

## Meeting Minutes

A Regular Meeting was held Thursday, September 17, 2020, beginning at 9:00 AM in the Live Stream Only -- See connection info below  
Live Stream Only -- See connection info below  
Salem, OR 97305.

**Present:**

**Excused:**

**Absent:**

**Staff:**

1. **Call to Order**  
*Time: 9:00 AM*
- A. Roll Call
- B. Member Reports  
*Time: 9:10 AM*
- C. Director's Report 3  
*Time: 10:00 AM*
2. **Public Comments** - Written comments only 5
3. **Consent Agenda**  
*Time: 10:45 AM*
- A. 2020-2021 Student Advisor Nominations 77
- B. 2020-2021 School District Superintendent Advisor Nomination 82
4. **Adoptions**  
*Time: 10:55 AM*
- A. Temporary Rules to Implement Ready Schools Safe Learners Guidance and Executive Order 20-29 85  
*Time: 10:55 AM*
- B. Temporary Administrative Rule: All Students Belong 112  
*Time: 11:30 AM*
5. **Lunch**  
*Time: 12:30 PM*
6. **Adoptions, cont'd.**  
*Time: 1:30 PM*
- A. Definitions for Student Investment Account - Temporary Rule 131  
*Time: 1:30 PM*
- B. 2020-21 SIA Amended Grant Application and Grant Agreement Process 135  
*Time: 1:45 PM*



## THE OREGON STATE BOARD OF EDUCATION

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

7. **First Reading**  
*Time: 2:00 PM*
- A. Office of School Facilities Rule update 143  
*Time: 2:00 PM*
- B. Administrative Rules Student Absences 162  
*Time: 2:15 PM*
- C. Administrative Rules for Pupil Transportation Driving Credentials 184  
*Time: 2:35 PM*
- D. Oregon Farm to School Grant: Competitive Procurement Grant Permanent Rules 189  
*Time: 2:45 PM*
- E. Administration of Medication 197  
*Time: 2:55 PM*
8. **Informational Reports**  
*Time: 3:20 PM*
- A. State Sponsored Charter School Operational Blueprints 207  
*Written Report Only*
9. **Adjourn**  
*Time: 3:30 PM*

# Opinion: To Oregon students, from the state's schools chief

Posted Sep 06, 2020

By [Guest Columnist](#)

**Colt Gill**

*Gill is director of the Oregon Department of Education*

Dear Oregon students,

We are starting a new school year, and it is likely to be more challenging than any we've experienced in our lifetimes. We'd like to have you back in the classroom and so would your educators. The reality is that most of you will be starting the year in an unfamiliar way: talking to teachers and classmates through a computer screen or over the phone and doing your school work at home.

I want you to know what you can expect from your schools and how this fall will be different from last spring.

Even if working from a distance, schools must create a live connection with you every school day. We have asked them to provide designated educator "office hours" to ensure consistency and access to all students and families. There must be regular opportunities for students to interact with their teachers and peers. School meals must still be provided. All of this is designed to provide you with the help you need to succeed.

Leaders at your school have spent a lot of time over the last few months working to make sure they are ready for this school year. Teachers are taking extra time to ensure they have plans in place to support each of you. The usual routine of school may be disrupted, but learning will not.

We do want you back in school whenever and however we can do that safely. We issued and updated our "[Ready Schools, Safe Learners](#)" guidance throughout the summer to provide the best possible education for you in the upcoming school year while protecting your health and everyone in your school community. We follow the impacts of COVID-19 closely alongside the Oregon Health Authority, which provides advice and expertise on when and how it is safe to be in-person in schools. We have set conditions for when we can return to in-person instruction and we can reach these conditions with a concerted community wide effort. Together, we can all play a role in reducing spread of COVID-19 and getting our schools open to in-person instruction by practicing the three W's: Wear a face covering, watch your distance, and wash, wash, wash your hands.

We also know that COVID-19 has had a disproportionate impact on Black, American Indian/Alaska Native, Latinx and Pacific Islander communities; students experiencing disabilities; and students and families navigating poverty, homelessness and foster care. At the center of our guidance is the requirement that equity live at the heart of every decision and

action in service of all learners. Oregon's educators will specifically look to build on your strength and resiliency and meet your needs throughout this school year.

We know you want to feel safe and secure, and be emotionally and mentally ready to learn as well. We have provided districts with guidance that specifically addresses physical health and social, emotional, and mental wellness.

At ODE we are doing everything we can to support your schools and educators. We have obtained five million face coverings from the Federal Emergency Management Agency that have been given to districts. We are quickly distributing federal funding directly to school districts to ensure you have a connection to the internet, a device for school work, and that the teachers have safe and secure ways to interact with you. We've also provided for some limited in-person instruction to address internet connectivity issues; provide academic support; administer tests, provide social, emotional, or mental health support; ensure culturally relevant and sustaining instruction and more. We are seeking every available federal waiver to create flexibility for your school to deliver meals and use their funding in creative ways to meet your needs.

We need your help and the help of all your peers to make this school year the best it can be. If something isn't working right with the learning experience, please let your teachers and principals know – and do this with grace and patience as none of us have operated school in these circumstances. Stay engaged with your school and your classmates so that everyone feels welcomed and a part of the school community. Help each other out and take advantage of the services your school offers if you need help. We know this isn't going to be easy, but your teachers and counselors are there to support you.

Give your family and other adults seeking to support you grace and patience as well. We will all need to lean on each other in these times.

Finally, I want to say thank you. We know that starting the school year learning from home is not what any of us wanted, but until conditions improve, it's what we have to do to ensure the health and safety of you, your families, and the educators and administrators at your schools.

This year will teach us a lot about the importance of working together for a common goal.

**From:** [Charles Martinez](#)  
**To:** [StateBoard Public Email](#)  
**Cc:** [GILL Colt - ODE](#); [URBINA Carmen - ODE](#); [NAZAROV Emily - ODE](#); [HUNT Cindy L - ODE](#)  
**Subject:** Comments RE: All Students Belong  
**Date:** Wednesday, September 16, 2020 7:34:32 PM  
**Attachments:** [OSBE - All Students Belong Letter - Martinez.pdf](#)

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Dear colleagues,

Greetings from Austin, TX. Please accept these written comments related to the Board's pending action on adoption of the All Students Belong temporary rule. I am so very appreciative of the Board and ODE's leadership on this important topic. You know that I am always here to cheer the board's important work, and stand ready to assist in any way I can after potential adoption of this rule as efforts turn towards develop and adopting a final rule.

Thank you for all you do for kids and schools!

My best,

Charles Martinez

**From:** [bsaross](#)  
**To:** [StateBoard Public Email](#)  
**Subject:** Agenda item 4a testimony  
**Date:** Thursday, September 17, 2020 10:12:09 AM

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## Oregon State Board of Education September 16, 2020 testimony

Chair Howard, Directors and Deputy Superintendent Gill,

I am offering testimony about item 4.a concerning implementation of Executive Order 20-29.

In subsection 7a of the order, both “equitable access to high quality continuous education” and “may use transportation grant funds from the State School Fund for the purposes of providing student access to distance learning and educational materials” seem unattainable with current ODE, OHA and Salem-Keizer School District policies.

Parents are given the choice of Edgenuity, Florida Virtual School (FLVS) and Canvas software products for their child’s education tracking. Each of these are problematic for different reasons. Primarily, Edgenuity and Canvas are owned by private equity firms and FLVS has no stable governing board.

Concerning Edgenuity, normally used for course recovery, algorithms or answer keys are easily available for students on the internet. Edgenuity shows little effectiveness for learning and flawed robograding algorithms seem to cause racial inequities in education.

Gaming The Grade: How One Middle Schooler Beat A Virtual Learning Algorithm

<https://www.wbur.org/hereandnow/2020/09/03/online-learning-algorithm>

Edgenuity Answer Keys

<https://edge-answers.org/>

LAUSD’s credit recovery program boosts grad rates, but do students learn?

<http://laschoolreport.com/lausds-credit-recovery-program-boosts-grad-rates-but-do-students-learn/>

Flawed Algorithms Are Grading Millions of Students’ Essays

[https://www.vice.com/en\\_us/article/pa7dj9/flawed-algorithms-are-grading-millions-of-students-essays](https://www.vice.com/en_us/article/pa7dj9/flawed-algorithms-are-grading-millions-of-students-essays)

Robot Teachers, Racist Algorithms, and Disaster Pedagogy

<http://hackededucation.com/2020/09/03/racist-robots>

A Seventh Grader Kicks Edgenuity's Dumb Robograding Butt

<http://curmudgucation.blogspot.com/2020/09/a-seventh-grader-kicks-edgenuitys-dumb.html>

Concerning Florida Virtual School, it's a hot mess. With expansion under unstable governance, this software product should be disallowed.

FLVS Frustrations: Massive Investment, Massive Expansion, No Governance

<https://accountabaloney.com/index.php/2020/09/11/flvs-frustrations-massive-investment-massive-expansion-no-governance/>

Florida Virtual School faces leadership crisis after resignation, investigations, unexpected death

<https://www.orlandosentinel.com/news/os-ne-kruppenbacher-takeover-flvs-20190411-story.html>

Concerning Instructure, owner of learning management system Canvas, control by private equity will result in maximized profits through more consolidation and concentration at students' expense in addition to increased surveillance.

[Instructure Announces New CEO After Completion of Thoma Bravo Acquisition](#)

Instructure CEO to Resign and Board Approves New Private Equity Deal

<https://www.edsurge.com/news/2020-02-18-instructure-ceo-resigns-and-board-approves-new-private-equity-deal>

Remote learning is turning classrooms into police states

Virtual classrooms make punishment easier to dole out than connection. It doesn't have to be this way

<https://www.salon.com/2020/09/06/remote-learning-is-turning-classrooms-into-police-states/>

I understand the difficulties in implementing these policies, however, increasing private

control of education threatens democracy and we're experiencing the results of these policies already.

Please consider other methods of education and waive annual testing.

Ross Swartzendruber

Parent

Salem-Keizer School District

[ross@salemcreative.net](mailto:ross@salemcreative.net)

September 17, 2020  
Witten Testimony  
State Board of Education Meeting  
RE: Agenda Item 4.B. -- Temporary Administrative Rule: All Students Belong

Dear Members of the Oregon State Board of Education:

I write today to encourage you to adopt the “All Students Belong” temporary rule. As a higher education leader, as a scholar who has conducted research focused on eliminating education and health disparities for vulnerable populations for more than 25 years, and as a policy maker with prior service as an elected school board member in Eugene and as a member the Oregon State Board of Education, I strongly support this temporary rule.

The State Board of Education and the Oregon Department of Education have longstanding commitments to ensuring that schools are safe, inclusive, and welcoming to all students, staff, and educational professionals. This commitment is deeply embedded in the board’s vision, mission, and core values, and echoed in its public statements and resolutions. For example, in a statement following the 2016 presidential election, the State Board of Education reaffirmed its commitment to ensuring a safe and welcoming public education system:

*“[The Board] stands with all Oregon students, families, educators, staff, and communities to ensure that our schools are safe, and free from bullying, discrimination, and harassment. No one, regardless of their role, should be made to feel fearful in our schools or during participation in school sponsored events. We must vigorously respond to any incident, however seemingly small, that threatens safety. Moreover, we are steadfast in our commitment to equity and ensuring that ALL Oregon students have access to the full complement of educational resources and the opportunity to reach their maximum potential, regardless of race, ethnicity, nationality, socioeconomic status, gender identity, sexual orientation, and special education status. This commitment is measured by actions, not just words, and we must all do our part.”*

Events over this past six months, including the senseless killings of Black Americans at the hands of those whose responsibilities are to protect and serve, have underscored the deep roots of systemic inequity within our public systems. As we reckon with these recent exemplars, it is important to note that the pain and anger so many are feeling right now is all too familiar for members of our community who confront racism, discrimination, and other forms of hateful rhetoric and acts on a routine basis.

On August 18, 2020, Governor Brown sent a letter to the State Board of Education and ODE pressing for action in response to the adverse effects that symbols of hate and hate speech have on students. Adoption of the temporary rule is one important first step in heeding this call to action. The presence of symbols of hate based on race, color, religion, gender identity, sexual orientation, disability or national origin will undoubtedly contribute to an atmosphere of fear, distress, and unwelcomingness for all students, and especially students of color and others who already experience marginalization because of their social identities.

Dissenting voices to your adoption of this rule may assert that the removal of hate symbols from schools is merely a form of political correctness or another example of “cancel culture,” with the implication

being that removal of these symbols would make it more difficult to teach about especially difficult aspects of our shared history. This is a deflection. No developmentally appropriate learning and discourse about the history of racism, racial violence, and discrimination can begin in an environment in which students are not safe, or feel actively excluded or threatened. Allowing space for these hate symbols in schools is not a passive act of neutrality or an invitation for learning. Rather, the allowance of these symbols communicates to students that their school is implicitly accepting of these symbols—and the hateful ideology that undergirds them—as belonging in school.

Rightfully, the temporary rule grants an exception for the use or display of such symbols when used specifically to teach curriculum aligned with Oregon State Standards. Only when **ALL** Oregon students feel safe and welcome in school will they be prepared and willing to engage in learning about the historical context of any of these symbols.

After adoption of the temporary rule, there will be time to consider how to best operationalize a final rule. In that process, I strongly encourage the Board and the Department of Education to collaborate with field-leading researchers who have studied the direct effects of hate symbols and other acts of hate on outcomes for vulnerable populations of students.

In the meantime, the time for action is now. The title of the temporary rule states a simple fact: All students belong. But, all students must also ***experience*** belongingness to school. It is up to Oregon's education leaders to ensure that the education system itself creates and maintains that sense of belongingness.



Charles R. Martinez, Jr., Ph.D.  
Austin, TX



**HOUSE OF REPRESENTATIVES**

BIPOC Caucus  
Representative Teresa Alonso Leon  
Representative Janelle Bynum  
Representative Diego Hernandez  
Representative Akasha Lawrence Spence  
Representative Mark Meek  
Representative Andrea Salinas  
Representative Tawna Sanchez  
Senator Lew Frederick  
Senator James I Manning Jr

September 17th, 2020

Kimberly Howard  
Chair  
State Board of Education  
255 Capitol Street, NE  
Salem, OR 97310

Colt Gill  
Director  
Oregon Department of Education  
255 Capitol Street, NE  
Salem, OR 97310 Dear Chair Howard and Director Gill,

We, the Black, Indigenous, and People of Color Caucus (BIPOC) are writing to express our strong support for the banning of symbols of hate and all expressions of hate speech in Oregon public schools.

Symbols of hate although targeted at one or more racial or ethnic groups causes pain, anguish, and disruption to the entire school ecosystem. OAR 581-022 seeks to protect students from experiencing the animus created by the confederate flag, swastika, noose and all other symbols crafted with the deliberate intention to cause harm, inflict pain, and threaten violence.

As BIPOC legislators we are acutely aware of our state's history of racial exclusion and explicit racial antipathy and violence. We must work collectively to ensure that we do not create room for anti-black, anti-indigenous, anti-refugee, anti-immigrant, and anti-lgbtq+ sentiments in our public institutions. We must confront systemic racism in all its manifestations and prevent it from threatening the health, safety, and wellbeing of our communities.

Now more than ever we must renew our commitment to educate our young people on the truth of our history, however shameful or deplorable, and we do not expect these symbols to be written out of the Oregon Department of Education curriculum. Those who do not learn the entirety of their history are doomed to repeat it. It is our job to educate our young people on the root causes of these hate symbols, and equip them with the knowledge to combat them whenever and wherever they arise.

In that same light we support our students rights to proudly wear and display symbols of justice, inclusion, and racial equity. These symbols include but are not limited to: the Black Lives Matter flag(s), Indigenous Peoples flag(s), LGBTQ+ flag(s) etc.



Our communities in conjunction with the students, parents, teachers, and other faculty of Oregon Public schools statewide have called for your swift and diligent action. We must act now by passing OAR OAR 581-022, to ensure zero tolerance for racially motivated hate and intolerance while simultaneously supporting a learning environment that celebrates racial and ethnic diversity.

Sincerely,



Representative Akasha Lawrence Spence, HD 36



Representative Tawna Sanchez, HD 43



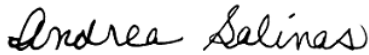
Representative Diego Hernandez, HD 47



Senator Lew Frederick, SD 22



Representative Teresa Alonso Leon, HD 22



Representative Andrea Salinas, HD 38



Senator James I Manning Jr., SD 07



Representative Janelle Bynum, HD 51



Representative Mark Meek, HD 40



**From:** [Rep Prusak](#)  
**To:** [StateBoard Public Email](#)  
**Subject:** Public Comment for All Students Belong  
**Date:** Thursday, September 17, 2020 7:59:13 AM

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Chair Howard and members of the State Board of Education,

I'm writing in support of the adoption of temporary rules implementing All Students Belong. This rule is an important step in order to dismantle racism and hate in Oregon schools. Institutional and structural racism has a substantial and pervasive bearing on people's lives and it's our responsibility to address it. As a healthcare provider who advocates for her patients, and a state representative, who advocates for justice I will always speak up for the vulnerable members of our communities.

The dehumanization of Black, Indigenous and People of Color in this state and country has caused more pain, and suffering than we can ever fully quantify. From a public health perspective, it is slow motion violence, that quietly eats away at the health of individuals and families. Sometimes and all too often it explodes into inescapable view, as it is right now across Oregon where confederate flags, swastikas and nooses are being used to threaten and instill fear. None of us should think about this as a problem for others to deal with. We must work together to make sure everyone knows it is unacceptable. We must not look away. Race and Racism must be a school conversation and a family conversation.

Hate symbols like the confederate flag, nooses, and swastikas are another form of bullying that is disruptive to learning and may lead to violence. Communities are yearning for support to lift each other up in these extremely challenging times we are in. Stopping racism and bullying is exactly the type of community support needed right now. As someone who has personally experienced anti-Semitism, when I awoke to swastikas drawn on campaign signs during my first election, and as someone who has seen racism tear communities apart, I urge you to adopt the temporary rules implementing All Students Belong. Bullying and hate must not be tolerated anywhere but especially not in our schools. Every student deserves to feel safe at school and in their community. Our school systems should be places of inspiration for all students.

Sincerely,



**Representative Rachel Prusak (she, her, hers)**

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Oregon State Legislature  
House District 37 | West Linn & Tualatin  
900 Court Street, H489, Salem OR 97301  
503.986.1437



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

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September 15, 2020

Chair Howard and members of the State Board of Education,

On behalf of the Coalition of Oregon School Administrators (COSA) and our 2500 members across Oregon, we are writing in support of the adoption of temporary rules implementing All Students Belong. We believe that this rule is an important step that we must take in order to interrupt and dismantle racism and hate in Oregon schools.

In the past few years, we've seen an increase in racist threats and assaults on our students and their families. That, in addition to a global pandemic and unprecedented devastation from wildfires, continues to exacerbate and shine a light on the injustices our Black, Indigenous, People of Color, and Tribal communities have faced for generations.

As we begin a new school year unlike any in Oregon's history, it is critical that schools provide a safe, welcoming learning environment where students, families, and staff will not be impacted by racist or hateful symbols, language, or actions. We are appreciative of all the work that has gone into crafting this rule and applaud our students for taking the lead and serving as catalysts for this important, and long overdue, policy change.

For our students and their families, 2020 has been a time of upheaval and uncertainty never felt in most of our lifetimes. The COVID-19 pandemic has taken a massive human and economic toll on our communities. Many cherished friends and family members have succumbed to the ravages of this new disease. Jobs and businesses have been lost and livelihoods are in doubt. And now in communities across Oregon, wildfires have added an unthinkable level of damage, disruption, and loss of life. These tragedies have laid bare the inequities in our society as Oregon's communities of color and those struggling to pay rent or put food on the table have been hardest hit.

Oregon, like the rest of our nation, is also experiencing calls for social change. Conversations about race and racism are at the forefront of these challenging times in our country. It is clear that "business as usual" has not served all communities equitably and we must continue to work to bring meaningful change to our schools and our society. Any conversation about stamping out racism must address symbols that are used to convey hate, fear, and intimidation.

Symbols are all around us and are used to deliver ideas, share opinions or beliefs, trigger emotions, or deliver messages. In our state and our country, the swastika, the noose, and the confederate flag have served as the most notorious symbols of racial hatred, white supremacy and Anti-Semitism for decades. We are painfully aware of Oregon's racist history and the legacy of institutionalized racism and social and racial injustice it has left us with.

These hate symbols are another form of bullying that is disruptive to learning and may lead to violence against our students. It is past time that our schools ensure that no students, staff, or community members are exposed or assaulted by these symbols while at school or school events. Period.

Your action today is one action, of many, we must take to support our students and communities. COSA supports this work and will continue to proudly partner with ODE to ensure educators have the on-going training and professional development to make implementation immediate and meaningful in their schools and communities.

We also know the State Board and others will likely be the target of backlash that will be painful to endure and could even make individuals fear for their own safety. Know that our organization and members stand shoulder to shoulder with you on this critical change and will be key partners and allies at every step during this process.

We urge you to adopt the temporary rules implementing All Students Belong and look forward to collaborating with you on this critical work.

Sincerely,

Iton Udosenata, President  
Coalition of Oregon School Administrators (COSA)

Cynthia Richardson, President  
COSA Equity Board

Mark Witty, President  
Oregon Association of School Executives (OASE)

Elaine Fox, President  
Oregon Association of Central  
Office Administrators (OACOA)

Majalise Tolan, President  
Oregon Association of Secondary School  
Administrators (OASSA)

Gerry Flock, President  
Oregon Elementary School  
Principals Association (OESPA)

Craig Hawkins, Executive Director  
Coalition of Oregon School Administrators (COSA)



September 16, 2020

Chair Howard and members of the State Board of Education,

On behalf of the Oregon Education Association (OEA) and our 42,000 member educators I am writing to support the adoption of temporary rule known as the All Students Belong rule. As educators, we have seen firsthand the devastating impact that the presence of hate speech and symbols of hate can have on the learning environment of our students. The passage of this rule will be an important step in addressing this issue and helping to ensure that every Oregon student has access to a safe and welcoming learning environment that is free from bullying, harassment, and racism.

Simply put, hate symbols and speech have no place in our schools. When students walk into a classroom or log on to a virtual learning space they should be entering an educational environment where they feel the safety and comfort necessary for learning and academic discovery. Not only does the presence of hate symbols or hate speech diminish that learning environment, they disrupt student learning and have a history of leading to violence in our schools.

By their very nature, hate symbols and hate speech lead to trauma and violence in our schools. When students are the targets of hate speech or are antagonized and othered through the use of hate symbols their body chemistry literally alters. Their blood pressure increases, their cortisol levels rise – in short they undergo a stress response that creates trauma and inhibits their ability to learn. In extreme situations the use of hate symbols and speech lead to physical violence, necessitating action from educators and from the State Board of Education to ensure that our students are safe and welcomed in our schools.

The adoption of the All Students Belong rule is also a critical step in Oregon’s efforts to combat and dismantle the institutional racism that has plagued our public schools for generations. As OEA noted in a public statement earlier this year:

*“Our failure to address institutional racism, structural racism and white privilege has resulted in generations of trauma and harm for black and brown individuals and communities, manifesting itself every single day in an unfathomable number of ways, often perpetuated by institutions of the state.*

*It is the fundamental duty of educators to uplift the oppressed, and for OEA and our 42,000 member educators that includes addressing the institutional racism that exists in our public schools and building a public education system that is rooted in equity rather than our current dominant culture mindset. The students for whom we care and nurture deserve a school system where they feel safe and where their unique identities are respected and valued.”*



If we hope to build a public school system that truly nurtures every student and provides them with both the tools and the learning environment they need to thrive we must continue to take bold action like the adoption of this temporary rule. It is long past time that we put the needs of our historically marginalized students at the forefront of our work, and the All Students Belong rule does just that.

The Oregon Education Association urges the State Board to adopt this temporary rule, and our 42,000 members stand ready to implement this rule and to help create the schools that every Oregon student deserves.

Thank you,

*John Larson*

**John Larson**

President

Oregon Education Association



Sept. 15, 2020

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Chair Howard and members of the Board:

On behalf of OSBA membership, including 197 school districts and 19 education service districts, we write to encourage the adoption of the “All Students Belong” temporary rules.

For many students, 2020 has been a year of difficulty without precedent. The school year began in recent weeks during a global pandemic, a resulting economic downturn, and catastrophic wildfires burning across Oregon. Many students are experiencing loss and uncertainty, whether due to illness, family job loss, or loss of property and home.

Simultaneously, in Oregon as in much of the nation, there is a growing call to address systemic hate and inequity. Conversations about race, racism, systemic inequity, racial justice, and the role of education in perpetuating inequity occur daily. These conversations are difficult and sometimes divisive.

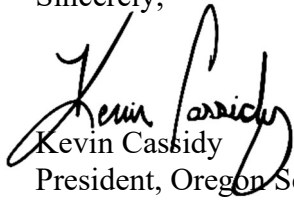
It is important to honor fundamental individual rights of expression, but certain types of speech, namely specific symbols of hate, fall outside of these rights. The symbols that this rule would prohibit – the noose, the swastika, and the Battle Flag of the Armies of Northern Virginia (commonly referred to as the “Confederate Flag”) – have documented histories as tools of intimidation, hate, and violence. Staff has presented this Board with documented examples of the harm perpetuated through use of these symbols. The threat to students, staff, and community wellbeing that these symbols enable is contrary to the messages of inclusion, equity, and safety that we promote in our schools.

In this unprecedented time, it is more important than ever that all schools be safe, welcoming environments for students, staff, and families. There is no place for hate, intimidation, or conduct that produces trauma in our schools. These symbols have no place in schools or on school grounds.

Your adoption of these temporary rules today comes at a time of national upheaval. It is possible that there could be a backlash to this action. However, these rules support those Oregon students and communities in greatest need. OSBA is pleased to support this work, and to further commit to partnering with ODE and the Board to ensure school districts and school board members have the necessary sample policies and access to training to make an immediate impact.

Please adopt the temporary “All Students Belong” rule knowing you have the solid support of OSBA.

Sincerely,

Handwritten signature of Kevin Cassidy in black ink.

Kevin Cassidy  
President, Oregon School Boards Association

Handwritten signature of Bill Graupp in black ink.

Bill Graupp  
President, Oregon School Board Members of Color Caucus

Handwritten signature of Jim Green in black ink.

Jim Green  
Executive Director, Oregon School Boards Association

**From:** [ROBERT A Bohanan](#)  
**To:** [StateBoard Public Email](#)  
**Cc:** [douglask@wlwv.k12.or.us](mailto:douglask@wlwv.k12.or.us)  
**Subject:** Public Comment from a concerned parent  
**Date:** Wednesday, September 16, 2020 8:16:44 AM

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Students in Oregon are suffering academically and emotionally from distance learning. This will have lifelong repercussions on the academic success and psychosocial development of my kindergarten and second grade students.

With younger students at home, families are suffering financially as well. Our state is falling behind, irreparable damage is being done to our kids and your institutional reputations due to the avoidance of in-person instruction.

In the setting of a declining economic environment, decision makers are going to find expenses to cut. At some point Oregonians are going to require a level of service consistent with the level of funding allocated to the schools, and absent that level of service (in-person, full-day school) there is going to be significant pressure to de-fund the public school system.

I encourage you to please re-open the schools.

Thank You,

West Linn Parent.

**From:** [Carol Glasgow](#)  
**To:** [HOWARD Kimberly - STBD](#)  
**Subject:** Private School Openings  
**Date:** Sunday, September 13, 2020 1:28:01 PM

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Dear Ms. Howard,

I hope you are well during this difficult time for our state and country. Please understand I am fully in support of Governor Brown's metrics and continuing CDL until it is safe to return to school. I am a concerned public school parent writing because I am unsure how private schools are offering in-person instruction when public schools must remain closed. I am aware of a number of Catholic schools who are operating using the Limited In-Person Instruction guidelines combined with an Emergency Daycare License. This seems an abuse of these guidelines to me. I have studied the guidelines carefully, and while any child could fit into the broad parameters provided by the State of Oregon, I doubt it was the intention of the state for private schools to interpret them in this way. I believe that allowing these schools to operate in this manner adds to the risk of other schools' ability to achieve in-person instruction and increases the risk of virus spread within our community. These are the schools I am aware are utilizing the guidelines in this manner, however, I am sure there are many more:

St. John Fisher School  
St. Cecelia School  
Holy Cross School  
St. Rose School  
St. Ignatius School

I have contacted the Department of Catholic Schools within the Archdiocese of Portland for clarification, however, I have not received a reply. I would appreciate a reply from you to help me understand how these schools can operate while my local public school in the Reynolds District must remain closed. Clearly, students in my district are a greater risk of learning loss than students attending an expensive private school. If these schools are using the guidelines appropriately, I would recommend either rewriting the guidelines to prevent this kind of abuse, or speaking with these schools to ensure compliance.

Thank you for your time,  
Alena Glassman

**From:** [Erica Edwards](#)  
**To:** [HOWARD Kimberly - STBD](#); [COLONNA Jerome - STBRD](#); [MARTINEZ-ZAPATA Guadalupe - STBRD](#); [RUSSELL George - STBRD](#); [SCURLOCK Jennifer - STBRD](#); [WHEELER Bridgett - STBRD](#); [VELIZ Anthony - STBRD](#)  
**Subject:** School Year 2020-2021  
**Date:** Tuesday, September 8, 2020 4:29:33 PM

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To the offices of: Kate Brown, Kimberly Howard, Jerome Colonna and all others concerned with the education of students in the state of Oregon:

This year, we all faced the pandemic of Covid-19 in epic proportions. We saw the effects: businesses closing, mental health, homelessness, etc. We felt the difficulty of staying home with children and the cajoling of online work. I write to you as a mother, concerning the education of my children as well as the children across the state and ask of you to please open schools this year for the health and well-being of our kids.

My daughter entered kindergarten this year and was excited to start school with her friends. She excelled in math (to the surprise of her mother, who struggled through math in school) as well as reading. She flourished in making new friends and learning to listen to adults, other than her parents. She loved school. When the pandemic hit, and we had to explain why she couldn't go back to school. During this time, I was in the first trimester of my pregnancy and was mostly bed-ridden due to morning sickness that lasted all day. We stopped reading nightly (I was throwing up) and didn't put a priority on school work. Our priority was to get through the day. We had a lot of love and support from her teacher, but even with that, the work wasn't done. The only way she would have succeeded in that last part of the school year would have been if she had continued through the school year at the school itself. I understand that that couldn't happen during that school year.

This coming September, we have been mandated to stay home again and to keep our kids home, with the support of online learning. I keep going back to the quote by Einstein: Insanity: doing the same thing over and over again and expecting different results. I feel as though we are trying to do the same thing with our online learning and trying to expect different results. My child has the love and stability at home that she could technically do the work at home, except for this time around, I will have a newborn and a two-year-old to keep alive and away from the computer. This is ridiculous and she will again fail at doing her work.

I cite in the paragraph above that she has love and stability at home because, before the pandemic, I was a contracted art teacher for two alternative schools. In these schools, the kids come from trauma-laden homes. They come from drug-abusing, child-abusing parents, low income families, and even sexual abuse. They do not have the support at home to even think about doing online work, let alone listen to a teacher for two and a half hours a day. These kids are worried about surviving the day and getting through the rough life that they have, only to live it again the next day. And we are telling them that they don't need to be at school, that they can make it on their own. How dare anyone say that. In Governor Brown's address on July 28<sup>th</sup>, 2020, she stated: "As the American Academy of Pediatrics has stated, there is clear evidence that children receiving instruction and support in school is far better for them academically. It fosters our students' social and emotional wellbeing, their overall health, and often their physical safety."<sup>[1]</sup>

Do we even care about their physical safety if we are letting them stay home with abusers and not giving these children a reprieve? In a study done by the New Mexico Criminal Analysis Center by the University of New Mexico<sup>[2]</sup>, it states that one in four girls and one in seven boys will be sexually abused at least once in their lives. So, in keeping them home, we perpetuate that abuse. And who will report it? Certainly not the teachers who can't see them every day in the classrooms. I believe the effects of keeping our kids at home will have repercussions for years to come. These facts will fall on your heads and you will be remembered in your years of service for perpetuating abuse as well as social and emotional problems.

I understand that there are a few teachers as well as students that do not want to go back to school because of Covid-19. I don't think you should make them teach in the classroom as I feel you shouldn't make teacher stay and teach at home. Each should be given the choice.

I cannot tell you how many parents I spoke with who confided that their mental health was at an all-time low because of the pandemic and stay-at-home orders. In Benton County, Washington<sup>[3]</sup>, suicides increased dramatically during the weeks of March 12 through April 23. I can't imagine how the numbers look now. In the United States, suicide is the 10<sup>th</sup> leading cause of death as of 2018<sup>[4]</sup>.

As of this year, the numbers of suicides have increased exponentially, and this is just for adults. I can't imagine what it is for kids under 18. And this is because they aren't going to school. They are scared. They don't have the support they need and we are just crushing them by keeping them home. You say that it is unsafe to have them in school, but I say it is incredibly unsafe to keep them at home, based on all the factors I have stated. We already know that they won't do the work required of them in online learning. We already know how much of a failure online learning is for the majority of kids. Now is the time to retract the statements of closing educational institutions and send our kids to school.

Erica Gonzalez Edwards

45811 Gopher Flats

Pendleton OR. 97801

[kelseyandERICA@gmail.com](mailto:kelseyandERICA@gmail.com)

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<sup>[1]</sup> "News Release: ODE Releases Updates to Ready Schools, Safe Learners." *Oregon Department of Education*, [content.govdelivery.com/accounts/ORED/bulletins/2935eee](https://content.govdelivery.com/accounts/ORED/bulletins/2935eee). Accessed 3 Aug. 2020.

<sup>[2]</sup> Steele, Paul, et al. *CHILD SEXUAL ABUSE ON NEW MEXICO TRIBAL LAND*. 1999.

<sup>[3]</sup> Probert, Cameron. "Suicides Surge in Benton County in Seven Weeks since Coronavirus Outbreak." *Tri-Cityherald*, Tri-City Herald, 3 Aug. 2020, [www.tri-cityherald.com/news/coronavirus/article242290971.html](http://www.tri-cityherald.com/news/coronavirus/article242290971.html). Accessed 3 Aug. 2020.

<sup>[4]</sup> Emerling, Gary, and Katelyn Newman. "Top 10 Causes of Death in America." *US News & World Report*, U.S. News & World Report, 2020, [www.usnews.com/news/healthiest-communities/slideshows/top-10-causes-of-death-in-america?slide=2](http://www.usnews.com/news/healthiest-communities/slideshows/top-10-causes-of-death-in-america?slide=2). Accessed 3 Aug. 2020.

**From:** [VELIZ Anthony - STBRD](#)  
**To:** [StateBoard Public Email](#)  
**Subject:** FW: Real Civics  
**Date:** Monday, August 17, 2020 10:05:06 AM

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-----Original Message-----

From: Rosemary Tolle <rosemarytolle@icloud.com>  
Sent: Tuesday, August 11, 2020 9:52 PM  
To: VELIZ Anthony - STBRD <Anthony.Veliz@ode.state.or.us>  
Subject: Real Civics

Mr. Veliz,

Thank you for all you do for our children's education. You have a very important role. Please teach real civics in our schools and not a "hate America" agenda in our schools. If any person were described by only their faults no one could stand. Also please consider the excellent resource by Bob Woodson called Campaign 1776 which provides solutions for social challenges in our communities and our schools.

Also please consider the many science based pediatric health professionals and health experts who advocate for the safe and immediate opening of our schools. Again thank you, Rosemary Tolle

Sent from my iPhone

From: [Rosemary Tolle](#)  
To: [Anthony Veliz](#)  
Subject: [Re: Real Civics](#)  
Date: Tuesday, August 18, 2020 11:31:55 AM

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Many science based websites have been censored. If what you believe is not true would you want to know? Here's one that's not yet been removed and hopefully you can read And download it before it is censored.

[secondopinionproject.com](#)

Thank you again,  
Rosemary Tolle

Sent from my iPhone

> On Aug 17, 2020, at 10:36 AM, StateBoard Public Email <stateboard.publicemail@state.or.us> wrote:

>  
> Thank you for taking the time to send your comment to the State Board. Your comment will be posted to the State Board's online Board Book for the September 2020 meeting. [https://nam02.safelinks protection.outlook.com/?url=https://sbs.sbs.or.us/boardsbook.org/2FPublic/2FPublicHome.aspx?Fid=3D10B1743E&mpdata=028%7C01%7CStateBoard\\_PublicEmail%40state.or.us%7C72256678844900260804346401%7C2451418829949c2915a654958468%7C0%7C0%7C6373372314706643&amp;data=LLQ%2FQ-LHEYODHRSDFORk5-EyY0EJQ%2B6AaBcM2pof%3D&reserved=0](https://nam02.safelinks protection.outlook.com/?url=https://sbs.sbs.or.us/boardsbook.org/2FPublic/2FPublicHome.aspx?Fid=3D10B1743E&mpdata=028%7C01%7CStateBoard_PublicEmail%40state.or.us%7C72256678844900260804346401%7C2451418829949c2915a654958468%7C0%7C0%7C6373372314706643&amp;data=LLQ%2FQ-LHEYODHRSDFORk5-EyY0EJQ%2B6AaBcM2pof%3D&reserved=0)

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> Oregon achieves... together!

> Lisa Puheto

> Interim Board Administrator

> [Protonas\\_sheher](mailto:Protonas_sheher)

> State Board of Education

> [SEL.09.01.19@edf](mailto:SEL.09.01.19@edf)

> Lisa.puheto@ode.state.or.us | <http://www.oregon.gov/ode>

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**To: Members of the Oregon Senate and House Education Committees, State Board of Education**

**From: Nancy Willard, M.S., J.D., Director of Embrace Civility (Websites: <http://embracecivility.org> and <http://bepositivelypowerful.com>. Email: [nwillard@embracecivility.org](mailto:nwillard@embracecivility.org). Cell: 541-556-1145**

**Re: Metrics for Reopening Oregon Schools**

**Date: August 8, 2020**

I do not know if it is even worth it to send this statement to the Senate and House Education Committees and the State Board of Education because no communications to other Oregon leaders, including the Governor's Office, the Oregon Health Authority, or the Oregon Department of Education appear to be making any positive impact.

