with all applicable OARs.

(B) The applicant:

(i) Demonstrates the knowledge and ability to perform the duties of a school bus driver;

(ii) Has completed a Core or Core Refresher Course for school bus drivers, taught by a Core or Core Refresher instructor within the last four years;

(iii) Is trained in first aid; and

(iv) Has completed training averaging at least eight hours annually, while certified as a school bus driver during the preceding four-year period. Training must meet the requirements in OAR 581-053-0225 Approved Training for School Bus Drivers and be received by ODE to qualify.

(v) Complies with 49 CFR Part 382 FMCSA Controlled Substances and Alcohol Use and Testing.

(f) Additional tests may be required by ODE if reasonable doubt of driver competency exists or as required by rule.

(5) ODE may approve a person who does not currently possess a valid School Bus Driver's Certificate or Permit as a temporary driver. If approved, a driver shall not drive more than 10 days as a temporary driver during the approval period. ODE shall only approve a temporary driver if the driver:

(a) Submits a Request for Approval of a Temporary Driver form, signed by a supervisor;

(b) Is judged competent by the local supervisor;

(c) Possesses a valid CDL with proper endorsements for the vehicle being driven;

(d) Possesses a valid medical certificate;

(e) Has passed a driving and criminal records check as required in OAR 581-053-0050 Driving and Criminal Records; and

(f) Meets all other requirements listed on the Request for Approval of a Temporary Driver form.

(6) Expiration:

(a) School Bus Driver's permits expire 120 days after issuance, or on the date of medical certificate expiration, whichever occurs first. Permits may not be renewed. The holder of a valid permit may apply for a School Bus Driver's Certificate, provided that all requirements have been met for such certificate.

(b) School Bus Drivers' Certificates shall expire two years from the date of the physical examination required in OAR 581-053-0040, except:

(A) Certificates for applicants 55 years of age and older shall expire one year from the date of physical examination required in OAR 581-053-0040; and

~~(B) Certificates for applicants who are diabetic shall expire one year from the date of the physical examination required in OAR 581-053-0040; and~~

~~(B)~~ Certificates for applicants who have had a physical examination as required in OAR 581-053-0040 and have been issued a medical certificate with an expiration date that is prior to the expiration dates outlined in this subsection shall expire on the date the medical certificate expires.

(c) An approval of a temporary driver expires on July 1, following approval.

(7) Age Restrictions: To obtain an original School Bus Driver's Certificate or Permit, or to renew a School Bus Driver's Certificate following a person's 70th birthday, an applicant must comply with all certification requirements and successfully complete an ODE behind-the-wheel test no more than 30 days before the date of application. The test must be administered by a behind-the-wheel trainer. A copy of the test shall be attached to the application form.

(8) A driver shall notify ODE, in writing, of any change in the driver's name, address or employer within 30 days of the change. A duplicate certificate will be issued if necessary.

(9) A School Bus Driver's Permit or Certificate shall be invalid anytime that:

(a) A transportation entity or contractor notifies ODE that the driver is no longer active;

(b) The driver is no longer trained in first aid (School Bus Certificate Only);

(c) The driver no longer meets the physical requirements outlined in OAR 581-053-0040; or

(d) The driver does not maintain or falsifies records required of a diabetic driver outlined in OAR 581-053-0040.

(10) A School Bus Driver's Permit or Certificate shall be valid again if:

(a) The permit or certificate was invalid under subsection (9)(a) of this rule when a transportation entity or contractor notifies ODE that they are ensuring the driver's compliance with these OARs.

(b) The certificate was invalid under subsection (9)(b) of this rule when the driver is trained in first aid.

(c) The permit or certificate was invalid under subsection (9)(c) of this rule when the driver meets the physical requirements outlined in OAR 581-053-0040.

(d) The permit or certificate was invalid under subsection (9)(d) of this rule when the driver is able to produce two weeks of medical records demonstrating compliance with the physical requirements for diabetic drivers outlined in 581-053-0040.

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

Oregon State Board of Education

April 10, 2025

AGENDA ITEM: OAR 581-053-0220

<p>SUBJECT: 581-053-0220</p> <p>STAFF NAME & OFFICE: Brock Dittus, Pupil Transportation & Fingerprinting</p> <p>Technical update and fix to the Division 53 rules based on field observations and feedback, industry changes, and ODE staff recommendation.</p> <p><input type="checkbox"/> New Rule</p> <p><input checked="" type="checkbox"/> Amend Existing Rule</p> <p><input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> First Reading</p> <p><input type="checkbox"/> Presentation</p> <p><input checked="" type="checkbox"/> No</p> <p>Presentation</p> <p><input type="checkbox"/> Action</p> <p><input type="checkbox"/> Temp Rule</p> <p><input type="checkbox"/> Presentation</p> <p><input type="checkbox"/> No</p> <p>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.

A summary of the proposed changes follows:

- 581-053-0220: Removing one-year restriction to a diabetic driver's certificate to align with changes to the physical examination rule requirement leaving the determination of a driver's fitness to the medical examiner.

This is a “technical fix” rulemaking, addressing a matter 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 the associated previous proposed changes for the September 2024 meeting, and had no questions. It adopted the rules that this rulemaking aims to align with at the October meeting. The board also reviewed the currently proposed changes in its February meeting and had no questions at that time.

Oregon State Board of Education

April 10, 2025

AGENDA ITEM: OAR 581-053-0220

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

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 detrimental impacts to racial equity across the state, may possibly present a slight improvement, and should increase the safety of all students attending Oregon schools.

FISCAL ANALYSIS

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, maintaining the safety in transportation for students within the state.

A "no" vote would result in the persistence of misalignment with newest administrative rule changes, increase the chance of continued problems with driver credentialing through our agency.

STAFF RECOMMENDATION

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

ATTACHMENTS

Attachment 1: proposed revision to OAR 581-053-0220

Summary

Meeting Date: 4/10/2025

Title: The Ivy School Charter Renewal (State Board Sponsored)

Status: Second Reading/Adoption (no changes)

Presentation: No (Written Report Only/Consent)

Key Staff: Christen Kelly, Charter School Specialist; Kate Pattison, SCORE Team Director; Nikki Jones, Executive Director, The Ivy School

Topic Summary: The Board must evaluate and decide whether to renew The Ivy School for a ten-year charter term.

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

The Ivy School is one of four Oregon State Board of Education sponsored public charter schools. Approved for sponsorship in December 2008, The Ivy School first opened in September 2009 and the school is currently in its fifteenth year of operation. The Ivy School is located in the Portland Public School District and serves 266 students in grades K-8. The Ivy School's mission is to offer a Montessori education to inspire students of diverse backgrounds to be lifelong, independent learners who value responsibility and embody peace. Students are engaged through hands-on Montessori materials and student-driven work cycles.

The State Board of Education received an official written request from The Ivy School for renewal of the charter contract pursuant to ORS 338.065. This is The Ivy School's third request to renew their charter contract. The school's renewal request is for a ten-year charter contract.

On January 14, 2025, Department staff conducted a public hearing via Zoom for the Ivy School community to provide input regarding the renewal. Eleven people attended, including parents, staff, and Ivy School board members. Six provided spoken testimony at the meeting in favor of the renewal. The Oregon Department of Education (ODE) also received written testimony in favor of the renewal. (Please see the Public Hearing Officer's Report and public hearing written testimony attached to this docket).

Renewal Process:

Public charter schools must be renewed by their authorizing board to continue operating. The renewal process and criteria for evaluating the school's performance is outlined in ORS 338. Over the last five years, ODE staff have visited the school and met with school leadership many times. The school received a formal visit each year and informal visits, including observations of the charter school board meetings and professional development for instructional staff. During the COVID-19 pandemic response, ODE conducted virtual visits and observations. As part of the ongoing oversight and accountability, the school has participated in formal visits, required training, and submitted reports to ODE. The information gathered from the visits and reports presented in three categories (academic performance, organizational performance, and fiscal performance) serves as the foundation for staff recommendation regarding the renewal of this school. The specific performance expectations for each category are mutually agreed upon in the Performance Framework and included in the charter contract.

The Ivy School completed a renewal application and submitted it along with the formal request for renewal on December 31, 2024. The application includes an overview of the school's prior academic, operational and financial performance, as well as a description of what the school intends to accomplish over the next ten years. This renewal application and appendices are included as an attachment.

Academic:

The Ivy School has generally performed well academically. When measuring the school's performance on the English Language Arts standards in the state assessment, the school has either met or exceeded the expectations included in the Performance Framework. In 2023-24, the school did not meet 3 year growth expectations in Math for identified student groups, however it met overall Math growth for all students. The school is actively working on implementing math supports for students using Montessori materials and tracking students' progress with iReady assessments several times a year. This informs targeted interventions for students as needed.

In March 2020, The Ivy School quickly pivoted to distance learning and was able to start providing instruction to students after spring break. For distance learning, staff ensured that each student had access to a chromebook or other device. Teachers began meeting with students in 1-on-1 conferences to establish virtual relationships and assess student needs. Teachers quickly rolled out lessons through iReady and then began developing their own Montessori video lessons and follow-up work packets for students. The Ivy School met the requirements of Distance Learning for All and eventually brought students back on campus through Limited In-Person Instructional opportunities.

Throughout the pandemic, as the school shifted from Distance Learning for All to Comprehensive Distance Learning (CDL), families and staff worked together to help students navigate the ever-changing requirements and guidance. The school leadership ensured all executive orders and guidance was followed, working closely with the LPHA, Department of Education, and families. This attention to guidelines allowed the instructional staff to focus on student learning and well being.

In 2020-21, the Department conducted a virtual site visit and observed instruction within CDL and school systems adapted to support students online. Then in 2021-22, the Department was able to visit the school in-person and conducted a hybrid site visit with some focus groups meeting virtually. In 2022-23, the site visit returned to full in-person focus groups and observations. Over this period, ODE has observed the school prioritize academic rigor and teacher development. This focus has been necessary as part of the pandemic response in addition to further strengthening the Montessori educational program. Through these efforts, school leadership has made strategic investments to grow their own staff, training and promoting assistant guides to classroom guides (teachers).

Over 2023-24 and 2024-25, Ivy has continued to focus on fidelity to the Montessori curriculum and educational program. The school has strengthened its tiered interventions and works closely with the special education team at PPS to identify students who need additional support. Teachers are working closely with leadership to evaluate the math program to address areas where students need different lessons and support.

Figure 1 – Ivy School Academic Performance Framework Ratings 2020-2024

MEASURE		2020-21 Rating*	2021-22 Rating*	2022-23 Rating	2023-24 Rating
1c	Economically Disadvantaged/ Students Experiencing Poverty-ELA	No Rating	No Rating	Meets	Exceeds
1d	Economically Disadvantaged/ Students Experiencing Poverty -MATH	No Rating	No Rating	Meets	Meets
1g	Students with Disabilities-ELA	No Rating	No Rating	Exceeds	Meets
1h	Students with Disabilities-MATH	No Rating	No Rating	Meets	Meets
1i	Underserved-ELA	No Rating	No Rating	Meets	Exceeds
1j	Underserved-MATH	No Rating	No Rating	Meets	Does not Meet
2a	All Student Growth-ELA	No Rating	No Rating	No Rating	Exceeds
2b	All Student Growth-MATH	No Rating	No Rating	No Rating	Meets
3a	Growth: Economically Disadvantaged/ Students Experiencing Poverty ELA	No Rating	No Rating	No Rating	Meets
3b	Growth: Economically Disadvantaged/ Students Experiencing Poverty-MATH	No Rating	No Rating	No Rating	Falls far Below
3e	Growth: Students with Disabilities-ELA	No Rating	No Rating	No Rating	Meets
3f	Growth: Students with Disabilities-MATH	No Rating	No Rating	No Rating	Does not Meet
3g	Growth: Underserved-ELA	No Rating	No Rating	No Rating	Meets
3h	Growth: Underserved-MATH	No Rating	No Rating	No Rating	Falls far Below
4a	Alignment to CCSS	Meets	Meets	Meets	Meets

*The state assessment system was waived for the 2020-22 school years because of the COVID-19 pandemic.

Operational:

The Ivy School has maintained strong compliance with all areas of operational performance expectations. A primary focus for the COVID years had been the health and safety of the Ivy School community and ensuring the school is compliant with the executive orders and pandemic guidance. Through regular meetings, phone calls, virtual oversight, and site visits, The Ivy School has demonstrated high levels of operational compliance.

The Ivy School has made strategic investments in staff and empowered staff to pursue programs that are responsive to the school community. In 2023-24, the school established a full nutrition program where students receive breakfast, lunch, and snacks. The food is made on-site by a dedicated and involved program manager who incorporates food culture and traditions that mirror the diversity of the students, families, and neighborhood. In response to student interests and a lack of local options, two classroom assistant guides started a basketball team for Ivy students. Over the last five years, Ivy has continued its commitment to its mission as a Montessori school while also being responsive to the neighborhood where the campus is located and the students enrolled. This has been evidenced by classroom materials, school events, as well as student and staff demographics.

Additionally, during the contract term, The Ivy school maintained necessary governance, policies, and compliance with education reporting requirements. The school is making continuous improvement efforts to ensure school systems are strengthened and updated as state policies and priorities evolve.

Figure 2 – The Ivy School Operational Performance Framework Ratings 2020-2024

MEASURE		2020-21 Rating	2021-22 Rating	2022-23 Rating	2023-24 Rating
10a	Education Program Implementation	Meets	Meets	Meets	Meets
10b	Education Requirement Compliance	Meets	Meets	Meets	Meets
10c	Rights of Students with Disabilities	Meets	Meets	Meets	Meets
10d	Rights of ELL	Meets	Meets	Meets	Meets
11a	Governance Compliance	Meets	Meets	Meets	Meets
11b	Administration Accountability	Meets	Meets	Meets	Meets
11c	Reporting Requirement Compliance	Meets	Meets	Meets	Meets
12a	Rights of All Students	Meets	Meets	Meets	Meets
12b	Staff Credentialing Requirements	Meets	Meets	Meets	Meets
13a	Facilities and Transportation Requirements	Meets	Meets	Meets	Meets

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MEASURE		2020-21 Rating	2021-22 Rating	2022-23 Rating	2023-24 Rating
13b	Health and Safety Requirements	Meets	Meets	Meets	Meets
13c	Student Information	Meets	Meets	Meets	Meets
14a	Other Obligations	Meets	Meets	Meets	Meets

Financial:

The school has completed annual municipal audits and submitted financial reports to the Department each year of the charter contract. The school has consistently met all the performance indicators and is taking steps to further strengthen the school’s internal controls.

The Department will continue to monitor financial management closely over the next term to see how the school is adhering to internal controls and managing decisions about the facility.

Figure 3 – The Ivy School Financial Performance Framework Ratings 2020-2024

MEASURE		2020-21 Rating	2021-22 Rating	2022-23 Rating	2023-24 Rating
7a	Current Ratio: Assets/Liabilities	Meets	Meets	Meets	Meets
7b	Unrestricted Cash	Meets	Meets	Meets	Meets
7d	Loan Default	Meets	Meets	Meets	Meets
8a	Total Margin (income /revenue)	Meets	Meets	Meets	Meets
8b	Aggregated Total Margin	Meets	Meets	Meets	Meets
8c	Debt to Asset Ratio	Meets	Meets	Meets	Meets
8d, 8e	Cash Flow	Meets	Meets	Meets	Meets
8g	Reporting and Compliance	Meets	Meets	Meets	Meets
8h	GAAP	Meets	Meets	Meets	Meets

Note: Financial indicators include only 2-3 levels of performance, removing the “exceed” level. Therefore, “meets” is the highest level.

SUMMARY OF PREVIOUS BOARD ACTION

On April 16, 2020, the State Board of Education approved a five-year charter contract for The Ivy School.

HAS THE ITEM CHANGED SINCE LAST BOARD MEETING?

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

POLICY ISSUE OR CONCERNS

Statutory Renewal Criteria Evaluation

ORS 338.065 requires the board to use the following review criteria as the basis for the decision:

The Ivy School has met the evaluation criteria in all categories.

Figure 4 – Statutory Renewal Criteria Evaluation

ORS 338.065 Renewal Criteria	ODE Evaluation
(A) Is in compliance with this chapter and all other applicable state and federal laws;	YES – Ivy is maintaining compliance with state and federal laws.
(B) Is in compliance with the charter of the public charter school;	YES – Ivy has demonstrated consistency with meeting the performance expectations in the charter contract.
(C) Is meeting or working toward meeting the student performance goals and agreements specified in the charter or any other written agreements between the sponsor and the public charter school governing body;	YES – Ivy is consistent in meeting or exceeding the performance goals and agreements in the charter contract and the performance framework.
(D) Is fiscally stable and has used the sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter under this section; and	YES – Ivy is fiscally stable and adhering to internal controls as part of a sound financial management system.
(E) Is in compliance with any renewal criteria specified in the charter of the public charter school.	YES – Ivy has demonstrated consistency with meeting the performance expectations in the charter contract.

Portland Public Schools

On February 6, 2025, Department staff sent a notice of the renewal recommendation and State Board meetings to the charter school program director for Portland Public Schools (PPS). The notice was acknowledged by PPS staff. No comments or concerns were raised by the district. The Department has not received any complaints or documented any concerns raised by PPS throughout the duration of the current contract.

EQUITY IMPACT ANALYSIS

The Ivy School is located in North Portland off Interstate Avenue. The school has served about 250 students in grades K-8 since 2009. Ivy’s mission is to offer a Montessori education to inspire students of diverse backgrounds to be lifelong, independent learners who value responsibility and embody peace.

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Ivy School students engage in a dynamic, authentic Montessori curriculum, which allows for exploration of the world around them. Through creative and challenging multi-sensorial instruction, Ivy School students develop critical thinking skills necessary to be global citizens in the 21st-century and beyond. Ivy Montessori teachers embrace best practices through Montessori philosophy and materials, state standards, authentic assessment, and student interest.

In 2019, The Ivy School’s student population was 24% students of color and 76% white students. With the help of targeted investments, cultural shifts, and systemic adjustments, the school’s student population for the 2023-24 school year is 30% students of color and 70% white students.

When compared to PPS academically for the 2023-24 school year, Ivy School students perform at higher rates in 6 of the 8 categories. The school is working to improve math instruction and systems for intervention for underserved populations.

2023-24 Indicator	Ivy School Grades 3-8	PPS Grades 3-8	Framework Rating
ELA - Achievement			
• All Students	62.6	56.5	Not Rated
• Students Experiencing Poverty	34.4	23.8	Exceeds
• Special Education	41.9	33.2	Meets
• Underserved Race/Ethnicity	41.7	27.4	Exceeds
MATH – Achievement			
• All Students	32.8	49.1	Not Rated
• Students Experiencing Poverty	21.9	17.4	Meets
• Special Education	37.2	29.9	Meets
• Underserved Race/Ethnicity	11.4	20.7	Does not Meet

FISCAL ANALYSIS

A decision to not renew The Ivy School would result in a loss of \$285,000 a biennium. This is equivalent to about 29% of the funds the Department receives from the state sponsored charter schools that are used to fund all charter school staff and programs at ODE.

EFFECT OF A “YES” OR “NO” VOTE

“Yes” = The Ivy School will be allowed to operate for another 10 years so long as it operates according to the law and any specific requirements or target negotiated in a new contract.

“No” = The Ivy School would be able to finish the current school year and would be eligible to file for a judicial review of the Board’s decision. If the charter school files for judicial review, the court may

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remand the decision back to the Board for reconsideration. The charter school could also choose not to file for judicial review and close at the end of the school year.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time

ATTACHMENTS

- Attachment 1: The Ivy School Renewal Application
- Attachment 2: The Ivy School Renewal Application Appendices
- Attachment 3: The Ivy School Performance Framework 2023-24
- Attachment 4: The Ivy School Public Hearing Officer Report
- Attachment 5: The Ivy School At-A-Glance Profile 2023-24
- Attachment 6: The Ivy School Accountability Details 2023-24



THE IVY SCHOOL CHARTER RENEWAL APPLICATION

**Oregon Charter Schools Program
State Sponsored Charter Schools**

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CHARTER RENEWAL APPLICATION

Instructions

The Charter Renewal Application must be submitted to the authorizer in **electronic form** by **11:59 PM** on **January 1** of the year the charter contract expires.

Format for Submissions

- The renewal application narrative should not exceed 25 (twenty-five) pages, excluding table of contents and attachments.
- The application must include the Renewal Application Form and must be signed by both the School Leader/Director and the Board Chair/President.
- The application should include a Table of Contents that includes any attachments.
- The application should have standard one-inch margins, be clearly paginated, and use at least 11-point font.
- Any attachment should provide information that a) meaningfully augments the body of evidence that the authorizer has already collected on the school's performance, or b) illustrates or supports plans or strategies for the next charter term that would be material to the charter contract for the renewal term. Applicants should reference attachments clearly in the application.
- The application should not include any photographs, pictures, or news clips unless they are being submitted as evidence of performance for renewal criteria.
- All files should be submitted as PDFs.

Electronic Submission

The Charter Renewal Application and all related documents should be uploaded to the *Smartsheet* line labeled "Renewal Documents" in the 2019-20 School Year.

RENEWAL TIMELINE

Renewal Stage	Purpose	Date
Renewal orientation conducted with School Leaders of each school up for renewal in the coming year	Explain the elements of the renewal process and set expectations regarding requirements and timeline	August-September
Renewal application due	Provide an opportunity for schools to formally request renewal and present plans for a new charter term	January 1 of year the charter will expire
Conduct site visits or other supplemental evidence gathering	Gather supplemental evidence of school performance and compliance to inform renewal recommendation	By January 31 of the year the charter will expire
Public hearing at the charter school	Following analysis by a team of experts, sponsor staff should assemble recommendations and present to the schools and board for discussion and public comment	Within 45 days of the renewal application submission
Renewal recommendation	Following analysis by a team of experts, authorizer staff will assemble a recommendation and present to the school and board for discussion and public comment	Within 15 days of the public hearing
Charter school renewal decision	Authorizer to make decision to renew or non-renew and communicate decision to families and other stakeholders	Within 30 days of the public hearing
Contract negotiations	Establish the terms for the next charter contract and consult with charter school regarding Federal funds the school is eligible to receive and Federal programs in which the charter school may participate	Within 90 days after the date of approved renewal

RENEWAL QUESTIONS

I. Executive Summary

Provide the enrollment and demographic information for the current school year (Table A). Then provide a brief (one to two page) description of the school, including an overview of the mission and vision, educational program, community and local connections, and leadership and governance.

CURRENT YEAR ENROLLMENT & DEMOGRAPHIC INFORMATION	
Total Enrollment	
Grades Served	k-8
# of Students Enrolled	266
# of Students on Waiting List	187
Gender	
# Male	133
# Female	126
Ethnicity/Race	
# White	167
# Black	16
# Hispanic	36
# Asian	5
# Other	42
Special Populations	
# Students with Disabilities	78
# English Language Learners	0
# Homeless Students	0
# Eligible for Free and Reduced Lunch	CEP(69)
PROJECTED ENROLLMENT & GRADES SERVED	
Total Enrollment	
Projected Grades Served	K-8
Maximum Projected Enrollment	300

II. Looking Back: The Record of Performance

Section II is the school’s opportunity to supplement or augment the performance record. Schools should use the Performance Framework and the annual reports produced by the school as a guide for this section. Responses should reference the specific criteria, expectations, and data in the Performance Framework and local assessment data used by the school.

Responses may include, but are not limited to, information about interim assessments or progress reports; evidence of performance on school- or mission-specific goals; and improvements undertaken at the school along with evidence of progress for any areas in which the school has not previously met or is not currently meeting the performance standard.

Responses should not include anecdotal information or evidence that is not relevant to the school's academic, financial, and organizational performance and the school's performance expectations as defined by the authorizer's Performance Framework and the school's charter contract.

Renewal Recommendations will be based on all evidence of school performance in the record, including but not limited to the school's responses in this section.

A. Academic Performance

1. Using the results contained in the Performance Framework, explain whether or not the school has met its performance expectations.
2. Provide any academic performance-related evidence, supplemental data, or contextual information that may not be captured in authorizer records. Submissions may include supplements related to the Renewal Performance Report. Please reference the specific Performance Framework measures to which the information applies, as appropriate.
3. Provide evidence of outcomes related to any mission-specific academic goals and measures established in the charter contract.

Academic Performance:

Our school has successfully met its performance expectations as outlined in the Performance Framework. By consistently reaching key benchmarks, we have demonstrated strong academic achievement, a positive school climate, and effective operational practices. Our results highlight a commitment to excellence and ongoing improvement, ensuring that we not only meet but strive to exceed our performance goals.

Additionally we assess our students three times per year using the i-Ready adaptive test, which measures growth in math and reading. These results guide teachers in planning individualized lessons tailored to each student's academic needs. Teachers also use ongoing observations and analysis of daily work to assess student learning and refine lesson plans. Additionally, our students consistently achieve competitive scores on the OSAS (Oregon Statewide Assessment System) tests, further demonstrating our commitment to academic excellence and our ability to support student growth and success.

B. Financial Performance

1. Provide evidence that the school is current in meeting its liabilities, including but not limited to payroll taxes, debt service payments, and employee benefits.
2. Provide any financial performance-related evidence, supplemental data, or contextual information that may not be captured in authorizer records. Submissions may include, but are not limited to, updated financial records and other updates. Please reference the

specific Performance Framework measures to which the information applies, as appropriate.

1. Liabilities Compliance:

The Ivy school affirms that it is currently meeting all financial liabilities. This includes, but is not limited to:

- *Timely payment of payroll taxes.*
- *Fulfillment of all debt service obligations.*
- *Full provision of employee benefits.*

These commitments reflect our ongoing dedication to maintaining a stable financial foundation and meeting our contractual and legal obligations.

2. Evidence of Financial Performance:

- *The Ivy School has maintained a record of strong financial stewardship, as evidenced by **seven consecutive years of clean audits**, demonstrating adherence to sound accounting principles and fiscal responsibility.*
- *Our quarterly financial statements further illustrate consistent and prudent management of resources. These statements confirm that we continue to operate within our means and meet the standards outlined in the Performance Framework measures.*

This evidence underscores The Ivy Schools financial health, operational transparency, and commitment to meeting all obligations, ensuring continued trust and accountability with all stakeholders.

C. Organizational Performance

1. Provide any organizational performance-related evidence, supplemental data, or contextual information that may not be captured in authorizer records. Submissions may include evidence of current compliance in areas for which the school was found previously to be non-compliant or other updates relevant to the Renewal. Please reference the specific Performance Framework measures to which the information applies, as appropriate.

2. Provide evidence of outcomes related to any school-established organizational goals, as appropriate.

Response to Organizational Performance Evidence

Over the past several years, our organization has made remarkable progress in advancing our mission, with a particular focus on community engagement, diversity, and programmatic growth. Below is an overview of our key accomplishments, which reflect both our dedication to compliance and our steadfast commitment to achieving our goals:

Community Engagement and Support

Community engagement remains at the heart of our mission. We have actively partnered with local organizations to foster meaningful connections and address community needs. Our collaboration with the local AME Church has supported their efforts in managing the Toys for Tots program, ensuring children in need receive holiday gifts, and participating in church clean-up initiatives. Additionally, partnerships with the Soul Restoration Center and the Portland Opportunities Industrialization Center (POIC) have created pathways for local youth, offering mentorship, job readiness programs, and opportunities to build successful futures. These collaborations reflect our dedication to uplifting the community and fostering opportunities for growth.

Diversity and Staff Development

Our commitment to equity and inclusion has driven transformative changes within our staff. Central to these efforts is our "grow our own" model, which prioritizes creating opportunities for individuals from the communities we serve to join our workforce. Over the past seven years, we have increased the percentage of staff of color from 1% to 30%, demonstrating our deliberate effort to decenter whiteness and foster an environment that reflects the rich diversity of our students and families.

Through inclusive hiring practices and a focus on building a culturally responsive team, we have enhanced our ability to provide an educational experience that resonates with all students. With this work, we hope to ensure every student feels seen, valued, and supported.

Programmatic Growth and Food Security Initiatives

Addressing food insecurity is integral to supporting our students' well-being. We are proud to have developed a comprehensive "From Scratch" lunch program that provides every student with a nutritious breakfast and hot lunch at no cost. This initiative, made possible through partnerships with the Oregon Department of Education (ODE) and strategic grant funding, ensures students can focus on their education without the distraction of hunger.

The program not only meets an immediate need but also reinforces our long-term commitment to removing barriers to learning and supporting the whole child.

Expansion of Services for Children

We are equally proud of the success of our Children's House, which has been providing high-quality, non-tuition-based Montessori education for five years. In a region where access to Montessori education is often limited to private schools, this initiative ensures that all families, regardless of financial circumstances, can benefit from this transformative learning approach.

Starting children in a Montessori environment during their early years sets a strong foundation for success in elementary education and beyond. By preparing students to thrive in a Montessori setting from the beginning, we help them unlock their potential and build a love for learning.

