



ODE Rules Advisory Committee

October 6, 2022

Welcome and Group Share

- In the chat, please list your:
- ◆ Name;
 - ◆ Pronouns;
 - ◆ Organization; and

 - ◆ Something that inspires you.

Agenda

9:00 am - 11:45 am

- I. Introductions & Opening Remarks
- II. Rules-at-a-Glance
- III. Draft Rules
 - A. Every Day Matters OARs
 - B. Economically Disadvantaged Definition rule
- IV. Early Rule Concept and Considerations
 - A. Student Investment Account & High School Success - Fund Administration
- V. Open Space/Questions
- VI. Closing

RAC Core Principles

- Rulemaking driven by engagement and consultation
- Intentionally collaborating with diverse perspectives
- Coordinating engagement opportunities and looping back with partners
- Providing multiple avenues for feedback and response in meetings
- Clearly defining roles and responsibilities within the rulemaking process

RAC Working Agreements

- Assume best intent, attend to impact, and earn trust
- Engage tension and commit to dialogue
- Speak your truth and represent your perspectives
- Respect different communication styles and embrace underrepresented voices
- Practice confidentiality when sharing outside the RAC

Engagement Opportunities for Administrative Rules

Oregon Department of Education

Ensures rules comply with state law.

Staff technical advisory committee

Ensures rules align with program/grant purpose. Discuss how rules will impact affected communities.

ODE Rules Advisory Committee

Ensures rules comprehensively address impact on affected communities. Address fiscal, small business & racial equity impacts.

The General Public

Submits oral or written public testimony and/or comments at scheduled OAR Hearings and State Board meetings.

State Board of Education

Ensures rules align and advance ODE Education Equity Stance. Provides staff with direction on administrative rules. Adopts administrative rules and sets educational policy and standards for all public school districts.

Process and Rhythm

RAC is Advisory to ODE Staff who make final recommendations to SBE for final decision.



Notification

Agenda will be sent out by RAC Coordinator

RAC Meetings

Discuss Draft Rule or Early Rule Concepts

State Board of Education

Staff will take Oregon Administrative Rules to State Board of Education

RAC Meetings

Staff may bring back draft rules to RAC

State Board of Education

Final adoption of rules or policies



ODE Rules-at-a-Glance

HB 4026 - 2020 Wildfire Grant OARs

Subject: Adopt permanent rules to be used in the administration of the 4-year, \$25 million wildfire grant program. Temporary rules have already been approved by the State Board.

Concept: These rules are necessary for grant agreements to define timing of events, such as sources of data used in the calculations, anticipated updates and distribution timelines

Background: In late-summer 2020, wildfires swept across Oregon devastating thousands of acres of land and several communities. Many families lost their homes and have been displaced while critical infrastructure and housing are rebuilt. This displacement of students has impacted funding as school districts work to provide stability and critical education services during unprecedented times. This grant is intended to provide resources for the impacted school districts, which will allow them to prepare and maintain service levels for the time the students are able to return.

HB 4026 - 2020 Wildfire Grant OARs

Summary of Proposed Rule Changes: These rules are to supplement existing statute to provide guidance in the administration of the program

Proposed Rule Impacts:

- **Racial Equity:** These rules will be used for a grant program to support school districts that have disproportionate levels of historically marginalized students
- **Fiscal/Small Business Impact:** These rules will assist with a grant program to provide financial support in communities impacted by the wildfires at a critical time in recovery.

Next Steps: Adopt as permanent rules with September and October State Board review, just prior to temporary rules expiring in November

Administrative Rules for HB 4030: OAR 581-017-0780

Subject: Education Staff Retention and Recruitment Grants

Concept: These rules create the process for grant application, distribution and reporting. The rules also clarify what will be required in the final reports for grant recipients.

