



ODE Rules Advisory Committee

June 1, 2023

Welcome and Group Share

→ In the chat, please list your:

◆ Name;

◆ Pronouns;

◆ Organization; and

◆ Welcome ODE's new Rules Coordinator, **Haedon Brunelle**

Agenda

9:00 AM - 10:30 AM

- I. Introductions & Opening Remarks
- II. Rules-at-a-Glance
 - A. Fingerprint-Based Background Check Rules Changes
 - B. Menstrual Dignity for Students: OAR 581-022-XXXX
 - C. Educator Effectiveness Standards Rule Revision: OAR 581-022-2415 and 581-022-2420
- III. Draft Rules
 - A. Suspension of Assessment of Essential Skills through the 2027-2028 School Years
- IV. Open Space/Questions
- V. Closing

RAC Core Principles

- Rulemaking driven by engagement and consultation
- Intentionally collaborating with diverse perspectives
- Coordinating engagement opportunities and looping back with partners
- Providing multiple avenues for feedback and response in meetings
- Clearly defining roles and responsibilities within the rulemaking process

RAC Working Agreements

- Assume best intent, attend to impact, and earn trust
- Engage tension and commit to dialogue
- Speak your truth and represent your perspectives
- Respect different communication styles and embrace underrepresented voices
- Practice confidentiality when sharing outside the RAC

Engagement Opportunities for Administrative Rules

Oregon Department of Education

Ensures rules comply with state law.

Staff technical advisory committee

Ensures rules align with program/grant purpose. Discuss how rules will impact affected communities.

ODE Rules Advisory Committee

Ensures rules comprehensively address impact on affected communities. Address fiscal, small business & racial equity impacts.

The General Public

Submits oral or written public testimony and/or comments at scheduled OAR Hearings and State Board meetings.

State Board of Education

Ensures rules align and advance ODE Education Equity Stance. Provides staff with direction on administrative rules. Adopts administrative rules and sets educational policy and standards for all public school districts.

Process and Rhythm

RAC is Advisory to ODE Staff who make final recommendations to SBE for final decision.



Notification

Agenda will be sent out by RAC Coordinator

RAC Meetings

Discuss Draft Rule or Early Rule Concepts

State Board of Education

Staff will take Oregon Administrative Rules to State Board of Education

RAC Meetings

Staff may bring back draft rules to RAC

State Board of Education

Final adoption of rules or policies



ODE Rules-at-a-Glance

Fingerprint-Based Background Checks

Subject: Fingerprinting Hearing & Process Updates

Concept: Standardizing the notification processes and streamlining hearing/appeal rights

Background:

- Oregon law requires all subject individuals (all district employees, and contracted employees with unsupervised access to children) in public schools to clear a fingerprinting background check.
- ODE also offers background clearance services for public school volunteers, and private school employees & volunteers, but this is not required by law.
- Current rules have different processes for notification of ineligibility and/or hearings, and the proposed changes standardize the process for those required to have ODE clearance.
- Volunteers not required to have an ODE clearance have also been offered a hearing if our findings are disputed.

Fingerprint-Based Background Checks

Proposed Rule Changes: Align appeal rights in administrative rules to what is required under statutes; technical adjustments to fingerprinting process details.

Proposed Rule Impacts:

- **Racial Equity:** Removing the appeal process for volunteers could further exclude people who cannot participate in schools as employees or contractors due to criminal history conflicts. While schools are not required by law to obtain a background clearance from the department, those who depend on the department's clearances to make their decision as to whether someone is allowed to participate as a volunteer could potentially lose a chance for someone to demonstrate that the department's review of their criminal history was incorrect or incomplete.
- **Fiscal/Economic & Small Business Impact:** ODE will see a fiscal benefit in reduced staff time and labor spent on the appeal process, particularly in seasons where workload is heavier, such as September when school starts. No small business impacts are anticipated.

