

Online & Remote Learning Guidance

CRITICAL REQUIREMENTS AND DESIGN INDICATORS



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INTRODUCTION

The number of online and remote schools have consistently increased over the last two decades and enrollment in these schools has grown to 4.5 percent of all K-12 public students in Oregon during the 2021-22 school year¹. Virtual public charter schools have been a driving force for this growth for many years, but with the COVID-19 pandemic response, school district developed options are now the source of most of the state's growth of online and remote schools. Based on current trends, it is clear that remote and online instructional models have been and will continue to be an important part of the K-12 education landscape in Oregon. Several factors came together including the pandemic response and the emergency guidance issued, making evident a need to develop a shared, state-wide understanding of the elements of designing quality online and remote instruction not only for temporary distance learning in response to emergencies, but for full-time models as well.

While the growth of online and remote schools and programs is inevitable and positive for many Oregon families and caregivers, these options have been debated and scrutinized by education leaders, the State Board of Education, and the Legislature regarding design, enrollment trends, and disparities in academic outcomes including graduation rates. Further, in 2017, the Secretary of State released an audit of online and alternative schools which called for “enhanced state monitoring and support and more robust district oversight” in an effort to improve academic outcomes for students. The recommendation to increase monitoring and oversight of online schools and programs was reiterated in the K-12 Education Systemic Risk Report released in Spring 2022. ODE’s own engagement with online schools and programs and their sponsors has led to questions about levels of compliance with existing Oregon Administrative Rules (OARs).

As a result of these reports, in addition to broad conversations related to online and remote learning, in the fall of 2021, ODE began a statewide engagement process to learn from educators and education partners about promising practices, challenges, and priorities around online and remote learning. The voices, stories, and perspectives from the field, along with the continued engagement efforts of the Remote Learning Advisory Committee², helped to develop the Online and Remote Learning Guidance, guidance that is designed to build clarity about what existing focus requirements and policies are necessary for these types of models to be compliant with state and federal laws. This guidance, along with continued engagement and revisiting current rules related to online and remote learning, is an important step in meeting the recommendations of the audits and addressing equity concerns related to design, enrollment trends, and academic outcomes while ensuring that all Oregon students have access to an equitable education, no matter where, or in what modality they are attending school.

1 Additional information regarding the data associated with student enrollment, characteristics, and academic outcomes for online and remote schools can be found on [ODE's Remote Learning website](#).
2 Additional information about the Remote Learning Advisory Committee can be found on the [Remote Learning Advisory Committee website](#).

PURPOSE OF GUIDANCE

The purpose of this guidance is twofold: 1) to provide clarity regarding existing federal and state requirements and policies for online and remote schools, and 2) to share design indicators and provide tools for school and district operators and leaders to use in planning for continuous improvement and innovation.

All of the state and federal laws and policies that apply to public schools are also required for online and remote schools³. However, as new online and remote schools have been established, there are many laws and policies that are overlooked or missed in the design process.

The focus requirements and policies included are those that are most important to attend to when implementing online and remote learning. Additionally, many of the focus requirements and policies were established for in-person school models and may not translate well to an online or remote instructional model. The Department is interested in better understanding which policies may need revisions and improvement to ensure transferability to online and remote models.

The tools included in this guidance will support online and remote school operators, district leaders, and virtual charter school sponsors in determining whether or not they are in compliance with the focus state and federal policies. The guidance answers the question: What are the focus requirements and

policies for online and remote schools/programs? This guidance does not introduce new policy or replace Division 22 standards and assurances, requirements in charter school laws, or those included in charter contracts. Rather, this guidance is designed to elevate existing requirements and policies to help education leaders determine if their online or remote options are designed to support students, staff, families, and caregivers in ways that are also compliant with state and federal laws.

This is the first time Oregon school leaders have guidance pointing to a consolidated list of focus requirements and policies for online and remote learning. It is likely that many schools may identify areas that need attention to come into compliance, including some that may implicate Division 22 compliance and assurances. The Oregon Department of Education is interested in supporting these efforts and available to provide technical assistance. Beyond compliance with existing policy, this guidance is designed to provide districts and schools with tools to spark discussion, models, and action for continuous design improvement for online and remote school settings.



The Online and Remote Learning Guidance does not replace Division 22 standards and assurances nor does it replace requirements written into charter school laws. Rather, this guidance is designed to elevate focus requirements and policies aligned with designing for high-quality online and remote learning. The requirements and policies included focus on those that are most important to attend to ensure compliance with current rule and statute given the unique nature of online and remote schools and programs.

³ Alternative schools and public charter schools have certain flexibility with some laws and policies. These flexibilities are indicated when applicable throughout the guidance and tools.

DEFINING ONLINE AND REMOTE LEARNING

While there is no formal definition in Oregon Administrative Rules (OARs) or existing state statute for “remote” learning, ODE operationally uses the term “remote” to encompass all educational models of instruction where the student and the teacher are not in the same physical location for more than half of the student’s instructional time. Remote learning instructional models may be primarily online (using internet-based platforms and technology), paper-and-pencil (non-internet based), or a combination of both. “Remote” is inclusive of online, virtual, and non-internet based models.

The term “home-based” instruction is commonly used to describe certain remote learning options; however, it is important to note that if the student is enrolled in public school, then the student’s instruction must be under the direction of a licensed teacher as described in questions 7 and 8 in the [Remote and Online Learning Policy FAQ](#). If a child is taught by a parent, legal guardian or private teacher, as provided in [ORS 339.030](#) and [ORS 339.035](#), then it is considered homeschooling.

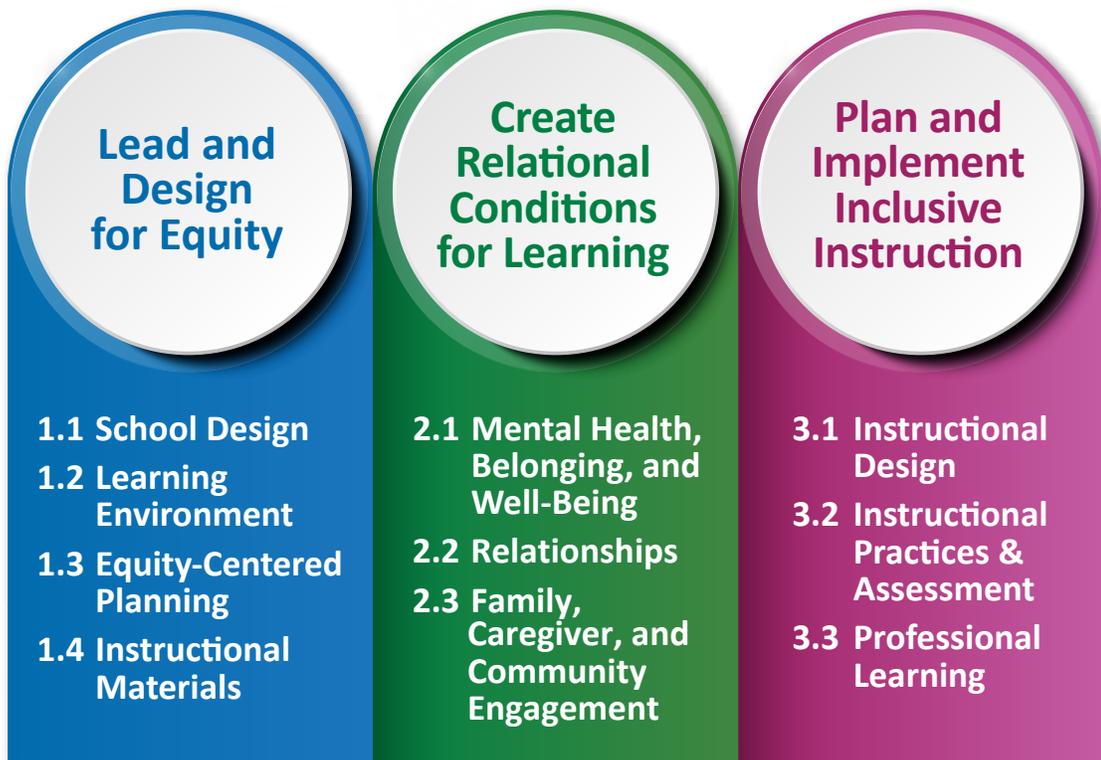
In 2023, the legislature passed SB 819 which made significant changes to the structure of Abbreviated School Day Program Placements for students with disabilities in Oregon. Schools offering an online or remote instructional model need to understand the new requirements, especially the definition of meaningful access. Except in virtual public charter schools operating in compliance with ORS Chapter 338, to provide meaningful access for a student with a disability, instruction must be synchronous. To learn more, and access ODE’s current guidance, please visit the Abbreviated School Day Program Placements under SB 819 [website](#).