Additionally, we have achieved a major organizational milestone by purchasing a building for our school. This acquisition provides long-term stability, enabling us to better plan for the future, manage our budget effectively, and invest in the growth and sustainability of our programs.

These achievements represent significant steps forward in our journey to fulfill our mission. They highlight our unwavering commitment to supporting our community, fostering equity and inclusion, and creating opportunities for every student to succeed. As we continue to grow, we remain steadfast in our dedication to serving as a cornerstone of educational excellence and a source of opportunity for all.

III. Looking Forward: Plans for the Next Charter Term

Section III is the school's opportunity to discuss plans for the next charter term. Schools should identify any anticipated changes to the school's educational program, governance model, and financial outlook and must identify any proposed changes that would require modification of a material provision in the school's charter contract or that are likely to impact the school's academic or organizational success or its financial sustainability. As a general rule, the school should identify any changes that are relevant or significant with respect to the performance outcomes that the school has agreed to meet or are otherwise relevant to the school's renewal and continued authorization and operation as a public charter school. The authorizer reserves the right to request additional information so that it may sufficiently assess the impact and planning for such changes. Even if proposed changes would occur several years into the next charter term, the authorizer strongly encourages applicants to outline them here.

NOTE: Consistent with ORS 338.065 and the terms of the charter contract, the authorizer will make its renewal decisions based on the school's track record of performance, and not on promises of future performance or improvement. Responses to the questions in Section III will not be the basis for the authorizer's decision for renewal or non-renewal. Any anticipated changes to the school's educational program, governance model, and financial outlook and any proposed material modifications to the school's current charter contract must be proposed below and are subject to successful contract negotiations with the authorizer consistent with authorizer policy and state law. If the school has any questions about whether particular information or a proposed change should be included, please contact the authorizer prior to submission of this application.

A. Educational Program

1. Describe any significant changes to the essential terms of the school's educational program. Essential terms are those included, either directly or by incorporation, in the school's existing charter contract that relate to its educational program, including but not limited to the school's mission, course of study, instructional program, grade levels served, and, if applicable, any mission-specific goals.

We do not anticipate any significant changes to the essential terms of our educational program during the requested 10-year charter term. Our school remains firmly committed to its mission of providing a high-quality, equitable Montessori education that fosters academic, social, and emotional growth for all students.

We will continue to serve the current grade levels outlined in our charter contract and maintain the integrity of our Montessori instructional program, which includes a focus on individualized learning, hands-on materials, and fostering independence. Additionally, our

course of study will remain aligned with Montessori principles and aligned with state standards to ensure our students meet or exceed academic expectations.

Furthermore, we are committed to pursuing our mission-specific goals, such as promoting equity and increasing access to Montessori education for underserved populations. These goals remain central to our vision and guide our decision-making processes.

By requesting a 10-year term, we seek to solidify our foundation and build upon the successes of our existing program without altering its core components. This stability will enable us to deepen our impact and continue providing a Montessori educational experience for our students.

B. Financial Plans

1. Provide a five-year projected budget for the next charter term. The budget narrative should make clear the assumptions on which the school bases its key revenue and expenditure projections. In addition, the budget and narrative should describe any anticipated changes to the school's financial position and clearly articulate the financial impact of any proposed modifications on other aspects of the school's education program and operations (e.g., new curriculum or instructional materials, modified staffing structure, decreased or increased enrollment, etc.).

The Ivy School is committed to maintaining financial stability and meeting all fiscal obligations, including payroll taxes, debt service payments, and employee benefits. Our 2026-30 five-year budget projection reflects a well-structured financial plan based on current enrollment of 280 state-funded students and accounts for annual growth in state funding, controlled operational expenses, and projected revenue increases. With a robust strategy to maintain a surplus each year and cash reserves covering 3-4 months of operational needs, The Ivy School demonstrates its ability to sustain financial health and fulfill its liabilities, ensuring continued support for our mission and community.

[5 year budget projection](#)

[5 year budget notes](#)

C. Organizational Plans

1. Describe any anticipated changes to the governance of the school, including but not limited to board composition, committee structure, and/or amendments to by-laws.

We do not anticipate any changes to the Ivy Schools governance.

2. Describe any anticipated changes to the school leadership or staffing model and any proposed changes to the management of the school, including any changes to the school's relationship with a third-party education service provider, if one exists. If the school does not currently contract with an Education Service Provider (ESP) but intends to do so during the next charter term, if the school currently contracts with an ESP but does not intend to continue to do so during the next term, or if the school intends to make material modifications to its existing management agreement, the school must

contact the authorizer for additional information prior to the submission of this application.

We do not anticipate any changes to the Ivy Schools leadership, staffing models or management of the school.

3. Describe the current status of the school facility and discuss any anticipated changes in facilities needs or location. *Ensure that the budget narrative in section B explains how the school's facilities plans are reflected in the budget.*

We do not anticipate any changes to the Ivy Schools facilities.

RENEWAL APPLICATION SIGNATURES

By signing this application, you assure the information provided is accurate to the best of your knowledge and you affirm your intent to continue operating a public charter school if approved for renewal.

Charter School Director/Administrator

Nikki Jones

Date

12/31/24

Charter School Board Chairperson/President

Jim Livermore

Date

02/11/2025

The Ivy School

2026-30 5-year Budget Projection Notes – 280 State-Funded Students submitted by Dave Coffman, October 30, 2024

General Budget Notes

Enrollment – Budget is based on current enrollment of 280 students. This is currently below our Charter enrollment cap of 350 State-Funded students. We plan to continue our Children’s House/Preschool program, which brings in between 3 and 10 tuition-based students.

The Ivy School’s current building has a capacity for over 400 students, so we will be well under our capacity from a facilities perspective.

Staffing will continue at the same level as in the 2024-25 School Year.

Revenue Budget

Activity Fees – Activity Fees are budgeted based on projected enrollment.

Facility Rental – We are budgeting rental fees based on current arrangements and building capacity.

Children’s House Tuition – We are currently planning to have 3-4 tuition-based Children’s House students.

Portland Arts Tax Income – Arts Tax revenue is expected to grow as wages grow.

Fundraising Income – We are budgeting an increase to our fundraising capacity over the next 5 years.

School Lunch Revenue – School Lunch Revenue is budgeted based on projected enrollment.

State Funding – We are currently projecting the per student funding rate to increase by about 3% each year based on historical experience.

We are projecting State Funded enrollment of 280 students, which matches our current enrollment.

Expense Budget

Instructional Wages/Benefits – Includes the following:

- Pay increases are projected at 3% each year of the 5-year term.
- Staffing will remain at current levels
- Taxes, Benefits & PERS are budgeted to increase as wages increase

Instructional Purchased Services & Supplies – Purchased Services & Supplies are budgeted to include annual inflationary increases.

Support Services Wages/Benefits – Includes the following:

- Pay increases are projected between 2%-4% each year of the 5-year term.
- Staffing will remain at current levels
- Taxes, Benefits & PERS are budgeted to increase as wages increase

Support Services Purchased Services & Supplies – Budgeted Purchased Services & Supplies reflect current operations with the addition of annual inflationary increases.

Operations / Maintenance – Budgeted Operations/Maintenance reflect current operations with the addition of annual inflationary increases.

Other Activities – Budgeted Other Activities include Fundraising Expenses and Bad Debt and reflect current operations with the addition of annual inflationary increases.

Capital Outlay – Funds budgeted in Capital Outlay are intended to fund maintenance/improvement projects on the building.

Debt Service – This category represents our principal and interest obligations on our building loan. Our current loan term is fixed through February 2031.

Net Ordinary Income – We are projecting a minimal surplus in each year of the 5-yr projection. We have been able to replenish our cash reserves over the last 5 years after purchasing the building in 2019 and plan to be able to maintain cash reserves of 3 to 4 months of operational spending needs.

The Ivy School 5-Year Budget Projection July 2025 through June 2030

AQA#PW#MS

	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	FY 2029-30	Notes
	Budget	Budget	Budget	Budget	Budget	
Charter Enrollment	280	280	280	280	280	Based on Current Enrollment
Tuition Based Enrollment	3	3	3	3	3	Childrens' House Program
	<u>283</u>	<u>283</u>	<u>283</u>	<u>283</u>	<u>283</u>	
Ordinary Income/Expense						
Income						
4100 · LOCAL INCOME						
4110 · Activity Fees	50,000	50,000	50,000	50,000	50,000	
4125 · Facility Rental	10,000	10,000	10,000	10,300	10,609	
4138 · Childrens House Tuition	44,000	44,000	45,320	45,320	46,680	
Less Childrens House Scholarships	(11,000)	(11,000)	(11,330)	(11,330)	(11,670)	Equivalent of 1 full tuition scholarship
4140 · Portland Arts Tax	33,000	33,990	35,010	36,060	37,142	Inflationary increase, based on wages & enrollment
4180 · Fundraising Income	35,000	40,000	45,000	50,000	55,000	
Total 4100 · LOCAL INCOME	<u>161,000</u>	<u>166,990</u>	<u>174,000</u>	<u>180,350</u>	<u>187,761</u>	
4200 · School Lunch Program	130,000	132,600	135,252	137,957	140,716	
4300 · STATE INCOME						
4310 · State Grants	45,000	45,000	45,000	45,000	45,000	
4320 · Outdoor School Funding	70,000	72,000	72,000	74,000	74,000	
4330 · SIA Funding	203,940	210,058	216,360	222,851	229,537	Projecting 3% funding rate increases
4350 · State School Fund	2,796,500	2,880,395	2,966,807	3,055,811	3,147,485	Projecting 3% funding rate increases
4300 · State Income	<u>3,115,440</u>	<u>3,207,453</u>	<u>3,300,167</u>	<u>3,397,662</u>	<u>3,496,022</u>	
4999 · Interest Income	13,000	13,200	13,400	13,600	13,800	
Total Income	<u>3,419,440</u>	<u>3,520,243</u>	<u>3,622,819</u>	<u>3,729,569</u>	<u>3,838,299</u>	
Gross Profit	<u>3,419,440</u>	<u>3,520,243</u>	<u>3,622,819</u>	<u>3,729,569</u>	<u>3,838,299</u>	
Expense						
5000 · INSTRUCTION						
5100 · Wages	1,226,500	1,263,295	1,301,194	1,340,230	1,380,437	Inflationary Increases, no change to FTE
5200 · Employee Taxes & Benefits	600,985	619,015	637,585	656,713	676,414	insurance benefit & PERS Increases
5300 · Purchased Services	170,000	175,100	180,353	185,764	191,337	inflationary increases
5400 · Supplies & Materials	50,000	51,500	53,045	54,636	56,275	inflationary increases
Total 5000 · INSTRUCTION	<u>2,047,485</u>	<u>2,108,910</u>	<u>2,172,177</u>	<u>2,237,343</u>	<u>2,304,463</u>	
6000 · SUPPORT SERVICES						
6100 · Wages	485,000	499,550	514,537	529,973	545,872	Inflationary Increases, no change to FTE
6200 · Employee Taxes & Benefits	232,800	239,784	246,978	254,387	262,019	insurance benefit & PERS Increases
6300 · Purchased Services	135,000	139,050	143,222	147,519	151,945	inflationary increases
6400 · Supplies & Materials	75,000	77,250	79,568	81,955	84,414	inflationary increases
6500 · Operations / Maintenance	190,000	195,700	201,571	207,618	213,847	inflationary increases
Total 6000 · SUPPORT SERVICES	<u>1,117,800</u>	<u>1,151,334</u>	<u>1,185,876</u>	<u>1,221,452</u>	<u>1,258,097</u>	
7000 · OTHER ACTIVITIES	500	1,000	1,500	1,750	2,000	Fundraising Expense, Bad Debt
8000 · CAPITAL OUTLAY	35,000	40,000	45,000	50,000	55,000	Building improvements & maintenance projects
9000 · DEBT SERVICE	216,480	216,480	216,480	216,480	216,480	Based on Debt-Service Schedule
Total Expense	<u>3,417,265</u>	<u>3,517,724</u>	<u>3,621,033</u>	<u>3,727,025</u>	<u>3,836,040</u>	
Net Ordinary Income	<u>2,175</u>	<u>2,519</u>	<u>1,786</u>	<u>2,544</u>	<u>2,259</u>	

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

**The Ivy School
2023-24**



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

**Prepared by Christen Kelly
Charter School Specialist
Oregon Department of Education**

Introduction

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

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

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

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

Christen Kelly
Charter School Specialist
SCORE Team
Oregon Department of Education

¹ From NACSA’s Core Performance Framework and Guidance.

Academic performance: data elements and sources

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

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

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

- The charter school's Oregon Report Card
- The charter school's contract
- The charter school's whole school growth and performance on standardized tests in ELA and MATH
- The charter school's subgroup growth and performance on standardized tests in ELA and MATH
- The district's Oregon Report Card (for the district in which the charter school is located)
- Performance and growth information for comparison schools, as defined by the Oregon Department of Education
- The school's graduation rate (where applicable)
- The district's graduation rate (where applicable)
- The school's completion rate (where applicable)
- The district's completion rate (where applicable)
- The school's dropout rate (where applicable)
- The district's dropout rate (where applicable)
- The graduation, completion, and dropout rates of comparison schools, as defined by ODE (where applicable)
- The charter school's alignment to Common Core State Standards as evidenced by course syllabi, course descriptions, curriculum alignments, etc. (where applicable)

Academic Performance

1. Oregon School Rating System

Measure 1a Is the school meeting acceptable standards according to the Oregon State school rating system?
Exceeds standard: <input type="checkbox"/> School received the highest rating from the state accountability system.
Meets standard: <input type="checkbox"/> School received the highest rating from the state accountability system.
Does not meet standard: <input type="checkbox"/> School did not receive passing rating from the state accountability system.
Falls far below standard: <input type="checkbox"/> School identified for intervention or considered failing by the state accountability system.
State Board of Education comments: N/A
School comments:

Measure 1b Is the school meeting state designation expectations as set forth by the state and federal accountability system?
Exceeds standard: <input type="checkbox"/> School was identified as a "Model" school.
Meets standard: <input type="checkbox"/> School does not have a designation.
Does not meet standard: <input type="checkbox"/> School was identified as a "Focus" school.
Falls far below standard: <input type="checkbox"/> School was identified as a "Priority" school.
State Board of Education comments: N/A
School comments:

Measure 1c

How are **Students Experiencing Poverty** achieving on state assessments in ELA compared to the **Students Experiencing Poverty** in the district?

Exceeds standard:

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

Meets standard:

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

Does not meet standard:

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

Falls far below standard:

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

State Board of Education comments: Ivy's score was 34.4 and PPS score was 23.8

School comments:

Measure 1d

How are **Students Experiencing Poverty** achieving on state assessments in MATH compared to the **Students Experiencing Poverty** in the district?

Exceeds standard:

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

Meets standard:

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

Does not meet standard:

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

Falls far below standard:

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

State Board of Education comments: Ivy's score was 21.9 and PPS score was 17.4

School comments:

Measure 1e

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

Exceeds standard:

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

Meets standard:

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

Does not meet standard:

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

Falls far below standard:

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

State Board of Education comments: No students met these criteria for 2023-24

School comments:

Measure 1f

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

Exceeds standard:

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

Meets standard:

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

Does not meet standard:

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

Falls far below standard:

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

State Board of Education comments: No students met these criteria for 2023-24

School comments:

Measure 1g

How are **Students with Disabilities** achieving on state assessments in ELA compared to the **Students with Disabilities** in the district?

Exceeds standard:

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

Meets standard:

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

Does not meet standard:

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

Falls far below standard:

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

State Board of Education comments: Ivy's score was 41.9 and PPS score was 33.2

School comments:

Measure 1h

How are **Students with Disabilities** achieving on state assessments in MATH compared to the **Students with Disabilities** in the district?

Exceeds standard:

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

Meets standard:

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

Does not meet standard:

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

Falls far below standard:

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

State Board of Education comments: Ivy's score was 37.2 and PPS score was 29.9

School comments:

Measure 1i

How are **Students of Underserved Races/Ethnicities** achieving on state assessments in ELA compared to the **Students of Underserved Races/Ethnicities** in the district?

Exceeds standard:

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

Meets standard:

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

Does not meet standard:

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

Falls far below standard:

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

State Board of Education comments: Ivy's score was 41.7 and PPS score was 27.4

School comments:

Measure 1j

How are **Students of Underserved Races/Ethnicities** achieving on state assessments in MATH compared to the **Students of Underserved Races/Ethnicities** in the district?

Exceeds standard:

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

Meets standard:

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

Does not meet standard:

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

Falls far below standard:

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

State Board of Education comments: Ivy's score was 11.4 and PPS score was 20.7

School comments: At Ivy School, we recognize the importance of equitable academic achievement for students of underserved races and ethnicities and are committed to closing achievement gaps in mathematics. While our current state assessment scores are below the district average, we believe that standardized tests do not fully capture the depth of student learning in our Montessori environment, where hands-on, manipulative-based learning builds strong conceptual understanding over time.

Our instructional approach provides personalized, developmentally appropriate learning experiences, allowing students to engage with concrete materials before transitioning to abstract mathematical concepts. We monitor progress throughout the year using i-Ready assessments, which give real-time data on student growth and inform instructional adjustments. These assessments consistently show

that our students of color are making measurable progress in math.

Additionally, we are strengthening intervention strategies by:

- Increasing targeted small-group instruction to provide additional support in key math concepts.
- Expanding cross-age mentorship opportunities, allowing older students to reinforce their understanding by teaching younger peers.
- Utilizing data-driven instruction to ensure students receive the individualized support they need to succeed.

While our current achievement rates indicate room for growth, we remain committed to refining our approach, leveraging our Montessori methods, and ensuring that all students—particularly those from underserved backgrounds—receive the support they need to excel in mathematics

2. Student Academic Growth

Measure 2a Are All students making expected annual academic growth in ELA compared to their peers? (3-year Average Combined Median Growth Percentile-CMGP)
Exceeds standard: <input checked="" type="checkbox"/> Combined median growth percentile of 60 or more.
Meets standard: <input type="checkbox"/> Combined median growth percentile of between 35 and 59.5.
Does not meet standard: <input type="checkbox"/> Combined median growth percentile of between 30 and 34.5.
Falls far below standard: <input type="checkbox"/> Combined median growth percentile of lower than 30.
State Board of Education comments: Ivy's 3-year average for ELA is 60.7. The state classifies this average as a Level 3. The state also calculated the average gap score change between 2018-19 and 2023-24. The change in average for this measure is 3, which is classified as level 4.
School comments:

Measure 2b Are students making expected annual academic growth in MATH compared to their peers? (3-year Average Combined Median Growth Percentile)
Exceeds standard: <input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets standard: <input checked="" type="checkbox"/> Combined median growth percentile of between 35 and 59.5.
Does not meet standard: <input type="checkbox"/> Combined median growth percentile of between 30 and 34.5.
Falls far below standard: <input type="checkbox"/> Combined median growth percentile of lower than 30.
State Board of Education comments: Ivy's 3-year average for Math is 37.0. The state classifies this average as a Level 2. The state also calculated the average gap score change between 2018-19 and 2023-24. The change in average for this measure is 4, which is classified as level 5, indicating an improvement in scores.
School comments:

3. Subgroup Growth

Measure 3a

Is the school increasing academic performance in ELA over time for **Students Experiencing Poverty** students? (3-year Average Combined Median Growth Percentile)

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: Ivy's 3-year average for ELA is 38.5. The state classifies this average as a Level 2. The state also calculated the average gap score change between 2018-19 and 2023-24. The change in average for this measure is -17 and is classified as unrated due to the low number of students in this category that were measured.

School comments:

Measure 3b

Is the school increasing academic performance in MATH over time for Students Experiencing Poverty? (3-year Average Combined Median Growth Percentile)

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: Ivy's 3-year average for Math is 22.0. The state classifies this average as a Level 2. The state also calculated the average gap score change between 2018-19 and 2023-24. The change in average for this measure is -32, and is classified as unrated due to the low number of students in this category that were measured.

School comments: At the Ivy School, we utilize i-Ready testing to assess and level students in mathematics, allowing us to determine their current skill levels and instructional needs. Unlike the state end-of-year assessment, which provides a summative snapshot, i-Ready offers real-time, adaptive insights into student progress throughout the year. These results enable our educators to make data-driven decisions, tailoring instruction to meet individual student needs and ensuring targeted support for both remediation and enrichment. By leveraging i-Ready, we can track growth over time, adjust instructional strategies proactively, and provide students with the resources they need to succeed.

We also recognize that nutrition and food security play a crucial role in students' academic success and social-emotional well-being. This year, Ivy School launched a Free Lunch for All program, providing nutritious, from-scratch meals to all students, along with a free breakfast daily. By ensuring that every child has access to healthy, nourishing meals, we aim to remove barriers to learning and support overall student success.

In addition, we are partnering with Portland Public Schools' McKinney-Vento program to provide additional resources and support for students experiencing homelessness. This collaboration ensures that students facing housing insecurity have access to academic, emotional, and basic needs support, helping them stay engaged and successful in school.

While our current achievement rates indicate room for growth, we remain committed to refining our approach, leveraging our Montessori methods, and ensuring that all students—particularly those from Experiencing Poverty—receive the support they need to thrive academically, socially, and emotionally.

Measure 3c

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

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: No students met these criteria for 2023-24

School comments:

Measure 3d

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

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: No students met these criteria for 2023-24

School comments:

Measure 3e

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

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: Ivy's 3-year average for ELA is 43.1. The state classifies this average as a Level 2. The state also calculated the average gap score change between 2018-19 and 2023-24. The change in average for this measure is 3, which the state classifies as Level 4.

School comments:

Measure 3f

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

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: Ivy's 3-year average for Math is 33.6. The state classifies this average as a Level 2. The state also calculated the average gap score change between 2018-19 and 2023-24. The change in average for this measure is 50, which is classified as Level 5, indicating an improvement in scores.

School comments: At The Ivy School, we are dedicated to supporting all students, including those with disabilities, through individualized and hands-on learning experiences. Our Montessori approach provides students with opportunities to engage in concrete, manipulative-based learning, which helps build foundational math skills in a way that meets diverse learning needs. Students work with specialized materials such as golden beads, fraction insets, and the checkerboard for multiplication, allowing them to develop a deep conceptual understanding of mathematical principles at their own pace.

To ensure that students who may require additional support are identified early, we work closely with teachers through the Child Find process. This allows us to assess and determine if students need further evaluation for special education services. Additionally, we collaborate with Portland Public Schools (PPS) to provide targeted academic interventions, therapy services, and other supportive

measures for students with disabilities.

While Ivy's three-year average for math places us at Level 2, we are encouraged by the significant improvement in our average gap score change, which has reached Level 5. This reflects the effectiveness of our individualized instruction, small-group interventions, and collaboration with specialists in supporting students with disabilities. We remain committed to enhancing math instruction, refining intervention strategies, and advocating for additional resources to further improve student outcomes over time.

Measure 3g

Is the school increasing academic performance in ELA over time for students of **Underserved Races/Ethnicities**? (3-year Average Combined Median Growth Percentile)

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: Ivy's 3-year average for ELA is 40.2. The state classifies this average as a Level 2. The state also calculated the average gap score change between 2018-19 and 2023-24. The change in average for this measure is -36, which the state classifies as Level 2.

School comments:

Measure 3h

Is the school increasing academic performance in MATH over time for students of **Underserved Races/Ethnicities**? (3-year Average Combined Median Growth Percentile)

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: Ivy's 3-year average for Math is 17.8. The state classifies this average as a Level 2. The state also calculated the average gap score change between 2018-19 and 2023-24. The change in average for this measure is -30, which the state classifies as Level 2.

School comments: At The Ivy School, we are committed to closing the achievement gap and improving academic outcomes for students of underserved races and ethnicities. To support this goal, we track student progress in mathematics three times per year using i-Ready assessments. These assessments allow us to identify learning gaps early, adjust instruction accordingly, and provide targeted interventions to support student growth.

Our Montessori approach emphasizes hands-on, concrete learning experiences, which foster deep conceptual understanding rather than rote memorization. Students engage with manipulatives, real-world problem-solving, and exploratory learning, which are essential for building strong mathematical foundations but can be difficult to measure using traditional standardized tests. For example, students work with golden beads, fraction insets, and algebraic materials to develop number sense, spatial reasoning, and problem-solving skills that go beyond multiple-choice assessments.

Despite these challenges, our internal i-Ready data consistently shows growth among our students of color. By utilizing data-driven instructional strategies, we ensure that students receive individualized support, small-group instruction, and targeted interventions that align with their developmental needs. Moving forward, we remain focused on implementing evidence-based interventions and Montessori-aligned assessments to capture a more accurate picture of student learning and progress.

4. Alignment of Curriculum to Common Core State Standards

Measure 4a Is the school aligning curriculum to Common Core State Standards?
Meets standard: <input checked="" type="checkbox"/> School is offering all required core subjects and has aligned all classes in core subjects to Common Core State Standards and has articulated this through detailed syllabi, course descriptions, curriculum alignments, or other methods.
Does not meet standard: <input type="checkbox"/> School is offering all required core subjects but has not fully aligned all classes in core subjects to Common Core State Standards, and/or has not provided evidence of this through detailed syllabi, course descriptions, curriculum alignments, or other methods.
Falls far below standard: <input type="checkbox"/> School is not offering all required core subjects and/or has not aligned all classes in core subjects to Common Core State Standards and has not provided evidence of this through detailed syllabi, course descriptions, curriculum alignments, or other methods.
State Board of Education comments: The Ivy School is faithful to the Montessori curriculum and follows a curriculum to CCSS alignment rubric.
School comments:

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

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

Measure 5b

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

Exceeds standard:

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

Meets standard:

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

Does not meet standard:

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

Falls far below standard:

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

State Board of Education comments: N/A

School comments:

Measure 5c

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

Exceeds standard:

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

Meets standard:

School's average completion rate meets or exceeds the average district completion rate by up to 10%.

Does not meet standard:

School's average completion rate is less than the average district completion rate by 1-10%.

Falls far below standard:

School's average completion rate is less than the average district completion rate by 10% or more.

State Board of Education comments: N/A

School comments:

Measure 5d

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

Exceeds standard:

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

Meets standard:

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

Does not meet standard:

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

Falls far below standard:

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

State Board of Education comments: N/A

School comments:

Measure 5e

What percentage of students dropped out during the school year and did not re-enroll as compared to other schools in the district?

Exceeds standard:

School's average dropout rate is less than the average district dropout rate by 4% or more.

Meets standard:

School's average dropout rate meets or is less than the average district dropout rate by up to 4%.

Does not meet standard:

School's average dropout rate exceeds the average district dropout rate by 1-4%.

Falls far below standard:

School's average dropout rate exceeds the average district dropout rate by 4% or more.

State Board of Education comments: N/A

School comments:

Measure 5f

What percentage of students dropped out during the school year and did not re-enroll as compared to their peers in like schools?

Exceeds standard:

School's average dropout rate is less than the average dropout rate of their peers in like schools by 4% or more.

Meets standard:

School's average dropout rate meets or is less than the average dropout rate of their peers in like schools by up to 4%.

Does not meet standard:

School's average dropout rate exceeds the average dropout rate of their peers in like schools by 1-4%.

Falls far below standard:

School's average dropout rate exceeds the average dropout rate of their peers in like schools by 4% or more.

State Board of Education comments: N/A

School comments:

COMMENDATIONS: ACADEMIC PERFORMANCE

- The Ivy School continues to make gains following the COVID-19 pandemic.
- Overall, the school's academics exceed the performance of PPS.
- Ivy meets or exceeds in all ELA categories.
- The school does have a strong tiered intervention system with child studies that should continue to be strengthened through evaluation, reflection, professional learning, and teacher collaboration.

RECOMMENDATIONS: ACADEMIC PERFORMANCE

- Take actions to elevate and bolster Math achievement for students, especially for the identified student groups.
- Continue to use iReady assessments to identify areas of improvement to deliver targeted instruction.
- Consider evaluating core instructional programs and materials to ensure equitable accessibility for student groups.

