



ODE Rules Advisory Committee

April 4, 2024

Welcome and Group Share

→ In the chat, please list your:

- ◆ Name;

- ◆ Pronouns;

- ◆ Organization; and

- ◆ *What was your favorite extracurricular activity in school?*

Agenda

9:00 am - 10:10 am

- Introductions & Opening Remarks
- Rules-at-a-Glance
 - Examination of Children Instructed by Parent, Legal, and Guardians
 - Safe School Culture Grants
 - Prevention Education in Drugs and Alcohol
 - Community Eligibility Provision (CEP) Incentive Program
 - Professional Learning Criteria to Support Inclusive Social Science Instruction
 - Civil Rights Rulemaking
 - Recovery Schools

Agenda

10:10 am - 12:00 pm

- Draft Rules
 - Course Requirements for Personal Financial Education & Higher Education and Career Path Skills
- Break
- Draft Rules Continued
 - Social Emotional Learning, District Curriculum
 - Corrections Education Funding Model
 - Medication Administration
- Open Space/Questions
- 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

Examination of Children Instructed by Parent, Legal, and Guardians

Subject: Homeschool Testing

Concept: Update the rule to reflect currently available tests

Background:

- Under Oregon law, homeschooled children are considered to be exempt from compulsory attendance, and therefore engage in learning *entirely outside of the public system*. There are few requirements for homeschooled students, one of which is to be tested at the end of grades 3, 5, 8, and 10; the State Board of Education has approved several tests for this purpose.
- The current list has been in place for decades, and has been in need of an update. As of this meeting, two of the tests were purchased by another publisher and are now called something else, and one of the tests is no longer available for homeschool testing.
- The Department proposes a rule change that updates the current list to reflect what is actually available for homeschooling families and testers.

Changes in Response to Public Input

Feedback heard: The homeschool community, homeschool testers, and ESD homeschool liaisons appreciate the update to the rule, as it reflects what is currently available.

(Larger implementation needs:) Other than the rule change, no additional implementation needs exist.

Examination of Children Instructed by Parent, Legal, and Guardians

Proposed Rule Changes: Remove three tests from the list: two that are no longer in use, and rename one test that was purchased by another test publisher.

Racial Equity:

- ODE does not collect data on homeschooling students and therefore, cannot reasonably assess the racial equity impacts of this rule.

Fiscal/Economic & Small Business Impact:

- Homeschool testers will not be financially impacted by this rule update.
- No costs for small businesses.

Next Steps:

- Second read to the State Board of Education

Safe School Culture Grants

Subject: Grants to certify district staff in physical and verbal de-escalation techniques.

Concept: Approve permanent rules to cover the entire period of the grant.

Background:

- SB 283 (2023) has an ultimate goal of ensuring that districts have at least one person well-trained in verbal and physical de-escalation techniques for every 50 students.
- SB 283 initiates this work using a train the trainer model. SB 283 provided \$5 million to districts across the state to get some of their staff certified to be trainers in these nationally recognized training methods.
- These trainers would then train additional staff, with the aspirational goal of reaching 50:1 ratio.
- These rules clarify the formula for allocating the grant funds and requirements for a training program to be acceptable.

Changes in Response to Public Input

Feedback heard: We have heard from partners that the timing of the grant and the lack of recertification options are challenges for districts. However, we cannot change those requirements via rule.

- **Language updated (and why)**
 - **No updates**
- **Language retained (and why)**
 - **All language kept the same because no specific proposal to change language.**

Safe School Culture Grants

Proposed Rule Changes: No change for the first read, requesting adoption of the rules

Proposed Rule Impacts:

- **Racial Equity: The certification training will be required to be culturally responsive and address historical inequities when it comes to how staff respond to incidents.**
- **Fiscal/Economic & Small Business Impact: No significant impact.**

Next Steps:

- **Acknowledge feedback and responses**

Prevention Education in Drugs and Alcohol

Subject: Amending OAR 581-022-2045

Concept: Rule needs to be updated to align with statute (SB 238)

Background:

- OAR 581-022-2045 covers requirements for districts regarding a comprehensive plan for Prevention Education in Drugs and Alcohol. The rule covers a number of items that districts must have in place in order to be in compliance with Division 22 Standards, including instruction in the classroom.
- The statute requires ODE to collaborate with the Oregon Health Authority, and Alcohol and Drug Policy Commission to develop curricula supplements to be implemented by school districts related to: (1) Dangers of synthetic opioids, including fentanyl or any substituted derivative of fentanyl, and counterfeit and fake drugs. (2) Laws that provide immunity or other protections for persons who report drug or alcohol use or who seek medical treatment for drug or alcohol overdoses for themselves or others.