Background: HB 4030 provided \$78.1 million to school districts, ESDs, and charter schools to help them with retention and recruitment of education staff, both classified and licensed. Recipients of the funds had to state what problem of practice(s) they were trying to reduce or eliminate with these funds in their application. They then need to use the funds to implement the strategies previously identified. Final reports will provide recipients with an opportunity to tell their story on the use of these grant funds.

Administrative Rules for HB 4030: OAR 581-017-0780

Summary of Proposed Rule Changes: Rules were first read in September 2022. Since then we have changed the due date for final reports to May 1, 2023. This will give ODE and EAC more time to review and work with recipients to get final reports completed and accurate. Additionally, the rules increased flexibility in the final report to allow each recipient more opportunity to tell their story.

Proposed Rule Impacts:

- **Racial Equity:** These funds will help recipients diversify their workforce and address other high needs areas as they identify.
- **Fiscal/Small Business Impact:** No impact to small businesses.

Next Steps: The rules will be up for second reading and adoption in October.

Administrative Rules for HB 4030: OAR 581-017-0790

Subject: Substitute Reimbursement Grant

Concept: These rules create the process for grant application, distribution and reporting. The rules also state what trainings and costs will be reimbursed.

Background: HB 4030 provided \$19.5 million to instructional assistants and substitute teachers to cover their out of pocket expenses incurred while taking required trainings. These funds will help cover training costs that would otherwise be paid for by the individual substitute or instructional assistant. The funds will be distributed by ODE to school districts and ESDs.

Administrative Rules for HB 4030: OAR 581-017-0790

Summary of Proposed Rule Changes: Rules were first read in September 2022. These are new rules that describe the grant, funding allocation methodology and reporting requirements.

Proposed Rule Impacts:

- **Racial Equity:** These funds will help recipients pay for trainings. For substitutes and instructional assistants that are at the beginning of their career, this will be a significant benefit to them and may help retain them in the education workforce. For those professionals from diverse backgrounds this will help meet the diversity goals.
- **Fiscal/Small Business Impact:** No impact to small businesses.

Next Steps: The rules will be up for second reading and adoption in October.

Approved Transportation Costs for Payments from the State School Fund: OAR 581-023-0040

Subject: 581-023-0040(B) Non reimbursable transportation costs for the 2021-22 and 2022-23 school year. Remove 2018-19 and 2019-2020 school years from Rule.

Concept: These figures will be used to reduce the State School Fund, Annual Transportation Grant.

Background: 581-023-0040 gives guidance on eligible and non eligible transportation expenses as well as reimbursement. As part of the state school fund reconciliation process districts use the amounts in the non reimbursable transportation costs to complete annual Bus and Garage Depreciation Schedule and Mileage Report.

Approved Transportation Costs for Payments from the State School Fund: OAR 581-023-0040

Summary of Proposed Rule Changes:

(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 2021 – 22:

(I) Number of miles at \$2.86 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 \$1.43 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 2022 – 23:

(I) Number of miles at \$2.96 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 \$1.49 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

Proposed Rule Impacts:

- **Racial Equity:** Transportation impacts all students. This is a long standing update to the mileage rate which utilizes inflation and CPI.
- **Fiscal/Small Business Impact:** Districts use these amounts in their annual financial reporting and Transportation reports for purposes of reconciling the state school fund.

Next Steps: Permanent Rule status in October.



