



ODE Rules Advisory Committee

January 4, 2024

Welcome and Group Share

→ In the chat, please list your:

◆ Name;

◆ Pronouns;

◆ Organization; and

◆ *What're you looking forward to for the new year?*

Agenda - Introductions & Rules-at-a-Glance

9:00 am - 12:00 pm

- I. Introductions & Opening Remarks
- II. Rules-at-a-Glance
 - A. PE Requirements Rules Revisions
 - B. Minimum Requirements for School District Sexual Harassment
 - C. Charter School Rules Revisions
 - D. Procedures Regarding Restraint and Seclusion
 - E. Federal Programs Rule Revision
 - F. Alternative Transportation Rule Revision
 - G. Non-reimbursable mileage

Agenda - Introductions & Rules-at-a-Glance

9:00 am - 12:00 pm

- I. Draft Rules
 - A. Early Literacy Grants - New Rules
 - B. SIA Focal Student Group Definitions Rule Revision
 - C. SIA/HSS Technical Fixes Rule Revision
 - D. Process for Approval of Private School or Preschool as a Contractor with Public Agencies Rules Revisions
 - E. Speech Language Stipend Program - New Rule
 - F. Examination of Children Instructed by Parent, Legal Guardian or Private Teacher
- II. Open Space/Questions
- III. 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.

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.

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.



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

PE Requirements Rule Revision

Subject: HB 3199

Concept: Rule Revisions to OAR 581-022-2263 Physical Education Participation and OAR 581-022-2265 Report on PE Data

Background:

- PE minute requirements were first introduced in 2007.
- HB 3199 was passed in June of 2023 changing the requirements for grades 6-8.
- First SBE read 12/7/23

Updating rules to be in alignment with the new statute.

Changes in Response to Public Input

Feedback heard:

- No feedback received from 1st RAC meeting.
- State Board had feedback on Physical Education in general, but no specific feedback on rule changes.

Language updated to align with revised statute and provide clarity for districts.

- Updated the number of minutes required for grades 6-8 and how they are calculated to mirror requirements in ORS 329.496

OAR 581-022-2263 and OAR 581-022-2265

Proposed Rule Changes: Reflect alignment to new statute

Proposed Rule Impacts:

- **Racial Equity:** Adoption of the rule will provide equitable time requirements for every student across the state to receive physical education.
- **No Fiscal/Economic & Small Business Impact**

Next Steps:

- Present second read and SB adoption 2/15/24

Minimum Requirements for School District Sexual Harassment Rule Revision

Subject: Update to consent definition on [OAR 581-021-0038](#)

Concept: The definition of consent was updated to better align with the definition required to be taught in by Comprehensive Sex Ed rules and standards. The intention is to align what students learn in the classroom with the standard they are held to in policy.

Background:

- Oregon school districts are required to prohibit sexual harassment, and have a policy in place to address it.
- The current rule has an “implied” definition of consent that states that a person cannot consent in certain specific situations.
- This definition is out of step with comprehensive sex ed rules and standards, which requires students learn that consent is an enthusiastic yes and “the presence of a yes when no is a viable option.”
- This mismatch has the possibility to create confusion and harm students.

Changes in Response to Public Input

Feedback heard:

- Need to ensure school district policies are updated
- Need to ensure school staff, parents, and students are made aware of update
- Need to provide school districts with training on definition
- **No language updates made**
 - Feedback reflected implementation needs

Implementation Plan:

- Provide trainings and webinars for school district staff, including targeting specific staff (Title IX Coordinator, school counselors)
- Connect with education partners to ensure policy updates and awareness

Minimum Requirements for School District Sexual Harassment Rule Revision

Proposed Rule Changes: Proposed changes are aligned to statute. No new changes are proposed from October presentation.

Proposed Rule Impacts:

- **Racial Equity:** Sexual harassment and sexual violence disproportionately impact historically marginalized student populations, including students of color. This bill will allow more students to have the option of seeking justice and support from their school district after sexual harassment.
- **Fiscal/Economic & Small Business Impact:** Minimal additional costs are expected. School districts may have to devote additional staff time to responding to and investigating sexual harassment complaints, since slightly more incidents may now fall under the policy.

Next Steps:

- Continue implementation through awareness and support

Virtual Charter School Enrollment

Subject: Virtual Charter School Enrollment and Appeals Requirement Updates

Concept: Align rules with the new timelines and requirements from HB 3204

Background:

- Students who wish to enroll in a virtual public charter school must provide notice of their intent to their resident district.
- If the district has more than 3% of their student population already enrolled in virtual public charter schools not sponsored by the district, the district may have a policy to deny the student enrollment
- Districts that deny enrollment must calculate their percent regularly and provide specific information to the family.
- Families may appeal district denials to the State Board.
- ODE processes these appeals and issues final orders upholding or overturning district decisions.

Facility Location Rule Revisions

Subject: Public Charter School Facility Location Requirement Updates

Concept: Update the terms used in the rule and simplify rule to reference SB 767

Background:

- Since 2015, public charter schools have been able to operate a “school or facility” in other district boundaries.
- This practice is most typical with virtual public charter schools, but more non-virtual charter schools have been opening additional facilities or proposing to open new schools in other districts.
- The previous law did not differentiate between virtual and non-virtual.
- The previous law only required notice to be provided to the other district.
- A non-sponsor district could file a complaint with ODE and funding for the charter school could be withheld until the charter school has provided notice.

Charter School Contracts

Subject: Charter School Contracts Provided to ODE

Concept: Require public charter schools to provide a copy of their executed or amended charter to ODE

Background:

- Public charter schools are approved by a sponsor for a specific contract term between 3-ten years.
- The Oregon Department of Education is required to submit data to the US Department of Education annually that includes the start and end dates for each charter contract.
- Most public charter schools do not send charter contracts to ODE until staff make a formal request.

