2020

November

The State Board of Education will hear the following rule proposals as first reads on November 19, 2020. State Board materials are posted to the [State Board’s online BoardBook](https://meetings.boardbook.org/Public/Organization/2146) approximately one week prior to each meeting.

ODE will hold a public hearing on the proposed rules on November 24, 2020, at 1:00 p.m. To support the recommendations for social distancing, the State Board of Education will conduct the November 24, 2020, meeting [by video conference that the public can access](https://www.zoomgov.com/j/1603691296?pwd=Q1lDdVV5cXlYd09TYy9lSFpVWEVHZz09). To join by phone, dial (Toll Free): 1 866 899 4679; access code: 834-114-237.

We welcome your comments on the proposed rules. If you would like to submit public comment on the proposed rules, you may:

* Attend the Administrative Rules Hearing on November 24, 2020, at 1:00 p.m. [Contact Rules Coordinator Jeremy A. Wartz](mailto:Jeremy.Wartz@ode.state.or.us) if you have questions about that hearing.
* Attend a State Board of Education meeting and provide public comment. Information on board meetings and providing public comment is available on the [State Board web page](https://www.oregon.gov/ode/about-us/stateboard/Pages/StateBoardMeetings.aspx).
* Submit your comments in writing to the [ODE Rules Coordinator](mailto:ODE.RuleTestimony@state.or.us).
* Submit your comments to the [State Board of Education](mailto:StateBoard.PublicEmail@ode.state.or.us).

**Intensive Program & Student Success Teams**

Proposed rules to be adopted: [OAR 581-017-0729 to OAR 581-017-0744](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/IC_SST_Draft%20Rules.docx)

Statement of Need: ORS 327.222 establishes the intensive program and student success teams to be administered by the Department. These proposed rules outline the administration of the program including the funding parameters of the program.

**Rules to Implement Executive Order 20-29 and RSSL Guidance**

Proposed rules to be amended: [OAR 581-023-0006](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/OAR%20581-023-0006%20Student%20Accounting%20Records%20and%20State%20Reporting%209-7-2020.docx) and [OAR 581-023-0040](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/581-023-0040%20Approved%20Transportation%20Costs%20for%20Payment%20from%20the%20State%20School%20Fund%209-11-2020.docx)*(Please note these rules were First Read at the October 15th State Board of Education meeting)*

Statement of Need: Governor Brown issued Executive Order 20-29 directs the Oregon Department of Education and the Oregon Health Authority to publish guidance relating to the conduct of in-person instructional activities at public schools and private schools. The proposed rule implements E.O 20-29 and assists public schools in responding to the COVID-19 outbreak. This proposed rule is necessary to implement the Ready School, Safe Learners guidance and to provide flexibility for school districts in comprehensive distance learning.

October

The State Board of Education will hear the following rule proposals as first reads on October 15, 2020. State Board materials are posted to the [State Board’s online BoardBook](https://meetings.boardbook.org/Public/Organization/2146) approximately one week prior to each meeting.

ODE will hold a public hearing on the proposed rules on October 22, 2020, at 10:00 a.m. To support the recommendations for social distancing, the State Board of Education will conduct the October 22, 2020, meeting by video conference. [You can join by video conference](https://www.zoomgov.com/j/1603691296?pwd=Q1lDdVV5cXlYd09TYy9lSFpVWEVHZz09). To join by phone, dial (Toll Free): 1 833 568 8864; access code: 160-369-1296; Passcode: 262041.

We welcome your comments on the proposed rules. If you would like to submit public comment on the proposed rules, you may:

* Attend the Administrative Rules Hearing on October 22, 2020, at 10:00 a.m. [Contact Rules Coordinator Jeremy A. Wartz](mailto:Jeremy.Wartz@ode.state.or.us) if you have questions about that hearing.
* Attend a State Board of Education meeting and provide public comment. Information on board meetings and providing public comment is available on the [State Board web page](https://www.oregon.gov/ode/about-us/stateboard/Pages/StateBoardMeetings.aspx).
* Submit your comments in writing to the [ODE Rules Coordinator](mailto:ODE.RuleTestimony@state.or.us).
* Submit your comments to the [State Board of Education](mailto:StateBoard.PublicEmail@ode.state.or.us).