ODE Draft Rules



Every Day Matters

A Community-Centered Plan
to Increase Attendance,
Belonging, and Engagement

Every Day Matters - OAR 581-020-0631 thru 0652*

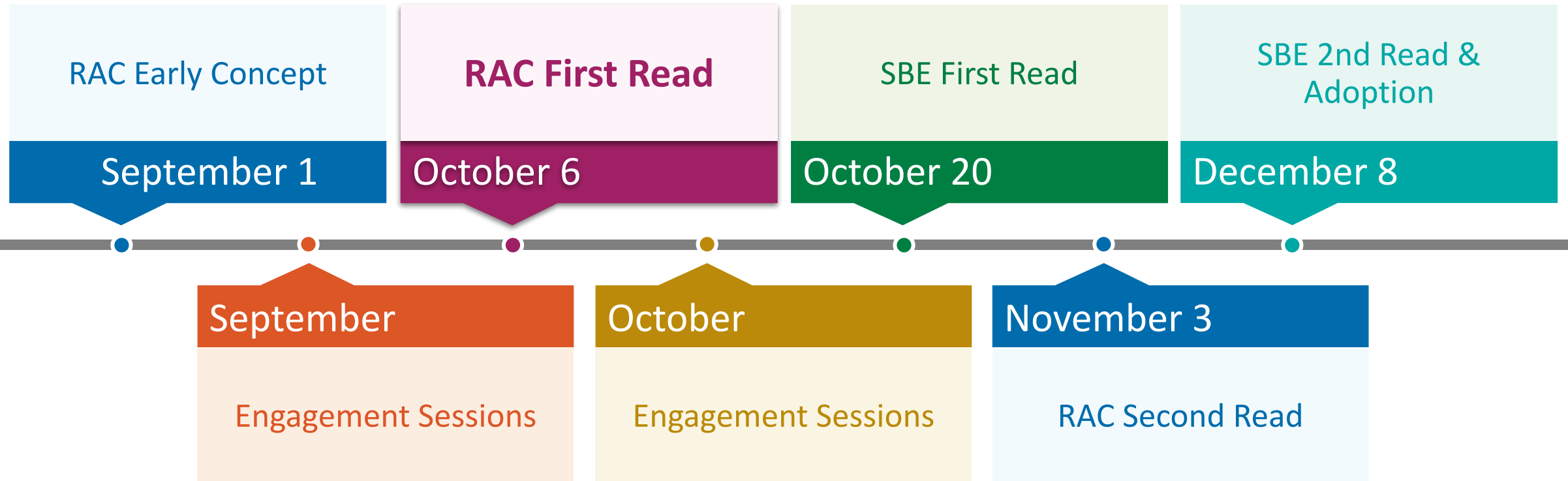
Subject: Every Day Matters Proposed Rule Changes

Concept: Every Day Matters supports districts and communities in addressing the root causes of chronic absenteeism. Every Day Matters is deepening this work with the specific focus of elevating family and community engagement who address the root causes of chronic absenteeism. To reflect this focus, we are requesting to update the EDM rule set.

Background: HB 4002 (2016) directed ODE and the former Chief Education Office to develop a statewide plan that would address chronic absenteeism. From 2018 - August 2020, Every Day Matters provided tiered support to districts in Oregon. Due to the global pandemic, funding was cut for the 2020-21 school year. Every Day Matters, which addresses chronic absenteeism through attention to student engagement, school culture, climate and safety, culturally sustaining pedagogy, and family and community involvement is the foundation for the other 5 initiatives in the *Aligning for Student Success: Integrated Guidance for Six ODE Initiatives*. The intent of the proposed rule changes and proposed new rule is to further center students, particularly focal student groups, align operational practice with rule, and establish community-centered approaches to addressing the root causes of chronic absenteeism.

*581-020-0631; 581-020-0634; 581-020-0640; 581-020-0649; 581-020-0652; 581-020-06XX

EDM OARs Engagement Timeline



581-020-0631 - Definitions

- Add Definitions for
 - “Focal student groups” aligns with Student Investment Account and Integrated Guidance
 - “Student”
 - “Tribal Nation” or “Tribe” aligns with 581-017-0675(10)
 - “Tribal community education partners” to include community-based and culturally specific organizations that serve American Indian, Alaska Native or Native youth, families and communities.
- Update or Expanded Definitions
 - Reorder definitions of “Root causes of chronic absenteeism” to present as a group.
 - Expand definition of “rural district.”
 - Update “Trauma Informed Practice” to aligned with proposed definition included in SIA Mental/Behavioral Optional Metrics.
- Replace “Stakeholders” with “Education partners” to includes students, parents, guardians, other family members, local governments, community organizations, local businesses, culturally specific organizations, health care organizations and providers, public health agencies, transportation providers, and education-based agencies and organizations.