Changes in Response to Public Input

Feedback heard:

- The State Board of Education suggested considering a reverse definition of what a “tutoring or testing facility” is not. Upon review of possible wording, staff do not think this will add meaningful clarity.
- No feedback provided for other of the charter school rules.

No updates to language at this time.

OAR Hearing scheduled for January 19th. Updates will be made based on any feedback at the hearing and will be incorporated before the 2nd State Board reading.

Charter School Rules Revision

Proposed Rule Changes: No changes to proposed rules

Proposed Rule Impacts:

Racial Equity:

- Impacts from facility location will vary by community. This does safeguard a district from having a new charter school sponsored by a different district opening in their boundary without their permission.
- Families denied enrollment in virtual public charter schools will get information faster so students can continue education faster.

Fiscal/Economic & Small Business Impact:

- Requiring charter contracts to be submitted will reduce time and effort spent by staff making public records requests for the contracts.
- In most circumstances, non-virtual public charter schools will need written permission from a non-sponsor district to open a new school in their boundary.

Next Steps: OAR Hearing scheduled for January 19th. Updates will be made based on any feedback at the hearing and will be incorporated before the 2nd State Board reading.

Procedures Regarding Restraint & Seclusion

Subject: Procedures Regarding Restraint and Seclusion

Concept: [SB 1024](#) is part of a series of bills that collectively intertwine and align to address pertinent concerns.

[SB 1024](#) amends ORS [339.294](#) and OAR [581-021-0556](#). Under SB 1024, a public education program is required to retain all records associated with instances of restraint or seclusion. This includes but is not limited to photographs, audio, or video recordings. During the mandated debriefing meeting, which must take place within two days of any incident involving restraint or seclusion, these records must be viewed in entirety. Immediate notification to parents or guardians regarding the existence of these records is mandatory. Additionally, upon request from a student's parent or guardian, the public education program is obligated to disclose the preserved records.

Background: Individual Incident Reporting Requirements: There are existing requirements, as follows:

Verbal or electronic parent/guardian notification of the incident by the end of the school day when the incident occurred.

- Written documentation of the incident within 24 hours and immediate, written notification of the existence of a record (audio or video recording).
- Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend.
- A debriefing meeting must be held within two school days of the incident. The debrief meeting must include all personnel of the public education program who were involved in the incident and any other appropriate personnel.

Orego Written meeting notes must be taken. A copy of the written meeting notes must be provided to the parent or guardian.

Changes in Response to Public Input

<p>Definitions:</p> <ol style="list-style-type: none">1. Timelines - Draft definition of “immediately”.2. Records Disclosure (photos, audio, video) Draft definition of “disclose”.	<p>Addressed in Rule and Guidance</p> <ul style="list-style-type: none">• Adjusted draft rule to include definitions of both “immediately” and “disclose” consistent with input received.• Ensured that ODE’s revised restraint and seclusion guidance and sample forms addressed issues raised.
<p>Parental Involvement</p> <ul style="list-style-type: none">• Feedback on an initial version of the draft OAR noted that it would be helpful for the rule to more clearly articulate that the parent has the right to attend the debriefing meeting.• Initial feedback also shared concerns about addressing instances where the parent could not attend the debriefing meeting that is statutorily required to occur within two days.	<p>Addressed in Rule and Guidance</p> <ul style="list-style-type: none">• Added section 4 (a) to include language that the parent or guardian of the student must be invited to attend the debriefing meeting..• Added section 4 (d) to include that the parent or guardian has the right to request another meeting in the event they were unable to attend the debriefing meeting that was required to be held within two school days of the restraint or seclusion incident.• Ensured that ODE’s revised restraint and seclusion guidance and sample forms addressed issues raised.

Changes in Response to Public Input

Student Confidentiality

ODE received input that making a copy of a video available to parents is concerning when other students are involved. Due to privacy laws, the other students' parents could claim the public education program violated their child's right to confidentiality under FERPA by showing the video to other parents. One commenter shared that it "is a real sticky mess that districts are liable for with no clear support for protection against lawsuits from ODE or the state government."

Addressed in Rule

ODE revised the language in the proposed draft OAR to reflect its understanding of FERPA's protections for eligible students.

When a video is an education record of multiple students, in general, FERPA requires the educational agency or institution to allow, upon request, an individual parent of a student (or the student if the student is an eligible student) to whom the video directly relates to inspect and review the video. FERPA generally does not require the educational agency or institution to release copies of the video to the parent or eligible student. ([FAQs on Photos and Videos under FERPA | Protecting Student Privacy](#) and [If a video is an education record for multiple students, can a parent of one of the students or the eligible student view the video? | Protecting Student Privacy](#))

Procedures Regarding Restraint & Seclusion

Disproportionate Impact:

- Students with disabilities and historically underserved groups experience higher rates of restraint and seclusion in public schools.
- Data shows alarming disparities in the use of these measures among different student demographics.
- Disproportionate use may violate federal anti-discrimination laws (ADA and Section 504).
- Misuse of these techniques exacerbates existing inequities.

Role of Updated Rules and Guidance:

- New rules, guidance, and forms aim to clarify appropriate use of restraint and seclusion. This clarity could reduce these incidents, bridging gaps in opportunity and access for marginalized student groups.
- While this rule does not explicitly require inclusive practices, the Department requires approved training programs to prevent restraint and seclusion to include components that take into account different communication styles within various communities, such as implicit bias awareness, trauma-informed approaches, and inclusive language and communication.