[**Latino/a/x and Indigenous Student Success Plan**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Document%20Compare%20LatinX.docx)

Proposed rules to be adopted: OAR 581-017-0693 to OAR 581-017-0708

Statement of Need: ORS 329.845 directs the Department to develop and implement a statewide education plan for students who are Latino or Hispanic, including a grant program to implement the strategies outlined in the plan. In order to implement this statute, the State Board of Education is required to adopt administrative rules to guide the implementation of the grant program.

[**Accelerated College Credit Instructor Grant Program**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Accelerated%20College%20Credit%20Instructor%20Grant%20Program.docx)

Proposed revised rule to be adopted: OAR 581-017-0640 and OAR 581-017-0644

Statement of Need: ORS 340.320 directs the Department to administer the Accelerated College Credit Instructor Grant Program. These rule amendments are being proposed to ensure that the definitions and purpose of the grant program are within statutory authority and the grant program is implemented as intended by the statute.

[**American Indian/ Alaska Native Student Success Grant**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/OAR%20-%20AI_AN%20Plan%20-%20Perm%20Rules.docx)

Proposed rules to be adopted: OAR 581-017-0675 to OAR 581-017-0690

Statement of Need: ORS 329.843 directs the Department to develop and implement a statewide education plan for students who are American Indian or Alaska Native, including a grant program to implement the strategies outlined in the plan. In order to implement the statute, the State Board of Education is required to adopt administrative rules to guide the implementation of the grant program.

[**Behind-the-Wheel Trainer Certificate**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/PTF%20Behind%20The%20Wheel%20Instructor%20draft%201.2.docx)

Proposed rule to be revised: OAR 581-053-0140.

Statement of Need: The proposed rule amendment allows an individual with a Behind-the-Wheel Training Certificate to train applicants if the applicant is with a valid license or permit with specified endorsements. The proposed rule aims to eliminate the possibility of unauthorized individuals operating a commercial vehicle, and thereby reduce the chance that a school bus training operation could pose risk of harm to the public.

[**State Standards for the 2020-21 School Year**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/581-022-0104.docx)

Proposed rule to be adopted: OAR 581-022-0104

Statement of Need: Governor Brown issued Executive Order 20-29 directs the Oregon Department of Education and the Oregon Health Authority to publish guidance relating to the conduct of in-person instructional activities at public schools and private schools. The proposed rule implements E.O 20-29 and assists public schools in responding to the COVID-19 outbreak. This proposed rule is necessary to implement the Ready School, Safe Learners guidance and to provide flexibility for school districts in comprehensive distance learning.

**Senate Bill 16/Senate Bill 13**

Please see the proposed rules to be amended or repealed in the September section below.

September

The State Board of Education will hear the following rule proposals as first reads on September 17, 2020. State Board materials are posted to the State Board’s online BoardBook approximately one week prior to each meeting.

ODE will hold a public hearing on the proposed rules on September 24, 2020, at 10:00 a.m. To support the recommendations for social distancing, the State Board of Education will conduct the September 24, 2020, meeting by video conference. [You can join by video conference](https://global.gotomeeting.com/join/515545221). To join by phone, dial (Toll Free): 1 866 899 4679; access code: 515-545-221.

We welcome your comments on the proposed rules. If you would like to submit public comment on the proposed rules, you may:

* Attend the Administrative Rules Hearing on September 24, 2020, at 10:00 a.m. [Contact Rules Coordinator Jeremy A. Wartz](mailto:Jeremy.Wartz@ode.state.or.us) if you have questions about that hearing.
* Attend a State Board of Education meeting and provide public comment. Information on board meetings and providing public comment is available on [the State Board web page](https://www.oregon.gov/ode/about-us/stateboard/Pages/StateBoardMeetings.aspx).
* Submit your comments in writing [to the ODE Rules Coordinator](mailto:ODE.RuleTestimony@state.or.us).
* Submit your comments [to the State Board of Education](mailto:StateBoard.PublicEmail@ode.state.or.us).

[**Office of School Facilities Rule Updates**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Office%20of%20School%20Facilities%20Rule%20Changes%20v.f.8.17.20.docx)

Proposed revised rules to be adopted: OAR 581-027-0005 to OAR 581-027-0050

Statement of Need: SB 447 requires the Department to administer the Oregon School Capital Improvement Matching Grant Program. The Oregon School Capital Improvement Matching Grant Program previously had a temporary rule adopted to allow for emergencies due to the COVID-19 pandemic. The proposed rule amendments includes provisions for when a state of emergency is declared. Other proposed rule amendments include technical changes to clean up some of the language and numbering in the rules.

