2018

December

Public comment will be accepted until January 17, 2019 at 9:00 a.m.

Hearing will be held December 17, 2018 at 1:00 p.m. in Room 400A of the Public Service Building at 255 Capitol St NE, Salem, OR

[Non-employment Fingerprint-based criminal](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Non-employment%20fingerprint-based%20criminal%20history%20for%20school%20districts%20and%20private%20schools.pdf)

581-021-0501, 581-021-0503  
Oregon statute requires fingerprint-based background checks for non-employee volunteers at school districts and private schools. These rules establish guidelines for fingerprint-based background checks.

[Chronic Absenteeism](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/chronic%20abseteeism%20rules.pdf)

581-020-0631, 581-020-0634, 581-020-0637, 581-020-0640, 581-020-0643, 581-020-0646, 581-020-0649, 581-020-0652  
These new rules define chronic absenteeism along with programs and strategies to implement to increase attendance in school districts.  
Public comment will be accepted until January 17, 2019 at 9:00 a.m.  
Hearing will be held December 18, 2018 at 1:00 p.m. in Room 400A of the Public Service Building at 255 Capitol St NE, Salem, OR (note different date from rules above)

[Discrimination and Appeals Procedure Rules](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Appeals%20and%20Procedures%20Rule%20Changes.pdf)

Adopt: 581-002-1000, 581-002-1002, 581-002-1004, 581-002-1006, 581-002-1008, 581-002-1010, 581-002-1012, 581-002-1014, 581-002-0001, 581-002-0003, 581-002-0005, 581-002-0007, 581-002-0009, 581-002-0011, 581-002-0013, 581-002-0015, 581-002-0017, 581-002-0019, 581-002-0021, 581-002-0023  
Repeal: 581-002-0040, 581-021-0049  
Amend: 581-021-0045, 581-021-0556, 581-021-0570, 581-022-2330, 581-022-2370, 581-022-2410

The rulemaking proposes to amend the Oregon Department of Education’s appeals processes to achieve three ends:

* To provide more streamlined and comprehensible processes for students and families and school district, educational service district, and departmental staff.
* To provide more opportunities for departmental support to resolve complainants during the appeals processes, specifically with respect to claims alleging discrimination and restraint and seclusion; and
* To provide more certain and immediate relief for students and families and quicker resolution for school districts.

The proposal is to divide the appeals process into two categories. Division 22 appeals would be processed largely the same way as they are processed now, as other than contested case proceedings under OAR 581-002-0040. Discrimination, restraint and seclusion, and retaliation appeals would be processed as contested case proceedings, with definite timelines for different steps in the process and ample opportunity for complainants and school districts to mediate.

The rulemaking is necessary, in part, due to the increased amount of appeals that the department processes. During 2010, the department processed fewer than 10 appeals. This year, to date, the department has processed over 50. Streamlining and consolidating processes is not only better for purposes related to transparency, but necessary for the department to perform its statutory duties in an efficient and effective manner.

[Minimum Requirements for School Districts Sexual Harassment Policies](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Minimum%20Requirements%20for%20School%20District%20Sexual%20Harassment%20Policies.pdf)

581-021-0038

The School Board has previously adopted OAR 581-021-0038, directing school district boards to adopt and make available policies that discuss the harassment of students and staff. This policy listed minimum requirements that the district should meet, and has been in place since August of 1999.

In 2018, the legislature adopted House Bill 4150, which directs the state board to adopt rules to address the requirements of current state law requiring third parties to be added, and specifics about information to students, parents, staff, and third parties to be shared once a complaint has been filed.

The revised rules represent the minimum requirements for the law in HB 4150, but provides the board with discretion to go beyond that law. This rule is currently a temporary rule, and it is in the process of becoming permanent.

October

Public comment will be accepted until October 18, 2018 at 9:00 a.m.