Next Steps:

- Continued engagement on the draft rule with a second reading at the State Board of Education in February 2024

Federal Programs Rule Revision

Subject: Establishing an Appeals Process for Federal Title Programs

Concept: This proposed rule will enact a formal process, as well as provide clarity and transparency, should a grantee have a change in funding status, be required to pay back funds, or an applicant is denied an application to a federal grant program under the Every Student Succeeds Act, McKinney-Vento, Stronger Connections Grant, and/or the American Rescue Plan-Homeless Children and Youth programs.

Background:

- Federal programs are governed by rules and regulations outlined within the General Education Provisions Act (GEPA), the Education Department General Administrative Regulations (EDGAR), and Uniform Grant Guidance (UGG).
- GEPA requires that all state agencies have a process in place that give applicants and/or grant recipients a chance to appeal a decision, made by ODE, under certain circumstances.
- ODE is reviewing our policies and practices to ensure we are in alignment with federal and state guidelines and implement systems to strengthen how we implement and oversee federal programs.
- This rule is a technical fix to ensure alignment with federal grant management requirements.

Changes in Response to Public Input

Feedback heard:

- Overall, coordinators are in favor of the rule and believe the language is clear, concise and transparent.
- Coordinators want ODE to engage in multiple methods of contact when alerting a district of their right to appeal.
- Coordinators have concerns about the 30-day timeline for action.

Language updated (and why)

- ODE removed the ability for the impartial panel to refer the appeal to OAH in cases where additional evidence is needed. The change was made because the U.S. Department of Education informed ODE that all rulings must occur within 30 days of notice of appeal. It is challenging for both the impartial ODE panel to conduct a hearing under Section (5) and then refer it to OAH for a hearing under (5)(a)-(c)—all within 30 days.
- The impartial panel at ODE will conduct a hearing on application denials/non-approvals based on the documentation submitted.

Language retained

- All other language was maintained

Federal Programs Rule Revision

Proposed Rule Impacts:

- **Racial Equity:** Adoption of this rule may impact districts and grantees ability to carry out grant management efforts should an applicant choose to appeal a decision by ODE. In the event that ODE revokes funding or suspends participation in a program, ODE will work with district and/or ESD leaders to ensure services are provided in effective and efficient ways that are within the bounds of state and federal rules.
- **Fiscal/Economic & Small Business Impact:** This rule change may have a financial impact on school districts or ESDs who chose to engage their legal council to engage in the appeals process. Small business would not be impacted by this rule adoption since they are not direct recipients of federal funds under these programs.

Next Steps:

- ODE will work with federal program coordinators and school business officers to notify them of their appeal rights.

Alternative Transportation Rule Revision

Subject: Transportation Grant - State School Fund

Concept: Addition of Alternative Transportation as a reimbursable expense with an approved supplemental plan or waiver

Background:

- The Transportation Grant provides reimbursement of a percentage of the expenses to transport students (applies to trips between home and school and for other academic purposes).
- Expenses related to public transportation passes have historically only been reimbursable with a waiver or supplemental plan, but there is no defined process to request these.
- Expenses related to providing biking and walking bus options have not historically been reimbursable.

Changes in Response to Public Input

Feedback heard:

- Language has been added to more closely align to statute:
 - Definition of “suitable and sufficient” (subsection 1(i))
 - Description of approved Alternative Transportation costs (subsection 4)
 - Description of requirements specific to the public transportation (subsection 13(d))
 - Change from “may” to “shall” in subsection 14(b)
- Language has been added to emphasize the importance of community engagement (subsection 13(c))

Note: Two formatting changes that are unrelated to this topic were requested by the Secretary of State’s Office for consistency of formatting. The changes are in subsection 1(d)(C) and 7(j).

Alternative Transportation Rule Revision

Proposed Rule Changes:

- Adding definition of Alternative Transportation and Active Transportation
- Adding process to request Alternative Transportation through a supplemental plan or waiver and process for reimbursement

Proposed Rule Impacts:

- **Racial Equity:** The addition of Alternative Transportation to the Transportation Grant provides flexibility to school communities around how they provide transportation services for their students. This flexibility may allow school districts to better support the needs of their students. Pupil transportation is a critical component of ensuring that students have equitable access to education by supporting daily attendance.
- **Fiscal/Economic & Small Business Impact:** School districts will have more flexibility around the types of expenses that are reimbursable under the Transportation Grant.

Next Steps:

- Appreciation to the RAC, the State Board, and our education partners for attention on the update to the non-reimbursable mileage rate. We plan to present this rule revision to the State Board for adoption at the February meeting.

Non-Reimbursable Mileage Rule Revision

Subject: Transportation Grant Non-Reimbursable Mileage Rate Update

Concept: Non-reimbursable trips are deducted from reimbursable expenses on a per mile rate.

Background:

- The Transportation Grant provides reimbursement of a percentage of the expenses to transport students (applies to trips between home and school and for other academic purposes).
- School districts often also provide transportation for trips that are not reimbursable under the Transportation Grant (e.g., athletics, etc.).
- The non-reimbursable mileage rate allows school districts to use the same equipment and supplies to support these trips and then deduct these from their reimbursable expenses using a per mile rate.

Changes in Response to Public Input

Feedback heard:

- We did not receive any feedback on the non-reimbursable mileage rate update. Therefore, the language is unchanged since the last presentation.