Financial Performance: data elements and sources

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

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

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

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

Financial Performance

7. Near-Term Measures

Measure 7a Current ratio: Current assets divided by current liabilities.
Meets standard: <input checked="" type="checkbox"/> Current ratio is greater than or equal to 1.1.
Does not meet standard: <input type="checkbox"/> Current ratio is between .9 and 1.0 or equals 1.0.
Falls far below standard: <input type="checkbox"/> Current ratio is less than or equal to .9.
State Board of Education comments: Ivy's ratio for 2023-24 is 3.05
School comments:

Measure 7b Unrestricted days cash: Unrestricted cash divided by (total expenses minus depreciation expense/365).
Meets standard: <input checked="" type="checkbox"/> 60 days cash
Does not meet standard: <input type="checkbox"/> Days cash is between 15 and 30 days
Falls far below standard: <input type="checkbox"/> Fewer than 15 days cash
State Board of Education comments: Ivy's unrestricted day's cash or 2023-24 is 120 days.
School comments:

Measure 7c Enrollment variance: actual enrollment divided by enrollment projection in charter school board-approved budget.
Meets standard: <input type="checkbox"/> Enrollment variance equals or exceeds 95% in the most recent year.
Does not meet standard: <input type="checkbox"/> Enrollment variance is between 85-95% in the most recent year.
Falls far below standard: <input type="checkbox"/> Enrollment variance is less than 85% in the most recent year.
State Board of Education comments: N/A. Not reported or evaluated in 2023-24.
School comments:

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

8. Sustainability Measures

Measure 8a & 8b Total Margin: Net income divided by total revenue. Aggregated total margin: Total 3-year net income divided by total 3-year revenues.
Meets standard: <input checked="" type="checkbox"/> Aggregated 3-year total margin is positive and the most recent year total margin is positive.
Does not meet standard: <input type="checkbox"/> Aggregated 3-year total margin is greater than -1.5%, but trend does not “meet standard” (above).
Falls far below standard: <input type="checkbox"/> Aggregated three-year total margin is less than or equal to -1.5% and the most recent year total margin is less than -10%.
State Board of Education comments: Ivy’s aggregated 3 year total margin is positive and the total margin for 2023-24 is positive 2%.
School comments:

Measure 8c Debt to asset ratio: Total liabilities divided by total assets.
Meets standard: <input checked="" type="checkbox"/> Debt-to-asset ratio is less than .9.
Does not meet standard: <input type="checkbox"/> Debt-to-asset ratio is between .9 and 1.0.
Falls far below standard: <input type="checkbox"/> Debt-to-asset ratio is greater than 1.0.
State Board of Education comments: Ivy’s debt to asset ratio for 2023-24 is 0.56
School comments:

Measure 8d & 8e

Cash flow:

Multi-year cash flow = Year 3 total cash - Year 1 total cash.

One-year cash flow: Year 2 total cash - Year 1 total cash.

Meets standard:

Multi-year cumulative cash flow is positive and cash flow is positive each year.

Does not meet standard:

Multi-year cumulative cash flow is positive, but trend does not “meet standard” (above).

Falls far below standard:

Multi-year cumulative cash flow is negative.

State Board of Education comments: Ivy’s multi year cash flow has been consistently positive.

School comments:

Measure 8f

Debt service coverage ratio: (net income + depreciation + interest expense) / (annual principal, interest, and lease payments).

Meets standard:

Debt service coverage ratio is equal to or exceeds 1.1.

Does not meet standard:

Debt service coverage ratio is less than 1.1.

State Board of Education comments: N/A. Not reported or evaluated in 2023-24.

School comments:

Measure 8g

Is the school meeting financial reporting and compliance requirements?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to financial reporting requirements, including, but not limited to:

- Complete and timely submission of financial reports, including: annual budget, revised budgets (when applicable), quarterly financial reports, and annual municipal audit.
- All other reporting requirements related to the use of public funds.

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to financial reporting requirements, including, but not limited to:

- Complete and timely submission of financial reports, including: annual budget, revised budgets (when applicable), quarterly financial reports, and annual municipal audit.
- All other reporting requirements related to the use of public funds.

State Board of Education comments: All required reports were either submitted on time or with an approved extension.

School comments:

Measure 8h

Is the school following Generally Accepted Accounting Principles (GAAP)?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to financial management and oversight expectations by an annual independent audit, including, but not limited to:

- An unqualified audit opinion
- An audit devoid of significant findings and conditions, material weaknesses, or significant internal control weaknesses
- An audit that does not include a going concern disclosure in the notes or an explanatory paragraph within the audit report

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to financial management and oversight expectations by an annual independent audit, including, but not limited to:

- An qualified audit opinion
- An audit containing significant findings or conditions, material weaknesses, or significant internal control weaknesses
- An audit that included a going concern disclosure in the notes or an explanatory paragraph within the audit report

State Board of Education comments: Ivy's annual audits meet all of the criteria.

School comments:

COMMENDATIONS: FINANCIAL PERFORMANCE

1. The School showed an increase in its financial position during the year ended June 30, 2024 with a clean audit.

RECOMMENDATIONS: FINANCIAL PERFORMANCE

1. Decreased asset to liability ratio from previous years, but still meets standard.

Organizational Performance: data elements and sources

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

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

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

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

Organizational Performance

10. Education Program

Measure 10a

Is the school implementing the material terms of the education program as defined in the current charter contract?

Meets standard:

The school implemented the material terms of the education program in all material aspects and the education program in operation reflects the material terms as defined in the charter contract, or the school has gained approval for a modification to the material terms.

Does not meet standard:

The school failed to implement the material terms of the education program in all material aspects and the education program in operation does not reflect the material terms as defined in the charter contract, or the schools implemented a modification to the material terms without approval and/or a mutually agreeable amendment to the contract.

State Board of Education comments: The Ivy School is demonstrating integrity with all elements of the education program as spelled out in its charter. The focus of The Ivy School is Montessori, and all evidence supports that this educational philosophy is the focal point of the school's curriculum, staffing, budget and schedule.

School comments:

Measure 10b

Is the school complying with applicable education requirements?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to education requirements, including, but not limited to:

- Instructional days and/or minutes requirements
- Graduation and promotion requirements
- Content standards, including Common Core State Standards
- The administration of state assessments
- Implementation of mandated programming as a result of state or federal funding

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to education requirements, including, but not limited to:

- Instructional days and/or minutes requirements
- Graduation and promotion requirements
- Content standards, including Common Core State Standards
- The administration of state assessments
- Implementation of mandated programming as a result of state or federal funding

State Board of Education comments: The Ivy School has complied with all applicable education requirements. The Ivy School is faithful to the Montessori curriculum and is working on a more explicit alignment of this curriculum to the Common Core State Standards. The school is managing its calendar and program options to ensure compliance with instructional time requirements. Ongoing curriculum evaluation and alignment to CCSS.

School comments:

Measure 10c

Is the school protecting the rights of students with disabilities?

Meets standard:

Consistent with the school's status as a school in a district LEA, the school materially complies with applicable laws, rules, regulations, and provisions of the charter contract (including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act) relating to the treatment of students with identified disabilities and those suspected of having a disability, including, but not limited to:

- Equitable access and opportunity to enroll
- Identification and referral
- Appropriate involvement with development and implementation of Individualized Education Plans, and appropriate development of Section 504 plans
- Operational compliance, including appropriate inclusion in the school's academic program, assessments, and extracurricular activities.
- Discipline, including due process protections, manifestation determinations, and behavioral intervention plans
- Access to the school's facility and program to students in a lawful manner and consistent with students' IEPs or 504 plans

Does not meet standard:

Consistent with the school's status as a school in a district LEA, the school was materially out of compliance with one or more applicable laws, rules, regulations, and provisions of the charter contract (including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act) relating to the treatment of students with identified disabilities and those suspected of having a disability, including, but not limited to:

- Equitable access and opportunity to enroll
- Identification and referral
- Appropriate involvement with development and implementation of Individualized Education Plans, and appropriate development of Section 504 plans
- Operational compliance, including appropriate inclusion in the school's academic program, assessments, and extracurricular activities.
- Discipline, including due process protections, manifestation determinations, and behavioral intervention plans
- Access to the school's facility and program to students in a lawful manner and consistent with students' IEPs or 504 plans

State Board of Education comments: The Special Education students are served by PPS staff. The Ivy School's curriculum, dedicated staff and school philosophy are additional ways in which Students with Disabilities are served. The school handbook, board policies, staff handbook, schedule and facility are all in compliance with all applicable laws, rules, regulations and provisions of the charter contract. No complaints for SPED or issues with PPS.

School comments:

Measure 10d

Is the school protecting the rights of English Language Learner students?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract (including Title III of the Elementary and Secondary Education Act, and US Department of Education authorities) relating to requirements of English Language Learners, including, but not limited to:

- Equitable access and opportunity to enroll
- Development and implementation of required plans related to the service of ELL students
- Proper steps for identification of students in need of ELL services
- Appropriate and equitable delivery of services to identified students
- Appropriate accommodations on assessments
- Exiting of students from ELL services
- Ongoing monitoring of exited students

Does not meet standard:

The school failed to comply with one or more applicable laws, rules, regulations, and/or provisions of the charter contract (including Title III of the Elementary and Secondary Education Act, and US Department of Education authorities) relating to requirements of English Language Learners, including, but not limited to:

- Equitable access and opportunity to enroll
- Development and implementation of required plans related to the service of ELL students
- Proper steps for identification of students in need of ELL services
- Appropriate and equitable delivery of services to identified students
- Appropriate accommodations on assessments
- Exiting of students from ELL services
- Ongoing monitoring of exited students

State Board of Education comments: N/A The school does not currently have any identified EL students enrolled.

School comments:

11. Governance and Reporting

Measure 11a

Is the school complying with applicable governance requirements?

Meets standard:

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

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

Does not meet standard:

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

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

State Board of Education comments: The Ivy School's Board membership represents a wide range of expertise. (Accounting, legal, education, facilities etc.). The Board and administration continues to work with OSBA on policy development and updating policy handbooks. The board has continued to focus on building a sustainable school by supporting administration. Board meetings include regular presentations from parents and partner organizations.

School comments:

Measure 11b

Is the school holding its administration accountable?

Meets standard:

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

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

Does not meet standard:

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

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

State Board of Education comments: The Board uses an annual evaluation tool and works closely with the administrator to provide feedback and guidance.

School comments:
Measure 11c Is the school complying with reporting requirements?
<p>Meets standard:</p> <p><input checked="" type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to relevant reporting requirements to the district, and the Oregon Department of Education, including, but not limited to:</p> <ul style="list-style-type: none"> ● Accountability planning and performance ● Attendance and enrollment reporting ● Compliance with the charter contract and all applicable laws ● Timely submission of all deliverables ● Additional information as requested by the district
<p>Does not meet standard:</p> <p><input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to relevant reporting requirements to the district, and the Oregon Department of Education, including, but not limited to:</p> <ul style="list-style-type: none"> ● Accountability planning and performance ● Attendance and enrollment reporting ● Compliance with the charter contract and all applicable laws ● Timely submission of all deliverables ● Additional information as requested by the district
State Board of Education comments: The Ivy School has complied with all reporting requirements.
School comments:

12. Students and Employees

Measure 12a

Is the school protecting the rights of all students?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to the rights of students, including, but not limited to:

- Policies and practices related to admissions, lottery, waiting lists, fair and open recruitment, and enrollment (including rights to enroll or maintain enrollment)
- The collection and protection of student information
- Due process protections, privacy, civil rights, and student liberties requirements, including First Amendment protections and the Establishment Clause restrictions prohibiting public schools from engaging in religious instruction
- Conduct of discipline (discipline hearings, and suspensions and expulsion policies and practices)

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to the rights of students, including, but not limited to:

- Policies and practices related to admissions, lottery, waiting lists, fair and open recruitment, and enrollment (including rights to enroll or maintain enrollment)
- The collection and protection of student information
- Due process protections, privacy, civil rights, and student liberties requirements, including First Amendment protections and the Establishment Clause restrictions prohibiting public schools from engaging in religious instruction
- Conduct of discipline (discipline hearings, and suspensions and expulsion policies and practices)

State Board of Education comments: The Ivy School complies with protecting the rights of all students as evidenced by board policy, family handbook, staff handbook, professional development, enrollment process and the education program. Required civil rights information and contacts are listed on the school's main webpage.

School comments:

Measure 12b

Is the school meeting teacher and other staff credentialing requirements?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to state certification requirements, including the federal Highly Qualified Teacher and Paraprofessional requirements, charter school licensure and registry requirements, and background check and fingerprinting requirements for all staff and volunteers.

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the charter contract relating to state certification requirements, including the federal Highly Qualified Teacher and Paraprofessional requirements, charter school licensure and registry requirements, and/or background check and fingerprinting requirements for all staff and volunteers.

State Board of Education comments: The Ivy School complies with all applicable laws, rules, regulations and provisions related to staff certification requirements. The school provided information regarding teacher qualifications and legal-to-teach requirements.

School comments:

13. School Environment

Measure 13a

Is the school complying with facilities and transportation requirements?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to the school facilities, grounds, and transportation, including, but not limited to:

- Americans with Disabilities Act
- Fire inspections and related records
- Viable certificate of occupancy or other required building use authorization
- Documentation of requisite insurance coverage
- Student transportation

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the charter contract relating to the school facilities, grounds, and transportation, including, but not limited to:

- Americans with Disabilities Act
- Fire inspections and related records
- Viable certificate of occupancy or other required building use authorization
- Documentation of requisite insurance coverage
- Student transportation

State Board of Education comments: The Ivy School has current occupancy and insurance certification. The school should continue to explore options for the provision of transportation to students attending the public charter school.

School comments:

Measure 13b

Is the school complying with health and safety requirements?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to safety and the provision of health-related services, including, but not limited to:

- Appropriate nursing services and dispensing of pharmaceuticals
- Food service requirements

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the charter contract relating to safety and the provision of health-related services, including, but not limited to:

- Appropriate nursing services and dispensing of pharmaceuticals
- Food service requirements

State Board of Education comments: The Ivy School complies with all health and safety requirements. This is evidenced by the Family and Staff Handbook, Board policy.

School comments:

Measure 13c

Is the school handling information appropriately?

<p>Meets standard:</p> <p><input checked="" type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to the handling of information, including, but not limited to:</p> <ul style="list-style-type: none"> ● Maintaining the security of and providing access to student records under the Family Educational Rights and Privacy Act (FERPA) and other applicable authorities ● Accessing documents maintained by the school under the state’s Freedom of Information law and other applicable authorities ● Transferring of student records ● Proper and secure maintenance of testing materials
<p>Does not meet standard:</p> <p><input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the charter contract relating to the handling of information, including, but not limited to:</p> <ul style="list-style-type: none"> ● Maintaining the security of and providing access to student records under the Family Educational Rights and Privacy Act (FERPA) and other applicable authorities ● Accessing documents maintained by the school under the state’s Freedom of Information law and other applicable authorities ● Transferring of student records ● Proper and secure maintenance of testing materials
<p>State Board of Education comments: The Ivy School complies with all laws, rules, regulations and provisions of the charter contract relating to the handling of information. This is evidenced by the Family and Staff Handbook, Board policy and interviews with school administration and administrative staff.</p>
<p>School comments:</p>

14. Additional Obligations

<p>Measure 14a</p> <p>Is the school complying with all other obligations?</p>
<p>Meets standard:</p> <p><input checked="" type="checkbox"/> The school materially complies with all other applicable legal, statutory, regulatory, or contractual requirements contained in the charter contract that are not otherwise explicitly stated herein, including, but not limited to requirements from the following sources:</p> <ul style="list-style-type: none"> ● Revisions to state charter law ● Intervention requirements required by the district ● Action items assigned by the district ● Requirements by other entities to which the charter school is accountable (e.g. ODE)
<p>Does not meet standard:</p> <p><input type="checkbox"/> The school was materially out of compliance with applicable legal, statutory, regulatory, or contractual requirements contained in the charter contract that are not otherwise explicitly stated herein, including, but not limited to requirement from the following sources:</p> <ul style="list-style-type: none"> ● Revisions to state charter law ● Intervention requirements required by the district ● Action items assigned by the district ● Requirements by other entities to which the charter school is accountable (e.g. ODE)
<p>State Board of Education comments: The Ivy School was responsive and complied with any requests from ODE throughout the school year.</p>
<p>School comments:</p>

COMMENDATIONS: ORGANIZATIONAL PERFORMANCE

- The Ivy School continues to offer a strong Montessori educational program centered on the school's mission.
- Leadership and teachers are collaborative and work well with the PPS special education team to support students.
- Strong development of the school administrative team and further clarity of roles and responsibilities.
- Teachers and assistants collaborate and support each other well. They are provided strong feedback from the administration.
- The Ivy School nutrition program is a huge success for the school community.

RECOMMENDATIONS: ORGANIZATIONAL PERFORMANCE

- The Ivy School should continue to evaluate Montessori curriculum and standards alignment.
- The board and leadership should conduct an evaluation to understand why the school does not enroll students who are English Learners. Is it an identification issue, a barrier to access, or another reason?
- The board should continue strategic planning for the school.

SUMMARY OF ANNUAL EVALUATION COMMENDATIONS AND RECOMMENDATIONS

MEASURE	EXCEEDS STANDARD	MEETS STANDARD	DOES NOT MEET STANDARD	FALLS FAR BELOW STANDARD
Oregon rating system				
State and Federal accountability system				
Students Experiencing Poverty -ELA	X			
Students Experiencing Poverty -MATH		X		
ELL-ELA				
ELL-MATH				
Students with Disabilities-ELA		X		
Students with Disabilities-MATH		X		
Underserved-ELA	X			
Underserved-MATH			X	
All Student Growth-ELA	X			
All Student Growth-MATH			X	
Growth: Students Experiencing Poverty-ELA		X		
Growth: Students Experiencing Poverty -MATH				X
Growth: ELL-ELA				
Growth: ELL-MATH				
Growth: Students with Disabilities-ELA		X		
Growth: Students with Disabilities-Math			X	
Growth: Underserved-ELA		X		
Growth: Underserved-MATH				X
Alignment to CCSS		X		
Graduation/post-secondary readiness				
Graduation percent				
School completion/Diploma				
Drop out percentage				
Current Ratio: Assets/Liabilities		X		
Unrestricted Cash		X		
Enrollment Variance				
Loan Default		X		
Total Margin (income /revenue)		X		
Debt to Asset Ratio		X		
Cash Flow		X		
Debt Service Coverage Ratio				
Reporting and Compliance		X		
GAAP		X		
Education Program Implementation		X		
Education Requirement Compliance		X		
Rights of Students with Disabilities		X		
Rights of ELL				
Governance Compliance		X		
Administration Accountability		X		
Reporting Requirement Compliance		X		
Rights of All Students		X		
Staff Credentialing Requirements		X		
Facilities and Transportation Requirements		X		
Health and Safety Requirements		X		
Student Information		X		

OVERALL COMMENDATIONS

- The Ivy School continues to make gains following the COVID-19 pandemic.
- Overall, the school's academics exceed the performance of PPS.
- Ivy meets or exceeds in all ELA categories.
- The school does have a strong tiered intervention system with child studies that should continue to be strengthened through evaluation, reflection, professional learning, and teacher collaboration.
- The Ivy School continues to have sound accounting and financial processes, with clean audits and positive net position.
- The Ivy School continues to offer a strong Montessori educational program centered on the school's mission.
- Leadership and teachers are collaborative and work well with the PPS special education team to support students.
- Strong development of the school administrative team and further clarity of roles and responsibilities.
- Teachers and assistants collaborate and support each other well. They are provided strong feedback from the administration.
- The Ivy School nutrition program is a huge success for the school community.

OVERALL RECOMMENDATIONS

- The Ivy School should continue to evaluate Montessori curriculum and standards alignment.
- The board and leadership should conduct an evaluation to understand why the school does not enroll students who are English Learners. Is it an identification issue, a barrier to access, or another reason?
- The board should continue strategic planning for the school.
- Monitor the current assets to liabilities ratio for any further decrease.
- Take actions to elevate and bolster Math achievement for students, especially for the identified student groups.
- Continue to use iReady assessments to identify areas of improvement to deliver targeted instruction.
- Consider evaluating core instructional program and materials to ensure equitable accessibility for student groups.



Oregon

Tina Kotek, Governor



OREGON
DEPARTMENT OF
EDUCATION

Oregon achieves . . . together!

Dr. Charlene Williams

Director of the Department of Education

BEFORE THE OREGON STATE BOARD OF EDUCATION

PUBLIC HEARING: Renewal Request for The Ivy School

PUBLIC HEARING REPORT

The Department held a public hearing on January 14, 2025 from 5:00 – 6:00PM, to receive public comment on the renewal request for The Ivy School. Notice of hearing was published in a timely manner and was sent to interested parties and persons who requested notice. The public hearing was necessary to comply with ORS 338.065(5)(c). The hearing was held online via Zoom before Christen Kelly, Charter School Specialist and Jennifer Scurlock, Chair of the Oregon State Board of Education. Kate Pattison, Director of the School Choice, Options and Recovery Education Team and Corey Rosenberg, State Board of Education Administrator, also represented the Department at the hearing.

A sign-up form was shared with interested parties with notice of the hearing and allowed members of the community to provide written testimony or indicate interest in speaking at the hearing.

- 11 members of the Ivy community attended the public hearing.
- 6 people spoke at the public hearing. Everyone who spoke was in favor of the renewal of the charter school.
- 17 people submitted written testimony through the sign-up form for the public hearing. No one provided written testimony that was opposed to the renewal.
- 2 people indicated support for the renewal through the sign-up form for the public hearing but did not speak or submit further written testimony.
- 2 people submitted written testimony via e-mail to the Charter School Specialist directly.

Participants expressed high levels of satisfaction with the school and reported it was the best fit for their child. Many reported enthusiasm for the fact that the leadership, teachers, and school team are responsive, innovative, and deeply committed to serving diverse student needs. Staff and parents commented on the strong community and the culture of inclusivity that allows students to develop socially, emotionally and academically. Many also commented on the importance of having an option for children from all socioeconomic backgrounds to access Montessori learning methods at no cost.

Report compiled by Christen Kelly, Charter School Specialist

Christen Kelly

February 1, 2025

Written Testimony Regarding The Ivy School Renewal

Name: Nicholas Volger

Relationship to the school: Staff

Do you support the renewal? Yes

Testimony: My name is Nicholas Volger and I am the new Middle School Humanities teacher at the Ivy Montessori School in Portland. Throughout my teaching career, I have yet to witness a school atmosphere like the one that staff and administration at the Ivy School has built. Each day I am continually impressed by Ivy's dedication to inspiring students to be independent learners and thinkers while simultaneously providing them with necessary support as they develop both socially and emotionally. The Ivy School environment is one that is unique, warm, inviting -- the type that I would want my own children to be immersed in. An aspect that I have grown very fond of at the Ivy School, is their dedication to equity, inclusion through the work around and in congruence with the community outside of the grounds of campus.

The administration and staff's dedication to equity, inclusion, and to the community, seeps into the DNA of the students, who then strive to make their environments around themselves better each and every day. Students are byproducts of their environment, and the environment at Ivy yields students who are intelligent, compassionate, and conscientious young people, whom I wholeheartedly believe are and will be successful and valued members in their communities. Everyday, I am amazed at the intelligent, thoughtful, and insightful conversations I have with these kids.

I am profoundly in favor of the charter renewal for the Ivy School. It is a unique atmosphere that immensely benefits children academically, socially and emotionally. When students are supported in each of these ways during these crucial years of their adolescence they grow up to become well rounded individuals and therefore improve the community and world around us. Thank you for your time and consideration on this matter.

Name: Boris Kaidanov

Relationship to the school: Community Member

Do you support the renewal? Yes

Testimony: Just lending my voice here to say that the Ivy School is a wonderful community, and I'd strongly advocate for the state to renew their license. I help lead the chess club at Ivy, and can't say enough about the staff and their relationship with the students and just how much they care. It's a wonderful place.

Name: Carrie Twigg

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: I'm writing in support of renewing the charter of The Ivy School. I have had a child at Ivy since 2014 and it has always been a safe, welcoming space. My daughter is in her (final) 8th grade year at Ivy and plans to attend Lincoln HS with her brother. He is a thriving Junior this year and is experiencing success socially, emotionally, and academically. He was well prepared for high school, despite completing 7th grade completely online. Please renew the charter so other children will have the same lovely experience mine did.

Written Testimony Regarding The Ivy School Renewal

Name: Emma Parzybok

Relationship to the school: Staff

Do you support the renewal? Yes

Testimony: I have worked at Ivy for 3 years now and have been so inspired by the community and hard work the students are engaging in. This school represents everything I so needed as a child. The staff is incredibly compassionate and educated. At Ivy we strive to meet every child's needs and support them through this time of their life.

Name: Sara James

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: As a parent in the Ivy School community since 2017, we have felt very grateful for this school and the teachers/administrators it employs. My eldest child has had many social, emotional, and academic upsets over the years, and I know she would have struggled immensely in a standard school setting. At the Ivy School, the teachers and admins worked with us to find solutions. This school focuses on academic rigor, sure, but as a parent, I find it more important that they focus on social skills and well-being. They know children learn better when they feel safe, and they do everything they can to empower children to be advocates for themselves and others in their community.

Name: Erin Bishop M.S., CCC-SLP

Relationship to the school: Staff

Do you support the renewal? Yes

Testimony: My name is Erin Bishop, and I have had the privilege of serving as the speech-language pathologist at Ivy for the past five years. In this time, I have witnessed firsthand the critical role this Montessori-based charter school plays in our community as an essential alternative to the public schools of Portland.

Our school's commitment to embracing a diverse range of learners, especially neurodiverse students, has created an environment where every child is empowered to thrive. Through individualized approaches, Ivy provides a safe and nurturing space for students who may otherwise struggle in traditional educational settings. The Montessori philosophy fosters self-motivation, creativity, and personal growth, helping students develop not only academically but socially and emotionally.

I have seen students with unique learning needs flourish here after traditional schools were not able to meet their needs. Ivy's dedication to understanding and meeting these needs ensures that each student has the opportunity to succeed in their own way, surrounded by peers and staff who value their strengths.

Renewing this school's charter is not just about maintaining a school for all but preserving an educational space for some students who can feel unseen or unsupported elsewhere. This is a place where children learn to love learning, embrace their individuality, and grow into confident, capable individuals.

Thank you for considering the charter renewal of Ivy. By doing so, you are investing in a brighter future for our community's students, families, and the inclusive values we all cherish.

Name: Racheadia Mullins

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: I [am] Racheadia Mullins, parent of Sa'Moara, 3rd grade of The Ivy Montessori School. I approached this situation. What deep concern of why we would not renew the contract of The Ivy Montessori school? It has played a very good detrimental role in my daughter's life. From day one, she has difficulties with adjusting. They have given her the skills not only kept her on track academically. But we have been working together and exercise different programs right? Which other schools don't enforce?

Written Testimony Regarding The Ivy School Renewal

That's such thing. What's that being sad? I'm pretty sure I'm not the only parent that stand for with this decision, it even happened to be a contract for however many years this should be. An infinity contract in my eyes. Coming from a different state Minneapolis Minnesota, to be specific. I feel that the teacher's counselor's principals, coaches, lunch ladies, including the students, I have grown to become as such as a family. Our children look forward to go to school. From when I moved here and she began to go to school in Gresham, she hated going to school. Now she wakes up wanting to go to school, wanting to learn wanting to see her teachers wanting to see her friends. She now feels accepted. I no longer have to have conversations about her looking different, acting different or wanting to be different because her school has allowed her meaning.

The Ivy Montessori School has allowed her to be herself and to be accepted for who she is or what she feels they've done up great job with my child, as well as I witness them do a great job with other children within the school as far as I've seen him do. Um, I just I don't understand why we have to come up like this. It should be an automatic renewal. Our numbers are great, you know what? I'm saying our children scores are up. Education is important. Filling accepted to education is important. Cause it starts with education from what I know. Of my knowledge, and I'm 39. Still won a school PCC up the street from my daughter's school, which she wants to attend to till she's in eighth grade. Why should that have to be a disappointment to her? Or any other children? The seventh graders, who probably sad in awe, because they can't they're thinking they may not go to the same school to graduate and their older siblings probably graduated from the school. I feel that there's no question or doubt in a world that the Ivy Montessori School should definitely have an infinity contract. And this shouldn't even have to happen. No more coming in front of the educational board. Being questioned happened up, feel pressured to provide comfortability. As well as education.

Acceptance, as well as education skills as well as education also that maternity skilled, that a lot of people don't have is provided at the Ivy Montessori school. Please Don't close our school.

Name: Beatrice Yanazzo

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: Ivy provides a unique experience for education in N/NE Portland. As a Montessori school available at no cost to families it allows for an alternative to traditional public schooling from pre-school through middle school in a supportive setting. Personally, my now 3rd grader has had the opportunity to develop at her pace, advanced in some areas, behind some peers in others but continues learning and loving to learn while not getting frustrated or feeling like she is behind. For my children and others to come I hope this school continues as a benefit to the community.

Name: Aychiluhim Mitiku

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: My name is Aychiluhim Mitiku, and I am a parent in the IVY school community. I am grateful for the opportunity to provide public comment regarding the renewal of the school's charter. Although I am relatively new, having been involved with IVY school for only the past week, I have already witnessed the school's strong dedication to the educational growth and well-being of its students, particularly for newcomers. The academic rigor, community engagement, and support for diverse learners to help them assimilate into the system are commendable. I believe these strengths should be preserved and further developed. I fully support the renewal of IVY's charter and urge the committee to approve it to ensure the school's continued success. Thank you for your time and consideration.