No one in positions of leadership in Oregon appear to care about the health and lives of Oregon's educators, students, and the families of those students.

In the eyes of too many leaders in this state, the primary concerns related to schools appear to be academic outcomes and providing child care so parents can return to work.

For the last month, I have been communicating with many Oregon educators who are worried about becoming ill or dying, or the family members of their students or even students themselves becoming ill or dying, because of decisions that are being made at the state and their local district level. These educators and their supporters are communicating on a Facebook Group called Oregon Safe Return to Campus. These are some of the recent statements from members of this group:

I have served my district selflessly for nearly twenty years. I have put my students above my own family time and time again. I have spent thousands of dollars supplying my classroom and my students. I have taught sick when I could not get a sub more times than I can count and work roughly 60 hours a week. Now we are in the middle of a pandemic with so much left to learn about this virus, where millions have been sickened and will face lifelong health challenges and so many have died. My district clearly does not care about all of the risks to my health and the health of my family and students. I absolutely do not feel safe going back to in-person teaching. My district's reckless disregard for my life—when I have given my life to this district—is crushing. I am terrified, disillusioned, and broken. I need a paycheck. I need insurance. But I have two small children who need their mother.

I am feeling very marginalized by the "powers that be" in education. I gave them a large portion of my life, and now they want me to give up my life.

I have taught in my district for 17 years and have been denied unpaid leave of absence to be able to educate my 2nd grade son who has two medical conditions that place him at high risk category. During the request process my professionalize was questioned and it was the most demoralizing experience of my career. I don't think I will return to the classroom again as I no longer wish to take part in what feels like an abusive relationship with public education.

I don't want to leave my job. I don't want to stop teaching. I don't want to never meet my students in person. But I also do NOT want to die. Maybe that is selfish. But it is honest.

In a district email it was stated “If you are high risk and chose not to teach in the building, you must take unpaid leave.” This tells me that I must put my life at risk or my family’s since I will have no money to buy food, pay rent, etc.

School is supposed to be a place where children can grow in a safe, loving and nurturing environment. I did not give up my first career and fo deeply into debt so I could be part of a system that wants to sacrifice my students’ safety and well-being for the economy.

I know that children learn best in person, but in-person learning phi year would be even more traumatizing than any of us are willing to admit. No hugs when a child is hurt, no playing with friends, military-like control—not to mention endless rolling quarantines, classmates and teachers getting sick or even dying, and the profound guilt a child would experience for the rest of their life if a family member dies.

I, as a 30 year veteran teacher, feel heartbreak and anger at the thought of watching children and staff in my classroom, school, and district become sick and spread this highly contagious virus.

I am not being anti-social. I am being responsible. I am not being rude. I am protecting myself and my family. I am not heartless. I actually care more than most because of my ability to continue to be a Mom, daughter, wife, sister, friend, etc. literally is dependent on my next decision. I m not being dramatic. I don’t get that privilege. I am not fearful. I am experienced at survival. I have been practicing survival my whole life. I don’t need to “jus take a break.” You see, I can never take a break without dire consequences. I am not asking the world to stop. I am asking you to listen without bias and a willingness to learn. I am not selfish. I have sacrificed myself to help others. I am high risk, a chronic bearer of diligence and obedience to live, while carrying the weight of never-ending guilt for this burden I didn’t ask to share.

My daughter was diagnosed with leukemia in 2018, after months of being sick. In her to and a half years of treatment, she missed a lot of school, play dates, no clubs, no sports, no extra-curricular activities. She is behind a little in reading and math. But she will catch up because she is alive and healthy. That is so much more important than meeting some benchmarks a year later than the rest of her peers.

I am 27. I am high risk. I love my job more than I ever thought was possible. But I am not ready to die so that my students can do their schoolwork online in the same room.

Before students can succeed academically, they must feel safe both physically and mentally. In the last 2 days before we left school, students were worried and stressed in class saying we are all going to die. Another student mentioned that his grandpa is going to die. He could’t focus on his learning. Also my students were asking each other if they will go to each other’s funeral. I am an elementary school teacher. Considered at risk.

It is atrocious that l’s being forced to choose between keeping my job and working in incredibly unsafe conditions—jeopardizing the health of my family and myself—or quitting and forging this income. Sheey Insanity. Unfair. How I it we’ve sunk so low?

I am 67 and love teaching music. As a music teacher, I get to see all of the students every year. My relationships with them by 8th grade are profound. I had hoped to teach at least 3 more years. But computing the percentages of students who can be expected to get CV-19 and the students who can be expected to die from it, that is a risk I am not willing to face. I have resigned my teaching position.

For the past 15 years, I have committed my life to teaching and serving students with highest needs, many of whom are medically fragile. Now I have to accept that their lives, my life, and the lives of my family members are deemed expendable by the education system, which ironically chooses to ignore the research and data provided by our country's most highly respected experts.

I do not want to be the cause or the scapegoat when children die because we go back to school too early based on faulty statistics. Teachers are already facing incredible scrutiny. We will certainly be blamed when children get sick or worse. It won't matter how hard we fought to keep them safe, we will shoulder the blame externally and internally. I can't live with that.

Teaching is my passion and my calling. Now, in my 13th year of teaching, I find myself considering the unfathomable—leaving education. I am at high risk. The deteriorating school building I work in, with antiquated ventilation and windowless rooms, can't possibly be an environment where coronavirus won't spread. Many students are being raised by grandparents or other high-risk individuals. With the K-3 exception I feel I am being forced to risk not only my life and long term health outcomes, but also be complicit in risking the lives and health of my students and their families. My heart is breaking at having to make such a choice.

## **School Staff are Considered an Expendable Potential Loss**

A statement made by Morgan Allen, from COSA, in an August 6th email to a group of educators who were working on a request for school district immunity, announcing the failure to achieve agreement, illustrates the total lack of regard for the health and lives of Oregon's educators, students, and the families of those students:

We are working from the position that safely reopening schools and community colleges is a moral responsibility that will benefit everyone in the state. Physical reopening will help remedy some of the harm the COVID-19 pandemic has inflicted statewide. We're anxious to reopen to combat learning loss, start delivering health and wellness services to students, and reestablish connections between students and adults. ... Reopening will also provide child care/supervision that would benefit the parents and guardians of Oregon.

No where in this statement, nor in any of the statements OSBA has posted on its Facebook group related to immunity, has there EVER been a statement of a moral responsibility or even any concern about ensuring the well-being, health, and lives of Oregon's educators, students, or the families of those students.

As is evidenced by the above comments, many educators who are seeking supports or modifications to better ensure the health and lives of themselves or their loved ones are being treated in a profoundly unprofessional and harmful manner by local district leaders and human resources departments.

I am not going to address the immunity issue in this document. If you want to see what the impact of providing school districts with immunity, simply do a search for Georgia, schools, covid. Georgia passed legislation providing immunity for schools in July.<sup>1</sup> In the past week, after reopening schools, there are massive examples of unsafe conditions in schools and massive increasing infections and required students and teacher quarantines.

## **Lack of Evidence Basis to Support the Current Reopening Standards**

Dr. Sidelinger, the state's chief epidemiologist, has maintained that the metrics that have been released are evidence based. Here is one reported statement:

“Oregon public health officials have developed transparent, evidence-based metrics to help school boards and school districts make local decisions based on local conditions to determine how they can safely reopen school to in-person instruction,” said Dr. Dean Sidelinger, the state’s chief epidemiologist. <https://mailtribune.com/news/education/new-state-health-metrics-set-medford-schools-back-ode-covid-19-oha>

**The profound failure of the Oregon Health Authority to provide evidence-based metrics for the reopening standards, together with their failure to promptly update the metrics based on new research evidence, is readily apparent.**

### **Risks to Younger Children**

In a document issued July 28, 2020, the Oregon Health Authority stated:

Younger students get the virus at lower rates, get less sick when they get COVID-19, and seem to spread the virus less than older children or adults.<sup>2</sup>

This inaccurate assumption appears to be at the heart of the metrics. While this statement may have represented what was believed to be an accurate understanding of the facts at that time, during the week when this statement was published by the Oregon Health Authority, new research was published that directly contradicts this statement. As stated quite bluntly in an article:

Two new studies, from different parts of the world, have arrived at the same conclusion: **that young children not only transmit SARS-CoV-2 efficiently, but may be major drivers of the pandemic as well.**<sup>3</sup>

One study, in Chicago, assessed the concentration of Covid-19 in the upper region of the throat. It found that younger children had 10 to 100 times the level as adults. Young people from ages 5 to 17 had the same level as adults. The researchers conclude while not as prone to suffer from a Covid-9 infection, it is likely that young children still drive its spread, in the same manner as they do with several other respiratory diseases.

A study in Italy also found that the concentrations of the virus in children were higher. The researchers also found that although young children had a somewhat lower risk of infection than adults and were less likely to become ill, children age 14 and younger transmit the virus more efficiently to other children and adults than adults themselves.

As concluded in the Forbes commentary,

Both studies spell serious implications for countries contemplating whether or not to reopen schools in the face of lingering and out-of-control outbreaks, the United States included. Even if children are required to keep their hands to themselves, refrain from sharing toys and supplies, and wear masks at all times, we can’t realistically expect them to follow such rules without fail. So long as misbehavior is a possibility, so too is the rampant spread of infection.

**As the metrics for reopening schools in Oregon were based on inaccurate research, there is no evidence to support their application, especially when the potential outcome is “rampant spread of infection.”**

### **Safety in Rural Communities**

The Oregon Health Authority guidance also stated:

Schools in remote and rural communities are less likely to contribute to the community spread of COVID-19 cases that cannot be traced and contained.

The accuracy of this statement can be called into question by conducting a search on the terms: “Oregon, covid, rural.” Some of the headlines:

‘We’re Not an Island’: Rural Outbreaks Challenge Oregon’s Virus Success. July 13, 2020. New York Times.<sup>4</sup>

Rural Oregon feeling overwhelmed by coronavirus: ‘We really need help’ July 18, 2020, The Oregonian.<sup>5</sup>

Hard Hit Rural Oregon Counties Getting ‘Overwhelmed’ By Virus. July 22, 2020 The Lund Report.<sup>6</sup>

‘We really need help’: Coronavirus overwhelms rural Oregon. July 18, 2020 Associated Press/ABCNews.<sup>7</sup>

A recent service of the NY Times is a link to a program that calculates the number of places where in could be anticipated that at least one infected person would show up to a school of 100 or 500 students and staff in the first week of school if school started today.<sup>8</sup>

This is the prospective rate in Umatilla County 07/09/2020:

Umatilla County, Ore.	0	2	8	16
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In Morrow County

Morrow County, Ore.	0	2	11	22
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The infection rates in these counties have obviously gone up and down rapidly. It is highly likely that in Union County just prior to the super spreader event at the church, there was an exceptionally low infection rate, a rate that would justify opening schools. It will take just one super spreader event in one of these rural communities to send the infection rates sky high again.

The next super spreader events are likely to be associated with the reopening of schools or the active engagement of students and families in playing football, with parents by the fields who are reportedly not wearing masks or socially distancing.

A critical concern associated with reopening schools in rural communities is the reduced capacity for medical services. Another concern is the apparent lack of support for wearing masks and social distancing. The children of parents who do not think it necessary to wear masks or remain socially distant will be coming to these schools.

### **Ignoring the Evidence from Other Countries in their Own Documents**

There is also clear indication that Oregon leaders, the Oregon Health Authority, the Oregon Department of Education, and the Governor’s Office, are ignoring the evidence in their own documents. One such document is on the ODE website:<sup>9</sup>

This document also includes the inaccurate information that younger children do not spread the virus that has not been corrected.

However, this document also states:

## How to Reopen Successfully

Many countries have re-opened schools. They did so cautiously, and only when rates of new cases were low, and when testing with quick turnaround was widely available to support isolating people with COVID-19 and self-quarantining close contacts.

### Non-Supported Analysis of Desired Infection Rates

A chart is then provided that demonstrates the infection rates in the countries that have safely reopened. Look closely at this chart:

#### **Approximate COVID-19 Case Rates in Other Countries When They Re-Opened Schools**

Country	Date	New cases per 100,000 per DAY	New cases per 100,000 per 7 days
Denmark	4/15/20	2.6	18.2
Germany	4/29/20	1.3	9.1
Netherlands	5/11/20	1.5	10.5
France	5/11/20	0.9	6.3

New Zealand	5/15/20	<0.1	<0.7
Australia	5/11/20	<0.1	<0.7
Oregon*	5/25/20	0.8	5.6
Oregon*	7/20/20	6.9	48.3

\*Oregon data is included for comparison.

This chart provides precisely the guidance Oregon needs for when it is safe to reopen schools. CLEARLY, the level that is safe to reopen at any grade is nowhere near <30 cases per 100,000 population in the last 7 days. The level of infections should be no more than <10 cases per 100,000 population in the last seven days. But level of infections is only one consideration.

### Lack of Adequate Testing in Oregon

Adequate testing is another huge concern. This article from OPB outlines the concerns, which are especially apparent in smaller rural counties:

But local and national supply shortages, delays processing results at out-of-state labs, and competing demand from hard-hit states like Arizona and Texas are undermining Oregon's efforts to track the virus and to find and isolate the close contacts of people who test positive before they unwittingly spread the virus to even more Oregonians.<sup>10</sup>

Pediatric Associates of the Northwest has this information on their website regarding the availability of adequate testing.<sup>11</sup>

Due to the current national shortage of COVID-19 laboratory testing reagent, PANW is currently limited to testing only patients showing symptoms associated with the virus and/or who have a known laboratory-confirmed exposure to COVID-19, with underlying risk factors.

Most children do not have symptoms. So they would not qualify for testing.

What is going to happen to the demands for testing in Oregon when there start to be suspected exposures at schools? How many staff members and children will need to get tested? How will parents feel if they think their child has been exposed, but their child does not have symptoms and there has been a 2 week delay for others to get tested? How will the more limited medical services in rural communities manage this process?

### The Profound Harm Caused by Isolation and Quarantine

What will the profound impact be on young children if they are exposed or do test positive for COVID-19. This is the guidance from Pediatric Associated of the Northwest.

#### **If my child tested *positive* for COVID-19 but doesn't have symptoms, when can he/she return to normal activities?**

Regardless of symptoms, individuals who test positive for COVID-19 should remain in isolation at home (only direct contact with household family members who need to be in contact) for at least 10 days after the positive test before returning to any normal activities. Have your child **stay in a specific "sick room" or area** and away from other people or animals, including pets. Use a separate bathroom, if available. ... If possible, stay away from people who are at higher risk for getting very sick from COVID-19.

#### **If my child has symptoms of COVID-19 and we are waiting for the results of our COVID-19 testing, what precautions should we take in the meantime?**

If your child or someone in your household is experiencing symptoms associated with COVID-19, it is important to act as though you have COVID-19, regardless of testing.

Oregon's leaders often mention the need to reopen schools to support the social and emotional needs of students. What are the profound implications of trauma on young children who become exposed to COVID-19 at school and must then remain locked in their bedrooms for the next 10 days? Note that because of the anticipated delay on test results, for the majority of this time, neither the child nor the family members will know if the child or they are sick.

Imagine the distress on these children who are locked in their rooms for days on end fearing they may have brought home a bad disease that could kill their mom, dad, grandpa, or grandma.

### Failure to Require Appropriate Test Positivity Rates

The above statement did not mention the test positivity rate. Oregon is using a test positivity rate of 5%.

The Keizer Family Foundation reported on the test positivity rates for countries that has safely reopened.<sup>12</sup>

Note the low test positivity rates in most of these countries. In the U.S., seven states have test positivity levels under 2%.<sup>13</sup> Oregon clearly is not one of them.

**Table 1: School Re-Openings: Country Comparisons on Key Metrics Compared to Current U.S. Data**

	Date of reopening	Daily Cases	Daily Cases Per Million Population	Positivity Rate (%)
		(7-day averages)		
<b>United States</b>	—	<b>65,750.4</b>	<b>198.6</b>	<b>8.3</b>
Belgium	5/18/2020	291.3	25.1	2.1
Denmark	4/15/2020	205.7	35.5	6.2
France	5/11/2020	1,110.9	17.0	1.1
Germany	5/4/2020	1,140.3	13.6	2.4
Greece	6/1/2020	5.6	0.5	0.1
Israel	5/3/2020	126.7	14.6	1.4
Japan	4/24/2020	439	3.5	8.7
South Korea	6/8/2020	44.4	0.9	0.3
New Zealand	5/14/2020	1.1	0.2	0
Norway	4/20/2020	93.3	17.2	3.8
Switzerland	5/11/2020	57.1	6.6	1.3
Taiwan	2/25/2020	1.1	0.0	0.2
Vietnam	5/18/2020	4.6	0.0	0

### Ventilation Concerns

A critically important concern has thus far been totally absent from the situation. As stated in an excellent article:

I am also an epidemiologist, and after reading the Centers for Disease Control and Prevention’s guidelines for school reopening and the various accompanying news coverage and think-pieces, I can’t convince myself that following its rules will keep my family — or yours — safe.

Why? Because the primary way Covid-19 is transmitted is through respiratory that careen through the air, and yet the capricious nature of air circulation and the lack of filtration systems in our already underfunded public school systems is absent from the conversation.<sup>14</sup>

This concern is also present if school districts are requiring teachers to return to school to teach—a requirement that undermines trust and it totally unwarranted. Many buildings in Oregon have sub-standard HVAC systems. Further, many school buildings have no windows. There is no way to provide proper ventilation. If anyone in the building has COVID-19 there is reportedly a possibility this could be transmitted to other rooms.

Before any significant group of people return to the school, the buildings HVAC must be evaluated and certified to be safe from the transmission of the COVID-19 virus.

## **Profound Loss of Credibility**

As a result of the reliance on inaccurate research and failure to reconsider the reopening metrics based on new research data, the credibility of the Governor, the Oregon Health Authority, and the Oregon Department of Education has reached a profound low.

The 13,000 educators and parents on the Oregon Safe Return to Campus Facebook group know that the basis upon which the current metrics were established, the now found-to-be-false-thought that younger children do not transmit the virus, has more recently been found to be inaccurate.

There has been no rapid correction of this inaccuracy. Many districts are now planning to reopen their K-3 grades. These districts are often justifying this using statements of this inaccurate insight—the mistaken belief that younger children do not transmit the virus. Teachers and other school staff are in an emotional overload of panic that they are being expected to sacrifice their health and lives based on what they know to be inaccurate insight!

It has now been almost two weeks from the issuance of Oregon's metric—that are based on inaccurate research insight and that are not based on the requirements from other countries—and THERE HAS BEEN NO CORRECTION!

Given all of the evidence that the current metrics, especially for opening grades K-3 will result in illness and death, together with the failure of the Oregon leaders to make corrections based on new research has emerged had virtually eliminated the credibility of these leaders.

The damage that has been done to the relationships of state and district leaders and the educators whose value to our state's children has been profound and will be very long lasting. Trust has vanished. Educators now know without a doubt that their well-being is of zero concern. The long lasting harm to the educational outcomes of Oregon students will be profound.

## **Profound Traumatic Harm to Students if Schools Reopen**

Statements are often made about the need to reopen schools to support the social and emotional well-being of students. The demand that children return to school at times appears to be grounded in the perspective of people that children and teachers are not being sufficiently productive.

An assessment of the accuracy of this with an understanding of what actually will occur and an understanding of sources of traumatic distress would lead to an opposite conclusion.

If they return to school, students will have to obey rigid and developmentally inappropriate behavioral expectations to maintain social distancing. Due to the fear of transmission, teachers will have to be vigilant and issue many negative corrections throughout the day.

Keeping students from picking their noses, touching things as they pass, wearing their masks throughout the day will be impossible. Keeping students safely within their 35 square feet will be like trying to keep frogs in a bucket. They will jump out.

Students will be restricted from any positive engagement with their peers, even though their peers are right in front of them. No playing together at recess. No talking in the hallways. No eating together with friends. Strict requirements for movement and passage at all times.

Students will have to consistently participate in hand washing rituals and safety checks upon entering the school which will be a constant reminder of the dangers of being in the building.

Any time a student fails to be able to manage their behavior in accord with the rigid and developmentally inappropriate behavioral expectations, they will experience feeling overwhelmed, shame, and guilt—when they failed the expectations that they can't possibly maintain due to their age.

COVID-bullying will emerge. Students will take off their masks and cough on whatever students they think are most likely to overreact—to get a response.

Students will also know that if they got infected, they could then infect their parents or grand parents, who might then die. This is the most profound distress ever.

This will cause profound traumatic distress. Students will be functioning at all times from their threat response center, the amygdala. They will be in a constant state of fight, flight, or freeze. Their prefrontal cortex will be disassociated. They will be unable to focus, concentrate, or learn. They will be more likely to trigger and break down or cause a disruption.

Teachers will not be able to provide any comfort or intervene if a student is experiencing a break-down or starts to engage in disruptive behavior. The failure of their teacher's ability to respond when they are distressed will increase their distress and cause long lasting attachment problems. Students will no longer trust that anyone at school really cares about them.

If any staff have to quarantine or if there is an infection outbreak in their school, or another nearby school, this will increase their traumatic distress to the increased risk of harms.

In addition, all of these bad memories will be stored in their hippocampus. Forever in the future when walking into a school building, the feelings of dread will reemerge. This will impact their entire future schooling. This will also likely have a generational impact. In the future, as a parent, when they walk their child into school for the first day of kindergarten, these feelings of panic and distress will reemerge.

Returning children to school as things are now is absolutely and profoundly not better for children's mental health. This will cause profound harm to children's mental health.

## **Recommended Metrics for Reopening Schools**

The following are the metrics that are based on the above research and data to support the safe reopening of all schools at sometime in the future, if and only if, Oregonians throughout the state, take this seriously.

All metrics must be met for any general reopening.

### **County Metrics**

- Case rate:  $\leq 10$  cases per 100,000 population in the preceding 7 days for three weeks in a row.
- Test positivity:  $\leq 2\%$  for three weeks in a row.

### **State Metric**

- Test positivity:  $\leq 2\%$  for three weeks in a row

### **School Metric**

- COVID-19 is not actively spreading among the school community.
- Schools fully comply with sections 1-3 of the Ready Schools, Safe Learners guidance.

- Schools have completed an assessment of their HVAC system and it is deemed acceptable to prevent the transmission of COVID-19.

Because there are serious concerns associated with educator-student connections with some groups of students and parents, an exception should allow for small groups of students with their parent or caregiver (no more than 10 — 5 students and 5 parents) to come to the school building for periods of no longer than 90 minutes.

The students who are at higher risk of concerns due to lack of effective connections include students in K-3 grades, students receiving special education services, and students who are having significant difficulties in the distance learning environment. The time spent in school should allow for a well-ness check-in, discussion of last weeks learning activities, and a discussion of next week’s learning activities, and a celebration of the positive accomplishments of the students.

#### County Metrics

- Case rate: ≤30 cases per 100,000 population in the preceding 7 days for three weeks in a row.
- Test positivity: ≤5% for three weeks in a row.

#### School Metric

- COVID-19 is not actively spreading among the school community.
- Schools fully comply with sections 1-3 of the Ready Schools, Safe Learners guidance.
- Meeting can be held in a classroom or other location that has adequate ventilation and sufficient space for social distancing.

For a requirement that teachers teach from the classrooms, the metrics for the County and School should be met, but a substitute for the last requirement for the school.

- The building’s HVAC has been assessed and determined to be safe for the proposed requirement.

<sup>1</sup> <https://www.sgrlaw.com/client-alerts/governor-kemp-signs-georgia-covid-19-pandemic-business-safety-act/>.

<sup>2</sup> <https://www.oregon.gov/newsroom/Pages/NewsDetail.aspx?newsid=37041>

<sup>3</sup> <https://www.forbes.com/sites/williamhaseltine/2020/07/31/new-evidence-suggests-young-children-spread-covid-19-more-efficiently-than-adults/#401f311219fd>

<sup>4</sup> <https://www.nytimes.com/2020/07/13/us/coronavirus-oregon.html>

<sup>5</sup> <https://www.oregonlive.com/coronavirus/2020/07/rural-oregon-feeling-overwhelmed-by-coronavirus-we-really-need-help.html>

<sup>6</sup> <https://www.thelundreport.org/content/hard-hit-rural-oregon-counties-getting-‘overwhelmed’-virus>

<sup>7</sup> <https://abcnews.go.com/Health/wireStory/coronavirus-overwhelms-rural-oregon-71859536>

<sup>8</sup> <https://www.nytimes.com/interactive/2020/07/31/us/coronavirus-school-reopening-risk.html>

<sup>9</sup> <https://www.oregon.gov/oha/PH/DISEASES/CONDITIONS/DISEASESAZ/Emerging%20Respiratory%20Infections/Ready-Schools-Safe-Learners-Community-COVID-19-Metrics.pdf>

<sup>10</sup> <https://www.opb.org/news/article/coronavirus-oregon-test-results-delay-covid-19/>

<sup>11</sup> <http://www.portlandpediatric.com/articles/news/faq-covid19-testing>

<sup>12</sup> <https://www.kff.org/coronavirus-covid-19/issue-brief/what-do-we-know-about-children-and-coronavirus-transmission/>

<sup>13</sup> <https://coronavirus.jhu.edu/testing/testing-positivity>

<sup>14</sup> <https://www.statnews.com/2020/08/05/ventilation-part-of-school-reopening-conversation/>

**From:** [Nancy Willard](#)  
**To:** [sed exhibits](#); [hed exhibits](#); [StateBoard Public Email](#)  
**Cc:** [SEN Courtney](#); [REP Kotek](#); [Lindsey D CAPPs](#); [GILL Colt - ODE](#); [dean\\_e\\_sidelinger](#); [craig@cosa.k12.or.us](#); [morgan@cosa.k12.or.us](#); [jgreen@osba.org](#); [Isattenspiel@osba.org](#); [SEN Prozanski](#); [SEN Gelser](#); [DIRECTORSOFFICE\\_OHA](#)  
**Subject:** Slight revision Re: Oregon Safe Return to School  
**Date:** Sunday, August 9, 2020 3:20:13 PM  
**Attachments:** [Safe Return to Schools.pdf](#)

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A challenge when participating in a community of top notch educators is that someone will point out what you left out. Growth mindset.

I indeed left out ventilation systems, including in situations were teachers are being required to teach from schools -- which is ridiculous in and of itself.

New version is attached.

Nancy

**From:** [Lara Dunn](#)  
**To:** [StateBoard Public Email](#)  
**Subject:** Please no on-site instruction to start out this school year  
**Date:** Sunday, July 19, 2020 12:34:19 PM

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Dear ODE board of directors,

As a parent of an incoming 9th grader at Hood River Valley High School, and as a speech pathologist for the North Wasco County School District, I want to express my urgent concern about the prospect of school reopening. When parents and staff were surveyed a few weeks ago, I endorsed the hybrid model for some onsite instruction as my top choice. Now that cases have surged across the region and state, and we even have an outbreak among our high school athletes who turned out to be the unfortunate guinea pigs for our test of whether we can reopen safely with distancing and masking precautions, I feel differently. I don't think there is any way we can ensure the safety of our students, staff, and community with any onsite instruction. Please follow a science-based approach to reopening, and prioritize the health and lives of our community.

This may seem like the most difficult decision you'll make as a board, but when we know it will be a life-or-death decision for a percentage of our population, it should be the easiest one.

Thank you,

Lara Dunn  
1111 Sherman Avenue, Hood River, OR  
541-380-0752

July 15, 2020

Joseph J. Whaley B.S., M.Ed.

Jefferson School District 14j

Oregon State Board of Education

To whom it may concern:

My name is Joseph Whaley. ~~I have been a faculty research assistant at Oregon State University, have worked in microbiology labs, plant pathology labs and entomology labs for years.~~ I have been a middle school science teacher for the past 13 years ~~and previously worked in numerous labs conducting scientific research.~~ I am writing this letter with a heavy heart and great concern over the plans to reopen schools this fall. I want to be back at work, doing what I love as much as anyone, but I want it to be safe to return, for my staff, students, and all the families involved. ~~I want to pose a question: If there was an active shooter in a school, would we send 240 students back in knowing that 2-4 would not come back alive? COVID's death rate is 1.34% among children – by sending children to school, we are accepting a death rate of 2-4 students in my school. At least 2 of my middle school my 7<sup>th</sup> grade students are going to die next year, and many more will be affected by the virus.~~

The current conditions are unsafe, at best, and what ~~you are asking is being asked~~ of teachers goes way beyond educating the youth of our great state... ~~You are I believe it is~~ asking teachers to put themselves ~~and their families~~ in harm's way. ~~Knowingly taking their lives, and the lives of their families into a deadly threat on a daily basis.~~ What we know of ~~this disease~~ COVID-19 is disturbing, what we don't know is far more frightening. ~~As any good scientist should, I have done my research and am offering the results of my work below. I am going to present scientific facts below. These are the facts. There is nNo political interpretation, no bias. I have included a list of references in case anyone wishes to -include this research in their own efforts to work through this tremendous problem our state is facing see the facts for themselves.~~

**What we know research is telling us right now:**

Covid-19 is a deadly virus<sup>1,3,15</sup>.

It is easily transmitted. This virus is airborne<sup>1,6,11,15</sup>.

By definition, this is a Level 3 Biohazard Threat (Level 4 is Ebola)<sup>11,12</sup>.

It has a 4.0 percent ~~kill-death~~ rate in the USA among adults. 1.34 percent in children<sup>3,16</sup>.

Children are not immune to this pathogen. Children can transmit this pathogen as well as adults<sup>16</sup>.

Children attending school without a facemask ~~is-goes~~ against CDC guidelines<sup>4</sup>.

There is no way to guarantee appropriate social distancing will be observed in a school setting<sup>17</sup>.

Schools have lost vast amounts of funding due to ~~recent-proposed~~ budget cuts;- Schools are cutting staff, and programs in response<sup>14</sup>.

~~The virus is rising in~~COVID cases are rising again at alarming rates all over the country, ~~even-including~~ in Oregon<sup>1,3,9</sup>.

We do not have enough testing for the virus, we do not have enough contact tracing, we do not have enough PPE for the virus<sup>10,12,14</sup>.

There is no vaccine, and we may not have one available this calendar year<sup>5</sup>.

~~I will now address each of the above statements with data and evidence~~Given the current political climate in this state and the country, I have no doubt there are those who would dispute the evidence I cited above. I am going through the statistics and data posted in the websites referenced and encourage ODE. Feel free to double check my information, as the situation is rapidly changing. However, these are the results of my research:

Covid-19 is a deadly virus. : As of today, 138,787+ Americans have died from this virus since we began tracking it. That is more American deaths than 4 times the total deaths during the Korean War, and more than 47 times the deaths during the attack on the World Trade Center on 9-11.

It is easily transmitted. This virus is airborne. : Spread of Covid 19 from one person to the next is very easy. It is much more infectious than the influenza virus. It is spread through aerosolized droplets. The largest droplets are typically out of the air within 6 feet of the person breathing. However, micro-droplets have been shown to travel more than 20 feet from the individual coughing, laughing, or singing. These micro droplets have been shown to hang in the air for hours, with the active virus lasting up to 16 hours. A number of Covid 19 cases have been confirmed through transmission with micro-droplets. Poor ventilation and air-conditioning are also implicated.

By definition, this is a Level 3 Biohazard Threat (Level 4 is Ebola). : Due to the airborne nature of the droplets, this could classify the virus as a level 3 biohazard threat. This is crucial to understanding how the virus spreads and what protection (PPE) is necessary to help prevent the spread of the virus.

It has a 4.0 percent kill-death rate in the USA among adults. 1.34 percent in children. : Given the current number of teachers in Oregon schools, the virus will kill 1,112 teachers. Given the number of school aged students in Oregon, the virus will kill approximately 8,058 students. Keep in mind most Americans (49%+) have pre-existing conditions (obesity, heart problems, diabetes, etc.). Also 33% of Oregon teachers are over 50 years of age, putting them at higher risk of contracting Covid 19.

Children are not immune to this pathogen. Children can transmit this pathogen as well as adults. : Given children are dying from this virus, they are clearly not immune to it. They may not have severe symptoms, but may be very effective in spreading the pathogen. That being said, placing them in an enclosed space, with no guarantee of social distancing and without masks seems illogical. The CDC lists children going back to school as one of the highest risk categories for viral transmission. Those children that do get the virus and recover report “Kawasaki disease” in many cases as a side effect of Covid 19.

Children attending school without a facemask is against CDC guidelines. : ODE Guidelines for masks in schools is ignoring one of the CDC guidelines. Everyone in a school should be wearing a mask, unless there is a medical condition that prevents them from being able to wear a mask. No masks are required by children under the age of 2. ALL others need to be wearing masks in public. If you cannot get service at Starbucks without a mask, students should not be allowed into a school building without a mask.

There is no way to guarantee appropriate social distancing will be observed in a school setting. : Children in elementary schools don't have the cognitive ability to recognize social distancing and safety precautions. There is no way to ensure an elementary aged student will adhere to the social distance guidelines. At a secondary level, how will teachers monitor students in the bathroom? How will we keep elementary students from their friends?

Schools have lost vast amounts of funding due to recent proposed budget cuts. Schools are cutting staff, and programs. : 17% budget ~~cuts have~~ severely affected schools. At my school, they have shut down special programs, and have cut the staff for next year. We do not have the funding to attempt controlling this virus in schools. How could any school control a viral outbreak, when they can't even control a head lice outbreak? Who will be doing the contact tracing? Who will be running the isolation area? Who will be checking on social distancing and reporting it? Who will be writing the letters saying "sorry for your loss" to the families of teachers and students who contracted the virus at school and subsequently died from it?

The virus is rising in alarming rates all over the country, even in Oregon. : 367 new cases of Covid 19 as of today in Oregon. That brings the total number of cases in Oregon to 12, 946 confirmed cases. We shut down schools to protect our most vulnerable populations when we had far fewer cases. Opening the schools up when the virus is rampaging through our country seems illogical and dangerous.

We do not have enough testing for the virus, we do not have enough contact tracing, we do not have enough PPE for the virus. : We do not have any solid plans in place for how all the costs associated with operating during a pandemic will impact our schools. How will schools get the PPE they need (gowns, goggles, face masks, face shields, respirators, gloves, etc.) when our hospitals don't have enough PPE for the nurses and doctors? Where will we get the tests for Covid 19 in the first place? How long will these tests take to return results?

There is no vaccine, and we may not have one available this calendar year. : This is the real kicker. No vaccines are available for this virus. Preliminary testing is ongoing for some promising options, but they are not finished yet. Nor are they approved by the FDA. Even when we do have one, how quickly the supply can be created is in question. Some evidence suggests that a single vaccine may provide antibodies that are only good for a few months...

**These facts alone should be enough to warrant school closures, and move to distance learning, until we have a vaccine for this virus.**

#### **What we don't know:**

This virus has been spreading through the communities like wildfire. We do not have a full understanding of the long term effects of this virus<sup>13</sup>. Even with mild symptoms, people are reporting lung, kidney, heart, and neurologic damage. Pregnant women who contracted Covid 19 are reporting damaged placenta after delivery due to lack of oxygen in the blood. We don't know if this virus will recur, hide in our systems, like chicken pox, and become a chronic debilitating disease.

You would not send 100 students into a school, with an active school shooter, knowing ~~only that~~ one or two students ~~won't-wouldn't~~ make it out alive. [In 2019, 8 student fatalities and 43 injuries due to school shootings were reported \(www.edweek.org/ew/section/multimedia/school-shootings-of-2019-behind-the-numbers.html\)](http://www.edweek.org/ew/section/multimedia/school-shootings-of-2019-behind-the-numbers.html). [We are talking about tens of thousands of students infected by Covid 19 and over 8,000 deaths](#) just attending school. Twenty percent of those infected and recover will have long term,

debilitating side effects caused by Covid 19. ~~That the loss of one or two students is somehow acceptable. Let alone the school staff that are at higher risk of contracting the virus.~~

Harvard and Yale are both entirely moving to distance learning for this year. So is Linn-Benton Community College and many other colleges and universities. These institutions, that have students very capable of adhering to masks and social distancing guidelines, deem it too dangerous to open to in person classes. Maybe we should follow their lead as public schools?

We do not know which students will show up on day one with the virus active in their system. They may be asymptomatic, and spread the disease. We do not know how to contact trace the virus. We do not know how we will be able to isolate the infected students, and monitor the rest of the students. We do not know what PPE we will have, or how we will afford it at the school and district levels for the kind of protection we need. We do not know how we will tell parents, your child is sick. How will we get them tested for Covid 19? How will we get substitute teachers, during a pandemic, if a staff member gets sick? We ~~can't already struggle to~~ get substitutes on a normal school day. ~~... We do not know how we will be able to look at a parent after their child has died from a disease we could have prevented.~~

**I urge you to close all schools, move to distance learning, and protect the lives of our students, teachers and their families.**

~~I would be happy to testify to these facts in a court of law.~~ I would be happy to speak to any group to urge caution before it is too late. ~~I would be happy to speak with any board member that wishes to follow up, or have further questions.~~ We should not consider opening schools until a vaccine is available and deployed to our vulnerable populations. One life is more precious than any school day experience. I understand hardship, but one life lost is too many. Thank you for your consideration.

Respectfully

Joseph J. Whaley B.S., M.Ed.

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**From:** [gordonclay@aol.com](mailto:gordonclay@aol.com)  
**To:** [StateBoard Public Email](#)  
**Subject:** BOE Retreat Day 2  
**Date:** Thursday, August 20, 2020 8:20:24 AM

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It was good to be back in the BOE environment. I tried for several year's to get the BOE to take steps to truly make education in Oregon safe for ALL students. That includes all students from a protected class and ALL students cases that doesn't fit into one of those categories. I ceased coming up from Brookings, OR for monthly meetings because I believed it to be a lost cause and continued to see educated families continue to leave the Curry County, and most leave Oregon, to obtain a safe education for their child(ren)

The reason, I understood, that the BOE would not protect students whose case does not fall into a protected class, is that there isn't a federal or state law that gives the BOE the authority, nor the budget, to offer such protection.