Non-Reimbursable Mileage Rule Revision

Proposed Rule Changes:

- Removing 2019-20 and 2020-21 non-reimbursable mileage rates
- Adding non-reimbursable mileage rates for 2023-24 and 2024-25

Proposed Rule Impacts:

- **Racial Equity:** The non-reimbursable mileage rate aims to capture the costs of non-academic trips to deduct those expenses from the Transportation Grant. Doing this ensures that funds from the State School Fund are used to support students' academic needs, while also allowing school districts to use the same pupil transportation equipment for additional uses, such as athletic trips. While raising the rates due to inflation means higher deductions from the Transportation Grant, it keeps the grant focused on its purpose and increases equitable access to funding across the state.
- **Fiscal/Economic & Small Business Impact:** This rule change maintains current practice in updating the mileage rate to account for inflation.

Next Steps:

- Appreciation to the RAC, the State Board, and our education partners for attention on the update to the non-reimbursable mileage rate. We plan to present this rule revision to the State Board for adoption at the February meeting.



ODE Draft Rules



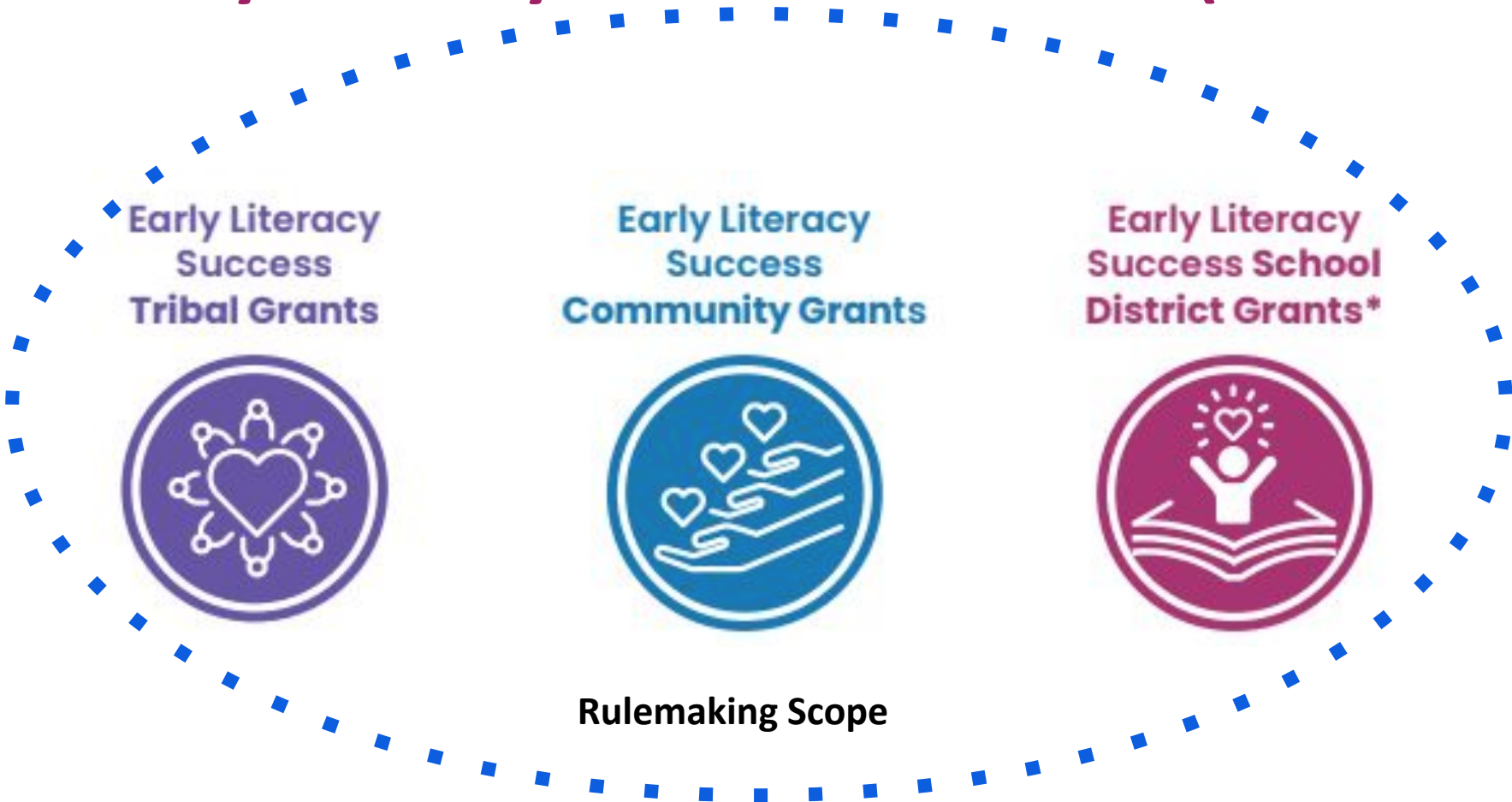
Early Literacy Success Initiative

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Early Literacy Success Initiative (HB 3198)



Early Literacy
Success
Tribal Grants



Early Literacy
Success
Community Grants



Early Literacy
Success School
District Grants*



Birth
through Five
Literacy Plan



Rulemaking Scope

**Inclusive of eligible public charter schools and consortia.*

HB 3198: Early Literacy Success Initiative

The Oregon Department of Education, Education Service Districts, school districts, and public charter schools hold **an essential responsibility** to ensure **every child in Oregon** reads and writes with confidence and competence (ideally in more than one language).

Three Components:

- ODE – Early Literacy Success School Grants
 - \$90 million
- ODE – Early Literacy Success Community Grants
 - \$2 million for Tribes | \$8 million for CBOs
- DELC – Birth Through Five Literacy Plan
 - \$10 million

This is the only statewide literacy legislation that we know of in the country that names as one purpose of legislation is that parents and guardians must be supported as full partners in their children's literacy development. This legislation is also unique in that most other legislation across the country focuses solely on what schools need to be doing, but not on how community and sovereign tribal nations can play an equally important role. HB 3198 names in legislation that the State must consult with tribes to develop rules and names the importance of their role both with early literacy and with language revitalization within indigenous communities.