Name: Noel Plemmons

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Written Testimony Regarding The Ivy School Renewal

Testimony: We searched far and wide for a school that would be a good fit for our adoptive son. He needed a place where he could stay within his age and grade range while also having the flexibility to catch up on curriculum he missed during years of neglect and trauma while in the care of his bio parents. We found the Ivy School and it is the right model for him. It provides that flexibility and also provides him and us with the longevity he needs to build friendships and community connections for years to come (through 8th grade). In 5th grade, for the first time in his life, he has friends and play dates, and he's finally learning to read! The Ivy School is an essential alternative to standard public education with a rigorous curriculum that strongly promotes self-respect and social responsibility. Please renew its charter for another ten years!

Name: Eboni Spruill

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: I'm new to the Ivy school this year and must say that this has been the most supportive education for my son. The sense of community, inclusivity and trust has been amazing. The Ivy staff had created space for me to build connection, but also learn from me as the parent around my son needs. I'm honored to be a part of this community and support them with extending the contract so that all students can continue to thrive and learn in ways that's best for them. Ivy school is also a great opportunity for our underserved communities/families who don't always have access to these types of educational settings. Thank you Ivy staff for all the love and support you have shown to my family.

Name: Jason Hooper

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: The Ivy School has been a gift for our family. Our son is learning more than math, science and reading. He is learning how to be the best person he can be at The Ivy School. The staff and other families at the school have been an amazing support as our child grows up in the world.

Name: Leigh Feldman and Sara Moskovitz

Relationship to the school: Parents, Family Member, Guardian

Do you support the renewal? Yes

Testimony: I am writing to express my strong support for Ivy's continued charter recognition. As a parent of multiple children attending Ivy, I have witnessed firsthand the exceptional educational environment they provide and the profound impact it has had on my family.

What sets Ivy apart is their remarkable ability to meet each child's individual needs. For our 6th grader, they have created an environment that encourages exploration of interests, fostering a genuine love of reading, researching, and hands-on building. For our 3rd grader, Ivy consistently provides appropriately challenging academic work, pushing them to reach their full potential and arrive at answers in unique ways, helping foster an understanding that creative thought matters.

But most importantly, we are most impacted by Ivy's dedication to truly supporting students wherever they are. Our 1st grader that attends Ivy presents unique challenges. When he first began struggling with even entering school in the morning, the staff went above and beyond to work directly with our family. They developed personalized strategies and maintained open communication, demonstrating their commitment to every student's success before, during, and after school. The patience and willingness to work with us as parents, directly with our son, and our outside support network, highlighted Ivy's commitment to students' emotional, social, and physical well-being, and we are hard pressed to believe that we would have been given the same support and understanding at a public school in the PPS system.

The Ivy School is what charter education should be, and they consistently show us that we made the right choice to join this community: the leadership, teachers, and entire school team are responsive, innovative,

Written Testimony Regarding The Ivy School Renewal

and deeply committed to serving diverse student needs. Ivy's continued recognition is not just important for my family, but for all families seeking an education that truly adapts to and nurtures each child's unique potential.

I strongly urge you to maintain Ivy's charter status, allowing them to continue their vital work in building, maintaining, and providing community.

Name: Hannah Ungar

Relationship to the school: Staff

Do you support the renewal? Yes

Testimony: This is the best school I have ever worked at. Nikki is an extraordinary boss. There is so much care and love that goes into this school.

Name: Heather Storie

Relationship to the school: Parents, Family Member, Guardian

Do you support the renewal? Yes

Testimony: This is our first year with the Ivy School but we can already see our son thriving thanks to this positive, refreshing learning environment. We are parents to a cautious, neurodivergent child who we see happily engaged and eager to learn.

More importantly, our son (who up until now has been painfully shy) transitioned seamlessly into a class full of mixed aged students. This mixed age approach (in our case 1st-3rd grade) allows students to rely more on each other, which seems to promote unity and understanding over exclusion. Something our country desperately needs to be teaching our children. Here, he feels safe and accepted. He feels respected, by teachers and peers. He is encouraged to move about the classroom throughout the workday and work at his own pace. He is encouraged to listen to his needs, and also respect the needs of others. He's empowered to make his own choices about his educational journey.

We have been impressed to hear that the class provides time each week to practice life skills such as conflict resolution and mindfulness. We've also been happy to see far less use of screens compared to other schools in the area. We want more than anything for him to continue his journey with the Ivy School. Better yet, he wants to continue his journey with the Ivy School. We know he is flourishing because of Ivy's focus on independent, child-led learning.

Beyond our personal experience I would also like to highlight the importance of all Portland families having a free Montessori option. The Ivy School gives children from all socioeconomic backgrounds the opportunity to access alternative learning methods at no cost. All parents and students deserve options, tuition-free options, as we know the 'one-size-fits-all' approach to education does not work. Out of all of the tuition-free charter schools here in Portland, we have found The Ivy School to be the most inclusive and we are so fortunate to be part of this warm community. We hope others can experience the same for years to come.

Lastly, The Ivy School is particularly important to the residents of North Portland. This urban location allows families to walk, bike, take the Max or bus - truly providing easy access for everyone. The Ivy School has worked diligently to build a thoughtful community in North Portland over the past 10 years. It would be incredibly disappointing to see this 'educational gem' disappear.

Name: Jordan Skeen

Relationship to the school: Staff

Do you support the renewal? Yes

Testimony: The Ivy School is a wonderful, unique school that brings so much joy, positivity and learning to the community. After working at The Ivy School for 2 years, I can without a doubt state that this school is fully committed to fostering a true Montessori educational environment. Every single day, administration and staff inspire students of diverse backgrounds to be independent learners who value responsibility,

Written Testimony Regarding The Ivy School Renewal

curiosity, compassion, leadership and who embody peace. I've been an Assistant Teacher in lower and upper elementary, I've been a substitute teacher in almost every class, and am currently the learning intervention specialist at Ivy. The children I meet with everyday tell me that coming to school is their safe space or their favorite place to be - I take so much pride working at a school that puts the needs and development of the students first. The sense of community between staff, students and parents is absolutely unmatched. The Ivy School consistently puts in the work to make sure we are a diverse and equitable space - the administration at Ivy is always setting up opportunities for professional development for all of us to learn and grow. We are consistently doing equity work and bringing that with us into our classrooms. I feel so blessed to work at The Ivy School and I know so many students and families feel the same way. There is no question in my mind that The Ivy School should have their charter renewed for another 10 years - it will undoubtedly bring endless joy, learning and peace to this community.

Name: Kate Mullican

Relationship to the school: Parents, Family Member, Guardian

Do you support the renewal? Yes

Testimony: Thank you for allowing email testimony regarding the review of The Ivy School (Portland) charter. I am writing to share that as a parent of two children, who either are or have previously attended The Ivy School, I would be immensely pleased to learn that the charter has been renewed.

My oldest child attended the Ivy school from first through eighth grade and is now a high school student with a 4.0 GPA, thriving socially, feeling confident to explore a wide range of classes and clubs, and has the study skills to manage two AP courses as a sophomore. My youngest child is currently a sixth grader who has some special needs in how she learns best. Girls her age and with her diagnosis can often start to shrink, but instead she loves going to school! She is given space to be a leader and to be uniquely herself.

I credit the many talented teachers and the dedicated administrative team for their leadership in the ways that they work to build the community. It is evident that they work as best they can to ensure that each member of The Ivy School feels welcomed. Over the course of a decade that I have been in the parent community of the school, I have witnessed the ways in which the leadership has shown great flexibility (pandemic times), creative problem-solving (fundraising to buy the school's building), and a whole lot of passion for the work that they do to bring Montessori Pedagogy to those of us who would not be able to afford it in our area's private schools.

As a Montessori educator myself, I know what it looks like to feel passionate about the work and I also know that it is the best fit for my children. Additionally, as a Montessori educator, I cannot afford this style of education in Portland unless the charter option is available. Montessori pedagogy at its roots is a peace education, honoring each individual for their unique gifts with the recognition that we thrive in community when each of these gifts is allowed to flourish. Montessori classrooms make room for a very wide scope of learning styles and interests and needs supporting the whole child on their natural course of development.

I ask you to please renew The Ivy School charter. The community there is thriving!



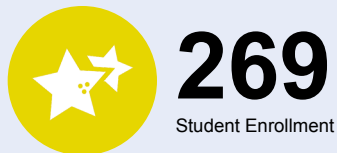
OREGON AT-A-GLANCE SCHOOL PROFILE

The Ivy School

PRINCIPAL: Nikki Jones | GRADES: K-8 | 5420 N. Interstate, Portland 97217 | 503-288-8553

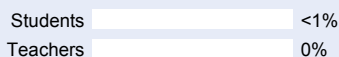


Students We Serve

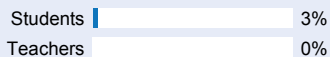


DEMOGRAPHICS

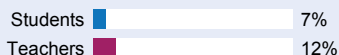
American Indian/Alaska Native



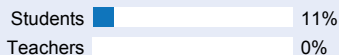
Asian



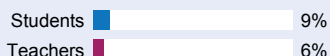
Black/African American



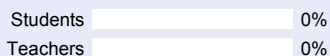
Hispanic/Latino



Multiracial



Native Hawaiian/Pacific Islander



White



*

Ever English Learners



8

Languages Spoken

20%

Students with Disabilities

75%

Required Childhood Vaccinations

15%

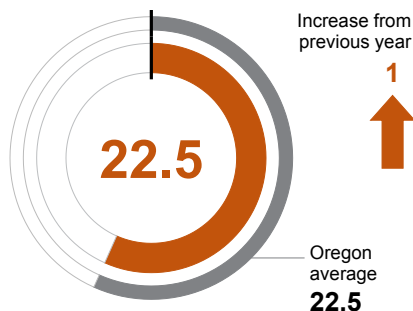
Students Experiencing Poverty

*<10 students or data unavailable

School Environment

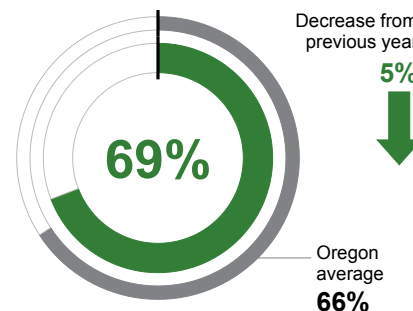
CLASS SIZE

Median class size.



REGULAR ATTENDERS

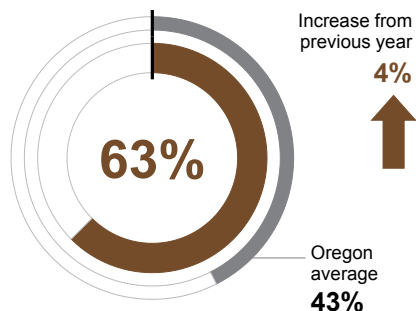
Students who attended more than 90% of their enrolled school days.



Academic Success

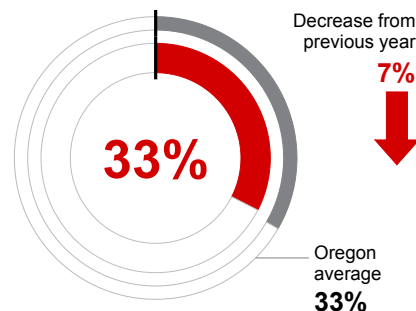
ENGLISH LANGUAGE ARTS

Students meeting state grade-level expectations.



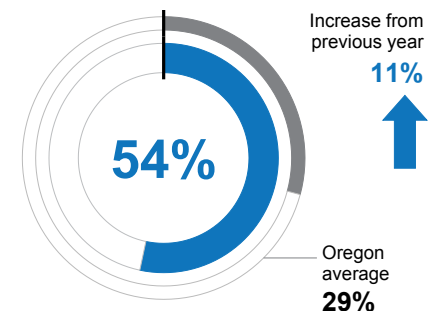
MATHEMATICS

Students meeting state grade-level expectations.



SCIENCE

Students meeting state grade-level expectations.



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School Goals

At Ivy we strive to meet the needs of the whole child. In order to deliver quality education to our students we take into account social skills, physical and emotional well-being as well as academics. We work to help children realize their strengths and then use those strengths to work on areas of challenge. Montessori teachers place a high value on objective observation, individual conferencing and progress monitoring as a means of understanding and meeting each child's distinct needs.

State Goals

The Oregon Department of Education is collaborating with school districts and communities across the state to achieve a 90% on-time graduation rate by 2027. Grounded in the pillars of Academic Excellence, Belonging and Wellness, and Reimagined Accountability, ODE prioritizes evidence-based practices to boost early literacy, attendance, and student engagement. We are committed to closing opportunity and achievement gaps for marginalized students and securing long-term success for all of Oregon's learners by investing in culturally responsive practices, fostering inclusive environments and always driving for continuous improvement.

Safe & Welcoming Environment

Students are integrated not only in terms of subject matter, but also in terms of moral learning as well, which we call "Grace and Courtesy." This learning results in appreciation and respect for life, a moral empathy and a fundamental belief in progress, the contribution of the individual, the human condition in the world, and the meaning of true justice. The Ivy school Community actively commits to anti-racist/anti-bias education to ensure all students reach their full Potential. Community members are asked to sign and to commit to the Ivy school Equity Code.



Outcomes

Our Staff (rounded FTE)



15

Teachers



0

Educational assistants



0

Counselors/
Psychologists/
Social Workers



76%

Average teacher retention rate over the past three years



83%

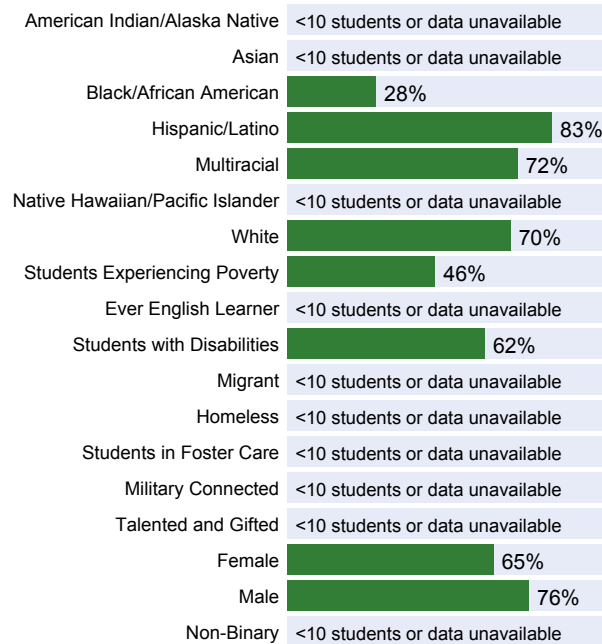
% of licensed teachers with more than 3 years of experience



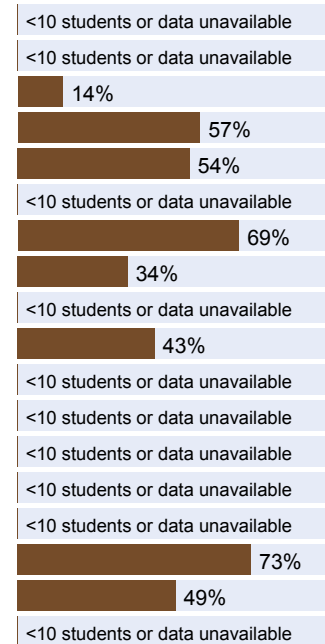
Yes

Same principal in the last 3 years

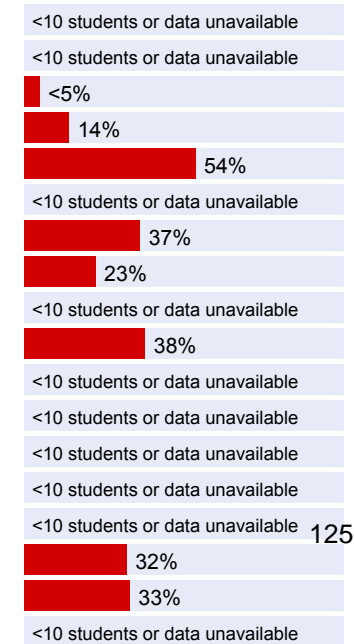
REGULAR ATTENDERS



ENGLISH LANGUAGE ARTS



MATHEMATICS



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About Our School

BULLYING, HARASSMENT, AND SAFETY POLICIES

The Ivy school works to ensure that our school is a safe place for all students and employees. The school has an emergency preparedness plan in place in case of emergencies. All staff members have had training in Equitable practices, Safe Schools, and Title 9.

EXTRACURRICULAR ACTIVITIES

The Ivy school offers many extracurricular activities:

- Monthly Spirit Days
- Movie Nights
- UN Day
- Arts Week
- Right Brain Initiative Guest Artist
- International Peace Celebrations
- Gear Crest Farms
- Outdoor School
- 7th grade Overnight (Opal Creek)
- 8th Grade End of the Year Overnight
- Philosophy for Children PSU Partnership
- Monthly Field Trips: Food banks, Forestry Center, Art and Cultural Activities

PARENT ENGAGEMENT

The Ivy school engages parents by hosting a variety of events intended for parents:

- Back to School registration
- Back to School Ice Cream Social
- Montessori Parent Education Nights
- Open Houses
- Art Week
- End of the Year School Community Party

Parent participation in student led conferencing is nearly 100%

COMMUNITY ENGAGEMENT

The Ivy School Strives to promote the partnership between parents, teachers, and the school community. The Ivy PTA, parents and community members partner closely with the Ivy School leadership to align goals and provide support each school year.

The Ivy school welcomes and highly encourages volunteerism. Every classroom at Ivy has a room parent. Volunteers and community members can be observed making materials, reading to students and interacting with staff and students in a way that enriches student learning.

2023-24 ESSA Accountability Details Report

Public Version - November 21, 2024

District: Oregon Department of Education

School: The Ivy School

The Accountability Details Report displays the data for indicators used to identify schools for comprehensive or targeted supports as required by Oregon's State Plan under the Every Student Succeeds Act (ESSA). The accountability system uses six indicators for elementary and middle schools. For more information about the included indicators and their definitions and calculations, please refer to the [Accountability Details Policy and Technical Manual](#). Arrows (up ↑ or down ↓) indicate the change in the rating level of the indicator from the previous year.

Indicator Ratings Table

Student Group	ESSA Supports	ELA Achievement	ELA Change	Math Achievement	Math Change	Regular Attenders	On Track to ELP
All Students	Not Identified	Level 3	Level 4	Level 2	Level 5	Level 2	Not Rated
Students Experiencing Poverty	Not Identified	Level 2	Not Rated	Level 2	Not Rated	Level 2	
English Learners	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated
Students with Disabilities	Not Identified	Level 2	Level 4 ↓	Level 2	Level 5	Level 2	
Underserved Race/Ethnicity	Not Identified	Level 2	Level 2 ↓	Level 2	Level 2 ↓	Level 2	
American Indian/Alaska Native	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	
Native Hawaiian/Pacific Islander	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	
Black/African American	Not Identified	Level 2	Not Rated	Level 1 ↓	Not Rated	Level 2	
Hispanic/Latino	Not Identified	Level 2	Level 3	Level 2	Level 3 ↓	Level 2	
Asian	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	
White	Not Identified	Level 3	Level 5 ↑	Level 2 ↓	Level 5	Level 2	
Multi-racial	Not Identified	Level 3 ↑	Not Rated	Level 2	Not Rated	Level 2 ↓	

Suggested Level of Support: **Not Identified**

Year Identified: **Not Identified**

Met ELA and Math Participation target (95%) for all student groups: **No** (details on pages 4 and 7)

Received Title I Funds in 2023-24: **No**

Please note the following:

- Indicator ratings that display 'Not Rated' refer to student groups that do not meet the minimum n-size of 20 to receive a rating.
- The Students Experiencing Poverty student group includes students that received SNAP/TANF benefits, were in foster care, experienced homelessness, or received migrant services. Students Experiencing Poverty replaced the formerly used Economically Disadvantaged student group.
- The English Learner student group has different inclusion rules depending on the indicator.
- The Underserved Race/Ethnicity student group consists of the following racial/ethnic groups: American Indian/Alaska Native, Black/African American, Hispanic/Latino, and Native Hawaiian/Pacific Islander.

English Language Arts Academic Achievement Details

District: Oregon Department of Education

School: The Ivy School

English Language Arts Achievement Level	Cut
Level 5	80
Level 4	67
Level 3	54
Level 2	18
Level 1	<18

The English Language Arts (ELA) Achievement indicator displays the percentage of students meeting the ELA achievement standard, the adjusted denominator, and the corresponding rating for each student group. The data table shows three years of data and the three-year average. Student groups are assigned a rating based on the three-year average. '*' means data was hidden to protect student confidentiality and 'Not Rated' refers to student groups that do not meet the minimum n-size of 20 to receive a rating. Note that the Students Experiencing Poverty student group replaced the formerly used Economically Disadvantaged student group.

State Long Term Goal: 80%

Student Group	2021-22	2022-23	2023-24	3-year Average	Level
All Students - Percent	57.6	59.3	62.6	60.7	Level 3
All Students - Adjusted Denominator	172	172	190	527	
Students Experiencing Poverty - Percent	41.4	37.5	34.4	38.5	Level 2
Students Experiencing Poverty - Adjusted Denominator	29	32	32	91	
English Learners - Percent	*	*	*	*	Not Rated
English Learners - Adjusted Denominator	*	*	*	*	
Students with Disabilities - Percent	42.1	45.7	41.9	43.1	Level 2
Students with Disabilities - Adjusted Denominator	38	35	43	116	
American Indian/Alaska Native - Percent	*	*	*	*	Not Rated
American Indian/Alaska Native - Adjusted Denominator	*	*	*	*	
Black/African American - Percent	20.0	21.4	13.3	19.0	Level 2
Black/African American - Adjusted Denominator	15	14	15	42	
Hispanic/Latino - Percent	52.2	42.1	57.1	51.6	Level 2
Hispanic/Latino - Adjusted Denominator	23	19	21	62	
Native Hawaiian/Pacific Islander - Percent	*	*	*	*	Not Rated
Native Hawaiian/Pacific Islander - Adjusted Denominator	*	*	*	*	
Underserved Race/Ethnicity - Percent	42.1	34.3	41.7	40.2	Level 2
Underserved Race/Ethnicity - Adjusted Denominator	38	35	36	107	
Asian - Percent	*	*	*	63.6	Not Rated
Asian - Adjusted Denominator	*	*	*	*	
White - Percent	61.3	66.4	69.3	66.8	Level 3
White - Adjusted Denominator	119	125	137	376	
Multi-racial - Percent	57.1	40.0	53.8	54.3	Level 3
Multi-racial - Adjusted Denominator	14	10	13	35	

English Language Arts Average Gap Score Change Details

District: Oregon Department of Education

School: The Ivy School

The English Language Arts (ELA) Average Gap Score Change indicator uses the difference between a student's score and the cut score for the assessment, called a gap score. The table displays the average gap score by school year, the change in the average gap score, the count of students tested, and the corresponding rating for each student group. '*' means data was hidden to protect student confidentiality and 'Not Rated' refers to student groups that do not meet the minimum n-size of 20 to receive a rating. Note that the Students Experiencing Poverty student group replaced the formerly used Economically Disadvantaged student group.

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

Student Group	2018-19	2023-24	Change in Average	Level
All Students	14	17	3	Level 4
All Students - Denominator	169	189		
Students Experiencing Poverty	-33	-50	-17	Not Rated
Students Experiencing Poverty - Denominator	14	31		
English Learners	*	*	*	Not Rated
English Learners - Denominator	*	*		
Students with Disabilities	-40	-37	3	Level 4
Students with Disabilities - Denominator	34	42		
American Indian/Alaska Native	*	*	*	Not Rated
American Indian/Alaska Native - Denominator	*	*		
Black/African American	*	-113	*	Not Rated
Black/African American - Denominator	*	13		
Hispanic/Latino	-8	-26	-18	Level 3
Hispanic/Latino - Denominator	23	21		
Native Hawaiian/Pacific Islander	*	*	*	Not Rated
Native Hawaiian/Pacific Islander - Denominator	*	*		
Underserved Race/Ethnicity	-21	-57	-36	Level 2
Underserved Race/Ethnicity - Denominator	27	35		
Asian	*	*	*	Not Rated
Asian - Denominator	*	*		
White	27	39	12	Level 5
White - Denominator	127	137		
Multi-racial	-14	-4	10	Not Rated
Multi-racial - Denominator	10	13		

English Language Arts Participation Details

District: Oregon Department of Education

School: The Ivy School

All students in tested grades and enrolled on the first school day in May must take a statewide assessment. The data table displays the percentage of students who took a statewide assessment by school year and student group. Student groups are assigned a rating based on the three-year average. 'Not Rated' means the student group did not meet minimum n-size of 20 to receive a rating. Note that the Students Experiencing Poverty student group replaced the formerly used Economically Disadvantaged student group.

Participation Target: 94.5%

Student Group	2021-22	2022-23	2023-24	3-year Average	Status
All Students - Percent	90.1	94.5	97.9	94.3	Not Met
All Students - Denominator	182	182	194	558	
Students Experiencing Poverty - Percent	93.3	93.9	97.0	94.8	Met
Students Experiencing Poverty - Denominator	30	33	33	96	
English Learners - Percent	50.0	100.0	*	66.7	Not Rated
English Learners - Denominator	2	1	*	3	
Students with Disabilities - Percent	82.9	89.2	93.3	88.6	Not Met
Students with Disabilities - Denominator	41	37	45	123	
American Indian/Alaska Native - Percent	100.0	100.0	100.0	100.0	Not Rated
American Indian/Alaska Native - Denominator	1	2	1	4	
Black/African American - Percent	93.3	85.7	93.3	90.9	Not Met
Black/African American - Denominator	15	14	15	44	
Hispanic/Latino - Percent	91.7	95.0	100.0	95.4	Met
Hispanic/Latino - Denominator	24	20	21	65	
Native Hawaiian/Pacific Islander - Percent	*	*	*	*	Not Rated
Native Hawaiian/Pacific Islander - Denominator	*	*	*	*	
Underserved Race/Ethnicity - Percent	92.5	91.7	97.3	93.8	Not Met
Underserved Race/Ethnicity - Denominator	40	36	37	113	
Asian - Percent	100.0	100.0	100.0	100.0	Not Rated
Asian - Denominator	2	5	4	11	
White - Percent	90.5	95.4	97.9	94.7	Met
White - Denominator	126	131	140	397	
Multi-racial - Percent	78.6	90.0	100.0	89.2	Not Met
Multi-racial - Denominator	14	10	13	37	

Mathematics Academic Achievement Details

District: Oregon Department of Education

School: The Ivy School

The Mathematics Achievement indicator displays the percentage of students meeting the Mathematics achievement standard, the adjusted denominator, and the corresponding rating for each student group. The data table shows three years of data and the three-year average. Student groups are assigned a rating based on the three-year average. '*' means data was hidden to protect student confidentiality and 'Not Rated' refers to student groups that do not meet the minimum n-size of 20 to receive a rating. Note that the Students Experiencing Poverty student group replaced the formerly used Economically Disadvantaged student group.

Mathematics Achievement Level	Cut
Level 5	80
Level 4	62
Level 3	43
Level 2	8
Level 1	<8

State Long Term Goal: 80%

Student Group	2021-22	2022-23	2023-24	3-year Average	Level
All Students - Percent	37.8	39.5	32.8	37.0	Level 2
All Students - Adjusted Denominator	172	172	189	527	
Students Experiencing Poverty - Percent	17.2	25.0	21.9	22.0	Level 2
Students Experiencing Poverty - Adjusted Denominator	29	32	32	91	
English Learners - Percent	*	*	*	*	Not Rated
English Learners - Adjusted Denominator	*	*	*	*	
Students with Disabilities - Percent	28.9	34.3	37.2	33.6	Level 2
Students with Disabilities - Adjusted Denominator	38	35	43	116	
American Indian/Alaska Native - Percent	*	*	*	*	Not Rated
American Indian/Alaska Native - Adjusted Denominator	*	*	*	*	
Black/African American - Percent	6.7	14.3	<5	7.1	Level 1
Black/African American - Adjusted Denominator	15	14	*	*	
Hispanic/Latino - Percent	26.1	25.0	14.3	22.6	Level 2
Hispanic/Latino - Adjusted Denominator	23	20	21	62	
Native Hawaiian/Pacific Islander - Percent	*	*	*	*	Not Rated
Native Hawaiian/Pacific Islander - Adjusted Denominator	*	*	*	*	
Underserved Race/Ethnicity - Percent	18.4	22.9	11.4	17.8	Level 2
Underserved Race/Ethnicity - Adjusted Denominator	38	35	35	107	
Asian - Percent	*	*	*	18.2	Not Rated
Asian - Adjusted Denominator	*	*	*	*	
White - Percent	45.4	46.0	36.5	42.9	Level 2
White - Adjusted Denominator	119	124	137	375	
Multi-racial - Percent	28.6	20.0	53.8	37.1	Level 2
Multi-racial - Adjusted Denominator	14	10	13	35	

Mathematics Average Gap Score Change Details

District: Oregon Department of Education

School: The Ivy School

The Mathematics Average Gap Score Change indicator uses the difference between a student's score and the cut score for the assessment, called a gap score. The table displays the average gap score by school year, the change in the average gap score, the count of students tested, and the corresponding rating for each student group. '*' means data was hidden to protect student confidentiality and 'Not Rated' refers to student groups that do not meet the minimum n-size of 20 to receive a rating. Note that the Students Experiencing Poverty student group replaced the formerly used Economically Disadvantaged student group.