Changes Since RAC Draft Rule Presentation

Feedback heard: Feedback has been supportive of change to align with Oregon Statute

Language updated

- Title changed to “Substance Use Prevention and Intervention Plan”
 - Mirrors statute and is more descriptive of all requirements of the rule
- Changed “alcohol and drug abuse” to “substance use”
 - More inclusive term; best practice

Substance Use Prevention and Intervention Plan

Proposed Rule Impacts:

- **Racial Equity:** *The proposed rule will ensure all students across the state receive drug and alcohol prevention education that includes the dangers of synthetic opioids, fentanyl and other derivatives as well as information on the Good Samaritan Laws that protect individuals assisting with a drug overdose or those seeking help for themselves.*
- **Fiscal/Economic & Small Business Impact:** *ODE anticipates minimal fiscal impact on state or local government.*

Next Steps:

- Present 2nd read to State Board of Education on May 16, 2024

Community Eligibility Provision (CEP) Incentive Program

Subject: Technical Fixes to CEP Incentive Program Rule OAR 581-051-0610

Concept: Technical fixes to OAR to match revised federal rules

Background:

- CEP is a federal program that allows eligible schools to offer all students breakfast and lunch at no charge, under USDA meal program
- Eligibility for CEP is based on percentage of total students enrolled in a federal assistance program (known as identified student percentage(ISP))
- Previous federal threshold for eligibility in CEP was 40% ISP, USDA lowered this threshold to 25% in October 2023
- Student Success Act (SSA) Child Nutrition Initiatives provide supplemental reimbursement for schools that participate in CEP
- Rules changes for CEP Incentive Program would align the definition of an eligible school with federal requirements

Changes in Response to Public Input

Feedback heard:

- **Feedback has been supportive of change to align with federal requirements**
- **School districts, advocacy groups and legislators want to see the OAR updated to make the most of supplemental funding and provide more meals at no charge to students**

Community Eligibility Provision (CEP) Incentive Program

Proposed Rule Changes:

- Update definition of “eligible school” to one that aligns with federal requirements for CEP participation.

Proposed Rule Impacts:

- Racial Equity: Will allow a greater number of schools to receive SSA supplemental funding, encouraging greater participation in CEP and a larger number of students offered school breakfast and lunch at no charge.
- Fiscal/Economic & Small Business Impact: This change does not have any additional fiscal impact to ODE nor any measurable impact to small businesses

Next Steps:

- Hoping for approval of the rule revision and implementation of revised rule beginning School Year 2024/2025.

Professional Learning Criteria to Support Inclusive Social Science Instruction

Subject: Professional Learning - SB 1050

Concept: Provides professional learning for educators to address inclusive social science standards including Holocaust and genocide studies and ethnic studies. The rule creates criteria to help guide the development of the professional learning.

Background: The passage of SB 664 and HB 2845 requires K-12 educators to address the histories, contributions, and perspectives of traditionally underrepresented individuals. SB 1050 recognizes the need for educators to improve content knowledge and culturally responsive pedagogies. It provides \$2,250,000 for professional learning to ensure school districts offer instruction aligned to the academic social science content standards, including specific focus on Holocaust/genocide studies no later than the 2026-2027

Changes in Response to Public Input

Added:

What: (2) For the purpose of this rule, “best practices” means professional learning aligned with specific content and subject standards, incorporating active learning for participants, encouraging sustained and continuous collaboration and learning for improvement in instruction.

Why: After receiving feedback from community engagement, the RAC and the SBE on what constitutes best practices for professional learning, this section of the rule criteria was added. It specifically incorporates the following aspects of the ESSA definition of Professional Learning: tied/aligned to specific content and standards; incorporates active learning; and is collaborative.

Removed:

What: (c) Improve educators’ understanding of culturally responsive pedagogy ~~for the classroom~~

Why: does not add value and implies limitations to the use of culturally responsive pedagogy to only the classroom environment

Updated Criteria for Professional Learning Related to Teaching Inclusive Social Science Standards (Updated 3/22/24)

- (1) For purposes of this rule, “Culturally responsive” means the implicit recognition and incorporation of the cultural knowledge, experience, and ways of being and knowing of learners in teaching, learning, and assessment.
- (2) For the purpose of this rule, “best practices” means professional learning aligned with specific content and subject standards, incorporating active learning for participants, encouraging sustained and continuous collaboration and learning for improvement in instruction.
- (3) Professional learning pursuant to SB 1050 must:
 - (a) Improve educators’ knowledge of the histories, contributions and perspectives of the individuals and groups named in [ORS 329.494](#) and [ORS 329.045\(1\)\(b\)\(B\)](#)
 - (b) Utilize best practices for culturally responsive professional learning with opportunities for ongoing and follow-up engagements with participants extending throughout the school year
 - (c) Improve educators’ understanding of culturally responsive pedagogy
 - (d) Encourage and guide the revision of curriculum to better address the histories, contributions, and perspectives of individuals and groups related to ORS 329.494 and ORS 329.045 (1)(b)(B)

Professional Learning Criteria to Support Inclusive Social Science Instruction

Proposed Rule Impacts:

- **Racial Equity**
 - Professional learning **builds teacher knowledge and skills** to support student inquiry and discourse for racial equity and justice.
 - Providing criteria for high-quality professional learning **reduces the risk of the social science standards being implemented in harmful ways** for students whose identities have been misrepresented or underrepresented historically.
 - Culturally responsive instruction **facilitates the understanding of one's own life as well as others' lived experiences and perspectives**, all of which benefit Oregon's students.
- **Fiscal/Economic & Small Business Impact:** None

Next Steps:

- Adoption by State Board of Education in April.

Civil Rights Coordinator Rulemaking

Subject: Civil Rights Coordinator - Implementation of HB 2281 (2023)

Concept: Create and adopt rules outlining responsibilities of recently appointed Civil Rights Coordinators

Background: House Bill 2281 passed in 2023 requiring districts to appointment one or more Civil Rights Coordinators. Discrimination based on race, color, and national origin is already prohibited by state and federal law, such as under ORS 659.850 and Title VI of the Civil Rights Act of 1964. However, no coordinators are required under federal law. Adoption of the Civil Rights Coordinators is therefore intended to ensure that the state and federal nondiscrimination law is being followed with fidelity. The Civil Rights Coordinator is intended to ensure that districts, and community members, have a point person for responding to discrimination on the basis of race, color, national origin, and other protected classes. The rules proposed will, among other things, require tracking of discrimination complaints, require the Civil Rights Coordinator to oversee district compliance with nondiscrimination law, and require training for Civil Rights Coordinators.

