



# ODE Rules Advisory Committee

February 2, 2023

# RAC Core Principles

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- 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

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- 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

# Updates to OARs Involving Non-Conviction Court Orders: OAR 581-053-0050, 581-021-0510, and 581-045-0584

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**Subject:** Updates to OAR 581-053-0050, 581-021-0510, and 581-045-0584

**Concept:** To account for situations in which no conviction visible to ODE's fingerprinting team exists, but circumstances permit individuals ordered to use an ignition interlock device (IID) or required to register as a sex offender to qualify for driver approval or fingerprinting clearance to work with children in schools.

## **Background:**

- ODE's Pupil Transportation & Fingerprinting Unit processes approvals and certificate applications for drivers, and fingerprinting based background checks for individuals with unsupervised access to children in school settings.
- Individuals with a conviction for driving under the influence of intoxicants are barred from eligibility for driver approval until they are three years free from custody, probation, and parole.
- Individuals convicted of most crimes of a sexual nature are barred from employment in a school under ORS 342.143 and may not be given unsupervised access to children in a school setting.
- No questions related to these changes were raised by the RAC or the State Board of Education.

# Updates to OARs Involving Non-Conviction Court Orders: OAR 581-053-0050, 581-021-0510, and 581-045-0584

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**Proposed Rule Changes:** adding language to include court orders to use an ignition interlock device (IID) or requirement to register as a sex offender to the appropriate rules.

## **Proposed Rule Impacts:**

- **Racial Equity:** no negative impacts projected
- **Fiscal/Economic & Small Business Impact:** no negative impacts projected

## **Next Steps:**

- second read and adoption by State Board of Education



# Discrimination OARs Update

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**Subject:** Updates to various discrimination OARS:

- OAR 581-021-0045, OAR 581-021-0046, OAR 581-022-2370, OAR 581-002-0001, OAR 581-002-0003

**Concept:** To clarify requirements around nondiscrimination, to better align state law with federal law, and to clarify rights for students, families, school staff, and community members.

**Background:**

- Oregon prohibits discrimination based on 10 protected classes
- All rules relate to nondiscrimination requirements and complaint procedures
  - OARs OAR 581-021-0045 and 581-021-0046 relate to prohibition of discrimination
  - OAR 581-022-2370 relates to district complaint policy requirements
  - OARs 581-002-0001 and 581-002-0003 relate to ODE's complaint and appeals process

# Discrimination OARs Update

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**Proposed Rule Changes:** Technical changes and updates: add gender identity to list of Oregon protected classes, charter schools to list of covered entities, add definitions for disability and sex as well as national origin to align with OAR-581-017-0693. Adds requirement for schools to issue a notice of nondiscrimination that aligns with federal requirements and adds Oregon protected classes. Provides compliance standards if a district has a dress code policy it must not discriminate, if revised must include feedback from members of protected classes to be impacted. Creates consistency and clarifies that any person who alleges they have been discriminated against or third parties representing others can submit a complaint of discrimination. Clarifies that sexual harassment is a form of discrimination covered by appeal procedures.

## **Proposed Rule Impacts:**

- **Racial Equity:** The proposed changes will positively impact students of all protected class identities, including race, color, and national origin. The notice of nondiscrimination will inform families that the school should not discriminate and they have a right to submit complaints. The information is to be clear and easily accessible and in languages of the community. Proposed dress codes must be racially and culturally affirming. Districts must include protected class students in the process when updating dress codes.
- **Fiscal/Economic & Small Business Impact:** Possible impact for districts to provide translated notice in languages of the community.

**Next Steps:** Second read and adoption by State Board of Education.

# Thank you