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

Student Group	2018-19	2023-24	Change in Average	Level
All Students	-44	-40	4	Level 5
All Students - Denominator	167	188		
Students Experiencing Poverty	-69	-101	-32	Not Rated
Students Experiencing Poverty - Denominator	12	31		
English Learners	*	*	*	Not Rated
English Learners - Denominator	*	*		
Students with Disabilities	-112	-62	50	Level 5
Students with Disabilities - Denominator	33	42		
American Indian/Alaska Native	*	*	*	Not Rated
American Indian/Alaska Native - Denominator	*	*		
Black/African American	*	-164	*	Not Rated
Black/African American - Denominator	*	13		
Hispanic/Latino	-73	-87	-14	Level 3
Hispanic/Latino - Denominator	21	21		
Native Hawaiian/Pacific Islander	*	*	*	Not Rated
Native Hawaiian/Pacific Islander - Denominator	*	*		
Underserved Race/Ethnicity	-83	-113	-30	Level 2
Underserved Race/Ethnicity - Denominator	25	35		
Asian	*	*	*	Not Rated
Asian - Denominator	*	*		
White	-28	-22	6	Level 5
White - Denominator	127	136		
Multi-racial	-107	-30	77	Not Rated
Multi-racial - Denominator	10	13		

Mathematics Participation Details

District: Oregon Department of Education

School: The Ivy School

All students in tested grades and enrolled on the first school day in May must take a statewide assessment. The data table displays the percentage of students who took a statewide assessment by school year and student group. Student groups are assigned a rating based on the three-year average. 'Not Rated' means the student group did not meet minimum n-size of 20 to receive a rating. Note that the Students Experiencing Poverty student group replaced the formerly used Economically Disadvantaged student group.

Participation Target: 94.5%

Student Group	2021-22	2022-23	2023-24	3-year Average	Status
All Students - Percent	89.6	94.0	97.4	93.7	Not Met
All Students - Denominator	182	182	194	558	
Students Experiencing Poverty - Percent	93.3	87.9	93.9	91.7	Not Met
Students Experiencing Poverty - Denominator	30	33	33	96	
English Learners - Percent	50.0	100.0	*	66.7	Not Rated
English Learners - Denominator	2	1	*	3	
Students with Disabilities - Percent	82.9	89.2	93.3	88.6	Not Met
Students with Disabilities - Denominator	41	37	45	123	
American Indian/Alaska Native - Percent	100.0	100.0	100.0	100.0	Not Rated
American Indian/Alaska Native - Denominator	1	2	1	4	
Black/African American - Percent	93.3	78.6	86.7	86.4	Not Met
Black/African American - Denominator	15	14	15	44	
Hispanic/Latino - Percent	87.5	100.0	100.0	95.4	Met
Hispanic/Latino - Denominator	24	20	21	65	
Native Hawaiian/Pacific Islander - Percent	*	*	*	*	Not Rated
Native Hawaiian/Pacific Islander - Denominator	*	*	*	*	
Underserved Race/Ethnicity - Percent	90.0	91.7	94.6	92.0	Not Met
Underserved Race/Ethnicity - Denominator	40	36	37	113	
Asian - Percent	100.0	100.0	100.0	100.0	Not Rated
Asian - Denominator	2	5	4	11	
White - Percent	90.5	94.7	97.9	94.5	Met
White - Denominator	126	131	140	397	
Multi-racial - Percent	78.6	90.0	100.0	89.2	Not Met
Multi-racial - Denominator	14	10	13	37	

Regular Attenders Details

District: Oregon Department of Education

School: The Ivy School

The Regular Attenders indicator displays the percentage of students attending for more than 90 percent of their enrolled school days, the denominator, and the corresponding rating for each student group. The data table shows three years of data and the three-year average. Student groups are assigned a rating based on the three-year average. '*' means data was hidden to protect student confidentiality and 'Not Rated' refers to student groups that do not meet the minimum n-size of 20 to receive a rating. Note that the Students Experiencing Poverty student group replaced the formerly used Economically Disadvantaged student group.

Regular Attenders Level	Cut
Level 5	93
Level 4	89
Level 3	85
Level 2	52
Level 1	<52

State Long Term Goal: 93%

Student Group	Grade Range	2021-22	2022-23	2023-24	3-year Average	Level
All Students - Percent	K-5	80.0	76.8	73.4	76.7	Level 2
All Students - Denominator		175	181	173	529	
Students Experiencing Poverty - Percent	K-5	56.5	61.3	56.5	58.4	Level 2
Students Experiencing Poverty - Denominator		23	31	23	77	
English Learners - Percent	K-5	*	*	*	*	Not Rated
English Learners - Denominator		*	*	*	*	
Students with Disabilities - Percent	K-5	77.3	71.0	73.3	73.5	Level 2
Students with Disabilities - Denominator		22	31	30	83	
American Indian/Alaska Native - Percent	K-5	*	*	*	*	Not Rated
American Indian/Alaska Native - Denominator		*	*	*	*	
Black/African American - Percent	K-5	63.6	63.6	45.5	57.6	Level 2
Black/African American - Denominator		11	11	11	33	
Hispanic/Latino - Percent	K-5	77.8	77.8	86.7	80.4	Level 2
Hispanic/Latino - Denominator		18	18	15	51	
Native Hawaiian/Pacific Islander - Percent	K-5	*	*	*	*	Not Rated
Native Hawaiian/Pacific Islander - Denominator		*	*	*	*	
Underserved Race/Ethnicity - Percent	K-5	73.3	73.3	70.4	72.4	Level 2
Underserved Race/Ethnicity - Denominator		30	30	27	87	
Asian - Percent	K-5	*	*	*	90.0	Not Rated
Asian - Denominator		*	*	*	*	
White - Percent	K-5	80.9	75.0	73.4	76.5	Level 2
White - Denominator		131	132	124	387	
Multi-racial - Percent	K-5	92.3	92.9	72.2	84.4	Level 2
Multi-racial - Denominator		13	14	18	45	

On Track to English Language Proficiency (ELP) Details

District: Oregon Department of Education

School: The Ivy School

The On Track to English Language Proficiency (ELP) indicator displays the percentage of students who are on track to attain ELP, the denominator, and the corresponding rating for each student group. The data table shows three years of data and the three-year average. Student groups are assigned a rating based on the three-year average. '*' means data was hidden to protect student confidentiality and 'Not Rated' refers to student groups that do not meet the minimum n-size of 20 to receive a rating.

On Track to ELP Level	Cut
Level 5	80
Level 4	68
Level 3	56
Level 2	22
Level 1	<22

State Long Term Goal: 80%

Student Group	2021-22	2022-23	2023-24	3-year Average	Level
Current English Learners - Percent	*	*	*	*	Not Rated
Current English Learners - Denominator	*	*	*	*	

Summary

Meeting Date: 4/10/2025

Title: ESEA Equitable Services Complaint Process

Status: First Reading

Presentation: Yes

Key Staff: Liz Ross, Federal Systems Team Director, Janette Newton, ESEA Private School Ombuds

Topic Summary: Federal statute Elementary and Secondary Education Act (ESEA) requires each state to have a state-level complaint process in place for equitable service programs. A policy has been in place since at least 2016. As per Oregon’s Department of Justice (DOJ), for the complaint process to be enforceable by the ODE, it must be a state rule.

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 unique professional and lived experiences. Using plain language, this section should provide context for this item, including any needed overviews of relevant programs or initiatives.

- 1. Briefly, how does this topic, program, or initiative currently operate? Where is it located within Oregon’s school systems? How does it ultimately serve students?**

Oregon distributes federal ESEA funds to public schools. For seven of the ten Title programs, ESEA requires that public school districts allocate funds to provide services to private school participants through equitable service programs. Under ESEA, a required state-level position of the Private School Ombuds oversees, directs and monitors equitable service programs. ESEA also requires that a written equitable services complaint process be in place at the state-level to ensure equitable participation of private school participants.

- 2. 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?**

Under ESEA Sections 1117(b)(6)(A) and 8501(c)(6)(A), private schools have the right to file a complaint with the ODE if they feel the district did not engage in timely and meaningful consultation; give consideration to the views of the private school; and/or made a decision that

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treats the private school students equitably. Additionally, 34 CFR Part 299 Subpart F outlines the complaint process that State Educational Agencies (SEA) must adopt for equitable service complaints. The proposed OARs closely follow the statutes and rules set forth in both ESEA and CFR.

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

No.

4. Why is this item coming before the Board now?

In fall 2024 the ODE received their first formal complaint for equitable services. The ODE has had a written policy for resolving formal complaints for equitable services and followed this procedure. However, this policy is not adopted into rule. To be in alignment with ODE practices and complaint processes, we are requesting to put this into rule so that the decisions have more enforcement mechanisms and are consistent with other ODE practices.

5. Who requested or brought about the need for this item? (Select all that apply.)

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

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. Using plain language, 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.

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6. 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?

Non-profit private schools that enroll students in any grade K-12 and districts would be impacted by this rule. The ODE first consulted with the Private School Partnership, a working group consisting of nine private school leaders and five district leaders in November 2024. All feedback from this consultation was either neutral or positive. The ODE then published the Draft OAR in its [monthly private school Newsletter](#) published on January 2, 2025. This newsletter ListServ has more than 900 email addresses that consist of both private school leaders and district leaders. The OARs were also discussed during the January Private School Office Hours on Wednesday, January 8th. All feedback from this consultation was either neutral or positive. Finally, the ODE consulted with more than 30 district leaders from around the state during the Titles IA, IIA, IVA & VB Office Hours on Tuesday, January 7, 2025. All feedback from this consultation was either neutral or positive.

7. 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.

8. 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.

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

If you selected any of the above entities, please share why they were involved, how the Department partnered with them, and what feedback they provided.

N/A

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9. 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: _____

Why did your office/team focus on the above geographical perspective(s)?

Almost all Oregon private schools are located within the Portland Metro Area, Willamette Valley and along the I-5 corridor. There are some private schools located in the eastern part of the state mostly along I-84, I-82 and the Bend area, and some private schools located along the northern coast. There are almost no private schools located in Central and Southeast Oregon. However, districts in these regions were represented when we did our outreach in case a private school opens in the future.

10. 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?

We only received neutral and positive feedback during engagement. No suggestions were given to change the wording or applicability of the draft OARs. This is most likely because an identical complaint process policy has been in place since at least 2016, and a formal complaint was not filed until the fall of 2024.

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

We will not be pursuing additional engagement opportunities.

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

Equitable resource allocation is a critical component of education equity. Using plain language, 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.

12. 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.

- 13. 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.**

There is no fiscal impact. There are no additional administrative impacts for districts beyond what has been in place under the complaint procedure policy since 2016. This would only include corrective action to be undertaken by the district if determined in the ODE's written resolution of a complaint. All corrective actions would be aligned to equitable requirements the district is already compelled to follow under ESEA and federal regulations.

- 14. 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?**

There is no fiscal impact. The ODE would need to enforce any corrective actions prescribed in the ODE's written resolution. In rare circumstances, the ODE may institute a bypass of the district and directly provide equitable services to a private school as is allowable under ESEA and federal regulations.

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. Using plain language, this section should describe the impact of this item on students and the larger social system that serves their health and education needs.

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

Federal funds allocated under ESEA are meant to serve students who are facing additional barriers to participating in an academically challenging education, for example students experiencing poverty (Titles I-A, II-A and IV-A), English learners and recent arrivers (Title III-A) and migrant students (Title I-C). Equitable services ensure that these funds reach all eligible students in a district by serving eligible students enrolled in non-profit private schools. Because the same written policy has been in place for several years, it is not likely to create any change.

- 16. 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?**

School district employees work with private schools to determine program eligibility, assess needs, provide services and evaluate services. Because the same written policy has been in place for several years, it is not likely to create any change.

- 17. 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?**

The consequences of the action are to take the current written policy guided by federal law and render it enforceable. There should not be additional cumulative effects.

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

If this OAR is not created, a complaint filed by a private school against a district alleging an inequity in services that results in an ODE corrective action cannot be enforced. This means that the ODE would not be able to mitigate known inequities. This may result in a complaint being appealed to the U.S. Department of Education and eligible students will lose out on services while they wait for the issue to be resolved.

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. Using plain language, this section should describe the choice before the Board, the Department’s recommendation, and any other relevant information.

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

The language for the complaint process is pulled directly from [Title I-A non-regulatory guidance](#) and [Title VIII non-regulatory guidance](#). Additionally, [34 CFR 299.13 - 299.17](#) outlines what must be included in complaints and ODE’s written resolution. Language must include:

- 1) Criteria defining when a private school can file a complaint with the ODE; and
- 2) The complaint process that explains what must occur and when it must occur.

- 20. 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](#)?**

All feedback received through the engagement process was either neutral or positive to the proposed language. The language ensures that the equity espoused in the mission, vision and values is upheld in ESEA equitable service programs.

- 21. Please describe the action your office/team is recommending to the Board (for example, the adoption of rules or the approval of a waiver) and how it reflects the Department’s commitment to academic excellence, belonging and wellness, and reimagining accountability.**

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We recommend the adoption of rules.

22. 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: _____

23. 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.

DRAFT ESEA Equitable Services Complaint Process

Proposed OAR Number 581-002-0150

(1) The complaint procedures required by this rule apply to complaints filed with the Oregon Department of Education (ODE) against final decisions of Oregon local education agencies by private schools participating in equitable services under any of the following federal programs:

- (a) Title I, Part A of the Elementary and Secondary Education Act;
- (b) Title I, Part C of the Elementary and Secondary Education Act;
- (c) Title II, Part A of the Elementary and Secondary Education Act;
- (d) Title III, Part A of the Elementary and Secondary Education Act;
- (e) Title IV, Part A of the Elementary and Secondary Education Act;
- (f) Title IV, Part B of the Elementary and Secondary Education Act;
- (g) Title IV, Part F of the Elementary and Secondary Education Act; and
- (h) Stronger Connections Grant authorized under the Bipartisan Safer Communities Act.

(2) Private school officials have the right to file a complaint with the ODE if they feel the local education agency did not:

- (a) Engage in timely and meaningful consultation;
- (b) Give consideration to the views of the private school; and/or
- (c) Make a decision that treats private school students equitably.

(3) The complaint process shall be as follows:

(a) The local educational agency and the private school shall discuss the matter during the process of ESEA equitable service consultation.

(b) Either the local educational agency or private school shall ask the ODE's ESEA Private School Ombuds for help in settling the dispute at the local level.

(c) The local educational agency shall provide the private school with their final decision in writing. If the local educational agency is in disagreement with the private school, they shall include an explanation of their reasons in the final written decision.

(d) If in disagreement with the local educational agency's final decision, the private school may file a formal written complaint with the ODE. The ODE shall resolve the formal written complaint within 45 days of receiving the complaint. Formal written complaints shall include:

(A) A statement that the local education agency has violated a requirement of the Elementary and Secondary Education Act statute or regulations regarding equitable participation;

(B) The facts on which the statement is based, including any evidence such as meeting minutes, forms, communications, etc.;

(C) The specific Elementary and Secondary Education Act statutory or regulatory requirement(s) allegedly violated, which could be:

- (i) Consultation was not meaningful and timely;
- (ii) The private school's views were not given due consideration; and/or

DRAFT ESEA Equitable Services Complaint Process

- (iii) Private school students were not treated equitably to public school students; and
- (D) The signature of the complainant.
- (e) The ODE shall conduct a review of the complaint. If necessary, ODE may conduct an on-site review and request additional documentation. Within 45 days of receiving the complaint, the ODE shall issue a resolution to the complaint in writing. The resolution shall include:
 - (A) A description of applicable Elementary and Secondary Education Act statutory and regulatory requirements;
 - (B) A description of the procedural history of the complaint;
 - (C) Findings of fact supported by citation, including page numbers, to supporting documents under paragraph (viii) of this section;
 - (D) Analysis and conclusions regarding the requirements;
 - (E) Corrective actions, if applicable;
 - (F) A statement of applicable appeal rights;
 - (G) A statement regarding the ODE's determination about whether the ODE will provide services; and
 - (H) All documents the ODE relied on in reaching its decision, paginated consecutively.
- (4) The local education agency shall disseminate, free of charge, adequate information about these complaint procedures to appropriate private school officials or representatives.

ESEA sections 1117(b)(6)(A) and 8501(c)(6)(A)

34 CFR 299.13 - 299.17

Oregon Department of Education

Chapter 581

Division 17

STRATEGIC INVESTMENTS

581-017-0801

Early Literacy Grants: Definitions

The following definitions apply to OAR 581-017-0801 to 581-017-0811:

- (1) “ADMw” means the extended weighted average daily membership computed as provided in ORS 327.013(1)(c).
- (2) “Coaching” means a structure that supports and develops educators through regular observation of their instruction, using a shared framework.
- (3) “Community-Based Organizations” means an organization that is:
 - (a) established as a nonprofit organization under the laws of this state;
 - (b) qualifies as an exempt organization under section 501(c)(3) of the Internal Revenue Code, as described in ORS 314.011;
 - (c) reflective of a community or significant segments of a community it seeks to serve; and
 - (d) driven by and representative of a community or a significant segment of a community and works to meet community needs and amplify strengths.
- (4) “Community Voice” means that members representing the community served by the project, including students, will be involved in co-constructing the project design, implementation, and/or providing strategic guidance in final decision-making.
- (5) “Core (also known as ‘basal’) Instructional Materials” means any organized system, which constitutes the major instructional vehicle for a given course of study, or any part thereof. A major instructional vehicle may include such instructional materials as a hardbound or a softbound book or books, or sets or kits of print and non-print materials, including electronic and internet or web-based materials or media.
- (6) “Culturally Responsive” means the implicit recognition and incorporation of the cultural knowledge, experience, and ways of being and knowing of students in teaching, learning, and assessment. This includes identifying, valuing, and maintaining a high commitment to students’ cultural assets in instruction and assessment; diverse frames of reference that correspond to multifaceted cultural perspectives/ experiences; and behaviors in the classroom that can differ from White-centered cultural views of what qualifies as achievement or success.

(7) “Developmentally Appropriate” means designing and implementing learning environments to help all children achieve their full potential in literacy through:

(a) building on each child’s strengths;

(b) taking care to not harm any aspect of each child’s physical, cognitive, social, or emotional well-being; and

(c) considering what is known about:

(A) age-related characteristics that can inform what experiences are likely to best promote a student’s learning and development;

(B) what is known about each child as an individual that has implications for how best to adapt learning experiences; and

(C) the social and cultural contexts in which a student lives in order to ensure that learning experiences are meaningful, relevant, and respectful for each child and family.

(8) “Diagnostic” means assessments to identify a student's specific strengths and needs in literacy in order to determine and plan the appropriate level of instruction, pacing and intervention support.

(9) “Direct Administrative Costs” means administrative functions readily allocable to and required for administering the grant program such as oversight, grant expenditure data collection, leadership that does not include direct service to teacher or students, management, and supervision. Direct administrative costs should be a smaller proportion of the overall grant amount in relation to direct service costs.

(10) “Early Learning Hub” means any entity designated by regional partners to coordinate early learning services, as determined by rules adopted by the Early Learning Council.

(11) “Early Literacy Program” means the entirety of the curriculum, assessments, instructional materials, practices, systems, staffing, and structures in place to support comprehensive early literacy across the district.

(12) “Early Literacy Success Plan” means the elements in the application, including but not limited to the responses to the application questions, program review, and inventory, as defined in ORS 327.831.

(13) “Early Literacy Success School Grant” means the program established in ORS 327.829 and may also be referred to as “Early Literacy Success School District Grants”.

(14) For Early Literacy Success School District Grants, established in ORS 327.829, “Eligible Applicant” means a school district or public charter school that serves students in grades prekindergarten/preschool through third grade. This can include districts and public charter schools that serve students in grades prekindergarten/preschool through eighth grade or prekindergarten/preschool through twelfth grade, given the application focuses on specific

grade levels named in ORS 327.825. Per ORS 327.825 and ORS 327.831, virtual public charter schools are not eligible applicants for this grant.

(15) For Tribal Grants, established in ORS 327.843(2)(d), “Eligible Applicant” means:

- (a) Burns Paiute Tribe;
- (b) The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw;
- (c) Confederated Tribes of Cow Creek Band of Umpqua;
- (d) Confederated Tribes of Grand Ronde;
- (e) Confederated Tribes of Siletz;
- (f) Confederated Tribes of Warm Spring Indian Reservation;
- (g) Confederated Tribes of Umatilla Indian Reservation;
- (h) Coquille Tribe; or
- (i) Klamath Tribes.

(16) For Community Grants, established in ORS 327.843, “Evidence-Based” means practices with a proven record of success based on reliable, trustworthy, and valid evidence that when the practices are implemented with fidelity, students can be expected to make adequate gains in early literacy. Instructional practices, activities, strategies, or interventions that are “evidence-based” should not just privilege scientific evidence, but also be driven by evidence stemming from the perspectives of those affected by those practices, activities, strategies, or interventions such as:

- (a) Tribal consultation, recommendations, and experiences of American Indian/ Alaska Native community members or Tribes.
- (b) Community-driven, culturally-responsive/sustaining/specific, non-dominant and non-Western ways of knowing, being, and researching.

(17) “Extended Learning Program” means literacy programming which shall:

- (a) use ~~a research-aligned tutoring model, which is defined for School District Grants as a tutoring model that uses~~ “Research-aligned literacy strategies” as defined in ORS 327.825 and is based on “Science of reading and writing” as defined in ORS 327.825 and meets the criteria established by the Department in OAR 581-017-0811;
- (b) occur outside of the traditional school day, which could include, but is not limited to afterschool and summer; and
- (c) be administered either by a licensed teacher of any subject area or by a qualified tutor, which is defined for School District Grants as a person who has the training necessary to

implement the research-aligned tutoring model effectively or a high-dosage tutoring provider from the Qualified List for High-Dosage Tutoring established in section 20.

(18) “Fidelity” means how closely prescribed procedures are followed and, in the context of schools, the degree to which educators implement programs, assessments, and implementation plans the way they were intended.

(19) “Formative” means a process of collecting and responding to evidence of student learning; the information gained about student learning is used in the course of instruction to respond to and adjust instruction.

(20) For Early Literacy Success School District Grants, established in ORS 327.829, “High-Dosage Tutoring” is additionally defined as tutoring that:

(a) Is provided in addition to regular core instruction;

(b) Is provided during the school year, which may occur during the school day or before/after school, **and may also be provided during school breaks, including summer;**

(c) Uses a research-aligned tutoring model, which is defined for School District Grants as a tutoring model that uses “Research-aligned literacy strategies” as defined in ORS 327.825, is based on the “science of reading and writing” as defined in ORS 327.825, and meets the criteria established by the Department in section OAR 581-017-0811;

(d) Is administered by a qualified tutor which is defined for School District Grants as a person who has the training necessary to implement the research-aligned tutoring model effectively and criteria established by the Department in section OAR 581-017-0811;

(e) Is provided to four or fewer students; and

(f) Integrates reading and writing in a way that is aligned to Oregon’s ELA Content Standards and to students’ reading instructional needs, based on student assessment data and other evidence of student learning.

(21) For Early Literacy Success Community Grants, established in ORS 327.843, “High-Dosage Tutoring” is additionally defined as tutoring that:

(a) is provided outside of the school day;

(b) is provided by a qualified and trained tutor which is defined for Community Grants as a person who has the training necessary to implement the research-aligned tutoring model effectively;

(c) uses a research-aligned tutoring model that employs evidence-based strategies and is administered in a culturally responsive manner and that is combined with the training necessary for tutors to implement the model effectively;

(d) is provided to four or fewer students;

(e) uses materials that are aligned to the program; and

(f) uses student assessment data and other evidence of student learning to inform tutoring sessions and adjust to student needs.

(22) For Tribal Grants, established in ORS 327.843(2)(d), “High-Dosage Tutoring” is additionally defined and determined by each of Oregon’s nine sovereign nations and the work plans developed by each nation.

(23) For Early Literacy Success Community Grants: “Indirect costs” means costs not readily identifiable with the activities of the grant but incurred for the joint benefit of those activities and other activities of the organization.

(24) “Literacy coaches” means a licensed educator who:

(a) has advanced training or certification in “research-aligned literacy strategies” and “the science of reading and writing” as defined in ORS 327.825 that was either:

(A) included as a course(s) in an educator preparation program;

(B) included as a course(s) in a post-graduate degree program in teaching reading or literacy;

(C) provided by ODE or included on the ODE list of professional development providers; or

(D) provided by a school district or ESD;

(b) has a literacy-focused licensure endorsement;

(c) whose primary role and responsibilities include direct support of students and/or educators; and

(d) are additionally defined in OAR 584-210-0170.

(25) “Literacy specialists or interventionists” means a licensed educator who:

(a) has advanced training or certification in “research-aligned literacy strategies” and “the science of reading and writing” as defined in ORS 327.829 that was either:

(A) included as a course(s) in an educator preparation program;

(B) included as a course(s) in a post-graduate degree program in teaching reading or literacy;

(C) provided by ODE or included on the ODE list of professional development providers; or

(D) provided by a school district or ESD;

(b) has a literacy-focused licensure endorsement; and

(c) whose primary role and responsibilities include direct support of students and/or educators.

(26) For Early Literacy Success School District Grants, established in ORS 327.829 , “Outcomes” is defined as literacy achievement as measured by the student growth assessment and other sources of evidence related to literacy achievement.

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

(28) “Professional Development” means learning that is systemic, job-embedded, and aligned to current research, training, and practices that support educator and student learning.

(29) “Provider of Early Learning Services” means a public or non-profit entity that provides education and learning opportunities for children in grades pre-Kindergarten to third grade through the provision of services that:

(a) supports families, caregivers, and community members to incorporate research-aligned early learning practices outside of the school day; or

(b) a program that directly provides research-aligned early learning services outside of the school day.

(30) “Public Library” means a public agency that provides to all residents of a local government unit free and equal access to library and information services that are suitable for persons of all ages.

(31) “Regular Core Instruction” means instruction in the general education setting as part of every student's regular schedule that is aligned to grade-level standards and inclusive of every student in the classroom.

(32) “Statewide Education Initiatives Account” means the account as established in ORS 327.250.

(33) “Student Growth Assessment” means a process of evidence collection and review, which includes tests (for example, criterion referenced or developmental continuum) alongside other sources of evidence for the purpose of monitoring students’ growth towards proficient reading and writing. Grant recipients shall avoid making determinations about student growth from a single source of evidence/test score.

(34) “Student Groups that have Historically Experienced Disparities” includes:

(a) “Students Experiencing Poverty” ~~“Economically Disadvantaged Students,”~~ which means students who meet one or more of the following qualifications:

(A) are participating in Supplemental Nutrition Assistance Program funded by the United States Department of Agriculture;

(B) are participating in the Temporary Assistance for Needy Families program as defined in Title IV of the Social Security Act;

(C) are foster students; or

(D) are migrant students.

(b) "Students from Racial or Ethnic Groups that Have Historically Experienced Academic Disparities," which includes, but is not limited to American Indian and Alaska Native students, Black and African American students, Hispanic and Latino students, Asian students, Native Hawaiian and Pacific Islander students, and multiracial students and any other racial or ethnic group identified by the eligible applicant as historically experienced academic disparities.

(c) "Students with Disabilities," which means a child with a disability as defined in ORS 343.035(1) and ORS 343.035(14)(b).

(d) "English Language Learners," which means or "English learners," which means a student who has limited English language proficiency because English is not the native language of the student or the student comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency.

(e) "Foster Students" as defined in ORS 30.297(5)(c).

(f) "Students who are Homeless" has the same meaning as in section 725 of the McKinney-Vento Act, 42 USC § 11434a (2).

(g) Students who attend an elementary school that:

(A) Is identified for comprehensive support and improvement or for targeted support and improvement under the federal Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802) regardless of whether the school is receiving funding; or

(B) Qualifies for assistance under Title I of the federal Elementary and Secondary Education Act of 1965; "whereas qualifying for assistance under Title I" means at least 35% of the school's students are experiencing poverty, or the school receives Title I-A funds as determined by the district.