Next Steps:

- **Acknowledge feedback and responses**

Menstrual Dignity for Students

Subject: The provision of menstrual products in all school bathrooms

Concept: The Menstrual Dignity Act, enacted in July of 2021, requires that educational providers stock menstrual products in all student bathrooms by the end of the 2022-23 school year. The Menstrual Dignity For Students Rules (OAR 581-021-0587 through OAR 581-021-0596) outline program requirements.

Background:

- Lack of access to menstrual products and menstrual health education can have long-lasting and negative effects on young people, including: emotional anxiety, traumatic experiences, as well as education setbacks and medical issues.
- The Menstrual Dignity For Students Rules (OAR 581-021-0587 through OAR 581-021-0596) live within Division 21.
- The State Board of Education will consider whether to connect the Menstrual Dignity for Student requirements to Division 22 at the June meeting.

Proposed Rule Impacts: Menstrual Dignity for Students

Proposed Rule Changes: Add a new rule to Division 22 that connects to the Menstrual Dignity for Student requirements.

Proposed Rule Impacts:

- **Racial Equity:** Connecting the Menstrual Dignity for Students Rules to Division 22 will promote equity for all students who menstruate, especially those who lack access to menstrual products for many reasons. This program will help all students access their education without shame and with their basic needs met.
- **Fiscal/Economic & Small Business Impact:**
 - These rules will not impact small businesses.
 - We have heard from school districts that the funds allocated by the statute will not cover their actual costs to cover menstrual product provision.

Next Steps:

- First read at State Board in June
- Adoption in September

Core Teaching Standards & Educational Leadership - Administrator Standards

Subject: Core Teaching Standards & Educational Leadership - Administrator Standards

Concept:

- OAR 581-022-2415 establishes the core teaching standards used for purposes of teacher evaluations
- OAR 581-022-2420 establishes the standards used for purposes of administrator evaluations

Background:

- [ORS 342.856 Core Teaching Standards Section 1](#) directs the State Board of Education, in consultation with the Teacher Standards and Practices Commission (TSPC), to adopt core teaching standards to improve student academic growth and learning
- Purpose:
 - Assisting school districts in determining the effectiveness of teachers and administrators and in making human resource decisions; and
 - Improving the professional development and the classroom and administrative practices of teachers and administrators

Core Teaching Standards & Educational Leadership - Administrator Standards

- **Proposed Rule Changes for [OAR 581-022-2415: Core Teaching Standards](#)**
 - Replaces the current enumeration of the core teaching standards with the following language: *School districts shall use the core teaching standards adopted by the Teacher Standards and Practices Commission (TSPC) under OAR 584-420-0020 for preliminary teaching licenses and under OAR 584-420-0030 for professional teaching licenses to evaluate teacher effectiveness as required by outlined in OAR 581-022-2410.*
 - Increases transparency of alignment with TSPC's standards in compliance with ORS 342.856
 - To ensure alignment of the standards, there is little flexibility in proposing additional and/or different rule language

Core Teaching Standards & Educational Leadership - Administrator Standards

- **Proposed Rule Changes for [OAR 581-022-2420: Educational Leadership — Administrator Standards](#)**
 - Adds the following language:
 - (1) For the 2026-27 school year and subsequent school years, school districts shall use the performance standards adopted by the Teacher Standards and Practices Commission (TSPC) under OAR 584-235-0010 for school administrator licensure to evaluate administrator effectiveness as required by OAR 581-022-2410.*
 - (2) For the 2023-24, 2024-25, and 2025-26 school years, school districts may:*
 - *(a) Comply with (1) of this rule, or*
 - *(b) use* [current administrator evaluation standards]
 - Increases transparency of alignment with TSPC's standards in compliance with ORS 342.856
 - To ensure alignment of the standards, there is little flexibility in proposing additional and/or different rule language

Core Teaching Standards & Educational Leadership - Administrator Standards

Racial Equity:

- The administrator standards adopted by TSPC in 2019 with which ODE now seeks to realign include a greater focus on equity as a standard for school and district administrators compared with the standards currently in place for administrator evaluations