ORGANIZATION OF THE GUIDANCE

Through a year-long community engagement process and support from the Remote Learning Advisory Committee, the Department identified the essential elements of designing equitable, relational, and inclusive online and remote schools and programs that are in compliance with existing policies and requirements. These essential elements are the policies and ideas that school leaders and operators should be most attuned to when planning to open or currently operating an online or remote school or program. This guidance organizes these essential elements in the following ways:

- **Pillars** that center student experience and instructional quality and are general categories of design.
- **Design Indicators** within each Pillar that elevate critical elements of online and remote school design.
- **Questions for Design and Continuous Improvement** for each Design Indicator to assist online and remote school operators in designing and evaluating for compliance with current policies and requirements while also considering areas for continuous improvement.
- **Focus Requirements and Policies** associated with each Design Indicator. These are the most important laws and rules to attend to when designing and operating online and remote schools and programs in Oregon. *The policies included are not exhaustive and do not include every law or policy that is required for public schools in Oregon. This guidance and the requirements and policies listed do not replace Division 22 standards or requirements written into charter school laws.*
- **The Compliance Evaluation and Planning Form** which organizes the above elements into a format to facilitate planning and usability. This form will help school and program leaders and operators in determining whether or not they are meeting compliance with **focus requirements and policies** as well as determining evidence needed and next steps for continuous improvement.



PILLAR #1: LEAD AND DESIGN FOR EQUITY

Lead and
Design
for Equity

The indicators in this pillar support online and remote schools and programs in designing instructional opportunities that provide equitable access and outcomes for all students with a focus on meeting federal and state requirements as well as maintaining best practices regarding instructional design.

Indicator 1.1 School Design: Meet all state and federal requirements for appropriate staffing and instructional time and prioritize teacher-student interaction.

When leading and designing for equity, being intentional about the school design requires considerations regarding staffing, instructional time, access to required courses, and ensuring that there are consistent and robust opportunities for teacher-student interaction. While these elements of school design are important across models, given the unique nature of online and remote schools, these considerations are of particular importance.

Indicator 1.2 Learning Environment: Ensure that classes, curriculum, instruction, and other parts of the school/program provide a safe, welcoming, and well-rounded space for all students.

Equitable access to learning includes not only student access to core academics, but also to a well-rounded education with opportunities that support college and career pathways.

Indicator 1.3 Equity-Centered Planning: Use an equity lens when engaging in planning and continuous improvement aligned for student success.

Schools and programs that have not developed their own equity lens might consider using [The Oregon Equity Lens](#); however, they are encouraged to apply their own equity lens to meet the particular needs of their contexts using the tools/resources to support robust and rigorous equity lenses including the Equity Lens and Tools (Appendix E of the [Aligning for Student Success: Integrated Guidance for six ODE Initiatives](#)) and [ODE's Equity Decision Tools for School Leaders](#).

Indicator 1.4 Instructional Materials: Establish a review and evaluation process that is aligned to state requirements for instructional materials adoption.

Engaging in a robust instructional materials adoption process (including, but not limited to digital instructional materials) is integral to ensuring that all students have equitable access to high-quality, culturally responsive-sustaining and differentiated instruction wherein community input is valued and teachers are empowered to use their professional judgment to do what is best for their students.

PILLAR #2: CREATE RELATIONAL CONDITIONS FOR LEARNING

Create
Relational
Conditions
for Learning

The indicators in this pillar create increased opportunities for decisions with regard to school design, instructional design, student supports, and pedagogical approaches that advance an equitable and supportive learning environment for all students.

Indicator 2.1 Mental Health, Belonging, and Well-Being: Provide support and responsive monitoring for students' mental health, belonging, and well-being.

Creating learning spaces that provide for whole person learning and support as well as affirm students' intersecting identities, are essential in establishing an online or remote school grounded in care and connection.

Indicator 2.2 Relationships: Create consistent opportunities for students to develop authentic and meaningful connections with peers and adults.

As the majority of learning in an online or remote setting occurs outside of a shared physical building, being attuned to creating authentic and meaningful connections for students is vital for student learning and well-being.

Indicator 2.3 Family, Caregiver, and Community Engagement: Design and implement reciprocal and authentic systems for meaningful engagement and communication structures with families, caregivers, and communities.

Engaging with families and caregivers begins prior to enrollment and should continue through a students' promotion, graduation, or transition and is essential within an online or remote setting in order to ensure that families and caregivers have the necessary tools to support their student's learning.

PILLAR #3: PLAN AND IMPLEMENT INCLUSIVE INSTRUCTION

Plan and Implement Inclusive Instruction

The indicators in this pillar are designed to center the importance of teaching, learning, and assessment within online and remote schools and programs. These indicators attend to school and program design that offers student-centered learning opportunities to all students, and particularly, students who have been historically and systemically marginalized by school systems.

Indicator 3.1 Instructional Design: Establish a student-centered learning environment that plans and scaffolds for learner development and learning differences.

Creating a student-centered learning environment within an online or remote setting requires that educators are intentional in their instructional design to ensure that all students, across all individual needs and identities, are able to fully engage with their learning.

Indicator 3.2 Instructional Practices & Assessment: Design and implement instructional practices and a balanced assessment system designed for purposeful online pedagogies that support all students with particular attention to students who are historically and systemically marginalized.

Designing with balanced assessment in mind and using data to drive instructional decisions creates opportunities that meet students' needs. This includes supporting culturally and linguistically responsive instruction aligned with national and state standards and frameworks for online teaching and learning.

Indicator 3.3 Professional Learning: Institute a system for strategic, sustained, and supportive professional learning and teacher evaluation based on established professional standards for online or remote pedagogies.

Providing opportunities for teachers to learn and grow in their craft through multiple methods (e.g. professional learning communities, professional development, coaching, and embedded evaluation), is essential to ensuring that teachers have the skills and self-efficacy needed to fully support their students in an online or remote learning environment.

COMPLIANCE EVALUATION AND PLANNING FORM

This tool is designed to support school and district leaders and operators in determining whether they are in alignment with the design indicators and in compliance with the focus requirements and policies. School and district leaders are encouraged to use this tool with their staff while working through the questions for design and continuous improvement.

Suggested use:

1. Work through the “Tool for Reflection and Analysis of Current Practice” by reading through each indicator and providing evidence that demonstrates how your school or program satisfies the indicator’s questions for design and continuous improvement. Then, using the check box, identify your compliance with the associated **focus requirements and policies**.
2. Use the “Compliance Evaluation and Next Steps” tool to determine compliance OR note those **focus requirements and policies** that require additional attention.
3. After your full review, identify focal areas (indicators, questions for design and continuous improvement, or specific **focus requirements and policies**) for your planning and continuous improvement.

PILLAR #1: LEAD AND DESIGN FOR EQUITY

Tool for Reflection and Analysis of Current Practice

Indicator 1.1 School Design: Meet all state and federal requirements for appropriate staffing and instructional time and prioritize teacher-student interaction.

► **Questions for Design and Continuous Improvement**

A. Are all federal and state requirements for APPROPRIATE STAFFING designed for and met?

Focus Requirements & Policies	Evidence & Next Steps
<p>OAR 581-022-2400 Division 22: Standards for Public Elementary and Secondary Schools*</p> <p>OAR 584-210-0020 Division 210: Scope and Responsibilities of Teachers of Record</p> <p>OAR 581-037-0015 Division 37: Assignment and Direction and Supervision of EAs*</p> <p>If applicable:</p> <p>OAR 581-022-2505 Division 22: Alternative Education*</p> <p>OAR 581-021-0072 Division 21: Rules for Private Alternative Education*</p> <p>ORS 336.635 Chapter 336: Teacher Licensure law for Alternative Education*</p> <p>ORS 338.120 Virtual public charter schools</p> <p>ORS 338.135 Public charter schools</p>	

*Policy does not apply to public charter schools

B. Are all federal and state requirements for INSTRUCTIONAL TIME designed for and met?

Focus Requirements & Policies	Evidence & Next Steps
<p>ORS 336.010 Chapter 336: School month</p> <p>ORS 187.010 Chapter 187: Legal Holidays</p> <p>OAR 581-022-0102(30) Division 22: Instructional Time Definition</p> <p>OAR 581-022-2320 Division 22: Required Instructional Time</p> <p>ORS 329.496 Physical Education participation; professional development; instruction without endorsement</p> <p>OAR 581-022-2263 Division 22: Physical Education Requirements</p>	

C. Are all federal and state requirements for ATTENDANCE designed for and met?

Focus Requirements & Policies	Evidence & Next Steps
<p>OAR 581-023-0006 Division 23: Student Accounting Records and State Reporting</p> <p>Cumulative ADM Manual</p>	

D. Is teacher-student interaction prioritized to meet student learning and social-emotional needs?

Focus Requirements & Policies	Evidence & Next Steps
<p>School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.</p>	

E. Does the school design ensure that students have appropriate access to, and engagement in, all required courses in accordance with [Oregon High School diploma credit requirements](#)?