Changes in Response to Public Input

Feedback heard: Community members appreciated the draft rules and felt they were necessary and overdue.

- **Language retained (and why)**
 - No changes were made; feedback was broadly positive

Feedback heard: Community members had questions about possible inclusion of other laws/policies in the rules (TAG, assault/acts of violence)

- **Language retained (and why)**
 - No changes; the statute is specific to discrimination defined in ORS 659.850

Changes in Response to Public Input

Feedback heard: Districts expressed capacity and funding concerns and were somewhat confused how the role would work in conjunction with other federally required coordinator positions (i.e. Section 504, Title IX). Districts and education partners also expressed that training and other requirements were burdensome and preferred a gradual or phased plan.

- **Language updates (and why)**
 - OAR 581-021-CCCC(1)(b) and (c) combined and clarified (role of CRC in facilitating remedies)
 - No other changes were made; requirements are grounded in existing state and federal law

Larger implementation needs:

- We intend to provide robust support and technical assistance in assisting districts in meeting these requirements, including training (in-person, online, and asynchronous options), templates, and regular meetings

Civil Rights Coordinator Rulemaking

Proposed Rule Changes:

- Changed the date training needs to be completed by to December 31, 2024 from December 1, 2024 due to typographical error, and to give districts more time.
- Proposed rules be in division 21, rather than division 22.

Proposed Rule Impacts:

- **Racial Equity:** Discrimination based on race, color, and national origin is prohibited by state and federal law, but no Coordinators have previously been required. Adoption of these rules is intended to ensure fidelity of existing nondiscrimination law, including ensuring districts have a point person for responding to discrimination based on race, color, national origin, and other protected classes.
- **Fiscal/Economic & Small Business Impact:** Districts are already required to adhere to state and federal nondiscrimination law. Additional staff time may be required for districts and charter schools to meet training requirements; ODE will be offering free annual trainings to meet requirements. Feedback indicated that districts and charter schools are concerned about capacity and lack of funding.

Next Steps:

- Second read to the State Board of Education
- Create comprehensive training opportunities and templates for designated Civil Rights Coordinators

Recovery Schools

Subject: Establishment of Recovery Schools

Concept: Standards for Approved Recovery Schools

Background:

HB 2767 established the new Recovery Schools to be funded as part of the Statewide Education Initiatives Account in the Student Success Act and the State School Fund (SSF). This bill was passed in the 2023 regular legislative session and is incorporated into ORS 336. Approved Recovery Schools, will operate by an agreement with the Department of Education, and will provide 9-12 grade students with a specialized high school education experience, tailored to meet the needs of students with substance use and co-occurring mental health challenges. The new law requires standards for approved recovery schools, graduation, evaluation and recovery school accreditation guidance.

Changes in Response to Public Input

Feedback heard: To date, feedback has been positive and has not required substantive changes to the proposed OARs.

- **Language updated:** We have tracked changes for changes between the first presentation in February. All proposed OARs are new rules.
 - Changes are not largely substantive, but align better with commonly used terminology within special education and recovery programming.

New language in last section to address SEIA fund allocations and distribution.

Draft OARs have been presented to Recovery Schools Advisory Committee, State Board, and Engagement Session with ESD, SD, and Partner Organizations represented.

Recovery Schools

Racial Equity:

- The schools are designed to serve students in recovery from substance use disorder.
- Schools will be geographically accessible.
- Schools can prioritize student enrollment for those groups identified by the Student Success Act in the Student Investment Account if more students apply than there is capacity to serve.
- Enrollment criteria is a key area of policy where we are trying to respond to anticipated issues with access.
- Advisory Committee is having robust discussions on how to ensure equitable and inclusive access, services, and policies. This is also feeding ODE's plans for guidance and technical support services.

Fiscal/Economic & Small Business Impact:

- We anticipate up to 3 approved recovery schools each biennium until 2029 with no more than 9 schools.
- Each school will enroll between 20-50 students, average will likely be 30 students
- Minimal SSF funding at 2.0 weight for each student to be paid outside of the SSF formula

Next Steps:

- State Board adoption April 18th
- Guidance and RFA publication by Summer 2024



ODE Draft Rules



Course Requirements for Personal Financial Education & Higher Education and Career Path Skills

Aujalee Moore and Beth Wigham

Office of Teaching, Learning and Assessment

ODE.StateGraduationRequirements@ode.oregon.gov

Course Requirements for Personal Financial Education & Higher Education and Career Path Skills

Subject: Oregon's Newest High School Diploma Requirements

Concept: The bill directs the State Board of Education to adopt content standards for 0.5 credit of higher education and career path skills and 0.5 credit of personal financial education as part of the 24 credit requirements for a high school diploma.

Background:

- Districts must ensure that students who will be awarded high school diplomas on or after January 1, 2027 are able to satisfy these credit requirements.
- Districts may request a waiver if they are unable to provide courses necessary for students to satisfy the credit requirements due to a lack of educators qualified to provide the courses. If approved, the waiver is for one year only.

Rulemaking for Senate Bill 3 (2023) Implementation

Public engagement sessions were held February 21, 23, 26, and 27.