Fiscal/Economic & Small Business Impact:

- There is no anticipated cost of compliance with the new standards for administrator evaluations on school districts. There will be staff time implicated in the transition to new standards.
- There is no anticipated cost of compliance on small business

Core Teaching Standards & Educational Leadership - Administrator Standards

Next Steps

- Continued communication and engagement throughout the summer
- Adoption by the State Board in September 2023



ODE Draft Rules



Continued Suspension of the Assessment of Essential Skills

Dan Farley

Office of Research, Assessment, Data, Accountability, and Reporting

dan.farley@ode.oregon.gov

OAR 581-022-2115

Subject: Suspension of the Assessment of Essential Skills

Concept: The Legislature and State Board have not yet taken comprehensive action in reference to the recommendations found in the Senate Bill 744 Report: [Community-Informed Recommendations for Equitable Graduation Outcomes](#).

Background:

- The Assessment of Essential Skills policy requires students to demonstrate proficiency in relation to state-approved assessment options in reading, writing, and mathematics (though there are six additional Essential Skills that do not have a state level assessment requirement)
- Assessment options include: 1) state summative tests, 2) other standardized tests, 3) work samples, or 4) district-developed tests
- Most Oregon students historically used the state summative tests to meet this requirement
- This requirement was suspended by Senate Bill 744 through the 2023-24 school year

Timeline

- **2021** - Senate Bill 744 suspended the Assessment of Essential Skills policy through 2023-24
- **2021-22** - ODE engaged with over 3,500 Oregonians in the 2021-22 school year to determine what community values should be represented in the Oregon Diploma
- **September 1, 2022** - ODE synthesized available research, other states' graduation practices, and input from Oregonians to make two determinations and eight recommendations for making graduation requirements more equitable
 - Recommendation #5 was to discontinue the Assessment of Essential Skills policy (see Pages 116-117)
- **2023 Long Session** - [Senate Bill 3](#) would establish a .5 credit requirement in “higher education and career path” skills and a .5 credit requirement in “personal financial education” for students who graduate in spring 2027, if passed, in [ORS 329.451](#)
- At this point, no action has been taken in response to the recommendations in the report by the legislature or state board

Requested OAR Change

The State Board will be asked to extend the suspension of the Assessment of Essential Skills at OAR 581-022-2115 while further legislative and board action is pending.

- (22) The Essential Skills graduation requirements established by Sections 3, 4, and 5 of this rule are waived for students graduating **through the 2027-28** school year

This change allows for more time for a formal response from the state board, while protecting students who have already planned their education plan and profile (i.e., they have already mapped out a plan for graduation that does not include meeting this requirement)

Proposed Rule Impacts: Rule Title

Racial Equity:

- *The Senate Bill 744 report made two determinations: 1) that the skills and knowledge expected by business, industry, and postsecondary education do not fully align with the current requirements for the Oregon Diploma and 2) that the requirements for Oregon high school diplomas have been applied inequitably to different student populations.*
- *Inequities were seen in terms of graduation outcomes, the type of diplomas that Oregon's systems graduate students holding, and the ways in which students meet their Assessment of Essential Skills Requirements.*

Continuation of this suspension removes a graduation requirement that has generated inequitable outcomes by race/ethnicity, IEP status, and EL status for Oregon's students. The policy has also demonstrated no identifiable benefit for students in terms of studied postsecondary outcomes. The extended time period allows for the Legislature and State Board to consider what action(s) to take in response to the recommendations generated in the report, as well.

Fiscal/Economic & Small Business Impact:

- *There are no fiscal impacts of continuing the suspension of the Assessment of Essential Skills policy*
- *Students, schools, and districts will not have to adhere to this policy requirement and all related processes (e.g., monitoring progress in relation to this policy, data entry and validation, etc.), which allows students and staff to focus on other aspects of learning*

581-022-2225 OAR Change Discussion



Thank you





OPEN SPACE

**Any further questions or comments
on any agenda item or any topic not
on our agenda...**