[**Administrative Rules Student Absences**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Attendance-%20Student%20Absences-09082020.docx)

Proposed new rules to be adopted: OAR 581-021-0081

Statement of Need: ORS 339.065 directs school administrators to track and monitor student absences. This rule establishes the policy for absence documentation, absence recording, and the school response to a student absence.

[**Administrative Rules for Pupil Transportation Driving Credentials**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/CDL-Transportation%20rule%20change.docx)

Proposed revised rule to be adopted: OAR 581-053-0009

Statement of Need: The proposed rules allow an extension of waived requirements to allow for driver programs facing the hardships to extend the validity of ODE-issued credentials that expire during the declared state of emergency and school closure. The impacts of the COVID-19 pandemic on commercial driver programs associated with schools, including those employing school bus drivers and school activity vehicles, include excessive difficulty in satisfying the requirements for ODE-issued credentials.

[**Oregon Farm to School Grant: Competitive Procurement Grant Permanent Rules**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/2020-08-21%20Comp%20Oregon%20F2S%20Procurement%20Grant%20rule.docx)

Proposed new rules to be adopted: OAR 581-017-0711 to OAR 581-017-0726

Statement of Need: ORS 336.431 directs the Department to administer the Farm-to-School Grant Program. These rules establish the administration of the grant program.

[**Medication Administration**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Medication%20administration%20covid%20rule%20change.docx)

Proposed revised rule to be adopted: OAR 581-021-0037

Statement of Need: ORS 339.869 directs the State Board of Education in consultation with the Oregon Health Authority, the Oregon State Board of Nursing and the State Board of Pharmacy to adopt rules for the administration of medication to students. The proposed rule amendment includes provisions on what qualifies as in-person training for the 2020-2021 school year.

**Temporary Administrative Rules to Implement Executive Order 20-29 and the Ready Schools, Safe Learners Guidance**

Proposed new and revised rules to be adopted: [OAR 581-022-0104](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/581-022-0104%20State%20Standards%20for%20the%202020-21%20School%20Year%20%209-7-2020.docx), [OAR 581-023-0006](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/OAR%20581-023-0006%20Student%20Accounting%20Records%20and%20State%20Reporting%209-7-2020.docx), [OAR 581-023-0040](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/581-023-0040%20Approved%20Transportation%20Costs%20for%20Payment%20from%20the%20State%20School%20Fund%209-11-2020.docx)

Statement of Need: On June 24, 2020, Governor Brown issued Executive Order 20-29: Ready Schools, Safe Learners: K-12 Instructional Activities and the Provision of School Based Services During 2020-20201 Academic Year in the Face of the Ongoing Coronavirus (COVID-19) Outbreak. The order directs the Oregon Department of Education and the Oregon Health Authority to publish guidance relating to the conduct of in-person instructional activities at public schools and private schools. The order also directs the State Board of Education, in collaboration with the Department, to “engage in any temporary rulemaking necessary to facilitate the directives in [E.O. 20-29], and the ability of public schools to respond to the ongoing emergency.”

[**Definitions for Student Investment Account**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Definitions%20SIA%20Temporary%20Rules%20-%208_27%20SRAC.docx)

Proposed temporary rule to be adopted: OAR 581-014-0001

Statement of Need: The State Board of Education previously adopted rules defining “spring membership” as students attending public schools on the first day in May, as derived from the 3rd period cumulative average daily membership report. However, due to COVID-19 there is not a 3rd period cumulative average daily membership report for the spring of 2020. These rules are being recommended now in order to address a change in the technical definition of Spring Membership for the Spring of 2020 as necessitated by COVID-19.

[**2020-21 SIA Amended Grant Application and Grant Agreement Process**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/2020-21%20SIA%20Amended%20Grant%20Application%20and%20Grant%20Agreement%20Process.docx)

Proposed temporary rule to be adopted: OAR 581-014-XXXX

Statement of Need: In response to House Bill 4304, this temporary rule set has been drafted to provide clarity on the application requirements for the 2020-21 school year only. The rule set provides more detail on what is required for applicants who have and have not yet met the original application requirements in ORS327.185 as well as what is required for applicants seeking to make plan and/or budget amendments given the reduction in funding and/or the changing needs of their communities. The final section of the rule set includes clarity on the amended grant agreement process.