Focus Requirements & Policies	Evidence & Next Steps
OAR 581-022-2000 Division 22: Diploma Requirements	

Indicator 1.2 Learning Environment: Ensure that classes, curriculum, instruction, and other parts of the school/program provide a safe, welcoming, and well-rounded space for all students.

► **Questions for Design and Continuous Improvement**

A. Have you designed and implemented a plan that provides equitable access to learning across protected classes including: race, color, national origin, sex, sexual orientation, gender identity, marital status, age, religion, and disability?

Further considerations: Have you/your district already developed a plan for continuous improvement associated with [ODE’s Aligning for Student Success: Integrated Guidance for ODE’s Six Initiatives](#)? Are your school or program materials accessible to and culturally sustaining for all students and families and caregivers across native language or education level? Does the information on your website show that you are committed to equity? Do all courses reflect a commitment to [universal design for learning principles](#) so that all learners feel affirmed and can access all content and activities?

Focus Requirements & Policies	Evidence & Next Steps
OAR 581-022-2312 Division 22: Every Student Belongs IDEA Education of Individuals with Disabilities (Implementing Regulations: 34 CFR Part 300) Section 504 Title III Every Student Succeeds Act (ESSA) OAR 581-022-2315 Division 22: Special Education for Children with Disabilities	

B. Do all students have access to core content and well-rounded learning opportunities¹?

Further considerations: Do all students have access to STEM, STEAM, the arts, and computer science? Do all students have access to career technical education (CTE) courses that are appropriate for the grade level? Do all students have access to extracurricular activities, sports/athletics, field trips, and clubs?

Focus Requirements & Policies	Evidence & Next Steps
<p>OAR 581-021-0200 Division 21: Standard Education for Oregon Students</p> <p>OAR 581-022-2000 Division 22: Diploma Requirements</p> <p>OAR 581-022-2030 Division 22: District Curriculum</p> <p>OAR 581-022-2263 Division 22: Physical Education Requirements</p> <p>ORS 329.045 Academic Content Standards (track updates in HB 2023)</p>	

C. Have you designed in accordance with [ODE’s Integrated Model of Mental Health](#) in order to support the whole child through integrated social emotional learning?

Focus Requirements & Policies	Evidence & Next Steps
<p>OAR 581-022-2060 Division 22: Comprehensive School Counseling[†]</p>	

¹ While ESSA defines a well-rounded education to include a wide variety of subjects and areas of study, ODE believes a well-rounded education moves beyond the courses students take, and into the essential knowledge and skills students are learning in those courses. A well-rounded education provides the knowledge and skills to live, learn, work, create, and contribute. It also ensures that every student is known, heard, and supported. This definition of well-rounded education focuses on the whole student and their community, the learning experiences they are given, the knowledge and skills they learn, and the beliefs and attributes they develop.

[†]Policy applies to public charter schools in some circumstances

D. Do all students have access to college and career readiness pathways and support for post-secondary success - appropriate to their grade level?²

Further considerations: Do all students have access to accelerated learning and other college-career readiness pathways such as AP/IB classes? Does the school have a dual credit partnership with a community college in order to ensure that high school students have access to dual credit opportunities? Do all students have access to career connected learning?

Focus Requirements & Policies	Evidence & Next Steps
OAR 581-022-2055 Division 22: Career Education*	

E. If operating using virtual learning, have you provided sufficient technical support to meet the needs of students, including hardware, software, and appropriate connectivity?

Focus Requirements & Policies	Evidence & Next Steps
OAR 581-022-2345 Division 22: Auxiliary Services* If applicable: ORS 338.120(1)(h)-(i) Chapter 338: Virtual Public Charter Schools	

² While ESSA defines a well-rounded education to include a wide variety of subjects and areas of study, Oregon believes a well-rounded education moves beyond the courses students take, and into the essential knowledge and skills students are learning in those courses. We know that a well-rounded education provides the knowledge and skills to live, learn, work, create, and contribute. It also ensures that each and every student is known, heard, and supported. Our goal is to establish and actualize a definition of well-rounded education that focuses on the whole student and their community, the learning experiences they are given, the knowledge and skills they learn, and the beliefs and attributes they develop.

*Policy does not apply to public charter schools

F. Are you ensuring all educational staff, contractors, and service providers supporting students have been appropriately trained and passed the necessary background checks?

Further considerations: For district or school programs that allow independent study classes and utilize community classes, how do you ensure the safety of your students? What systems are in place to safeguard against abuse and ensure appropriate reporting is possible?

Focus Requirements & Policies	Evidence & Next Steps
<p>ORS 326.603 Chapter 326: Fingerprints and Criminal Records Check</p> <p>ORS 326.607 Chapter 326: Criminal Records Check for Volunteers</p> <p>ORS 339.370-339.400 Chapter 339: Abuse and Sexual Conduct</p> <p>Title IX Nondiscrimination on the basis of Sex in Education</p>	

G. If operating using virtual learning, have you reviewed the [Key Components of Digital Learning](#) and considered this resource in your design and implementation?

Focus Requirements & Policies	Evidence & Next Steps
<p>School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.</p>	

H. If operating using virtual learning, have you utilized established standards, framework, and student training (e.g. [ISTE Student Standards and Common Sense Media](#)) to ensure that students understand how to be safe and thoughtful digital citizens?

Focus Requirements & Policies	Evidence & Next Steps
<p>School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.</p>	

Indicator 1.3 Equity-Centered Planning: Use an equity lens when engaging in planning and continuous improvement aligned for student success.

► Questions for Design and Continuous Improvement

A. Are you using an equity lens and [ODE’s Equity Decision Tools for School Leaders](#) when planning for continuous improvement?

Focus Requirements & Policies	Evidence & Next Steps
OAR 581-022-2250 Division 22: District Improvement Plan*	

B. Have you used continuous improvement practices to develop, implement, and monitor a multi-year improvement plan?

Focus Requirements & Policies	Evidence & Next Steps
OAR 581-022-2250 Division 22: District Improvement Plan*	

*Policy does not apply to public charter schools

C. Have you leveraged multiple perspectives and equity-centered data analysis to identify strengths and areas for improvement as well as to make timely adjustments to improve experiences and outcomes for students?

Focus Requirements & Policies	Evidence & Next Steps
<p>School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.</p>	

D. Have you established ongoing opportunities to meaningfully engage students, families, caregivers, school staff, and community partners by using [ODE's Community Engagement Toolkit](#)?

Focus Requirements & Policies	Evidence & Next Steps
<p>School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.</p>	

E. Have you set specific, measurable, short and long-term goals that can be traced over time to celebrate growth and determine plans for improvement?

Focus Requirements & Policies	Evidence & Next Steps
<p>School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.</p>	

Indicator 1.4 Instructional Materials: Establish a review and evaluation process that is aligned to state requirements for instructional materials adoption.

► Questions for Design and Continuous Improvement

A. If you are a district-run school, do you have evidence of an instructional review and evaluation process that is aligned to state requirements according to ODE’s Instructional Adoption Process requirements?

Focus Requirements & Policies	Evidence & Next Steps
OAR 581-022-2355 Division 22: Instructional Materials Adoption* OAR 581-022-2350 Division 22: Independent Adoptions of Instructional Materials* OAR 581-022-2360 Division 22: Postponement of Purchase of State-Adopted Instructional Materials* OAR 581-021-0046 Division 21: Program Compliance Standards	

B. If you are utilizing digital instructional materials, do you have a process that shows evidence of instructional materials review and evaluation process according to the Digital Instructional Materials Requirements and Recommendations?

Focus Requirements & Policies	Evidence & Next Steps
ORS 337.150 Chapter 337: School board and charter school duty to provide textbooks	

*Policy does not apply to public charter schools

C. Do instructional materials include provisions that are accessible for all learners through the use of tools such as “[Communicating Accessibility Requirements](#)” and “[Vetting for Accessibility](#)” from the National Center on Accessible Educational Materials for Learning at CAST?

Focus Requirements & Policies	Evidence & Next Steps
ADA Regulations NIMAS in IDEA NIMAS for SEAs and LEAS OAR 581-015-2060 Division 15: Accessible Materials OAR 581-022-2355 Division 22: Instructional Materials Adoption	

D. Have you ensured that online providers demonstrate with evidence that they store student data appropriately and securely, and respect and do not violate student data privacy, sell student data, or permit/conduct data mining?