- ODE facilitated breakout sessions with 163 individuals during the meetings.
- Participants included high school teachers, administrators, school counselors, content experts, ESD staff, higher education personnel, business and industry partners, and parents from across Oregon.

First-read to Rules Advisory Committee at March meeting.

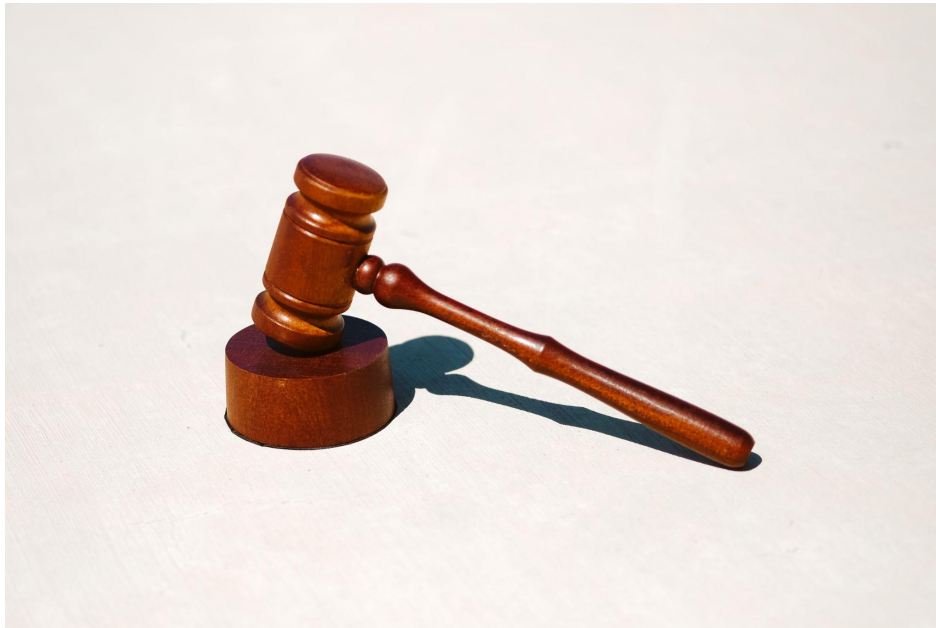
- Received requests for concrete draft rule language in April.
- Received requests for more synchronous feedback time.

Analysis of feedback submitted during all sessions highlighted:

- Flexibility is needed to ease staffing challenges
- Educators in different content areas already have the experience and expertise to teach these courses
- Until there is further clarity on requirements and expectations around teaching the content, districts require flexibility to provide this instruction initially.
- Waiver language is reasonable.
- The course subject matter is critical and content fidelity may be lost if integrated into other subjects and not provided as a dedicated course.

ODE has drafted proposed rule revisions and is working to incorporate feedback into draft language before presenting to **State Board of Education in April.**

Rulemaking for Senate Bill 3 (2023) Implementation



Seeking RAC feedback and suggested language on ***Course Requirements for Personal Financial Education and Higher Education and Career Path Skills***.

Proposed revisions contained in the Technical Changes table align language of current OARs with new statute language. Please flag proofreading edits only.

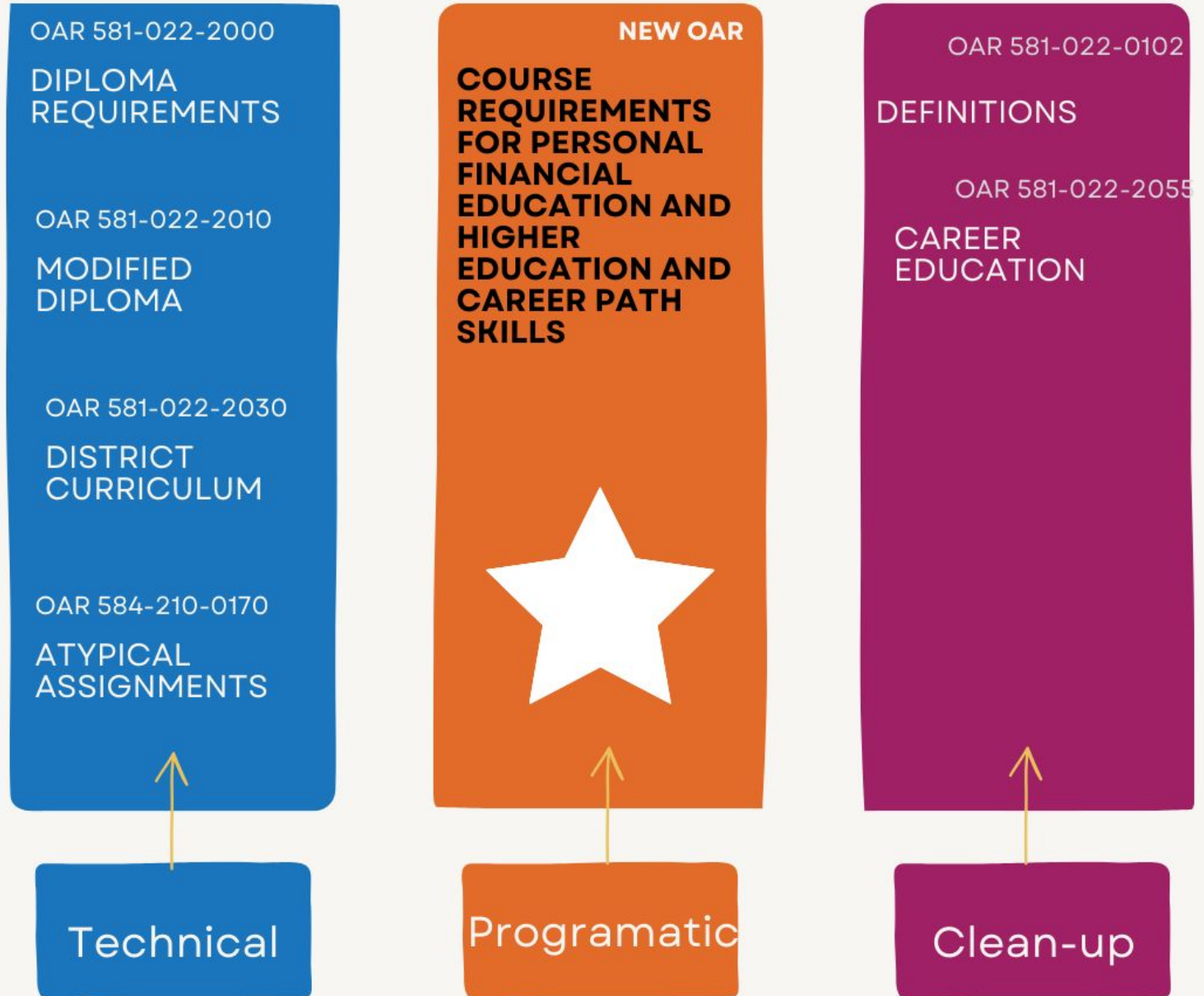
Due to the timeline set by the legislature, ODE is required to adopt rules by June 2024.