The following rules are not being proposed or considered at the State Board of Education meeting on September 17, 2020. Instead, these will be proposed rule revisions will be read by the Board at the October 2020 meeting. You will find the tracked changes and a “clean” copy for each proposed rules below.

**Senate Bill 13 and Senate Bill 16**

Proposed rules:

* OAR 581-015-2000 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Definitions%20581-015-2000%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Definitions%20581-015-2000%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2035 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Minimum%20Standard%20for%20Sign%20Language%20Interpreters%20581-015-2035%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Minimum%20Standard%20for%20Sign%20Language%20Interpreters%20581-015-2035%20clean%20copy.docx)
* OAR 581-015-2115 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Evaluation%20Planing%20581-015-2115%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Evaluation%20Planing%20581-015-2115%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2120 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Determination%20of%20Eligibility%20581-015-2120%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Determination%20of%20Eligibility%20581-015-2120%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2127 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Developmental%20Delay%20581-015-2127%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Developmental%20Delay%20581-015-2127%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2135 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Communication%20Disorder%20581-015-2135%20with%20track%20changes%209-21-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Communication%20Disorder%20581-015-2135%20clean%20copy%209-21-2020.docx)
* OAR 581-015-2140 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Deafblindness%20581-015-2140%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Deafblindness%20581-015-2140%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2145 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Emotional%20Distrubance%20581-015-2145%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Emotional%20Distrubance%20581-015-2145%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2155 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Intellectual%20Disability%20581-015-2155%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Intellectual%20Disability%20581-015-2155%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2160 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Orthopedic%20Impairment%20581-015-2160%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Orthopedic%20Impairment%20581-015-2160%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2165 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Other%20Health%20Impairment%20581-015-2165%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Other%20Health%20Impairment%20581-015-2165%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2170 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Specific%20Learning%20Disability%20581-015-2170%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Specific%20Learning%20Disability%20581-015-2170%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2180 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Visual%20Impairmment%20581-015-2180%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Visual%20Impairmment%20581-015-2180%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2540 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Definition%20for%20Regional%20Programs%20581-015-2540%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Definition%20for%20Regional%20Programs%20581-015-2540%20%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2550 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Eligibility%20for%20Regional%20Services%20581-015-2550%20with%20track%20changes.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Eligibility%20for%20Regional%20Services%20581-015-2550%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2555 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Referral%20of%20Regional%20Services%20581-015-2555%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Referral%20of%20Regional%20Services%20581-015-2555%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2700 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Definitions%20EI-ECSE%20581-015-2700%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Definitions%20EI-ECSE%20581-015-2700%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2775 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/EI%20Evaluation%20581-015-2775%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/EI%20Evaluation%20581-015-2775%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2780 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/EI%20Eligibility%20581-015-2780%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/EI%20Eligibility%20581-015-2780%20clean%20copy%209-1-2020.docx)
* OAR 581-015-2790 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/ECSE%20Evaluation%20581-015-2790%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/ECSE%20Evaluation%20581-015-2790%20clean%20copy%209-1-2020.docx)
* OAR 581-016-0526 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/General%20Placement%20581-016-0526%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/General%20Placement%20581-016-0526%20clean%20copy%209-1-2020.docx)
* OAR 581-016-0740 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Special%20Provision%20581-016-0740%20with%20track%20changes%209-1-2020.docx) and Clean Copy
* OAR 581-023-0100 [Tracked Changes](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Eligibility%20Criteria%20Weighted%20School%20Finance%20581-023-0100%20with%20track%20changes%209-1-2020.docx) and [Clean Copy](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Eligibility%20Criteria%20Weighted%20School%20Finance%20581-023-0100%20%20clean%20copy%209-1-2020.docx)

Statement of Need: Rule changes required by Senate Bill 13; rule changes required by Senate Bill 16; to increase clarity and consistency across rules; and increase incorporation of and/or alignment with Federal IDEA statue and its implementing regulations. Based on the input received, these OAR revisions have been further refined.