581-020-0640 - Regional Support Model

- Updates Regional Consortia model to Regional Support Model.
 - **Updating the support model aligns operational practice with rule.** OEII has a Regional Support structure, where ODE staff who are knowledgeable on the six integrated initiatives partner with Education Service Districts and School Districts.
 - This update to the rule allows the regional model to be formed in every ESD.
- Requires that regional support entities must provide opportunities of support to comprehensive education organizations, including **school districts, charter schools, youth correctional education programs, juvenile detention education programs, long term care and treatment educational programs** in the geographic area served by the regional support entity.
- Adds that the regional support entity must disseminate resources provided by ODE including best practices on addressing the root causes of chronic absenteeism to **all** districts, charter schools, youth correctional education programs, juvenile detention education programs, and long term care and treatment educational programs in their region.
- Adds that districts must “identify student populations disproportionately affected by chronic absenteeism, **including focal student groups where data is available.**”
 - Adding focal student groups emphasizes the importance of centering the experiences of focal student groups impacted by barriers to attendance and belonging in school.

581-020-0655 - Community Partnerships Grant - *New Rule*

- New rule drawing on SSA Plan Grant rules;
 - Establishes CBO Grant criteria, eligibility, funding and reporting
 - Allows organizations who are a Community-Based Organization, culturally specific organization, early learning hub, provider of early learning services, and/or tribe to apply.
 - (e) Actively engaged in or prepared to enter into an inclusive Partnership and/or consortium with other entities invested in reducing the root causes of chronic absenteeism.
 - Priority may be given to applications who: are CBOs or Culturally Specific Organizations; demonstrate ongoing partnerships with other education partners; ensure geographic diversity; address a strategy of a root cause of chronic absenteeism which requires additional support.

Additional Areas

Updating language to be consistent with program model and new definitions

581-020-0634 - Chronic Absenteeism Support Program

581-020-0637 - Identifying School Districts with a High Rate of Chronic Absenteeism

581-020-0646 - Targeted Assistance

581-020-0649 - Chronic Absenteeism Coaches

581-020-0640 - Regional Consortia

Technical Fix - Correct OAR citation numbers to properly align

581-020-0631 - Definitions: Chronic Absenteeism

581-020-0643 - Selecting School Districts to Receive Targeted Assistance

581-020-0646 - Targeted Assistance

581-020-0649 - Chronic Absenteeism Coaches

581-020-0652 - Determination and Distribution of Available Moneys

Proposed Rule Impacts: Every Day Matters

Racial Equity:

- The proposed rules aim to center historically marginalized students through increased inclusive and student-centered language, expand meaningful education-community partnerships, and deepen family and community engagement practices to collectively address the root causes of chronic absenteeism.

Fiscal/Small Business Impact:

- There are no impacts to small business.

Questions for Input

- We are still exploring appropriate term and definitions for “misconception around school” in relation to attendance and engagement. Are there any specific definitions you’d recommend, or work to explore to inform these terms and definitions?
- We’d like feedback and reactions to the proposed definition of “student” in this rule set.
- In relation to the new Community Partnership Grant rule, what are your suggestions about how to ensure distribution of the grant funds across all regions of Oregon?
- Please share your reactions and feedback to the framing of “inclusive partnerships” in the Community Partnership Grant rule. What challenges, opportunities, or areas for support from ODE do you foresee?
- Please share your thoughts about the actionability for the Community Partnership Grant in rural and frontier regions?
- Is there anything else we should consider in updating this rule set?

EDM OARs Next Steps

Next Steps:

- October, 2022: Continued community and ESD engagement sessions
- October 20, 2022: Anticipate a first read of the rules to the SBE.
- November 3, 2022: Return to RAC for a second read of the rules.
- December 2022: Anticipate a second read and adoption of the rules to the SBE.



