



ODE Rules Advisory Committee

August 18, 2022

Agenda

9:00 am - 11:30 am

- I. Introductions & Opening Remarks
- II. ODE Updates
 - A. Refresher on Rulemaking Process including State Board of Education & RAC Changes for the Upcoming Year
 - B. Review RAC Core Principles and Suggested Protocols
- III. ODE Draft Rules
 - A. OAR 581-022-2130 - Kindergarten Assessment/Community Informed Assessment Process at Kindergarten
 - B. Administrative Rules for HB 4030
 1. OAR 581-017-XXXX - Educator Workforce Retention and Recruitment Grants
 2. OAR 581-017-0790 - Substitute Training Cost Reimbursement Grants
- IV. Open Space/Questions
- V. Closing

Welcome & Opening Remarks

- Introduction of facilitators.
- Technical and Virtual reminders
- How to use shared Notespace/Workspace during presentation



ODE Updates/ Policies



Refresher on Rulemaking Process including State Board of Education

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ODE Rulemaking Process

1. Notification and Engagement

2. ODE Rules Advisory Committee (RAC)

3. State Board of Education



Notification and Engagement

Notification

- Staff meet with the Rules Coordinator and State Board Administrator to notify with intent to proceed with rulemaking.
- Check-in with the Office of Indian Education for possible tribal consultation and engagement.
- Check-in with other ODE offices/teams for possible engagement, e.g., Procurement.

Engagement

- Staff meet with their own advisory committee to begin development and drafting of rules.
 - Aligns with program/grant purpose.
 - Equity discussion on how rule(s) will affect different student populations and districts.
- Collaborative Rulemaking process in alignment with Legislative and State Board of Education policy



Rules Advisory Committee (RAC)

Role of the RAC

- I. The RAC provides a safe and recurring space for staff to connect with community on the development and drafting of rules and the content of the fiscal, small business, and racial equity impact statements.
- II. The RAC is advisory to staff and presenters only.
- III. Statewide, RACs are required to seek public input to the maximum extent possible during the development of proposed rules.

Types of Rule Processes with the RAC

1. Standard rule process – Draft Rules
 - a. New or amendment to existing rules & Repeal of rules

2. Abbreviated rule process – Rules-at-a-Glance
 - a. Temporary rules & some technical changes to permanent rules.

3. RAC Rule Input/Review process– Early Rule Concepts and Considerations
 - a. SSA Rules and/or other rules where there is no advisory committee of subject matter experts

Rule Impact Statements

- Fiscal and Small Business
 - Are any state agencies, local governments, and/or members of the public likely to be economically affected by the rule change?
 - Is there a cost of compliance on small business? Ex: administrative costs, supplies/services costs, reporting/recordkeeping costs.
- Racial Equity
 - A statement identifying how adoption of the rule will affect racial equity in the state.

Process

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 RAC Meeting Schedule

- Aug 18, 2022
 - Sept 1, 2022
 - Oct 6, 2022
 - Nov 3, 2022
 - Jan 5, 2023
 - Feb 2, 2023
 - Mar 2, 2023
 - Apr 6, 2023
 - May 4, 2023
 - Jun 1, 2023
- These meetings are held on the 1st Thursday of the month.
 - All meetings begin at 9AM.
 - Please note there is no December meeting.



State Board of Education

State Board of Education Process

- 1st Read Presentation
 - Provide an overview and answer questions from Board members. May take direction from the Board.
- 2nd Read/Adoption
 - Provide Board members with final draft of OARs and recommendation.

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.



Changes to the RAC for the 2022-2023 School Year

Summary

1. Student Rule Advisors & Student Updates
2. Office of Indian Education Representative - Brent Spencer
3. ODE Updates
4. Key Focus on 2-4 rules/topics
5. ODE Rulemaking and Rules Advisory Committee Handbook - Member Version

Mission Statement

By establishing the Rules Advisory Committee, the Oregon Department of Education aims to collaborate and engage with diverse community partners and the nine federally recognized Tribes of Oregon on educational administrative rules and policy for the purpose of supporting educational equity in Oregon's school system and for the success of every student.