Early Literacy Success Initiative

Subject: Early Literacy Success Initiative

Concept: Provides a shared set of definitions across the three types of grants, naming when a specific definition is for only one type of grant. Additionally, provides full rule sets specific to each of the three types of grants to support implementation starting in the 2023-24 year.

Background:

- The Oregon Legislature passed HB 3198 during the 2023 session. This bill creates the Early Literacy Success Initiative, which includes the Early Literacy Success School Grants, Community Grants, and Tribal Grants. Previously, ODE brought narrowly focused temporary fund administration rules for the school district grants to the RAC given HB 3198 requires the distribution of grant funds to school districts and public charters schools in the 2023-24 school year. The set we're bringing today is a fuller set of permanent rules for all of the grants outlined in the Early Literacy Success Initiative.

Early Literacy Success Initiative

Engagement Timeline:

- Early Literacy Advisory
 - 10/16 - First meeting before pen hit paper
 - 10/23 - Second meeting before pen hit paper
 - 11/6 - Third meeting where input shared on draft rules
 - 12/4 - Fourth meeting where input shared on revised draft rules
 - 1/22 - Upcoming fifth meeting to provide input on next iteration of draft rules
- RAC
 - 11/2 - Rules Concept presented
 - 1/4 - First opportunity for input on draft rules (same version shared with Advisory on 12/4)
 - 2/1 - Next opportunity for input on next iteration of draft rules (version that will be shared with Advisory on 1/22)
 - 3/7 - Rules at a Glance
- Tribal Sovereignty and input on rules
- Development of plans for Community and Tribal Grants

Early Literacy Success Initiative

- **Proposed Rules**

- Definitions - shared across all grant programs, unless noted specific to a certain grant
- Rules sets for:
 - Community Grants
 - Tribal Grants
 - School District Grants

Early Literacy Success Initiative

Early Literacy Success Community Grants

Rule Sets:

- Establishment
- Eligibility
- Criteria
- Funding
- Reporting

Full rule set language can be found in the attached draft rules.

Early Literacy Success Initiative

Early Literacy Success Tribal Grants

Honoring Tribal Sovereignty

Draft rules will be shared for input from each of the nine federally recognized tribes in Oregon. Value input from others, and ultimately, the Tribes will inform final decisions on the Early Literacy Tribal Grants.

Rule Language:

The Early Literacy Tribal Grants require communication and collaboration with the nine federally recognized tribes in Oregon on the co-creation of Project Plans development between each Tribe and ODE.

Early Literacy Success Initiative

Early Literacy Success School District Grants

Rule Sets:

- Grant Administration: Prioritization, Early Literacy Success Plan, Inventory, and Technical Assistance
- Fund Administration
- Allowable Uses of Funding: High-Dosage Tutoring, Qualified List and Qualifications for High-Dosage Tutoring, Qualified List and Qualifications for Professional Development and Coaching, Adoption and Implementation of Curriculum, Effective Dates of Implementation

Full rule set language can be found in the attached draft rules.

Proposed Rule Impacts: Early Literacy

Racial Equity:

- *Oregon's Early Literacy Framework and these grants are built on a foundation of equity that places a students' sense of belonging as well as culturally responsive practices at its core. These grants by an extension of that framework and their interconnectedness with the integrated application, place equity at the center of these grant and their engagement with communities and with specific focus on focal student groups.*

Fiscal/Economic & Small Business Impact:

- *ODE anticipates some fiscal impact to school districts, public charter schools, and any organizations that apply for funding given these are new grant programs.*

Early Literacy Success Initiative

Follow-up Actions:

- Early Literacy Advisory
 - 1/22 - Upcoming fifth meeting to provide input on next iteration of draft rules
- RAC
 - 2/1 - Next opportunity for input on next iteration of draft rules (version that will be shared with Advisory on 1/22)
 - 3/7 - Rules at a Glance
- SBE
 - 2/15 - First read
 - 3/14 - Second read and adoption



SIA Focal Student Group Definitions

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SIA Rules for Focal Group Students

Subject: SIA Focal Student Group Definitions

Concept: Updating and adding to SIA Focal Student Group definitions

Background:

- The Student Investment Account originally contained definitions for focal students group as applicable for the determination of charter school eligibility to apply independently. Following the first two year of implementation it was found that in addition to charter school eligibility we needed to expand focal group definitions for inclusion in community engagement and Longitudinal Performance Growth Targets (LPGTs). In Spring 2022 we brought forward an expanded set of focal student group definitions which was ultimately adopted by the State Board.

SIA Rules for Focal Group Students

1. Charter School Eligibility

- The definitions for student groups already in rule support the determination of eligibility for a charter school to apply independently of a district.

2. Community Engagement

- The statute lists focal groups that should be engaged by districts and eligible charter schools for the purpose of community engagement.
- The statute also names that additional groups can be added by the State Board in rule.

3. Longitudinal Performance Growth Targets

- Due to availability of data not all defined focal groups are included in the Longitudinal Performance Growth Targets.

SIA Rules for Focal Group Students

Timeline:

- Previously named at the November RAC as a rule concept.
- In addition to the RAC, we have been meeting internally with representatives of different programs and the various SSA Statewide Student Success Plans to go over the focal group definitions to ensure alignment with the definitions used in other rules sets and plans. These staff also worked with their advisory panels and community partners to consider the SIA focal group definitions.
- We had previously received feedback that our previous definitions did not fully align with the definitions used in the Student Success Plans.
- Now we have draft rules drafted that we are bringing for the first time.