May

The State Board of Education will hear the following rule proposals as first reads on May 21, 2020. State Board materials are posted to the [State Board’s online boardbook](https://v3.boardbook.org/Public/PublicHome.aspx?ak=1001743) approximately one week prior to each meeting.

ODE will hold a public hearing on the proposed rules on May 28, 2020, at 3:00 p.m. To support the recommendations for social distancing, the State Board of Education will conduct the May 28, 2020, meeting by video conference. [You can join by video conference](https://global.gotomeeting.com/join/448794061). To join by phone, dial (Toll Free): 1 866 899 4679; access code: 448-794-061.

The State Board will vote to adopt the proposed rules on June 18, 2020. State Board materials are posted to the [State Board’s online boardbook](https://v3.boardbook.org/Public/PublicHome.aspx?ak=1001743) approximately one week prior to each meeting.

We welcome your comments on the proposed rules. If you would like to submit public comment on the proposed rules, you may:

* Attend the Administrative Rules Hearing on May 28, 2020, at 3:00 p.m. [Contact Government and Legal Affairs Manager Emily Nazarov](mailto:mailto:emily.nazarov@state.or.us) if you have questions about that hearing.
* Attend a State Board of Education meeting and provide public comment. Information on board meetings and providing public comment is [available on the State Board web page](https://www.oregon.gov/ode/about-us/stateboard/Pages/StateBoardMeetings.aspx).
* Submit your comments in writing [to the ODE Rules Coordinator](mailto:ODE.RuleTestimony@state.or.us).
* Submit your comments [to the State Board of Education](mailto:StateBoard.PublicEmail@ode.state.or.us).

[**Sexual Conduct Investigations and Abuse Notifications**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Sexual%20Conduct%20Investigations%20and%20Abuse%20Notifications.pdf)  
Proposed new rules to be adopted: OAR 581-055-0001 to -0017

Statement of Need: ORS 339.391 directs the State Board of Education to adopt rules for investigation when the Department of Education receives a report of suspected sexual conduct by nonlicensed persons. These rules establish the administration of investigations including requirements for notice, appeals, and confidentiality of documents, materials, and reports.

[**Registration of Private Alternative Education Programs**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Proposed%20changes%20to%20Registration%20of%20Private%20Alternative%20Programs%20Schools.pdf)  
Proposed revised rule to be adopted: OAR 581-021-0072

Statement of Need: ORS 336.625 directs the State Board of Education to adopt a process for registering private alternative education programs including requirements and laws applicable to private alternative education programs. The amendment proposed provides flexibility in receipt of registration and renewal applications of private alternative education programs.

[**Minimum Requirements for School District Sexual Harassment Policies**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Minimum%20Requirements%20for%20School%20District%20Sexual%20Harassment%20Policies.pdf)  
Proposed revised rule to be adopted: OAR 581-021-0038

Statement of Need: ORS 342.704 requires the State Board of Education to adopt by rule minimum requirements for district policies on sexual harassment of students, staff members, and third parties. The proposed amendments include the following: adding “sexual assault” as defined in the ORS to the definition of sexual harassment, and clarifying what sexual harassment is not; adding an amnesty policy related to discipline for drug and alcohol use that is reported or discovered in connection with a sexual harassment investigation, except in specific circumstances as described in the ORS; clarifying staff’s responsibility to report harassment of which they become aware, and the obligations of the school to support impacted parties as required in the ORS; clarifying notification requirements for reporting persons, and adding notification requirements for impacted and reported persons; and provides a clearer logical order.

[**Rules to Implement Department’s Guidance in accordance with EO 20-20**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Rules%20to%20Implement%20Department%E2%80%99s%20Guidance%20in%20accordance%20with%20EO%2020-20.pdf)  
Proposed revised rules to be adopted: OAR 581-002-0035; OAR 581-015-2045; OAR 581-016-0710; OAR 581-021-0584; OAR 581-022-0103; OAR 581-023-0006