Hearing will be held October 9, 2018 at 1:00 p.m. in Room 400A of the Public Service Building at 255 Capitol St NE, Salem, OR

and October 15, 2018 at 9:00 a.m. in Room 400A of the Public Service Building at 255 Capitol St NE, Salem, OR

Dyslexia Related Teacher Training [(Document 1](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/581-002-1800%20and%201810%20dylsexia%20waiver%20rules%20OAR%20draft%206-18%20(1).pdf), [Document 2](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Dyslexia%20Spanish%20Screeners%20Final%206-27-18.pdf))

581-002-1800, 581-002-1805, 581-002-1810, 581-022-2440

These rules establish requirements for dyslexia related training for teachers. The rules provide details for the list of approved training opportunities. The rules also provide requirements for school districts regarding teacher training. They also provide for a waiver of the training requirements for districts.

September

Public comment will be accepted until October 18, 2018 at 9:00 a.m.

Hearing will be held September 20, 2018 at 1:30 p.m. in Room 400A of the Public Service Building at 255 Capitol St NE, Salem, OR

[Sexual Harassment Policies](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/DRAFT%20Revised%20Rules%20HB%204150%206-12-18.pdf)

581-021-0038  
The minimum requirements for School District Sexual Harassment Policies was originally adopted in 1999. In 2018 the legislature amended the law with HB 4150. The proposed changes align the rules to state law.

August

Public comment will be accepted until September 20, 2018 at 9:00 a.m.

Hearing will be held on August 20, 2018 at 1:30 p.m. in Room 400A of the Public Service Building at 255 Capitol St NE, Salem, OR

[Required Instructional Time](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Required%20Instructional%20Time%20OAR%20581-022-2320%206-15-18%20Draft.pdf)

581-022-2320  
Proposed revisions to the instructional time rule to implement targeted flexibility options.

[Operating Policies and Procedures](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Operating%20Policies%20and%20Procedures%20581-022-2305%206-18-18%20Draft.pdf)

581-022-2305  
School districts are currently required to report on specific standards to their communities and the Department of Education. This rule amendment would amend reporting dates and clarify that reporting is based on the preceding school year.

July

Public comment will be accepted until September 20, 2018 at 9:00 a.m.

Hearing will be held on July 23, 2018 at 1:30 p.m. in Room 400A of the Public Service Building at 255 Capitol St NE, Salem, OR

[Higher Ed. Charter Sponsor Sunset](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/HigherEd_Charter%20Sponser%20Sunset.pdf)

581-026-0005, 581-026-0100, 581-026-0500, 581-026-0600

These amended rules remove institutions of higher education as eligible charter school sponsors.

May

Public comment will be accepted until May 17th, 2018 at 9:00 a.m.

Hearing will be held on May 15, 2018 at 1:00 p.m. in Room 400A of the Public Service Building at 255 Capitol St NE, Salem, OR

[Chronic Absenteeism](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Chronic%20Absenteeism%20Rules%203-22-18.pdf)

581-020-0630, 581-020-0633, 581-020-0636, 581-020-0639, 581-020-0642, 581-020-0645, 581-020-0648, 581-020-0651  
These new rules define chronic absenteeism along with programs and strategies to implement to increase attendance in school districts.

[Tribal Attendance](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/581.017.0373-0375%20TAPP%20Rules%20Revison%204-24-18.pdf)

581-017-0373, 581-017-0375  
The Tribal Attendance Pilot Project (TAPP) was approved for continuation in July of 2017. Rules amended to reflect the increased award amount and revision dates.

[Interscholastic Activities](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Interscholastic%20Activities%20OAR%20581-026-0700s%20temp%20rules%20adopted%204-20-18.pdf)

581-026-0005, 581-026-0700, 591-026-0705, 581-026-0710  
HB 4036 modified the description of types of interscholastic activities that students attending a public charter school to have access to in their parental resident district and the frequency of the fees a district may charge. The rules clarify the grade levels, types of activities, fees, and frequency that the fees may be applied.

April

Public comment will be accepted until April 19th, 2018 at 9:00 a.m.