SIA Rules for Focal Group Students

- **Proposed Rule Changes**

- Due to the length of the proposed rule changes, please reference linked document

Proposed Rule Impacts: SIA Rules for Focal Group Students

Racial Equity:

- *The proposed rules continue expand the spirit of the SIA by aligning SIA focal group definitions with the various SSA Statewide Student Success Plans as well as expanding community engagement with the inclusion of additional named focal groups.*

Fiscal/Economic & Small Business Impact:

- *The fiscal impact would be limited to districts, eligible charter schools, and YCEPs/JDEPs. However, due to the engagement process required the SIA, this impact should be negligible. Ongoing community engagement is also an allowable use of SIA funds.*

SIA Rules for Focal Group Students

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

- We will bring back to the RAC again in February.
 - As a note and head's up, the next time we come back, you will see the entire SIA definitions section struck as we are also re-ordering them to be in alphabetical order. For this engagement, we wanted you to be able to see the specific changes we're making before re-ordering them.
- After another round of RAC engagement and with our internal workgroup, we will take to the State Board for first reading in February.



SIA/HSS Fund Administration Technical Fixes

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SIA/HSS Fund Administration Technical Fixes

Subject: These rule proposals provides technical fixes to both High School Success (HSS) and the Student Investment Account (SIA) fund administration rules by adding procedures on how to handle allocations to charter schools that may close during the academic year. The HSS rule set also adjusts the summer extension to align to SIA.

Concept: Adding language to rule to handle the closure of a charter school mid year and aligning the High School Success Summer Extension to SIA

Background:

- As we continue to learn into the administration of the Student Investment Account and the High School Success initiative we have found additional areas of fund administration that we feel need addressed in rule. First is how to handle the reallocation of funding in the event a charter school closes mid year. Second is a slight change to previously adopted rules adding a universal summer extension to High School Success to align that program to the SIA fund administration.

SIA/HSS Fund Administration Technical Fixes

Timeline:

- Previously named at the November RAC as a rule concept.
- Now we have draft rules drafted that we are bringing for the first time.

SIA/HSS Fund Administration Technical Fixes

- **Proposed Rule Additions/Changes**

- The following is added to both High School Success and SIA Fund Administration

(_) In the case of a public charter school closure that impacts a sponsoring district's allocation, the Department will determine the best way to reapportion funds based on the timing of the closure, context, and communication with the closing charter school and the sponsoring district.

The Department may;

- (a) Allocate what have been apportioned to the charter school to the sponsoring district at the same time as the district allocations are made.**
- (b) Allocate what would have been apportioned to the charter school to the charter schools successor entity.**
- (c) Return the apportioned amount to the Statewide Education Initiatives Account for reallocation in a subsequent fiscal year.**

- The following is changed in High School Success

(3) Funds that are apportioned to a school district or charter school for a given biennium must be apportioned by the school district, charter school, or ESD in that biennium. School districts, charter schools, or ESDs will have ~~the first two months~~ until **September 30th of the following biennium to spend funds previously apportioned.**

Proposed Rule Impacts: SIA/HSS Technical Fixes

Racial Equity:

- *None, these are technical changes to fund administration of SIA and HSS.*

Fiscal/Economic & Small Business Impact:

- *No anticipated fiscal impact for most grantees by allowing an additional 30 days for the use of High School Success funding as well as the addition of language to address the re-allocation of funding in the event of the closure of a charter school mid year.*

SIA/HSS Fund Administration Technical Fixes

Engagement:

- ODE Rules Advisory Committee

SIA/HSS Technical Fixes

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

- We will bring back to the RAC again in February.
- After another round of RAC engagement, we will take to the State Board for first reading in February.



Process for Approval of Private School or Preschool as a Contractor with Public Agencies

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Process for Approval of Private School or Preschool as a Contractor with Public Agencies

Subject:

- The Oregon Administrative Rule [581-015-2280](#) is the process for approval of private alternative schools to act as contractors with public agencies.
- The Application and Review section of this OAR outlines the application process and the steps, such as : the documentation and information these institutions need to provide, as well as the review and evaluation process conducted by the ODE to determine their eligibility.
- This rule impacts children eligible to receive special education services whose needs for services and supports cannot be provided in the public school and who are placed by a school district into a private school setting.

Concept:

- Private schools must complete an application process with ODE in order to provide special education services. The Office of Enhancing Student Opportunities works with the private schools to complete the approval on a particular timeline.
- OESO would like to adjust the timeline for approval within this OAR to reduce duplication of effort for private schools, remove timeline barriers, remove specific dates, and to clarify the language explaining the timeline.

Background:

- The current timeline for initial and renewal of approval requires private school to complete the process with a sometimes unattainable short timeline for renewal and on very specific dates.
- Changing the timeline and removing specific dates will ease the burden on private schools and help reduce duplication of effort.