Review RAC Core Principles and Suggested Protocols

Corey Rosenberg & Teri McClain

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Refining Core Principles

- Collaborative Rulemaking Process
 - Engagement/Consultation Before Pen Hits Paper
 - Coordinating Engagement Opportunities to Not Overburden Partners
 - In-Person Engagement (when possible)
 - Different Perspectives in the Same Room (when possible)
 - Advisory to ODE Staff (State Board of Education is statutorily responsible for promulgating rules.)
 - Not One-Size Fits All
 - Engage Community Partners, including those who will be directly affected by the rules
 - Loop Back to Partners - to explain how their input shaped (or did not shape) the outcome or administrative rules
- ➔ **Collaborative rulemaking process with diverse perspectives**
 - ➔ **Engagement and consultation before pen hits paper**
 - ➔ **Coordinating engagement opportunities and looping back with partners**
 - ➔ **Multiple avenues for feedback and response in meetings**
 - ➔ **Clear roles and responsibilities within the rulemaking process**

Revisiting Suggested Protocols

- Trust is earned - *and* let's attempt to move in conversation like we've got several years working together already behind us.
- Engage tension, don't indulge drama.
- Listen to your gut!
- Share space - help collectively balance the insights of verbal and quick processors with the wisdom of those who might appear more reticent.
- Confidentiality - this is not a social-media space. Lessons can be shared but leave the details.
- Dialogue, not selling - let's converse not pitch.
- Assume best intent, attend to impact
- Pay attention (neighbors, yourself, group process and dynamics)

- ➔ **Trust is earned**
- ➔ **Engage tension and commit to dialogue**
- ➔ **Speak your truth**
- ➔ **Pay attention to this space**
- ➔ **Share learnings and respect confidentiality**

(Small Group) Discussion

As you review the Core Principles:

- Do these create the right space for productive RAC meetings?

As you review the Suggested Group Protocols:

- Do these still reflect the spirit and aims of RAC members?

As you review both:

- Are these clear and accurate to your experience with the RAC?
- Do these feel like the right direction for the RAC to go?



ODE Draft Rules



Kindergarten Assessment Rule Change OAR 581-022-2130

Dan Farley and Sody Fearn
Oregon Department of Education

Kindergarten Assessment

Subject: 581-022-2130

Concept: There is an existing administrative rule that governs the assessment process at the kindergarten level. The Department is proposing revisions to the rule that would (1) allow for information collection that will inform state level decision about Oregon's early education and child care programs, policies, and practices (2) support families and students in participating in the assessment process for all students enrolled in kindergarten.



Engaging Community in Design



- A project to redesign the former Oregon Kindergarten Assessment (KA)
- Community engagement in co-creation, a reimagined process
- ODE and ELD are working in collaboration to respond to historical concerns about the former Kindergarten Assessment
- Shifting focus away from children’s “readiness” for Kindergarten
- Creating a way to look at how prepared educators, schools, districts, communities, and systems are to support ALL children and families

These shifts require changes to [OAR 581-022-2130](#)