Focus Requirements & Policies	Evidence & Next Steps
ORS 336.184 Chapter 336: Oregon Student Information Privacy Act	

E. Do teachers have the opportunity to amend, substitute, supplement, or contextualize curriculum in real time for students or when planning instruction?

Focus Requirements & Policies	Evidence & Next Steps
School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.	

F. Are all instructional materials inclusive and culturally responsive in that they provide models, selections, activities and opportunities for responses which promote respect for all people?

Focus Requirements & Policies	Evidence & Next Steps
School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.	

Compliance Evaluation and Next Steps

Indicator 1.1 School Design: Meet all state and federal requirements for appropriate staffing and instructional time and prioritize teacher-student interaction.

In Compliance with all focus requirements and policies related to this indicator

Out of Compliance with the following policies and requirements related to this indicator:

Requirement/Policy	Next Steps	Assigned Staff	Due Date

Indicator 1.2 Learning Environment: Ensure that classes, curriculum, instruction, and other parts of the school/program provide a safe, welcoming, and well-rounded space for all students.

In Compliance with all focus requirements and policies related to this indicator

Out of Compliance with the following policies and requirements related to this indicator:

Requirement/Policy	Next Steps	Assigned Staff	Due Date

Indicator 1.3 Equity-Centered Planning: Use an equity lens when engaging in planning and continuous improvement aligned for student success.

In Compliance with all focus requirements and policies related to this indicator

Out of Compliance with the following policies and requirements related to this indicator:

Requirement/Policy	Next Steps	Assigned Staff	Due Date

Indicator 1.4 Instructional Materials: Establish a review and evaluation process that is aligned to state requirements for instructional materials adoption.

In Compliance with all focus requirements and policies related to this indicator

Out of Compliance with the following policies and requirements related to this indicator:

Requirement/Policy	Next Steps	Assigned Staff	Due Date

After our review, our areas of focus based on the indicators include:

PILLAR #2: CREATE RELATIONAL CONDITIONS FOR LEARNING

Tool for Reflection and Analysis of Current Practice

Indicator 2.1 Mental Health, Belonging, and Well-Being: Provide support and responsive monitoring for students' mental health, belonging, and well-being.

► Questions for Design and Continuous Improvement

A. Have you provided access to comprehensive counseling for all students – either in-person or telehealth?

Focus Requirements & Policies	Evidence & Next Steps
OAR 581-022-2060 Division 22: Comprehensive School Counseling†	

B. Have you created an affirming learning environment grounded in [Care and Connection](#) built on students' funds of knowledge both within and outside of classes?

Further considerations: Have you designed according to the [African American/Black Student Success Plan](#), [American Indian/Alaska Native Student Success Plan](#), [Latino/a/x & Indigenous Student Success Plan](#), and [LGBTQ2SIA+ Student Success Plan](#)

Focus Requirements & Policies	Evidence & Next Steps
OAR 581-022-2312 Division 22: Every Student Belongs	

†Policy applies to public charter schools in some circumstances

C. Have you incorporated social emotional learning (SEL) within academic courses as well as other learning spaces by utilizing the resources available on [ODE’s Social and Emotional Learning \(SEL\) website](#)?

Focus Requirements & Policies	Evidence & Next Steps
School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.	

D. Have you created an affirming learning environment grounded in [Care and Connection](#) built on students’ funds of knowledge both within and outside of classes?

Focus Requirements & Policies	Evidence & Next Steps
School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.	

Indicator 2.2 Relationships: Create consistent opportunities for students to develop authentic and meaningful connections with peers and adults.

► Questions for Design and Continuous Improvement

A. Have you designed your learning environment with the goal of creating consistent connection opportunities for students to build relationships with their peers and teachers utilizing [Every Student Belongs](#)?

Further Considerations: Are there opportunities for both same age peers as well as mentoring with non-same age peers for relationship building opportunities?

Focus Requirements & Policies	Evidence & Next Steps
OAR 581-022-2312 Division 22: Every Student Belongs	

B. Have you provided opportunities for peer-to-peer learning through both asynchronous and synchronous means?

Focus Requirements & Policies	Evidence & Next Steps
If applicable: ORS 338.120(1)(k)-(L) Chapter 338: Virtual Public Charter Schools	

C. Have you provided opportunities for students to build relationships with their peers outside of the academic context?

Further considerations: Does this include peers outside of the family members and caregivers?

Focus Requirements & Policies	Evidence & Next Steps
If applicable: ORS 338.120(1)(k)-(L) Chapter 338: Virtual Public Charter Schools	

D. Have you provided opportunities for students to build relationships with their teachers through both asynchronous and synchronous means?

Focus Requirements & Policies	Evidence & Next Steps
School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.	

E. Have you assessed student relationship needs and are you responsive to students who have greater need for care and connection?

Focus Requirements & Policies	Evidence & Next Steps
<p>School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.</p>	

Indicator 2.3 Family, Caregiver, and Community Engagement: Design and implement reciprocal and authentic systems for meaningful engagement and communication structures with families, caregivers, and communities.

► Questions for Design and Continuous Improvement

A. Have you designed and implemented an inclusive enrollment process to ensure that all students are able to attend, no matter their race, color, national origin, sex, sexual orientation, gender identity, marital status, age, religion, and disability?

Focus Requirements & Policies	Evidence & Next Steps
<p>ORS 659.850 Discrimination in Education Prohibited</p> <p>OAR 581-021-0045 Division 21: School Discrimination Prohibited</p> <p>OAR 581-022-2312 Division 22: Every Student Belongs</p> <p>If applicable:</p> <p>ORS 338.125 Public charter school enrollment</p>	

B. Do you create consistent opportunities for reciprocal and authentic family, caregiver, and community engagement in a variety of formats?

Focus Requirements & Policies	Evidence & Next Steps
<p>ORS 329.095 Local district continuous improvement plans*</p> <p>OAR 581-020-0130 Division 20: 21st Century Schools Council (Site Councils)*</p> <p>If applicable:</p> <p>ORS 338.120(c) Chapter 338: Virtual public charter schools</p>	

C. Do you have procedures to ensure that all families and caregivers can participate in engagement opportunities by providing translation services, ADA accommodations, etc.?

Focus Requirements & Policies	Evidence & Next Steps
<p>ORS 659.850 Discrimination in Education Prohibited</p> <p>OAR 581-021-0045 Division 21: School Discrimination Prohibited</p>	

D. Do students, families, caregivers, and the larger school community have a voice in school decision making?

Focus Requirements & Policies	Evidence & Next Steps
<p>OAR 581-022-2250 Division 22: District Improvement Plan*</p>	

*Policy does not apply to public charter schools

E. Have you provided an orientation to students and families and caregivers that outlines what is required of learners and families/caregivers within the online and remote academic context?

Further considerations: Did this orientation offer opportunities for dialogue between families/caregivers and school personnel? Did this orientation provide materials in a variety of languages and modalities based on student, family, and caregiver needs? Is the language within the materials asset based and culturally responsive? Did this orientation clearly identify the responsibilities of the learning coach, the student, and the educators at the school?

Focus Requirements & Policies	Evidence & Next Steps
School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.	

F. Do you have clear systems and varied methods of communication aligned with your equity lens?

Focus Requirements & Policies	Evidence & Next Steps
School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.	

G. Have you created safe affinity spaces or culturally responsive family and caregiver councils to support focal students and communities?³

Focus Requirements & Policies	Evidence & Next Steps
School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.	

³ The development of affinity spaces create opportunities for families and caregivers with shared identities to have a safe space to gather and engage in dialogue with the goal of creating more equitable school spaces. Schools might use resources such as [“Critical Practices for Anti-bias Education Family and Community Engagement”](#) from Learning for Justice, the [“Racial Affinity Groups: Guide for School Leaders”](#) from Great Schools Partnership.

H. Do you provide technical support to students and families and caregivers based on the needs raised by the school community?

Further considerations: Do you have a website where families, caregivers, and community members can access information in an accessible format according to the [Web Content Accessibility Guidelines \(WCAG\) 2.1](#)?

Focus Requirements & Policies	Evidence & Next Steps
School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.	

Compliance Evaluation and Next Steps

Indicator 2.1 Mental Health, Belonging, and Well-Being: Provide support and responsive monitoring for students’ mental health, belonging, and well-being.

In Compliance with all focus requirements and policies related to this indicator

Out of Compliance with the following policies and requirements related to this indicator:

Requirement/Policy	Next Steps	Assigned Staff	Due Date

Indicator 2.2 Relationships: Create consistent opportunities for students to develop authentic and meaningful connections with peers and adults.