(h) "LGBTQ2SIA+ Students," which means students who may have one or multiple gender identities and/or sexual orientations including lesbian, gay, bisexual, pansexual, transgender, nonbinary, queer, questioning, two-spirit, intersex, and asexual. The plus sign ("+") recognizes and includes the myriad ways to describe marginalized gender identities and sexual orientations.

(i) "Students Recently Arrived," which means a student who was NOT born in any state or US Territory and who has not been attending one or more schools in any one or more state for more than three full academic years.

(j) "Migratory Students," which means a student whose is a migratory worker or whose parent or guardian is a migratory worker in the agricultural, dairy, lumber, or fishing industries and who has moved due to economic necessity between school districts in the last thirty six months, and is eligible to be a part of the Title 1-C Migrant Education Program.

(k) "Justice involved youth" means a student who is pre or post adjudication, been or currently detained in a secure juvenile justice facility, and/or been or currently placed in a community juvenile justice program.

Oregon Department of Education

Chapter 581

Division 17

STRATEGIC INVESTMENTS

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.

(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 year two of the biennium. Any allocated funds that are not used by a grant recipient by June 30 in year two of the biennium will be returned to the Statewide Education Initiatives Account for distribution in the next biennium.

(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.

Oregon Department of Education

Chapter 581

Division 17

STRATEGIC INVESTMENTS

581-017-0811

Early Literacy Success School District Grants: Allowable Uses of Funding

(1) Allowable uses of the Early Literacy Success School Grant program are described in ORS 327.825 and ORS 327.829. The administrative rules that follow provide additional specificity or clarity and do not expand or replace what is in statute.

(2) Training for tutors to implement effectively the provision of high-dosage tutoring according to ORS 327.825 and ORS 327.829 shall be research-aligned and include the specific knowledge and skills relevant to the literacy concepts, skills, instructional practices of the tutoring program, and needs of students who it is serving, and effectively use data to ensure the methods used are responsive to student need. This may be specific to a particular program, or core set of knowledge, skills or instructional practices all of which must be based on the science of reading and writing.

(a) Grant recipients may use internal or external expertise for high dosage tutoring. At least once every two years the Oregon Department of Education shall develop and/or revisit qualifications for tutors. The qualifications shall be inclusive of the qualified tutors definition in these rules and may include additional qualifications, which shall be used by grant recipients to evaluate eligibility for those internal and external to the district to be a tutor for high-dosage tutoring programs. The Department may decide to make the qualifications different for those tutors internal and for those external to the district.

(b) At least once every two years the Oregon Department of Education shall develop or revisit criteria for high-dosage tutoring programs and extended learning. The criteria shall be used by grant recipients to evaluate eligibility for high-dosage tutoring and extended learning programs to be used for the purposes of this grant.

(c) The Oregon Department of Education shall, at least once every two years, develop or revisit a list of qualified high-dosage tutoring program providers, should grant recipients choose to use external providers. To be included on the list, the provider must meet the qualifications in section (a) and (b) of this rule if providing a program and tutors or just (b) if providing a program only and must include content to be determined by the Department.

(d) The Oregon Department of Education will independently review potential providers at least once every two years by posting a Request for Information for providers to solicit information from interested vendors.

(A) ODE will publish the list no later than January 15th of odd numbered years, beginning in 2025. After the first publication, eligible applicants who use funding to pay for external high dosage tutoring services shall select from the list.

(B) Once a high-dosage tutoring program provider has been approved by the Department and placed on the list, to remain on the list the provider must every two years provide an updated information form provided by the Department.

(3) Grant recipients may use internal or external expertise for professional development and coaching. At least once every two years, the Oregon Department of Education shall develop a list of qualifications for professional development and coaching providers. The list of qualifications shall be used by grant recipients to evaluate eligibility for those internal and external to the district to provide professional development and coaching. The Department may decide to make different qualifications for people who are internal to the district and for those external to the district.

(a) The Oregon Department of Education shall, at least once every two years, develop a list of qualified professional development providers and organizations that provide coaching related to early literacy should grant recipients choose to use external providers. To be included on the list of qualified professional development or coaching providers, the provider must meet the qualifications in section (3) of this rule and include content to be determined by the Department.

(b) The Oregon Department of Education will independently review potential providers at least once every two years post a Request for Information for providers to solicit information from interested vendors.

(A) ODE will publish the list no later than January 15th of odd numbered years, beginning in 2025. After the first publication, eligible applicants who use funding to pay for external professional development and coaching shall select from the list.

(B) Once a professional development or coaching provider has been approved by the Department and placed on the list, to remain on the list the provider must every two years provide an updated information form provided by the Department.

(C) The Department will consult with the Teacher Standards and Practices Commission to ensure the approved providers also satisfy professional development requirements for teachers.

(4) The State Board adoption criteria for Language Arts basal instructional materials and the list of basal instructional materials adopted by the State Board of Education shall be the criteria for core instructional materials meeting the early literacy school grant requirements.

(a) The Oregon Department of Education shall establish research-aligned criteria for districts to use for all materials that are not core instructional materials. Districts shall use this criteria when purchasing and/or reviewing inventorying literacy assessments, tools, supplemental curricula, and digital resources annually.

(b) The Department shall review available criteria and resources from national and international organizations related to: ~~to develop criteria in:~~

(A) Early literacy practices;

(B) Literacy assessment practices and tools, inclusive of both formative and diagnostic practices;

(C) Digital literacy practices, resources, and tools;

(D) Culturally responsive practices in literacy instruction;

(E) Biliteracy or literacy practices in multilingual instructional settings or dual language; and

(F) Supporting students who are experiencing disabilities.

(c) Effective January 1, 2025 funds from this grant used for the adoption and implementation of K-3 core instructional materials may only be used for materials from the State Board of Education adopted list for ELA. If core instructional materials are adopted from the State Board of Education list at the time of application, they meet the criteria for this grant.

(d) Effective January 1, 2025 funds from this grant used for the adoption and implementation of core instructional materials for prekindergarten may only be used for materials that meet criteria to be determined by the Department of Early Learning and Care by Jan 1, 2025.

(5) Rules will be applied by ODE for allowable uses of funding of the Early Literacy Success Initiative beginning July 1, 2025.

Summary

Meeting Date: 4/10/2025

Title: Early Literacy Success School District Grant Rules
Technical Updates

Status: First Reading

Presentation: Yes

Key Staff: Angelica Cruz and Sophie Hilton

Topic Summary: ODE is proposing to change OAR language based on feedback during the jumpstart biennium (2023-2025). Most of these rule changes are technical in nature to provide clarity for grant implementation and administration. These changes will ensure a smooth transition into the next biennium (2025-2027) of grant implementation and administration.

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 unique professional and lived experiences. Using plain language, 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 located within Oregon's school systems? How does it ultimately serve students?**
 - The Early Literacy Success School District grant is a non-competitive, formula-based grant administered to districts and public charter schools for a total of \$90 million for the 23-25 biennium. There are a total of 248 grantees in Oregon receiving these funds.
 - The goals of the grants are to:
 - Increase early literacy outcomes for children from prekindergarten to third grade through research-aligned, culturally responsive, and student-centered literacy practices
 - Reduce early literacy academic disparities for student groups that have historically experienced academic disparities
- 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?**

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Rulemaking Authority: ORS 327.825 - 327.845

- Grants awarded under ORS 327.833 are not competitive, but a school district or public charter school must comply with the requirements prescribed by ORS 327.829 to 327.837 and by rules adopted by the State Board of Education under ORS 327.829 to 327.837.

OAR for The Early Literacy Success School District Grants:

- 581-017-0801 - Early Literacy Grants: Definitions
- 581-017-0808 - Early Literacy Success School District Grants: Grant Administration
- 581-017-0809 - Early Literacy Success School District Grants: Fund Administration
- 581-017-0811 - Early Literacy Success School District Grants: Allowable Uses of Funding

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

In March 2024, the Board adopted permanent OARs 581-017-0801 through 581-017-0811 for the Early Literacy Success Initiative.

4. Why is this item coming before the Board now?

ODE is proposing to change OAR language based on feedback received and information gleaned from implementation during the “Jumpstart Biennium” (2023- 2025). Most of these rule changes are technical in nature to provide clarity for grant implementation and administration. These changes will ensure a smooth transition into the next biennium (2025-2027) and the rule change to high-dosage tutoring will allow programming to occur over schools breaks and summer months.

5. Who requested or brought about the need for this item? (Select all that apply.)

- ODE Staff
- Students
- Families
- Community-Based Organizations
- Culturally Specific Organizations
- 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. Using plain language, 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.

6. 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?

The audience most likely to be affected by these technical updates are the grantees (schools and districts) and ESDs that are supporting the technical assistance of the implementation and administration of grant funds. ODE held multiple engagement sessions with these audiences, to gather feedback that informed the proposed changes. Because Early Literacy is one of the Governor's top priorities, ODE also engaged with an early literacy advisory committee on rules that includes teachers, administrators, and ESD representatives and others connected to literacy efforts.

7. 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.

8. 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.

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

If you selected any of the above entities, please share why they were involved, how the Department partnered with them, and what feedback they provided.

N/A

9. 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: _____

Why did your office/team focus on the above geographical perspective(s)?

As the ODE Literacy Team works with grantees, which include schools, district, and ESD staff from across the state, ODE received feedback representing all geographical regions in the state.

10. 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?

Throughout the past year, grantees and ESD staff provided feedback on the implementation of the grant and their understanding of the upcoming rule changes. They reported lack of clarity and confusion around some of the rule language, including the requirements of extended learning and high-dosage tutoring.

In March 2025, ODE recognized technical fixes needed to be made to the Early Literacy OARs and reengaged the Literacy Rules Advisory Committee that had previously met in the winter of 2023 -2024 to provide input on the creation of the permanent rules, passed by the SBE in March 2024. Through this engagement, there was largely no concerns with the proposed changes, except for the removal of the requirement that tutoring be provided within extended learning programming. In response to this feedback, ODE added an additional OAR change to the definition of high-dosage tutoring to allow it to occur within school breaks, including summer.

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

ODE engaged with the Literacy Rules Advisory Committee and ORCA and will do so again following the First Read of these proposed changes, prior to the Second Read.

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

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Equitable resource allocation is a critical component of education equity. Using plain language, 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.

12. 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.

13. 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.

Yes, approving these OAR changes will provide clarity for districts and reduce administrative burden by reducing communications back and forth among ODE, ESD liaisons, and grantees.

14. 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?

Yes, approving these OAR changes will enable ODE to provide more effective technical assistance supporting grantees with clear guidelines on implementing the allowable uses of extended learning and high-dosage tutoring, requirements on criteria, and administration of the grant.

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. Using plain language, this section should describe the impact of this item on students and the larger social system that serves their health and education needs.

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

As most of these proposed rule changes are technical in nature, there are minimal anticipated direct impacts on students and families. Changes mostly impact grantee administration, implementation, and reporting, and in the aggregate may lead to more time for districts to focus on teaching, learning, and implementing grant activities. The changes to extended learning and high-dosage tutoring would impact students directly by providing and ensuring programming may happen over the summer months.

16. 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?

As most of these proposed rule changes are technical in nature, there are no anticipated direct impacts on district employees and volunteers. Changes mostly impact grantee administration, implementation, and reporting.

17. 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?

Short term impacts include clarity around grantee requirements, which will ensure smoother implementation of grant funding. This improved understanding may reduce the burden on administrators, teachers, and staff, which will ultimately benefit students by allowing more time to be focused on direct instruction. Additionally, by allowing high-dosage tutoring to be provided over the summer months, this could provide additional focused support to students and ultimately increase student growth and achievement.

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

The anticipated short-and long-term consequences are misalignment with statutory requirements, particularly with the extended learning provision. Without the proposed update to the current definition, grantees will not be able to implement extended learning, as all extended learning programming would need to include high-dosage tutoring, which is required to be 10 weeks long, longer than most Oregon school district summer breaks. If there is no action taken on the rule regarding high-dosage tutoring, this could limit the amount of high-dosage tutoring provided to students.

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. Using plain language, this section should describe the choice before the Board, the Department’s recommendation, and any other relevant information.

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

Summary of Rule changes:

- **581-017-0801** - Changing the term “Economically disadvantaged” to “Students Experiencing Poverty.”

- **581-017-0801** - Refine the definition of Extended Learning to remove the requirement for a "tutoring model" to be used, thus allowing extended learning to be implemented during school breaks without needing to meet all high-dosage tutoring requirements.
- **581-017-0801** - Refine the definition of High-Dosage Tutoring to allow for High-Dosage Tutoring over school breaks and the summer months.
- **581-017-0811**- Clarify language around how districts use criteria for non-core instructional materials to ensure that districts will use the criteria when they purchase new materials or review current materials rather than only when they are *inventorying* materials.
- **581-017-0811**- Update language to correctly state that ODE shall *review* available criteria and resources from national and international organizations instead of *develop* criteria, as the rule currently states.
- **581-017-0809** - Remove match funding Language from OARs. (The 25% match requirement was not explicitly named in statute, and the match rule is no longer needed beyond the 23-25 biennium.)

20. 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](#)?

ODE received feedback and answered any questions for clarification around the above proposed rule changes. Based on feedback, ODE added an additional rule change proposal (expanding the periods of time for when High-Dosage Tutoring can be offered).

21. Please describe the action your office/team is recommending to the Board (for example, the adoption of rules or the approval of a waiver) and how it reflects the Department's commitment to academic excellence, belonging and wellness, and reimagining accountability.

Our team recommends the Board adopt the proposed rule updates. By adopting the rule change of updating the definition to Students Experiencing poverty, this will better align with ODE's current definition and reporting system and ultimately support more accurately identifying students' income status and outcomes. The changes to high-dosage tutoring and extended learning will support grantees in implementing these critical programs with evidence-based results of improving student outcomes in literacy. The additional technical changes will ensure grantees understand the requirements of the grant and administer funds effectively. These changes increase clarity around implementation of the grant.

22. 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

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- Corrective Action Processes
- Safety measures
- Organizational culture or practice changes (change management)
- Materials and/or supplies
- Guidance and/or supplemental resources
- Other: _____

23. 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.

APPENDIX B: GRANT CONSOLIDATION

Appendix B should only be completed if "yes" is selected for question 12. Using plain language, this section should provide additional detail on how grant rules have been aligned and designed to support districts and meet administrative needs.

1. 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: _____

Early Literacy is embedded into the same application process and requirements as Integrated Programs and all the above are underlying processes for the grant program. The proposed OAR changes do not change the original processes of the grant program.

2. 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?

Yes, the Early Literacy Success School District Grant program is aligned and integrated into the Integrated Programs application and reporting requirements to reduce administrative impacts on districts. The Literacy team works closely with ESD liaisons to support small and rural school districts.

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

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While the Integrated Programs application is differentiated for small and rural districts, the Early Literacy Success School districts grant requirements are not differentiated, largely due to what is named in statute.



Early Literacy Success School District Grant: Rule Updates

Angelica Cruz, Director of Literacy

Sophie Hilton, Literacy Policy Analyst

Office of Teaching, Learning, & Assessment

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Early Literacy Success Initiative Overview

Early Literacy Success Initiative Grant Programs



Early Literacy Success
Birth Through Five Plan



Early Literacy Success
School District Grants



Early Literacy Success
Tribal Grants



Early Literacy Success
Community Grants



Early Literacy Success School and District Grant Overview

- **Key Priorities:**

- Increase early literacy outcomes for children from prekindergarten to third grade through research-aligned, culturally responsive, and student-centered literacy practices
- Reduce early literacy academic disparities for student groups that have historically experienced academic disparities

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- **Total Funding (23-25):** \$90 million
- **Distribution:** Non-competitive, formula based to districts and public charter schools

Early Literacy Success School District Grant Allowable Uses

Curriculum



Professional Development & Coaching



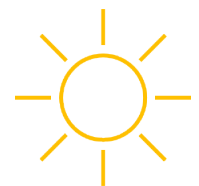
Hiring Literacy Staff



High-Dosage Tutoring



Extended Learning



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Need for Rule Updates & Engagement Process

ODE is proposing changes to rule language based on grantee and ESD liaison feedback during the Jumpstart Biennium (2023-2025).

- Most of these recommendations are technical changes to provide clarity for grant implementation and administration.

ODE sought feedback on the proposed rule changes from the Literacy Rules Advisory group in March 2025 and from ORCA in April 2025

- Feedback from these groups informed an additional rule change to High-Dosage Tutoring.



Early Literacy: Definitions

581-017-0801 Early Literacy Grants: Definitions

Change the term “Economically disadvantaged Students” to “Students Experiencing Poverty”

a) “**Students Experiencing Poverty** ~~Economically Disadvantaged Students,~~” which means students who meet one or more of the following qualifications:

Rationale: In order to align with ODE’s Integrated Programs, which the Early Literacy Success School District Grants is embedded within, we are proposing change the language in rule from “Economically Disadvantaged Students” to “Students Experiencing Poverty.” By making this change, the Early Literacy Success School District Grant will better align to Integrated Programs language.

Early Literacy: Definitions Cont.

581-017-0801 Early Literacy Grants: Definitions

Refine Definition of Extended Learning (high-dosage tutoring model language)

(17) “Extended Learning Program” means literacy programming which shall:

(a) use ~~a research-aligned tutoring model, which is defined for School District Grants as a tutoring model that uses~~ “Research-aligned literacy strategies” as defined in ORS 327.825 and is based on “Science of reading and writing”

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Rationale: Without the proposed change, all extended learning would need to meet the requirements of high-dosage tutoring, including being provided during the school year, over a 10 week duration, and in small groups of 4 or fewer. The current rule is more restrictive than the statutory language.

Early Literacy: Definitions Cont.

581-017-0801 Early Literacy Grants: Definitions

Refine Definition of High-Dosage Tutoring (add summer as an optional time to implement)

20) For Early Literacy Success School District Grants, established in ORS 327.829, “High-Dosage Tutoring” is additionally defined as tutoring that:

(a) Is provided in addition to regular core instruction;

(b) Is provided during the school year, which may occur during the school day or before/after school, **and**¹⁷² **may also be provided during school breaks, including summer;**

Rationale: As High-Dosage Tutoring has proven to be an impactful method of increasing student achievement and growth in literacy, it should be an option to implement over the summer months and/or continue from a spring/fall program into breaks.

Early Literacy: Allowable Use of Funding

581-017-0811 Early Literacy Grants: Allowable Uses of Funding

Clarify language around how districts use criteria for non-core instructional materials

(a) The Oregon Department of Education shall establish research-aligned criteria for districts to use for all materials that are not core instructional materials. Districts shall use this criteria when **purchasing/and or reviewing** ~~inventorying~~ literacy assessments, tools, supplemental curricula, and digital resources annually. 173

Rationale: This updated language provides clarity for how districts should be using the criteria, e.g. when they are purchasing and/or reviewing which materials to purchase, not just when they are reporting what they use.

Early Literacy: Allowable Use of Funding Cont.

581-017-0811 Early Literacy Grants: Allowable Uses of Funding

(b) The Department shall review available criteria and resources from national and international organizations ~~to develop criteria related to:~~

- (A) Early literacy practices;
- (B) Literacy assessment practices and tools, inclusive of both formative and diagnostic practices;
- (C) Digital literacy practices, resources, and tools;
- (D) Culturally responsive practices in literacy instruction;
- (E) Biliteracy or literacy practices in multilingual instructional settings or dual language; and
- (F) Supporting students who are experiencing disabilities

Rationale: This update corrects language that directed the agency to create criteria across all these areas rather than consider all these areas when developing other criteria named in rule.

Early Literacy: Fund Administration

[581-017-0809](#) - Early Literacy Success School District Grants: Fund Administration

Remove Match funding Language

~~(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.~~

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Early Literacy: Fund Administration Cont.

Rationale: This match requirement was not explicitly named in statute. Match language is currently in rule because it was necessary to implement the grant in the first biennium. However, the match rule is no longer needed, as this match is not required beyond the 23-25 biennium.

(Note that a different matching requirement for 4th/5th grade spending *is* in statute, but sunsets after the 23-25 biennium as well and is not the match referenced in this change.)

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Early Literacy Recommendations

- ODE is proposing these rule updates in order to provide clarity, allowing schools and districts to focus their time and resources on improving student outcomes in literacy.
- As most of these rule changes are small in nature, ODE anticipates these changes will be well received by grantees and will support effective implementation of funding.



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Next Steps and Questions

Next Steps

- 2nd Read for ORCA May 1st
- 2nd Read for SBE TBD

Questions and/or feedback

Thank you for your time!



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Oregon State Board of Education

April 10., 2025

AGENDA ITEM: 4.B.

<p>SUBJECT: Audit and Other Financial Appeals-Secure Rural Schools and Community Act STAFF NAME & OFFICE:</p> <p>In March 2018 there was a change in federal law, which went unnoticed by all stakeholders until April 2022. This change impacted the State School Fund (SSF) and what is considered Local Revenue in the SSF Formula for school years 2017-18, 2018-19, and 2019-20. The current rule allows for a 5-yr review, so SY 2017-18 review will expire on June 30, 2024.</p> <p>As a result we needed a temporary rule to expand the look back period to encompass the change in federal law from 2018 in order for ODE and school districts to assess the potential impact of the unaltered formula on the SSD in their respective districts between 2018-2021.</p> <p>The Department is seeking a permanent rule with the same language except to add a sunset clause in order to ensure that a rule is in place to address this issue to completion.</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 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. In April 2022, the SSF Technical Review Committee (Legislative Revenue Office, DAS Chief Financial Office, Legislative Fiscal Office, OR Dept of Education) discovered changes to the federal statute surrounding Small Rural Schools (SRS) in 2018. This change caused the state SSF formula to be out of alignment with Federal law and subsequently affected the way the state process state school fund payments to school districts between 2018 and 2021.

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

The audit and financial appeals rule (581-001-1011) establishes the process to be used by the Department of Education for addressing the overpayment or underpayment of State School Funds from a closed year to a school district, education service district, public charter school or other program based on information received by the department in an audit or other report. This rule has a “look back” period of 5 years. In application this means that the ability to “look back” to the 2017-2018 year will expire June 30, 2024.

Oregon State Board of Education

April 10., 2025

AGENDA ITEM: 4.B.

As a result we needed a temporary rule to expand the look back period to encompass the change in federal law from 2018 in order for ODE and school districts to assess the potential impact of the unaltered formula on the SSD in their respective districts between 2018-2021.

2. Purpose

The audit and financial appeals rule allows school districts to engage in a process with ODE to evaluate a potential over or under payment of the state school fund. This temp rule expands the look back period to encompass the change in federal law from 2018 in order for ODE and school districts to assess the potential impact of the unaltered formula on the SSF in their respective districts between 2018-2021.

The Department is seeking a permanent rule with the same language except to add a sunset clause in order to ensure that a rule is in place to address this issue to completion.

a. How long has the rule been in place?

2008 with previous iterations as far back as 1982, the temp rule expired after being utilized for the appeals process.

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

The temporary rule was passed in order to develop a pathway to have conversations about repayment.

After the rule passed, ODE hosted a meeting with COSA and OASBO for school districts to provide technical assistance. Following that meeting, a letter was sent to each district affected by the underpayment, outlining the specific impact on their district over the three year period. The letter also provided guidance on how to access technical assistance and details the steps for initiating an appeal within 60 calendar days of the letter if the district believes the repayment figure is inaccurate. No appeals were filed.

The board can choose not to adopt the permanent rule. If they choose not to do so then a rule will not be in place to address the issue to completion.

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

This temporary rule went before the RAC in May 2024 and the board in June. ODE engaged with school districts to utilize the rule for the appeals process. The permanent rule went before ORCA in March 2025 and will go again in April.

SUMMARY OF PREVIOUS BOARD ACTION

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

The board passed a temporary rule in order to address the expiring "look back" period in the permanent rule.

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AGENDA ITEM: 4.B.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

Yes – As follows: The permanent rule is the same as the temporary rule with the exception of the addition of a sunset clause.

POLICY ISSUE OR CONCERNS

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

1. Partners

All 197 school district and 19 ESDs are potentially impacted by the unaltered formula between 2018-2021. A school district came forward as well as their local legislators to request information on this issue and a desire to remedy.

2. Negative/Positive Effects

While the issue is near completion it is not yet resolved. School districts and ESDs could be confused without a permanent rule to look back to until the completion of this repayment.

Note: The original error is a singular occurrence that does not affect the current allocation of funds in the State School Fund. Instead, it pertains to an historical change in the formula, which necessitates correction. It will not disrupt existing school funding. Furthermore, the goal is to rectify potential impacts separately from the regular SSF process, in the forthcoming biennium.

EQUITY IMPACT ANALYSIS

School districts and ESDs could be potentially impacted by the underpayment of funds due to the unaltered formula. Rectifying the underpayment to districts could allow districts to better meet the needs of students in their care.

FISCAL ANALYSIS

ODE has requested funding limitation in the early session bill from the legislature to address underpayments.

EFFECT OF A “YES” OR “NO” VOTE

The board can choose not to adopt the permanent rule. If they choose not to do so there will not be a rule on file until the completion of addressing this issue.

Oregon State Board of Education

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AGENDA ITEM: 4.B.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time

Prompted by: State law changes Federal law changes other

ATTACHMENTS

Attachment 1:

OAR 581-001-XXXX (previously, 581-001-0101), with a similar OAR currently filed as OAR [581-001-0100](#)

Title: Audit and Other Financial Appeals

(1)(a) This rule establishes the process to be used by the Department of Education to address the overpayment or underpayment of State School Fund monies related to changes in federal law under 16 U.S.C. 7112(f).

(b) This rule applies only to school years 2017-18, 2018-19, and 2019-20. For purposes of this rule, a year is considered closed on June 30 in the year two years after the fiscal year began. For example, the fiscal year beginning July 1, 2018, is closed on June 30, 2020.

(c) Other reports received by the department that may be the basis to determine that an overpayment or underpayment has been made include but are not limited to information provided by a district, school or program or information from a department investigation.

(d) The department will only seek to recover payments or will pay an amount under this rule if the department received the audit or report that the overpayment or underpayment is based upon within seven years of the date that the year was closed. For example, for the fiscal year beginning July 1, 2018, the department will only seek to recover or make payments based on audits or reports involving that fiscal year that were received by the department on or before June 30, 2026.

(e) The department will not seek to recover and will not pay amounts under this rule of \$750 or less.

(2) The department shall determine whether there has been an overpayment or underpayment of funds upon receipt of an audit or other report, and whether the department will seek an adjustment of funds based on the audit or report. The department shall consider the following when making its determination:

(a) Applicable statutes, rules and policies;

(b) Information from the audit or report and any recommendations made in the audit or report;

(c) Any other relevant information received by the department relating to the overpayment or underpayment of funds. This may include information from an investigation conducted by the department; and

(d) Prior determinations of the department on overpayment or underpayments of funds that involved the same statutes, rules or policies or similar facts.

(3)(a) The department shall notify in writing the school district or education service district, at a minimum, of the following:

(A) The department's determination including the amount of the overpayment or underpayment;

(B) The basis for the determination; and

(C) The time period in which the overpayment or underpayment occurred.

(b) The department shall include a copy of this rule with the notification.

(4) The school district or education service district may appeal the determination made under section (3) of this rule to the department. The appeal must be received by the department within 60 calendar days of the date of the notice and must:

(a) Be in writing;

(b) State the reasons for the appeal; and

(c) Be signed by the superintendent or other official with authority to make the appeal.

(5) Within 60 calendar days of receiving the appeal, the department shall notify in writing the school district or education service district of the department's decision regarding the appeal.

(6) If the school district or education service district does not appeal the determination; or if the department renders a decision on an appeal that there has been an overpayment or underpayment of funds, the department shall notify in writing the school district or education service district of:

(a) The amount of the overpayment or underpayment;

(b) The time period for correcting the overpayment or underpayment; and

(c) The method for paying or collecting the funds.

(7) The department shall establish the time period for correcting any overpayment using the "Repayment Calculator" established by the School Finance Unit of the department. The department shall make the Repayment Calculator available upon request.

(8) The methods for paying or collecting the funds may include, but are not limited to:

(a) Invoices for payment.

(b) Transferring funds.

(c) In the case of State School Fund payments, adjusting subsequent payments from the State School Fund to the school district, education service district or program.

(d) In the case of other state funds, adjusting subsequent payments from those funds to the school district or education service district.

(9) The school district or education service district may appeal the determination of the repayment period or method of payment made under section (7) of this rule to the department. The appeal must be received by the department within 60 calendar days of the date of the notice and must:

(a) Be in writing;

(b) Establish through auditable, verifiable data that the repayment period or method of payment established in section (6) of this rule creates extreme financial hardship;

(c) Contain a statement that the information is certified as being accurate and complete; and

(d) Be signed by the superintendent or other official with authority to make the appeal.

(10) The school district or education service district may propose in the appeal an alternative time period for repayment of the funds.