Process for INITIAL Approval of Private School or Preschool as a Contractor with Public Agencies

- **Proposed Rule Changes**

- **INITIAL APPLICATION PROCESS**

(1) Initial approval: A private school or private preschool applying for initial approval may submit an application to the Department at any time pursuant to OAR 581-015-2270 and 581-015-2275, respectively. ~~The private school or preschool will be notified by the Department of its approval or denial as quickly as possible but no later than 45 days after receipt of the completed application. The period of approval of the private school or preschool receiving initial approval will be from the date of notification of approval by the Department until the 15th day of August.~~

Within 30 calendar days of receiving the application, the ODE will review the submitted materials and may request additional documentation or clarification from the applicant to complete the application. The ODE will issue a decision after receiving a complete application. This decision will either grant or deny approval to provide special education services to students with disabilities placed or referred by public schools as per IDEA Sections 300.145-300.1471 as a private alternative education facility

- **Summary of Proposed Changes**

- Change from “no later than 45 days” to “Within 30 calendar days of receiving the application, the ODE will review the submitted materials and may request additional documentation or clarification from the applicant to complete the application.”
- Remove specific date “15th of August” as date for beginning the period of approval

Process for RENEWAL Approval of Private School or Preschool as a Contractor with Public Agencies

- **Proposed Rule Changes**

- **RENEWAL APPLICATION PROCESS**

2) Renewal: (a) After a private school or preschool receives initial approval of an application, the private school or preschool must submit annual applications for renewal in accordance with OAR 581-015-2270 and 581-015-2275, respectively.

~~(b) The Department will begin accepting a private school's or preschool's annual application for renewal on April 1 of each year. The Department will notify the private school or preschool of its decision to renew or deny renewal of approval within 45 days of receipt of the completed application. The period of approval for a private school requesting renewal will be one year beginning on the 15th day of August.~~

(b) To maintain continuous approval, a private school must demonstrate ongoing compliance and reporting obligations as well as submit evidence of updated insurance, fire, and health inspections with their renewal application 30 days prior to the expiration date which is one year from the initial approval date.

(c) The ODE will review the complete application and compliance documentation then issue a decision to either grant or deny a renewal approval to provide special education services by the expiration date.

- **Summary of Proposed Changes**

- Remove specific date of “April 1” as the date schools can begin applying for renewal
- Remove specific date “15th of August” as date for beginning the period of approval
- Change “ODE...decision to renew or deny renewal of approval within 45 days of receipt of the completed application”
To
“a private school must demonstrate ongoing compliance and reporting obligations as well as submit evidence of updated insurance, fire, and health inspections with their renewal application 30 days prior to the expiration date which is one year from the initial approval date. “

Process for Approval of Private School or Preschool as a Contractor with Public Agencies

Benefits of this change:

- Opportunity for Private Schools to apply to be approved to provide special education on any date throughout the school year to better meet the needs of their students who are eligible for special education services
- Quicker turnaround time for decision from ODE if private school provides completed application
- Private Schools can have a period of approval for a full year after initial application
- Each renewal also gives the Private School a period of approval of one full year from the date of application approval

Proposed Rule Impacts: Process for Approval of Private School or Preschool as a Contractor with Public Agencies

Racial Equity:

- The adoption of the rule change will not affect racial equity in the state.

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.
- The proposed rule change does not create a cost of compliance on small business.

Process for Approval of Private School or Preschool as a Contractor with Public Agencies

Engagement:

- During their Engagement Session, Private School Leaders suggested the approval timeline align with the current private school registration timeline. OESO is considering this and reviewing the barriers or the benefits to this change in order to make a decision.
- No feedback was provided to OESO during the December 20, 2023, Special Education Directors Engagement Session. Special Education Directors have until January 2, 2024, to provide feedback and suggestions via survey.

Process for Approval of Private School or Preschool as a Contractor with Public Agencies

Follow-up Actions:

- OESO will consider any feedback from Private School or Special Education Director surveys in the final draft.
- OESO will consider any further feedback from RAC or agency partners prior to final edit of the language.
- No further formal engagement planned.
- Scheduled to present to the State Board of Education in February, 2024.



Speech Language Pathology Stipend Program

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Speech Language Pathology Stipend Program

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Speech Language Pathology Stipend Program

Subject:

- Stipends for Speech Language Pathologist (SLP) and Speech Language Pathologist Assistants (SLPA)
- Modifies requirements for participation in program to increase number of licensed speech language pathologists and certified speech-language pathology assistants employed in education service districts and school districts.

Concept:

- SB 215 updates the SLP/SLPA stipend program to recruit and retain these hard to fill positions. This program will provide a stipend to program participants after two years of employment and Supervision and mentoring at an ESD or School district.
- The Department of Education shall establish a program to increase the number of licensed speech-language pathologists and certified speech-language pathology assistants [in Oregon] employed in the education service districts and school districts of this state.

Background:

- This OAR establishes the program per ORS 348.394-348.406. The OAR updates and clarifies the expectations for the program and dissemination of funding.

Speech Language Pathology Stipend Program

Timeline:

- Any previous engagements?
 - Prior engagements done with SLPs, agencies, school administration, Speech-Language Pathology and Audiology (BSPA) representatives, and higher education representatives.
- What previous feedback have you heard?
 - Previously the program was operating without an established OAR, the department and participants provided feedback there needed to be more guidance and organization.
 - Survey respondents shared much gratitude for the program.
- Where are you in the process of rulemaking?
 - Draft Rule to RAC
 - Creating guidance
 - creating information session content