In Compliance with all focus requirements and policies related to this indicator

Out of Compliance with the following policies and requirements related to this indicator:

Requirement/Policy	Next Steps	Assigned Staff	Due Date

Indicator 2.3 Family, Caregiver, Community Engagement: Design and implement reciprocal and authentic systems for meaningful engagement and communication structures with families, caregivers, and communities.

In Compliance with all focus requirements and policies related to this indicator

Out of Compliance with the following policies and requirements related to this indicator:

Requirement/Policy	Next Steps	Assigned Staff	Due Date

After our review, our areas of focus based on the indicators include:

PILLAR #3: PLAN AND IMPLEMENT INCLUSIVE INSTRUCTION

Tool for Reflection and Analysis of Current Practice

Indicator 3.1 Instructional Design: Establish a student-centered learning environment that plans and scaffolds for learner development and learning differences.

► **Questions for Design and Continuous Improvement**

A. Are you using the [Oregon State Academic Content Standards](#) when planning and implementing instruction to meet the needs of all students?

Focus Requirements & Policies	Evidence & Next Steps
<p>OAR 581-022-2030 Division 22: District Curriculum</p> <p>ORS 329.492 Chapter 329: Oregon Studies</p> <p>ORS 329.493 Chapter 329: Curriculum relating to Native American experience in Oregon</p> <p>ORS 329.494 Chapter 329: Instruction about the Holocaust and genocide</p>	

B. Are you ensuring that your instruction is inclusive and students on IEPs and 504s receive appropriate modifications and accommodations with student plans being available and utilized by all instructors?

Focus Requirements & Policies	Evidence & Next Steps
<p>IDEA Education of Individuals with Disabilities</p> <p>Section 504</p> <p>OAR 581-022-2315 Division 22: Special Education for Children with Disabilities</p> <p>OAR 581-015-2200 Content of IEP</p> <p>OAR 581-015 2220 When IEPs Must Be In Effect</p>	

C. Are you providing equitable access and cultural, academic, and linguistic supports for students who are emergent bilingual/multilingual by highlighting and amplifying the critical language, knowledge about language, and skills using language as exemplified through the [Oregon English Language Proficiency Standards](#)?

Focus Requirements & Policies	Evidence & Next Steps
<p>ESSA Title III Every Student Succeeds Act (ESSA)</p> <p>ORS 336.079 Chapter 336: English language learners</p> <p>OAR 581-023-0100 Division 23: Student Weighting and Required Program</p>	

D. Are you ensuring that students identified as talented and gifted (TAG) are recognized and subsequently served through utilizing existing frameworks such as the [National Standards in Gifted and Talented Education](#)?

Focus Requirements & Policies	Evidence & Next Steps
<p>OAR 581-022-2500 Division 22: Programs and Services for Talented and Gifted Students*</p> <p>OAR 581-022-2325 Division 22: Identification of Academically Talented and Intellectually Gifted Students*</p>	

*Policy does not apply to public charter schools

Indicator 3.2 Instructional Practices & Assessment: Design and implement instructional practices and a balanced assessment system designed for purposeful online pedagogies that support all students with particular attention to students who are historically and systemically marginalized.

▶ **Questions for Design and Continuous Improvement**

A. Have you designed instruction to be culturally and linguistically responsive and sustaining for the students your school serves in accordance with the [Oregon State Academic Content Standards](#)?

Focus Requirements & Policies	Evidence & Next Steps
OAR 581-022-2030 Division 22: District Curriculum	

B. Have you created conditions necessary to support individualized learning needs where learning is tailored to each student’s identity, strengths, interests, and aspirations?

Focus Requirements & Policies	Evidence & Next Steps
OAR 581-022-2415 Division 22: Core Teaching Standards	

C. Have you monitored student learning and provided timely and ongoing feedback through a balanced assessment system⁴?

Further considerations: Have you ensured real-time feedback is provided to all students that extends beyond letter grades and points in order to include substantive narrative feedback on strengths and areas of growth?

Focus Requirements & Policies	Evidence & Next Steps
OAR 581-022-2025 Division 22: Credit Options OAR 581-022-2270 Division 22: Individual Student Assessment, Recordkeeping and Reporting OAR 581-022-2415 Division 22: Core Teaching Standards	

D. Have you utilized established national standards including the [NSQ \(National Standards for Quality Online Learning\)](#), [ISTE Standards](#), and [iNACOL standards \(International Association for K-12 Online Learning\)](#) in order to design and implement:

- Instructional practices and assessments designed for purposeful online or remote pedagogies;
- Learning experiences adapted by educators to meet student needs⁵; and
- Engaging learning experience for all students?

Focus Requirements & Policies	Evidence & Next Steps
School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.	

⁴ A balanced assessment system includes: Assessment as learning = student self-assessment practices, Assessment for learning = formative assessment practices, Assessment of learning = summative assessments. Additional information about developing and implementing a balanced assessment system can be found on [ODE's Assessment website](#).

⁵ Adaptability of instructional materials and instruction in the context of this guidance is on the basis of educator's adapting materials and content to meet the needs of their students. This does not refer to algorithmic adaptability of online curriculum which will be further discussed in future guidance.

Indicator 3.3 Professional Learning: Institute a system for strategic, sustained, and supportive professional learning and teacher evaluation based on established professional standards for online or remote pedagogies.

A. Have you provided ongoing professional learning to teachers and staff based on established professional standards for online instruction including [NSQ \(National Standards for Quality Online Learning\)](#), [ISTE Standards](#), and [iNACOL standards \(International Association for K-12 Online Learning\)](#)?

Focus Requirements & Policies	Evidence & Next Steps
<p>OAR 581-022-2410 Division 22: Teacher and Administrator Evaluation and Support</p> <p>OAR 581-022-2415 Division 22: Core Teaching Standards</p>	

B. Have you provided regular feedback and coaching to teachers regarding their performance and student achievement/ progress aligned with the [Oregon Framework for Teacher and Administrator Evaluation and Support Systems](#)?

Focus Requirements & Policies	Evidence & Next Steps
<p>OAR 581-022-2410 Division 22: Teacher and Administrator Evaluation and Support</p>	

C. Have you created opportunities for leadership capacity building, distributed leadership that includes teachers and staff, and career advancement opportunities for school professionals?

Focus Requirements & Policies	Evidence & Next Steps
OAR 581-022-2410 Division 22: Teacher and Administrator Evaluation and Support OAR 581-022-2420 Division 22: Educational Leadership - Administrator Standards	

D. Have you provided training on digital civics and digital citizenship which includes internet safety, student data privacy, and cybersecurity?

Focus Requirements & Policies	Evidence & Next Steps
FERPA Family Educational Rights and Privacy Act “COPPA” Children’s Online Privacy Protection Rule CIPA Children’s Internet Protection Act ORS 336.184 Chapter 336: Oregon Student Information Protection Act (OSIPA) PPRA Protection of Pupil Rights Amendment Identity Theft Protection Act	

E. Have you created opportunities for peer-to-peer learning so that educators can learn from one another?

Further Considerations: Have you created school-wide professional learning communities (PLCs) and trained teachers on the structure and purpose of PLCs?

Focus Requirements & Policies	Evidence & Next Steps
School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.	

F. Have you aligned your professional learning to the school or district equity lens?

Focus Requirements & Policies	Evidence & Next Steps
School leaders and operators should review board adopted policies for their district or charter school to ensure compliance with relevant local policies.	

Compliance Evaluation and Next Steps

Indicator 3.1 Instructional Design: Establish a student-centered learning environment that plans and scaffolds for learner development and learning differences.

In Compliance with all focus requirements and policies related to this indicator

Out of Compliance with the following policies and requirements related to this indicator:

Requirement/Policy	Next Steps	Assigned Staff	Due Date

Indicator 3.2 Instructional Practices & Assessment: Design and implement instructional practices and a balanced assessment system designed for purposeful online pedagogies that support all students with particular attention to students who are historically and systemically marginalized.

In Compliance with all focus requirements and policies related to this indicator

Out of Compliance with the following policies and requirements related to this indicator:

Requirement/Policy	Next Steps	Assigned Staff	Due Date

Indicator 3.3 Professional Learning: Institute a system for strategic, sustained, and supportive professional learning and teacher evaluation based on established professional standards for online or remote pedagogies.