ODE will present at first-read to the State Board in April and propose adoption of revised rules in June.

What has changed?



RULE REVIEW FOR SENATE BILL 3



Sections of the New OAR



The proposed new OAR includes three sections that cover the following:

1. Who can teach the course
2. Course and Credit Options
3. Waiver process

Course Requirements for Personal Financial Education & Higher Education and Career Path Skills

Course Requirements for Personal Financial Education and Higher Education and Career Path Skills

- (1) Courses that include Personal Financial Education and Higher Education and Career Path Skills content standards shall be taught by educators who possess a valid license issued by the Teacher Standards and Practices Commission in at least one of the following areas:
 - (a) Teaching Licenses as found in Atypical Assignments OAR 584-210-0170
 - (b) School Counselor License as found in OAR 584-245-0110
 - (c) Administrative License as found in OAR 584-235-0030
 - (d) Restricted CTE Teaching License as found in OAR 584-230-0040

Course Requirements for Personal Financial Education & Higher Education and Career Path Skills

(2) Districts shall award Personal Financial Education credit and Higher Education and Career Path Skills credit for courses that address all of the State Board Adopted Content Standards for those subjects in accordance with OAR 581-022-2025 Credit Options.

(a) Districts may award:

(A) Credit in more than one content area for Personal Financial Education courses that integrate other content standards.

(B) Credit in more than one content area for courses that integrate Higher Education and Career Path Skills content standards with other content standards.

(b) Districts may offer these courses as part of a college-credit granting opportunity, provided the course meets the content standards.

Course Requirements for Personal Financial Education & Higher Education and Career Path Skills

3) A district or public charter school may request a waiver of the credit requirements described in ORS 329.251 (2)(a)(D) and (E) by demonstrating, to the satisfaction of the Oregon Department of Education that the district or school is unable to provide courses necessary for students to satisfy the credit requirements due to a lack of educators qualified to provide the courses. If approved, this waiver is for students who will be awarded a high school diploma on or after January 1, 2027 and before January 1, 2028.

- (a) If a district seeks to request a waiver, it shall submit an application to the Department which includes:
 - (A) The reason for seeking a waiver;
 - (B) The subject(s) for which the waiver is sought;
 - (C) The projected dates for implementation of required courses; and
 - (D) Local school board approval of the application and the date of such approval.
- (b) Waivers may be approved at the Oregon Department of Education's discretion. Denied waivers may be appealed to the State Board of Education.
- (c) Waivers must be submitted to the Oregon Department of Education no later than July 1, 2026.
- (d) No waivers shall be granted for students graduating on or after January 1, 2028.

Rulemaking for Senate Bill 3 (2023) Implementation

Next Steps:

April

- State Board of Education first-read
- Incorporation of feedback received from the State Board and via public comment

May

- Final engagement with RAC

June

- Proposed adoption of revised OARs by the State Board of Education



Corrections Education Funding Model

Sam Ko (he, him)

Office of Enhancing Student Opportunities

sam.ko@ode.oregon.gov

Corrections Education Funding Model

Subject: Funding methodology for Juvenile Detention Education Program (JDEP) and Youth Corrections Education Program (YCEP)

Concept: ODE will codify the funding methodology for each JDEP school in county juvenile detention facilities and for each YCEP school in Oregon Youth Authority secure close custody facilities operated by school districts or education service districts.

Background:

- Previously, each JDEP (1.5 ADMw) and YCEP (2.0 ADMw) school was funded on based on the legislatively mandated (ORS 327.026) per ADMw for each JDEP school and each YCEP school. HB 5014 (2023) provided continual General Funding of \$8.3 million to be distributed to the JDEP schools and YCEP schools based on the five criteria listed in the Budget Note.