Statement of Need: On March 8, 2020, Governor Brown declared an emergency under ORS 401.165 et seq. due to the public health threat posed by the novel infectious coronavirus (COVID-19). On March 17, Governor Brown issued Executive Order 20-08 (E.O. 20-08). On April 23, Governor Brown issued Executive Order 20-20 (E.O. 20-20), which rescinded and replaced E.O 20-08. E.O. 20-20 directs the Department to provide further guidance to public schools regarding the directives set forth in that order. The order also directs the State Board of Education, in collaboration with the Department, to “engage in any temporary rulemaking necessary to facilitate the directives in [E.O. 20-20], and the ability of public schools to respond to the ongoing emergency.” In order to implement E.O. 20-20 and assist public schools in responding to this emergency, the Department of Education has issued a significant amount of guidance to the field, including Distance Learning for All, Graduation Pathways 2020, and Enrollment of Students During the Physical Closure of Schools. The proposed rules are necessary to implement the Department’s Guidance issued in accordance with EO 20-20.

April

The State Board of Education will hear the following rule proposals as first reads on April 16, 2020. State Board materials are posted to the [State Board’s online boardbook](https://v3.boardbook.org/Public/PublicHome.aspx?ak=1001743) approximately one week prior to each meeting.

ODE will hold a public hearing on the proposed rules on April 23, 2020, at 11:00am. To support the recommendations for social distancing, the State Board of Education will conduct the March 26, 2020 meeting by video conference. [You can join by video conference](https://global.gotomeeting.com/join/938333869). To join by phone, dial (Toll Free): 1 877 568 4106; access code: 938-333-869.

The State Board will vote to adopt the proposed rules on May 21, 2020. State Board materials are posted to the [State Board’s online boardbook](https://v3.boardbook.org/Public/PublicHome.aspx?ak=1001743) approximately one week prior to each meeting.

We welcome your comments on the proposed rules. If you would like to submit public comment on the proposed rules, you may:

* Attend the Administrative Rules Hearing on April 23, 2020, at 11:00am. [Contact Government and Legal Affairs Manager Emily Nazarov](mailto:mailto:emily.nazarov@state.or.us) if you have questions about that hearing.
* Attend a State Board of Education meeting and provide public comment. Information on board meetings and providing public comment is [available on the State Board web page](https://www.oregon.gov/ode/about-us/stateboard/Pages/StateBoardMeetings.aspx).
* Submit your comments in writing [to the ODE Rules Coordinator](mailto:ODE.RuleTestimony@state.or.us).
* Submit your comments [to the State Board of Education](mailto:StateBoard.PublicEmail@ode.state.or.us).

[**Competitive Oregon Farm-to-School Program Technical Assistance Grants**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Competitive%20Oregon%20Farm-to-School%20Program%20Technical%20Assistance%20Grants%20581-017-0448.docx)  
Proposed new rule to be adopted OAR 581-017-0448

Statement of Need: ORS 336.431 directs the Department to administer a noncompetitive and competitive grant program for farm to school programs. The statute also directs the Department to ensure that technical assistance, training and resources are provided to grant recipients and to any other entities that would contribute to the success of the program, by entering into an agreement with one or more statewide, regional or community partners to provide the technical assistance, training and resources. The proposed rules establish the technical assistance grant program.

[**American Indian Alaska Native Student Success Grant**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/American%20Indian%20Alaska%20Native%20Student%20Success%20Grant%20581-017-0640%20to%20581-017-0655.docx)  
Proposed new rules to be adopted: OAR 581-017-0640 to 581-017-0655

Statement of Need: ORS 329.843 directs the Department of Education to develop and implement a statewide education plan for students enrolled in early childhood through post-secondary education who are American Indian or Alaskan Native and have experienced disproportionate results in education due to historical practices. The Department is further directed to, in consultation with the advisory group, award grants to early learning hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, tribal governments and community-based organizations to implement the strategies provided in the plan. The proposed rules implement that grant program.

[**Statewide English Learner Plan Grants and Investments**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Grants%20to%20Support%20Eng%20Language%20Learners%20-.docx)  
Proposed permanent rules to be adopted: OAR 581-020-0600, -0601, -0606, and -0626

Statement of Need: The Department of Education regularly reviews grant programs and administrative rules to ensure compliance with State law. The Department is requesting and recommending the State Board adopt the proposed administrative rules to make clear that the Department has authority to continue to administer the grant program that provides funding to house Teachers on Special Assignment at five ESDs around the State to support districts that have fewer than twenty English learners and who have traditionally been underserved.