(11) Within 60 calendar days of receiving the appeal, the department shall notify in writing the school district or education service district of the department's decision regarding the appeal. The department shall consider the following when making its determination of the time period for repayment of funds:

(a) Applicable statutes, rules and policies;

(b) Information from the audit or report and any recommendations made in the audit or report regarding the repayment period or method of payment;

(c) Any other relevant information received by the department relating to the overpayment or underpayment of funds;

(d) The financial situation of the school district or education service district; and

(e) Prior determinations of the department on overpayment or underpayments of funds that involved the same statutes, rules or policies or similar facts and were made following the process prescribed by this rule.

(12) After the time period for the appeal has expired under section (11) of this rule or after the department has notified the school district or education service district of the department's decision regarding the appeal, the department shall proceed to pay or collect the funds.

(13) A school district or education service district may request in writing at the same time as when the district files an appeal under section (4) or (9) of this rule:

(a) A public meeting with the department. If the department grants the meeting, the department will follow statutes and rules that apply to public meetings.

(b) A mediation with the department relating to the issues that are the subject of the appeal. If the department agrees to the mediation, the mediation will be conducted by a mediator approved by the department and the department will not pay more than half the cost of the mediation.

(14)(a) The Superintendent of Public Instruction delegates to the department the authority to make corrections to distribution from the State School Fund for any year that is closed based on ORS 327.120 and the process established by this rule.

(b) The superintendent shall specify which department staff has the authority to make the determinations required by this rule. The determinations required in this rule may only be made by the superintendent or deputy superintendent.

(15) This rule first applies to the overpayment or underpayment of state funds based on information received by the department in an audit or other report on or after January 1, 2017.

(16) This rule expires on, and shall not have effect after, June 30, 2026.

Statutory and Other Authority: ORS 326.051, ORS 327.125

Statutes and Others Implemented: ORS 326.111, ORS 327.006 - ORS 327.133

Summary

Meeting Date: 4/10/2025

Title: Student Records and Conditions for Disclosure

Status: First Reading

Presentation: Yes

Key Staff: Karin Moscon, Thea Conbere

Topic Summary: ODE has received concerns from schools and districts about a disconnect between Oregon student record collection and disclosure and the Sanctuary Promise laws. These amendments will help align school practices with Sanctuary Promise laws.

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 unique professional and lived experiences. Using plain language, this section should provide context for this item, including any needed overviews of relevant programs or initiatives.

- 1. Briefly, how does this topic, program, or initiative currently operate? Where is it located within Oregon’s school systems? How does it ultimately serve students?**

Under current ODE rules, districts may collect and disclose sensitive student information, including a student’s place of birth, address, and contact information, to any party, for any purpose, unless a parent knows to request that such information not be shared. Additionally, place of birth is information included in a student’s permanent record, which implies that districts should or can collect place of birth information from students.

Additionally, current OARs allow for the disclosure of student place of birth, citizenship status, or other information pursuant to a subpoena from a non-judicial source for the purpose of enforcement of federal immigration laws, which does not align with Oregon Sanctuary Promise laws.

- 2. 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?**

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ORS 180.805 (Sanctuary Promise law): The Sanctuary Promise Act (HB 3265 (2021)) prevents local government agencies, including school districts, from requesting information concerning a person’s citizenship or immigration status or disclosing certain information for the purpose of enforcing federal immigration laws without a judicial order.

ORS 326.565 (Standards for student records): gives the State Board of Education authority to adopt rules for the creation, use, and disclosure of student education records.

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

Yes. The Board passed a temporary rule on this item at the March 13, 2025, meeting.

4. Why is this item coming before the Board now?

School, district, and ODE staff requests for clarification on what student information is allowed to be collected and disclosed in compliance with Oregon regulations and Sanctuary Promise laws.

5. Who requested or brought about the need for this item? (Select all that apply.)

- ODE Staff
- Students
- Families
- Community-Based Organizations
- Culturally Specific Organizations
- 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. Using plain language, 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.

Oregon State Board of Education Docket



6. 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?

This is based on a request from school districts who are asking for guidance/clarification. We reached out to student success specialists, the Office of Indian Education, staff working with emergent multilingual students as representatives of the communities they work with, as well as staff from OSBA and COSA, representing the interests of school districts. We are currently preparing engagement with students and families who will be impacted by this rule change.

7. 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.

8. 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.

- N/A; this item does not intersect with other state entities.
- Oregon Health Authority (OHA)
- Department of Early Learning and Care (DEL; 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: State Archives

If you selected any of the above entities, please share why they were involved, how the Department partnered with them, and what feedback they provided.

The State Archives provides definitions and retention rules around student records. They have communicated they are currently reviewing rules regarding student records and are planning changes that would align with this proposed rule. We met with staff from State Archives to explain our changes and worked with them on a proposed timeline.

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

- Northeast Oregon

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

Why did your office/team focus on the above geographical perspective(s)?

This change would have a statewide impact.

10. 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?

During our engagement for the temporary rule, some key pieces of feedback included keeping student photographs in the definition of directory information so as to not disrupt the distribution of yearbooks, play bills, etc. We decided to keep photograph in the definition in the temporary rule and conduct additional engagement on the subject for the permanent rule. Other feedback included suggesting updates to further alignment with FERPA and suggestions to explicitly limit immigration and citizenship information from directory information and permanent record. In response to concerns we received during ORCA, we removed some minor changes in this amendment for concerns not directly connected to the language of the Sanctuary Promise laws and provided an extended date for the changes to the definition of a permanent record. We are currently preparing engagement with community on these issues.

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

We intend to visit various SSA advisory groups to inform them of the rule change and get feedback on the proposed rules. During those meetings, we will provide a survey and ask advisory group members to send the survey to interested community members.

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

Equitable resource allocation is a critical component of education equity. Using plain language, 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.

12. 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.

- 13. 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.**

A small administrative impact is expected as districts adjust their policies around enrollment and student information collection. Additionally, districts will need to ask for parent or eligible student consent to disclose certain information. Districts may need to meet with SIS vendor to alter enrollment forms.

- 14. 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?**

None predicted.

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. Using plain language, this section should describe the impact of this item on students and the larger social system that serves their health and education needs.

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

This amendment will help protect the privacy rights of all students, but particularly the rights of immigrant students. A recent Department of Homeland Security memo rescinded schools' protection from ICE activity, which can have a chilling effect on immigrant students enrolling and attending school. These rule changes will help ensure that districts are not collecting or disclosing student information relating to citizenship or immigration status in order to align with Oregon Sanctuary laws.

- 16. 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?**

No impact predicted.

- 17. 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?**

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The cumulative effect would be the ways schools and districts collect and share student information.

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

Inaction on this item would continue confusion among school districts around what information they are allowed to collect from students and disclose to third parties or in response to non-judicial subpoenas. This confusion would have a chilling effect on students enrolling and attending school as well as put immigrant students in danger of having their sensitive information unlawfully disclosed to federal immigration authorities.

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. Using plain language, this section should describe the choice before the Board, the Department's recommendation, and any other relevant information.

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

OAR 581-021-0220 is amended to remove the following from the list of what may be included in directory information: a student's address, telephone listing, electronic mail address, date and place of birth, and the most recent previous educational agency or institution attended. This amendment also removes a student's place of birth and social security number from the definition of a student's permanent record. Lastly, the definition of attendance under this section is updated to include students who receive education through online and remote learning.

OAR 581-021-0371 is amended to state that an educational agency or institution may not disclose certain student information (primarily, a student's address, contact information, citizenship, and immigration status) to comply with a subpoena issued for the purpose of enforcement of federal immigration laws unless required by a court order or a warrant authorized by a court.

20. 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?

This amendment aligns with the board mission, vision, and values because what brought this to our attention in the first place was recognizing the chilling effect on immigrant students current district and ODE practices have on enrollment and the sharing of student records.

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- 21. Please describe the action your office/team is recommending to the Board (for example, the adoption of rules or the approval of a waiver) and how it reflects the Department's commitment to academic excellence, belonging and wellness, and reimagining accountability.**

We are recommending the board adopt these rules to ensure ODE regulations continue to be in alignment with Oregon Sanctuary laws after the approval of the temporary rule last month in order to support schools and districts as they create safe environments for students to attend school.

- 22. 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: _____

- 23. 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.

581-021-0220:

Definitions

As used in OAR 581-021-0220 through 581-021-0440, the following definitions apply:

(1) "Attendance" includes, but is not limited to:

(a) Attendance in person, ~~or~~ by correspondence, or through online and remote learning; and

(b) The period during which a person is working under a work-study program.

(2) "Directory Information" means those items of personally identifiable information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may include the student's name, photograph, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, and degrees and awards received.

(3) "Disclosure" means to permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written, or electronic means.

(4) "Disciplinary action or proceeding" means the investigation, adjudication, or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the agency or institution.

(5) "Educational Agency or Institution" means any public or private school, education service district, state institution, private agency or youth care center providing educational services to students birth through age 21, and through Grade 12, that receives federal or state funds either directly or by contract or subcontract with the Department under any program administered by the U.S. Secretary of Education or the Department.

(6) "Education Records":

(a) The term means those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution;

(b) The term does not include:

(A) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the

record, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

(B) Records of the law enforcement unit of an educational agency or institution, subject to the provisions of OAR 581-021-0225.

(C) Records relating to an individual who is employed by an educational agency or institution, that are made and maintained in the normal course of business, that relate exclusively to the individual in that individual's capacity as an employee and that are not available for use for any other purpose. Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under this subsection;

(D) Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:

(i) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;

(ii) Made, maintained, or used only in connection with treatment of the student; and

(iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.

(E) Records that only contain information relating to activities in which an individual engaged after he or she is no longer a student at that agency or institution;

(F) Medical or nursing records which are made or maintained separately and solely by a licensed health care professional who is not employed by the educational agency or institution, and which are not used for education purposes of planning.

(7) "Eligible Student" means a student who has reached 18 years of age, or a student who is attending only an institution of postsecondary education and is not enrolled in a secondary school.

(8) "Institution of Postsecondary Education" means an institution that provides education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond Grade 12) at which secondary education is provided.

(9) "Parent" means a parent of a student and includes a natural parent, a guardian, an individual authorized in writing to act as a parent in the absence of a parent or a guardian, or a

surrogate parent appointed to represent a student with disabilities. The term does not include the state if the child is a ward of the state and the student is eligible for special education services or is suspected of being eligible for special education services under state and federal law.

(10) "Party" means an individual, agency, institution, or organization.

~~(11) Until July 31, 2025, "permanent record" means the educational record maintained by the educational agency or institution which includes:~~

~~(a) Name and address of the educational agency or institution;~~

~~(b) Full legal name of the student;~~

~~(c) Student's birth date and place of birth;~~

~~(d) Name of parents/guardians;~~

~~(e) Date of entry into the school;~~

~~(f) Name of school previously attended;~~

~~(g) Courses of study and marks received;~~

~~(h) Data documenting a student's progress toward achievement of state standards and must include a student's Oregon State Assessment results;~~

~~(i) Credits earned;~~

~~(j) Attendance;~~

~~(k) Date of withdrawal from school;~~

~~(l) Social security number, subject to subsection (1)(j) of this rule; and~~

~~(m) Such additional information as the educational agency or institution may prescribe.~~

(112) Beginning August 1, 2025, "permanent record" means the educational record maintained by the educational agency or institution which may include:

(a) Name and address of the educational agency or institution;

(b) Full legal name of the student;

(c) Student's birth date;

- (d) Name of parents/guardians;
- (e) Date of entry into the school;
- (f) Name of school previously attended;
- (g) Courses of study and marks received;
- (h) Data documenting a student's progress toward achievement of state standards and must include a student's Oregon State Assessment results;
- (i) Credits earned;
- (j) Attendance; and
- (k) Date of withdrawal from school.

(1~~23~~) "Personally Identifiable Information" is information as defined in the Family Educational Rights and Privacy Act (FERPA) ~~and OAR 581-015-2000(24), this includes but is not limited to:~~

- ~~(a) The student's name;~~
- ~~(b) The name of the student's guardian, parent, or other family member;~~
- ~~(c) The address of the student or student's family;~~
- ~~(d) A personal identifier, such as the student's social security number or student number;~~
- ~~(e) A list of personal characteristics that would make the student's identity easily traceable; and~~
- ~~(f) Other information that would make the student's identity easily traceable.~~

(1~~34~~) "Record" means any information recorded in any way including, but not limited to, handwriting, print, electronically, tape, film, microfilm and microfiche.

(1~~45~~) "Student" means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.

(1~~56~~) "Substitute care program" means family foster care, family group home care, parole foster care, family shelter care, adolescent shelter care and professional group care.

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 326.565 & 34 CFR § 99.3

Statutes/Other Implemented: ORS 326.565

History:

ODE 1-2025, amend filed 01/16/2025, effective 01/17/2025

ODE 14-2018, minor correction filed 05/02/2018, effective 05/02/2018

ODE 14-2012, f. 3-30-12, cert. ef. 4-2-12

ODE 8-2007, f. & cert. ef. 3-1-07

EB 20-1995, f. & cert. ef. 7-25-95

EB 5-1994, f. & cert. ef. 4-29-94

EB 31-1993(Temp), f. 10-6-93, cert. ef. 11-6-93

OAR 581-021-0371:

Conditions for Disclosure of Information to Comply with Judicial Order or Subpoena

(1) Under this section, unless required by a court order or a warrant authorized by a court, the educational agency or institution may not disclose, for the purpose of enforcement of federal immigration laws, the following information concerning a student, whether current or otherwise:

(a) The student's address;

(b) The student's workplace or hours of work;

(c) The student's school or school hours;

(d) The student's contact information, including telephone number, electronic mail address or social media account information;

(e) The identity of known associates or relatives of the student;

(f) The date, time or location of the student's hearings, proceedings or appointments with the educational agency or institution that are not matters of public record;

(g) The student's citizenship or immigration status; or

(e) Information described in paragraphs (a) through (g) of this subsection with respect to known relatives or associates of the student.

(2) The agency or institution must make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of disclosure, so that the parent or eligible student may seek protective action except as provided below.

(3) Notice to the parent or eligible student under paragraph (2) is not required if the disclosure is in compliance with:

(a) A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

(b) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

Statutory/Other Authority: ORS 326.565, ORS 180.805, 34 CFR § 99.31

Statutes/Other Implemented: ORS 326.56

History:

ODE 8-2007, f. & cert. ef. 3-1-07

Summary

Meeting Date: 4/10/2025

Title: Audit Summary Rule Repeal

Status: First Reading

Presentation: Yes

Key Staff: Kai Turner, Devyn Castillo, Hannah Sullivan

Topic Summary: We have identified that OAR 581-023-0037, the audit summary submission rule, is duplicative and can be retired without compromising the comprehensiveness of the data we currently collect. We are hoping to do this before the end of the fiscal year so the change can go into effect with the new fiscal year.

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 unique professional and lived experiences. Using plain language, this section should provide context for this item, including any needed overviews of relevant programs or initiatives.

- 1. Briefly, how does this topic, program, or initiative currently operate? Where is it located within Oregon’s school systems? How does it ultimately serve students?**

Annually, the Fiscal Transparency Unit (within OFIT) collects Education Service District (ESD), district, and charter school audit reports six months following the end of the fiscal year (ORS 327.137, est. 1965). Districts and ESDs also submit to ODE expenditure and revenue data as part of this process. The FTU team verifies this data against audited financial statements in the audits that districts submit. The submitted data is what is used:

- By the School Finance Office to reconcile the State School Fund
- For subrecipient monitoring
- To compile Legislature’s request for annual budget to actual reports.

Affiliated with ORS 327.137 is a rule requiring an attachment to the audit report that breaks out district revenues and expenditures into more detail than what is presented in the basic financial statements. This requirement is separate from district’s submission of expenditure and revenue data to ODE. See below for language:

OAR 581-023-0037 (est. 1978)

Oregon State Board of Education Docket



Audit Statement of Revenue and Expenditure Accounts by Fund

1. Following the end of each fiscal year, each school district shall complete or have completed forms provided by the Department of Education for the purpose of summarizing district revenues and expenditures by fund for the fiscal year ending June 30.
2. The data so prepared shall be audited and incorporated as part of the district's financial report.

We have identified that the audit summary is duplicative and can be retired without compromising the comprehensiveness of the data we currently collect.

- The rule was established prior to our ability to collect financial data digitally from districts.
 - This is duplicative information to what districts already submit. The FTU can just as easily use traditional audited financial statements to verify submitted data:
 - Statement of Revenues, Expenditures, and Changes in Fund Balance
 - The Budget to Actual statements
2. **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 327.137

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

The item has not come before the Board before.

4. **Why is this item coming before the Board now?**

We have done a review of financial reporting requirements in an effort to reduce administrative burden on districts.

5. **Who requested or brought about the need for this item? (Select all that apply.)**

- ODE Staff
- Students
- Families
- Community-Based Organizations
- Culturally Specific Organizations
- School Districts
- Education Service Districts
- Charter Schools

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- Oregon State Legislature
- Educational Associations
- Racial Justice Council
- Federal Government
- One or more of Oregon’s nine federally recognized tribes: _____
- Other: Auditors

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. Using plain language, 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.

6. 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?

This rule repeal will reduce burden for districts, ESDs, and auditors, otherwise, we do not see any further equity impacts.

7. 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.

8. 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.

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

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If you selected any of the above entities, please share why they were involved, how the Department partnered with them, and what feedback they provided.

Please enter your answer here

9. 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: _____

Why did your office/team focus on the above geographical perspective(s)?

This rule affects each area.

10. 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?

We have heard from auditors and school districts that the audit report is an extremely time-consuming process with multiple required components. We have heard that the audit report and district submitted data include the components of this report, making districts feel like it is unnecessary. We have yet to hear any push back on the removal of this rule.

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

Our office will be continuing this conversation during 1:1 calls with districts and auditors as well as at Oregon Association of School Business Officials round table meetings.

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

Equitable resource allocation is a critical component of education equity. Using plain language, 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.

12. 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.

- 13. 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.**

This will reduce administrative burden by removing a required attachment to a report for all school districts, ESDs, and charter schools.

- 14. 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?**

This will reduce administrative burden and cost associated with compliance for auditors, which may be small businesses. We do not anticipate any additional changes to administrative burden for state agencies, units of local government, and/or the public.

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. Using plain language, this section should describe the impact of this item on students and the larger social system that serves their health and education needs.

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

We do not anticipate this rule repeal having an impact on students and their families, including those who have been and continue to be systemically marginalized.

- 16. 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?**

This will reduce administrative burden on school district employees by removing a required attachment to a report for all school districts, ESDs, and charter schools.

- 17. 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?**

Other than reduced administrative burden, we do not anticipate any additional short- or long-term consequences on students, families, educators, districts, or Oregon's school systems.

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

Districts will have to continue to spend their time and energy generating these redundant audit summaries.

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. Using plain language, this section should describe the choice before the Board, the Department's recommendation, and any other relevant information.

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

N/A

20. 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?

N/A

21. Please describe the action your office/team is recommending to the Board (for example, the adoption of rules or the approval of a waiver) and how it reflects the Department's commitment to academic excellence, belonging and wellness, and reimagining accountability.

Removal of OAR 581-023-0037 (language below) reduces a redundant report attachment for school districts, ESDs, and charter schools. This removal aligns with the Department's commitment to reimagining accountability by accomplishing the goal of reducing administrative burden without sacrificing reporting necessary to understand school district financials.

OAR 581-023-0037

Audit Statement of Revenue and Expenditure Accounts by Fund

1. Following the end of each fiscal year, each school district shall complete or have completed forms provided by the Department of Education for the purpose of summarizing district revenues and expenditures by fund for the fiscal year ending June 30.
2. The data so prepared shall be audited and incorporated as part of the district's financial report.

22. 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.

Oregon State Board of Education Docket

- 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: _____

23. 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.

Summary

Meeting Date: 4/10/2025

Title: Administration of State Assessments Rule Revision

Status: First Reading

Presentation: Yes

Key Staff: Andrea Lockard, Audrey Lingley, Ben Wolcott

Topic Summary: OAR 581-022-2100 is being updated to amend outdated language and correctly reflect current requirements of the Oregon Statewide Assessment System.

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 unique professional and lived experiences. Using plain language, this section should provide context for this item, including any needed overviews of relevant programs or initiatives.

- 1. Briefly, how does this topic, program, or initiative currently operate? Where is it located within Oregon’s school systems? How does it ultimately serve students?**

OAR 581-022-2100 governs administration of statewide assessments. These assessments are used to measure student learning and experiences in Oregon’s school system. Assessment results inform state and federal accountability and are used to allocate resources and make program improvements in Oregon’s education system.

This rule is one of many grouped in “Division 22”. Division 22 rules spell out requirements districts must follow as they deliver instruction to and measure the learning of students in Oregon public schools. Adherence to Division 22 requirements helps ensure that all students in Oregon receive a quality education.

- 2. 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?**

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The legislature passed HB 2656 (now ORS 329.078) in 2023. This statute requires districts to make the Student Education Equity Development (SEED) Survey available to all students in Oregon. The SEED Survey is not a summative test, but it is a component of the Oregon Statewide Assessment System and as such needs to be added to OAR 581-022-2100.

In addition, much language in this OAR has gone out of date or no longer reflects current assessment system requirements. Therefore, adding the SEED Survey to this rule creates the opportunity to modernize rule language and ensure the rule requirements remain accurate.

One element of the rule that must be addressed is the references to requirements in the Test Administration Manual (TAM), which is updated annually to align with the most current test administration processes, procedures, regulations, etc. The full text of the Test Administration Manual is not (and should not be) reproduced in the rule. Because the updated language in the rule refers to the current version of the TAM, we will be sharing the changes to the TAM on an annual basis and requesting approval for each year's version/updates. The Board may have several available approaches to how this annual authorization/review occurs.

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

While it is likely the Board has heard presentations on this rule at some point in this past, this is the first presentation regarding present revisions.

4. Why is this item coming before the Board now?

As mentioned above, the rule needs to be brought into harmony with ORS 329.078. Also, updating this rule is the vanguard of a larger Division 22 update.

5. Who requested or brought about the need for this item? (Select all that apply.)

- ODE Staff
- Students
- Families
- Community-Based Organizations
- Culturally Specific Organizations
- 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. Using plain language, 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.

6. 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?

There was no external engagement for this rule because the only substantive change to requirements (including the SEED Survey) is legislatively mandated. All other changes update the rule to accurately describe existing requirements that have been in place for a number of years, streamline rule language to eliminate redundancies, and correct references to outdated procedures, vendors, and technologies.

For example, all tests in Oregon are now delivered online. Removing outdated rule language about mailing and postmarking test materials is not subject to engagement, as mailing paper test materials is no longer required or even possible.

7. 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.

8. 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.

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

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If you selected any of the above entities, please share why they were involved, how the Department partnered with them, and what feedback they provided.

N/A

9. 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: No engagement strategy was needed for this rule.

Why did your office/team focus on the above geographical perspective(s)?

N/A

10. 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?

N/A

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

Engagement with districts is ongoing as to proper use and interpretation of SEED Survey data. However, as noted above, no engagement has been pursued regarding elements of the rule that remain unchanged beyond updates and improved wording.

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

Equitable resource allocation is a critical component of education equity. Using plain language, 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.

12. 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.

Oregon State Board of Education Docket



- 13. 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.**

There is no expected fiscal impact. This rule revision does not introduce new requirements (even the SEED Survey requirement has already been in place for over a year).

- 14. 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?**

There will be no fiscal impact on any of these bodies, for the reasons stated above.

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. Using plain language, this section should describe the impact of this item on students and the larger social system that serves their health and education needs.

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

This rule update will likely have no noticeable impact, positive or negative, for students and families, because there are no changes to requirements.

- 16. 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?**

See answer to question #15.

- 17. 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?**

See answer to question #15.

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

Inaction on this item will leave OAR 581-022-2100 with outdated and inaccurate language. Speaking honestly, for most of the rule this is unlikely to result in serious consequences. Earlier in this docket we mentioned language governing the postmarking and mailing of test materials.

Oregon State Board of Education Docket



Leaving this language in the rule would have few to no consequences, as paper/pencil testing is no longer administered in Oregon and therefore it is not possible to comply with this language.

It is possible that failure to update this rule would complicate ODE's monitoring and enforcement of ORS 329.078 (making the SEED Survey available).

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. Using plain language, this section should describe the choice before the Board, the Department's recommendation, and any other relevant information.

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

ODE will ask the Board to approve updated language in OAR 581-022-2100.

- 20. 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](#)?**

Updating this rule language aligns with the Board values of Integrity, Transparency, and Adaptability. Updating rule language will remove discrepancies between the rule and system requirements districts are already following. This will allow anyone (district employees, community members, families, or others) to confirm that the district is meeting its responsibilities in administering components of the statewide assessment system.

- 21. Please describe the action your office/team is recommending to the Board (for example, the adoption of rules or the approval of a waiver) and how it reflects the Department's commitment to academic excellence, belonging and wellness, and reimagining accountability.**

We recommend adopting the updated rule language. Part of academic excellence means demonstrating that students learned what we promised to teach them. These measurements must be valid and reliable, which can only be achieved through following proper administration practices.

- 22. 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

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- Organizational culture or practice changes (change management)
- Materials and/or supplies
- Guidance and/or supplemental resources
- Other: _____

23. 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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[OAR 581-022-2100](#)

Track Changes version

581-022-2100

Administration of State Assessments

(1) Definitions. As used in this rule:

(a) “Accommodations” means changes in procedures or materials that increase equitable access during assessment and generate valid assessment results for students who need them, allowing these students to show what they know and can do. Accommodations are available only to students with a documented Individualized Education Program (IEP) or Section 504 (Plan).~~for whom there is documentation of need on an Individualized Education Program (IEP) or 504 (Plan); they allow these students to show what they know and can do.~~

(b) “Designated supports” means access features of the assessment available for use by any student for whom the need has been indicated by an educator, or a team of educators with parent/guardian and student.~~or team of educators.~~

(c) “District test coordinator” (DTC) means district personnel who ensure secure administration of components of the Oregon Statewide Assessment System~~Oregon Statewide Assessments~~ as defined by Oregon Revised Statute, Administrative Rules, and the Test Administration Manual, including but not limited to supervising the work of the school test coordinators and test administrators.

(d) “Force majeure” means an extraordinary circumstance (e.g., power outage or network disturbance lasting at least one full school day) or act of nature (e.g., flooding, earthquake, volcanic eruption) which directly prevents a school district from making reasonable attempts to adhere to the Test Schedule.

(e) “Impropriety” means the administration of components of the Oregon Statewide Assessment System~~an Oregon Statewide Assessment~~ in a manner not in compliance with the Test Administration Manual, Oregon Revised Statute, or this rule.

(f) “Invalidation” means the act of omitting information (e.g. test results and student responses) from ODE systems, including but not limited to testing, reporting, and accountability, for a given event. The student may not retest or reenter information.~~test results and student responses from the testing, reporting, and accountability systems for a given testing event for which the student may not retest.~~

(g) “Irregularity” means an unusual circumstance that impacts a group of students who are testing and may potentially affect student performance on the assessment or interpretation of the students’ scores. A force majeure is an example of a severe irregularity.

(h) “Modification” means practices and procedures that compromise the intent of the assessment through a change in the achievement level, construct, or measured outcome of the assessment.

(i) “Universal Tools” means access features of the assessment that are either provided as digitally-delivered components of the test administration system or separate from it. Universal tools are available to all students based on student preference and selection.

(j) “Oregon Statewide Assessment System~~Statewide Assessments~~” means:

(A) Statewide assessment components, including formative resources, interim tests, summative tests (general and alternate versions), and surveys, in: The Oregon Assessment of Knowledge and Skills (OAKS), in:

(i) Science;

(ii) Mathematics;

(iii) English Language Arts (ELA);

(iv) English Language Proficiency (ELP);

(v) The Student Educational Equity Development (SEED) Survey as required by ORS 329.078; and

(vi) The information gathering process at kindergarten as required in OAR 581-022-2130.

~~(i) Science;~~

~~(i) Social Sciences;~~

~~(B) The Smarter Balanced Assessments (Smarter) in:~~

~~(i) Mathematics~~

~~(ii) English Language Arts (ELA)~~

~~(C) The English Language Proficiency Assessment (ELPA21);~~

~~(D) The Extended Assessment in:~~

~~(i) English Language Arts (ELA);~~

~~(ii) Mathematics;~~

~~(iii) Science; and~~

~~(E) The Kindergarten Assessment~~

(k) “Reset” means the removal of student responses for a given assessment event. The student may retest or reenter information.~~from the web-based testing application for a given testing event for which the student may retest.~~

(l) "School building" means facilities owned, leased, or rented by a school district, educational service district, public charter school, private school, or private alternative program.

(m) "School district" means:

(A) A school district as defined in ORS 332.002;

(B) The Oregon School for the Deaf;

(C) The Juvenile Detention Education Program as defined in ORS 326.695;

(D) The Youth Corrections Education Program as defined in ORS 326.695;

(E) The Long Term Care Program as defined in ORS 343.961; and

(F) The Hospital Education Programs as defined in ORS 343.261.