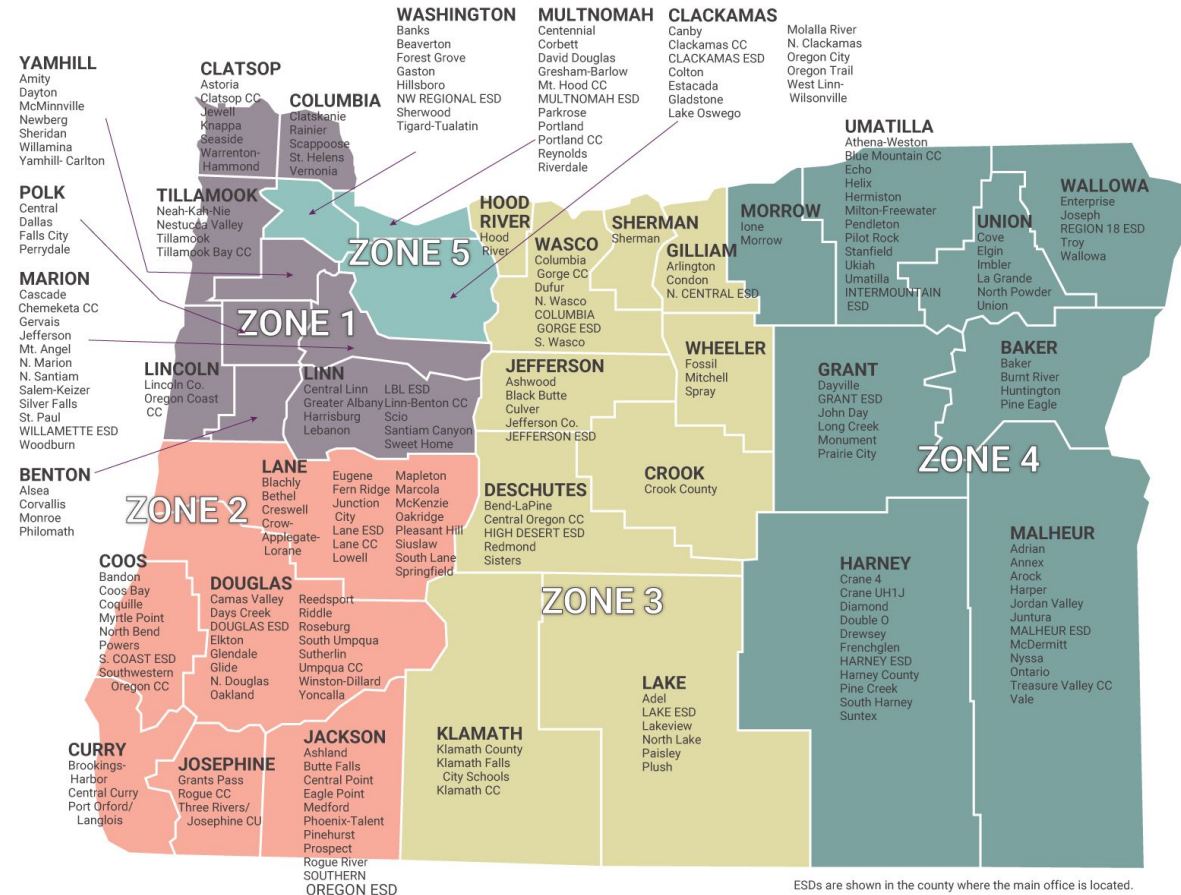
Update on Early Learning Check In Pilot



- 15 Schools Participating
- All Five OASBO Zones represented

Zone	# Schools
1	2
2	4
3	1
4	4
5	5

- Diverse student populations/



ESDs are shown in the county where the main office is located.

Timeline



Month/Year	Activity
August 2022	RAC Presentation
September 2022	SBE 1st Reading
October 2022	RAC Follow-Up
October 2022	SBE 2nd Reading



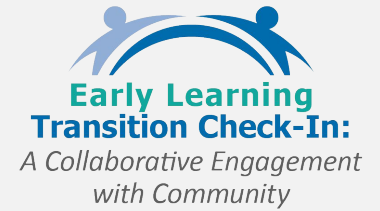
Proposed Changes to OAR 581-022-2130

~~Kindergarten~~ **Community Informed** Assessment **Process at Kindergarten**

(1) **(a)** The Department of Education shall implement an ~~kindergarten~~-assessment **process at the kindergarten level** as part of the statewide assessment system implemented pursuant to ORS 329.485. **The assessment process shall allow for information collection that will inform state level decisions about Oregon's early education and child care programs, policies, and practices.** ~~The kindergarten assessment shall allow for the assessment of children to determine their readiness for kindergarten.~~

(b) **By the 2025-26 school year,** all school districts **shall** ~~administer the kindergarten~~ **support families and students in participating in the assessment to process for all** students who are enrolled in kindergarten.

Proposed Changes to OAR 581-022-2130 (cont.)



(2) The Department shall work jointly with the Early Learning Council and **in partnership with Oregon community members** to **develop an anti-racist assessment process.** ~~to adopt a tool to be used for the kindergarten assessment.~~ The kindergarten-assessment process **shall collect evidence in areas of school readiness, determined to be important to Oregon families and educators to inform the Early Childhood Education and Care Sector.** ~~which may include physical and social-emotional development, early literacy, language, cognitive (including mathematics), and logic and reasoning.~~ The tool selected **process** will be appropriate for all children, including children **experiencing disabilities** ~~with high need~~ and **multilingual** English language learners, ~~and will align with Oregon's early learning and development standards as well as the adopted Common Core State Standards.~~ (a) ~~All school districts shall administer the kindergarten assessment to students who are enrolled in kindergarten.~~

Proposed Changes to OAR 581-022-2130 (final)



~~(b) Notwithstanding subsection (a) of this rule, the kindergarten assessment is suspended and shall not be administered for the 2021-2022 school year.~~

(3) The Department shall **work with the Oregon Longitudinal Data Collaborative to** include results from the ~~kindergarten~~ assessment **process** in the statewide longitudinal data system, **as applicable**.