Yesterday's afternoon session was inspiring. I would hope that the BOE takes steps to see to it that the Oregon legislature takes action to guarantee the safety for all students, regardless of classification and gives the BOE the authority to guarantee those rights. ALL students should have the right to get an education in a safe environment, not just some.

Representative David Brock-Smith had prepared 18 pages of legislation on my behalf, back in 2017, I believe, to correct this situation. It was a short session and it never made it to committee. I encourage a revisit to that legislation and that it be included when looking at ways to reduce antiracist actions.

There are many such students that would like to support ethnic minorities. Unfortunately, especially in today's climate of nationalism and violence against anyone who speaks up, it is dangerous to speak out and the BOE won't support them when they are part of a vocal support group of white students standing up for people of color.

According to self-admitted students who stay home because they are afraid to go to school, get harassed and picked on on campus grounds, and are part of the growing group of students too depressed for two plus weeks, seriously consider suicide and actually attempt suicide. Just look at the trend from the Pride Surveys for the last 20 years.

## **Background**

I am white. I was born into privilege in the lower upper class. My Uncle was the President of the Federal Reserve in Kansas City, MO. In 1994 I was a cast member in a diversity training film The Color of Fear and a remake called Walking Each Other Home. Also, in 1994 I created a bumper sticker, fashioned after the "I believe you Anita" bumper sticker which reads "I believe you Rodney." I dare anyone, but especially any white member that works within the BOE, to put one of those bumper stickers on the car they drive most often in town for a month. Let me know how many bumper stickers you need and where to send them

Yours in service,

Gordon Clay  
ZeeroAttempts.org  
TheCitizensWhoCare.org  
PO Box 12, Brookings, OR 97415

**From:** [gordonclay@aol.com](mailto:gordonclay@aol.com)  
**To:** [StateBoard Public Email](#)  
**Subject:** Day 2 - Retreat  
**Date:** Thursday, August 20, 2020 10:41:19 PM

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Colt and Friends

Another great session, especially the afternoon..

One of the reason, I believe, that Oregon is so far down the list in education, and especially compared to Washington, is Oregon's unwillingness to support teachers in becoming nationally certified. A couple of years ago, as I remember, Oregon had less than 400 nationally certified teachers. Washington state had over 17,000. Seems like a pittance to up the anti for Oregon students to leave high school with a better chance in the world.

Yours in service,

Gordon Clay

**From:** [Erica Anne](#)  
**To:** [StateBoard Public Email](#)  
**Subject:** Submission of public comment  
**Date:** Tuesday, August 11, 2020 11:16:29 PM

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Thank you for allowing me to address the board. I recognize this is a challenging time, things are moving quickly, and we are all improvising to provide the best we can with the information available. Plans A and B are being juggled with C and D. Me personally, I'm preparing for plan E for whatever-Erica-can-figure-out in times of uncertainty. That said, there is one clear and present concern I have regarding equity in learning. In order to do my best as a parent-teacher, I need to know what concrete actions PPS is taking to combat the threat of widening pre-COVID disparities between BIPOC scholars and whites. If we don't have an immediate response on the front end of planning, we risk tipping over into the abyss that separates who gets what and how much.

I'm not going to waste space citing statistics, that is information you have available. I'm not going to mince words to be politically correct; I think we are all well informed about systemic racism within the education system and Oregon's part in that failure. I will, however, take a moment to give you context for this concern. I am a parent of two Black students in PPS, one in high school and one in elementary at Pioneer's special education program. I am also a career educator and specialize in equitable learning strategies that liberate scholars from subjective content and compulsory standards that were set back in the day when only white boys were allowed schooling. As a passionate life-long learner, I feel it is my civic duty to declare that now is time to revolutionize the public school system if we ever hope to thrive as a sustainable society. We are at a point in the story of American Education where we either shrug our shoulders and "just do the best we can" till we get back to normal - which wasn't great in the first place - or seize the opportunity to open the doors of learning and transform education as we know it. And it can start with just one action.

I am a solution-focused kind of person. I don't plan to fail. I'm not here to complain and I wholeheartedly support honest efforts. In fact, I was pleased to learn about recent efforts to support equity in our public schools. The statements on equitable education read nicely, but I wonder about the execution. Words are inert without direct action, and right now, in the midst of COVID and social unrest, we as parents are the first line of defense as guardians of our children's learning. The execution of online learning will ultimately fall on our shoulders and the trenches are hellish right about now. Trusting our own skill as facilitators of learning is too much to ask without in-person support. I have a master's degree from an Ivy League institution and 25 years experience in the field of education and I struggled to teach my second grader through the last quarter of school.

The tradition of disenfranchising communities will continue without extra support, but few of us can afford additional resources to pay tutors or "learning pod facilitators" that could support a equitable education. So here's my question: Will ODE proactively partner with parents by providing funds to hire tutors to facilitate learning pods intentionally designed for BIPOC scholars and learners with special needs? If the

answer is no, what is your plan to prevent the widening gap that will inevitably result from inaction? Plan F for yet another Failure is not an option. My children matter and deserve to succeed.

**From:** [Shelby Jane](#)  
**To:** [lisa.barrager@springfield.k12.or.us](mailto:lisa.barrager@springfield.k12.or.us); [todd.hamilton@springfield.k12.or.us](mailto:todd.hamilton@springfield.k12.or.us); [board@springfield.k12.or.us](mailto:board@springfield.k12.or.us); [emilio.hernandez@springfield.k12.or.us](mailto:emilio.hernandez@springfield.k12.or.us); [zachary.bessett@springfield.k12.or.us](mailto:zachary.bessett@springfield.k12.or.us); [todd.mann@springfield.k12.or.us](mailto:todd.mann@springfield.k12.or.us); [naomi.raven@springfield.k12.or.us](mailto:naomi.raven@springfield.k12.or.us); [StateBoard Public Email](#)  
**Subject:** public comment for schools reopening  
**Date:** Wednesday, September 16, 2020 8:50:58 PM  
**Attachments:** [ODE.SPS.doc](#)  
[petition\\_signatures.pdf](#)  
[petition\\_comments.pdf](#)

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To Whom It May Concern:

We are asking for your reconsideration on the reopening of schools for “in-person” learning. As parents, we have spent the spring and summer months having conversations at great length as to what choices we have for the upcoming school year. After experiencing “distance-learning” in the spring, we have been patiently waiting to see what the finalized plans the districts have set forth for the upcoming school year.

There is a deep beauty to the word “educate”, wouldn’t you agree? The never-ending questions to the world each individual continues to seek throughout their life. There is no “right way” to educate children, education comes in a plethora of forms and for that we should be grateful.

Although we understand these are in fact difficult times and everyone has been forced to make tough decisions, it is no excuse to place our children, teachers, staff and communities in further danger during this pandemic. The push for “in-person” learning by the Oregon Department of Education has been eye opening. This decision clearly showcases to us, as parents, the lack of respect the Oregon Department of Education has for our local communities. How can you advocate schools as a safe place during this pandemic when you, yourselves are not capable of hosting “in-person” meetings? Businesses and state agencies are conducting day-to-day operations remotely due to the pandemic. Yet, due to the pandemic, our school systems are to conduct day-to-day operations in person with teachers, staff and our children? With the inconceivable notion that our children should be returning to the classroom for “in-person” learning, faltered trust and complete disregard for all teachers livelihoods we regrettably have left our public school district.

We believe strongly in the safety and security of waiting until the pandemic is over and/or mostly contained via scientific and factual methods. Our community should be ensuring all paths taken will lead to what is best for our children. In America’s reality, sending children to school has proven to cause outbreaks, hotspots and ends with online learning anyway. We should not be gambling with our community’s health. Please do not return to in-person learning at this time.

We concluded our best option is to home school our children for the 2020-2021 school year. Not all families have the luxury to use home school as an option. That being said, we will always advocate for the best interests of our teachers, school staff, and our community.

Attachments included in this email contain our change.org petition signatures and comments directed at Springfield Public Schools. As of 9/16/2020 the petition asking Springfield Public Schools to pause in person learning has received 405 signatures.

We strongly urge you to take our petition into consideration, along with any and all public comments when making decisions that impact our local communities.

Thank you for your time,  
The Lohr Family

Recipient: Springfield Public Schools Oregon

Letter: Greetings,

SPS Oregon PLEASE push back "in-person" learning.

# Comments

Name	Location	Date	Comment
Nancy Willard	Veneta, OR	2020-09-02	"It is not safe. You will have super spreader events. This could result in serious illness or even death. The school environments are toxic - no connections. Colds and flu are coming. You will not have enough substitutes. So teachers will be forced to work sick."
Colleen Hunter	Springfield, OR	2020-09-02	"I'm a retired SPS teacher and feel very strongly that all SPS students should be doing distance learning for mental and physical health reasons for all."
Shannon Evans	Wilsonville, OR	2020-09-02	"Students and teachers deserve to teach & learn in the safest way possible- that's at home, for now. And learning from home now can prevent tragedy in the future."
Jennifer Magee	Portland, OR	2020-09-02	"Maybe ask the folks in GA how well opening schools worked for them?"
Amanda Koen	Springfield, OR	2020-09-02	"Teachers need to be able to utilize effective teaching methods and can't in a covid classroom due to restrictions. Teachers deserve to have a lunch away from students. Teachers deserve to have fans for students in their hot rooms (where food has been known to melt). It's emotional abuse to disallow warmth and affection such as hugs when a little child is crying. It's psychological abuse to put such excessive demands on little bodies- stay seated in a desk all day, half the day on a tablet, mask on, stay 6 feet apart, etc. All my indoor recess toys can't be used. No hanging wall art. No no calm down corners. Students will mentally be exhausted and not in a place to learn. We've had enough room clears prior to a pandemic and political war. How will rooms clears be now? How many and how often? Teachers have children, too. Who will care for them? Please. Hear our voices."
Amanda Koen	Springfield, OR	2020-09-02	"Teachers need to be able to utilize effective teaching methods and can't in a covid classroom due to restrictions. Teachers deserve to have a lunch away from students. Teachers deserve to have fans for students in their hot rooms (where food has been known to melt). It's emotional abuse to disallow warmth and affection such as hugs when a little child is crying. It's psychological abuse to put such excessive demands on little bodies- stay seated in a desk all day, half the day on a tablet in the cafeteria, mask on, stay 6 feet apart, etc. All my indoor recess toys can't be used. No hanging wall art. No no calm down corners. Students will mentally be exhausted and not in a place to learn. We've had enough room clears prior to a pandemic and political war. How will rooms clears be now? How many and how often? Teachers have children, too. Who will care for them? Please. Hear our voices."
Pauline Gibson-Tobin	Eugene, OR	2020-09-02	"It's too soon-If it's not safe for 4-12 it's not safe for K-3."
Heather Dillon	Springfield, OR	2020-09-03	"The Governor did not mandate the reopening of schools. She left it up to school districts to decide. Neighboring districts made the decision for ALL students to attend school online rather than a select few in person inside a school building. Research has proven

Name	Location	Date	Comment
			that our youngest students are super-spreaders. This puts children, school staff, families, and the community at a greater risk than currently. It's too soon to have any students return to school buildings."
Carrie-Ann Falk	Olympia, WA	2020-09-03	"Just because we CAN bring K-3 in person it doesn't mean we SHOULD. Keeping our students and staff safe should be our priority."
Jessica Triplett	Portland, OR	2020-09-04	"Covid is carried by children for up to 3 weeks, often without symptoms. Teachers, paras, and classified staff deserve to work in safe conditions; this means no in person instruction until the new cases are below 5% or a vaccination. If Portland can do right by workers, so can you."
Jordyn Thwaites	Eugene, OR	2020-09-04	"My mom is a teacher for SPS and just because she's K-3 doesn't mean she is expendable and can be treated this way. The district is unprepared, and has done a horrible job at giving direction, preparing teachers, students and families, and a mediocre job- at best- with cleaning and sanitizing strategies. My mom and the K-3 teachers deserve better than this and so do their students."
Joel Duran	Springfield, OR	2020-09-05	"I'm signing this because I am advocating for the lives of children. Because if they knew all the facts and understand the risk of in-person school without the adult propoganda, children would choose to be virtual- I speak for them."
Laurie Penna	Chicago, IL	2020-09-05	"💎💎💎"
Lance Morse	weatauga, TX	2020-09-05	"I'm am educator in Texas, seeing what too early looks like in my own schools."
Kathleen Parker	Oregon	2020-09-05	"I'm an educator in Oregon wanting safe schools for everyone."
susanna vendetti	bend, OR	2020-09-05	"Value the lives of kids and their teachers. Imagine having to have memorial services for their classmates or teachers. Imagine that the world is watching your district. Imagine if I'm your watch the worst happened. I would not be willing to take such a risk. Not on my watch."
Ernie Hathaway	Dillon, MT	2020-09-05	"I worry for the safety of my loved ones who are teachers and my niece who is a students who will be at risk to contract a deadly disease. Let's work together to expand and improve distance learning."
rena dunbar	Eugene, OR	2020-09-06	"True equity honors and protects students AND their teachers."
Chuck Messinger	Eugene, OR	2020-09-06	"I don't feel that it's safe yet to reopen as there are still too many unknowns with Covid-19. I'm a retired teacher and am worried that staff members, students, and families may be put at risk by reopening too soon."
Ingrid Perry-Houts	Oakland, CA	2020-09-07	"I'm a teacher and I dont enjoy distance learning, but I won't gamble away my life, nor the lives of my students."

Name	Location	Date	Comment
Kristen Cure	Tucson, AZ	2020-09-07	"We support in person school if you can do it in a safe way that ensures proper safety and support for all staff and keeps students in clearly separate cohorts with very limited or no exposure to other adults. High risk educators shouldn't be asked to take unpaid leave. All educators should be given what they need to make the best of this difficult situation and do their jobs successfully. We value public school as the bedrock of democracy and we value SPS for all that it does for our community. Let's not take undue risks now. Let's continue to value and support all SPS staff and make the decisions that are safest for all. We're in this together! What can we, your families, do to help?"
Kristin Woodford	Springfield, OR	2020-09-07	"It's not fair to require teachers to go back, in danger omg their lives and their families lives. Children are super spreaders of the virus carrying a heavier viral load and often being asymptomatic. The virus can have many different effects on people ranging from cold symptoms to life altering organ damage. Introducing kindergarteners, 5 year olds, to this socially distanced school will only induce trauma. School will become a recurring nightmare even when returning to "normal.""
Rhonda Lawson	Eugene, OR	2020-09-07	"I'm concerned for kids and teachers' health."
Rebecca McMahan	Eugene, OR	2020-09-07	"Oregon children should not be in person school yet."
Dain Alferes	Portland, OR	2020-09-07	"I don't trust Springfield to do the right or intelligent thing"
Aketi Merrick	Portland, OR	2020-09-07	"Teachers should be supported one hundred percent no matter what."
Ashley Custer	Eugene, OR	2020-09-07	"My kinder is high risk, my father is in our home and 70 years old. I tested positive 3 weeks ago with out even knowing I was contagious"
Jennifer Orlandini	Eugene, OR	2020-09-08	"Please wait to reopen schools until it's safe. Teachers need to be in the driver's seat when creating plans to reopen."
Carrie Langer	Eugene, OR	2020-09-08	"It's too soon to send kids to school. If it's not safe for 4-12. It's not safe for k-3"
Christine Buck	Springfield, OR	2020-09-08	"This is not what's best for staff and students. If it's too soon for 4-12, it's too soon for K-3."
John McGrady	Springfield, OR	2020-09-09	"John McGrady."
Monica Weathersby	Portland, OR	2020-09-15	"Children deserve better from those that hold their life in their hands."
Rachel Adams	Tualatin, OR	2020-09-16	"I had to enroll my students in the NCSd virtual academy for a whole year, because NCSd would not commit to letting our children stay in CDL once the school decides to open, if that's what parents felt was safest. They are very sad because they already got to meet their CDL teachers and now have to meet other teachers, and my son had to drop out of band. It's very disappointing. Please don't make kids go back to school when it isn't safe."

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Thank you for your time,  
The Lohr Family

Recipient: Springfield Public Schools Oregon

Letter: Greetings,

SPS Oregon PLEASE push back "in-person" learning.

# Signatures

Name	Location	Date
Mama Saurus	US	2020-09-02
Mariah Chappel	Springfield, OR	2020-09-02
Christine Brubaker	Salem, OR	2020-09-02
Nancy Willard	Veneta, OR	2020-09-02
Colleen Hunter	Springfield, OR	2020-09-02
Shannon Evans	Wilsonville, OR	2020-09-02
Jennifer Stern	Eugene, OR	2020-09-02
Liz Hatch	Springfield, OR	2020-09-02
Katie Waugh	Eugene, OR	2020-09-02
Chelsea Fischer	Orlando, FL	2020-09-02
Frances Waller Christman	Creswell, OR	2020-09-02
Sarah Bosch	Springfield, OR	2020-09-02
Celina Ziolkowski	Springfield, OR	2020-09-02
Diane Walker	Troutdale, OR	2020-09-02
Tara Richner	Portland, OR	2020-09-02
Andria Doble	Wilsonville, OR	2020-09-02
Jennifer Magee	Portland, OR	2020-09-02
Crystal McPheeters	Springfield, OR	2020-09-02
Mama B	Springfield, OR	2020-09-02
Brianna Neese	Springfield, OR	2020-09-02

<b>Name</b>	<b>Location</b>	<b>Date</b>
Amanda McMichael	Eugene, OR	2020-09-02
TC Contreras	Vacaville, CA	2020-09-02
S S	Newberg, OR	2020-09-02
Amanda Murphy	Springfield, OR	2020-09-02
Victoria Johnson	Portland, OR	2020-09-02
Teegan Stone	Saint Paul, US	2020-09-02
marty spacil	Port Saint Lucie, US	2020-09-02
Isabella Bustos	New Rochelle, US	2020-09-02
r y l e e morris	Mesa, US	2020-09-02
Stacy Mejia	Los Angeles, US	2020-09-02
Cirila Appellof	US	2020-09-02
Elizabeth Olson	Springfield, OR	2020-09-02
Katelyn Kraft	Eugen, OR	2020-09-02
Amanda Koen	Eugene, OR	2020-09-02
Kathleen Bartholomew	Sutherlin, OR	2020-09-02
Alyssa Nestler	Eugene, OR	2020-09-02
Lindsay Fisher	Oregon	2020-09-02
Heather St. Louis	Eugene, OR	2020-09-02
Anne Goff	Eugene, OR	2020-09-02
Erin Allman	Eugene, OR	2020-09-02
Pauline Gibson-Tobin	Eugene, OR	2020-09-02
Chelsea McKinnon	Springfield, OR	2020-09-02

<b>Name</b>	<b>Location</b>	<b>Date</b>
Grace Golden	Eugene, OR	2020-09-02
Rose Booble	Springfield, OR	2020-09-02
Izamar Segoviano	Springfield, OR	2020-09-02
Monica Zapata	Fontana, CA	2020-09-02
Luz Santiago	Eugene, OR	2020-09-02
Tere Santiago	Eugene, OR	2020-09-02
Diana Moncada	Springfield, OR	2020-09-02
Joseline Olvera	Fort Lauderdale, FL	2020-09-02
Angie Mancera	Santa Ana, CA	2020-09-02
Josselyn Piedra	Newark, US	2020-09-02
Melissa Jones	Washington, US	2020-09-02
Arianna Cruz Jimenez	Brooklyn, US	2020-09-02
Salvador Barbosa	Springfield, OR	2020-09-02
Ana Segoviano	Springfield, OR	2020-09-02
Jennifer Smith	Eugene, OR	2020-09-02
Lizeth Sicaja	Victorville, CA	2020-09-02
Melissa St.Clair	Springfield, OR	2020-09-02
Angel Perez	Springfield, OR	2020-09-03
Mariana Santiago	Eugene, OR	2020-09-03
Amanda Greene-Chacon	Eugene, OR	2020-09-03
Nicole Wallace	Springfield, OR	2020-09-03
Kathleen Weaver	Eugene, OR 59	2020-09-03

<b>Name</b>	<b>Location</b>	<b>Date</b>
Stacey Tuers	Eugene, OR	2020-09-03
Chad Dillon	Leaburg, OR	2020-09-03
michelle hopkind	Springfield, OR	2020-09-03
Stephanie Perkins	Springfield, OR	2020-09-03
Katie Coleman	Springfield, OR	2020-09-03
Heidi Larson	Eugene, OR	2020-09-03
Heather Gray	Springfield, OR	2020-09-03
Carrie-Ann Falk	Springfield, OR	2020-09-03
Jordan Falk	Rochester, WA	2020-09-03
Edward Castell	Eugene, OR	2020-09-03
Greg Ziolkowski	Pleasant Hill, OR	2020-09-03
James Squires	Eugene, OR	2020-09-03
Ashley Alderson	Springfield, OR	2020-09-03
Felicia Freeston	Portland, OR	2020-09-03
Amy Petty	Eugene, OR	2020-09-04
Tara Mcnee	Eugene, OR	2020-09-04
Jessica Triplett	Portland, OR	2020-09-04
jolinda miller	Portland, OR	2020-09-04
Tasha Swoape	Eugene, OR	2020-09-04
Laura Rariden	Eugene, OR	2020-09-04
Willow Rariden	Eugene, OR	2020-09-04
Sophia Mottweiler	Puyallup, WA <sub>60</sub>	2020-09-04

Name	Location	Date
Audrey Stepp	Creswell, OR	2020-09-04
Kara Strickland	Eugene, OR	2020-09-04
Tana Christie	Eugene, OR	2020-09-04
Alyssa Nestler	Eugene, OR	2020-09-04
Annie Butterfield	Eugene, OR	2020-09-04
Becky Lamb	Portland, OR	2020-09-04
Emily Downing-Moore	Eugene, OR	2020-09-04
Tracy O'Neil	Eugene, OR	2020-09-04
April Christopher	Springfield OR, OR	2020-09-04
Katie Black	Gresham, OR	2020-09-04
Carolyn Shaw	Springfield, OR	2020-09-04
Tracy Lawrence	Portland, OR	2020-09-04
Cari Grossman	springfield, OR	2020-09-04
Thea Lee	Eugene, OR	2020-09-04
Jordyn Thwaites	Eugene, OR	2020-09-04
Victor Thwaites	Marcola, OR	2020-09-04
Lauryn Thwaites	Roseburg, OR	2020-09-04
Samantha Palmer	Tacoma, WA	2020-09-04
Daniel F Potter	Salem, OR	2020-09-04
Elizabeth Frakes	Reedsport, OR	2020-09-04
Marina Pavlova	Portland, OR	2020-09-04
Amber Ketchum	Eugene, OR <sub>61</sub>	2020-09-05

<b>Name</b>	<b>Location</b>	<b>Date</b>
Bryne Thorpe	Eugene, OR	2020-09-05
Stacy Warnick-Hesse	Eugene, OR	2020-09-05
Sara Andrea	Eugene, US	2020-09-05
Paula Applegate	Springfield, OR	2020-09-05
Carolyn Jenkins	Eugene, OR	2020-09-05
Sarah Burch	Eugene, OR	2020-09-05
Shannon Husd	Portland, OR	2020-09-05
Melissa Ferris	Springfield, OR	2020-09-05
Joel Duran	Springfield, OR	2020-09-05
Laurie Penna	Chicago, IL	2020-09-05
Sara Burgin	Eugene, OR	2020-09-05
Carlos Rivera	Whittier, CA	2020-09-05
Lance Morse	weatauga, TX	2020-09-05
Kathleen Parker	Oregon	2020-09-05
Rebecca Long	Springfield, OR	2020-09-05
Danielle Sabo	Springfield, OR	2020-09-05
Carolyn Hintz	Portland, OR	2020-09-05
Matthew Valenzuela	Eugene, OR	2020-09-05
Katie Manwell	Portland, OR	2020-09-05
Scott Edmonson	San Jose, CA	2020-09-05
susanna vendetti	bend, OR	2020-09-05
Jessica Sidman	Springfield, OR	2020-09-05

Name	Location	Date
Laura Brayton	Springfield, OR	2020-09-05
April Nelson	Eugene, OR	2020-09-05
Levi Drago	Eugene, OR	2020-09-05
Ernie Hathaway	Dillon, MT	2020-09-05
Wayne Burke	Eugene, OR	2020-09-05
Whitney Miller	Portland, OR	2020-09-05
Lily Amanda	San Diego, US	2020-09-05
alyssa moore	US	2020-09-05
Erin Dorusinec	Bronx, US	2020-09-05
Veronica Forbes	Brooklyn, US	2020-09-05
Justine Lee-Knudsen	Eugene, OR	2020-09-05
Genna Nunez	Las Vegas, US	2020-09-05
Tianna Mazyck	Charlotte, US	2020-09-05
Valentina Allendes	Houston, US	2020-09-05
De De	Bayonne, US	2020-09-05
Mikayla Smith	Clifton Park, US	2020-09-05
Kimberly Hernandez	Eugene, OR	2020-09-05
Mike Maulding	Eugene, OR	2020-09-05
Charlotte Hunsinger	Albany, US	2020-09-05
buni b	Bettendorf, US	2020-09-05
Ava Baab	Dayton, US	2020-09-05
madison bright	Clinton, US 63	2020-09-05

Name	Location	Date
Rachel Stocckwell	Monroe, US	2020-09-05
Isabelle Alberto	Woodstock, US	2020-09-05
ashley smith	Dallas, US	2020-09-05
brenda McCall	Portland, OR	2020-09-05
Kristin Foster	Eugene, OR	2020-09-05
Martha Shuford	Wilmette, IL	2020-09-05
Dana Duran	Chicago, IL	2020-09-05
Benjamin Miller	Portland, OR	2020-09-05
Loren Jessen	Springfield, OR	2020-09-05
Christopher Jessen	Eugene, OR	2020-09-05
John Mosby	Eugene, OR	2020-09-05
Dennis Toney	Reedsport, OR	2020-09-05
Browyn Hood	Eugene, OR	2020-09-06
Colby Hood	Portland, OR	2020-09-06
Debra Pennicott	Tacoma, WA	2020-09-06
Cynthia Manning	Eugene, OR	2020-09-06
Tiffany Asumendi	Eugene, OR	2020-09-06
Chiara Ihnat	Cottage Grove, OR	2020-09-06
adam fine	Eugene, OR	2020-09-06
Teresa Page	Eugene, OR	2020-09-06
Qynne McKibben	Springfield, OR	2020-09-06
Dave Blackwell	Eugene, OR <sub>64</sub>	2020-09-06

<b>Name</b>	<b>Location</b>	<b>Date</b>
Barry Hart	Arlington, MA	2020-09-06
Carter Venezia	Ballwin, MO	2020-09-06
JoVone Kettwig	Eugene, OR	2020-09-06
Cassandra Glenn	Springfield, OR	2020-09-06
Theron Roe	Eugene, OR	2020-09-06
Sarah Bowman	Eugene, OR	2020-09-06
Valerie Watts	Hayward, CA	2020-09-06
Becky Griffin	Springfield, OR	2020-09-06
Santasha Lambert	Eugene, OR	2020-09-06
Krystal Sundstrom	Springfield, OR	2020-09-06
Veronica Martinez	Kent, WA	2020-09-06
Maria Rogers	Springfield, OR	2020-09-06
Jolene Baron	Seattle, WA	2020-09-06
Sandra Kitzhaber	Eugene, OR	2020-09-06
Heidi Sundstrom	Deadwood, OR	2020-09-06
rena dunbar	Eugene, OR	2020-09-06
Shoshanna Holman	Eugene, OR	2020-09-06
Laura Theiss	Eugene, OR	2020-09-06
Julea McKinney	Eugene, OR	2020-09-06
Kyle DeBord	Eugene, OR	2020-09-06
Tiffany Brown	Springfield, OR	2020-09-06
Rebecca Bongcayao	Eugene, OR 65	2020-09-06

Name	Location	Date
kimberly degifis	Eugene, OR	2020-09-06
Lauren McGinnis	US	2020-09-06
Georgia Kurtz	Eugene, OR	2020-09-06
Jennifer Bieler	Portland, OR	2020-09-06
Holly Revels	Eugene, OR	2020-09-06
Angealeigh Riley White	Sprigfield, OR	2020-09-06
Naidine Harris	Eugene, OR	2020-09-06
Aldar-Riplie Sugden	Beaverton, OR	2020-09-06
Chuck Messinger	Eugene, OR	2020-09-06
Heather Huerta	Springfield, OR	2020-09-06
Sadie Miller	Springfield, OR	2020-09-07
Leah Malmberg	Eugene, OR	2020-09-07
Brandi Minogue	Eugene, OR	2020-09-07
Alison Dodd	Eugene, OR	2020-09-07
Kelsey Molinari	Eugene, OR	2020-09-07
Miski Isse	Hopkins, US	2020-09-07
Brynne Franzen	Manhattan, US	2020-09-07
Elizabeth Pureco	Fitchburg, US	2020-09-07
Ananda Owen	Eugene, OR	2020-09-07
Anna Bangerter	US	2020-09-07
Trevoy Lewis	Houston, US	2020-09-07
Annemarie Jackson	Upper Darby, US	2020-09-07

<b>Name</b>	<b>Location</b>	<b>Date</b>
Edwin Meza	Santa Clarita, US	2020-09-07
Rivaldo Vargas-Ramirez	Lexington, US	2020-09-07
Natalie De Jesus	Atascadero, US	2020-09-07
Angela Anguiano	Bellflower, US	2020-09-07
Noah Josephs	Siren, US	2020-09-07
Aubrey O'Brien	Montgomery, US	2020-09-07
Bella Gagaliardino	Los Angeles, US	2020-09-07
Erin McGrady Haworth	Springfield, OR	2020-09-07
Makayla Glover	Hanover, US	2020-09-07
Kayla Ling	Burlingame, US	2020-09-07
Mikayla Brooks	Los Angeles, US	2020-09-07
Calvin Tenney	Springfield, US	2020-09-07
Corey Meyers	Lakeland, US	2020-09-07
Donna Copeland	Houston, US	2020-09-07
Mirelis Villegas	Hamilton, US	2020-09-07
Asia Byrd	West Chester, US	2020-09-07
billie isaclown	Clayton, US	2020-09-07
Shauntea Black	Lewistown, US	2020-09-07
Jacob Schueler	Marysville, US	2020-09-07
Maggie Kaprielian	Potomac, US	2020-09-07
Daniel Feeley	Las Vegas, US	2020-09-07
Eleina Espinoza	Portland, US <sub>67</sub>	2020-09-07

Name	Location	Date
Alice Lovell	Sweet Home, US	2020-09-07
sophia hendrick	Indian Trail, US	2020-09-07
julitta scheel	Cochecton, US	2020-09-07
Hannah Boyle	Jenkintown, US	2020-09-07
Rosa Tecalero	Newark, US	2020-09-07
Reina Sanchez	Tulsa, US	2020-09-07
Anna N	Arlington, US	2020-09-07
Theresa Connors	Chesterton, US	2020-09-07
Jay Whitaker	Columbia, US	2020-09-07
Sunay Chawla	New York, US	2020-09-07
Ashleigh West	US	2020-09-07
Amanda Wilcox	Weston, US	2020-09-07
Aleena Shaikh	Des Plaines, US	2020-09-07
Nicholas Saunders	Palo Alto, US	2020-09-07
Hananw Jajqajaja	Monroe, US	2020-09-07
Rachel Rakaczky	Reno, US	2020-09-07
Israel Mosley	Austin, US	2020-09-07
Jayne V	Fort Collins, US	2020-09-07
anthony brace	warsaw, US	2020-09-07
Mike Dimase	Kearny, US	2020-09-07
isabell uribe	Chula Vista, US	2020-09-07
Laziza Sobirova	Novi, US	2020-09-07

<b>Name</b>	<b>Location</b>	<b>Date</b>
Rona Williows	Akron, US	2020-09-07
Naila Tiya	Lynnwood, US	2020-09-07
Tiffany Sanderson	Springfield, OR	2020-09-07
Millie Gardner	Ocala, US	2020-09-07
Elizabeth Freitas	Rex, US	2020-09-07
kaelyn peguero	New York, US	2020-09-07
Nootles .	Portland, US	2020-09-07
Sam Oji	Frederick, US	2020-09-07
Marie Ramos	Fountain Hill, US	2020-09-07
Ingrid Perry-Houts	Oakland, CA	2020-09-07
Fiona Flaherty	Holmdel, US	2020-09-07
Samantha Barrera perez	Grovetown, US	2020-09-07
Nick Shriftov	Charlevoix, US	2020-09-07
Giselle Chevez	Grand Prairie, US	2020-09-07
Jessica Apodaca	Salem, OR	2020-09-07
Kristen Cure	Springfield, OR	2020-09-07
Jenna Quinlan	Springfield, OR	2020-09-07
Kristin Woodford	Springfield, OR	2020-09-07
Rhonda Lawson	Eugene, OR	2020-09-07
Rachel Shepard	Eugene, OR	2020-09-07
Samantha Liesse	Springfield, OR	2020-09-07
Michael Trumbull	Eugene, OR 69	2020-09-07

Name	Location	Date
Rebecca McMahan	Eugene, OR	2020-09-07
Diana Wells	Eugene, OR	2020-09-07
Daniel Coxson	Olney, US	2020-09-07
Molly Graham	Eugene, OR	2020-09-07
Allyson Pulido	Eugene, OR	2020-09-07
Melody Dodd	Eugene, OR	2020-09-07
Brandon richardson	Junction city, OR	2020-09-07
Dain Alferes	Portland, OR	2020-09-07
christina castle Rey	fort bragg, CA	2020-09-07
Jesse Jones III	Springfield, OR	2020-09-07
Leah Dunbar	Eugene, OR	2020-09-07
Aketi Merrick	Portland, OR	2020-09-07
Zaira Avila	Eugene, OR	2020-09-07
Richard Glass	Eugene, OR	2020-09-07
Cherine Bauer	Eugene, OR	2020-09-07
Nita Driscoll	Springfield, OR	2020-09-07
Ashley Custer	Eugene, OR	2020-09-07
Christa Jones	Springfield, OR	2020-09-07
Jocelyn Mendelssohn	Springfield, OR	2020-09-07
Kristin Stone	Eugene, OR	2020-09-07
Jessica Hass	Eugene, OR	2020-09-07
Joanna Guhit	Eugene, OR 70	2020-09-07

<b>Name</b>	<b>Location</b>	<b>Date</b>
Hannah Rudkin	Eugene, OR	2020-09-07
Mary Robles	Diamond Bar, CA	2020-09-07
Elizabeth Lawrence	Eugene, OR	2020-09-07
Anita Richardson	Eugene, OR	2020-09-07
Chris Gifford	Nipomo, CA	2020-09-08
Jennifer Shelton	Hillsboro, OR	2020-09-08
Karly Fear	Eugene, OR	2020-09-08
Mary McCoy	Eugene, OR	2020-09-08
Kate Tiernan	Springfield, OR	2020-09-08
Deanna Badenoch	Springfield, OR	2020-09-08
O'Marius Tyus	Bells, US	2020-09-08
Ariel Gonzalez	Baldwin Park, US	2020-09-08
Gabriela Harris	Long Beach, CA	2020-09-08
Elizabeth García Fachada	Los Angeles, CA	2020-09-08
Charles Lange	Eugene, OR	2020-09-08
Leticia Godinez	Victorville, CA	2020-09-08
Peter Almeida	Eugene, OR	2020-09-08
Melissa Spaht	Eugene, OR	2020-09-08
jake green	Eugene, OR	2020-09-08
Jamesdddd Braun	Veneta, OR	2020-09-08
Cinthia Nuñez	US	2020-09-08
Carolina Rodríguez	Lakeland, FL <sub>71</sub>	2020-09-08

Name	Location	Date
Victor Garcia	houston, TX	2020-09-08
will scully	mpls, MN	2020-09-08
Tracy MacKenzie	Corvallis, OR	2020-09-08
Steven Tom	Corvallis, OR	2020-09-08
Jennifer Orlandini	Eugene, OR	2020-09-08
Kirsten Davis	Corvallis, OR	2020-09-08
Carrie Langer	Eugene, OR	2020-09-08
Christine Buck	Springfield, OR	2020-09-08
Brandy McLaughlin	Eugene, OR	2020-09-08
M. Salazar	Eugene, OR	2020-09-08
Abby Wojo-Sykes	Abingdon, VA	2020-09-08
Chris Weseman	Hood River, OR	2020-09-08
Wanda Seamster	Springfield, OR	2020-09-08
L Miller	Springfield, OR	2020-09-08
Bryanna Jones	Eugene, OR	2020-09-08
Neil Henry	US	2020-09-09
Dustin Smith	Springfield, OR	2020-09-09
Roberta Boyden	Eugene, OR	2020-09-09
Janice Hecht	Eugene, OR	2020-09-09
Emma Murphy	Eugene, OR	2020-09-09
Alyson Florendo	Eugene, OR	2020-09-09
Jennifer Wirtala	Antioch, TN <sub>72</sub>	2020-09-09

<b>Name</b>	<b>Location</b>	<b>Date</b>
Caroline Austin	Vancouver, WA	2020-09-09
John McGrady	Springfield, OR	2020-09-09
Robert Larson	Eugene, OR	2020-09-09
Isaac Betty	Eugene, OR	2020-09-10
Leticia Vasquez	Settle, WA	2020-09-10
Aubrey Hamilton	Eugene, OR	2020-09-10
alano gonzales	Pueblo, US	2020-09-10
Rala Mu	Los Angeles, US	2020-09-10
Saqa Abdi	Minneapolis, US	2020-09-10
Julianne Sees	Long Beach, US	2020-09-10
Caitlin Prince	Wilmington, US	2020-09-10
Christopher Stimson	Akron, US	2020-09-10
Leah Lynch	Eldridge, US	2020-09-10
Luke Johnson	Saint Louis, US	2020-09-10
Agustín Cabrera	Long Beach, US	2020-09-10
Jalexis Contreras	Union City, US	2020-09-10
Jazmine Ruiz	Brea, US	2020-09-10
Amari Ford	Long Beach, US	2020-09-10
Lauren Tait	Roosevelt, US	2020-09-10
Evelyn Melena	Long Beach, US	2020-09-10
Molly Foster	Collierville, US	2020-09-10
Murphy Adkins	Minneapolis, US	2020-09-10

<b>Name</b>	<b>Location</b>	<b>Date</b>
Melodie Rios	Coalinga, US	2020-09-10
Crystal Sanderson	Saint Louis, US	2020-09-10
Miranda gomez	San Antonio, US	2020-09-10
Krystal Holguin	Los Angeles, US	2020-09-10
Melody Corral	Long Beach, US	2020-09-10
Evelyn Solorio	Oxnard, US	2020-09-10
Kalani Turbak	Westwood, US	2020-09-10
Nate Wolf	Evanston, US	2020-09-10
del pleas	victorville, US	2020-09-10
Lily Bradshaw	Lakeland, US	2020-09-10
Debby Willette	Greencastle, US	2020-09-10
Carole Pappas	Grand Blanc, US	2020-09-10
Dylan Blanks	Eugene, OR	2020-09-10
Gracie Schatz	Eugene, OR	2020-09-10
Lacey Tolman	Eugene, OR	2020-09-10
Kyle Awai	Portland, OR	2020-09-10
Matrisha Armitage	Eugene, OR	2020-09-10
Danell Sundstrom	Waldport, US	2020-09-11
Jimmy Rustles	Narnia, KS	2020-09-11
Michaela Kilcullen	New York, US	2020-09-12
Haley Lyons	Eugene, OR	2020-09-13
Carolyn Stepp	Eugene, OR <sup>74</sup>	2020-09-13

<b>Name</b>	<b>Location</b>	<b>Date</b>
Pam Dillehay	Eugene, OR	2020-09-14
Kerri Dawson	Eugene, OR	2020-09-14
Alexandra Dant	Albany, OR	2020-09-14
Ronda Hatefi	Springfield, OR	2020-09-15
Sara Reinmuth	Springfield, OR	2020-09-15
BENJAMIN VENABLE	Portland, OR	2020-09-15
Dorene Farr	Springfield, OR	2020-09-15
Monica Weathersby	Portland, OR	2020-09-15
Jill Westphal	San Francisco, CA	2020-09-16
Kim Kalapus	Portland, OR	2020-09-16
Rachel Adams	Tualatin, OR	2020-09-16

**From:** [Catherine Cogdill](#)  
**To:** [StateBoard Public Email](#)  
**Subject:** Public Comment: Comprehensive Distance Learning  
**Date:** Friday, September 11, 2020 1:18:58 PM

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Good Day,

As a District Technology Coordinator, I have overseen the preparations for CDL in the Butte Falls School District. We are a rural district with a high poverty rate so 10% of our families needed assistance with Internet access. We have provided hotspots at a rate of 1 per every 2 students in a household. We are somewhat remote, so we have also had to try to find Internet for families whose only option was a dish connection for \$150 a month. We have provided devices to each of our students, grades 2 - 12. Grades K - 1 devices were ordered in June and are anticipated in October due to Covid-19 and supply chain delays. We have set up teachers to teach from home or from the district depending on their needs. Our teachers have a very robust, standards-based, interactive schedule planned, which would fulfill the CDL guidelines. Care for our families is foremost in our minds, including supporting academic achievement and social-emotional needs. Even with all of this in place, I have felt unsure that the existing connectivity infrastructure in our part of Oregon would be up to the demands of CDL.