In Compliance with all focus requirements and policies related to this indicator

Out of Compliance with the following policies and requirements related to this indicator:

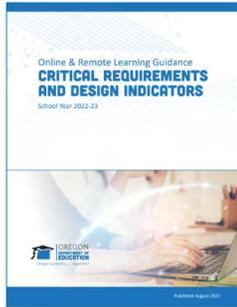
Requirement/Policy	Next Steps	Assigned Staff	Due Date

After our review, our areas of focus based on the indicators include:

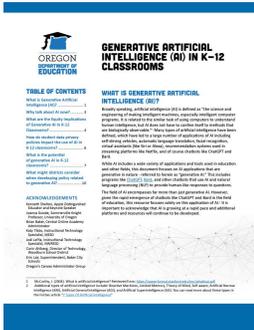
DIGITAL LEARNING AND EDUCATIONAL TECHNOLOGY GUIDANCE DOCUMENTS



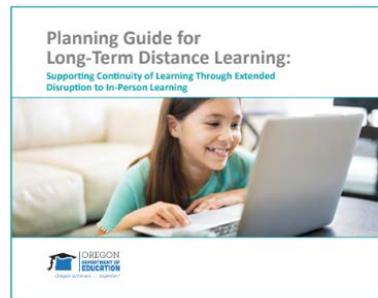
Key Components of Digital Learning: This resource provides information regarding instructional design and pedagogical approaches to implementing digital learning and integrating technology. The Key Components include: Relationships and Mental Health, Pedagogy and Practice, High Quality Instructional Materials, Digital Learning Readiness and Capacity, and Funding for Digital Learning.



Online and Remote Learning Guidance: This guidance uplifts the most crucial policies to attend to when designing a school or program that uses an online or remote instructional model. The guidance is organized using three pillars: Lead and Design for Equity, Create Relational Conditions for Learning, and Implement Inclusive Instruction.



Generative Artificial Intelligence (AI) in K-12 Classrooms is designed to provide Oregon’s educators and educational leaders with resources and tools to learn about the possibilities for using AI in the classroom, potential equity implications, instructional uses, and tools and resources for developing policies related to use of AI.



Planning Guide for Short-Term Distance Learning: This resource supports schools and districts in preparing for sustained learning regardless of circumstances (e.g., floods, wildfires, earthquakes, building damage, inclement weather, or public health events).



Planning Guide for Long-Term Distance Learning: This guide is intended to support schools and districts in preparing for an alternative to in-person learning when the conditions of a prolonged emergency make it unsafe or unadvisable for students/educators to be on-site for an extended period of time.

Additional Resources

- [Digital Instructional Materials: Requirements and Recommendations](#)
- [Developing Policy and Protocols for the use of Generative AI in K-12 Classrooms](#)
- [Resources for the Educational Use of Generative AI in K-12 Classrooms](#)

External Resources

- [Reimagining the Role of Technology in Education: 2017 National Education Technology Plan Update](#) (The Office of Education Technology)
- [Advancing Digital Equity for All: Community-Based Recommendations for Developing Effective Digital Equity Plans to Close the Digital Divide and Enable Technology-Empowered Learning](#) (The Office of Education Technology)
- [Building Technology Infrastructure for Learning](#) (The Office of Education Technology)
- [2022 State of Ed Tech Trends Report](#) (SETDA)



APPENDIX A: POLICY RESOURCES

Indicator	Focus Requirements & Policies (with descriptions)
1.1 School Design	<p>ORS 187.010 Chapter 187: Legal Holidays</p> <p>ORS 336.010 Chapter 336: School month</p> <p>OAR 581-022-0102(30) Division 22: Instructional Time Definition</p> <p>OAR 581-022-2000 Division 22: Diploma Requirements</p> <p>ORS 329.496 Physical education participation; professional development; instruction without endorsement</p> <p>OAR 581-022-2263 Division 22: Physical Education Requirements</p> <p>OAR 581-022-2320 Division 22: Required Instructional Time</p> <p>OAR 581-022-2400 Division 22: Standards for Public Elementary and Secondary Schools*</p> <p>OAR 581-023-0006 Division 23: Student Accounting Records and State Reporting</p> <p>OAR 581-037-0015 Division 37: Assignment and Direction and Supervision of EAs*</p> <p>OAR 584-210-0020 Division 210: Scope and Responsibilities of Teachers of Record</p> <p>Cumulative Average Daily Attendance Manual</p> <p>If applicable:</p> <p>OAR 581-021-0072 Division 21: Rules for Private Alternative Education*</p> <p>OAR 581-022-2505 Division 22: Alternative Education*</p> <p>ORS 336.635 Chapter 336: Teacher Licensure law for Alternative Education*</p> <p>ORS 338.120 Virtual public charter schools</p> <p>ORS 338.135 Public charter schools</p>
1.2 Learning Environment	<p>Section 504</p> <p>Title III Every Student Succeeds Act (ESSA)</p> <p>Title IX Nondiscrimination on the basis of Sex in Education</p> <p>IDEA Education of Individuals with Disabilities (Implementing Regulations: 34 CFR Part 300)</p> <p>ORS 326.603 Chapter 326: Fingerprints and Criminal Records Check</p> <p>ORS 326.607 Chapter 326: Criminal Records Check for Volunteers</p> <p>ORS 329.045 Academic Content Standards (track updates in HB 2023)</p> <p>ORS 339.370-339.400 Chapter 339: Abuse and Sexual Conduct</p> <p>OAR 581-021-0200 Division 21: Standard Education for Oregon Students</p> <p>OAR 581-022-2000 Division 22: Diploma Requirements</p> <p>OAR 581-022-2030 Division 22: District Curriculum</p>

*Policy does not apply to public charter schools

Indicator	Focus Requirements & Policies (with descriptions)
1.2 Learning Environment	<p>OAR 581-022-2055 Division 22: Career Education*</p> <p>OAR 581-022-2060 Division 22: Comprehensive School Counseling†</p> <p>OAR 581-022-2263 Division 22: Physical Education Requirements</p> <p>OAR 581-022-2312 Division 22: Every Student Belongs</p> <p>OAR 581-022-2315 Division 22: Special Education for Children with Disabilities</p> <p>OAR 581-022-2345 Division 22: Auxiliary Services*</p> <p>If applicable:</p> <p>ORS 338.120(1)(h)-(i) Chapter 338: Virtual Public Charter Schools</p>
1.3 Equity-Centered Planning	<p>OAR 581-022-2250 Division 22: District Improvement Plan*</p>
1.4 Instructional Materials	<p>ADA Regulations</p> <p>NIMAS in IDEA</p> <p>NIMAS for SEAs and LEAS</p> <p>ORS 336.184 Chapter 336: Oregon Student Information Privacy Act</p> <p>ORS 337.150 Chapter 337: School board and charter school duty to provide textbooks</p> <p>OAR 581-015-2060 Division 15: Accessible Materials</p> <p>OAR 581-021-0046 Division 21: Program Compliance Standards</p> <p>OAR 581-022-2350 Division 22: Independent Adoptions of Instructional Materials*</p> <p>OAR 581-022-2355 Division 22: Instructional Materials Adoption*</p> <p>OAR 581-022-2360 Division 22: Postponement of Purchase of State-Adopted Instructional</p>
2.1 Mental Health, Belonging, and Well-Being	<p>OAR 581-022-2060 Division 22: Comprehensive School Counseling†</p> <p>OAR 581-022-2312 Division 22: Every Student Belongs</p>
2.2 Relationships	<p>OAR 581-022-2312 Division 22: Every Student Belongs</p> <p>If applicable:</p> <p>ORS 338.120(1)(k)-(L) Chapter 338: Virtual Public Charter Schools</p>
2.3 Family, Caregiver, and Community Engagement	<p>ORS 329.095 Local district continuous improvement plans*</p> <p>ORS 659.850 Discrimination in Education Prohibited</p> <p>OAR 581-020-0130 Division 20: 21st Century Schools Council (Site Councils)*</p> <p>OAR 581-021-0045 Division 21: School Discrimination Prohibited</p> <p>OAR 581-022-2312 Division 22: Every Student Belongs</p> <p>If applicable:</p> <p>ORS 338.125 Public charter school enrollment</p> <p>ORS 338.120(c) Chapter 338: Virtual public charter schools</p>