Statutory/Other Authority: ORS 326.051 & 329.485

Statutes/Other Implemented: ORS 329.485 & 2013 OL Ch. 37 & Sec. 14 (Enrolled HB 4165)

History:

ODE 12-2021, amend filed 04/21/2021, effective 04/21/2021

ODE 24-2020, temporary amend filed 05/28/2020, effective 05/28/2020 through 11/23/2020

ODE 34-2016, f. & cert. ef. 5-17-16

ODE 8-2013, f. & cert. ef. 4-5-13

Proposed Rule Impacts: Community Informed Assessment Process at Kindergarten

Racial Equity:

- The change in language is intentional. There are different terms that we are using to frame student assets
- We are also centering equity by intentionally partnering with families in the process of developing assessments.



Input Requested

Questions for Input:

- Do you have any questions about the anticipated timeline or the pilot?
- Do you have any recommended changes to the proposed language changes?
- Is there anything that you are concerned about?



Education Staff Retention and Recruitment Grant

Michael Elliott

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Education Staff Retention and Recruitment Grants

Subject: Retention and recruitment grants for education staff

Concept: The goal of these grants are to provide districts and charter schools with the ability to retain and recruit education staff for the upcoming school year and into the future.

Background: HB 4030 is was passed in the 2022 session to address a variety of education workforce issues. One of the issues raised was how to retain and recruit education staff for hard to recruit positions and a diverse workforce. Sections 7-9 of that bill created a grant to provide districts with resources to address these problems.

Education Staff Retention and Recruitment Grants

Timeline:

- Temporary rules for HB 4030 were adopted in May 2022.
- Asking the State Board of Education for permanent rules in September and October.

Education Staff Retention and Recruitment Grants

- Proposed Rule Changes

- (6) Grant funds shall be expended ~~as follows:~~ in accordance with the Eligible Recipient's plan as submitted and approved in their application.
- ~~○ (a) The Department shall provide categories of eligible expenses to Eligible Recipients;~~
- ~~○ (b) Eligible Recipients shall expend funds within one or more categories of eligible expenses;~~
- ~~○ (A) If an expense does not appear eligible, then the Department shall review the expense with the Eligible Recipient; and~~
- ~~○ (B) The Department shall make a final determination of the eligible expense and the Department's determination shall be final.~~
- (7) By May 31, 2023, Eligible Recipients shall submit a report to the Department, on a template created by the Department, that:
 - (a) Provides a description of how the Eligible Recipient used the funds to: implement the plan proposed in the application including any subsequent changes made to the plan by the Eligible Recipient.
 - ~~○ (A) Implement the plan proposed in the application; or~~
 - ~~○ (B) Implement a plan that was not in the application and an explanation of why the Eligible Recipient had to change the plan that was submitted in the application.~~
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Education Staff Retention and Recruitment Grants

- Proposed Rule Changes

- ☞ (b) Provides how many and what types of school personnel were directly impacted through the grant funding; and
- ☞ (c) Provides measurable impacts of the grant funding ~~as determined by the Eligible Recipient; and.~~
- ☞ (d)(8) **By May 31, 2023, Eligible Recipients shall submit** necessary financial reporting to track the expenditure of funds ~~at a level determined by the Department.~~ **received by the Eligible Recipient to provide details on specific expenses and ensure that all expenditures comply with (7) above.**
- ☞ ~~(a) The Department shall provide categories of eligible expenses to Eligible Recipients;~~ **(8) The Department shall review all reports submitted by Eligible Recipients.**
- ☞ **(9) If an Eligible Recipient's financial reporting indicates expenditures are outside of the approved plan or any changes described in (7)(a)(B) above, the Department may:**
 - ☞ **(a) Require additional documentation and explanation for the expense;**
 - ☞ **(b) Disallow the expense to be reimbursed using grant funds and require the Eligible Recipient to provide additional eligible expenses; or**
 - ☞ **(c) Reduce the remaining grant funds to be disbursed to the Eligible Recipient by the amount of the disallowed expense.**
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Education Staff Retention and Recruitment Grants