The South Obenchain fire has changed a lot. Fiber and electrical lines into the district and on the 15 mile road to it are damaged. The cell tower in town is destroyed. Several of our students along with several staff members have been evacuated.

I am sure many communities in Oregon are experiencing this and some are experiencing worse outcomes of Covid-19 and the current wildfires. I am asking for alternative guidance to the current CDL guidance and some hands on Professional Development to assist us in helping all of our students achieve emotional wellness and academic progress in this current time. I do not want to see any of our students left behind. What should we do?

Peace,

Catherine Cogdill  
Technology Coordinator  
Butte Falls School District  
Phone - 541 973 9671  
Fax - 541 865 3217

“In the midst of this catastrophe, more than looking in to find serenity we need to look out for one another to practice humanity.”

– **Abhijit Naskar**

# Oregon State Board of Education

## MEETING DATE September 19, 2020

AGENDA ITEM: 3.A

<b>SUBJECT:</b> State Board of Education Student Advisor Nominations <b>STAFF NAME &amp; OFFICE:</b> Lisa Pinheiro, Interim Board Administrator	<input type="checkbox"/> <b>First Reading</b> <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation <input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation
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### BACKGROUND

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

The procedures and policy manual calls for the nominations of four advisors: K-12 Administrator, K-12 Teacher, K-12 Student, and Early Learning Advisor.

Policy # 102 also provides a process for accepting nominations:

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

#### Responsibilities of Advisors

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

A vote of the full board is required

The following nominations have been made:

Mahina Novoa, Senior at Clackamas High School, North Clackamas School District and Yosalin Arenas, Senior at South Medford High School, 549c Medford School District

### SUMMARY OF PREVIOUS BOARD ACTION

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The Board has not taken action on the nominations

# Oregon State Board of Education

## MEETING DATE September 19, 2020

AGENDA ITEM: 3.A

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

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

### POLICY ISSUE OR CONCERNS

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For the Student Advisor positions, the Board Administrator initiated a recruitment process by sending an announcement and application instructions to all superintendents and principals to share with their students. The announcement and instructions were also shared via social media and the State Board webpage. Students were asked to fill out a nomination application and respond to three essay questions addressing the challenges in the K-12 system as they see them, how their past experiences prepares them for the student advisor role, and their reasons for wanting to serve. Thirty-nine applications were received. A nomination review committee reviewed all nominations and selected seven applicants for a first round telephone interview with the Board Administrator. The Board administrator advanced three candidates to an interview committee named by the Board Chair.

The Chair and the interview committee are now making their final recommendations to the full board.

### EQUITY IMPACT ANALYSIS

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

### FISCAL ANALYSIS

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

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

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# Oregon State Board of Education

## MEETING DATE September 19, 2020

AGENDA ITEM: 3.A

A yes vote confirms the appointments. A no vote leaves the board without student advisors.

### STAFF RECOMMENDATION

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

### ATTACHMENTS

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Attachment 1: Yosalin Arenas Biography  
Attachment 2: Yosalin Arenas Photo  
Attachment 3: Mahina Novoa Biography  
Attachment 4: Mahina Novoa Photop

Mahina Novoa, a current senior at Clackamas High School, was born in Santa Clara, California to a single teen mom. She is proud to be multi-racial, a combination of Salvadorian, Hawaiian, Philipino, Native American, and Mexican. Mahina spent her childhood battling homelessness, moving throughout California, Nevada, and Arizona; from shelters, to friends and family members' couches, to motels. Despite these obstacles, she was focused on getting out of poverty and creating a better future. When reconnecting with a former Principal on social media, she was offered the opportunity to finish high school in Oregon under her care. At 16, she left Arizona with her life packed away in three suitcases and moved to Oregon on her own. She maintains a 3.7 GPA, has won several 1st place Speech and Debate awards in Poetry and Prose, and is her high school's Student Body Co-Vice President. She is also a National Honor Society member, and, most importantly, an active advocate for students of color, equity, and diversity education.

Yosalin Arenas Alvarez is a proud Latina senior at South Medford High School. She served as the Student Body President last year and is now on to her second term. As the Student Body President she aims to create a united, inclusive and accepting atmosphere for all students. She strongly believes in listening, understanding, and observing before taking action. Having a family of seven has taught her the importance of creating change with the help of the recipients that are impacted by the situation. She is a full time student dedicated to helping others, while still participating in many other community activities. These activities / events consist of hosting blood drives, setting up meetings with local and federal legislators through the Capitol Ambassadors program and TRiO Talent Search Program, and being part of the committee of S.T.A.R (a civil rights and equity committee for school activities). Her involvement in these programs and committees have enabled her to become a mediator as a voice for her community. Her dedication and commitment to helping others feel included and safe will continue to be the fuel for her growth in knowledge. Yosalin Arenas Alvarez looks forward in continuing her work as a Student Advisor on the State Board of Education.

# Oregon State Board of Education

## MEETING DATE September 19, 2020

AGENDA ITEM: 3.B

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

### BACKGROUND

---

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

The procedures and policy manual calls for the nominations of four advisors: K-12 Administrator, K-12 Teacher, K-12 Student, and Early Learning Advisor.

Policy # 102 also provides a process for accepting nominations:

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

#### Responsibilities of Advisors

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

A vote of the full board is required.

The following recommendation has been made:

*K-12 School Administrator:* Heidi Sipe, Superintendent, Umatilla School District

### SUMMARY OF PREVIOUS BOARD ACTION

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The Board has not yet consider the recommendations

# Oregon State Board of Education

## MEETING DATE September 19, 2020

AGENDA ITEM: 3.B

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

---

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

### POLICY ISSUE OR CONCERNS

---

The Coalition of Oregon School Administrators (COSA) submitted two nominations for the Superintendent Advisor position. Board leadership reviewed the nominations are now making their final recommendations to the full board.

### EQUITY IMPACT ANALYSIS

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

### FISCAL ANALYSIS

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

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

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A yes vote will confirm the nomination. A no vote will leave the board without a school district superintendent advisor.

### STAFF RECOMMENDATION

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

### ATTACHMENTS

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Attachment 1: Heidi Sipe biography  
Attachment 2: Heidi Sipe photograph

Heidi Sipe serves as the Superintendent of the Umatilla School District. Born and raised in Eastern Washington, she began her work in Eastern Oregon in 2000 and has developed a deep passion for rural education, especially for students of poverty and emerging bilingual students. She believes that rural students have limitless potential but are often restricted by reduced access to resources. To counter this, Sipe is committed to After-School and STEAM programming to help students gain access to new ideas and develop interests in their communities, and beyond. Sipe previously chaired the Teacher Standards and Practices Commission, served on the Oregon Taskforce on School Funding and the Oregon Educator Advancement Council. She is currently one of two Oregon representatives on the Governance Board for AASA (the national School Superintendents Association) and she remains active in COSA (the Coalition of Oregon School Administrators). Sipe took a leave of absence from Umatilla to serve as the Assistant Superintendent for the Oregon Department of Education in fall of 2012 where she oversaw the Office of Educational Improvement and Innovation before returning to her district in spring of 2013. Heidi received her Bachelors of Arts in Reading from Eastern Washington University and her administrative credentials and Ed.S in Educational Leadership from Lewis and Clark College in Portland, Oregon. Sipe is married to a fellow educator and has two grown children, who are also educators.

# Oregon State Board of Education

## MEETING DATE: September 17, 2020

AGENDA ITEM: 4.A

<p><b>SUBJECT:</b> Temporary administrative rules to implement Executive Order 20-29 and the Ready Schools Safe Learners Guidance: OAR 581-022-0104; OAR 581-023-0006; and 581-023-0040</p> <p><b>STAFF NAME &amp; OFFICE:</b> Colt Gill, Emily Nazarov, and Jeremy Wartz, Director's Office</p> <p><input checked="" type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> <b>First Reading</b> <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> <b>Action</b> <input checked="" type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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### BACKGROUND

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#### Executive Order 20-29

On June 24, 2020, Governor Brown issued Executive Order 20-29: READY SCHOOLS, SAFE LEARNERS: K-12 INSTRUCTIONAL ACTIVITIES AND THE PROVISION OF SCHOOL BASED SERVICES DURING 2020-20201 ACADEMIC YEAR IN THE FACE OF THE ONGOING CORONAVIRUS (COVID-19) OUTBREAK.

The order directs the Oregon Department of Education and the Oregon Health Authority to publish guidance relating to the conduct of in-person instructional activities at public schools and private schools. The order also directs the State Board of Education, in collaboration with the Department, to “engage in any temporary rulemaking necessary to facilitate the directives in [E.O. 20-29], and the ability of public schools to respond to the ongoing emergency.”

#### Guidance

In order to implement E.O 20-29 and assist public schools in responding to this emergency, the Oregon Department of Education and the Oregon Health Authority have issued the [Ready Schools, Safe Learners Guidance for School Year 2020-21 \(RSSL\)](#). The RSSL guidance includes the guidance and tools provided in documents titled [Comprehensive Distance Learning](#), [Ensuring Equity and Access: Aligning Federal and State Requirements](#), and [Planning for COVID-19 Scenarios in Schools](#). The documents - and the contents, tools, and links within them - work and refer to each other and are intended to be considered as whole.

#### Proposed Temporary Rulemaking

To fully implement the above guidance, the Department is asking the State Board to adopt the following temporary rules:

- 581-022-0104 State Standards for the 2020-21 School Year
- 581-023-0006 Student Accounting Records and State Reporting
- 581-023-0040 Approved Transportation Costs for Payments from the State School Fund

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### Stakeholder Engagement

The RSSL guidance was first released on June 10. At that time, ODE stated that the guidance was designed to be responsive to ongoing educator and community input and would be updated in the months ahead. ODE has received input from more than 15,000 Oregonians, and that input has informed each iteration of the RSSL guidance.

The proposed temporary rules were shared with the Standing Rules Advisory Committee on September 10 as an informational item. Staff will present the proposed rules again to the Standing Rules Advisory Committee, and take more substantive feedback, during the permanent rulemaking process.

### SUMMARY OF PREVIOUS BOARD ACTION

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This is the first time the proposed rules have been considered by the Board.

### HAVE THE RULES CHANGED SINCE LAST BOARD MEETING?

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

### POLICY ISSUES

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#### 581-022-0103 State Standards for the 2019-20 School Year

This proposed temporary rule is necessary to implement the RSSL guidance and to provide flexibility for school districts in comprehensive distance learning.

The rule specifies that for the 2020-21 school year, all division 22 standards are in effect unless waived by this rule. The following standards are waived for 2020-21:

- All personalized learning requirements for the diploma and modifies diploma. Personalized learning requirements include Career Related Learning Experiences, Extended Application, and Education Plan and Profile.
- Vision and hearing screening requirements. ODE strongly recommends school districts conduct vision and hearing screenings when safety procedures can be maintained.
- Physical education minutes per week. Districts and charter schools must still ensure that each public school student in kindergarten through grade eight will receive physical education throughout the entire school year.

The rule creates one new standard. School districts and public charter schools must comply with the Ready School, Safe Learners Guidance issued by the Oregon Department of Education.

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Finally, the rule makes a modification to the instructional time rule. For the 2020-21 school year, school districts and public charter schools may include in the calculation of required instructional time an additional 60 hours for staff professional development and an additional 60 hours for parent teacher communication to facilitate student learning, including parent teacher conferences, training, and support for distance learning. This allowance is in addition to the 30 hours allowed under OAR 581-022-2320(6)(c)(and (d) respectively.

### **581-023-0006 Student Accounting Records and State Reporting**

This proposed temporary rule is necessary to implement the RSSL guidance and to provide flexibility for school districts in comprehensive distance learning.

Under current law, school districts are required to place students on the inactive roll after 10 consecutive school days absent. The district may place students back on the active role when they return to school.

For the 2020-21 school year, ODE recommends temporarily suspending the “10-day drop” with the expectation that a student will only be unenrolled when a school or district has received notice that they’ve been enrolled in another setting. This change of practice is being made to ensure continuity of service and lean into a culture of care across the state. By not allowing a student to be dropped for enrollment until another school notifies of their enrollment in another school, we significantly increase the role, responsibility, and trust in districts to keep reaching out and attending to students and families who might be experiencing challenges of access, health, or resources.

### **581-023-0040 Approved Transportation Costs for Payments from the State School Fund**

- Nutrition grants

This summer in an effort to support our Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) sponsors in ensuring they are able to deliver meals to children, ODE created transportation grants with authority from ORS 327.527. The purpose of the mini-grants is to help with the transportation costs in delivering meals. ODE is also considering providing grants under ORS 327.540 through the At-Risk Afterschool meals and snacks program to cover transportation costs.

Governor Brown’s Executive Order 20-29 allows public schools to utilize transportation grant funds for school year 2020-2021, which is effective July 1, 2020. What this means is public schools, beginning July 1 may use transportation grant funds in transporting meals. Under the rules governing the Transportation Grant in the State School Fund, if a district receives revenues specifically for transportation the district must deduct that amount from the amount claimed for reimbursement from the Transportation Grant.

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The proposed revision will ensure that the funds sponsors received from the ODE grants under 327.527 and 327.540 will not reduce the amount available to districts from the Transportation Grant fund.

- **Bus drivers**

With the start of the 2020-21 school year, virtually all of the public school districts and schools in the state will be using Comprehensive Distance Learning (CDL) to administer education services to their students. In some instances, this delivery model may last only a couple of months, but in other instances this setting could last most of the school year, perhaps longer, with nobody knowing exactly when in-person instruction will return.

With the majority of education being delivered in a virtual setting under CDL, the role and need for the bus driver has changed for most of the state. With bus drivers already being very difficult to hire prior to COVID-19, there is concern with maintaining an adequate level of experienced bus drivers for the time when more students will need to be transported.

This temporary rule will allow school districts to charge costs of bus drivers to the Transportation Grant (Grant) in the State School Fund for the 2020-21 school year, where some costs would not typically be included for reimbursement from the Grant. E.g., drivers may be asked to clean facilities, maintain grounds, help with CDL, and potentially other areas where there is a need for help. This type of work would typically not be included and charged to the Grant.

The Grant has a long-standing history and precedent establishing the difference between pupil transportation and non-pupil transportation costs. This temporary rule will allow school districts to retain bus drivers for the time when they will be needed and at the same time continue the precedents and clarity of what is considered a pupil transportation cost.

### **EQUITY IMPACT ANALYSIS**

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The Oregon Department of Education is committed to promoting educational systems that support every child's identity, health and wellbeing, beauty, and strengths. Students, families, and communities feel the impact of school closures and loss of access to normally relied-upon resources. As such, equity must not be a standalone consideration and should inform every decision.

ODE remains committed to the guiding principles introduced in spring 2020 to generate collective action and leadership for efforts to respond to COVID-19 across Oregon. These principles are updated to reflect the current context:

- **Ensure safety and wellness.** The decision to return to school settings must be driven by health and safety considerations. In planning, prioritize basic needs such as food,

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shelter, and wellness and support the mental, social, and emotional health of students and staff.

- **Cultivate connection and relationship.** Quality learning experiences require deep interpersonal relationships and a learning environment where people feel safe, seen, and valued. Especially in the midst of returning to school settings from an extended school closure, supporting students and families should begin with connection and relationship.
- **Center equity.** Recognize the disproportionate impact of COVID-19 on Black, American Indian/Alaska Native, and Latino/a/x, Pacific Islander communities; students experiencing disabilities; and students and families navigating poverty. Apply an equity-informed, anti-racist, and anti-oppressive lens to promote culturally sustaining and revitalizing educational systems that support every child.
- **Innovate.** The complex circumstances in which learning is currently situated requires ongoing reflection and iteration to assure deep learning for every student.

### FISCAL ANALYSIS

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The ongoing coronavirus outbreak does have a fiscal impact for the Department, schools districts, education service districts, and public charter schools. The Department is doing what it can, through guidance and rule amendments, to mitigate that impact where possible.

### EFFECT OF A “YES” OR “NO” VOTE

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If the Board votes **Yes** – ODE will have the necessary authority to fully implement the RSSL guidance and provide needed flexibility to school districts and public charter schools in comprehensive distance learning.

If the Board votes **No** – ODE will return to the State Board in October with a revised proposal. This will delay the implementation of the RSSL guidance.

### STAFF RECOMMENDATION

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

### ATTACHMENTS

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Attachment 1: 581-022-0104 State Standards for the 2020-21 School Year (draft dated 9-7-2020)

Attachment 2: 581-023-0006 Student Accounting Records and State Reporting (draft dated 9-7-2020)

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Attachment 3: 581-023-0040 Approved Transportation Costs for Payments from the State School Fund (draft dated 9-11-2020)

**CREATED BY JAW 9-7-2020**

**OAR 581-022-0104**

**State Standards for the 2020-21 School Year**

**(1) Applicability.**

(a) This rule sets forth the state standards for the 2020-20201 school year.

(c) The definitions set forth in OAR 581-022-0102, 581-022-2010(1), 581-022-2015(1), and 581-022-2020(1) apply to this rule.

(2) **State Standards for the 2020-21 School Year.** All Division 22 standards are in effect for the 2020-21 school year except as specifically waived or modified by this rule.

(3) **Waivers.** The following standards are waived for the 2020-21 school year:

(a) **Diploma.** School districts and public charter schools must comply with all requirements set out in OAR 581-022-2000 except sections (7), (8), (9), (10), and (11).

(b) **Modified Diploma.** School districts and public charter schools must comply with all requirements set out in OAR 581-022-2010 except sections (9) and (12).

(c) **Health Services.** School districts and public charter schools must comply with all requirements set out in OAR 581-022-2220 except section (1)(f).

(d) **Physical Education Requirements.** School districts and public charter schools must comply with the requirement in OAR 581-022-2263(2)(a) to ensure that each public school student in kindergarten through grade eight will receive physical education throughout the entire school year. All other requirements in OAR 581-022-2263 are waived for the 2020-21 school year.

(3) **Ready School, Safe Learners Guidance.** School districts and public charter schools must comply with the Ready School, Safe Learners Guidance issued by the Oregon Department of Education.

(4) **Instructional Time.** School districts and public charter schools may include in the calculation of required instructional time an additional 60 hours for staff professional development and an additional 60 hours for parent teacher communication to facilitate student learning, including parent teacher conferences, training, and support for distance learning. This allowance is in addition to the 30 hours allowed under OAR 581-022-2320(6)(d)(and (e) respectively.

ORS Auth: ORS 326.051

ORS Implement: ORS 326.051

**REVIEWED BY: EN 9-11-2020**

**581-023-0040**

**Approved Transportation Costs for Payments from the State School Fund**

(1) Definitions for the purpose of this rule:

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

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

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

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

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

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

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

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

(e) “Mile(s) from School” means the distance a student lives from school, measured from the closest, reasonable, and prudent point between the school property identified by the local board for that pupil’s attendance and the property where the pupil lives. The distance will be measured over the shortest practicable route on maintained public roadways or over existing pedestrian facilities or pedestrian facilities capable of meeting the requirements listed in ORS 332.405(4);

(f) “Patron” means any individual, organization, or entity that is able to use student transportation services except for charter schools (as defined in ORS 338) or a public agency (described in ORS

339.133(4), [ORS 327.527](#), [ORS 327.540](#) or ~~or~~ ORS 327.390) if the school or agency reimburses school districts up to one hundred percent (100%) of incurred transportation costs pursuant to ORS 338.145, 339.133(4), [ORS 327.527](#), [ORS 327.540](#) or 327.390.

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

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

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

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

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

(2) Approved transportation costs shall include those costs incurred in transporting pupils to and from instructional programs during the regularly scheduled school term within the limitations specified by ORS 327.006 and 327.033. Approved transportation costs may include costs incurred in transporting students participating in extended school year programs eligible for funding from the State School Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Activity trips other than for instructional purposes;

(c) Athletic trips;

(d) School lunch purposes;

(e) Summer school;

(f) Adult education;

(g) Evening school;

(h) Preschool and/or nursery school;

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

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

(5) The computation shall be made as follows:

(a) Pupil Transportation Salaries;

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

(c) All contracted Transportation;

(d) Travel of Pupil Transportation Personnel;

(e) Employee Benefits on Pupil Transportation Salaries;

(f) Pupil Transportation Insurance;

(g) Payments in Lieu of Transportation;

- (h) Other Expenses of Pupil Transportation;
- (i) Payments to Other Districts for Pupil Transportation;
- (j) Leases and Rentals;
- (k) Depreciation:
  - (A) Depreciation of Garage, but this shall not include land;
  - (B) Depreciation of Buses that are used at least 50% for reimbursable mileage.
  - (C) Shall include the costs to the district to retrofit, repower, or to replace as defined in ORS 468A.795, school buses for the purpose of reducing or eliminating diesel engine emissions. These costs:
    - (i) Shall not include the costs paid with moneys received from the state by a school district from the Clean Diesel Engine Fund that are described in 468A.801 (2)(a); and
    - (ii) Shall include costs to paid with moneys received from the state as allowed by the Environmental Mitigation Trust Agreement as defined in ORS 468A.801 (2)(c).
- (l) Total of subsections (5)(a) through (k) of this rule;
- (m) Deduct (if cost is included in detail above):
  - (A) Payments Received from Other Districts and from Patrons for reimbursable transportation;
  - (B) Non-reimbursable Transportation Costs:
    - (i) For 2017 – 18:
      - (I) Number of miles at \$2.52 per mile for all school buses and school activity vehicles having a manufacturers’ designed passenger capacity of greater than 20 persons including the driver, or
      - (II) Number of miles at \$1.27 per mile for all school buses and school activity vehicles having a manufacturers’ designed passenger capacity of 20 or less including the driver.
    - (ii) For 2018 – 19:
      - (I) Number of miles at \$2.62 per mile for all school buses and school activity vehicles having a manufacturers’ designed passenger capacity of greater than 20 persons including the driver, or
      - (II) Number of miles at \$1.31 per mile for all school buses and school activity vehicles having a manufacturers’ designed passenger capacity of 20 or less including the driver.
    - (iii) For 2019 – 20:
      - (I) Number of miles at \$2.66 per mile for all school buses and school activity vehicles having a manufacturers’ designed passenger capacity of greater than 20 persons including the driver, or

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

(iv) For 2020 – 21:

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

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

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

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

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

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

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

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

(D) Rental or Lease Payments from Private Contractors;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Outright purchase (including purchase by conventional contract). For each outright purchase or purchase by conventional contract, each district shall report to the Oregon Department of Education, on

the forms provided, the unit cost of the vehicle(s) purchased and the dollar amount of interest payments associated with such purchase. The capitalized value shall represent the unit cost, exclusive of interest. Depreciation shall be computed at an annual rate of ten percent;

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

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

(l) Deductions:

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

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

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

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

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

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

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

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

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

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

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

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

(a) Salaries;

(b) Operation:

(A) Utilities;

(B) Supplies;

(C) Other Operational Costs.

- (c) Maintenance:
  - (A) Upkeep;
  - (B) Replacement.
- (d) Fixed Charges:
  - (A) Employee Benefits;
  - (B) Other Fixed Charges.
- (e) Food;
- (f) Operation of Buses and Other Vehicles — Supplies, Repairs and Maintenance;
- (g) Depreciation:
  - (A) Dormitory;
  - (B) Buses and Other Vehicles.
- (h) Total Expenditures (Sum of subsections (10)(a) through (g) of this rule);
- (i) Deductions (subtract if cost is included in cost above):
  - (A) Payments Received from Other Districts and from Patrons;
  - (B) Nonreimbursable Transportation Costs as indicated in subsection (5)(m)(B) of this rule;
  - (C) State and Federal Receipts for Transportation, except those apportioned under ORS 327.006, 327.033, or third party Medicaid payments, if used to support expenditures in subsections (10)(a) through (g) of this rule;
  - (D) Federal School Lunch, Breakfast, and Milk Reimbursements;
  - (E) Sales of Food.
- (j) Total Deductions (sum (10)(i)(A) + (i)(B) + (i)(C) + (i)(D) + (i)(E));
- (k) Approved Cost ((10)(h) minus (10)(j) of this rule).
- (11) The items included in the board and room entitlement computation are defined as follows:
  - (a) Salaries. Salaries and wages paid dormitory personnel, including the dormitory manager, cooks, custodians, and other personnel directly concerned with operation of the dormitory, and that portion of salaries paid secretarial and clerical assistants and other personnel attributable to the dormitory program;

(b) Operation:

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

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

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

(c) Maintenance:

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

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

(d) Fixed Charges:

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

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

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

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

(g) Depreciation:

(A) Dormitory. For purposes of computing dormitory depreciation, capitalized cost is defined as the unit cost of the asset (including the cost of original equipment), exclusive of interest, plus the cost of substantial improvements or remodeling. The purchase of land shall not be included. Costs associated

with providing recreational or entertainment facilities are not included. Depreciation shall be computed at an annual rate of four percent;

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

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

(i) Deductions:

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

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

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

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

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

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

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

[Publications: Publications referenced are available from the agency.]

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

**Statutes/Other Implemented:** ORS 327.013 & 820.100 - 820.120

**581-023-0006**

**Student Accounting Records and State Reporting**

(1) The following definitions and abbreviations apply to this rule:

(a) "Active roll" means the list of students enrolled and attending the school or program during the current school year;

(b) "ADA" means average daily attendance;

(c) "ADM" means average daily membership;

(d) "Alternative program" means any private or public alternative program providing instruction or instruction combined with counseling under ORS 336.635;

(e) "Class" means a separate group of students under the direction of a teacher.

(f) "Day in session" means a scheduled day of instruction during which students are under the guidance and direction of teachers;

(g) "Department" means the Oregon Department of Education;

(h) "Full school day" means the length of time a school or program is normally in session during the day in compliance with OAR 581-022-2320;

(i) "Full-day kindergarten program" means a program providing kindergarten that meets the standards and minimum number of hours of instruction set forth in OAR 581-022-2320 and is in session during the day in compliance with OAR 581-022-2320;

(j) "FTE" means full-time equivalency;

(k) "Half-day kindergarten program" means a program providing kindergarten that complies with the minimum hours of instruction in OAR 581-022-2320(5).

(l) "Inactive roll" means the list of students enrolled for purposes of credit but not attending the school or program. Includes students attending private alternative or Job Corps programs, students withdrawn after ten consecutive days' absence and students served on a tutorial basis outside the classroom;

(m) "Instruction" for purposes of reimbursement of alternative programs means all activities that are approved by the student's resident school district, consistent with Oregon's academic and career related learning standards, and designed to lead to student achievement of those standards, including participation in Oregon state assessment, where applicable.

(n) "Instructional unit" means a school or other organizational arrangement which provides instruction of a given type or types;

(o) "Intermediate group" means instruction provided to a student receiving a comprehensive instructional program consistent with OAR 581-022-1210 and individually placed by a school district in an alternative program approved by a school district to a class of six to 15 students;

(p) "Large group" means instruction consistent with OAR 581-022-2030 and provided to a student individually placed by a school district in an alternative program approved by a school district to a class of 16 or more students;

(q) "Nonpublic school" means instruction provided by an individual or institution listed in ORS 339.030 as exemptions to the compulsory attendance requirements set out in ORS 339.010.

(r) "Regular school program" means that which is offered to comply with the standards adopted by the State Board of Education and compulsory school attendance law. This does not include summer school, adult education, or pre-kindergarten programs;

(s) "Small group" means instruction provided to a student receiving a comprehensive instructional program consistent with OAR 581-022-2030 and individually placed by a school district in an alternative program approved by the school district to a class of two to five students;

(t) "Superintendent" means the State Superintendent of Public Instruction;

(u)(A) "Teacher" means:

(i) An appropriately licensed staff member with the responsibilities of a teacher in OAR 584-036-0011 or with the responsibilities of teacher described in the definition of a teacher in ORS 342.120; and

(ii) For purposes of private alternative education programs, an appropriately licensed or unlicensed staff member with the responsibilities of a teacher in OAR 584-036-0011 or with the responsibilities of teacher described in the definition of a teacher in ORS 342.120.

(B) "Teacher" does not include an "Educational Assistant" as defined by ORS 342.120 and OAR 581-037-0005 or "Instructional Assistant" described in 584-036-0011.

(v) "Tutorial" means instruction provided to a student receiving a comprehensive instructional program consistent with OAR 581-022-2030 and individually placed by a school district in an alternative program approved by a school district to one student.

(2) Instructions pertaining to the maintenance of student accounting records and state reporting shall be published by the Department.

(3) Each school district and ESD shall:

(a) Permanently maintain accounting records of student enrollment, attendance, membership, resident/nonresident status, and such other student information as may be required, for each student enrolled in regular school programs operating during the regular school year. Such records shall utilize uniform definitions of each student measure as stated in this rule;

(b) Designate the residency for school purposes, subject to the provisions of ORS 327.006 and 339.133 of each student enrolled in the district;

(c) Have in operation an attendance accounting system which is adequately controlled and enables the district's chief administrator to certify in writing the accuracy of reported data;

(d) Report enrollment, attendance, membership, and such other information as the Superintendent may require, within 15 days of the end of the collection periods. Reports for the period ending the first school day in October shall be submitted no later than November 15.

(e) Retain daily source records of enrollment, membership and attendance for a period of no less than two years. Records, whether paper or electronic, must be maintained in an accessible format.

(4) Students shall be entered and withdrawn from the district roll as follows:

(a) A student shall be entered on the district active roll on the first day of the student's actual attendance. A student with an excused absence of less than ten school days at the beginning of the school year may be counted in membership prior to the first day of attendance if the status has been verified by contact with the parent or guardian. A student participating in the program of more than one instructional unit shall be entered on the active roll of that instructional unit in which 50 percent or more of the student's time is scheduled and the student shall not be entered on the roll of other instructional units;

(b) A student whose withdrawal status can be determined within ten school days of their first day of absence shall be marked as a withdrawal on the school day following that determination. A student must be withdrawn from the active roll on the day following the tenth consecutive full school day of absence but may be retained on the inactive roll at the district's option. A student must be present for at least one-half day in order to restart the count of consecutive days' absence. Under no circumstances shall a student who is absent for the first ten days at

the beginning of the school year be counted in membership prior to the first day of school attendance. A student whose attendance is reported as hours of instruction must be withdrawn from the active roll on the day following the tenth consecutive day of absence from the program in which they are enrolled. A student must be present for at least one hour of instruction in order to restart the count of consecutive days' absence. A student who is enrolled in dual programs and reported as both days present/days absent and hours of instruction must be withdrawn according to the instructional unit in which fifty percent or more of the student's time is scheduled. Under no circumstance shall a student who is absent for the first ten days at the beginning of the school year be counted in membership prior to the first day of school attendance.

(c) Notwithstanding anything else in this rule, ~~if a state of emergency is declared pursuant to ORS 401.165 et. seq., and all public schools are closed by order of the Governor, then~~ subsection (4)(b) of this rule is suspended for school districts, public charter schools, and Oregon School for the Deaf ~~for the period of closure or for the 2020-2021 school year or~~ until the suspension is removed by order of the ~~Governor or~~ Director of the Oregon Department of Education. This provision does not apply to the Juvenile Detention Education Program or the Youth Corrections Education Program.

(5) Membership and attendance accounting in instructional units scheduled to operate a full school day shall be recorded as follows:

(a) A full-time equivalency (FTE) for each student on the active roll shall be determined. Students participating in more than one-half of the full-day program shall be given an FTE of 1.0. Students participating in one-half or less of the full-day program shall be given an FTE of .5. The FTE computation of students placed in community college programs by the local school district shall include time spent in the community college program:

(A) Districts shall determine the FTE for kindergarten students based on whether the district provides a full-day kindergarten program or half-day kindergarten program as follows:

(i) For students in full-day kindergarten programs, districts shall give students 1.0 FTE for students participating in more than one-half of the full-day kindergarten program. Districts shall assign an FTE of 0.5 for students participating in one-half or less of the full-day kindergarten program;

(ii) Students in half-day kindergarten programs shall be assigned an FTE of 1.0. The Department shall proportionally reduce the total days membership of these students reflecting the permissible percentage as stated in statute;

(B) Students participating in district supervised work-study programs may be credited as 1.0 FTE. If a student is released for work during school hours and the district assumes no supervisory responsibility for the time involved, that time shall not be counted as participation in the full-day program when determining the student's FTE.

(b) Membership of each student for the period shall be computed as follows: student FTE times days present plus student FTE times days absent equals total days membership of the student. The day upon which a student is marked as a withdrawal shall not be counted as a day of membership. A student not scheduled to attend daily shall be marked present or absent only on the days the student is scheduled to attend;

(c) Total days membership of the instructional unit shall be the total of days membership of all students on the active roll of the instructional unit as computed in subsection (b) of this section. The computation of total days membership of the instructional unit shall yield subtotals indicating grade placement and resident/nonresident status of student membership;

(d) The Department shall compute the ADM and ADA of resident students, nonresident students, and attending students for each instructional unit reporting and derive totals of such data for each local school district in the state, subject to the following procedures:

(A) ADM is the total days membership of an instructional unit during a specific reporting period divided by the number of days the instructional unit was in session during that reporting period. The ADM of groups of instructional units having varying lengths of terms shall be the sum of the ADMs obtained for the individual instructional units. If a district school board adopts a class schedule that operates throughout the year under the provisions of ORS 336.012 for all or any instructional units in the district, the computation shall be made so that the resulting ADM will not be higher or lower than if the local board had not adopted such a schedule;

(B) ADA is the total days attendance of an instructional unit during a specific reporting period divided by the number of days the instructional unit was in session during that reporting period. The ADA of groups of instructional units having varying lengths of terms shall be the sum of the ADAs obtained for the individual instructional units. If a district school board adopts a class schedule that operates throughout the year under the provisions of ORS 336.012 for all or any instructional units in the district, the computation shall be made so that the resulting ADA will not be higher or lower than if the local board had not adopted such a schedule.

(6) Students enrolled in programs operating less than the full school day and nonpublic school students attending public schools part time shall be accounted for as follows:

(a) The ADM of students enrolled in schools under provisions of ORS 336.135 and students enrolled in nonpublic schools or taught by private teacher or parent under ORS 339.035 shall be computed by multiplying total hours of instruction given all students during the reporting period by .167 and dividing the product by 73 for the July 1 to December 31 cumulative report and by 175 for the June 30 annual report;

(b) The ADM of students receiving tutorial instruction provided by licensed district staff shall be computed by dividing total number of hours of tutorial instruction given (not to exceed 5 hours per week for a single student) by 73 for the July 1 to December 31 cumulative report and by 175 for the June 30 annual report;

(c) The computation of ADM for each less than full-time program listed shall yield subtotals for resident and nonresident students;

(d) The ADM of students enrolled in less than full-time programs shall be reported to the Department for the period ending December 31 and for the year ending June 30.