Hearings will be held on April 9, 2018 at 1:00 p.m. in Room 200A of the Public Service Building at 255 Capitol St NE, Salem, OR

[Universal Screening for Risk Factors of Dyslexia OARs](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Universal%20Screening%20for%20Risk%20Factors%20of%20Dyslexia%20OAR%20581-002-1815%20to%201825%20and%20581-022-2445%202-26-18.pdf)

581-002-1815, 581-002-1820, 581-002-1825, 581-022-2445

The Oregon Legislature has directed the Department of Education to adopt a list of approved screening tools for districts to screen for risk factors associated with dyslexia.

March

Public comment will be accepted until March 22, 2018, 9:00 a.m.  
Hearings will be held on March 20, 2018 at 1:30 p.m. in Room 400A of the Public Service Building at 255 Capitol St NE, Salem, OR:

[Essential Skills for English Learners](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/581-022-2120%20final%20NP%201-23-18.pdf)

581-022-2120  
Extend the suspension of the English language skills requirement for students demonstrating proficiency in the Essential Skills of reading and writing in their language of origin in order to ensure there is time for adequate stakeholder engagement in setting the final policy and timely notice for impacted students.

[Autism Spectrum Disorder Definitions](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/581-015-2000%20final%20NP%201-22-18.pdf)

581-015-2000  
A Developmental History is an element for comprehensive special education evaluations to determine a student’s eligibility in the areas of ASD, Emotional Disturbance, Intellectual Disability, and Traumatic Brain Injury. Adding a definition of “Developmental History” will increase consistency in gathering pertinent information for evaluation decisions for all students, including historically underserved students.

[Autism Spectrum Disorder Evaluation & Eligibility Criteria](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/581-015-2130%20final%20NP%201-22-18.pdf)

581-015-2130  
By adopting the ASD criteria utilized by DSM-5 and providing increased guidance in to the components of an ASD evaluation will enable evaluation teams to use a consistent method to establish an ASD eligibility for special education services which will positively impact all students including historically underserved students.

January

Public comment will be accepted on the following rules until January 18, 2018, 9:00 a.m. Hearing to be held January 16, 2018 at 1:00 p.m. in Room 400A at 255 Capitol St NE, Salem, OR.

[House Bill 2016 African American/Black Student Success Grants](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/African%20American%20Black%20Student%20Success%20Plan%20Grant%20Funding%20Process%20(Annotated).pdf)

581-017-0550 through 0565  
In an effort to improve outcomes in educational achievement, HB 2016 established the African American/Black Student Success Plan Grant fund which invests resources in programs and services for African American and Black students and families. Proposed rule changes to the Funding Process would ensure geographic diversity of awards and strengthen partnerships across the state.

[Division 11 Textbook Adoption](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/581-011-0050%20-%200090%20draft%20WORD.docx)

581-011-0050 through 0090

HB 2257 requires the adoption of a new rule outlining the fee waiver request process for open educational resources submitted to the instructional materials evaluation and adoption process. Additional changes to OAR Division 11 related to textbook adoption require repealing an existing rule with the substantive content of the repealed rule would be amended in other rules.

[District Diploma Requirements](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/581-022-2000%20Diploma%20Requirements%20Final.pdf)

581-022-2000

HB 2257 requires the adoption of a new rule outlining the fee waiver request process for open educational resources submitted to the instructional materials evaluation and adoption process. Additional changes to OAR Division 11 related to textbook adoption require repealing an existing rule with the substantive content of the repealed rule would be amended in other rules.

[Veterans Diplomas](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Veterans%20Diplomas%20581-022-2005.pdf)

581-022-2005

House Bill 222 was passed by the 2017 Oregon State Legislature. It amended the requirements in ORS 332.114 Issuance of diplomas to veterans, removing the timeline for entry into the military. The statute now provides that local districts and public charter schools shall, upon request, award a diploma to veterans who did not earn one before serving in the military, who received an honorable discharge, and who reside in Oregon. A qualified Oregon veteran may request a diploma from the high school attended before enlistment, or from the high school in the district of residence. Adopting the Oregon Administrative Rule will provide clarity for districts implementing the revised statute.