Corrections Education Funding Model

Timeline:

- In the 2023 Legislative session, the Legislature passed HB 5014 with the Governor signing the bill on July 27, 2023.
- In the month of August and September, ODE held internal meetings to deliberate on the HB 5014 Budget Note on the impact and implementation of the Budget Note.
- In the month of October 2023, ODE drafted OARs to codify the intent of the Budget Note.
- ODE engaged partner organizations in the subsequent months from November 2023 to March 2024.
- Hopefully, the draft OARs will complete the process for full adoption by the State Board of Education in the June 2024 meeting

HB 5014 Budget Note

2. An ongoing General Fund appropriation of \$8,336,000 is made for the Youth Corrections Education Program and the Juvenile Detention Education Program. Instructions to the Department are provided in the following budget note:

Budget Note: YCEP/JDEP Funding Flexibility

In order to provide administrative flexibility to address fluctuating enrollment and costs between Youth Corrections Education Programs (YCEP) and Juvenile Detention Education Programs (JDEP) during a biennium, the Department is directed to account for YCEP and JDEP funding as a single program. To determine funding distributions between YCEP and JDEP providers and programs, the Department shall consider:

- The diversity of the population being served, including the number or percentage of youth from historically underserved populations;
- The characteristics of the facility including the number of classrooms in use;
- The number of students served in the program;
- The percentage of students qualifying for special education services; and
- The level of transition support offered by the provider.

Corrections Education Funding Model

● Proposed New Rules - Mirrors HB 5014 Budget Note

581-015-???

Corrections Education Program Funding Formula

- (1) The Department of Education shall provide State School Funding to the Juvenile Detention Education Program (JDEP) based on anticipated Average Daily Membership times 1.5 ADMw for the school year.
- (2) The Department of Education shall provide State School Funding to the Youth Corrections Education Programs (YCEP) based on anticipated Average Daily Membership times 2.0 ADMw for the school year.
- (3) The Department of Education shall determine the number of classrooms to be funded at each JDEP and each YCEP school using the methodology of:
 - (a) a classroom for every 8 ADM for JDEP and YCEP schools with 48 ADM or below and
 - (b) An additional classroom for every 10 ADM above 48 ADM.
- (c) Based on the cost of operating a JDEP or YCEP classroom, with input from stakeholders, the Department of Education will determine the level of funding per classroom.
- (4) Based on available funding, the Department of Education will fund each classroom.
 - (a) If the total state funding available for all JDEP and YCEP schools is less than the total state funding needed to fully fund each classroom, the amount of state funding for each classroom determined under paragraph (3) of this subsection will be prorated.
- (5) Based on remaining available funding after the allocations for the classrooms have been determined and calculated, each JDEP school and each YCEP school may apply for funding based on the below criteria:
 - (a) The diversity of the student population being served, including the number or percentage of youth from historically underserved populations.
 - (b) The characteristics of the facility, including the number of classrooms in use.
 - (c) The number of students who are enrolled in the school.
 - (d) The percentage of students qualifying for special education services.
 - (e) The level of re-entry transition support offered by the educational provider.
- (6) Oregon State Funding may be transferred between the JDEP and YCEP programs.

Proposed Rule Impacts: Corrections Education Funding Model

Racial Equity:

- *Unfortunately, a disproportionate number of students of color are detained in county juvenile detention facilities and incarcerated in Oregon Youth Authority secure close custody facilities. The increased financial investment of \$8.3 million will provide increased educational and re-entry transition services to the students so that they will have the resources and assistance they need to attain a high school diploma or GED.*

Fiscal/Economic & Small Business Impact:

- *Partnering school districts and education service districts that provide the educational services will see an increase in funding to hire more staff, procure supplies and equipment, and to provide increased services to the students.*

Corrections Education Funding Model

Engagement:

- 9am, Nov. 3, 2023 – Statewide LTCT Quarterly Meeting
 - Partners from school districts, education service districts, Oregon Youth Authority, Oregon Department of Human Services, Oregon Health Authority, and mental health providers were invited to this meeting
- 11am, Nov. 14, 2023 - OYA meeting to discuss discuss draft OAR and SB 2275
 - Partners from the Oregon Youth Authority and county juvenile departments were invited to and participated in this meeting
- 9am, Nov. 15, 2023 - Joint JDEP/YCEP Meeting to discuss draft OAR and draft Re-entry Transition guidance document
 - Partners from school districts, education service districts, Oregon Youth Authority, county juvenile departments were invited to this meeting
- 1pm, Nov. 15, 2023 - Oregon Juvenile Department Directors Association (OJDDA) Monthly meeting - HB 5014 OAR engagement meeting
 - ODE presented the draft OARs at the monthly OJDDA meeting
- 1:30pm, March 20, 2024 - OJDDA Quarterly meeting
 - ODE presented in-person the draft OARs at the quarterly OJDDA meeting
- All of the partners that participated thought that the proposed OARs effectively codified the Legislative intent.

Corrections Education Funding Model

Follow-up Actions: Consider Feedback? State Board? Further engagement?

- Consider and incorporate feedback
- April 2024: Present to the State Board of Education (First read)
- Engagement with Oregon Youth Authority Family Advisory Council
- 6pm, April 25, 2024: Joint JDEP and YCEP Parent Engagement sessions
- 6pm, May 15, 2024: Joint JDEP and YCEP Parent Engagement sessions
- May 2024: Present to ODE Rules Advisory Committee (Second presentation)
- June 2024 Present to the State Board of Education, June 2024 (Second Read/Adoption)

Additional Questions or Comments

Are there general questions or feedback related to this Corrections Education Funding OAR or in general to the Juvenile Detention Education Program (JDEP) and Youth Corrections Education Program (YCEP) schools?