(n) "School test coordinator" (STC) means school personnel who provide comprehensive training to test administrators and monitor the testing process.

(o) "Test Administration Manual" means a manual published annually by ODE that includes descriptions of the specific policies and procedures that school districts are required to follow when administering any component of the Oregon ~~Statewide Assessment System~~Statewide Assessments. References to the Test Administration Manual refer to the edition in effect at the time of test administration and include appendices and any addenda published in accordance with ODE's revision policy.

(p) "Test administrator" (TA) means an individual trained to administer the Oregon Statewide Assessments in accordance with the Test Administration Manual.

(q) "Test Schedule" means the Test Schedule ~~and Required Ship Dates~~ published annually by ODE that includes the windows in which school districts must offer their students ~~the Oregon Statewide Assessments and the deadline by which DTCs must ship or postmark test materials~~components of the Oregon Statewide Assessment System.

(2)(a) School districts, as defined in ORS 332.002, must enforce the assessment policies described in this rule for all students enrolled in a school operated by the district or enrolled in a public charter school that is located within the boundaries of the school district.

(b) School districts, as defined in ORS 332.002, must enforce the assessment policies described in this rule for all resident students enrolled in a private alternative education program, regardless of whether the private alternative education program is located within the boundaries of the school district.

(c) The Oregon School for the Deaf must enforce the assessment policies described in this rule for all students enrolled in that school.

(d) The Juvenile Detention Education Program and the Youth Corrections Education Program must enforce the assessment policies described in this rule for all students enrolled in that program.

(e) The Long Term Care Program and the Hospital Education Programs must enforce the assessment policies described in this rule for all students enrolled in that program.

(f) School districts may delegate responsibility for enforcing the assessment policies described in this rule to another school district or education service district under the conditions specified in the Test Administration Manual.

~~(3) School districts must administer Oregon Statewide Assessments in accordance with the Test Administration Manual and Test Schedule published by ODE. The results of these assessments are used to satisfy the requirements specified in OAR 581-022-2270 and 581-022-2250 and as a method to evaluate compliance with 581-022-2030. components of the Oregon Statewide Assessment System in accordance with the Test Administration Manual, SEED Administration Manual, and Test Schedule published by ODE. The results of these assessments are used to satisfy the requirements specified in OAR 581-022-2270, OAR 581-022-2250, and ORS 329.078 and as a method to evaluate compliance with OAR 581-022-2030.~~

~~(4) Components of the Oregon Statewide Assessment System must be administered in an environment that satisfies conditions defined in the manuals, rules, and statutes pertaining to that assessment.~~

~~School districts must ensure that students are administered the proper Oregon Statewide Assessment and that the testing environment satisfies the following testing conditions:~~

~~(a) School districts must provide only those subject-specific accommodations, designated supports, and universal tools listed in the Oregon Accessibility Manual and must provide these supports in a manner consistent with the policies contained in the Test Administration Manual and Oregon Accessibility Manual.~~

~~School districts must ensure that Oregon Statewide Assessments are administered by a trained TA who has signed an Assurance of Test Security form for the current school year on file in the district office;~~

~~(b) School districts must administer Oregon Statewide Assessments in a school building or in an environment that otherwise complies with the Test Administration Manual;~~

~~(c) School districts must apply the following criteria in deciding whether to provide a student with an accommodation during administration of an Oregon Statewide Assessment:~~

~~(5) School districts must decide whether to provide accommodations during administration of components of the Oregon Statewide Assessment System on an individual student basis, and separately for each content area assessed, using the following criteria:~~

~~(A) School districts must decide whether to provide accommodations during an assessment on an individual student basis and separately for each content area to be assessed; and~~

~~(Ba) For students with an Individualized Education Program (IEP) or Section 504 Plan, school districts must implement the assessment decision made by a student's IEP or 504 team and documented in the IEP or 504 Plan;~~

~~(bd) School districts may only administer modifications to students with an IEP or 504 Plan and only in accordance with the assessment decision made by the student's IEP or 504 team and documented in the IEP or 504 Plan. Before administering an assessment using a modification, a student's IEP or 504 team must inform the student's parent that the use of a modification on an assessment will result in an invalid assessment;~~

~~(e) School districts must provide only those subject-specific accommodations, designated supports, and universal tools listed in the Oregon Accessibility Manual and must provide these supports in a manner consistent with the policies contained in the Test Administration Manual and Oregon Accessibility Manual;~~

~~(f) School districts must ensure that students do not access electronic communication devices such as cellular phones or personal digital assistants (PDAs) during an assessment; and~~

~~(g) School districts must follow all additional testing conditions specified in the Test Administration Manual.~~

~~(56) Failure by a school district to comply with section (4) of this rule constitutes an impropriety as defined in section (1)(e) of this rule. DTCs must report all potential improprieties or irregularities to ODE within one business day of learning of the potential impropriety or irregularity in accordance with the reporting procedures contained in the Test Administration Manual.~~

~~(67) School districts must abide by ODE decisions regarding student assessment records, whether due to a test impropriety or any other circumstance bearing upon the validity of assessment results. The ODE may invalidate assessment results and student responses for assessments administered under conditions not meeting the assessment administration requirements specified in Sections 3 and 4 of this rule. In rare instances, ODE may reset a student assessment at the request of the school district if ODE determines that a reset would not compromise the security or validity of the assessment.~~

~~(7) ODE counts assessments that meet the following conditions as non-participants in ODE calculations of participation and does not include such assessments in ODE calculations of performance:~~

~~(a) Assessments administered using modifications as defined in section (1)(h) of this rule;~~

~~(b) Invalidated assessments;~~

~~(c) Assessments administered outside the testing window specified in the Test Schedule; or~~

~~(d) Assessments shipped or postmarked after the dates identified in the Test Schedule.~~

~~(8) ODE only allows extensions to the testing window or shipping deadlines identified in the Test Schedule in cases where a force majeure occurs within three days of the close of the testing window or shipping deadline and prevents a school district from meeting the deadline. Upon receiving a force majeure extension request from the school district, ODE may permit a one-day extension of the testing window or shipping deadline for each day of the force majeure, for up to five days. The force majeure extension begins on the first school day after normal operations resume and ends no later than the last school day in the month in which the testing window closes.~~

~~(98) School districts may only assess students using the alternate version of a statewide summative test if the student has an IEP indicating that the student requires alternate assessment. Extended Assessment instead of OAKS or Smarter if the student has an IEP Plan and the student's Plan indicates that the student requires the Extended Assessment.~~

~~(109) School districts must administer the state-adopted ELP summative test annually to all students eligible for English language development (ELD) services under the Elementary and Secondary Education Act (ESEA), regardless of whether an eligible student actually receives ELD services. ELPA annually to all~~

~~students determined by the school district to be eligible for English language development (ELD) services under Title III of the Elementary and Secondary Education Act (ESEA), regardless of whether an eligible student actually receives ELD services.~~

(10) Per federal requirements, administering institutions must administer a state-adopted ELP screener upon enrollment to students who would potentially meet the federal definition of an English Language Learner.

(11) The information gathering process at kindergarten ~~Administration of the Kindergarten Assessment~~ is governed by OAR 581-022-2130.

Statutory/Other Authority: ORS 326.051, 329.075, & 329.078~~& 329.075~~

Statutes/Other Implemented: ORS 329.075, 329.485, & 329.078~~& 329.485~~

History:

Renumbered from 581-022-0610 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 26-2015, f. & cert. ef. 12-21-15

ODE 34-2014, f. & cert. ef. 6-24-14

ODE 7-2011, f. & cert. ef. 7-1-11

ODE 7-2010, f. & cert. ef. 5-27-10

ODE 12-2009, f. & cert. ef. 12-10-09

ODE 30-2008, f. 12-16-08, cert. ef. 12-19-08

ODE 16-2002, f. & cert. ef. 6-10-02

ODE 6-2002(Temp), f. & cert. ef. 2-15-02 thru 6-30-02

Reverted to 1EB 2-1985, f. 1-4-85, ef. 1-7-85

EB 14-1990(Temp), f. & cert. ef. 3-5-90

1EB 2-1985, f. 1-4-85, ef. 1-7-85

Bold and strikethrough text

581-022-2100

Administration of State Assessments

(1) Definitions. As used in this rule:

(a) "Accommodations" means changes in procedures or materials that increase equitable access during assessment and generate valid assessment results for students ~~for whom there is documentation of need on an Individualized Education Program (IEP) or 504 (Plan); they allow these students to show what they know and can do.~~ **who need them, allowing these students to show what they know and can do. Accommodations are available only to students with a documented Individualized Education Program (IEP) or 504 (Plan).**

(b) "Designated supports" means access features of the assessment available for use by any student for whom the need has been indicated by an educator ~~or team of educators~~, or a team of educators with parent/guardian and student.

(c) "District test coordinator" (DTC) means district personnel who ensure secure administration of ~~Oregon Statewide Assessments~~ **components of the Oregon Statewide Assessment System** as defined

by Oregon Revised Statute, Administrative Rules, and the Test Administration Manual, including but not limited to supervising the work of the school test coordinators and test administrators.

(d) “Force majeure” means an extraordinary circumstance (e.g., power outage or network disturbance lasting at least one full school day) or act of nature (e.g., flooding, earthquake, volcanic eruption) which directly prevents a school district from making reasonable attempts to adhere to the Test Schedule.

(e) “Impropriety” means the administration of ~~an Oregon Statewide Assessment~~ **components of the Oregon Statewide Assessment System** in a manner not in compliance with the Test Administration Manual, Oregon Revised Statute, or this rule.

(f) “Invalidation” means the act of omitting ~~test results and student responses from testing, reporting, and accountability systems for a given testing event for which the student may not retest~~ **information (e.g. test results and student responses) from ODE systems, including but not limited to testing, reporting, and accountability, for a given event. The student may not retest or reenter information.**

(g) “Irregularity” means an unusual circumstance that impacts a group of students who are testing and may potentially affect student performance on the assessment or interpretation of the students’ scores. A force majeure is an example of a severe irregularity.

(h) “Modification” means practices and procedures that compromise the intent of the assessment through a change in the achievement level, construct, or measured outcome of the assessment.

(i) “Universal Tools” means access features of the assessment that are either provided as digitally delivered components of the test administration system or separate from it. Universal tools are available to all students based on student preference and selection.

(j) “~~Oregon Statewide Assessments~~ **Oregon Statewide Assessment System**” means:

(A) ~~The Oregon Assessment of Knowledge and Skills (OAKS) in:~~ **Statewide assessment components, including formative resources, interim tests, summative tests (general and alternate versions), and surveys, in:**

~~(i) Science;~~

~~(i) Social Sciences;~~

~~(B) The Smarter Balanced Assessments (Smarter) in:~~

~~(i) Mathematics~~

~~(ii) English Language Arts (ELA)~~

~~(C) The English Language Proficiency Assessment (ELPA21);~~

~~(D) The Extended Assessment in:~~

~~(i) English Language Arts (ELA);~~

~~(ii) Mathematics;~~

~~(iii) Science; and~~

~~(E) The Kindergarten Assessment~~

(i) Science;

(ii) Mathematics;

(iii) English Language Arts (ELA);

(iv) English Language Proficiency (ELP);

(v) The Student Educational Equity Development (SEED) Survey as required by ORS 329.078; and

(vi) The information gathering process at kindergarten as required in OAR 581-022-2130.

(k) “Reset” means the removal of student responses from the web-based testing application for a given testing event for which the student may retest **for a given assessment event. The student may retest or reenter information.**

(l) “School building” means facilities owned, leased, or rented by a school district, educational service district, public charter school, private school, or private alternative program.

(m) “School district” means:

(A) A school district as defined in ORS 332.002;

(B) The Oregon School for the Deaf;

(C) The Juvenile Detention Education Program as defined in ORS 326.695;

(D) The Youth Corrections Education Program as defined in ORS 326.695;

(E) The Long Term Care Program as defined in ORS 343.961; and

(F) The Hospital Education Programs as defined in ORS 343.261.

(n) “School test coordinator” (STC) means school personnel who provide comprehensive training to test administrators and monitor the testing process.

(o) “Test Administration Manual” means a manual published annually by ODE that includes descriptions of the specific policies and procedures that school districts are required to follow when administering any component of the Oregon Statewide Assessments **Statewide Assessment System**. References to the Test Administration Manual refer to the edition in effect at the time of test assessment administration and include appendices and any addenda published in accordance with ODE’s revision policy.

(p) “Test administrator” (TA) means an individual trained to administer the Oregon Statewide Assessments **components of the Oregon Statewide Assessment System** in accordance with the Test Administration Manual.

(q) “Test Schedule” means the Test Schedule and Required Ship Dates published annually by ODE that includes the windows in which school districts must offer their students the Oregon Statewide Assessments and the deadline by which DTCs must ship or postmark test materials **components of the Oregon Statewide Assessment System**.

(2)(a) School districts, as defined in ORS 332.002, must enforce the assessment policies described in this rule for all students enrolled in a school operated by the district or enrolled in a public charter school that is located within the boundaries of the school district.

(b) School districts, as defined in ORS 332.002, must enforce the assessment policies described in this rule for all resident students enrolled in a private alternative education program, regardless of whether the private alternative education program is located within the boundaries of the school district.

(c) The Oregon School for the Deaf must enforce the assessment policies described in this rule for all students enrolled in that school.

(d) The Juvenile Detention Education Program and the Youth Corrections Education Program must enforce the assessment policies described in this rule for all students enrolled in that program.

(e) The Long Term Care Program and the Hospital Education Programs must enforce the assessment policies described in this rule for all students enrolled in that program.

(f) School districts may delegate responsibility for enforcing the assessment policies described in this rule to another school district or education service district under the conditions specified in the Test Administration Manual.

(3) ~~School districts must administer Oregon Statewide Assessments in accordance with the Test Administration Manual and Test Schedule published by ODE. The results of these assessments are used to satisfy the requirements specified in OAR 581-022-2270 and 581-022-2250 and as a method to evaluate compliance with 581-022-2030~~ **components of the Oregon Statewide Assessment System in accordance with the Test Administration Manual, SEED Administration Manual, and Test Schedule published by ODE. The results of these assessments are used to satisfy the requirements specified in OAR 581-022-2270, OAR 581-022-2250, and ORS 329.078 and as a method to evaluate compliance with OAR 581-022-2030.**

(4) ~~School districts must ensure that students are administered the proper Oregon Statewide Assessments and that the testing environment satisfies the following testing conditions:~~ **Components of the Oregon Statewide Assessment System must be administered in an environment that satisfies conditions defined in the manuals, rules, and statutes pertaining to that assessment.**

(a) ~~School districts must ensure that Oregon Statewide Assessments are administered by a trained TA who has signed an Assurance of Test Security form for the current school year on file in the district office;~~ **School districts must provide only those subject-specific accommodations, designated supports, and universal tools listed in the Oregon Accessibility Manual and must provide these supports in a manner consistent with the policies contained in the Test Administration Manual and Oregon Accessibility Manual.**

(b) ~~School districts must administer Oregon Statewide Assessments in a school building or in an environment that otherwise complies with the Test Administration Manual;~~

(c) ~~School districts must apply the following criteria in deciding whether to provide a student with an accommodation during administration of an Oregon Statewide Assessments:~~

(5) School districts must decide whether to provide accommodations during administration of components of the Oregon Statewide Assessment System on an individual student basis, and separately for each content area assessed, using the following criteria:

~~(A) School districts must decide whether to provide accommodations during an assessment on an individual student basis and separately for each content area to be assessed; and~~

(Ba) For students with an Individualized Education Plan (IEP) or **Section 504** Plan, school districts must implement the assessment decision made by a student's IEP or 504 team and documented in the IEP or 504 Plan;

(db) School districts may only administer modifications to students with an IEP or 504 Plan and only in accordance with the assessment decision made by the student's IEP or 504 team and documented in the IEP or 504 Plan. Before administering an assessment using a modification, a student's IEP or 504 team must inform the student's parent that the use of a modification on an assessment will result in an invalid assessment;

~~(e) School districts must provide only those subject-specific accommodations, designated supports, and universal tools listed in the Oregon Accessibility Manual and must provide these supports in a manner consistent with the policies contained in the Test Administration Manual and Oregon Accessibility Manual;~~

~~(f) School districts must ensure that students do not access electronic communication devices such as cellular phones or personal digital assistants (PDAs) during an assessment; and~~

~~(g) School districts must follow all additional testing conditions specified in the Test Administration Manual.~~

(56) Failure by a school district to comply with section (4) of this rule constitutes an impropriety as defined in section (1)(e) of this rule. DTCs must report all potential improprieties or irregularities to ODE within one business day of learning of the potential impropriety or irregularity in accordance with the reporting procedures contained in the Test Administration Manual.

~~(67) The ODE may invalidate assessment results and student responses for assessments administered under conditions not meeting the assessment administration requirements specified in Sections 3 and 4 of this rule. In rare instances, ODE may reset a student assessment at the request of the school district if ODE determines that a reset would not compromise the security or validity of the assessment. **School districts must abide by ODE decisions regarding student assessment records, whether due to a test impropriety or any other circumstance bearing upon the validity of assessment results.**~~

~~(7) ODE counts assessments that meet the following conditions as non-participants in ODE calculations of participation and does not include such assessments in ODE calculations of performance:~~

~~(a) Assessments administered using modifications as defined in section (1)(h) of this rule;~~

~~(b) Invalidated assessments;~~

~~(c) Assessments administered outside the testing window specified in the Test Schedule; or~~

~~(d) Assessments shipped or postmarked after the dates identified in the Test Schedule.~~

(8) ODE only allows extensions to the testing window or shipping deadlines identified in the Test Schedule in cases where a force majeure occurs within three days of the close of the testing window or shipping deadline and prevents a school district from meeting the deadline. Upon receiving a force majeure extension request from the school district, ODE may permit a one-day extension of the testing window or shipping deadline for each day of the force majeure, for up to five days. The force majeure extension begins on the first school day after normal operations resume and ends no later than the last school day in the month in which the testing window closes.

(98) School districts may only assess students using the Extended Assessment instead of OAKS or Smarter if the student has an IEP Plan and the student's Plan indicates that the student requires the Extended Assessment alternate version of a statewide summative test if the student has an IEP indicating that the student requires alternate assessment.

(109) School districts must administer ELPA annually to all students determined by the school district to be eligible for English language development (ELD) services under Title III of the Elementary and Secondary Education Act (ESEA), regardless of whether an eligible student actually receives ELD services the state-adopted ELP summative test annually to all students eligible for English language development (ELD) services under the Elementary and Secondary Education Act (ESEA), regardless of whether an eligible student actually receives ELD services.

(10) Per federal requirements, administering institutions must administer a state-adopted ELP screener upon enrollment to students who would potentially meet the federal definition of an English Language Learner.

(11) Administration of the Kindergarten Assessment The information gathering process at kindergarten is governed by OAR 581-022-2130.

Statutory/Other Authority: ORS 326.051 & ~~329.075~~, **329.075, & 329.078**

Statutes/Other Implemented: ORS 329.075 & ~~329.485~~, **329.485, & 329.078**

History:

Renumbered from 581-022-0610 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 26-2015, f. & cert. ef. 12-21-15

ODE 34-2014, f. & cert. ef. 6-24-14

ODE 7-2011, f. & cert. ef. 7-1-11

ODE 7-2010, f. & cert. ef. 5-27-10

ODE 12-2009, f. & cert. ef. 12-10-09

ODE 30-2008, f. 12-16-08, cert. ef. 12-19-08

ODE 16-2002, f. & cert. ef. 6-10-02

ODE 6-2002(Temp), f. & cert. ef. 2-15-02 thru 6-30-02

Reverted to 1EB 2-1985, f. 1-4-85, ef. 1-7-85

EB 14-1990(Temp), f. & cert. ef. 3-5-90

1EB 2-1985, f. 1-4-85, ef. 1-7-85

Original text

581-022-2100

Administration of State Assessments

(1) Definitions. As used in this rule:

(a) “Accommodations” means changes in procedures or materials that increase equitable access during assessment and generate valid assessment results for students for whom there is documentation of need on an Individualized Education Program (IEP) or 504 (Plan); they allow these students to show what they know and can do.

(b) “Designated supports” means access features of the assessment available for use by any student for whom the need has been indicated by an educator or team of educators.

(c) “District test coordinator” (DTC) means district personnel who ensure secure administration of Oregon Statewide Assessments as defined by Oregon Revised Statute, Administrative Rules, and the Test Administration Manual, including but not limited to supervising the work of the school test coordinators and test administrators.

(d) “Force majeure” means an extraordinary circumstance (e.g., power outage or network disturbance lasting at least one full school day) or act of nature (e.g., flooding, earthquake, volcanic eruption) which directly prevents a school district from making reasonable attempts to adhere to the Test Schedule.

(e) “Impropriety” means the administration of an Oregon Statewide Assessment in a manner not in compliance with the Test Administration Manual, Oregon Revised Statute, or this rule.

(f) “Invalidation” means the act of omitting test results and student responses from the testing, reporting, and accountability systems for a given testing event for which the student may not retest.

(g) “Irregularity” means an unusual circumstance that impacts a group of students who are testing and may potentially affect student performance on the assessment or interpretation of the students’ scores. A force majeure is an example of a severe irregularity.

(h) “Modification” means practices and procedures that compromise the intent of the assessment through a change in the achievement level, construct, or measured outcome of the assessment.

(i) “Universal Tools” means access features of the assessment that are either provided as digitally-delivered components of the test administration system or separate from it. Universal tools are available to all students based on student preference and selection.

(j) “Oregon Statewide Assessments” means:

(A) The Oregon Assessment of Knowledge and Skills (OAKS) in:

(i) Science;

(i) Social Sciences;

(B) The Smarter Balanced Assessments (Smarter) in:

(i) Mathematics

(ii) English Language Arts (ELA)

(C) The English Language Proficiency Assessment (ELPA21);

(D) The Extended Assessment in:

(i) English Language Arts (ELA);

(ii) Mathematics;

(iii) Science; and

(E) The Kindergarten Assessment

(k) "Reset" means the removal of student responses from the web-based testing application for a given testing event for which the student may retest.

(l) "School building" means facilities owned, leased, or rented by a school district, educational service district, public charter school, private school, or private alternative program.

(m) "School district" means:

(A) A school district as defined in ORS 332.002;

(B) The Oregon School for the Deaf;

(C) The Juvenile Detention Education Program as defined in ORS 326.695;

(D) The Youth Corrections Education Program as defined in ORS 326.695;

(E) The Long Term Care Program as defined in ORS 343.961; and

(F) The Hospital Education Programs as defined in ORS 343.261.

(n) "School test coordinator" (STC) means school personnel who provide comprehensive training to test administrators and monitor the testing process.

(o) "Test Administration Manual" means a manual published annually by ODE that includes descriptions of the specific policies and procedures that school districts are required to follow when administering any component of the Oregon Statewide Assessments. References to the Test Administration Manual refer to the edition in effect at the time of test administration and include appendices and any addenda published in accordance with ODE's revision policy.

(p) "Test administrator" (TA) means an individual trained to administer the Oregon Statewide Assessments in accordance with the Test Administration Manual.

(q) "Test Schedule" means the Test Schedule and Required Ship Dates published annually by ODE that includes the windows in which school districts must offer their students the Oregon Statewide Assessments and the deadline by which DTCs must ship or postmark test materials.

(2)(a) School districts, as defined in ORS 332.002, must enforce the assessment policies described in this rule for all students enrolled in a school operated by the district or enrolled in a public charter school that is located within the boundaries of the school district.

(b) School districts, as defined in ORS 332.002, must enforce the assessment policies described in this rule for all resident students enrolled in a private alternative education program, regardless of whether the private alternative education program is located within the boundaries of the school district.

(c) The Oregon School for the Deaf must enforce the assessment policies described in this rule for all students enrolled in that school.

(d) The Juvenile Detention Education Program and the Youth Corrections Education Program must enforce the assessment policies described in this rule for all students enrolled in that program.

(e) The Long Term Care Program and the Hospital Education Programs must enforce the assessment policies described in this rule for all students enrolled in that program.

(f) School districts may delegate responsibility for enforcing the assessment policies described in this rule to another school district or education service district under the conditions specified in the Test Administration Manual.

(3) School districts must administer Oregon Statewide Assessments in accordance with the Test Administration Manual and Test Schedule published by ODE. The results of these assessments are used to satisfy the requirements specified in OAR 581-022-2270 and 581-022-2250 and as a method to evaluate compliance with 581-022-2030.

(4) School districts must ensure that students are administered the proper Oregon Statewide Assessment and that the testing environment satisfies the following testing conditions:

(a) School districts must ensure that Oregon Statewide Assessments are administered by a trained TA who has signed an Assurance of Test Security form for the current school year on file in the district office;

(b) School districts must administer Oregon Statewide Assessments in a school building or in an environment that otherwise complies with the Test Administration Manual;

(c) School districts must apply the following criteria in deciding whether to provide a student with an accommodation during administration of an Oregon Statewide Assessment:

(A) School districts must decide whether to provide accommodations during an assessment on an individual student basis and separately for each content area to be assessed; and

(B) For students with an Individualized Education Plan (IEP) or 504 Plan, school districts must implement the assessment decision made by a student's IEP or 504 team and documented in the IEP or 504 Plan;

(d) School districts may only administer modifications to students with an IEP or 504 Plan and only in accordance with the assessment decision made by the student's IEP or 504 team and documented in the IEP or 504 Plan. Before administering an assessment using a modification, a student's IEP or 504 team must inform the student's parent that the use of a modification on an assessment will result in an invalid assessment;

(e) School districts must provide only those subject-specific accommodations, designated supports, and universal tools listed in the Oregon Accessibility Manual and must provide these supports in a manner

consistent with the policies contained in the Test Administration Manual and Oregon Accessibility Manual;

(f) School districts must ensure that students do not access electronic communication devices such as cellular phones or personal digital assistants (PDAs) during an assessment; and

(g) School districts must follow all additional testing conditions specified in the Test Administration Manual.

(5) Failure by a school district to comply with section (4) of this rule constitutes an impropriety as defined in section (1)(e) of this rule. DTCs must report all potential improprieties or irregularities to ODE within one business day of learning of the potential impropriety or irregularity in accordance with the reporting procedures contained in the Test Administration Manual.

(6) The ODE may invalidate assessment results and student responses for assessments administered under conditions not meeting the assessment administration requirements specified in Sections 3 and 4 of this rule. In rare instances, ODE may reset a student assessment at the request of the school district if ODE determines that a reset would not compromise the security or validity of the assessment.

(7) ODE counts assessments that meet the following conditions as non-participants in ODE calculations of participation and does not include such assessments in ODE calculations of performance:

(a) Assessments administered using modifications as defined in section (1)(h) of this rule;

(b) Invalidated assessments;

(c) Assessments administered outside the testing window specified in the Test Schedule; or

(d) Assessments shipped or postmarked after the dates identified in the Test Schedule.

(8) ODE only allows extensions to the testing window or shipping deadlines identified in the Test Schedule in cases where a force majeure occurs within three days of the close of the testing window or shipping deadline and prevents a school district from meeting the deadline. Upon receiving a force majeure extension request from the school district, ODE may permit a one-day extension of the testing window or shipping deadline for each day of the force majeure, for up to five days. The force majeure extension begins on the first school day after normal operations resume and ends no later than the last school day in the month in which the testing window closes.

(9) School districts may only assess students using the Extended Assessment instead of OAKS or Smarter if the student has an IEP Plan and the student's Plan indicates that the student requires the Extended Assessment.

(10) School districts must administer ELPA annually to all students determined by the school district to be eligible for English language development (ELD) services under Title III of the Elementary and Secondary Education Act (ESEA), regardless of whether an eligible student actually receives ELD services.

(11) Administration of the Kindergarten Assessment is governed by OAR 581-022-2130.

Statutory/Other Authority: ORS 326.051 & 329.075

Statutes/Other Implemented: ORS 329.075 & 329.485

History:

Renumbered from 581-022-0610 by ODE 16-2017, f. & cert. ef. 7-5-17
ODE 26-2015, f. & cert. ef. 12-21-15
ODE 34-2014, f. & cert. ef. 6-24-14
ODE 7-2011, f. & cert. ef. 7-1-11
ODE 7-2010, f. & cert. ef. 5-27-10
ODE 12-2009, f. & cert. ef. 12-10-09
ODE 30-2008, f. 12-16-08, cert. ef. 12-19-08
ODE 16-2002, f. & cert. ef. 6-10-02
ODE 6-2002(Temp), f. & cert. ef. 2-15-02 thru 6-30-02
Reverted to 1EB 2-1985, f. 1-4-85, ef. 1-7-85
EB 14-1990(Temp), f. & cert. ef. 3-5-90
1EB 2-1985, f. 1-4-85, ef. 1-7-85