*Policy does not apply to public charter schools

†Policy applies to public charter schools in some circumstances

Indicator	Focus Requirements & Policies (with descriptions)
3.1 Instructional Design	<p>Section 504</p> <p>ESSA Title III Every Student Succeeds Act (ESSA)</p> <p>Chapter 33 Education of Individuals with Disabilities</p> <p>ORS 329.492 Chapter 329: Oregon Studies</p> <p>ORS 329.493 Chapter 329: Curriculum relating to Native American experience in Oregon</p> <p>ORS 329.494 Chapter 329: Instruction about the Holocaust and genocide</p> <p>ORS 336.079 Chapter 336: English language learners</p> <p>OAR 581-022-2030 Division 22: District Curriculum</p> <p>OAR 581-022-2315 Division 22: Special Education for Children with Disabilities</p> <p>OAR 581-022-2325 Division 22: Identification of Academically Talented and Intellectually Gifted Students*</p> <p>OAR 581-022-2500 Division 22: Programs and Services for Talented and Gifted Students*</p> <p>OAR 581-023-0100 Division 23: Student Weighting and Required Program</p>
3.2 Instructional Practices & Assessment	<p>OAR 581-022-2025 Division 22: Credit Options</p> <p>OAR 581-022-2030 Division 22: District Curriculum</p> <p>OAR 581-022-2270 Division 22: Individual Student Assessment, Recordkeeping and Reporting</p> <p>OAR 581-022-2415 Division 22: Core Teaching Standards</p>
3.3 Professional Learning	<p>FERPA Family Educational Rights and Privacy Act</p> <p>“COPPA” Children’s Online Privacy Protection Rule</p> <p>CIPA Children’s Internet Protection Act</p> <p>ORS 336.184 Chapter 336: Oregon Student Information Protection Act (OSIPA)</p> <p>PPRA Protection of Pupil Rights Amendment</p> <p>Identity Theft Protection Act</p> <p>OAR 581-022-2410 Division 22: Teacher and Administrator Evaluation and Support</p> <p>OAR 581-022-2415 Division 22: Core Teaching Standards</p> <p>OAR 581-022-2420 Division 22: Educational Leadership - Administrator Standards</p>

*Policy does not apply to public charter schools

APPENDIX B: KEY POLICIES EXPLAINED

Policies regarding Instructional Time, Attendance, Teacher Licensure, and Attendance are foundational to school and program design and student learning, and often raise the most questions as to their application to remote and online instructional models. This section explains in more detail the above (and related) policies in order to support districts and schools in meeting those requirements. Additional information for other policies can be found in the [Remote and Online Learning FAQ](#). **Other federal and state rules and statutes apply to remote and online programs in addition to those described below.**

Instructional Time

Instructional time for all instructional models is defined as time during which students are:

- Engaged in regularly scheduled instruction, learning activities, or learning assessments that are designed to meet Common Curriculum Goals and academic content standards required by [OAR 581-022-2030](#), and
- Working under the direction and supervision of a licensed or registered teacher, licensed CTE instructor, licensed practitioner, or Educational Assistant or paraprofessional⁴ who is assigned instructionally related activities and is working under the supervision of a licensed or registered teacher as required by [OAR 581-037-0015](#). ([OAR 581-022-0102](#))

For students participating in online instruction, instructional time includes online instruction supported by a licensed or registered teacher through electronic means. For online instruction, up to one hour per course per day may be counted towards the required instructional time where the following criteria are met:

- Every student has access to a licensed or registered teacher through in-person, telephone, or electronic means for each course taken; and
- Every student has regular contact with school personnel for the purpose of attendance and progress monitoring as outlined in the policies maintained by the Oregon Department of Education ([OAR 581-022-2320](#)).

Instructional time may not be claimed for weekends or holidays, per [ORS 336.010 \(School month\)](#) and [187.010 \(Legal holidays\)](#), or any other day during which a licensed or registered teacher is not available to students. ([OAR 581-022-2320](#))

Instructional Time and ADM:

Note that when calculating instructional time for ADM accounting purposes that the Cumulative Average Daily Membership Policy Manual states:

“Session days include prescheduled weekdays during which the majority of students within the same school/grade level are scheduled to be present under the guidance and direction of appropriately licensed instructional staff, and there is an expectation that the majority of students within the school/grade level would be in attendance.” (pg.70)

Calculating required instructional time should not be confused with determining whether a student is full-time or part-time for ADM accounting⁵. For additional information regarding record keeping and reporting procedures for online education, please see pages 113-114 of the Cumulative Average Daily Membership Policy Manual.

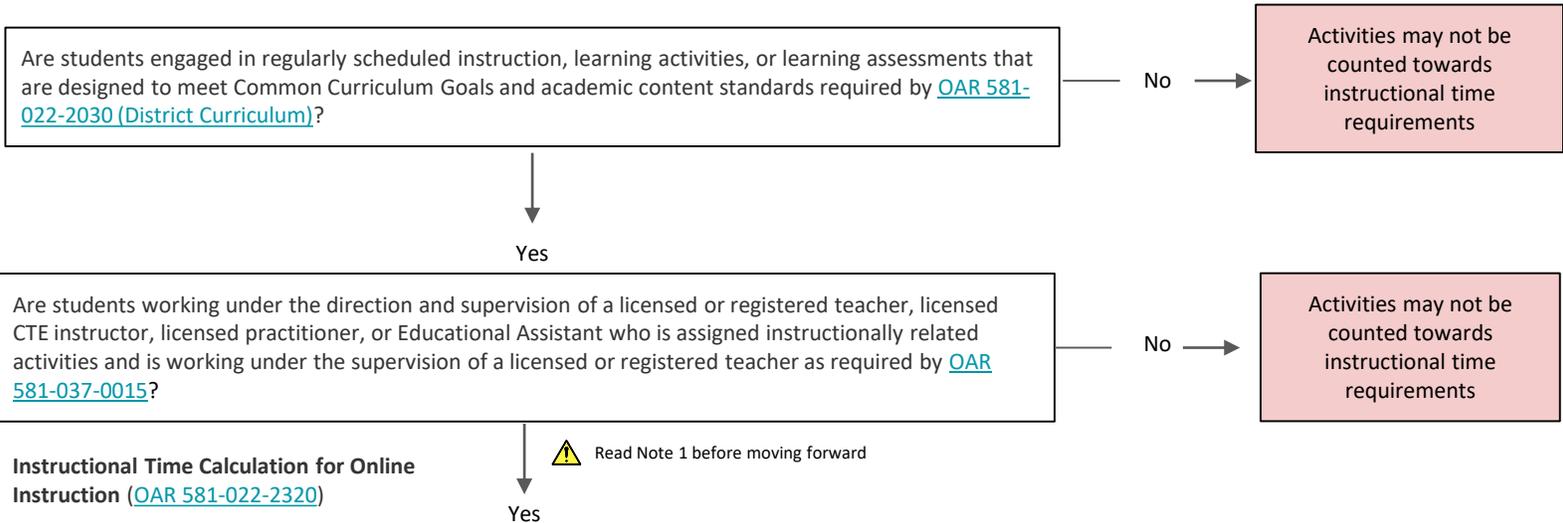
The rules regarding instructional time are defined in the Division 22 Standards for Public Elementary and Secondary Schools ([OAR 581-022-0102](#) and [OAR 581-022-2320](#)). The rules for instructional time apply to district-operated schools and programs and public charter schools per [ORS 338.115](#).

⁴ An educational assistant, which has the same meaning as the terms “paraprofessional” and “instructional aide” is defined by ORS 342.120 as a classified school employee who does not require a license to teach, who is employed by a school district or education service district and whose assignment consists of and is limited to assisting a licensed teacher in accordance with rules established by the Teacher Standards and Practices Commission.

⁵ Cumulative Average Daily Membership Policy Manual

Determining Compliance with Instructional Time Requirements in Online and Remote Settings

Definition of instructional time for all instructional models ([OAR 581-022-0102](#), and [OAR 581-022-2320](#))



Instructional Time Calculation for Online Instruction ([OAR 581-022-2320](#))

Up to one hour per course per day may be counted as instructional time where the following criteria are met:

1. Every student has access to a licensed or registered teacher through in-person, telephone, or electronic means for each course taken; and
2. Every student has regular contact with school personnel for the purpose of attendance and progress monitoring as outlined in the policies maintained by the Oregon Department of Education.

⚠ Read Notes 2-5

⚠ Notes:

Note 1: Districts and schools must carefully consider the following questions when designing for remote instruction, ensuring compliance with instructional time requirements, and honoring students' right to teachers with appropriate expertise who has the appropriate content expertise to be responsible for:

- The quality of the curriculum to be assigned to students
- The design and development of the instructional methods utilized in the delivery of the instruction
- The delivery of the instruction, real time formative and summative assessment, and adjustment to the teaching plan
- Determining the appropriate type, timing, and evaluation of student assessments
- Determining specific instructional approaches best suited to individual student needs

For additional clarity about what is required of teachers, see Division 22, Core Teaching Standards [OAR 581-022-2415](#).

Note 2: Access to a licensed or registered teacher means a teacher who is available to the student and not scheduled to provide instruction in a different course, participating in professional development, or attending other meetings where the teacher cannot attend to the student. The licensure requirements for remote/online instruction are consistent with licensure requirements for schools across instructional models in accordance with [OAR 584-210-0020](#).

