



ODE Rules Advisory Committee

April 6, 2023

Welcome and Group Share

→ In the chat, please list your:

◆ Name;

◆ Pronouns;

◆ Organization; and

◆ *What is something that recently brought you joy?*

Agenda

9:00 am - am

- I. Introductions & Opening Remarks
- II. Rules-at-a-Glance
 - A. Appeals Process Rule Revisions
 - B. Variance Requests for Pupil Transportation Vehicles
- III. Draft Rules
 - A. Sports Pre-Participation Physical Examination Form
 - B. EI/ECSE Standards
 - C. Compulsory Attendance Notices
- 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

Appeals Process Rule Revisions

Subject: Proposed amendments to the ODE's appeals procedures

Concept: To make three changes to the department's appeals procedures in response to feedback acquired during listening sessions conducted by ODE during the 2022 calendar year

Background: During the summer of 2022, ODE held eight separate listening sessions. A total of 44 invitees attended the sessions. Invitees included students, parents and caregivers, advocacy groups, administrators from nine school districts, COSA, OSBA, and members of other education related organizations. The purpose of the listening sessions was to gather input from the community about ODE's appeals processes and to elicit suggestions for improvement. These proposed changes to ODE's appeals procedures were drafted in response to those listening sessions.

Appeals Process Rule Revisions

Proposed Rule Changes: (1) Add a definition of “complaint” to the rules to clarify that ODE accepts appeals when complainants make informal grievances; (2) do not require parties to attempt to conciliate upon finding a violation of a Division 22 standard; (3) allow ODE to issue notice of compliance instead of a final order when there is no violation of law

Proposed Rule Impacts:

- **Racial Equity:** Will allow ODE to be more responsive to appeals alleging discrimination and provide students, when discrimination occurred, with a more timely response
- **Fiscal/Economic & Small Business Impact:** None

Appeals Process Rule Revisions

Next Steps: 2nd reading before the State Board of Education on April 20, 2023

- **Acknowledge feedback and responses:** (1) The State Board did not have any comments about the proposed changes, but it did comment on how ODE could continue to improve its processes to better protect students belonging to a protected class; (2) ODE received input from the Oregon Association for Talented and Gifted about other improvements that need to be made to ODE's appeals process, and requesting to be invited to future listening sessions; (3) ODE received a request from Willamette Education Service District to use the term "notifies" instead of "directs" in the new definition for complaint, so that under the definition a complaint is an informal grievance "unless the district ... *notifies* the complainant ... *of their right* to file the report or grievance in accordance with the district's complaint process."

Variance Requests for Pupil Transportation Vehicles

Subject: Request for Variance

Concept: Requests for variance are currently prescribed to be addressed to the Superintendent of Public Instruction; this change proposes they be addressed to the Director of Pupil Transportation within ODE.

Background: School buses not meeting ODE's standards outlined in rule are not permitted without a written variance. For efficiency, it is proposed that these be addressed to program staff that handle these variance requests currently.

Variance Requests for Pupil Transportation Vehicles

Proposed Rule Changes: “(a) A transportation entity or contractor desiring to purchase or use a pupil transporting vehicle that cannot meet all required minimum construction standards for school buses or school activity vehicles as applicable in Oregon must forward an "Appeal for Variance" request to the **Director of Pupil Transportation**. This appeal must be made by the highest ranking official with the local operation and contain at least the following information:”

Proposed Rule Impacts:

- **Racial Equity:** No effect to racial equity in the state is projected.
- **Fiscal/Economic & Small Business Impact:** No costs or fiscal impacts are projected.

Next Steps: second read/adoption for State Board of Education at April meeting.

- **Acknowledge feedback and responses**



ODE Draft Rules



Sports Pre-Participation Physical Examination Form

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OAR 581-021-0041 Form and Protocol for Sports Physical Examinations

Subject: Required form and protocol for the pre-participation physical examination required for school sports

Concept: The proposed rule revisions will adopt by reference the updated "School Sports Pre-Participation Examination form," which has been developed by the Oregon Schools Activities Association (OSAA).