Administration of Medication

Ely Sanders (he/him)

Office of Enhancing Student Opportunities

ely.sanders@ode.oregon.gov

Administration of Medication

Subject: [OAR 581-021-0037](#) (Medication Administration) encompasses requirements for the administration of prescription, nonprescription, and non-FDA approved nonprescription medication during school hours/programming (by staff and self-administration by student).

Background: [OAR 581-021-0037](#) was established in 1998 and outlines requirements related to the administration of medication to students. OAR has been updated at least 12 times (twice since 2020). This update maintains state requirements, adds clarity to requirements related to training, stock medication, and updates rules and statutes referenced.

Administration of Medication

Draft Revisions to OAR
581-021-0037 with
SNAG

Spring 2023

Informal Engagement (School
Nurses, Board of Pharmacy,
Board of Nursing, OHA, Tribal,
Districts...)

Sept-Nov, 2023

ODE RAC and State
Board of Education (1st
and 2nd read)

April-June 2024

July 2023

Legislature passes
HB 2395 (Opioid
Antagonist)

March 2024

Legislature passes SB
1552 (fixes to HB
2395)

March-April 2024

Engagements

Implementation:
resources and
technical assistance
to districts

Administration of Medication

General Updates to OAR 581-021-0037:

- Updates and adds OAR/ORS citations
- Makes permanent the temporary allowance in current OAR for some virtual medication administration training
- Removes section related to severe allergies and adrenal insufficiency that was added to OAR 581-022-2220 (June 2023)
- Aligns definitions with Board of Pharmacy's OARs
- Consolidates medication administration training to one section of OAR
- Removes reference to minor consent statutes
- Adds ORS requirement for a “process by which the parent or guardian of a student may request in writing that backup prescribed auto injectable epinephrine be kept at a reasonably secure location in a student’s classroom if...” (ORS 339.866)
- Adds prohibition that school personnel not recommend to a parent or legal guardian of a student that the student seek a prescription for a medication that is prescribed with the intent of affecting or altering the thought processes, mood or behavior of the student. (ORS 339.873)

Administration of Medication

Definitions:

(e) “District” means public school district, education service district, or charter school

(f) “Drug” means drug as defined in ORS 689.005

(eg) “Medication” means medication as defined in ORS 339.867.

(h) “Nonprescription medication” means nonprescription drugs as defined in ORS 689.005.

(j) “Prescriber” means a “Practitioner” as defined in ORS 689.005.

(k) “Prescription medication” means a “Prescription Drug” as defined in ORS 689.005

(m) “Delegation” means a formal delegation of a nursing procedure by a registered nurse to district personnel in accordance with the Oregon Nurse Practice Act (OAR Chapter 851)

(n) “Short-acting opioid antagonist,” means any short-acting drug approved by the United States Food and Drug Administration for the complete or partial reversal of an opioid overdose as defined in ORS 689.681.

Administration of Medication

Delegation:

(2)~~(a) School d~~Districts shall adopt policies and procedures that provide for:

~~(a)~~A) The administration of medication to students by designated personnel;

(b) Medications to be administered by district personnel as part of a formal delegation by a Registered Nurse in accordance with the Oregon Nurse Practice Act (OAR Chapter 581.).

(A) Injectable medications may be administered by district personnel if delegated by a Registered Nurse in accordance with Oregon Nurse Practice Act (OAR Chapter 851.).

Administration of Medication

(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~~district personnel that takes into account when a student is in school, at a ~~school~~district-sponsored activity, under the supervision of ~~school~~district personnel, and in transit to or from school or ~~school~~district-sponsored activities;

(b) Ensure designated staff have received medication administration training, are appropriately supervised, and have access to a school nurse for questions and concerns;

Administration of Medication

Medication Administration Training

(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 prescriber

~~(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) District shall use training developed by the Oregon Health Authority (OHA) for district personnel to administer epinephrine, glucagon, and medication to treat adrenal insufficiency as required in ORS 333.055, 433.810, 433.815, and 433.830

Administration of Medication

Medication Administration Training

~~(CB) The training for designated personnel must to administer medications to students must align with the ODE Medication Administration Training and at a minimum include a discussion of applicable district policy, procedures and materials, and include the following elements: 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;~~

~~(i) Safe storage, administration, handling, and disposing of medications;~~

~~(ii) Accessibility of the medication during an emergency;~~

~~(iii) Record keeping;~~

~~(iv) Whether response to medication should be monitored by designated personnel and the role of designated personnel in such monitoring;~~

~~(v) Emergency medical response procedures following administration of the medication;~~

~~(vi) Confidentiality of health information, and~~

~~(vii) Assessment of gained knowledge.~~

Administration of Medication

Medication Administration Training:

~~(D)~~ The first training for ~~a~~ designated district personnel and every third training thereafter must be provided in-person. During ~~the~~ ~~intervening~~ subsequent years, designated ~~district~~ 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,~~

~~(E) An online training may~~ ~~to~~ qualify as “in-person” ~~a distance training format may only be considered~~ when these measures ~~are~~ can be met:

~~(i) Content is provided via synchronous, interactive online sessions with the trainer and learners visible on screen.~~

(ii) Trainers must be licensed and work within their scope of practice.