Speech Language Pathology Stipend Program

● Proposed Rule

- (1) The following definitions apply to this rule:
 - (a) Speech Language Pathologist Assistant (SLPA) as defined in OAR 335-095-0010
 - (b) Speech Language Pathologists (SLP) as defined in OAR 335-060-0005
 - (c) "Department" means the Oregon Department of Education;
 - (d) Stipend: amount awarded to participant and employee's ESD or SD
 - (e) "Eligible post-secondary institution" means:
 - (A) A public university listed in ORS 352.002;
 - (B) A community college as defined in ORS 341.005; or
 - (C) A generally accredited, not-for-profit institution of higher education.
 - (f) "Participant" means a student who applies for a Stipend from the Speech-Language Pathologists Training Fund. under ORS 348.394 to 348.406.
- (2) To be eligible for participation in the program under ORS 348.394 to 348.406, a licensed SLP or SLPA must:
 - (a) Be registered as a student in a program for SLP or SLPA, in an eligible post-secondary institution;
 - (b) Agree to receive training under the supervision of a staff person employed by an education service district or a school district;
 - (c) Agree to be employed in Oregon for a minimum of two years as a speech-language pathologist or speech-language pathology assistant within the education service district or school district where the participant will receive training in the first two years of licensure as an SLP or SLPA;
 - (d) Meet other requirements placed on the participant by the Department of Education. These requirements are outlined in the SLP/SLPA Training Fund guidance and toolkit.
- (3) As per ORS 348.398, The Department of Education shall distribute moneys to education service districts and school districts to provide:
 - (a) stipends in an amount that is up to \$2,000 per academic year for participants in the program who complete the requirements under subsection (2) of this section for speech-language pathology assistants; and
 - (b) Stipends in an amount that is up to \$9,000 per academic year for participants in the program who complete the requirements under subsection (2) of this section for speech-language pathologists.
- (4) A participant shall complete the employment requirement specified under subsection (1) of this section not later than three years after the date the participant graduates from the program.
- (5) Licensed speech-language pathologists who are employed by education service districts or school districts and provide supervision and mentoring to SLP participants may be awarded a stipend not to exceed \$400 or \$200 for SLPA participants as per **ORS 348.403**.

Speech Language Pathology Stipend Program

- **Proposed Rule (continued)**

- **Are these rule changes mirroring statute?** Yes, ORS 348.394-348.406
- **Does the RAC have any flexibility in proposing additional and/or different rule language?** Yes, we will accept suggestions from the RAC.

Proposed Rule Impacts: Speech Language Pathology Stipend Program

Racial Equity:

- Students experiencing low incidence disabilities, inclusive of the myriad of intersecting identities (i.e. race, class, gender, socioeconomic status, linguistic background, and family constellation) being served in districts birth-21, will have more access to Speech and Language Services.

Fiscal/Economic & Small Business Impact:

- *Are any state agencies, local governments, and/or members of the public likely to be economically affected by the rule change? No*
- *Is there a cost of compliance on small business? Ex: administrative costs, supplies/services costs, reporting/recordkeeping costs. No*

Speech Language Pathology Stipend Program

Engagement:

- Participant, mentor, and Administrator surveys done Spring/Summer 2023.
- Partners engaged:
 - SLPA program at Chemeketa Chemeketa Community College
 - NWRES D Program Coordinator for School-Based Speech-Language Services
 - Pacific University Adjunct Instructor
 - OAESD Executive Director Oregon Association of ESDs (OAESD)
 - Executive Director Oregon Board of Examiners for Speech-Language Pathology and Audiology (BSPA)
 - Executive Assistant Oregon Board of Examiners for Speech-Language Pathology and Audiology (BSPA)
 - Executive Director, Special Education Willamette ESD
 - Superintendent Willamette ESD
 - Deputy Superintendent Willamette ESD
 - Regional Inclusive Services Managers

Speech Language Pathology Stipend Program

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

- Scheduled to present to the State Board of Education in February, 2024
- OESO will consider any further feedback from RAC or agency partners prior to final edit of the language.
- OESO will offer information sessions to Special education directors and Regional Inclusive Services Managers to start recruitment in the spring/Summer of 2024.
- OESO will also offer information sessions for interested participants in Spring/Summer 2024.



Examination of Children Instructed by Parent, Legal, Guardians

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OAR 581-021-0026: Examination of Children Instructed by Parent, Legal Guardian, or Private Teacher

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.

OAR 581-021-0026: Examination of Children Instructed by Parent, Legal Guardian, or Private Teacher

Timeline:

- 2022-2023: Multiple conversations with approved homeschool testers, and homeschool testing groups confirming that several tests are no longer available (either to homeschool testers, or to anyone)
- August 2023: Meeting with Andrea Lockard, Director of the Assessment Team, Dan Farley, Asst Superintendent of RADAR (former Director of Assessment Team), and Alexa Pearson, Director of Standards and Instructional Support Team to discuss the outdated list
- December 2023: Meeting with Haedon Brunelle to go through the rule and outdated list, clarified that updating the list does not change what is already operational, and that this update will not surprise anyone.

OAR 581-021-0026: Examination of Children Instructed by Parent, Legal Guardian, or Private Teacher

- **Proposed Rule Changes:**

581-021-0026 Examination of Children Instructed by Parent, Legal Guardian or Private Teacher

(1) The following definitions and abbreviations apply to OAR 581-021-0026 unless otherwise specified within the rule:

(a) "Approved Tests" Tests approved for assessment of satisfactory progress by home school students are the two most recent versions of the following tests;

~~(A) California Achievement Test;~~

~~(B) Comprehensive Tests of Basic Skills;~~

(A) Terra Nova CAT 3 Test

(B) Iowa Tests of Basic Skills/Tests of Achievement and Proficiency;

~~(D) Metropolitan Achievement Battery;~~

(C) Stanford Achievement Test Battery.

Proposed Rule Impacts: OAR 581-021-0026: Examination of Children Instructed by Parent, Legal Guardian, or Private Teacher

Racial Equity:

- This rule update will not have any discernible impact on racial equity in Oregon

Fiscal/Economic & Small Business Impact:

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

Engagement:

- Communication sent to ESD homeschool liaisons and homeschool testers about proposed rule revisions in December 2023.

Follow-up Actions:

- State Board first reading February 2024, adoption March 2024

Thank you