(e) No more than five day's membership may be claimed for any student enrolled in any combination of programs during a one-week period.

(f) The Department will proportionally reduce the ADM of kindergarteners enrolled in half-day programs to reflect the permissible percentage as stated in statute.

(7) A student enrolled in a public school district and receiving instruction in the district's comprehensive planned K-12 curriculum consistent with OAR 581-022-1210 and who is individually placed by the school district in an alternative education program under ORS 336.635 shall be accounted for as follows:

(a) The ADM of students enrolled in alternative programs scheduled to operate a full school day may be computed either on the basis of membership (section (5) of this rule) or on the basis of actual attendance (section (7)(b) of this rule);

(b) Equivalent ADM of students enrolled in alternative programs scheduled to operate less than full time shall be computed as follows:

(A) Equivalent ADM of students enrolled in large group instruction shall be computed by multiplying total hours of instruction given all students during the reporting period by a factor of .167 and dividing the product by 73 for the July 1 to December 31 period cumulative report and by 175 for the June 30 annual report;

(B) Equivalent ADM of students enrolled in intermediate group instruction shall be computed by multiplying the total hours of instruction given all students during the reporting period by a factor of .222 and dividing the product by 73 for the July 1 to December 31 period cumulative report and by 175 for the June 30 annual report;

(C) Equivalent ADM of students enrolled in small group instruction shall be computed by multiplying the total hours of instruction by a factor of .333 and dividing the product by 73 for the July 1 to December 31 period cumulative report and by 175 for the June 30 annual report;

(D) Equivalent ADM of students receiving individual instruction shall be computed by multiplying the total number of hours of tutorial instruction given by a factor of 1.0 and dividing the product by 73 for the July 1 to December 31 period cumulative report and by 175 for the June 30 annual report;

(E) Case management services (not limited to student contact) may be counted as large group instruction and constitute up to ten percent of equivalent ADM if specifically authorized by contract with the resident school district;

(F) Documented time in supervised work experience programs, supervised community service activities and supervised independent study, if performed as a part of the instructional programs designed to fulfill the student's educational goals, may be counted as large group instruction;

(G) Over any 20-day period, no more than 20 equivalent membership days may be claimed for any student receiving a combination of instructional services under paragraph (7)(b)(A), (B), (C) or (D) of this rule. Equivalent membership days for any student is equal to the hours of instruction given multiplied by the factor appropriate for the size of the instructional group.

(c) Students attending alternative programs part day and attending the home high school part day shall be reported by the home high school only, taking account of the total time spent in the alternative program and the home high school when determining FTE under section (5) of this rule;

(d) Students attending private alternative programs only, shall not be reported by the instructional unit placing the student for purposes of reporting membership or attendance.

(8) Each private alternative program shall:

(a) Maintain accounting records of student attendance, size of group attended, resident school district and such other student information as may be required by the contracting school district for each student attending the private alternative program;

(b) Report student name, dates served and hours served by group size to resident school district no less than twice yearly, once for the July 1 through December 31 period and an annual report ten days after the close of the school year; and

(c) Retain student attendance records for a period of no less than two years.

(9) Students in the following programs are not eligible to be counted in the resident average daily membership for purposes of ORS 327.013(7)(a):

(a) Students enrolled in special education programs under ORS 343.261, 343.961, and 346.010.

(b) Children enrolled in early intervention and early childhood special education programs under ORS 343.533;

(c) Students not receiving a free public education;

(d) Students in summer school programs;

(e) Students in adult education classes.

(10) Rules governing the reporting of students identified as dropouts are contained in the most recent edition of the Oregon Dropout Reporting Manual, published by the Oregon Department Education. The State Board of Education adopts the procedures in this publication to govern the reporting of dropouts by school districts.

(11) For the purposes of dropout reporting, the following shall apply:

(a) A student is considered enrolled when the student is present at school and attends more than half of a school day;

(b) Acceptable alternative programs are those programs providing activities meeting OAR 581-023-0008 and provided by public school districts, ESDs, community colleges or private alternative programs registered with the Oregon Department of Education under OAR 581-021-0072;

(c) An absence, explained or unexplained becomes a withdrawal after an absence of 10 consecutive days. A student must be present for at least one-half day in order to restart the count of consecutive days absence;

(d) Standards for excused absences must be developed by local districts. Policies shall clearly define excused and unexcused absences and ensure the health and safety of the child. Parents shall be informed of the policies at enrollment. Policy should address the documentation required.

(12) The Superintendent shall prescribe the applicable student accounting procedures for any programs or specific situations not covered by the provisions of this rule.

**Statutory/Other Authority:** ORS 326.310 & 327.125

**Statutes/Other Implemented:** ORS 327

# Oregon State Board of Education

**MEETING DATE: September 17, 2020**

AGENDA ITEM: 4.B.

<p><b>SUBJECT:</b> All Students Belong / OAR 581-022-XXXX – temporary rule <b>STAFF NAME &amp; OFFICE:</b> Colt Gill, Director</p> <p>The proposed temporary All Students Belong Rule, prioritizes student health and safety by (1) prohibiting the presence or use of the swastika, noose, or confederate flag on school grounds or in any program, service, school or activity financed in whole or in part by moneys appropriated by the Legislative Assembly; (2) requiring school districts, public charter schools, and education service districts to adopt policies prohibiting the use or display of those symbols; and (3) requiring school districts, public charter schools, and education service districts to develop procedures for addressing bias incidents.</p> <p>The Department recognizes that student health and safety are the cornerstone of education and that all students are entitled to a high-quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability, or national origin, and without fear or hatred, racism or violence. All staff and leaders are also entitled to work in environments that are free from discrimination or harassment, and visitors should be able to participate in school activities without fear for their safety.</p> <p>The All Students Belong Rule is an important step in creating safe and inclusive school climates where all who participate in our school communities feel welcome.</p> <p><input checked="" type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> <b>First Reading</b> <input type="checkbox"/> <b>Presentation</b> <input type="checkbox"/> <b>No</b> <b>Presentation</b></p> <p><input checked="" type="checkbox"/> <b>Action</b> <input checked="" type="checkbox"/> <b>Temp Rule</b> <input type="checkbox"/> <b>Presentation</b> <input type="checkbox"/> <b>No</b> <b>Presentation</b></p>
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## BACKGROUND

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In July, an Oregon high school student sent a letter to Governor Kate Brown asking for help. In the letter, the student stressed the importance of banning the Confederate flag in Oregon public schools. In the student’s words, “Banning the Confederate flag is far more than just an act to please some people. It shows students and educators that the State of Oregon sees them in their struggles to be considered equal and aiding in the fight against racism...Right now is a great time for Oregon to be a leader for its own citizens and throughout the United States and install this overdue policy.” (Attachment 1)

# Oregon State Board of Education

## MEETING DATE: September 17, 2020

AGENDA ITEM: 4.B.

In response, Governor Brown wrote to the State Board of Education, urging members “to take immediate action to address and correct the adverse impacts symbols of hate and other manifestations of hate speech have on students in Oregon public schools.” Governor Brown requested that the Board establish rules to ensure that no Oregon student “be subject to actions or expressions of hate, intolerance, marginalization, or racism.” (Attachment 2) The Board received a similar letter from Representatives McKeown and Brock-Smith asking it to take immediate action. (Attachment 3)

In August, at the Board’s annual retreat, the Board asked ODE to prepare a temporary rule for consideration at the September meeting. The Board asked ODE to draft a rule that prohibited the use or display of three symbols, the noose, swastika, and confederate flag on school grounds or as part of any school activity.

The proposed rule (1) prohibits the presence or use of the swastika, noose, or confederate flag on school grounds or in any program, service, school or activity financed in whole or in part by moneys appropriated by the Legislative Assembly; (2) requires school districts, public charter schools, and education service districts to adopt policies prohibiting the use or display of those symbols; and (3) requires school districts, public charter schools, and education service districts to develop procedures for addressing bias incidents.

If adopted as a temporary rule, the All Students Belong rule would be in effect for 180 days. At the Board’s direction, ODE will begin the permanent rulemaking process and return to the Board with a proposed permanent rule for adoption in February or March, 2021.

### Partner and Community Input

After receiving the Governor’s letter, ODE staff began engaging in the following outreach with community and Partners:

- Three Kitchen Table Conversations with community elders;
- Multiple ongoing conversations with national experts including the Western States Center, the Southern Poverty Law Center, and others;
- Conversations with education researchers;
- Conversation with agency partners including Youth Development Division;
- Focus group with superintendents and district equity leaders;
- Focus group with principals and building administrators;
- Meetings with Oregon Department of Education staff across agency;
- Education partners meeting including COSA, OSBA, OEA, and OSEA;
- Two Community Meetings with community based organizations, philanthropy, African-American Black Student Success Advisory Committee, Latinx Student Success Advisory Committee, EL Student Success Advisory Committee, LGBTQ+ Student Success Advisory Committee;

# Oregon State Board of Education

## MEETING DATE: September 17, 2020

AGENDA ITEM: 4.B.

- Presentation and discussion with superintendents at the COSA All Superintendents Meeting;
- Presentation and discussion with COSA Equity Board; and
- COSA Administrators of Color Affinity Group Meeting

On August 27, Director Gill informed the standing Rules Advisory Committee (RAC) of the Department's intent to bring the proposed rule to the Board in September. Director Gill was scheduled to address the proposed rule at the September meeting of the RAC, but that meeting was cancelled due to the wildfires. ODE intends to work with the RAC to vet the rules during the permanent rulemaking process.

### **SUMMARY OF PREVIOUS BOARD ACTION**

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The is the first time the proposed rule has been considered by the Board.

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

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

### **POLICY ISSUE OR CONCERNS**

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In Oregon, we value both freedom and responsibility, and are charged with ensuring that All Students Belong. This means affording our school communities the freedom of expression while removing barriers to students' educational progress, including banning hateful symbols that incite fear and violence, and cause emotional distress and trauma. The presence of symbols of hate on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin causes harm, and significantly disrupts the operation of schools. When one person in a school community is treated poorly, everyone suffers.

The presence of symbols of hate on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin including the noose, swastika, or confederate flag are reasonably likely to create a material and substantial disruption in school activities and the learning environment by creating an atmosphere of fear and intimidation and interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

At the August Board retreat, Director Gill read for the Board a list of examples from school districts in Oregon where hate symbols and hate speech have been present on school campuses and at school activities. (Attachment 4) Over the course of this rulemaking process, the Board will hear from students, parents, and school leaders from across Oregon about other similar

# Oregon State Board of Education

## MEETING DATE: September 17, 2020

AGENDA ITEM: 4.B.

incidents. The Board will hear from students, parents, school leaders, and experts about the deep and lasting harm caused by the symbols and speech. And the Board will hear about how these symbols and speech create a material and substantial disruption in school activities and the learning environment by creating an atmosphere of fear and intimidation and interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

There are students at a few school districts in Oregon right now asking their school boards, superintendents, and principals to take action on symbols of hate like the confederate flag. [A group of Sandy High School students is petitioning and calling on the Oregon Trail School District to ban the Confederate flag, saying the flag is part of a larger culture of racism at the school.](#)

Over the past several years, the Oregon State Board of Education and ODE have focused on ensuring that schools are safe and welcoming places for all students. The All Students Belong rule is another important step in that process. Students must feel like they belong in school if they are to learn, work, and develop to their fullest potential.

### The Need for a Statewide Ban

Oregon's students, families and staff feel the harmful impacts of racism, discrimination, exclusion, inequitable access to services and supports regardless of their geographic location. This is particularly true for our students and families who are Black, Indigenous, People of Color, members of Tribal communities and Tribes, and members of LGBTQ2SIA+ communities, who are known to be disproportionately targeted by these behaviors.

Although the open display of symbols like swastikas, nooses and the confederate flag may not be intended to cause harm, their impact is hostile, violent and detrimental nonetheless. For many, viewing these symbols and hearing hate speech and racial slurs causes [physiological and psychological stress](#) and emotional pain. In addition, these symbols serve as emotional triggers for intergenerational and historical trauma and race-based traumatic stress.

All who engage with our school communities are entitled to participate in school-related activities without fear for their personal safety. This is true regardless of where they live in Oregon. Given Oregon's long history of racism, and the differing political beliefs of stakeholders across the state, as well as the ways in which policies and procedures regarding bias have been disproportionately adopted and implemented, or ignored altogether, there is little guarantee that students and staff across the state will be afforded equal protection. A statewide ban of these symbols is necessary to ensure that all of Oregon's students and staff can participate in, and fully benefit from, their educational experience.

# Oregon State Board of Education

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### EQUITY IMPACT ANALYSIS

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Oregon's students who are Black, Indigenous, People of Color, members of Tribal communities and Tribes, and members of LGBTQ2SIA+ communities are known to be disproportionately targeted by acts of bias and hate. As a result, they experience markedly higher levels of race-based traumatic stress, which is often associated with racial battle fatigue.

The effects of these types of traumatic stress on a person's physical, psychological and social emotional health are potentially long-lasting and widespread. Behaviorally, stress reactions can include increased vigilance and suspicion, intensified sensitivity to threat, sense of a foreshortened future, and reactions such as aggression, depression, anxiety or substance use. Research examining the effects of stress on development find that chronic childhood stressors are significantly associated with poor long-term health outcomes, and are highly predictive of a heightened physiological stress response, which is tied to structural, functional and neurochemical brain anomalies, and an increased risk of lifelong behavioral, emotional, psychosocial, and cognitive problems. This is particularly true to those who have experienced [race-based traumatic stress](#).

These traumatic stress reactions are worsened by the cumulative impact of exposure. Simply anticipating racist or discriminatory events can impact the body's stress response systems. Systemic racism, everyday racial discrimination, and the fear of racist events can cause people of color to live in a constant state of stress arousal. Both the anticipation of, and direct exposure to bias- and race-related trauma are likely sufficient to cause physical, emotional, and social harm, and undermine student and staff ability to succeed in Oregon's current educational system.

In other words, incidents of bias and racism contribute to the myriad educational inequities that students who are Black, Indigenous, People of Color, members of Tribal communities and Tribes, and members of LGBTQ2SIA+ communities face on a continuous basis.

### FISCAL ANALYSIS

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There is no fiscal impact to ODE or to school districts, public charter schools, or education service districts.

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

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If the Board votes **YES**, the proposed temporary rule will be in effect for 180 days. The prohibition on the three symbols will be effective on the date the rule is filed with the Secretary of State. School districts, public charter schools, and education service districts will be required to adopt policies and procedures as specified in the rule on or before January 1, 2021. ODE will

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move forward with permanent rulemaking and return to the Board with a proposed permanent rule for adoption in February or March 2021.

If the Board votes **NO**, there will be no statewide ban on the three symbols and school districts, public charter schools, and education service districts will not be required to adopt the policies and procedures specified in this rule. The presence of a swastika, noose, or confederate flag, as well as any bias incidents, would be handled by school districts, public charter schools, and education service districts under currently existing policies and procedures; there would be no uniform statewide standard for addressing these incidents.

### STAFF RECOMMENDATION

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

### ATTACHMENTS

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- Attachment 1: Proposed OAR 581-022-XXXX All Students Belong (draft dated 9-14-2020)
- Attachment 2: Letter from Student A to Governor Brown, July 30, 2020
- Attachment 3: Letter from Governor Brown to Chair Howard and Director Gill, August 18, 2020
- Attachment 4: Attachment 4 - Letter from Reps. McKeown and Brock Smith to Chair Howard, August 19, 2020
- Attachment 5: Incidents Involving Hate Symbols or Hate Speech in Oregon Schools
- Attachment 6: Additional Reading and Resources

**581-022-XXXX**

**All Students Belong**

(1) It is the policy of the State Board of Education that all students, employees, and visitors in public schools are entitled to learn, work, and participate in an environment that is safe and free from discrimination, harassment, and intimidation.

(2) The Oregon Legislature has determined that a person may not be subjected to discrimination in any public elementary, secondary or community college education program or service, school or interschool activity or in any higher education program or service, school or interschool activity where the program, service, school or activity is financed in whole or in part by moneys appropriated by the Legislative Assembly.

(3) The presence of symbols of hate on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin including the noose, swastika, or confederate flag create a material and substantial disruption in school activities and the learning environment by creating an atmosphere of fear and intimidation and interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

(4) Definitions. For purposes of these rules:

(a) "Bias Incident" means a person's hostile expression of animus toward another person, relating to the other person's perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate. Bias Incidents may include derogatory language or behavior directed at or about any of the preceding demographic groups.

(b) "Symbol of Hate" means a symbol, image, or object that expresses animus on the basis of race, color, religion, gender identity, sexual orientation, disability or nation origin including the noose, swastika, or confederate flag, and whose display:

(A) Is reasonably likely to cause a substantial disruption of or material interference with school activities, or

(B) Is reasonably likely to interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

(5) School districts, public charter schools, the Oregon School for the Deaf, Education Service Districts, Youth Corrections Education Program providers under contract with the Oregon Department of Education, Juvenile Detention Education Program providers under contract with the Oregon Department of Education, or a program that receives money pursuant to ORS 343.243, must prohibit the use or display of any noose, swastika, or confederate flag on school grounds or in any program, service, school or activity where the program, service, school or

activity is financed in whole or in part by moneys appropriated by the Legislative Assembly except where used in teaching curriculum that is aligned the Oregon State Standards.

(6) On or before January 1, 2021, school districts, public charter schools, the Oregon School for the Deaf, and Education Service Districts must adopt a policy that:

(a) Affirms all students are entitled to a high quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin;

(b) Affirms all employees are entitled to work in an environment that is free from discrimination or harassment;

(c) Affirms all visitors are entitled to participate in an environment that is free from discrimination or harassment;

(d) Prohibits the use or display of any symbols of hate, including at a minimum the noose, swastika, or confederate flag, on school grounds or in any program, service, school or activity where the program, service, school or activity is financed in whole or in part by moneys appropriated by the Legislative Assembly except where used in teaching curriculum that is aligned the Oregon State Standards; and

(e) Establishes procedures for addressing bias incidents. The procedures must:

(A) Define persons impacted broadly to include individuals at whom an incident was directed as well as students in the larger school community likely to be impacted by the incident;

(B) Require responding staff to prioritize the safety and well-being of all persons impacted;

(C) Require responding staff to recognize the experience of all persons impacted, acknowledge the impact, commit to taking immediate action, and prevent further harm against those person impacted from taking place;

(D) Include in any redirection procedures educational components that address the history and impact of hate as well as procedural components to ensure the safety, healing, and agency of those impacted by hate, accountability and transformation for people who cause harm as well as transformation of the conditions that perpetuated the harm;

(E) Include communication protocols that provide all persons impacted with information relating to the investigation and outcome of the investigation. At a minimum, the information provided must include:

(i) That an investigation has been initiated;

(ii) When an investigation has been completed;

(iii) The findings of the investigation and the final determination based on those findings;

(iv) Actions taken with the person or persons who committed the harassing behavior to remedy behavior and prevent reoccurrence when the action relate directly to a person impacted by the event; and

(v) If any of the information in sections (i) through (iv) cannot be shared, a citation to the law prohibiting release and an explanation of how that law applies to the current situation.

(F) Direct administrators and school personnel to consider whether the behavior also implicates other civil rights laws and, if so, to respond accordingly. The nature of the conduct must determine the process used, the rights and protections available to persons impacted, and the right to appeal to the Oregon Department of Education or the United States Department of Education Office of Civil Rights; and

(G) Require administrators to develop and implement instructional materials to make this policy and related practices including reporting procedures, educational processes, and possible consequences known to all school employees and students.

**Statutory/Other Authority:** ORS 326.051 & ORS 659.850

**Statutes/Other Implemented:** ORS 659.850

July 30, 2020

Governor Kate Brown  
900 Court Street  
Salem, Oregon 97301

Dear Governor Brown,

I am a student on the southern Oregon coast. Not only am I a student, but I am also a community member seeking your help. I am writing to you today on the behalf of Oregon students at large to ask you to lead the State of Oregon to ban the Confederate flag from all of Oregon's public school campuses.

I feel as if this is an overdue Oregon Administrative Rule (OAR). With recent local and national events, I have seen more change in the previous three months than I have in 17 years. Recently the U.S has made many changes in how it represents itself. A major progression made is banning the confederate flag in certain areas. Oregon schools can be included in this progress, and we need your help to make that progress.

In late 2019, the Three Rivers school district in our home state of Oregon took the initiative by banning the confederate flag from their campuses. They banned any clothing that depicts the Confederate flag as well as other symbols associated with the Aryan Nation, KKK, and Nazi groups. The school district did this to "minimize disruption" because the presence of the confederate flag and its images disrupts education for all students regardless of their skin color. This was also the case in the North Bend school district. Two students got into an altercation over a hat doting the confederate flag. The school district promptly banned the flag from its campuses stating that "banning the image and flag is not a violation of free expression because schools have the legal authority and responsibility to maintain an environment that is free of harassment." This is a prime example that two Oregon school districts have implemented essential improvements to better the means of education and livelihood of their students. Banning the Confederate flag and its images should be an OAR enacted in all schools in Oregon.

In July 2020 the Pentagon side-stepped President Trump by making an extensive remodel to all military bases. Top U.S military leaders collaborated to ban the Confederate flag from all of its bases. Senior military leader General Milly states, "There is no place in our armed forces for manifestations or symbols of racism, bias or discrimination". These are the words from one of the most respected generals in the United States. If the military believes that the Confederate flag is a symbol of racism and discrimination, that is something we cannot ignore as leaders, students, and educators.

Banning the Confederate flag is far more than just an act to please some people. It shows students and educators that the State of Oregon sees them in their struggles to be considered equal and aiding them

in the fight against racism. The State of Oregon can aid students and educators of color by being inclusive of their culture and by acknowledging what this symbol actually represents--white supremacy and the oppression of Black Americans. Right now is a great time for Oregon to be a leader for its own citizens and throughout the United States and install this overdue policy.

I would greatly appreciate the opportunity to meet with you and discuss this further.

Respectfully,

Student A



KATE BROWN  
Governor

August 18, 2020

Kimberly Howard  
Chair  
State Board of Education  
255 Capitol Street, NE  
Salem, OR 97310

Colt Gill  
Director  
Oregon Department of Education  
255 Capitol Street, NE  
Salem, OR 97310

Dear Chair Howard and Director Gill,

I am writing to strongly urge the State Board of Education to take immediate action to address and correct the adverse impacts symbols of hate and other manifestations of hate speech have on students in Oregon public schools. My request is in support and affirmation of an Oregon student who wrote to me recently requesting that a new policy be established, and in recognition of the fact that no Oregon student should be subject to actions or expressions of hate, intolerance, marginalization, or racism.

In the letter I received at the end of July, this anonymous Oregon student wrote of policies already enacted in several school districts banning the Confederate flag and other symbols of white supremacy. These school districts put such a specific policy in place, as this student wrote, to prevent disruption to the education of all students, and in response to conflict—including physical violence—between students arising from the presence of the Confederate flag in the school environment.

This Oregon student goes on to compare our public schools to another important public institution in our democracy that we as a society honor and revere, our United States Armed Forces. Today, all branches of the US military are under direction to only display flags in “accord with the military imperatives of good order and discipline, treating all our people with dignity and respect, and rejecting divisive symbols.”

Most school districts today remain silent on the displaying of the Confederate flag—or provide little explicit protection for students who experience the emotional and discriminatory effects of the Confederate flag and other hate symbols when worn or displayed by other students within classrooms, schools, or adjacent to school premises. Across Oregon we have seen examples where the presence of a symbol of hate has caused a material disruption to the educational environment or has impacted our students’ ability to access their education. For personal safety reasons, students have avoided certain activities or areas of campus when aware a hate symbol is present.

Chair Howard and Director Gill  
August 18, 2020  
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Furthermore, there is a growing body of research that the experience of racial discrimination and racial micro-aggressions negatively impact the mental health and health outcomes of students of color. This is particularly troubling to me as Governor and as an Oregonian, but more importantly is detrimental to the equal protection of all our students.

Our state has a track record of leadership in extending fundamental freedoms and civil rights. This record is nonetheless borne from a dark legacy of discrimination, exclusion, and violence toward Black people, and the systemic racism that is all too present in the lives of immigrants, refugees, people of color, and tribal members today. It is a legacy to which we are continuing to come to terms with as a society and a state, and to provide for redress with a renewed focus on the laws, policy, and actions of all our public institutions, through the lens of racial justice and racial equity.

A clear and abiding policy to address the detrimental impacts of symbols of hate must exist across all our public schools for the protection, safety, and benefit of every Oregon student. In the letter, this Oregon student wrote that addressing symbols of hate and discrimination is “far more than just an act to please some people. It shows students and educators that the State of Oregon sees them in their struggles to be considered equal and aiding them in the fight against racism.”

In response to this Oregon student’s call for action and this urgent request I am issuing today, it is my expectation that the State Board of Education will proceed in enacting administrative rules expeditiously under your clear authority to do so. I trust in your leadership to enact a comprehensive, fair, and just policy consistent with your stated mission and values to “provide leadership and vision for Oregon’s public schools and districts by enacting equitable policies that lead directly to the educational and life success of every student;” and “to explicitly work toward an education system that is culturally responsive, sustaining, eliminates barriers, and is relevant to Oregon’s diverse communities.”

The demand for your critical leadership and action in this moment is no better stated than in the closing words of this Oregon student’s thoughtful letter, “The State of Oregon can aid students and educators of color by being inclusive of their culture and by acknowledging what this symbol actually represents—white supremacy and the oppression of Black Americans. Right now is a great time for Oregon to be a leader for its own citizens and throughout the United States and install this overdue policy.”

Sincerely,



Governor Kate Brown

*Caddy Hanen McKeown*  
**STATE REPRESENTATIVE**  
HOUSE DISTRICT 9  
Coos, Douglas, Lane, and Lincoln Counties



*David Brock Smith*  
**STATE REPRESENTATIVE**  
HOUSE DISTRICT 1  
Curry, Coos, Douglas, and Josephine Counties

**OREGON STATE LEGISLATURE**

August 19, 2020

Kimberly Howard  
Chair, State Board of Education  
255 Capitol Street NE  
Salem, OR 97301

Chair Howard and members of the board,

We write to you in support of a southern Oregon student's proposal to ban the presence of confederate flags on school grounds in Oregon and are pleased to offer bipartisan backing of this effort to make our schools safer and more welcoming. We believe that symbols of racism; like the confederate flag, have no place on our K-12 public school campuses.

This issue came to our attention when a student shared stories with us of incidents involving the confederate flag and the use of racial slurs in an Oregon school. We ask for your help in eliminating this symbol that foments divisiveness and discrimination among Oregon students.

There is no place for hate and racism within our society, especially in our Oregon Public School System. We believe it is important for our youth to learn the steps we have taken as a nation and society towards equality. Symbols of racism are not conducive to a good learning environment and are uncomfortable for many. In particular, they leave students of color feeling unwelcome and distract all students from the tasks they come to school to do: to learn, to grow, and to work together.

We reach out to you today at the request of a remarkable, young Oregon leader and on behalf of other students coming up in schools around the state. We request your help in addressing this issue once and for all to ban the confederate flag from Oregon Public Schools.

As we are both former longtime school board members, we believe this action would be a positive step forward towards a more equitable and safer learning environment for all of Oregon's youth.

Thank you for your consideration.

Best regards,

Caddy McKeown  
State Representative  
House District 9

David Brock Smith  
State Representative  
House District 1

## **Incidents Involving Hate Symbols and/or Hate Speech in Oregon Public Schools**

### **November 2016      Junction City H.S. (Lane)**

Students of color receive racist and national origin taunts and threats, along with “Trump for President” signs as they assemble on school grounds before school. Examples of threats include “Now we’re going to put you in your place,” and “We are going to send you back to where you belong.” These incidents occur the next day after (the presidential) Election Day.

### **November 2016      Arlington Jr./Sr. H.S. (Gilliam)**

A mixed-race family (White mother and African American/White student) wake up to Trump election paraphernalia on their front lawn. The family’s “Hillary Clinton for President” is destroyed. The mother is a District elementary school teacher, and the student is in 10<sup>th</sup> grade. These incidents occur the next day after (the presidential) Election Day.

### **November 2016      North Bend Middle School (Coos):**

Students shouted “Go back to Mexico!” at an 11-year-old Colombian American student. North Bend School District superintendent Bill Yester told a local newspaper last week that while the election played a part in the bullying, school personnel dealt with it quickly and held an assembly on harassment. “We’re going to be in good shape,” he said. “We will continue to watch it, and parents were called about their students’ behavior, but if those parents are supportive, this will stop.”

### **December 2016      Clackamas ESD Area District High School (Clackamas)**

An African American student returns to her seat in class from a break to find drawings of a hanging noose and a robed “Ku Klux Klan” figure placed in her notebook and textbook.

### **February 2017      Liberty High School (Washington)**

District leaders look for the student or students who painted swastikas inside Liberty High School in Hillsboro. Communications director Beth Graser said, “It’s definitely upsetting.” Graser says swastika symbols were found in hallways and bathrooms. One was inside or just outside the classroom of a Jewish teacher.

### **February 2017      North Bend High School (Coos)**

A female student wears a hat which displays the Confederate Flag. An African American female student sees the hat and objects. Racial insults and threats were exchanged before a fist fight ensued. The Superintendent bans the symbols of the Confederacy (flag and clothing) from the middle and high schools. Soon afterwards, school alumni and area residents hold a peaceful protest displaying the Confederate and American flags across the street from the high school. High school students leave school (with permission) to join the protest.

### **April 2017      Eugene area Elementary School Bus Stop (Lane)**

Swastikas and other graffiti found at a bus stop used by Eugene elementary students.

### **September 2017      North Eugene High School (Lane)**

Anti-Semitic slurs and white supremacist language were graffitied on the exterior of North Eugene High School.

**October 2018**      **Cleveland High School (Multnomah)**

Cleveland High School Principal Ayesha Freeman wrote, in a notice to parents Wednesday, that a vice principal, a teacher and the building's head custodian found a swastika and "hateful words" on fliers for the Jewish Student Union one morning in late October. The vandalism at Cleveland was discovered just days after 11 people were shot and killed in a Pittsburgh synagogue, Freeman wrote.

**November 2018**      **Lewis Elementary School (Multnomah)**

Lewis Elementary School Principal Emily Glasgow wrote in a Nov. 20 email to parents that anti-Semitic graffiti had been chalked on the exterior walls of the building. A parent had emailed Glasgow, the principal, photos of what looked like "#JEWDie" on the side of the school. She alerted Portland Public Schools leadership as well as city police. Later in the day, Glasgow wrote, other photos of the alleged vandalism surfaced that made it look like the message may have been "#JEWLIFE."

**April 2019**      **Cleveland High School (Multnomah)**

Cleveland High School Principal Ayesha Freeman emailed parents and students to tell them a teacher found string tied like a noose hanging from one of the building's entryways. "We are still gathering facts to determine what happened," Portland Public Schools spokesman Harry Esteve said in a statement. "We want and expect our schools to be places where students feel safe, welcome, included and respected by staff and classmates. Any act of racism, racial insensitivity or discrimination of any sort is completely unacceptable at our schools."

**September 2019**      **Wilson High School (Multnomah)**

Wilson High School students said they were horrified to find racial slurs etched into desks. Swastikas carved into trees. That the only way they could fit in with their white peers was to rattle off self-deprecating jokes with racist punchlines. "I'm here because I have a younger brother. I do not want him going through things that we had to go through," sophomore Aslan Newson, president of the school's Black Student Union, said. Newson was one of 11 student panelists who addressed the crowd of about 175 gathered in Southwest Portland's Multnomah Arts Center for a community conversation.

Students said the community meeting was meant to keep the issues they faced at Portland's whitest high school front and center. All of them faced microaggressions that made them feel uncomfortable at school. Sophomore Isa De Los Santos was hounded by students over the way they pronounce their name and that even adults would ask intrusive questions about their race. "You don't look just black. You're mixed, right?" they remember a coach asking unprompted one day. De Los Santos said they're Puerto Rican. The coach asked, "How much?"

Sophomore Eliel Safron recalled students tossing coins on the ground and ordering her to pick them up because she's Jewish. And Aria Morgan said a teacher once asked her how to pronounce Chinese words because she's Asian-American, then spoke with an exaggerated accent. "We have to kind of live with that," she said. "It's sad we can't feel safe at school just for being who we are."

The previous week, students discovered a swastika carved into a tree on campus. Within days, Principal Filip Hristic, who began his tenure at Wilson over the summer, sent a note to students and parents detailing the incident. "I feel like we're being heard, at least so far," Newson told The Oregonian/OregonLive. "I'm trying to stay optimistic."

**October 2019**

**Chapman Elementary School (Multnomah)**

Someone found a noose at an elementary school in Northwest Portland, school officials said Thursday. According to officials, a member of Chapman Elementary School's maintenance team found the noose in the fan room under the school building.

Portland Public Schools alerted police, and officers in turn did a threat assessment and opened an investigation. The district said it is also conducting an internal investigation. PPS officials said they have no indication that any students saw or were involved in the incident.

**October 2019**

**Lebanon High School (Linn)**

A group of Lebanon teenagers wore blackface at a haunted barn fundraiser over the weekend, sparking outrage and condemnation. The teens were at an event hosted by the local chapter of Future Farmers of America at a school-owned barn. They took a photo, using an offensive hashtag, captioning the photo "N\*\*\*\*\* Gang."

Superintendent Bo Yates of Lebanon Community Schools released a statement Monday saying in part that he is "saddened that any student would post a racist comment or fail to understand the racist connotations of darkening one's face." Swanson said the incident was deplorable and not representative of Lebanon's values. "It is completely insensitive -- hateful in nature -- what was posted," he said. "We want to make sure students have an avenue to report that so we can address it."

**November 2019**

**Southridge High School (Washington)**

At Southridge High School, students recently spray-painted the football field with swastikas. School officials investigated, but never found the culprits, and some students were left feeling uneasy. A Southridge student states, "It's like, I'm Jewish, and I'm also black. So, seeing that kind of stuff and knowing that I go to the school — I go to school with these people who don't like a part of me scares me."

**January 2020**

**Sprague High School (Marion)**

The Salem Police Department investigates a graffiti tagging incident as a possible bias crime. Several of the buildings on campus were tagged with homophobic, racist and antisemitic slurs and images. District spokesperson Lillian Govus stated, "Unfortunately, we deal with graffiti and vandalism frequently. But the language and vitriol, that is more unusual than other cases we've had. There are no other words to describe it other than it was despicable."

**February 2020**

**Benson Polytechnic High School (Multnomah)**

Portland Police say a noose was found at Benson Polytechnic High School Friday morning. According to Portland Public Schools, a contractor doing work at the school contacted a custodian upon finding a noose Friday morning, Feb. 21, on the school's roof outside. School resource officers with Portland Police Bureau's Youth Services Division responded to the Northeast Portland high school to investigate.

Three Benson High School students will not face criminal charges after they admitted earlier this week to placing a noose on the roof of the school, prompting an investigation by Portland police's bias crimes team. Multnomah County District Attorney Rod Underhill called the students' placement of the noose "alarming, hurtful and completely contradictory to the values our community has of being open and accepting of each other's differences." But he said his office reviewed the case and determined they couldn't punish the kids with criminal charges.

## **March 2020**

## **Portland Public Schools (Multnomah)**

A racist threat prompted Portland police to patrol Northeast Portland's Grant High this week. Asian students experienced discrimination as local tension over the coronavirus pandemic stirred. And a noose was found on the roof of Benson High last week.

These are just a few of the racist incidents Portland Public Schools Superintendent Guadalupe Guerrero spoke out against during Tuesday's school board meeting. He called the events "eerie, painful reminders of the acts of racial terror of our past" and said they're "indicative of the racial injustice our students, families and staff of color face today still."

The superintendent went on to say nooses "continue to be found in our buildings," a nod to the incident at Benson, where three students confessed to placing on the roof earlier this week. The noose found on the Northeast Portland high school's roof was the district's most recent — a Chapman Elementary custodian found a noose earlier this year, and Cleveland High staff found one in that building in 2019.

## **July 2020**

## **Sandy High School (Clackamas)**

A group of Sandy High School students is petitioning and calling on the Oregon Trail School District to ban the Confederate flag, saying the flag is part of a larger culture of racism at the school.

One student said the flag is still displayed on several other students' vehicles, and can be seen on some students' clothing. The flag has also played a part in several racist incidents, according to multiple students of color. "Often when I walk down the halls, I'll see people wearing it on their hats, or on their sweatshirts. Pretty much every day we see it on students' backs," this (first) student said.

Organizers have heard multiple accounts of racism at the school from students of color. The first student recalled what a Black freshman said she experienced, before she transferred schools. "She heard the n-word every day from non-Black students, and more often than not it was within the earshot of teachers, and nothing was done about it," Rothwell said. "Seeing the flag flown, she feels unsafe, unrespected and unheard, and doesn't feel like she doesn't belong at a school like that."

Another student said that schools should implement better efforts into race education. This student also wants teachers to do a better job of holding racist behavior accountable beyond a "slap on the wrist." "Schools are expected to make sure that all of their students feel safe, and are able to learn safely — and that is not what is happening right now," the second student said.

"Just because we are in a school that is 76% white, doesn't mean that we should value the safety of our students of color any less, just because the administration may fear backlash from white students. The fact is, we need students to address how hurtful their actions can be, and how they can actively work toward solving that," the second student added.