~~(iii) Include in-person, skills demonstration for training developed by the Oregon Health Authority for epinephrine, glucagon, and for medication to treat adrenal insufficiency.~~

~~(F) District shall maintain documentation of district personnel’s completion of training as required by OAR 166-400-0010.~~

~~(G) In alignment with district board policy, any district personnel may be allowed to administer a non-injectable, short-acting opioid antagonist to any student or other individual on district premises who the personnel believe in good faith is experiencing an overdose of an opioid drug without receiving medication administration training.~~

Administration of Medication

Removal of reference to minor's privacy rights:

(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~~ district-sponsored activity, while under the supervision of school personnel, and in transit to or from school or ~~school~~ district-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~~

Administration of Medication

District stock medication program:

(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 student's parent or guardian; or ~~of the student~~

(i) The nonprescription medication is part of a district's stock medication program in compliance with the Oregon Board of Pharmacy rules including OAR 855-035-0005.†

Administration of Medication

Back-up medication:

(d) Require that backup medication, if provided by a student's parent or guardian, be kept at the student's school in a location to which the student has immediate access in the event the student has an asthma or severe allergy emergency

(e) Include process for a district to revoke its permission for a student to self-administer medication if the student does not responsibly self-administer the medication or abuses the use of the medication.

(f) Include 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;

Administration of Medication

Opioid antagonist:

5(a) A district may adopt policies and procedures that provide for the administration of a short-acting opioid antagonist medication that is designed to rapidly reverse an overdose of an opioid drug by any district administrator, teacher or other designated personnel to any student or other individual who the district personnel believe in good faith is experiencing an overdose of an opioid drug.

Administration of Medication

Opioid antagonists:

(b) A district shall provide to the parent or legal guardian of each minor student enrolled in a school in the district information regarding short-acting opioid antagonists. The information described in this subsection must include at least:

(A) A description of short-acting opioid antagonists and their purpose;

(B) A statement regarding, in an emergency situation, the risks of administering to an individual a short-acting opioid antagonist and the risks of not administering to an individual a short-acting opioid antagonist;

(C) A statement identifying which schools in the district, if any, will have short-acting opioid antagonists, and the necessary medical supplies to administer short-acting opioid antagonists, on site and available for emergency situations; and

(D) A statement that a representative of a district may administer to a student a short –acting opioid antagonist in an emergency if the student appears to be unconscious and experiencing an opioid overdose.

Administration of Medication

Opioid antagonists:

(c) A school district board shall ensure that the parent or legal guardian of a minor student enrolled in a school within the school district is immediately notified when a short-acting opioid antagonist is administered to the student if the short-acting opioid antagonist is administered while the student is at school, on school property under the jurisdiction of the school district or at any activity under the jurisdiction of the school district.

Administration of Medication

Mood altering medication:

(6) District personnel shall not recommend to a parent or legal guardian of a student that the student seek a prescription for a medication that is prescribed with the intent of affecting or altering the thought processes, mood or behavior of the student.

Medication as a condition to attend school:

(a) District personnel shall not require a child to obtain a prescription for a substance covered by the Controlled Substances Act, 21 U.S.C. 801 et seq., as a condition of attending school, receiving an evaluation to determine eligibility for Section 504 of the Rehabilitation Act of 1973, early childhood special education or special education under ORS chapter 343 or receiving early childhood special education or special education services.

Proposed Rule Impacts: Administration of Medication

Racial Equity:

- Many students rely on medications to manage chronic conditions such as asthma, diabetes, ADHD, allergies, and others. Proper medication administration in schools ensures that students have access to the medications they need to stay healthy and focused on their education. This is particularly important for students from racial and ethnic minority backgrounds who may face barriers to accessing healthcare outside of school due to factors such as lack of insurance, transportation issues, or language barriers.

Fiscal/Economic & Small Business Impact:

- No state agencies, local governments, and/or members of the public are likely to be economically affected by the rule change
- There is not anticipated cost related to compliance for districts, education partners, families, or small businesses.

Administration of Medication

Engagement:

- Virtual engagement sessions for school district staff (4/24)
- Virtual engagement sessions for education partners and families (4/24 and 4/2/24). Education partners include Fact Oregon, Oregon Family Support Network, Central Oregon Disability Support Network, and the State Advisory Council for Special Education.
- Email request for review and comment with Oregon School Board Association, Oregon Coalition of School Administrations, and the Oregon School Employees Association.
- Email request for review and comment with the Oregon State Board of Nursing and the Oregon Board of Pharmacy.
- Requested DOJ review (3/24)
- ODE Office of American Indian/Alaska Native Education (10/23)

Administration of Medication

Follow-up Actions: Consider Feedback? State Board? Further engagement?

- Complete engagement sessions and collect email comments
- Consider and incorporate feedback
- April 2024: Present to the State Board of Education (First read)
- May 2024: Present to ODE Rules Advisory Committee (Second presentation)
- June 2024 Present to the State Board of Education, June 2024 (Second Read/Adoption)

Administration of Medication

Feedback

Are there general questions or feedback related to this OAR update or in general to medication administration in schools?

Preview of May 2, 2024 Agenda

- Rules-at-a-Glance:
 - OAR Updates for High School Completion and Alternative Certificate
 - Course Requirements for Personal Financial Education (SB 3)
 - Medication Administration
 - Corrections Education Funding Model
- Draft Rules:
 - Native Hawaiian/Pacific Islander Permanent Rulemaking
 - ASL Interpretation

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...**