- Proposed Rule Changes

- ~~(b) Eligible Recipients shall expend funds within one or more categories of eligible expenses;~~
- ~~(A) If an expense does not appear eligible, then the Department shall review the expense with the Eligible Recipient; and~~
- ~~(B10) The Department's determinations of eligible expenses shall be final. shall make a final determination of the eligible expense and the Department's determination shall be final.~~
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- ~~(8) The Department shall review and approve all reports.~~
- (11) ~~Once the Department approves the report~~ **if the Department approves all expenses in the expense report;** the Eligible Recipient may request the remaining 15% of funds to be provided through EGMS.
- ~~(10) Reports are due to the Department by May 1, 2023.~~
- (12) ~~Eligible Recipients shall claim all remaining funds from ODE no later than June 15, 2023~~ **Eligible Recipients shall expend all grant funds by June 30, 2023.**
- (13) **Eligible Recipients shall submit claims for all remaining funds in EGMS by July 31, 2023.**
- (14) **Eligible Recipients .**
- (12) **Eligible Recipients shall submit financial reports in compliance with (8) above for all remaining expenditures by July 31, 2023. a final financial report for the remaining 15% of the grant funds by July 31, 2023.**
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Proposed Rule Impacts: Education Staff Retention and Recruitment Grants

Racial Equity:

- One of the goals of these grants are to retain and recruit a diversified workforce. This will provide a better education for populations which have been historically underserved.

Fiscal/Small Business Impact:

- These rule changes do not create a fiscal impact to the department and do not create a negative impact on small businesses.

Education Staff Retention and Recruitment Grants

Questions for Input:

- Do the proposed procedures for reporting increase transparency and accountability for the use of the funds?

Education Staff Retention and Recruitment Grants

Next Steps:

- First read at the September Board meeting and adoption at the October Board meeting.



Instructional Assistant and Substitute Reimbursement Grant

Michael Elliott

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Instructional Assistant and Substitute Reimbursement Grant

Subject: Reimbursing instructional assistants and substitutes for expenses related to required training

Concept: The goal of these grants are to provide substitutes and instructional assistants funds to cover out of pocket costs incurred for training.

Background: HB 4030 is was passed in the 2022 session to address a variety of education workforce issues. One of the issues raised was how to ensure that substitutes and instructional assistants remained an integral and vital part of the education workforce. Sections 10-12 provide funds to reimburse substitutes and instructional assistants for out of pocket expenses incurred attending trainings.

Instructional Assistant and Substitute Reimbursement Grant

Timeline:

- Asking the State Board of Education for permanent rules in September and October.

Instructional Assistant and Substitute Reimbursement Grant

- **Proposed Rule Changes**
 - These are new rules that outline the procedures and eligible costs for reimbursement to substitutes and instructional assistants.
 - The rules are attached

Proposed Rule Impacts: Education Staff Retention and Recruitment Grants

Racial Equity:

- One of the goals of HB 4030 overall is to improve the diversity of the workforce. This will provide a better education for populations which have been historically underserved.

Fiscal/Small Business Impact:

- These rule changes do not create a fiscal impact to the department and do not create a negative impact on small businesses.

Instructional Assistant and Substitute Reimbursement Grant

Questions for Input:

- Do the proposed procedures for the substitute and instructional assistant grant work to ensure that funds get to those individual to cover their training costs?

Instructional Assistant and Substitute Reimbursement Grant

Next Steps:

- First read at the September Board meeting and adoption at the October Board meeting.

Preview of Sept 1 Agenda

- Rules-at-a-Glance:
 - HB 4026 2020 Wildfire Grant OARs
 - Universal Screening for Risk Factors of Dyslexia OARs
 - 581-023-0040 - Approved Transportation Costs for Payments from the State School Fund
- Draft Rules:
 - Economically Disadvantaged Definition rule
 - Optional Mental & Behavioral Health Targets
- Early Rule Concept
 - Every Day Matters OARs

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...**