Note 3: Instructional time may not be claimed for weekends or holidays, per [ORS 336.010 \(School month\)](#) and [187.010 \(Legal holidays\)](#), or any other day during which a licensed or registered teacher is not available to students. ([OAR 581-022-2320](#))

Note 4: While parents or guardians are often involved and available to assist their students with school, time with a parent or guardian (or other "learning coach" who is not employed by the school or district as a teacher or educational assistant) does not count toward the required instructional time.

Note 5: Calculating required instructional time should not be confused with determining whether a student is full-time or part-time for ADM accounting. For more information see the [Cumulative Average Daily Membership Policy Manual](#) pp. 125-126.



Direction and Supervision:

Students have a right to teachers who are content-area experts regardless of the method of delivery of the instruction. Districts and schools must carefully consider fulfilling the “direction and supervision” criteria of the instructional time rule and the definition of a teacher referenced in the following statute and rules.

- [OAR 581-023-0006](#):

A) “Teacher” means:

- (i) An appropriately licensed staff member with the responsibilities of a teacher in OAR 584-036-0011 or with the responsibilities of teacher described in the definition of a teacher in [ORS 342.120](#); and
- (ii) For purposes of private alternative education programs, an appropriately licensed or unlicensed staff member with the responsibilities of a teacher in OAR 584-036-0011 or with the responsibilities of teacher described in the definition of a teacher in [ORS 342.120](#).

(B) “Teacher” does not include an “Educational Assistant” as defined by [ORS 342.120](#) and [OAR 581-037-0005](#) or “Instructional Assistant” described in 584-036-0011.

- [ORS 342.120](#): “Teacher” includes all licensed employees in the public schools or employed by an education service district who have direct responsibility for instruction or coordination of educational programs and who are compensated for their services from public funds. “Teacher” does not include a school nurse as defined in [ORS 342.455](#) (Definition of “school nurse”) or an instructional assistant.
- [OAR 584-210-0020](#) which describes the Scope and Responsibilities of Teachers of Record wherein (1) A teacher of record performs one or more of the following tasks: plans instruction, establishes a classroom climate conducive to learning, implements plans for instruction, evaluates student achievement, and appropriately directs instructional assistants.

Additionally, schools and districts should consider the following questions when designing for remote instruction, ensuring compliance with instructional time requirements, and honoring students’ right to teachers with appropriate expertise:

- Who has the appropriate content expertise to be responsible for:
 - the quality of the curriculum to be assigned to students?
 - the design and development of the instructional methods utilized in the delivery of the instruction?
 - the delivery of the instruction, real time formative and summative assessment, and adjustment to the teaching plan?
 - determining the appropriate type, timing, and evaluation of student assessments?
 - determining specific instructional approaches best suited to individual student needs?

For additional clarity about what is required of teachers, see Division 22, Core Teaching Standards [581-022-2415](#).

Teacher Licensure

The licensure requirements for remote/online instruction are consistent with licensure requirements for schools across instructional models in accordance with [OAR 584-210-0020](#).

Public charter schools must employ teachers and administrators who have an active TSPC license or TSPC charter school registry ([ORS 338.135](#) and [OAR 584-210-0170](#)). Licensed and registered charter school personnel may be assigned outside the scope of the endorsements on the license or registration without limitation. In addition to the requirements for public charter schools, virtual public charter schools must only employ TSPC licensed administrators and TSPC licensed teachers must teach at least 95% of the instructional hours in virtual public charter schools ([ORS 338.120](#)).

Any school or district that contracts with a third party education service provider should ensure the contract protects the school's or district's ability to meet all of the federal and state requirements for public education. This may include, but is not limited to:

- Appropriate teacher qualifications, licensure, training, and supervision;
- Access to data and information necessary for required reporting (e.g. third party teacher information);
- Authority to investigate and respond to complaints;
- Direction and oversight to ensure accessibility and appropriateness of content and instruction;
- Student and staff information protections (e.g. FERPA); and
- Any other provisions to ensure the district or school is compliant with federal and state laws.

Students have a right to teachers who are content-area experts regardless of the method of delivery of the instruction. If districts assign teachers to courses for which the teacher does not hold the appropriate content area endorsement, the district must weigh the risk of TSPC receiving a complaint regarding the improperly endorsed teacher or the teacher being reported as "Out of Field" on the district's accountability reports. This may lead to complaints or weakened public trust from families and the community if students are not being served well.

Teacher of Record

The teacher of record is the educator responsible for students' learning for each subject area. This determination should be made by considering the licensure and instructional time requirements as described above.

Attendance Requirements

As noted in the Cumulative Average Daily Membership Policy Manual, remote instructional models must take daily attendance⁶. Attendance should be demonstrated in a set 24-hour window that the school establishes and communicates to families prior to the school year. The 24-hour window is not required to be from 12:00 a.m. to 11:59 p.m. Attendance for all instructional models will be defined to include both participation in class activities and substantive interaction with a licensed or registered teacher during a school day or substantive interactions with educational assistants, paraprofessionals, and Tribal Attendance Promising Practices (TAPP) family advocates that support meaningful learning and/or attend to student mental health and wellbeing.

⁶ Remote instructional models include any instructional model where the student and the teacher are not in the same physical location for more than half of the student's instructional time.

Substantive interactions can be evidenced by any of the following or reasonable equivalents:

- Active participation in a video class;
- A meaningful series of two-way communications between student and teacher via chat, text message, communication app or email;
- A sustained phone call between the teacher or educational assistants/paraprofessionals and the student, or, for younger students, with the parent or guardian of the student

Schools have a foundational responsibility to notify parents and families of their student's attendance. [ORS 339.071](#) remains in place in both in-person and distance learning/online instruction to inform parents and families if a student is unexpectedly absent (not pre-excused) by the end of the school day to verify safety of the student. Schools should design systems for both in-person and distance learning that allow the end of the school day to fall at a reasonable time for this notification.

The 10-day drop rule applies to the 2021-22 school year and schools and districts must use the active and inactive roll as required under [OAR 581-023-0006\(4\)](#). For virtual schools, there is a requirement to provide notice of a student's withdrawal to the sponsoring district. ([ORS 338.120\(1\)\(n\)](#)) Students who may be gone for more than 10-days and return to school should be easily reengaged and re-entered without a full re-enrollment process. These policies are required by the Cumulative Average Daily Membership Policy Manual.

APPENDIX C: DEFINITIONS AND HELPFUL TERMS

Remote Learning: While there is no formal definition in Oregon rule or statute for “remote” learning, ODE operationally uses the term “remote” to encompass all educational models of instruction where the student and the teacher are not in the same physical location for more than half of the student’s instructional time. Remote learning instructional models may be primarily online (using internet-based platforms and technology), paper-and-pencil (non-internet based), or a combination of both. “Remote” is inclusive of online, virtual, and non-internet based models.

Distance Learning: “Distance” is synonymous with “remote.” The phrase “distance learning” was used throughout the COVID-19 pandemic response in *Comprehensive Distance Learning and Distance Learning for All*. To distinguish between that set of guidance and remote models operating beyond the pandemic context, ODE is using the term “remote” to encompass all types of distance and online learning.

Virtual Public Charter School: A “virtual public charter school” is a public charter school that offers online courses and does not serve students from a primary physical location. The online instructional activities are integral to the academic program of the school as described in the charter contract. All virtual public charter schools have full-virtual or focus-virtual school status. [ORS 338.005\(5\)](#), [ORS 338.120](#), [OAR 581-026-0300](#), [Virtual Public Charter School Determination Flow Chart](#).

Synchronous Instruction: Learning in which participants interact at the same time and in the same place.

Asynchronous Instruction: Learning that occurs in elapsed time. Examples include email, online discussion forums, message boards, blogs, podcasts, etc.

Virtual School Status: “Virtual school status” is defined by federal data reporting guidelines as schools with “instruction in which students and teachers are separated by time and/or location and interaction occurs via computers and/or telecommunications technologies.” “Virtual” is thus not as expansive a descriptor as remote learning.

“Virtual school status” is a school-level designation of how much of a school’s instruction is provided virtually. All district schools and public charter schools self-report their virtual status designation annually to ODE to meet federal requirements. The four designations as defined by the federal government are:

- **Full Virtual:** The school has no physical building where students meet with each other or with teachers on a regularly scheduled basis; all instruction is virtual.
- **Focus Virtual:** The school focuses on a systematic program of virtual instruction but includes some regularly scheduled in-person meetings including students and teachers as part of the instructional program.
- **Supplemental Virtual:** Students at this school have access to virtual courses, but virtual instruction is not the primary means of instruction.
- **Not Virtual:** The school does not offer any virtual instruction.



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