## Additional Reading and Resources

- [Portland high school students detail racist incidents, ask community to do its part to address them](#) (OregonLive, September 27, 2019)
- [Portland high school students walk out, say they're fed up with lackluster responses to racist incidents](#) (OregonLive, May 28, 2019)
- [Students at Sandy HS Petition for Ban of Confederate Flag](#) (OPB, July 16, 2020)
- [Racist sign spurs walkout at Oregon City HS](#) (Fox 12 Oregon, October 27, 2016)
- Statesman Journal: [Racism, discrimination, bullying and intimidation will not go away if we ignore it](#) (Statesman Journal, February 8, 2019)
- [Racism is a public health crisis](#) (Letter from Dean David Bangsberg, MD, MPH to students and faculty at OHSU-PSU School of Public Health)
- [How teachers are trying to stop the spread of hate](#) (PBS News Hour, March 15, 2019)

**Oregon State Board of Education**  
**Meeting Date: September 17, 2020**

AGENDA ITEM: 4.B

<p><b>SUBJECT:</b> Definitions for Student Investment Account – Temporary Rule, 581-014-0001</p> <p><b>STAFF NAME &amp; OFFICE:</b> Rachael Moser, Office of Education Innovation &amp; Improvement</p> <p>The Office of Education Innovation &amp; Improvement is bring a temporary rule change to our existing definitions for Student Investment Account in light of COVID and limited data collection this spring. Specifically, we need to change the definition of “spring membership” given the change in how membership was calculated for this spring as it ultimately impacts charter school eligibility for SIA grant funding for the next application cycle.</p> <p><input type="checkbox"/> New Rule  <input checked="" type="checkbox"/> Amend Existing Rule  <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> <b>First Reading</b>  <input type="checkbox"/> Presentation  <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> <b>Action</b>  <input checked="" type="checkbox"/> Temp Rule  <input checked="" type="checkbox"/> Presentation  <input type="checkbox"/> No Presentation</p>
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**BACKGROUND**

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*History*

The Student Investment Account (SIA) was authorized in House Bill 3427 and creates a noncompetitive grant program for school districts and eligible charter schools. The grants are for specific needs including meeting students’ mental or behavioral health needs and student achievement including for specific groups of students that have historically experienced academic disparities. Grant funds must be used to: (1) increase instructional time, (2) address students’ health and safety needs, (3) reduce class sizes or staff caseloads, and (4) broaden curricular opportunities. A total distribution of \$472,740,000 was initially projected for the first year of the program, beginning July 1, 2020; however, during the Second Special Session held in August 2020, the total distribution for the 2020-21 school year was reduced to \$150,000,000. Districts must comply with application requirements set forth in HB3427 and have a plan approved by the Oregon Department of Education to receive these grants.

*Purpose*

The State Board of Education in prior adopted rules defined “spring membership” as students attending public schools on the first day in May, as derived from the 3<sup>rd</sup> period cumulative average daily membership report. However, due to COVID-19 there is not a 3<sup>rd</sup> period cumulative average daily membership report for the spring of 2020. This temporary rule changes the definition of spring membership to reflect how Spring Membership for 2020 was calculated.

*Discretion*

# Oregon State Board of Education

## Meeting Date: September 17, 2020

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The Board does have discretion.

### *Stakeholder voice and input*

This temporary adjustment to rules already adopted by the State Board of Education as part of the rulemaking process for the Student Success Act (SSA) and the Student Investment Account were inclusive of stakeholder voice and input. This proposed temporary rule is a change in technical language and does not reflect a change in the intent or purpose of the rules. ODE staff have created a Standing Rules Advisory Committee for the process of informing rules across the agency. This body was created after collecting almost 400 names from across the agency and amongst culturally specific and community organizations along with professional associations and technical experts. Groups and organizations were engaged and asked to determine a representative (or two in some cases) to participate in this advisory that meets monthly. Agendas and materials showing documentation and engagement of different voices and inputs are available upon request. This body provided ongoing feedback during the 2019-20 school year as the permanent rules were created and has had the opportunity to review this proposed temporary rule prior to presentation to the State Board.

For this specific temporary rule, the topic was introduced for broad discussion on August 27, 2020. ODE staff presented the proposed temporary rule as well as the reasoning behind the rule as a result of a change in the technical definition of Spring Membership as necessitated by COVID-19. No feedback was provided at this meeting to incorporate into the temporary rule. The Standing Rules Advisory Committee will also have an opportunity to provide one last round of input and feedback on September 10, 2020.

### **SUMMARY OF PREVIOUS BOARD ACTION**

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1. The State Board previously adopted the permanent rules that are being amended by this temporary rule.

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

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- N/A; first read—hasn't been before board
- No; same as last month
- Yes – As follows:
- In (3), the definition of “spring membership” has been updated to reflect how spring membership for 2020 was calculated.

### **POLICY ISSUE OR CONCERNS**

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# Oregon State Board of Education

## Meeting Date: September 17, 2020

AGENDA ITEM: 4.B

These rules are being recommended now in order to address a change in the technical definition of Spring Membership for the Spring of 2020 as necessitated by COVID-19.

### EQUITY IMPACT ANALYSIS

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One of the two primary aims of HB3427 is to address persistent academic disparities reflected in the achievement gap and rooted in opportunity gaps for specific groups of students that have historically experienced academic disparities. These rules were originally adopted in order to avoid creating administrative delays or confusion amongst district leaders that could inhibit effective implementation of HB3427. Administrative in nature, these rules helped the setting of district allocations and managing grant awards for the explicit purpose of advancing the aims of HB3427. The proposed technical change advanced in these proposed rules will further those intents.

### FISCAL ANALYSIS

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As the proposed temporary rules reflect only a technical change in definition, there is no fiscal impact to the agency as a result of these changes.

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

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#### *Effect of a "Yes"*

These temporary rules will allow charter school eligibility to be determined using the Spring Membership calculation from Spring 2020.

#### *Effect of a "No"*

The department would not be able to determine charter school eligibility because the spring membership as defined in current rules would not be available to make such determination.

### STAFF RECOMMENDATION

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Approve  Approve next month  No recommendation at this time

**Prompted by:**  State law changes  Federal law changes  other: Technical changes in ODE data collection resulting from COVID-19

### ATTACHMENTS

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Attachment 1: OAR 581-014-0001 - Definitions for Student Investment Account (draft dated 9-11-2020)

**CREATED BY RM 9-11-2020**

**SIA Draft Temporary Rules to Existing Rules**

581-014-0001 - Definitions for Student Investment Account

The following definitions apply to OAR 581-014-0001 to 581-015-0004:

- (1) “ADM” means the extended weighted average daily membership computed as provided in ORS 327.013(1)(c).
- (2) “Eligible Applicant” means an applicant as defined in ORS 327.185(1).
- (3) “Spring Membership” means the data report that represents students attending public schools and programs ~~on the first school day in May, as derived from the 3rd period cumulative average daily membership collection.~~ **based on a Spring 2020 calculated membership.** Rules governing the Spring Membership report are contained in the most recent edition of the Oregon Student Membership Manual, published by the Oregon Department of Education.
- (4) Effective until June 30, 2020, “Students from Racial or Ethnic Groups that Have Historically Experienced Academic Disparities” includes, but is not limited to American Indian and Alaska Native students, Black and African American students, Hispanic and Latino students, and Native Hawaiian and Pacific Islander students and any other racial or ethnic group identified by the school district as historically experiencing academic disparities.
- (5) Effective July 1, 2020, “Students from Racial or Ethnic Groups that Have Historically Experienced Academic Disparities” includes, but is not limited to American Indian and Alaska Native students, Black and African American students, Hispanic and Latino students, Native Hawaiian and Pacific Islander students, and multiracial students, and any other racial or ethnic group identified by the school district as historically experienced academic disparities.
- (6) “Student Investment Account” means the account as established in ORS 327.175.
- (7) “Students with Disabilities” means a child with a disability as defined in ORS 343.035(1).
- (8) “Students who are homeless” has the same meaning as in section 725 of the McKinney-Vento Act, 42 USC§ 11434a (2).

**Oregon State Board of Education**  
**Meeting Date: September 17, 2020**

AGENDA ITEM: 4.C

<p><b>SUBJECT:</b> 2020-21 SIA Amended Grant Application and Grant Agreement Process, 581-014-xxxx</p> <p><b>STAFF NAME &amp; OFFICE:</b> Rachael Moser, Office of Education Innovation &amp; Improvement</p> <p>In response to House Bill 4304, this temporary rule set has been drafted to provide clarity on the application requirements for the 2020-21 school year only. The rule set provides more detail on what is required for applicants who have and have not yet met the original application requirements in ORS327.185 as well as what is required for applicants seeking to make plan and/or budget amendments given the reduction in funding and/or the changing needs of their communities. The final section of the rule set includes clarity on the amended grant agreement process.</p> <p><input checked="" type="checkbox"/> New Rule  <input type="checkbox"/> Amend Existing Rule  <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> <b>First Reading</b>  <input type="checkbox"/> Presentation  <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> <b>Action</b>  <input checked="" type="checkbox"/> Temp Rule  <input type="checkbox"/> Presentation  <input type="checkbox"/> No Presentation</p>
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**BACKGROUND**

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*History*

The Student Investment Account (SIA) was authorized in House Bill 3427 and creates a noncompetitive grant program for school districts and eligible charter schools. The grants are for specific needs including meeting students’ mental or behavioral health needs and student achievement including for specific groups of students that have historically experienced academic disparities. Grant funds must be used to: (1) increase instructional time, (2) address students’ health and safety needs, (3) reduce class sizes or staff caseloads, and (4) broaden curricular opportunities. A total distribution of \$472,740,000 was initially projected for the first year of the program, beginning July 1, 2020; however, during the Second Special Session held in August 2020, the total distribution for the 2020-21 school year was reduced to \$150,000,000. Districts must comply with application requirements set forth in HB3427 and have a plan approved by the Oregon Department of Education to receive these grants. In response to COVID-19 in August 2020 the legislature passed House Bill 4304, which removed the requirement that grant recipients meet longitudinal performance growth targets as originally outlined in House Bill 3427. House Bill 4304 also provided the flexibility for the department to modify or waive certain requirements for amended SIA Grant Applications and Agreements with rules adopted by the State Board of Education.

*Purpose*

# Oregon State Board of Education

## Meeting Date: September 17, 2020

AGENDA ITEM: 4.C

This set of temporary rules is being established to create a process and requirements for applicants to submit amendments to their previously submitted plans and budgets that both honors the original intent of the SIA as well as reduces burden on the applicants needing to submit changes. This is accomplished by waiving the requirements prescribed by ORS 327.185 for amendments to the SIA plan and/or budget of any applicant wishing to submit such an amendment. Applicants who have not yet met the original requirements prescribed in ORS 327.185 in their original submission are still required to meet those requirements. The proposed temporary rules also reiterate that grant recipients do not need to co-develop or meet longitudinal performance growth targets and this information will not be included in the amended grant agreement.

### *Discretion*

The Board does have discretion.

### *Stakeholder voice and input*

These temporary rules are being recommended to the State Board of Education as part of the rulemaking process for the Student Success Act (SSA) and the Student Investment Account (SIA). ODE staff have created a Standing Rules Advisory Committee for the process of informing rules across the Agency. This body was created after collecting almost 400 names from across the agency and amongst culturally specific and community organizations along with professional associations and technical experts. Groups and organizations were engaged and asked to determine a representative (or two in some cases) to participate in this advisory that meets monthly. Agendas and materials showing documentation and engagement of different voices and inputs are available upon request.

For this specific rule, the topic was first introduced for broad discussion on August 27, 2020. ODE staff presented the proposed temporary rule as well as the reasoning behind the rule to create a process for submission of amendments to plans and budgets. It was clearly defined that the proposed temporary rule waives the requirements of ORS 327.185 for amendment purposes only. Applicants who have not yet met the original application requirements including community engagement, equity lens, plan, and budget must continue to meet those requirements of ORS 327.185, by submitting any required changes requested after the department review of the original submission. No feedback was provided at this meeting to incorporate into the temporary rules. The Standing Rules Advisory Committee will also have an opportunity to provide one last round of input and feedback on September 10, 2020.

## **SUMMARY OF PREVIOUS BOARD ACTION**

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1. This is the first time the temporary rules are being put forward to the State Board.

# Oregon State Board of Education

Meeting Date: September 17, 2020

AGENDA ITEM: 4.C

## HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

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

## POLICY ISSUE OR CONCERNS

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As a result of COVID-19 the legislature reduced the total funding amount for the SIA after applicants submitted their plans and budgets based on the original allocation estimates. These temporary rules allow a simplified process for applicants whose plans and budgets have already been submitted to amend either their plan or their budget based on the changing needs of their communities and/or the revised allocation estimates.

## EQUITY IMPACT ANALYSIS

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One of the two primary aims of HB3427 is to address persistent academic disparities reflected in the achievement gap and rooted in opportunity gaps for specific groups of students that have historically experienced academic disparities. These rules were originally adopted in order to avoid creating administrative delays or confusion amongst district leaders that could inhibit effective implementation of HB3427. Administrative in nature, these rules helped the setting of how applicants manage application amendments with the purpose of advancing the aims of HB3427. The proposed rules do not change any of the original intent or impact of the SIA. Further, all original requirements for community engagement are still in place for original plans as well as any requested changes or additional information requested by the department.

## FISCAL ANALYSIS

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The temporary rules create a simplified and streamlined process for applicants to submit amendments to their plans and budgets to account for the reduced level of funding for the SIA and changing needs of their communities. The amendments will be reviewed within the existing systems designed to support applicants. The department expects negligible fiscal impact.

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

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### *Effect of a "Yes"*

These temporary rules will allow applicants who have initially met the requirements outlined in ORS 327.185 to submit amendments to their plan and budget in a timely manner with reduced requirements. Grant recipients also will not be required to co-develop or meet longitudinal

**Oregon State Board of Education**  
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AGENDA ITEM: 4.C

performance growth targets and these will targets will not be included in an amended grant agreement.

*Effect of a "No"*

Applicants wishing to amend their plan and/or budget would be required to go through the entire application, resubmitting all requirements outlined in ORS 327.185, including all of those applicants who have previously met requirements. Additionally, it would not be explicit that the longitudinal performance growth targets will not be included in an amended grant agreement.

**STAFF RECOMMENDATION**

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Approve  Approve next month  No recommendation at this time

**Prompted by:**  State law changes: HB4304  Federal law changes  other:

**ATTACHMENTS**

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Attachment 1: OAR 581-014-XXXX 2020-21 SIA Amended Grant Application and Grant Agreement Process (draft dated 9-11-2020)

### **2020-21 SIA Amended Grant Application and Grant Agreement Process**

(1) For the purposes of receiving an amended grant application, the Department of Education waives the processes and requirements prescribed by ORS 327.185 and establishes the following process for the 2020-2021 school year:

(a) If the original grant application meets the requirements and the applicant does not plan to make plan and/or budget amendments then the applicant does not need to submit any additional information and the applicant will be moved into the grant agreement process.

(A) Applicants will document shifts to tiered planning or reduction of planned activities in their quarterly expenditure reports.

(b) If the original grant application meets the requirements and the applicant plans to make plan and/or budget amendments then the applicant must submit an updated plan and budget in the format and on the timeline prescribed by the Department of Education. The plan and/or budget amendments must be made available for public comment and be approved by the local school board. Once reviewed and approved by the department, the applicant will be moved into the grant agreement process.

(2) Notwithstanding subsection 1, for the purposes of receiving an amended grant application, the Department of Education establishes the following process for the 2020-2021 school year:

(a) If the original grant application does not meet the requirements when assessed by the department and the applicant does not plan to make plan or budget amendments then the applicant must submit required changes to meet application requirements to comply with requirements of ORS 327.185. Once reviewed and approved the applicant will be moved into the grant agreement process.

(A) Applicants will document shifts to tiered planning or reduction of planned activities in their quarterly expenditure reports.

(b) If the original grant application does not meet the requirements when assessed by the department and the applicant plans to make plan and/or budget amendments then the applicant must submit required changes to comply with all requirements of ORS 327.185. The applicant must also submit an updated plan and budget in the format and on the timeline prescribed by the Department of Education. The plan and/or budget amendments must be made available for public comment and be approved by the local school board. Once reviewed and approved the applicant will be moved into the grant agreement process.

(3) For the purposes of receiving an amended grant agreement, the Department of Education waives the processes and requirements prescribed by ORS 327.185 and establishes the following process for 2020-2021 school year:

(a) Grant recipients are not required to co-develop or meet longitudinal performance growth targets.

(b) Grant recipients are still required to share the grant agreement in an oral presentation at an open public meeting, allow for public comment, make available on the district or charter school webpage, and be approved by the local school board before it can be fully executed as prescribed in ORS 327.190.



OREGON  
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EDUCATION

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# 2020-21 SIA Amended Grant Application and Grant Agreement Process

# SIA Update - Second Special Session Clarity

\$150M in grant funding to distribute for the 2020-21 school year

- ODE has since released the [revised allocation estimates](#) based on this level of funding

Passed [HB 4304](#), where Section 70 addresses some adjustments for the 2020-21 school year

- ODE has communicated that applicants:
  - Will not be required to meet Longitudinal Performance Growth Targets
  - Should prioritize meeting students' mental and behavioral health needs, but will not be formally narrowing the allowable use areas
- ODE has [drafted a process](#) for moving through plan/budget amendments
- ODE has drafted temporary rules to support the implementation of SIA

# Summary of Plan/Budget Amendment Process

		Plan/Budget Amendments	
		If your district/school doesn't plan to make plan/budget amendments	If your district/school plans to make plan/budget amendments
Original Application Requirements	If your application has met requirements	Then, your district/school doesn't need to submit any additional information at this time. You will be moved into the grant agreement process.	Then, your district/school must submit an updated plan and budget. The updated plan and budget must be available for public comment and approved by the local school board. Once approved, you will be moved into the grant agreement process.
	If your application hasn't yet met requirements (includes applicants who meet with small changes and who don't meet requirements)	Then, your district/school must submit required changes previously communicated. Once approved, you will be moved into the grant agreement process. 142	Then, your district/school must submit required changes previously communicated as well as an updated plan and budget. The updated plan and budget must be available for public comment and approved by the local school board. Once approved, you will move into the grant agreement process.

# Oregon State Board of Education

## Meeting Date: September 17, 2020

AGENDA ITEM: 6.A

<p><b>SUBJECT:</b> Oregon School Capital Improvement Matching Program / OAR 581-027-0005 et. seq.</p> <p><b>STAFF NAME &amp; OFFICE:</b> Mike Wiltfong and Michael Elliott, Office of Finance and Information Technology</p> <p>The OSCIM Program needs to have the temporary rules for emergencies, approved last month, made permanent. The Technical Assistance Program needs some rules clarified. Finally, a general edit of the rules needs to happen for clarity.</p> <p><input type="checkbox"/> New Rule  <input checked="" type="checkbox"/> Amend Existing Rule  <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> <b>First Reading</b></p> <p style="padding-left: 20px;"><input checked="" type="checkbox"/> Presentation  <input type="checkbox"/> No  <b>Presentation</b></p> <p><input type="checkbox"/> <b>Action</b></p> <p style="padding-left: 20px;"><input type="checkbox"/> Temp Rule  <input type="checkbox"/> Presentation  <input type="checkbox"/> No  <b>Presentation</b></p>
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### BACKGROUND

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The Office of School Facilities (OSF) is in charge of several programs that help keep students healthy, safe, and warm in districts across the state. Two of the more well known programs are the Oregon School Capital Improvement Matching Program (OSCIM Program) and the Technical Assistance Program (TAP). The OSCIM Program provides matching grants to districts that are able to pass local general obligation bonds. The TAP provides grants of \$20,000 to \$25,000 to districts to help them conduct a variety of facility related assessments.

Since the OSCIM Program’s inception, it has committed over \$300 million to districts to pass local general obligation bonds. The grants provided to districts are 1:1 matching grants up to the grant limits of \$4 million for most districts and \$8 million for the largest districts. For many small districts, this means receiving a grant from the state doubles their funds to make needed improvements to their school facilities.

The TAP has provided 406 grants to 160 districts, totaling over \$9.5 million, since 2016. This grant has enabled many districts to conduct assessments and do long-range planning that they would not have been able to do otherwise.

In March 2020, the COVID-19 pandemic caused major disruptions to our daily lives. Many schools across the state were forced to quickly pivot to online learning models. Districts that had planned in person community meetings to discuss upcoming bonds or engage in long-range facility planning had to cancel those meetings. Normal community outreach could not happen.

In order to assist districts with this change, the State Board adopted temporary rules for the OSCIM Program. These rules allowed ODE to provide flexibility to districts in two ways. First, ODE could move an application period for the OSCIM Program. Under the emergency rules, ODE can move the application period from its normal 9 month lead time to a later date. This gives districts more time to address the immediate emergency. ODE exercised this flexibility for

## Oregon State Board of Education

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#### AGENDA ITEM: 6.A

the May 2021 application period. Instead of holding the application period in September, per normal, ODE moved the application period to December 2020 to give the districts time to address opening schools under unprecedented conditions.

The other source of flexibility is in the election itself. Instead of requiring districts to go for the election for which they originally applied, ODE can allow a district to delay to the next election and keep its current commitments and waitlist standings. This is what happened for the May 2020 election. Most of the districts delayed their bond election to November 2020. For those districts with an OSCIM Program commitment, they retained the commitment. Other districts on the waitlist, retained their waitlist priority. When the November 2020 election occurs, there will be two results for OSCIM Program grants, one for the November 2020 districts, and one for the May 2020 districts.

Another addition to the temporary rules is to allow districts 9 months to sell bonds from the date of election. This gives districts more flexibility to ensure they sell their bonds at the lowest possible interest rate to save taxpayers funds.

OSF is requesting that the State Board adopt these temporary rules as permanent rules. At the same, time OSF is asking for additional rule changes to be more efficient in the rule making process. These additional requests fall into two categories: technical changes and clarifications to the TAP.

The technical changes are to clean up some of the language and numbering in the rules. The main example is changing the term “Certified Contractor” to “Certified Assessor”. In the TAP, architects and engineers can become certified to assist districts with facility assessments and long-range facility planning. This ensures districts get quality outside help and are meeting minimum standards for the assessments. As these third party individuals are assessors and not contractors, the rules have been changed to uniformly refer to them as assessors.

The TAP provides grants to districts through a preference point system. The goal of these preference points is to ensure that those districts that need the most assistance in completing assessments get that assistance. The preference points mean that districts that are small, have high rates of poverty, and haven’t done the assessment before are going to receive a grant before other districts. For the environmental hazard assessment, the preference point for having completed radon testing before was confusing, so this proposed rule provides clarification to districts.

The rules also clarify expectations for community involvement in the long-range facility planning process. It is important for districts to engage with their communities when thinking about the future of their facilities. By hearing all voices in the community, the district can make sure that its facilities will help achieve student success and implement the educational vision of the community. The community also needs to be aware of the cost to improve facilities to ensure facilities are helping students succeed. Because long-range planning can occur without an imminent bond election, OSF is clarifying the rules to make it clear that the community has

# Oregon State Board of Education

## Meeting Date: September 17, 2020

AGENDA ITEM: 6.A

to be involved in the educational vision and financial discussion for long-range planning. This clarification will help ensure compliance with TAP standards.

Finally, the proposed rules require a district that receives a specific TAP grant wait 4 years before reapplying for the same grant. This ensures that more districts can access the TAP grants. It also puts the current practice into rule.

### SUMMARY OF PREVIOUS BOARD ACTION

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The State Board previously adopted the temporary rules for the OSCIM Program in April. The other rule changes have not been before the board.

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

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

### POLICY ISSUE OR CONCERNS

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OSF collaborated with its technical advisory group and the Oregon Department of Education's Rules Advisory Committee (RAC) to determine if there were concerns with the proposed rule changes. OSF's technical advisory group appreciated the flexibility the proposed rules provided and did not see any concerns from the administration of the program. The RAC did not have any significant concerns regarding the impact of these changes on historically underserved populations. Both groups expressed support for the proposed changes.

### EQUITY IMPACT ANALYSIS

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The OSCIM Program is designed to provide funds to those districts with the highest levels of poverty and lowest property wealth. Districts high on the priority list have higher levels of historically underserved populations in poverty than other districts. It also means these districts and their communities have not been able to invest in their facilities. These facilities are less likely to be healthy, safe, and warm than other facilities. Facilities that are old and unsafe add extra burdens to students to achieve the same level of success.

The goal of the OSCIM Program is to reverse that trend and reduce the burdens on those students. The OSCIM Program provides an incentive for communities to pass bonds. It provides, in some cases, a doubling of the funds that can be raised by districts. This reduces deferred

# Oregon State Board of Education

## Meeting Date: September 17, 2020

AGENDA ITEM: 6.A

maintenance and reduces additional burdens on students in those facilities. By allowing flexibility in times of emergency, the OSCIM Program can continue to meet that goal.

Similarly, the TAP is there to help the districts that need it the most. Districts with high poverty and that are smaller will get higher priority for these grants. The goal is to ensure those districts that do not have the funds to conduct these needed assessments get funding first. All of these assessments are an important first step to addressing facility barriers to keeping students healthy, safe, and warm. Providing funds to districts that need them ensure that all students have a chance for better facilities.

### FISCAL ANALYSIS

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There is no fiscal impact to ODE to implement this rule change. All of the funds being committed to districts have already been approved by the legislature and current staff can absorb the work.

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

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A "yes" vote will ensure that the temporary rules previously adopted by the State Board continue to be in place. This will enable the OSCIM Program to continue to meet districts where they are at and continue to provide support in times of emergency. A "yes" vote also makes the rules easier to read. It is important that rules be as clear as possible to ensure that everyone knows how a program runs. The clarity added by these rules continues to move toward that goal. Finally, a "yes" vote helps the OSCIM Program continue to assist districts in providing a healthy, safe, and warm facility for all of Oregon's students.

### STAFF RECOMMENDATION

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

### ATTACHMENTS

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Attachment 1: Proposed OARs OAR 581-027-0005 et. seq. (draft dated 9-11-2020)

**581-027-0005**

**Definitions**

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

- (1) "Adjusted Assessed Property Value per ADM" means the value calculated per OAR 581-027-0010 to determine the ranking of Districts on the Priority List for Funding.
- (2) "Adjusted ADMr" means average daily membership as calculated under OAR 581-023-0006(5)-(7) reduced by the Average Daily Membership of virtual public charter schools in the ~~D~~istrict.
- (3) "Adjusted ADMw" means the number of students in a District as calculated under ORS 327.061 and includes all weights, and extended Average Daily Membership weighted, as calculated under ORS 327.013(1)(c) reduced by the Average Daily Membership of virtual public charter schools in the ~~D~~istrict.
- (4) "ADM" means Average Daily Membership.
- (5) "ADMr" or "Resident Average Daily Membership" means average daily membership as calculated under OAR 581-023-0006(5) ~~(6)~~ ~~(7)~~ ~~(7)~~.
- (6) "Assessed Value" means the total assessed value of all tangible property within the boundaries of the District as published by the Oregon Department of Revenue.
- (7) "Average Daily Membership" or "ADMw" means the number of students in a District as calculated under ORS 327.061 and includes all weights, and extended Average Daily Membership weighted, as calculated under ORS 327.013(1)(c).
- (8) "Certified Assessor" means an entity or person who has gone through the process established by the Department that will certify the entity or person is qualified to perform the work.
- (9) "Closing" means the date on which a District receives some or all of the proceeds of its Local GO Bonds.
- (10) "Department" means the Oregon Department of Education.
- (11) "District" or "Districts" means school districts, as defined in ORS 328.001(3), that are eligible to apply for a State Matching Grant.
- (12) "DOGAMI" means the Oregon Department of Geology and Mineral Industries.
- (13) "Environmental Hazard Assessment" means an assessment of a ~~D~~istrict's radon exposure as one of the potential environmental hazards to be assessed as set forth in ORS 332.331.
- (14) "Facility Assessment" means an assessment that evaluates one or more facilities in a ~~school-d~~istrict according to the requirements set forth in OAR 581-027-0035.
- (15) "First in Time" means that portion of the Oregon School Capital Improvement Matching Account that is to be awarded to Districts based on the order in which the Department receives the applications.
- (16) "Funding Cycle" means the period of time, as determined by the Department under OAR 581-027-0020(3), before and after a May or a November general election during which the Department will accept applications, issue commitments, award grants, and finalize grant agreements for State Matching Grants under the OSCIM Program.
- (17) "Gross Square Footage" means the total square footage of the building as measured by the outside wall of the building.

- (18) “Guaranteed Tax Base Amount” or “GTBA” means a theoretical tax base of \$1,000,000 per ADM.
- (19) “Guaranteed Tax Rate Amount” means \$1,000 which is the GTBA multiplied by 0.001 for \$1 of tax per \$1,000 of Assessed Value.
- (20) “Local GO Bonds” means general obligation bonds approved by voters for the benefit of a District during the Funding Cycle for which the District applied for a State Matching Grant.
- (21) “Long-Range Facility Plan” means a plan that determines the long-range needs and goals of a District according to the requirements set forth in OAR 581-027-0040.
- (22) “Oregon School Capital Improvement Matching Account” means an interest bearing account established in the State Treasury, separate and distinct from the General Fund, that consists of net proceeds from Article XI-P bonds issued under Article XI-P (School District Capital Costs) of the Oregon Constitution.
- (23) “Oregon School Capital Improvement Matching Program” or “OSCIM Program” means the program created by Article XI-P of the Oregon Constitution and ORS 286A.769 to 286A.806.
- (24) “Priority List” means the list created by the Department each biennium pursuant to ORS 286A.801 and the formula outlined in OAR 581-027-0010.
- (25) “RVS” means Rapid Visual Screening data collected by DOGAMI and published on their website.
- (26) “Seismic Assessment” means an assessment that evaluates one or more facilities in a District according to the requirements set forth in OAR 581-027-0050.
- (27) “State Matching Grant” means the grant funds provided by the State through the OSCIM Program to match the proceeds of a District’s Local GO Bonds.
- (28) “Students in Poverty” means the number of children, age 5 to 17, in families in poverty as described by the Small Area Income Poverty Estimate published by the U.S. Census Bureau.
- (29) “Technical Assistance Grant” means a grant provided by the Department to a School District such that a School District can conduct an assessment as described in ORS 326.125 or these rules.
- (30) “~~Waiting List~~Waitlist Ranking” means the list of Districts not initially awarded a State Matching Grant, based on either the District’s position on the Priority List or the District’s First in Time status, during any Funding Cycle.

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

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

**History:**

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

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

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

**581-027-0010**

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

- (1) For each Funding Cycle, the Department shall provide State Matching Grants to Districts from designated resources in the Oregon School Capital Improvement Matching Account. The Department shall determine and apportion the amount of available resources among the

Funding Cycles in each biennium. The total amount of State Matching Grant funds available and awarded by the Department may vary during each Funding Cycle.

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

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

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

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

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

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

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

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

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

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

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

~~(e) The Districts will be ranked from the lowest~~smallest~~ Adjusted Assessed Property Value per ADM to the highest. This ranking will ensure Districts with the highest rate of Sstudents in Ppoverty and lowest Aassessed Property Value wealth per ADM are provided the greatest chance for a State Matching Grant.~~

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

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

**History:**

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

**581-027-0015**

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

- (1) The Department shall provide State Matching Grants to Districts from available resources in the Oregon School Capital Improvement Matching Account.
- (2) Sixty percent (60%) of the available resources in the Oregon School Capital Improvement Matching Account for a biennium shall be awarded based on the Priority List.
- (3) Forty percent (40%) of the available resources in the Oregon School Capital Improvement Matching Account for a biennium shall be awarded based on the order in which applications are received during the application period established by the Department for the Funding Cycle.
- (4) The Department shall use a funding formula to determine the amount of State Matching Grant funds each District is eligible to receive from the Oregon School Capital Improvement Matching Account. This funding formula will be used to determine eligibility for State Matching Grants awarded through both the Priority List and First in Time application process.
- (5) Districts whose voters pass \$4,000,000 or less in Local GO Bonds for District facility projects shall be eligible for a one-to-one match from State Matching Grant funds.
- (6) Districts whose voters pass more than \$4,000,000 in Local GO Bonds for District facility projects shall be eligible for at least \$4,000,000 and no more than \$8,000,000 based on the following formula:
  - (a) The District's Adjusted Assessed Property Value per ADM as determined by OAR 581-027-0010 shall be multiplied by the assumed tax rate of 0.001 (\$1 per \$1000 of assessed property value) to calculate the District's Estimated Local Bond Revenue per ADM.
  - (b) The Estimated Local Bond Revenue per ADM shall be subtracted from the Guaranteed Tax Rate Amount to determine the amount of eligible State Matching Grant funds per ADM.
  - (c) The eligible State Matching Grant funds per ADM shall be multiplied by the District's ~~Adjusted~~ Adjusted ADMw to determine the maximum amount of State Matching Grant funds for which a District is eligible.
- (7) The Department shall use the lesser of total proceeds from the sale of the Local GO Bonds exclusive of underwriter's discount and other costs of issuance or the original amount requested by the District as the final basis for calculating the State Matching Grant.
- (8) Local GO Bonds used by a District to qualify for the OSCIM Program must be Closed within ~~six-nine~~ (9) months of the date of the election at which the Local GO Bonds were approved.

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

**History:**

- ODE 21-2019, amend filed 06/25/2019, effective 06/25/2019
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- ODE 4-2017, f. & cert. ef. 3-1-17
- ODE 30-2016, f. & cert. ef. 4-28-16

**581-027-0020**

**Oregon School Capital Improvement Matching Program Application**

- (1) The Department shall create one application for Districts to apply for State Matching Grants from the Oregon School Capital Improvement Matching Account.
- (2) The Department shall post the application ~~prior to the beginning of each Funding Cycle~~ on the Department's web page.
- (3) The Department shall open applications for each Funding Cycle as follows:
  - (a) On the July 15 that precedes the first November Funding Cycle in a biennium;

- (b) On the September 15 that precedes the first May Funding Cycle in a biennium;
  - (c) On the March 15 that precedes the second November Funding Cycle in a biennium; and
  - (d) On the ~~second~~ September 15 that precedes the second May Funding Cycle in a biennium.
- (4) If one of those dates falls on a weekend or holiday, then the application period will be opened the Friday preceding.
- (5) Applicants must submit their application electronically. Districts may submit applications only for an open and current Funding Cycle. The Department will not accept applications for later Funding Cycles.
- (6) If a District's application does not meet the application requirements:
- (a) The Department may agree to an extension of time, but no more than sixty (60) days from the deadline for submission, for the District to correct the deficiencies; and
  - (b) The Department may allow the District to continue to apply to the OSCIM Program even if the additional time extends beyond the application window.
- (7) If a District fails to make the corrections within the agreed upon time, the Department will shall cancel the District's application and readjust the pre-election commitments made.
- (8) A District that submits an application for a Funding Cycle may withdraw the application no later than sixty (60) days from the application deadline and be eligible to reapply for the next Funding Cycle.
- (9) A District that does not withdraw its application within sixty (60) days from the application deadline, may not apply to the OSCIM Program until the election for the Funding Cycle in which the District applied occurs.
- (10) The Department shall:
- (a) Rank complete applications from Districts for each Funding Cycle according to the Priority List formula;
  - (b) Make funding commitments to Districts with the highest ranking on the priority list until sixty percent (60%) of the available resources for that Funding Cycle are used;
  - (c) Make funding commitments to the remaining Districts in accordance to the First in Time process for that Funding Cycles.
  - (d) If a ~~D~~istrict receives a partial commitment in a Funding Cycle, the Department shall not round up that partial commitment by reducing funds available to other Funding Cycles.
- (11) In order to promote equity across the state, the Department shall deem all applications received within a specified period of time for each Funding Cycle as being received at the same time.
- (a) The Department shall establish the following periods for reception of applications:
    - (A) 8:00 a.m. to 12:30 p.m. will be the first application period; and
    - (B) 12:31 p.m. to 5:00 p.m. will be the second application period.
  - (b) All applications received during one of the above time periods will be deemed to have been received at the same time for purposes of awarding First in Time commitments.
  - ~~(c) All applications received during one of the above time periods will be deemed to have been received at the same time for purposes of awarding First in Time commitments.~~
  - ~~(cd)~~ The Department shall commit First in Time funding to those applications received in the first period first. If there is funding remaining, then the Department shall commit the remaining funding to the second period.

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

(ef) The lottery process shall be determined by the Department.

(fg) All lottery results are final.

(12) The Department shall notify Districts that receive a funding commitment from the Oregon School Capital Improvement Matching Account within two weeks of the close of the application period for a Funding Cycle.

(13) The Department shall post the eligibility and ranking of all Districts that applied during that Funding Cycle on the Department's website. Districts that applied but did not receive a commitment will be notified of where they fall on the ~~Waiting List~~ Waitlist Ranking.

(14) All funding commitments are contingent upon the District subsequently Closing the required Local GO Bonds within ~~6-nine~~ (9) months of that Funding Cycle's bond election.

(15) Any Districts on the ~~Waiting List~~ Waitlist Ranking may choose to seek voter approval for Local GO Bonds in that Funding Cycle with the understanding that State Matching Grant funds may become available for that Funding Cycle if a District that has received a commitment is unsuccessful in passing their Local GO Bonds.

(16) All funding commitments to Districts that successfully pass their Local GO Bonds in the Funding Cycle will be officially awarded a State Matching Grant upon the execution of a grant agreement prescribed by the Department.

(17) All funding commitments to Districts that are not successful in passing their Local GO Bonds will be recommitted to Districts that have successfully passed Local GO Bonds in that election in the following order:

(a) All ~~D~~istricts that received a partial commitment that passed a Local GO Bond will receive funding up to the full award.

(b) All Districts on the First in Time ~~Waiting List~~ Waitlist Ranking that passed a Local GO Bond, will receive an award from the uncommitted First in Time funds.

(c) All Districts that received an award from the First in Time ~~Waiting List~~ Waitlist Ranking will be removed from the Priority List ~~Waitlist~~ Waitlist Ranking.

(d) All Districts remaining on the Priority List ~~Waiting List~~ Waitlist Ranking that passed a Local GO Bond will receive any funds remaining from Districts that received a commitment, but failed to pass a Local GO Bond.

(18) Districts will have to reapply each Funding Cycle to receive a commitment for that Funding Cycle. A ~~D~~istrict will not be able to carry forward any commitments made in previous Funding Cycles.

(19) All decisions of the Department regarding the completeness of the application or ranking under either the Priority List or First in Time process are final.

(20) Any funding remaining after all awards have been made for a Funding Cycle shall be moved forward to the next Funding Cycle.