Economically Disadvantaged Definition

Economically Disadvantaged Definition

Subject: Updating the definition of “economically disadvantaged” students for the purposes of reporting data for the Student Investment Account and for federal accountability reporting. This definition is in OAR 581-14-0001 as a draft rule.

Concept: State and federal law require us to report on the educational progress and outcomes of students who are “economically disadvantaged.” Our current definition relies on eligibility for free and reduced price school meals, but more than a quarter of all schools provide all students with free meals. In 2021 the legislature required the State Board to adopt a definition in rule.

Background: Data on economically disadvantaged students is often used to identify schools for supports from the state. The percentage of such students and their educational data are also used to identify schools for various grants and funding opportunities.

Economically Disadvantaged Definition

Timeline: This is our first engagement with the RAC.

- June 16, 2022: the State Board adopted a temporary rule that is our current definition.
- October 6, 2022: Presentation of draft rule to the RAC.
- October 20, 2022: First read by the SBE
- November 3, 2022: Second round of review by RAC
- December 8, 2022: Adoption by the SBE
- Fall 2023: new definition is implemented.

Economically Disadvantaged - History

- ODE reports educational data for “economically disadvantaged” (ECD) students, as required by both the state’s Student Success Act, and the federal Every Student Succeeds Act.
 - This includes graduation, attendance, 9th grade on-track, etc.
 - These laws also require reporting by race/ethnicity, special education status and other focal student populations.
- ODE and other states have long defined ECD students as those students who qualify for free or reduced-priced school meals.
- The data we use is submitted by districts as part of the 3rd Period Cumulative Average Daily Membership (ADM) collection.

How we use these data

Data on Economically disadvantaged students is used as part of:

- At-A-Glance Reports (school report cards)
- ESSA accountability
- SIA focal group
- Research
- School districts and others use this for grant applications
- ODE often uses it as an eligibility criteria for certain grants
- Reflect relative poverty rates among schools

Challenges for our Current Definition

- The USDA initiated the Community Eligibility Program (CEP) that greatly increased the number of schools that offer free meals to all students.
 - In 2018-19 this represented 25% of schools, and this has increased during the pandemic to approximately two-thirds of schools this year.
 - Some districts (e.g., McMinnville, Salem-Keizer) offer free meals district-wide.
- CEP Schools are reported as 100% ECD and **do not have to collect income information from their students.**
- This means we do not have accurate student-level data or school level estimates of need for CEP schools.
- During the pandemic almost all students had access to free lunch.

Measures of Socioeconomic Status (MSES) Project

- 2018 – The Student Success Act initially defined students as economically disadvantaged if they were eligible for free/reduced school meals.
- 2020 – ODE created an internal MSES workgroup to review the definition and make recommendations improvements.
- 2021 – the Legislature required the State Board to define this group of students in rule, HB 2060 Section 13.
- 2021 – MSES workgroup conducts community and tribal outreach to help craft a new definition.

MSES Project Goals

Recommend a new definition that

- Is more uniform across the state
- More accurately identifies students in poverty so that we can better understand the impact of income on student outcomes and well-being
- If possible, does not significantly increase the reporting burden on CEP schools.

Please note:

- Changing the definition does NOT affect school meals programs
- Changing the definition does NOT affect the state school fund
- The percentage of students that are ECD is currently used by some ODE programs to identify schools eligible for some grants.

