



## PERMANENT ADMINISTRATIVE ORDER

**ODE 6-2020**  
CHAPTER 581  
OREGON DEPARTMENT OF EDUCATION

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FILING CAPTION: Student Investment Account

EFFECTIVE DATE: 03/20/2020

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**RULES:**

581-014-0001, 581-014-0004, 581-014-0007

ADOPT: 581-014-0001

REPEAL: Temporary 581-014-0001 from ODE 149-2019

RULE TITLE: Definitions for Student Investment Account

NOTICE FILED DATE: 12/30/2019

RULE SUMMARY: Rule definitions for Student Investment Account

**RULE TEXT:**

The following definitions apply to OAR 581-014-0001 to 581-014-0004:

- (1) "ADMw" means the extended weighted average daily membership computed as provided in ORS 327.013(1)(c).
- (2) "Eligible Applicant" means an applicant as defined in ORS 327.185(1).
- (3) "Spring Membership" means the data report that represents students attending public schools and programs on the first school day in May, as derived from the 3rd period cumulative average daily membership collection. Rules governing the Spring Membership report are contained in the most recent edition of the Oregon Student Membership Manual, published by the Oregon Department of Education.
- (4) Effective until June 30, 2020, "Students from Racial or Ethnic Groups that Have Historically Experienced Academic Disparities" includes, but is not limited to American Indian and Alaska Native students, Black and African American students, Hispanic and Latino students, and Native Hawaiian and Pacific Islander students and any other racial or ethnic group identified by the school district as historically experiencing academic disparities.
- (5) Effective July 1, 2020, "Students from Racial or Ethnic Groups that Have Historically Experienced Academic Disparities" includes, but is not limited to American Indian and Alaska Native students, Black and African American students, Hispanic and Latino students, Native Hawaiian and Pacific Islander students, and multiracial students, and any other racial or ethnic group identified by the school district as historically experienced academic disparities.
- (6) "Student Investment Account" means the account as established in ORS 327.175.
- (7) "Students with Disabilities" means a child with a disability as defined in ORS 343.035(1).
- (8) "Students who are homeless" has the same meaning as in section 725 of the McKinney-Vento Act, 42 USC § 11434a

(2).

STATUTORY/OTHER AUTHORITY: ORS 327.175 – 327.235

STATUTES/OTHER IMPLEMENTED: ORS 327.175 – 327.235

ADOPT: 581-014-0004

REPEAL: Temporary 581-014-0004 from ODE 149-2019

RULE TITLE: Fund Administration for Student Investment Account

NOTICE FILED DATE: 12/30/2019

RULE SUMMARY: Rule define how grant funds are distributed.

RULE TEXT:

(1) For each biennium, the Oregon Department of Education will determine the amount of grant funds from the Student Investment Account to be apportioned among eligible applicants for each year of the biennium.

(2) For purposes of establishing the amount of grant funds apportioned to eligible applicants, the Oregon Department of Education will use the most current finalized ADMw from the State School Fund from the prior year.

(3) If a school district has an ADMw of 50 or less, it will receive an allocation based on an ADMw of 50.

(4) If an eligible applicant does not apply for a grant from the Student Investment Account by the close of the application period, the amount of their grant funds will revert to the Student Investment Account and be reallocated within the grant award cycle. An eligible applicant that does not apply for a grant will be eligible in the next application process for the Student Investment Account.

(5) Following approval of the grant agreement, an eligible recipient will receive payments of at least 25 percent on a quarterly basis per annual allocation. If adjustments to installment payments are required, a lower percentage may be used.

(6)(a) Any allocated funds that are not used by a grant recipient by June 30 each year will be returned to the Student Investment Account for distribution in the next biennium.

(b) Notwithstanding subsection (a), a grant recipient may request an extension to expend funds until September 30 each year. A request must be made to the Department of Education. The Department of Education may approve the request if the spending aligns to the recipient's grant agreement.

(7) Funds received by a grant recipient under this section must be separately accounted for and must be used in accordance with the recipient's grant agreement for the Student Investment Account. A grant recipient may use funds for administrative costs, including indirect costs, directly related to allowed expenditures as provided in the grant agreement. Administrative costs are limited to five percent of the total expenditures or \$500,000 annually, whichever is less. Any administrative costs incurred by a participating charter school must be accounted for within the sponsoring school district's overall limit of five percent or \$500,000, whichever is less.

(8) The Deputy Superintendent of Public Instruction shall resolve any issues arising from the administration of the Student Investment Account grants not specifically addressed by this rule. The Deputy Superintendent of Public Instruction's determination shall be final.

STATUTORY/OTHER AUTHORITY: ORS 327.175 – 327.235

STATUTES/OTHER IMPLEMENTED: ORS 327.175 – 327.235

ADOPT: 581-014-0007

REPEAL: Temporary 581-014-0007 from ODE 149-2019

RULE TITLE: Charter School Eligibility for Student Investment Account

NOTICE FILED DATE: 12/30/2019

RULE SUMMARY: The Department will determine which public charter schools meet eligibility requirements before each application cycle using Spring Membership report.

RULE TEXT:

Before each application cycle, the Department of Education will publish a list of public charter schools that meet the eligibility requirements of ORS 327.185. The Department will make the determination of eligibility based on the most recent finalized Spring Membership report.

STATUTORY/OTHER AUTHORITY: ORS 327.185

STATUTES/OTHER IMPLEMENTED: ORS 327.185