~~(21) After the second November election in a biennium, the Department will take any funds that remain after all commitments and commitments have been made for the biennium and apply those funds to make commitments to those ~~D~~istricts on the ~~Waiting List~~ Waitlist Ranking for the final May Funding Cycle.~~

(2~~1~~) If there are funds that remain available after the last election in a biennium, those funds will be distributed as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

**History:**

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

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

**581-027-0023**

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

(1) In order to qualify for an OSCIM Program matching grant, -Districts must submit a Facility Assessment and Long-Range Facility Plan ~~and Facility Assessment~~ as part of their OSCIM Program application. Failure to submit a Facility Assessment and Long-Range Facility Plan ~~and Facility Assessment~~ will disqualify the District from participation in the OSCIM Program application for that Funding Cycle.

(2) Districts shall submit their Facility Assessment and Long-Range Facility Plan ~~and Facility Assessment~~ as follows:

(a) By the preceding July 1 for the first November Funding Cycle in the biennium;

(b) By the preceding September 1 for the first May Funding Cycle in the biennium;

(c) By the preceding March 1 for the second November Funding Cycle in the biennium; or

(d) By the preceding September 1 for the second May Funding Cycle in the biennium.

- (3) The Facility Assessment and Long-Range Facility Plan ~~and Facility Assessment~~ must be submitted electronically to the Department.
- (4) The Department will review all Facility Assessment and Long-Range Facility Plan ~~and Facility Assessment~~ submissions to ensure compliance with requirements.
- (5) If the Department determines a District's submission does not meet the requirements, the Department will notify the District of the deficiencies.
- (6) The Department may agree to an extension of time, but no more than sixty (60) days from the deadline for OSCIM Program application submission, for the District to correct the deficiencies.
- (7) If a District fails to make the corrections within the agreed upon time, the Department will cancel the District's application and readjust the pre-election commitments made.
- (8) The Facility Assessment must meet the following requirements:
- (a) Comply with the standards set forth in OAR 581-027-0035;
- (b) Cover buildings that will be included in the OSCIM Program grant application. A District may include Facility Assessments for more buildings than would be improved using OSCIM Program funds; and
- (c) Cover a District's current buildings even if the District is applying for the OSCIM Program only for the construction of a new building.
- ~~(9) The Facility Assessment must meet the following requirements:~~
- ~~(a) Comply with the standards set forth in OAR 581-027-0035;~~
- ~~(b) Cover buildings that will be including in the OSCIM Program grant application. A district may include facility assessments for more buildings than would be improved using OSCIM Program funds;~~
- ~~(c) Cover a District's current buildings even if the District is applying for the OSCIM Program only for the construction of a new building.~~
- (10) Districts are not required to use a Certified Contractor Assessor to complete the Facility Assessment or the Long-Range Facility Plan ~~or the Facility Assessment~~.
- (11) A District may use the same Facility Assessment and Long-Range Facility Plan as a basis for an OSCIM Program application for four (4) years from the year in which the plan was completed.
- (12) The Department's determination of the adequacy of the Facility Assessment and Long-Range Facility Plan ~~and Facility Assessment~~ is final.

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

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

**History:**

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**581-027-0025**

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

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

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

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

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

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

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

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

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

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

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

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

**581-027-0030**

**Technical Assistance Grant Program Procedures**

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

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

(3) Each District must submit a separate application for each assessment for which it chooses to apply.

(4) All ~~D~~istricts are eligible for each type of assessment.

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

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

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

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

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

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

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

(a) District has twenty-five percent (25%) or more of its ADMr identified as Students in Poverty;  
~~The number of Students in Poverty shall be same as used in OAR 581-027-0010;~~

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

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

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

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

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

(12) The preference points for the Long-Range Facility Plan are:

(a) District has twenty-five percent (25%) or more of its ADMr identified as Students in Poverty;  
~~The number of Students in Poverty shall be same as used in OAR 581-027-0010;~~

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

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

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

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

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

(13) The preference points for the Seismic Assessment are:

(a) District has twenty-five percent (25%) or more of its ADMr identified as Students in Poverty;  
~~The number of Students in Poverty shall be same as used in OAR 581-027-0010;~~

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

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

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

(e) District's Mapped Spectral Acceleration for 1-second period (S<sub>s</sub>) is greater than 0.6 as calculated by the United States Geological Survey ~~and published on the USGS website for the District's central office~~; and

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

(14) The preference points for the Environmental Hazard Assessment are:

(a) District has twenty-five percent (25%) or more of its ADMr identified as Students in Poverty;  
~~The number of Students in Poverty shall be same as used in OAR 581-027-0010;~~

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

(c) ~~District has not conducted radon tests as of 2016 or later~~ District has school and administrative buildings that have not been tested for radon, or district has school and

~~administrative buildings that had testing completed after July 1 of the preceding year. As of December 31, 2016, the District has not completed radon testing;~~

(d) District's ~~r~~Radon risk ~~category level~~ is either "~~H~~high" or "~~N~~ot ~~A~~assigned" according to information published by the Oregon Health Authority that provides for radon risk levels based on geography;

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

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

(15) A District that is awarded a Technical Assistance Grant must:

(a) Enter into a grant agreement with the Department by the time specified by the Department;

(b) Use a Certified Assessor to perform a Facility Assessment or Long-Range Facility Plan ~~or Facility Assessment~~;

(c) Provide the Department with an electronic copy of any final reports required by the Technical Assistance Grant; and

(d) Provide the Department with an electronic copy of invoices showing expenses incurred in performing the work for the specific Technical Assistance Grant.

(16) A District must reapply each time a new grant application is announced if a District did not receive a grant in a grant application period.

(17) A ~~D~~istrict may apply to the Technical Assistance Program to reimburse the District for assessments previously completed if:

(a) The previous assessment work was started within ~~one (1) year~~ six (6) months of the application period;

(b) The previous assessments meet all requirements set forth for the type of the assessment in these administrative rules; and

(c) The District submits a final copy of the report and all invoices within the required period for a Technical Assistance Program grant.

~~(18)~~ Districts must submit all final reports and invoices by the date specified by the Department. If a ~~D~~istrict does not meet that deadline, the Department may rescind their grant funds.

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

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

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

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

**581-027-0035**

**Facility Assessment Requirements**

~~(1)~~ Each Facility Assessment shall contain ~~the following information~~:

~~(a)~~ ~~Building Information~~

~~(1A)~~ Name of ~~B~~building.;

(B2) Building ID Number.;

(3C) Physical Address.;

(4D) Gross Square Footage.;

(5E) Original Construction Date.;

(6F) Original Construction Type.;

(7G) Additions:

(a) Construction Date;

(b) Construction Type;

(c) Construction Square footage; and

(d) Addition Construction Usage.;

(8H) Renovations:

(a) Construction Date;

(b) Construction Type;

(c) Construction Square Footage; and

(d) Renovation Construction Usage.

~~(b) Infrastructure Assessment~~

(9A) UNIFORMAT II Infrastructure Assessment: An assessment of each applicable building element as listed in the American Society for Testing and Materials (ASTM) UNIFORMAT II Classification (October 1999) of Building Elements Level 3 that provides the following:

(a) ASTM Number;

(b) System Name;

(c) Description of System;

(d) Number of systems or square footage of system in need of repair or want of replacement;

(e) Level of repair/replacement needed. The percent of the building affected should be noted to assist in cost estimating; and-

(f) Notes as to what specifically needs to be done to repair or replace the system.

(10B) Additional items:

(a) A safety and security analysis of the facility that determines if the facility meets current best practices for providing a safe and secure environment;

(b) An ADA assessment and listing of deficiencies;

(c) Assessment of technology infrastructure in the facility including bandwidth, type of internet connection, presence of wireless networks, and other means of providing access to information technology;

(d) Assessment of indoor air quality; and

(e) Presence of harmful substances such as lead or asbestos in the facility based on District reports.

(11e) Value Assessment:

(a) The current replacement value of the building using cost per square foot standards as determined by the Department and updated annually; and-

(b) The Facilities Condition Index of the building as calculated by dividing the total estimated construction costs to completely repair the building by the current replacement value of the building.

(122) All information submitted electronically to the Department on a Department-established template which shall be used by Districts and Certified Assessors. The Department shall

establish a template for Districts and their Certified Contractors Assessors to use to collect the information required in (1).

~~(3) Districts and Certified Contractors Assessors shall use the template established by the Department to provide the final report to the Department in electronic format.~~

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

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

**History:**

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

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

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

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

**581-027-0040**

**Long-Range Facility Plan Requirements**

~~(1)~~ Each Long-Range Facility Plan shall contain the following information:

~~(211)~~ Population projections by school age group for the next ten (10) years using U.S. Census or Census partner data.

~~(322)~~ Collaboration with local government planning agencies (city and/or county) that results in:

(a) Identification of suitable school sites if needed; and

~~(b)~~ Site acquisition schedules and programs.

~~(~~

~~(3)~~ Evidence of community involvement in:

~~(a)~~ Determining educational vision of local community;

~~(b)~~ Reviewing the costs of identified improvements;

~~(c)~~ Prioritizing the identified improvements; and

~~(d)~~ Determining potential sources of funds for the improvements.

~~43)~~ Evidence of community involvement in determining:

~~(a)~~ Educational vision of local community; and

~~(b)~~ Proposals to fund long-range facility needs.

~~(454)~~ Identification of buildings on historic preservation lists including the National Historic Register, State Historical Preservation Office, and local historic building lists.

~~(565)~~ Analysis of District's current facilities' ability to meet District-adopted educational adequacy standards:

(a) Identification of standards adopted by District that are used to determine educational adequacy for District;

(b) Identification of ability of current facility capacity to meet District-adopted educational adequacy standards; and

(c) If current facilities are unable to meet District-adopted educational adequacy standards, District will then:

(A) Identify deficiencies in current facilities;

(B) Identify changes needed to bring current facilities up to District-adopted educational adequacy standards; and

(C) Identify potential alternatives to new construction or major renovation of current facilities to meet District-adopted educational adequacy standards.;

~~(676) A description of the plan the Ddistrict will undertake to change its facility facilities to match the projections and needs for the Ddistrict for the next ten (10) years.~~

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

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

**History:**

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

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

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

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

**581-027-0045**

**Seismic Assessment Requirements**

~~(1)~~ Each Seismic Assessment shall contain the following:

~~(211)~~ Name of ~~B~~building.

~~(322)~~ Gross ~~S~~square ~~F~~footage of ~~B~~building.

~~(433)~~ Physical ~~A~~address.

~~(544)~~ Original ~~C~~onstruction ~~D~~ate.

~~(655)~~ Original ~~C~~onstruction ~~T~~ype.

~~(766)~~ Additions:

(a) Construction Date;

(b) Construction Type;

(c) Construction Square ~~F~~footage; and

(d) Construction Usage.

~~(877)~~ Procedures used to determine the building's ability to meet the Basic Performance Objective for Existing Buildings (BPOE) in ASCE ~~41~~-17. Specifically:

(a) The building's ability to perform to the Limited Safety Structural Performance Level at the BSE-2E hazard level in ASCE 41-17 if building is categorized as Risk Category III, school buildings, not including areas which may be used as emergency shelters, under OAR 123-051-0600; or

(b) The building's ability to perform to the Life Safety Structural Performance Level at BSE-2E hazard level AND the Immediate Occupancy Structural Performance Level at the BSE-1E ~~hazard level~~ in ASCE 41-17 if building is categorized as Risk Category IV, emergency service buildings and school areas that may be used as emergency shelters, under OAR 123-051-0600.

~~(988)~~ List of deficiencies that need to be corrected to qualify building to meet the Basic Performance Objective for Existing Buildings in ~~a~~Accordance with ASCE 41-17.

~~(1099)~~ List of drawings illustrating schematic rehabilitation tasks to rectify listed deficiencies in accordance with ACSE 41-17 standard.

~~(111010)~~ Cost estimate provided by professional with knowledge about the type of work to be done that includes contingencies built into all budget categories.

~~(121111)~~ Certification of the final assessment provided by registered Structural Engineer licensed in the State of Oregon.

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

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

**History:**

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

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

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

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

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

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

**581-027-0050**

**Contractor Assessor Certification Program**

(1) The Department shall establish a program whereby entities or individuals can apply to become Certified Assessors for the purposes of the Technical Assistance Grants.

(2) The program shall contain a portion of instruction on the methods to be used by Certified Assessors in performing Facility Assessment and Long-Range Facility Plan work.

(3) The program shall contain a test such that those that pass will become Certified Assessors.

(4) The Department shall post on its website specific information for each time the training program is held.

(5) No entity or individual may become a Certified Assessor unless:

(a) They meet the requirements to apply for the program;

(b) Attend and complete the training for Certified Assessors; and

(c) Pass a written examination at the end of the training program.

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

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

**History:**

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

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

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

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

# Oregon State Board of Education

## MEETING DATE: September 17, 2020

AGENDA ITEM: 6.B

<p><b>SUBJECT:</b> Student Absences</p> <p><b>STAFF NAME &amp; OFFICE:</b> Maggie Mashia and Leah Thorp, Office of Education Innovation and Improvement</p> <p>Following the passage of HB 2191 and HB 2556 (2019), which modified ORS 339.065, the ODE has held listening sessions and a survey to receive input on the implementation of these bills. We present a rule that clarifies the definition of mental and behavioral health absences, how a school should respond to absences, and how a school should notify students and families of the types of absences that are excused by law.</p> <p><input checked="" type="checkbox"/> New Rule  <input type="checkbox"/> Amend Existing Rule  <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> <b>First Reading</b></p> <p style="padding-left: 20px;"><input checked="" type="checkbox"/> <b>Presentation</b>  <input type="checkbox"/> <b>No Presentation</b></p> <p><input type="checkbox"/> <b>Action</b></p> <p style="padding-left: 20px;"><input type="checkbox"/> <b>Temp Rule</b>  <input type="checkbox"/> <b>Presentation</b>  <input type="checkbox"/> <b>No Presentation</b></p>
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### BACKGROUND

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

1. History:
  - a. What prompted the rule (why do we have it?) State law? Federal law? Incident? Why are changes/amendments being proposed?  
**Following the passage of Oregon HB 2191 (2019) and HB 2556 (2019), the ODE staff received many inquiries from schools and districts to clarify the wording of the OAR. Subsequently, ODE staff held listening sessions and conducted a survey to understand the needs of school districts for clarification about student absences. These two bills added types of excused absences—mental or behavioral health and dependents of members of the Armed Forces of the United States to the list in ORS 339.065.**
  - b. What is the current requirement in rule or statute?  
**There are no current rules that respond to the ORSs mentioned in both bills. ORS 339.065, the main amended ORS, specifies the types of absences that must be excused by school districts when calculating Regular Attendance.**
2. Purpose
  - a. What function does the current rule hold?  
**N/A. This is a new rule.**
  - b. How long has the rule been in place?  
**N/A. This is a new rule.**
3. Does the board have any areas of discretion or is this strictly mirroring statute?
  - a. If the board does have discretion, those areas should be called out here or in the next section.  
**This is strictly mirroring statute.**
4. Stakeholder voice/input (individual and collective i.e., groups)
  - a. Who was involved in bringing this to the Board?

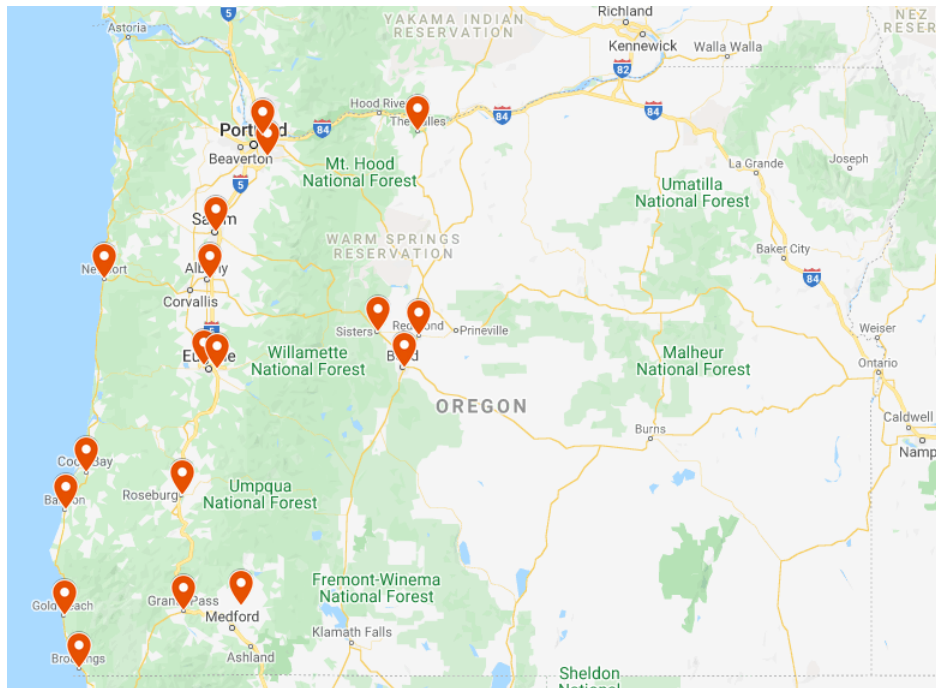
# Oregon State Board of Education

## MEETING DATE: September 17, 2020

AGENDA ITEM: 6.B

The Every Day Matters team, in collaboration with Tribal Attendance Promising Practices staff, both working to reduce chronic absenteeism in Oregon at the ODE have created this OAR after hosting listening sessions and a survey across the state to determine the areas for clarification regarding student absences.

b. What did engagement in this process entail?



We hosted 24 listening sessions (more were scheduled and cancelled due to COVID-19) from December 2019-March 2020 that included 5 public/community sessions, 8 student sessions, 10 educator sessions, Government to Government with the 9 Federally Recognized Tribes, and Family Advocates. We also hosted an online survey, available in 5 languages and by paper if requested, that mirrored the guiding questions of the listening sessions. The listening sessions were focused largely on mental and behavioral health absences but also facilitated discussion on barriers to student attendance overall. The notes from the meetings and 161 survey responses were analyzed for themes. These themes determined the questions that the Every Day Matters team was trying to answer in developing this OAR.

Following the first draft of the OAR, both internal and external partners that work with student attendance and student groups that are frequently chronically absent were solicited for feedback and two presentations were made to the newly-formed ODE Rules Advisory Committee.

c. Who may be affected by this?

All students, families of students, and school staff may be affected by this rule, as this rule puts into place requirements for schools for when students are absent,

# Oregon State Board of Education

## MEETING DATE: September 17, 2020

AGENDA ITEM: 6.B

**notification to families about the types of excused absences available, and makes it not allowable to require the submission of proof of a medical visit.**

- d. Whose voice is missing potentially?  
**Because the listening sessions were halted, it is difficult to know that we heard voices of all of our historically underserved student populations and their families. We continue to work to gain feedback on the OAR but it is difficult at this time with the many needs of schools and districts to rethink education during a pandemic.**
- e. What additional information does the Board need prior to moving forward?  
**The team kept equity at the forefront of all conversations. Which of our students reported experiencing grade reductions for days missed from school? Which of our students are most likely to not be able to produce a doctor's note confirming an appointment in the case of an illness absence? What steps can we put into place that create conversations around available resources for our students experiencing a mental health need?**

### SUMMARY OF PREVIOUS BOARD ACTION

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1. Has this been before the board before? If so, what action did the board take?  
**No, this is the first presentation.**

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

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

### POLICY ISSUE OR CONCERNS

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

1. Stakeholders
- a. How have you intentionally involved stakeholders who are also members of communities affected by this rule?  
**We have intentionally spoken with school administrators and teachers, attendance clerks, students, parents, and community members. While we did not have listening sessions with all affinity groups that we were planning, due to COVID-19, we have been thoughtful about reaching out for feedback and OAR revision.**
- b. Who are the historically underserved groups affected?  
**The design of the OAR and the feedback received thus far is that this rule positively affects our historically underserved students. This is through the removal of**

# Oregon State Board of Education

## MEETING DATE: September 17, 2020

AGENDA ITEM: 6.B

practices that have been found to disproportionately affect students of color and students experiencing poverty to the detriment of their education.

The common requirement that students produce a healthcare provider note in the instance of an illness disproportionately affects our students experiencing poverty, students experiencing houselessness, and our rural students, all of whom may find it more difficult to transport to and receive medical care. Further, this practice does not align with the spirit of HB 2191, which adds mental and behavioral health as excused absences, since not all mental and behavioral health absences will be tended to by a mental health provider.

The portion addressing grading policies removes the allowance for teachers and administrators to inequitably deduct grades as a result of absence, unless the school board has adopted a specific grading policy as outline in ORS 339.280.

School district personnel have reported that they are intentionally keeping the allowable excused absence of mental or behavioral health days a secret so that students don't "abuse" the policy. We believe that all students and parents should be provided the policy around excused absences yearly so that they may be informed that these excused absences exist, hence the section about inclusion in the student handbook.

- c. If the rule change or policy decision has tribal implications and it has been deemed appropriate by the Department's Tribal Liaison, the Deputy Superintendent, or State Board, has there been engagement or collaboration with tribes in this rule change or policy decision?  
**All 9 Federally-Recognized tribes were included in the listening session that took place during the Government to Government in Spring 2020. Ramona Halcomb, Indian Education Specialist at the ODE, has collaborated on this OAR, and outreach to the tribes for OAR review continues to occur.**
- d. How has the Oregon Department of Education modified or enhanced the rule change or policy decision to address the needs of historically underserved communities?  
**We expect these policy changes presented in this OAR to positively impact our historically underserved communities by removing stated barriers to their education. These barriers include inequitable views of legitimacy of student absences and makeup policies,**

### 2. Negative/Positive Effects

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

**School districts may require notes from healthcare administrators to act as a deterrent to absences and this OAR eliminates this option. They also may use grading policies that reduce assignment or course grades to deter from absences. School districts will potentially have fewer policies in place to deter from student absences.**

# Oregon State Board of Education

## MEETING DATE: September 17, 2020

AGENDA ITEM: 6.B

- b. What is the impact on eliminating the opportunity or achievement gap?  
**It is expected that the impact to grading policies, family relationships, and student engagement when in school will be positive. This may see a closing of the opportunity and achievement gaps.**
  - c. Have all the potential unintended consequences been considered?  
**If it is determined that unintended consequences arise from the adoption of this rule to negatively impact students, steps will be taken to amend the policy.**
  - d. Does this rule advance the 40/40/20 goals?  
**Not directly, no; however, it is hoped that the long term effect will be fewer students pushed out of the educational system due to unmet mental health needs, punitive grading systems, and a lack of awareness about the resources available to them.**
3. What are the barriers to more equitable outcomes, either:
- a. State or federally mandated?  
**There is room in ORS 339.065 and 339.280 to consider how the current policies affect our students that have historically underserved in their education through inequitable attendance practices.**
  - b. Political?  
**School districts may find it difficult to release the punitive consequences for absences due to the belief that those consequences will spur students to attend more frequently. Reducing grades and requiring doctor's notes are somewhat controversial.**
  - c. Emotional?
  - d. Financial?
  - e. Programmatic?  
**School district reporting of attendance and use of attendance as a metric may cause some school districts to be less likely to educate parents and students about mental health absences or grant these days because of the accountability metrics.**

### EQUITY IMPACT ANALYSIS

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

- 1. Will historically underserved populations be impacted by this docket item?
  - a. If yes, describe how the rule changes, policy, or action could produce other unintended consequences not listed in the docket.  
**Yes, we anticipate historically underserved students, particularly students of color and students experiencing poverty, to be positively impacted by this rule as it will put into place a response to absences that is less punitive and more supportive of student needs and barriers to attending. The punitive nature of attendance**

# Oregon State Board of Education

## MEETING DATE: September 17, 2020

AGENDA ITEM: 6.B

**practices has disproportionately affected historically underserved students through inequitable implementation of policies.**

- b. If no, refer to *Policy Issue or Concerns* and identify the historically underserved populations affected. Conduct a reflection and examination, which will and should answer 1a.
2. Examine the potential impact of the rule changes, policy, or action on historically underserved populations in Oregon. Describe this ongoing and/or foreseeable impact, using as much detail as possible.

**We have addressed this throughout the document and believe it to be clear that the impact is expected to be a remedy of areas of inequity among our historically underserved students.**

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

- a. the achievement gap
- b. the opportunity gap

**By reducing the punitive nature of responses to absences and shifting the focus to student learning and well-being, it is expected that schools will alter the culture and climate of their learning so that there is a greater focus on connecting and engaging with students on a real, substantive way while also focusing on their well-being that then increases learning. Once students know that they are welcome back into the school after an absence, and that the staff and teachers care about both their physical, mental, and behavioral health and their learning, the students will feel able and supported in their education. This should result in decreases in both the achievement and opportunity gaps.**

### FISCAL ANALYSIS

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

1. How does the proposed rule fit within the budget of the agency?
  - a. Which units/divisions/offices will be impacted and how?  
**There is not an anticipated impact to the budget of the agency.**
2. How does the proposed rule change impact school districts and ESDs?  
**School districts will need to create and maintain resources and practices that address the needs of the student when the school is alerted that the student will be absent. This may require more staff time to have those conversations with parents, caregivers, and families to offer these materials. Additionally, more time will need to be allocated to building resource connections with community partners to ensure that families receive complete information about external community supports.**
3. How does the proposed rule change impact schools and other educational institutions?  
**The expected impact to schools is a positive change in culture and climate with the shift from a penalizing response to absences to one of resources and support. There is not an anticipated fiscal impact beyond some staff time for conversations with parents, caregivers, and family.**

**Oregon State Board of Education**  
**MEETING DATE: September 17, 2020**

AGENDA ITEM: 6.B

4. Does the proposed rule change impact other stakeholders?  
**No.**

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

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

**STAFF RECOMMENDATION**

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

**ATTACHMENTS**

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Attachment 1: Student Absence OAR

**REVIEWED BY: JW 08-26-2020**

OAR 581-021-0081 – Student Absences

(1) Definitions for the purpose of this rule:

(a) “Family member or Caregiver” means a family member or caregiver responsible for and appointed to represent a student.

(b) “Student” means a minor between the ages of ~~6~~7 and 18 who has not completed the 12th grade, and who is not exempt from compulsory attendance under ORS 339.030.

(c) “Eligible Student” means a student who has reached 18 years of age, a legally emancipated student, or a student who is attending only an institution of postsecondary education and is not enrolled in a secondary school.

(d) “Excused absence” means an absence from school as allowed in ORS 339.065.

(e) “Mental or behavioral health absence” means an absence taken by a student to promote their mental and behavioral health as stated by the family member or caregiver.

(2) Absence Documentation. School districts can not require confirmation of a healthcare provider appointment following a student’s absence, unless required by the public health authority.

(3) Absence Recording. For purposes of accurate tracking of regular attendance, the school must record military-connected absences separately from other absences per ORS 339.065.

(4) Notice of Excused Absence Allowances. Schools must include information about the number and type of allowed excused absences as outlined in ORS 339.065 in the student policy handbook as developed for ORS 339.250 that is distributed to students and families at the beginning of each school year. The following must be included in the student policy handbook:

(a) Mental or behavioral health as excused absences.

(b) Absences related to being a dependent of a member of the Armed Forces of the United States.

(5) School Response to Absence. When notified by a family member, caregiver, or eligible student of an excused or unexcused absence, schools must:

(a) Allow work missed by the student to be made up within a reasonable period of time following the return to school, at a minimum of one day per day absent. Schools must work with students to determine what is reasonable based upon the student needs, academic

situation, and amount of make up work to be completed. For a planned absence, schools should provide homework prior to the absence. Evaluation of student work received within the allowable time following return to school shall not incur a penalty or grade reduction related to being late.

(b) Offer equitable access to community, academic, and social/emotional resources. Resources must be culturally and linguistically responsive and support mental/behavioral health and physical well-being.

Statute Auth: ORS 339.065

Statute implement: ORS 339.065

DRAFT

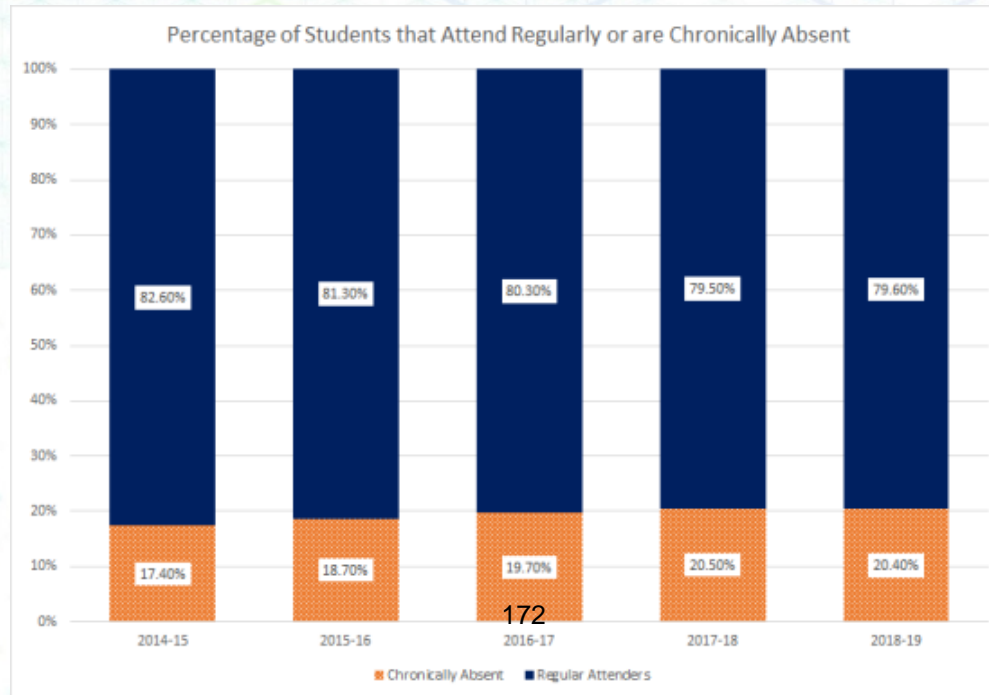
# Student Absences

Maggie Mashia, Director of Programs and Practices

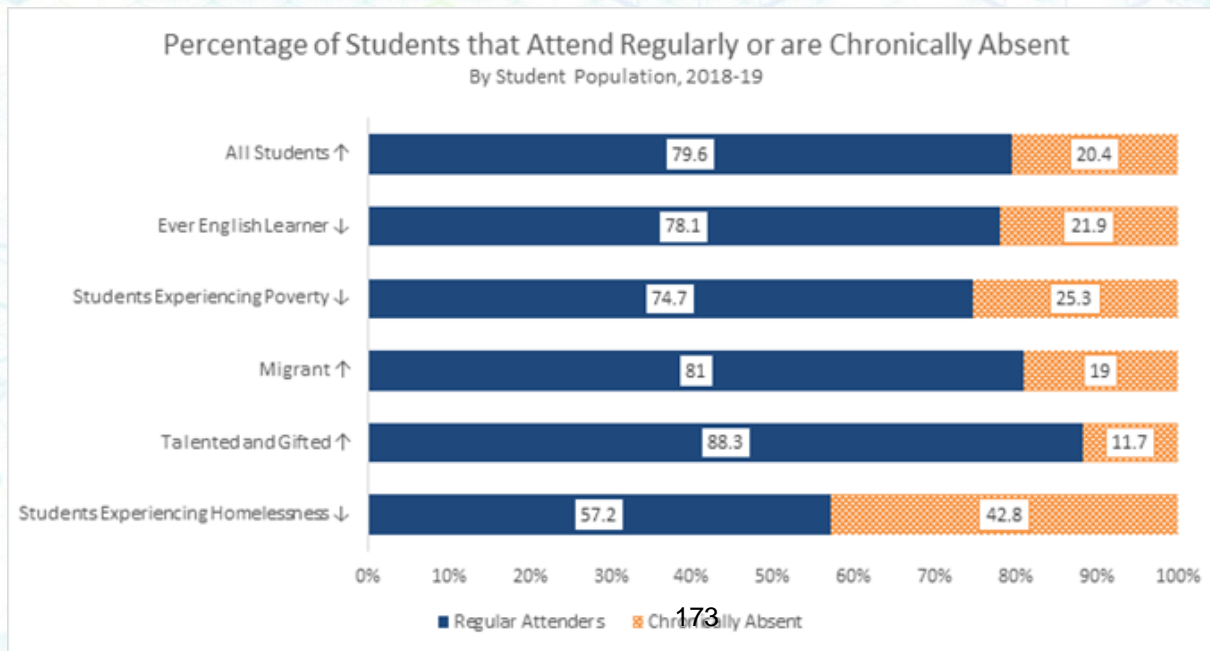
Leah Thorp, Operations and Policy Analyst

Office of Education Innovation and Improvement

# Student Absences

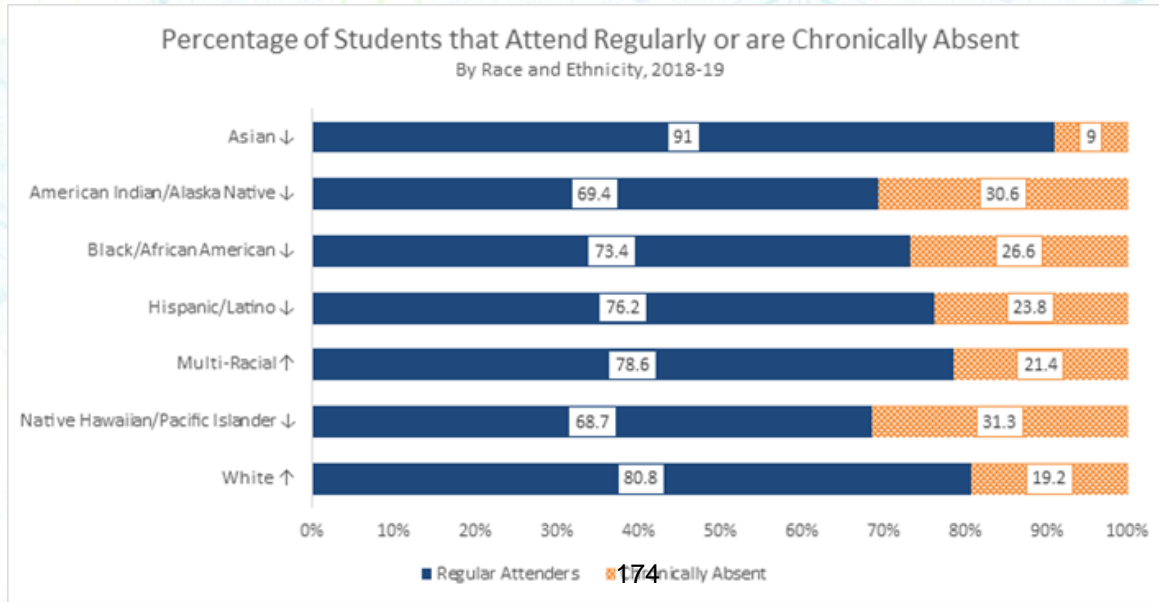


# Student Absences



Up and down arrows indicate the change in Regular Attender rates from 2017-18

# Student Absences



Up and down arrows indicate the change in Regular Attender rates from 2017-18

# Student Absences

In 2019, the legislature passed HB 2191 and HB 2556, both affecting excused absences for students in ORS 339.065.

- [HB 2191](#) includes mental or behavioral health absences as excused
- [HB 2556](#) includes absences related to being a dependent of a member of the Armed Forces of the United States that is on active duty or called into active duty

# Student Absences

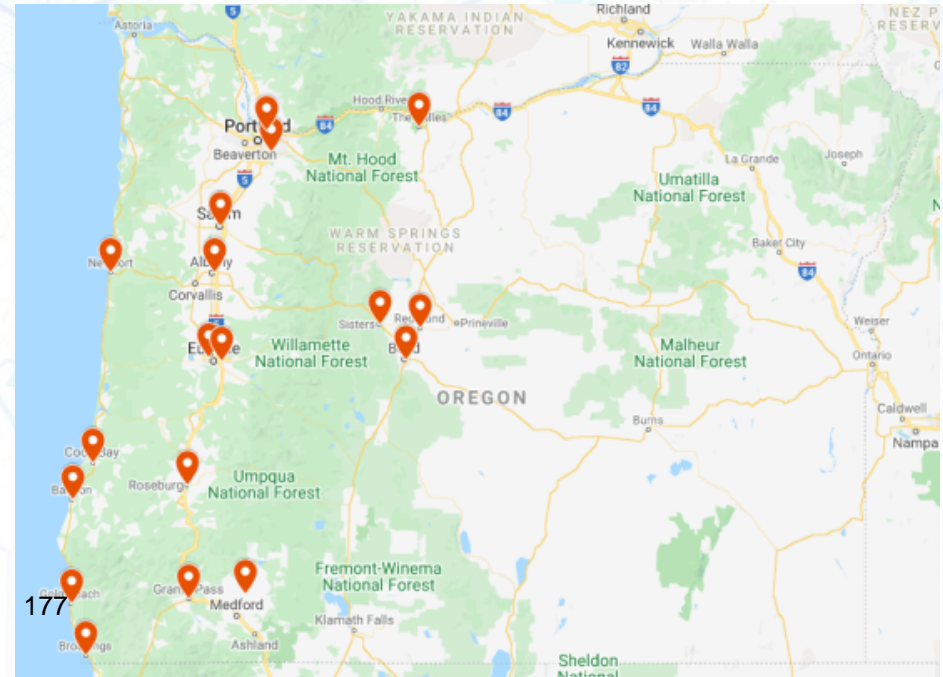
## Timeline of OAR writing:

- September-November 2019: Planning for engagement
- December 2019-March 2020: Engagement through listening sessions (halted due to COVID-19) and an online survey
- April-June 2020: Qualitative analysis of feedback received
- June-September 2020: Writing of OAR, soliciting feedback, editing OAR

# Student Absences

## Listening Sessions

- 24 listening sessions occurred (5 public/community, 8 student, 10 educator, 1 Government-to-Government Education Cluster, 2 other)
- Focused on mental and behavioral health absences but broadly gathered feedback on barriers to attendance in Oregon public schools.