[**ELL District and School Improvement**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/HB%203499%20rules%20revisions%202020.03.04.docx)  
Proposed revised rules to be adopted: OAR 581-020-0603, -0612, -0613, -0615, and -0621

Statement of Need: Under ORS 336.079, districts that are not meeting objectives and the needs of students eligible for and enrolled in an English language learner program are provided with four years of technical assistance from the department. Districts that do not meet the expected growth and benchmarks for student progress indicators will have their English learner program funding directed by the department for up to three years. As the first four years of technical assistance concludes, a comprehensive, robust evaluation of district progress toward meeting the objectives and needs of English learners is needed, taking into account implementation metrics such as program and instruction indicators. ODE proposes a revision of the administrative rules defining district progress indicators to include measures of program and instruction, in addition to the existing student outcome indicators.

[**Accelerated College Credit Instructor Grant Program**](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Accelerated%20College%20Credit%20Instructor%20Grant%20Program%20581-017-0640%20to%200650.docx)  
Proposed new rules to be adopted: OAR 581-017-0640 to 0650

Statement of Need: ORS 340.320 directs the Oregon Department of Education, in collaboration with the Higher Education Coordinating Commission, to administer the Accelerated College Credit Instructor Grant Program. The proposed rules relate to the grant program.

March

The State Board of Education will hear the following rule proposals as first reads on March 19, 2020. ODE will hold a public hearing on the proposed rules on March 26, 2020, at 1:00-2:00 pm, at 255 Capitol Street NE. The State Board will vote to adopt the proposed rules on April 16, 2020. State Board materials are posted to the State Board’s online boardbook approximately one week prior to each meeting.

We welcome your comments on the proposed rules. If you would like to submit public comment on the proposed rules, you may:

* Attend the Administrative Rules Hearing on March 26, 2020, from 1:00-2:00pm, at 255 Capitol Street NE, Salem, OR and provide testimony. Contact [Government and Legal Affairs Manager Emily Nazarov](mailto:emily.nazarov@state.or.us) if you have questions about that hearing.
* Attend a State Board of Education meeting and provide public comment. In formation on board meetings and providing public comment is available here.
* Submit your comments in writing to the [ODE Rules Coordinator](mailto:ODE.RuleTestimony@state.or.us).
* Submit your comments to the [State Board of Education](mailto:StateBoard.PublicEmail@ode.state.or.us).

[Youth Reengagement System and Grants](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Youth%20Reengagement%20System%20and%20Grants%202-27-2020.docx)

Adopt: OAR 581-017-0651 to 0655

In ORS 417.859, the State Board of Education, in collaboration with the Youth Development Council, is directed to establish by rule criteria for a school district or other entity to receive funding for eligible youths participating in a youth reengagement program. These rules establish the finding criteria for grants to be awarded by the Youth Development Council to reengagement programs.

[School Safety and Prevention System](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Statewide%20School%20Safety%20and%20Prevention%20System%202-27-2020.docx)

Adopt: OAR 581-029-0001

In ORS 327.254, the Department of Education is directed to use moneys from the Statewide Education Initiatives Account to provide funding for statewide education initiatives, including establishing and maintaining a Statewide School Safety and Prevention System under 339.341. These rules establish the requirements for a school safety and prevention specialist.

[Early Indicator and Intervention System](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/EIIS%20Draft%202-27-2020.docx)

Adopt: OAR 581-017-0635 to 0643

In ORS 327.367, the Department of Education is directed to award grants from the Statewide Education Initiatives Account to school districts to implement an early warning system that assists students in graduating from high school. These rules establish the criteria for the Early Indicator and Intervention System Grants.

February

The State Board of Education will hear the following rule proposals as first reads on February 20, 2020 at 255 Capitol St NE, Salem, OR. If you would like to submit public comment, [please email it by March 19, 2020](mailto:ODE.RuleTestimony@state.or.us). If you would like to request a public hearing, please do so by [emailing Government & Legal Affairs Manager Emily Nazarov](mailto:emily.nazarov@state.or.us).

[Administration of Medication Revisions to Implement SB 665](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Administration%20of%20Medication%20Revisions%20to%20Implement%20SB%20665.pdf)

Amend: 581-021-0037

SB 665 directs the state board of education to adopt rules for the administration of Nalaxone or any similar medication that is designed to rapidly reverse opiod overdose. The proposed revisions add Nalaxone to the current rule relating to the administration for medication in the school setting.