ECD Proposed Definition

The MSES Project recommends the following definition, which we are informally calling an “ECD Composite” measure. Proposed Definition in OAR 581-014-0001:

Effective July 1, 2023, “Economically disadvantaged” means students who meet one or more of the following qualifications:

- a) are participating in Supplemental Nutrition Assistance Program funded by the United States Department of Agriculture;**
- b) are participating in the Temporary Assistance for Needy Families program as defined in Title IV of the Social Security Act;**
- c) are in foster care;**
- d) are migrant as defined in Title I, Part C of the Elementary and Secondary Education Act of 1965;**
- e) are homeless as defined in section 725 of the McKinney-Vento Act, 42 USC § 11434a (2).**

Benefits of the proposed definition

- This definition can be applied to all schools, including CEP schools and also charter schools that do not have school meals programs.
- This definition will allow CEP schools to continue to offer free meals without needing to collect income information from families (>700 schools!)
- By supplementing TANF and SNAP data with migrant, homeless we can include some students who may not be part of state or federal food assistance programs.
- We looked at outcome data in 2018-19. This new definition may be able to more precisely identify opportunity and achievement gaps than was possible with the current definition.
- The proposed definition relies on data that will still be available even if the state or federal government move to universal free meals.

Challenges to the proposed definition

- It does identify about 40% fewer students than our current definition.
 - This is consistent with national research on TANF and SNAP data.
- TANF and SNAP data tend to under-identify communities of color and immigrant communities.
- It does not currently include all state or federal assistance programs.
 - We will work to include other sources of data, such as Medicaid, food assistance programs on reservations.
- It does not include many of the community-based factors brought up in engagement sessions, but these can't be easily applied to individual students.

Proposed Rule Impacts: Economically Disadvantaged Definition

Racial Equity:

- The proposed rule seeks a definition that is more uniform across all school types. This definition does rely on data available from various state and federal sources. It does include fewer students overall, but it increases the relative identification of black/african americans and multi-racial students, while lowering the relative percentage of asian students and spanish-speaking students (based on 2018-19 data).

Fiscal/Small Business Impact:

- There are no impacts on small businesses, but some community-based organizations may use this new measure when applying for grants.

Economically Disadvantaged Definition

Questions for Input:

- Given that the current definition is becoming less and less accurate, and knowing the benefits and challenges of the proposed definition, what is your feeling about the direction the agency is heading?
 - Please remember that this proposed definition does not affect the state school fund or whether or not students are fed at school. This is about tracking outcomes for the low-SES group and working to better understand the impacts of poverty on students.
- We are looking at identifying more external data sources in the future to potentially expand this group, such as Medicaid and other programs. What other data sources should we consider? (Remember, the definition needs to identify individual students)

Economically Disadvantaged Definition

Next Steps: State Board? Further engagement?

- First Read at the October 20 State Board meeting
- Possible return to the RAC on November 3
- Adoption at the December State Board meeting
- New definition implemented for the 2023-2024 school year.



ODE Early Rule Concept and Considerations

SIA Fund Administration Rules Change

- **Draft Rule:** Would give SIA Grant recipients a universal extension to use funds by September 30th annually. This change would remove the ability for recipients to opt out of the extension, meaning they would have until June 30th to expend funds annually.
- This will reduce burden on the department to process grant amendments for the small number of recipients who requested to opt out of the extension.

HSS Fund Administration Rules Change

- **Draft Rule:** Would change HSS Fund Administration rules to give all recipients a universal summer extension, mirroring the SIA fund administration rules.
- *Rationale: M98/HSS seeks a universal extension for all recipients to align with SIA and reduce paperwork in response to over 90% of our recipients who annually ask for extensions*

Preview of Nov 3 Agenda

- Rules-at-a-Glance
 - OAR 581-021-0210 Evaluating Student Transcripts - SB 1522, Sec 5 & 6
- Draft Rules:
 - Charter School Equity Grants
 - EI/ECSE OAR Changes
 - Fund Administration for Student Investment Account & High School Success

Thank you



The background is a dark space filled with numerous small white stars. On the right side, there is a large, detailed blue planet with visible atmospheric bands. On the left side, there are two smaller planets: a bright white one and a smaller yellow one.

OPEN SPACE

**Any further questions or comments
on any agenda item or any topic not
on our agenda...**