# Student Absences

## Online Feedback (Survey)

- Open from January 6-April 1, 2020
- Available in English, Spanish, Russian, Chinese, and Vietnamese
- Made available by paper, if requested
- Received 161 responses
  - 85 educators
  - 4 community members
  - 52 students
  - 20 parents/family members

# Student Absences

## Qualitative Analysis of Feedback

- Focused on feedback from the listening sessions and survey as it related to HB 2191 and HB 2556
- Drew several themes compiled into questions:
  - *Who can excuse students?*
  - *How are student absences recorded?*
  - *What supports/resources are needed?*
  - *How do you define mental and behavioral health?*

# Student Absences

## Guidance from outreach:

- It needs to be clear to students and families what absences are excused in statute
- School districts don't always keep track of the types of absences that a student has accumulated
- Not all students can access healthcare services for confirmation notes when out ill (equity consideration)
- Responses to student absences by the school are varied, particularly mental and behavioral health absences
- We need to increase access to culturally-responsive mental and behavioral health resources
- Grading policies that include deductions for absences can disproportionately affect our historically underserved students

# Student Absences

## Intentionality in OAR

### Section 1:

- Include family members and caregivers, not only parents
- Put the family and caregivers at the center of defining a mental or behavioral health absence rather than the school

### Section 2:

- Put rural students, students experiencing poverty, students of working parents, and students without access to healthcare at the center of thinking by not requiring documentation for the return to school after a student has been absent.

# Student Absences

## Intentionality in OAR

### Section 4

- Support our students that are dependents of members of the armed forces as well as students experiencing mental and behavioral health needs by alerting them that these absences are excused in statute.

# Student Absences

## Intentionality in OAR

### Section 5

- Create a dynamic of care and a school response to absences that goes beyond the recording of time out of school.
- Support the student's future learning by not penalizing them for missed instruction.
- Allow the school and families to build relationships in the event of an absence by working together to address any potential underlying need.

**Oregon State Board of Education**  
**Meeting Date: September 17, 2020**

AGENDA ITEM: 6.C

<p><b>SUBJECT:</b> Rules for ODE Driving Credentials/OAR 581-053-0009</p> <p><b>STAFF NAME &amp; OFFICE:</b></p> <p>The impacts of the COVID-19 disease on commercial driver programs associated with schools, including those employing school bus drivers and school activity vehicles, include excessive difficulty in satisfying the requirements for ODE-issued credentials. This ruleset proposes to allow a waiver for specific approved training hours required under our certificate programs.</p> <p><input type="checkbox"/> New Rule  <input checked="" type="checkbox"/> Amend Existing Rule  <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> <b>First Reading</b>  <input type="checkbox"/> <b>Presentation</b>  <input type="checkbox"/> <b>No Presentation</b></p> <p><input type="checkbox"/> <b>Action</b>  <input type="checkbox"/> <b>Temp Rule</b>  <input type="checkbox"/> <b>Presentation</b>  <input type="checkbox"/> <b>No Presentation</b></p>
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**BACKGROUND**

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The impacts of the COVID-19 disease on commercial driver programs associated with schools, including those employing school bus drivers and school activity vehicles, include excessive difficulty in satisfying the requirements for ODE-issued credentials. This ruleset proposes to allow a waiver for specific approved training hours required under our certificate programs, for new driver credentials (“permit” certificate), and for the expiration of non-commercial driver licenses as they relate to our certificate program.

Currently, school bus and school activity vehicle drivers are required to maintain commercial driving credentials to apply for renewal or original issuance of Oregon Department of Education certificates permitting them to drive specified vehicles. In addition to a commercial driver license (CDL), departmental rule requires evidence of a current physical examination, current training in administering first aid, and a minimum accumulation of approved classroom hours to issue a certificate for these drivers. This high standard, exceeding that of the requirements for commercial driver license, helps to assure stakeholders that those charged with the responsibility of safely transporting school pupils to and from school and associated school functions are physically capable and well-prepared to respond to an emergency situation in the course of duty. This includes evacuation of pupils from the vehicle in the event such action is warranted, a critical life-saving procedure. These standards have been in place for decades and are effective to their purpose.

The existing regulations are strictly a matter of the discretion of the State Board of Education.

## **Oregon State Board of Education**

### **Meeting Date: September 17, 2020**

#### AGENDA ITEM: 6.C

Stakeholders in the field have given notice that the typically simple task of providing approved training classes have been made more complex given the governor's executive orders requiring physical distancing and concerns about public health/exposure.

In light of similar concessions made by the United States Department of Transportation and Oregon's Driver & Motor Vehicle Services to offer leniency around existing but expired credentials, Brock Dittus & Mark Mayer of ODE worked in the spring to craft a temporary ruleset that would allow for driver programs facing the aforementioned hardships to extend the validity of ODE-issued credentials that expired during the declared state of emergency and school closure. The Pupil Transportation unit received daily inquiry regarding the status of such a concession, and with over 400 certificates scheduled to expire during the existing closure period, it seemed prudent to offer a way to allow pupil transportation entities a method to maintain their existing staff of qualified drivers until the need for such a concession abates. Keeping any pupil transportation operation adequately staffed is challenging under normal circumstances, let alone while facing a pandemic.

In the course of the public health situation's evolution, the Pupil Transportation & Fingerprinting Unit requested that Director Colt Gill extend certain provisions of the temporary rule enacted by the State Board of Education that continue to present hardships to pupil transportation operations, including the allowance of the departmental certificate permit to be valid for an extended period of time (ordinarily 120 days), and the allowance to issue departmental certificates for applicants whose non-commercial driver licenses had expired, given that DMV has faced significant backlogs in their attempt to meet the needs of the public after their field office closures. These provisions appear to remain necessary as public health metrics continue to present challenges to success and many pupil transportation workers may identify as at a higher risk due to age or other factors.

It is likely that historically disadvantaged populations would be the first and most affected by a delay in transportation services, and for this reason it would be an important equity consideration to ensure that students experiencing poverty or systemic oppression are able to access meals or childcare through school transportation services during the school closure and any interruption to such services is mitigated when physical attendance resumes.

It is important to note that this proposed ruleset does not lower the bar for new drivers; all existing regulations for a new credential would remain in place. What it would offer is a way for those with existing credentials to continue offering service through January 31, or such other time as deemed necessary by the Director. Provisions also exist within the proposed regulations to allow for alterations by the Director as necessary should any unforeseen difficulties arise, such as an inability to procure a commercial driver license from DMV at a future time.

# Oregon State Board of Education

## Meeting Date: September 17, 2020

AGENDA ITEM: 6.C

### SUMMARY OF PREVIOUS BOARD ACTION

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This issue was previously presented to the board in their April 2020 meeting, and approved as a temporary rule.

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

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

All dates of effective language advanced to January 31, 2020. New language drawn from Colt Gill's May 2020 Memo on extensions of the former rule provisions included as follows:

(b) Requirements pertaining to receiving approved instruction shall be temporarily waived for new drivers by allowing certificate permits to be valid through January 31, 2021. New drivers shall continue to be trained in first aid and be subject to physical examinations.

(c) Driving certificates and approvals requiring only a standard driver license shall be granted to an applicant for renewal regardless of expired status, provided no disqualifying driving or criminal records exist for the applicant and DMV is unable to issue a qualified renewal. Such approvals shall be valid through January 31, 2021.

### POLICY ISSUE OR CONCERNS

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Stakeholders are in contact with department staff on a regular basis inquiring about a provision of this nature, making it clear that this has become an urgent issue. No significant or adverse impacts in the passage of the proposed rules have been identified regarding historically underserved or tribal populations.

The positive effect of rule passage includes the ability of existing driver staff to serve the needs of their local communities both now and after the emergency has passed, while mitigating any concerns that a driver would go without approved training for an extended period of time. The impact on attendance would be positive, including that for students in the chronic absenteeism bracket. No barriers to more equitable outcomes are identified in the proposal.

### EQUITY IMPACT ANALYSIS

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See above – no concerns about a negative equity impact have been identified.

# Oregon State Board of Education

## Meeting Date: September 17, 2020

AGENDA ITEM: 6.C

### FISCAL ANALYSIS

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No significant fiscal impact has been identified related to this proposal. In a similar vein to the decision to continue to pay school district employees during the school closure, this proposal allows transportation operations that districts depend upon to function while they recover from the difficult situation we all find ourselves in. Such a concession seems to allow an overall reduction of cost to the State School Fund, in that it is more expensive and difficult to recruit new employees than it is to retain and develop the employees that exist.

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

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An approval by the board would allow drivers with expired credentials to operate as needed in their job functions, and allow for more time to prepare to meet current certificate requirements by January 31, 2021.

A denial by the board would present a significant hardship to pupil transportation operations, likely result in a decreased level of safety in operations due to stress and understaffing, and be out of step with similar decisions made by other agencies governing portions of commercial driving credentials.

### STAFF RECOMMENDATION

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Approve  Approve next month  No recommendation at this time  
**Prompted by:**  State law changes  Federal law changes  other: COVID-19 related hardship

### ATTACHMENTS

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Attachment 1: OAR 581-053-0009 Waiver (draft dated 9-11-2020)

**581-053-0009**

**Waiver**

(1) Notwithstanding any other provision of Oregon Administrative Rules Chapter 581, subject to subsection (2) of this rule, for purposes of Oregon Administrative Rules Chapter 581, Division 53, the following requirements are waived until **January 31, 2021**:

(a) Any requirement related to receiving or having received instruction under Oregon Administrative Rules Chapter 581, Division 053.

(b) Requirements pertaining to receiving approved instruction shall be temporarily waived for new drivers by allowing certificate permits to be valid through January 31, 2021. New drivers shall continue to be trained in first aid and be subject to physical examinations.

(c) Driving certificates and approvals requiring a driver license shall be granted to an applicant for renewal regardless of expired status, provided no disqualifying driving or criminal records exist for the applicant and DMV is unable to issue a qualified renewal. Such approvals shall be valid through January 31, 2021.

(2)(a) The waiver described in subsection (1) of this rule applies only to a requirement necessary to perform an activity that the individual to whom the requirement applies was authorized to perform on the first date on which schools closed pursuant to Executive Order 20-08.

(b) By order, the Director of the Oregon Department of Education may rescind an application of the waiver described in subsection (1) of this rule if the director has good cause for the determination.

(c) By order, the director may extend the date specified in subsection (1) of this rule to any other subsequent date if the director has good cause for the extension and the extension is related to schools closing pursuant to executive orders issued by the Governor ordering the closure of schools for purposes related to Coronavirus Disease 2019.

(3) By order, the director may waive any other requirement necessary to perform an activity described in Oregon Administrative Rules Chapter 581, Division 53, if the director has good cause for the determination and the waiver is related to schools closing pursuant to executive orders issued by the Governor ordering the closure of schools for purposes related to Coronavirus Disease 2019.

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

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

**History:**

[ODE 14-2020, temporary adopt filed 04/23/2020, effective 04/23/2020 through 10/19/2020](#)

**Oregon State Board of Education**  
**MEETING DATE: September 17, 2020**

AGENDA ITEM: 6.D

<p><b>SUBJECT:</b> Competitive Farm to School Program Procurement Grant OAR 581-017-0711 through -0726</p> <p><b>STAFF NAME &amp; OFFICE:</b> Rick Sherman and Dustin Melton, Child Nutrition Program</p> <p>The current language does not allow ODE to reallocate unspent funds. This amended language mirrors statute by ensuring grant funds will be spent. The purpose of these grant funds is for grantees to be reimbursed for Oregon grown or processed foods.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> <b>First Reading</b> <input checked="" type="checkbox"/> <b>Presentation</b> <input type="checkbox"/> <b>No Presentation</b></p> <p><input type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Temp Rule</b> <input type="checkbox"/> <b>Presentation</b> <input type="checkbox"/> <b>No Presentation</b></p>
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**BACKGROUND**

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The Farm to School Program consists of non-competitive and a competitive grant programs. These grant programs include the Competitive and Non-Competitive Procurement Grant. The purpose of these grant funds is for grantees to be reimbursed for locally grown or processed foods. Approximately 400 grantees receive a farm to school procurement grant.

Other components of the Farm to school grant are the Education Grant, the Technical Assistance Grant, and the Infrastructure Grant.

The Oregon Farm to School Competitive Procurement Grant enables ODE to reallocate unspent funds from grantees of the noncompetitive grant. This will allow ODE to ensure that farm to school funds will be spent.

In developing this proposal, ODE consulted with a large group of stakeholders with the Oregon Farm to School & School Garden Network.

**SUMMARY OF PREVIOUS BOARD ACTION**

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This is the first time the board has considered a rule to allow for reallocation of funds.

The Oregon Farm to School Grant has been before the board in the form of non-competitive grant funds that are available to all school districts.

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

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# Oregon State Board of Education

## MEETING DATE: September 17, 2020

AGENDA ITEM: 6.D

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

No; same as last month

Yes – As follows:

### **POLICY ISSUE OR CONCERNS**

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ODE held multiple sessions with the Oregon Farm to School and School Garden Network to provide feedback.

The positive impact on the schools is that they will continue to offset costs associated with the purchase of food for their child nutrition programs, especially now with massive costs associated with COVID. Secondary positive impact is that Oregon farmers, ranchers and producers will benefit by schools purchasing food from them, rather than food from other states.

### **EQUITY IMPACT ANALYSIS**

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The historically underserved groups affected by this grant are low income communities across Oregon. School children would continue to be able to eat nutritious, local Oregon food, while subsequently learn about local food served from their community.

ODE has been invited to talk to Native American workgroups for this grant as well as the Farm to School Education Grant by the ODE tribal liaisons.

### **FISCAL ANALYSIS**

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No fiscal impact to the Department. School Districts and ESD's that participate in this grant will positively impact their bottom line by offsetting food costs associated with their program.

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

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A "YES" vote will enable ODE to manage the farm to school grant by reallocating unspent funds to other school districts who can utilize the funds. A "NO" vote will mean that we can't follow the statute that ensures grant funds will be spent.

### **STAFF RECOMMENDATION**

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# Oregon State Board of Education

**MEETING DATE: September 17, 2020**

AGENDA ITEM: 6.D

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

## **ATTACHMENTS**

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Attachment 1: OAR 581-017-0711 through -0726 (draft dated 8-21-2020)

ORAR 581-017-0711 - Competitive Oregon Farm-to-School Program Procurement Grant: Definitions

(1) As used in this section:

(a) "Food processed in the State of Oregon" includes foods that were baked, frozen, ground, canned, or milled in the State of Oregon.

(b) "Food produced in the State of Oregon" includes but is not limited to foods that were grown, caught, harvested, or raised in the State of Oregon.

(c) "Minimally processed" means that the food product was processed in a manner that does not fundamentally alter the product and the product retains its inherent character. The term includes, but is not limited to, butchering livestock and poultry, cleaning fish, dicing meats, slicing produce, forming ground food products into patties, grinding meats, drying or dehydrating food products, and washing produce.

(d) "Provider of center-based programs for children" means a child care center certified by the Office of Child Care, a Head Start center, an Oregon prekindergarten program, a school district, or an education service district that both provides non-residential child care services to enrolled children and participates in the federal Child and Adult Care Food Program.

(e) "Public charter school" means a public charter school means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between a sponsor and an applicant and operating pursuant to ORS 338.

(f) "Service institution" means a public or private nonprofit school, a public or private nonprofit residential summer camp, or other program sponsor that participates in the federal Summer Food Service Program.

(g) "School district" means an Oregon common school district, joint school district, or union high school district.

Stat Auth: ORS 336.431

Stat implement: ORS 336.431

ORAR 581-017-0714 - Competitive Oregon Farm-to-School Program Procurement Grant: Establishment

(1) The purpose of the competitive Oregon Farm-to-School Program procurement grant is to encourage and sustain successful efforts by eligible entities to purchase or promote foods that were:

(a) Produced in the State of Oregon;

(b) More than minimally processed in the State of Oregon; or

(c) Both produced and processed in the State of Oregon.

Stat Auth: ORS 336.431

Stat implement: ORS 336.431

OAR 581-017-0717 - Competitive Oregon Farm-to-School Program Procurement Grant: Eligibility

(1) The following entities are eligible for this grant:

(a) School district,

(b) Public charter school,

(c) A provider of center-based programs for children in the Child and Adult Care Food Program, or

(d) An entity that provides meals through the Summer Food Service Program

(2) All eligible entities shall be:

(a) The recipient of a noncompetitive Oregon Farm-to-School Program procurement grant; and

(b) Has either expended or obligated, or both, the entire amount of its initial noncompetitive Oregon Farm-to-School Program procurement grant award.

(3)(a) Eligible entities must submit their grant applications on the most current form prescribed by the Oregon Department of Education. The department shall publish the current request for applications form on the department's website.

(b) If an eligible entity that has applied for a competitive Oregon Farm-to-School Program procurement grant is unable to provide the information requested in the application form, then the grant applicant must provide an explanation why the information cannot be provided. Grant applicants may submit additional information that will aid the department in evaluating their grant applications.

Stat Auth: ORS 336.431

Stat implement: ORS 336.431

OAR 581-017-0720 – Competitive Oregon Farm-to-School Program Procurement Grant: Criteria

(1) The Oregon Department of Education shall establish a request for applications solicitation and approval process to be conducted each biennium for which competitive Oregon Farm-to-School Program procurement grant funds are available.

(2)(a) Competitive Oregon Farm-to-School Program procurement grants will be awarded to those eligible entities whose grant proposals are judged by the department as best addressing the applicable evaluation criteria.

(b) The Oregon Department of Education may grant a preference to applications which address how the applicant will implement or contribute to a successful Farm-to-School operation as determined by the department. Factors that may be considered include whether the applicant has proposed:

(A) Increasing purchases of foods produced or processed in the State of Oregon;

(B) Purchasing foods produced or processed in the State of Oregon by a federally recognized Indian tribe or Native American-owned business;

(C) Implementing a plan for incorporating culturally relevant foods produced or processed in the State of Oregon into its menu;

(D) Purchasing foods produced or processed in the State of Oregon by producers or processors that have been certified in a specific production or management practice, such as fair trade, sustainability, or animal welfare; or

(E) Developing new commercial relationships with producers or processors of foods produced or processed in the State of Oregon that have been certified as disadvantaged business enterprises, minority-owned businesses, woman-owned businesses, businesses owned by a service-disabled veteran, or emerging small businesses under ORS 200.005.

Stat Auth: ORS 336.431

Stat implement: ORS 336.431

OAR 581-017-0723 - Competitive Oregon Farm-to-School Program Procurement Grant: Funding

(1) The Oregon Department of Education will award competitive Oregon Farm-to-School Program procurement grants for each biennium. If funding is available, additional competitive grants will be awarded in subsequent biennia.

(2) An eligible entity which receives a competitive Oregon Farm-to-School Program procurement grant:

(a) May use the grant to supplant purchases of food produced or processed in the State of Oregon that the eligible entity had regularly purchased prior to the date it first received a noncompetitive Oregon Farm to School Program procurement grant if either the food produced or processed, or the food components of that food, were:

(A) Produced in the State of Oregon;

(B) More than minimally processed in the State of Oregon; or

(C) Both produced and processed in the State of Oregon.

(b) May reserve up to twenty-five percent of the total amount awarded for all reasonable costs incurred:

(A) Growing, harvesting, processing, packaging, sourcing, or transporting food produced or processed in the State of Oregon, including but not limited to purchasing supplies, labor costs, and mileage; and

(B) Developing or sustaining successful efforts to purchase or promote foods produced or processed in the State of Oregon.

(c) May not use more than ten percent of their total award for any direct administrative costs, including administrative labor and supplies.

(d) May not charge indirect costs to their grant award.

(3) The purchase of certain foods produced or processed in the State of Oregon may not be supplanted with grant funds. The Oregon Department of Education shall develop and publish a list of those foods. Recipients of a competitive Oregon Farm-to-School Program procurement grant may not use their grants to supplant purchases of foods produced or processed in the State of Oregon that are included on the current list of ineligible foods published by the department.

(4) Recipients of a competitive Oregon Farm-to-School Program procurement grant must deposit the grant funds they receive in an account that is separate from their nonprofit food service account, or assign those funds a separate account or index number.

(5) The Oregon Department of Education may reallocate competitive Oregon Farm-to-School procurement grant funds to other eligible entities if grant funds either remain after awards are made or become unobligated, or if a grant recipient is not making adequate progress towards spending all of its grant award during the biennium in which the award was made.

(6) Grant funds awarded for use in one biennium may not be carried over to the following biennium, and will revert to the Oregon Department of Education at the end of the biennium, unless otherwise determined by the department.

[Stat Auth: ORS 336.431](#)

Stat implement: ORS 336.431

OAR 581-017-0726 - Competitive Oregon Farm-to-School Program Procurement Grant:  
Reporting

(1)(a) The Oregon Department of Education shall publish performance measures for recipients of a competitive Oregon Farm to School Program procurement grant in the request for applications and any related guidance documents produced by the department.

(b) The department shall provide grant recipients with a template for an interim and final grant report. To receive the final disbursement of grant funds, grant recipients must submit both a completed interim and final grant report to the department.

Stat Auth: ORS 336.431

Stat implement: ORS 336.431

**Oregon State Board of Education**  
**MEETING DATE: September 17, 2020**

AGENDA ITEM: 6.E

<p><b>SUBJECT:</b> Administration of Medication OAR 581-021-0037  <b>STAFF NAME &amp; OFFICE:</b> Sasha Grenier and Alexa Pearson, Office of Teaching, Learning, and Assessment</p> <p>The Administration of Medication rule specifies training requirements for anyone administering medication in a school setting. The rule requires in-person training in some instances. For the 2020-21 school year, ODE is proposing that this rule be ammended to clarify that in person training may be delivered in a synchronous, virtual format so long as certain conditions are met.</p> <p><input type="checkbox"/> New Rule  <input checked="" type="checkbox"/> Amend Existing Rule  <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> <b>First Reading</b>  <input checked="" type="checkbox"/> <b>Presentation</b>  <input type="checkbox"/> <b>No Presentation</b></p> <p><input type="checkbox"/> <b>Action</b>  <input type="checkbox"/> <b>Temp Rule</b>  <input type="checkbox"/> <b>Presentation</b>  <input type="checkbox"/> <b>No Presentation</b></p>
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**BACKGROUND**

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ORS 339.869 directs the State Board to adopt rules for the administration of medication to students. Rules adopted must include guidelines on the designation and training of school personnel who will be responsible for administering medication.

In OAR 581-021-0037, the State Board has established training requirements for anyone administering medication in a school setting. Training means yearly instruction provided by a qualified trainer to designated school personnel on the administration of medications, based on requirements approved by ODE, including discussion of applicable district policies, procedures and materials. The first annual training for designated personnel and every third annual training thereafter must be provided in-person. During the intervening years, designated personnel may complete an online training that meets the guidelines established by ODE as long as a qualified trainer is available within a reasonable time following the training to answer questions and provide any clarification necessary.

ODE is proposing that this rule be ammended to clarify that, during the 2020-2021 school year, the required medication administration training’s ‘in person’ requirement can be met in a synchronous, virtual format, as long as certain conditions are met.

School nurses and other school health staff are concerned about exposure to COVID-19 during in-person trainings. Although ODE has developed a memo that strongly encourages school districts to maintain face to face training offerings, if safety & infection prevention protocol cannot be ensured, then only using a synchronous, virtual, interactive format may qualify as ‘in person’.

# Oregon State Board of Education

## MEETING DATE: September 17, 2020

AGENDA ITEM: 6.E

In developing this proposal, ODE consulted with the State School Nurse Advisory Board (SNAG), School Health Coordinators from the Multnomah Education Service District, the State School Nurse Consultant from the Oregon Health Authority, and the Oregon School Nurse Association. ODE did not have an opportunity to obtain input from students who receive medication in school.

### SUMMARY OF PREVIOUS BOARD ACTION

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This is the first time the Board has considered a revision to the “in person” training requirement.

The rule has been in place since 1998. The most revision was in 2020 when the Board revised the rule to support policies to allow for the administration of medication to reduce an opioid overdose.

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

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

### POLICY ISSUE OR CONCERNS

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The purpose of this proposal is to ensure that school staff will continue to be able to provide medication to students when those students return to school buildings. If it is determined that in-person training **cannot** be done safely, following safety protocols in the Ready Schools, Safe Learners guidance, a synchronous distance training format may be considered when certain conditions can be met.

To qualify as “in-person”, as required by OAR 581-021-0037, a distance training format may only be considered when these measures can be met:

- Emergency medication training that does require skill demonstrations must follow OHA rules and updated guidance.
- Trainers must be licensed and working within their scope for practice. ODE strongly recommends that trainers who have never conducted medication administration training before reach out to experienced trainers to co-facilitate.

# Oregon State Board of Education

## MEETING DATE: September 17, 2020

AGENDA ITEM: 6.E

- Content is provided at a distance via synchronous, interactive online sessions with the trainer and learners visible on screen. ODE recommends limiting the number of learners so that sessions can be as interactive as possible.

The distance training option is only valid for the 2020-2021 school year.

### EQUITY IMPACT ANALYSIS

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Without passing of this rule, students who have medical needs may not have trained staff available to administer medication when they return to school buildings. Students with medical conditions have been historically underserved. Similarly, school staff and nurses will be protected from exposure to COVID if safety and infection prevention protocol cannot be maintained. COVID has had a disproportionate impact on underserved communities.

### FISCAL ANALYSIS

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No fiscal impact.

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

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If the Board votes **YES**, the rule will allow that the required medication administration training can be conducted in a synchronous virtual format during the 2020-2021 school year.

If the Board votes **NO**, school districts will not be able to use virtual synchronous communication to satisfy in-person training requirements.

### STAFF RECOMMENDATION

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

### ATTACHMENTS

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Attachment 1: OAR 581-021-0037 Administration of Medication (draft dated 8-26-2020)

**581-021-0037**

**Administration of Medication**

(1) As used in this rule, definitions of terms shall be as follows:

(a) "Adrenal crisis" means adrenal crisis as defined in ORS 433.800.

(b) "Adrenal insufficiency" means adrenal insufficiency as defined in ORS 433.800.

(c) "Asthma" means a chronic inflammatory disorder of the airways that requires ongoing medical intervention.

(d) "Designated personnel" means the school personnel designated to administer medication pursuant to district policy and procedure.

(e) "Medication" means:

(A) Any drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken either internally or externally but not injected;

(B) Premeasured doses of epinephrine;

(C) Medication to treat adrenal insufficiency;

(D) Glucagon to treat severe hypoglycemia; and

(E) naloxone or any similar medication that is designed to rapidly reverse an overdose of an opioid drug.

(f) "Nonprescription medication" means medication that under federal law does not require a prescription from a prescriber.

(g) "Notice of a diagnosis of adrenal insufficiency" means written notice to the school district from student or the parent or guardian of a student who has been diagnosed as adrenal insufficient with a copy of an order from the student's primary care provider that includes the student's diagnosis, description of symptoms indicating the student is in crisis, prescription for medication to treat adrenal insufficiency crisis, and instructions for follow-up care after medication to treat adrenal insufficiency crisis has been administered.

(h) "Prescriber" means:

(A) A doctor of medicine or osteopathy or a physician assistant licensed to practice by the Board of Medical Examiners for the State of Oregon except as allowed under subsection (5) of this rule;

(B) An Oregon-licensed advance practice registered nurse with prescriptive authority;

(C) A dentist licensed by the Board of Dentistry for the State of Oregon;

(D) An optometrist licensed by the Board of Optometry for the State of Oregon;

(E) A naturopathic physician licensed by the Board of Naturopathy for the State of Oregon; or

(F) A pharmacist licensed by the Board of Pharmacy for the State of Oregon.

(i) "Prescription medication" means any medication that under federal law requires a prescription by a prescriber.

(j) "Severe allergy" means a life-threatening hypersensitivity to a specific substance such as food, pollen, dust, or insect sting.

(2) (a) School districts shall adopt policies and procedures that provide for:

(A) The administration of medication to students by designated personnel;

(B) The administration of medication by a student to themselves without assistance from designated personnel; and

(b) School districts may adopt policies and procedures that provide for the administration of naloxone or any similar medication that is designed to rapidly reverse an overdose of an opioid drug by trained school personnel to any student or other individual on school premises who the personnel believe in good faith is experiencing an overdose of an opioid drug.

(3) Policies and procedures for the administration of medication to students by designated personnel shall:

(a) Include a process to designate and supervise appropriate school personnel that takes into account when a student is in school, at a school-sponsored activity, under the supervision of school personnel, and in transit to or from school or school-sponsored activities;

(b) Require designated personnel to successfully complete annual training on the administration of medication.

(A) Training for designated personnel must be provided by a person who is familiar with the delivery of health services in a school setting and who is:

(i) A Registered Nurse licensed by the Oregon State Board of Nursing;

(ii) A doctor of medicine or osteopathy or a physician assistant licensed to practice by the Board of Medical Examiners for the State of Oregon; or

(iii) A pharmacist licensed by the Board of Pharmacy for the State of Oregon.

(B) The training for designated personnel must be based on requirements set out in guidelines that are approved by the Oregon Department of Education and include a discussion of applicable district policies, procedures and materials;

(C) The first training for a designated personnel and every third training thereafter must be provided in-person. During the intervening years, designated personnel may complete an online training that has been approved by the Oregon Department of Education so long as a trainer is available within a reasonable time following the training to answer questions and provide clarification. For the 2020-2021 school year, to qualify as “in-person” a distance training format may only be considered when these measures can be met:

- i. Emergency medication training that does require skill demonstrations must follow OHA rules and updated guidance;
- ii. Trainers must be licensed and working within their scope for practice. It is recommended that trainers who have never conducted medication administration training before reach out to experienced trainers to co-facilitate; and
- iii. Content is provided at a distance via synchronous, interactive online sessions with the trainer and learners visible on screen. It is recommended to limit the number of learners so that sessions can be as interactive as possible.

(c) Permit designated personnel to administer prescription medication where:

(A) Because of its prescribed frequency or schedule, the medication must be given while in school, at a school-sponsored activity, while under the supervision of school personnel, and in transit to or from school or school-sponsored activities;

(B) The student’s parent or guardian has provided written permission or the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.675 and 109.640; and

(C) The student or the student’s parent or guardian has provided the school district with written instruction for the administration of the medication from the prescriber that includes the name of the student, name of the medication, dosage, method of administration, frequency of administration, any other special instructions, and the signature of the prescriber. A prescription medication label prepared by a pharmacist at the direction of a prescriber shall be

sufficient if all of the information required by this definition except for the prescriber's signature is included.

(d) Permit designated personnel to administer nonprescription medication where:

(A) The nonprescription medication is necessary for the student to remain in school;

(B) The nonprescription medication is provided in the original manufacturer's container by the parent or guardian of the student;

(C) The student or the student's parent or guardian has provided written instruction for the administration of the nonprescription medication that includes the name of the student, name of the medication, dosage, method of administration, frequency of administration, any other special instructions, and signature of the student's parent or guardian. If the written instruction is not consistent with the manufacturer's guidelines for the nonprescription medication, the written instruction must also include a written order allowing the inconsistent administration signed by a prescriber; and

(D) For nonprescription medication that is not approved by the Federal Drug Administration, a written order from the student's prescriber that includes the name of the student, name of the medication, dosage, method of administration, frequency of administration, a statement that the medication must be administered while the student is in school, any other special instructions, and the signature of the prescriber.

(e) Include procedures for the administration of premeasured doses of epinephrine by school personnel trained as provided by ORS 433.815 to any student or other individual on school premises who the personnel believe in good faith is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine;

(f) Include procedures for the administration of medication by school personnel to treat a student who the personnel believe in good faith is experiencing symptoms of adrenal crisis. The procedures must provide that:

(A) Only upon notice of a diagnosis of adrenal insufficiency as defined in this rule, the building administrator of the school the student attends will designate one or more school personnel to be responsible for administering medication to treat adrenal insufficiency in the event the student exhibits symptoms that school personnel believe in good faith indicate the student is experiencing symptoms of adrenal crisis;

(B) The designated personnel will successfully complete training to administer medication to treat a student who has adrenal insufficiency and is experiencing symptoms of adrenal crisis in accordance with rules adopted by the Oregon Health Authority;

(C) The student or parent or guardian of the student must provide adequate supply of the student's prescribed medication to the school district; and

(D) In the event that a student experiences symptoms of adrenal crisis and the designated personnel determines the medication to treat adrenal insufficiency should be administered, any available school personnel will immediately call 911 and the student's parent or guardian.

(g) Provide guidelines for the management of students with life-threatening food allergies and adrenal insufficiency while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in before-school or after-school care programs on school-owned property, and in transit to or from school or school-sponsored activities. The guidelines must include:

(A) Standards for the education and training of school personnel to manage students with life threatening allergies or adrenal insufficiency;

(B) Procedures for responding to life-threatening allergic reactions or adrenal crisis;

(C) A process for the development of an individualized health care and allergy plan for every student with a known life-threatening allergy and an individualized health care plan for every student for whom the school district has been given proper notice of a diagnosis of adrenal insufficiency as defined in this rule;

(D) Protocols for preventing exposures to allergens;

(E) A process for determining if or when a student may self-carry prescription medication when the student has not been approved to self-administer medication;

(h) Address the following:

(A) Safe storage, methods for administration, handling, monitoring supply and disposing of medications;

(B) Transcribing, record keeping and reporting of medication administration, including errors in administration;

(C) The role of designated personnel to monitor student responses to medication;

(D) Emergency medical response for life threatening side effects and allergic reactions, including the administration of premeasured doses of epinephrine to students and other individuals; and

(E) Confidentiality of student health information contained within the education record.

(4) Policies and procedures for the administration of medication by a student to themselves without assistance from designated personnel shall:

(a) Permit a student to administer prescription medication to themselves where the student is able to demonstrate the ability, developmentally and behaviorally, to self-administer medication and has permission to self-administer medication from a school building administrator, and a prescriber or registered nurse practicing in a school setting.

(b) Permit a student to administer non-prescription medication to themselves where the student is able to demonstrate the ability, developmentally and behaviorally, to self-administer medication and the student has permission to self-administer medication from a building administrator;

(c) Require parental consent except where a student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.675, and 109.640;

(d) For nonprescription medication that is not approved by the Federal Drug Administration, require a written order from the student's prescriber that includes the name of the student, name of the medication, dosage, method of administration, frequency of administration, a statement that the medication must be administered while the student is in school, any other special instructions, and the signature of the prescriber.

(e) Include policies and procedures for the self-administration of medication by kindergarten through grade 12 students with asthma or severe allergies that comply with ORS 339.866;

(f) Address the following:

(A) Safe storage, methods for administration, handling, and disposing of medications;

(B) Record keeping;

(C) Whether student response to medication should be monitored by designated personnel and the role of designated personnel in such monitoring;

(D) Emergency medical response for life threatening side effects and allergic reactions, including the administration of premeasured doses of epinephrine; and

(E) Confidentiality of student health information contained within the education record.

(5) Policies and procedures for the administration of naloxone or any similar medication that is designed to rapidly reverse an overdose of an opioid drug by trained school personnel to any student or other individual on school premises who the personnel believe in good faith is experiencing an overdose of an opioid drug shall:

(a) Include a process to designate and supervise appropriate school personnel that takes into account when students or others are in school or at a school-sponsored activity.

(b) Require designated personnel to successfully complete training developed by the Oregon Health Authority on the administration naloxone every three years. The training must be delivered in accordance with rules adopted by the Oregon Health Authority.

(c) Permit designated personnel to administer naloxone or any similar medication that is designed to rapidly reverse an overdose of an opioid drug by trained school personnel to any student or other individual on school premises who the personnel believe in good faith is experiencing an overdose of an opioid drug.

(d) Address the following:

(A) Safe storage, accessibility and availability of the medication during an emergency, methods for administration, handling, and disposing of medications;

(B) Record keeping;

(C) Whether response to medication should be monitored by designated personnel and the role of designated personnel in such monitoring;

(D) Emergency medical response procedures following administration of the medication; and

(E) Confidentiality of health information for the person receiving the administration of medication.

(6) A registered nurse who is employed by a public or private school or by an education service district or a local public health authority as defined in ORS 431.003 to provide nursing services at a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the United States if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.

**Statutory/Other Authority:** ORS 326.051

**Statutes/Other Implemented:** ORS 339.866, 339.867, 339.869, 339.870, 678.038 & SB 665

# Oregon State Board of Education

## September 17, 2020

AGENDA ITEM:

<b>SUBJECT:</b> State Sponsored Charter School Operational Blueprints <b>STAFF NAME &amp; OFFICE:</b> Kate Pattison, Office of the Director	<input type="checkbox"/> Informational Presentation
<b>The Department has received the Ready Schools, Safe Learners Operational Blueprints for each of the state sponsored charter schools. These Operational Blueprints will guide the Department’s oversight of these schools for the 2020-21 school year.</b>	<input checked="" type="checkbox"/> Written Report

### BACKGROUND

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The Department of Education and the Oregon Health Authority released the Ready Schools, Safe Learners (RSSL) guidance requiring all public and private schools to develop an Operational Blueprint for School Reentry for the 2020-21 school year. This requirement applies to all public charter schools including the four charter schools sponsored by the State Board of Education. These Blueprints were required to be submitted to the Department by August 17, 2020.

The Department received Blueprints for each state sponsored charter school. These Blueprints will be used in conjunction with the charter contracts and performance frameworks to evaluate each school’s performance this year. This intersection is important to acknowledge and document as there are requirements of the RSSL guidance supersede some of the standard requirements in ORS 338 and the current charter contracts. Additionally, the charter schools have adjusted their educational models to meet the health and safety requirements of the RSSL guidance. As the Department provides oversight and accountability to these schools, Department staff will consider these adjustments to evaluate the quality of the school’s academic, financial, and operational performance for the 2020-21 school year.

Blueprints will be updated throughout the year and reviewed by the local public health authority to meet the health and safety needs of the students, staff, and communities for each school.

### OPERATIONAL BLUEPRINTS

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- [The Cottonwood School of Civics & Science \(Multnomah County\)](#) – CDL only to start
- [Eagle Charter School \(Marion County and might also draw from Polk County\)](#) – Some limited in-person
- [Four Rivers Community School \(Malheur County\)](#) – Some limited in-person
- [The Ivy School \(Multnomah County\)](#) – CDL only to start