[Farm-to-School Grants](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Farm%20to%20School%20permanent.pdf)

Amend: 581-017-0430, -0432, -0435, -0438, -0441, -0444, & -0447

Enrolled HB 2579 (2019) amended ORS 336.431, the statute which established and authorized Oregon’s farm-to-school (F2S) program grants. These amendments modified the noncompetitive F2S procurement grant, which assists school districts with paying costs incurred purchasing Oregon produced or processed foods, and the competitive F2S education grant, which provides eligible entities with grants to provide students with food-based, agriculture-based, or garden-based educational activities. Specifically, the enrolled bill expanded the number and type of entities eligible for both the noncompetitive and competitive F2S grants, and the costs grant recipients can pay with grant funds.

[Student Investment Account Rules Updates](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/SIA%20Rules%20Updates.pdf)

Scheduled Hearing: January 31, 2020 in ODE 400A at 255 Capitol Street NE, Salem OR 97310 from 1:00-2:00 p.m.

Adopt: 581-014-0001, -0004, & -0007  
In October 2019, the State Board of Education adopted three temporary rules related to SIA definitions, distribution, and charter school eligibility. Those rules are effective only until April 20, 2020. This topic is necessary to begin the process to adopt permanent rules. The permanent rules may be different from the temporary rules due to new information/public comment received since the temp rules were adopted. For example, the perm rules will probably include a new provision on indirect rates.

[Student Success Act School Nutrition Rules](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Student%20Success%20Act%20School%20Nutrition%20Rules.pdf)

Scheduled Hearing: January 31, 2020 in ODE 400A at 255 Capitol Street NE, Salem OR 97310 from 1:00-2:00 p.m.

Adopt: 581-014-0001, -0004, & -0007  
In 2019, the Oregon legislature passed HB 3427, the Student Success Act. As part of this law, districts will have expanded access to fund their school nutrition programs. These OARs establish guidelines to fund the different nutrition programs.

Special Education OAR Revisions

Amend: [581-015-2000](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Definitions%20581-015-2000.pdf), [-2145](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Emotional%20Distrubance%20581-015-2145.pdf), [-2150](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Hearing%20Impairment%20581-015-2150.pdf), [-2700](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Definitions%20EI-ECSE%20581-015-2700.pdf), [-2780](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/EI%20Eligibility%20581-015-2780.pdf), [-2035](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Minimum%20Standard%20for%20Sign%20Language%20Interpreters%20581-015-2035.pdf), [-2140](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Deafblindness%20581-015-2140.pdf), [-2540](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Definition%20for%20Regional%20Programs%20581-015-2540.pdf), [-2550](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Eligibility%20for%20Regional%20Services%20581-015-2550.pdf), [-2555](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Intellectual%20Disability%20581-015-2155.pdf), [-2775](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/EI%20Evaluation%20581-015-2775.pdf), [-2790](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/ECSE%20Evaluation%20581-015-2790.pdf), [-2115](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Evaluation%20Planing%20581-015-2115.pdf), [-2135](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Communication%20Disorder%20581-015-2135.pdf), [-2155](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Intellectual%20Disability%20581-015-2155.pdf), [-2160](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Orthopedic%20Impairment%20581-015-2160.pdf), [-2165](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Other%20Health%20Impairment%20581-015-2165.pdf), [-2170](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Specific%20Learning%20Disability%20581-015-2170.pdf), [-2175](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Traumatic%20Brain%20Injury%20581-015-2175.pdf), [-2120](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Determination%20of%20Eligibility%20581-015-2120.pdf), [-2127](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Developmental%20Delay%20581-015-2127.pdf), & [-2180](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Visual%20Impairmment%20581-015-2180.pdf); [581-016-0526](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/General%20Placement%20581-016-0526.pdf) and [581-023-0100](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Eligibility%20Criteria%20Weighted%20School%20Finance%20581-023-0100.pdf)

Repeal: [581-016-0740](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Special%20Provision%20581-016-0740.pdf)  
In 2019, the Oregon Legislature passed SB 13 and SB 16. In addition, rule amendments are needed to comply with IDEA law. The changes to these OARs are designed to align with Oregon’s SB 13 & 16 and IDEA.