Background:

- ORS 336.479 states that school districts must require students who participate in extracurricular sports in grades 7 through 12 to have a physical examination prior to participation. The statute also states that the State Board of Education must by rule prescribe the form and protocol for the required examination.
- In OAR 581-021-0041 Form and Protocol for School Sports Examinations, the State Board has adopted the form entitled "School Sports Pre-Participation Examination," which is developed by the Oregon Schools Activities Association (OSAA). The form establishes the protocol for school sports physicals for grades 7-12 and is used to document the required physical examination. The current form was adopted in May 2017.
- The proposed updated form was developed by the OSAA's Sports Medicine Advisory Committee's (SMAC). The SMAC's primary purpose is to ensure the health and safety of student-athletes who participate in OSAA-sponsored activities. The SMAC includes physicians from various fields of practice, athletic trainers, affiliated organizations and OSAA staff.
- The administrative rule must be amended in order to adopt the proposed updated form.

OAR 581-021-0041 Form and Protocol for Sports Physical Examinations

Timeline:

- The entire OSAA SMAC met three separate times over the past six months to review the pre-participation physical exam form and suggest changes. A sub-committee of the SMAC met more often to thoroughly review the suggested changes and align with best practices in this area. The sub-committee also worked directly with OHA to gather mental-health related resources in one spot on the OSAA's website (www.osaa.org/resources).
- The proposed form and rule revisions were presented to the State Board as a first read on March 16.
- The proposed form and rule revisions will be presented to the State Board for adoption on April 20.
- If adopted, the form would be available for use May 1, 2023. Historically the State Board has allowed a grace period of one year where providers could use either form while transitioning from old to new. OSAA and ODE propose that be allowed during this period of transition as well.

OAR 581-021-0041 Form and Protocol for Sports Physical Examinations

Proposed Rule Changes:

- Updates the adopted form to the April 2023 form
- Makes clear that the completed form must be returned to the school district following the examination
- Updates the timeline for when to use each form:
 - The April 2023 form is available for use as of May 1, 2023
 - For one year – May 1, 2023 through May 1, 2024 – providers may use either the May 2017 form or the April 2023 form
 - After May 1, 2024, providers must use the April 2023 form

OAR 581-021-0041 Form and Protocol for Sports Physical Examinations

Racial Equity:

- The proposed rule will put into effect an updated form that aims to ensure the health and safety of student-athletes who participate in OSAA-sponsored activities and removes barriers to the process and to participation. In developing the proposed form, OSAA SMAC has requested that the form be made available in multiple languages once finalized. ODE will provide translated copies of the form to be made available on the OSAA website.

Fiscal/Economic & Small Business Impact:

- The proposed rules should not create a fiscal impact for school districts or medical providers. OSAA makes the form available on its website. ODE will be working with OSAA to provide translated versions of the form once it is finalized.

OAR 581-021-0041 Form and Protocol for Sports Physical Examinations

Engagement:

- The entire OSAA SMAC met three separate times over the past six months to review the pre-participation physical exam form and suggest changes.
- A sub-committee of the SMAC met more often to thoroughly review the suggested changes and align with best practices in this area.
- The sub-committee also worked directly with OHA to gather mental-health related resources in one spot on the OSAA's website (www.osaa.org/resources).
- ODE held a rulemaking hearing on March 17.

Rule Title

Follow-up Actions: Consider Feedback? State Board? Further engagement?

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Early Intervention/Early Childhood Special Education (EI/ECSE) Standards

(Personnel Standards, Authorization of Early Childhood Specialist,
Authorization of Early Childhood Supervisor)

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EI/ECSE Standards

Subject: Update language in EI/ECSE Personnel Standards and Authorization OARs to align with adoption of Division of Early Childhood (DEC) Standards ([EI/ECSE Standards \(2020\) | DEC](#))

Concept:

- Update the words “competencies” to “standards” and DEC standard area titles for Authorization OARs
 - EI/ECSE Personnel Standards (OAR 581-015-2900)
 - Authorization of Early Childhood Specialist (OAR 581-015-2905)
 - Authorization of Early Childhood Supervisor (OAR 581-015-2910)

Background:

- Division for Early Childhood (DEC)
- Created new EI/ECSE Personnel Standards (2020)
- As part of ODE’s Comprehensive System of Personnel Development (CSPD) plan, ODE reviews and updates Oregon’s standards every 5 years
- Goal to update standards with an equity lens, focused on inclusion and cultural responsiveness

EI/ECSE Standards

Timeline:

- **Any previous engagements?**
 - **Feb. 14th**: EI/ECSE Contractors & Supervisors, Regional Inclusive Services, Related Services (OT, SLP, PT)
 - **Feb. 16th**: SICC; ODE office of Equity, Diversity, and Inclusion; EHDI; TSPC; Higher Education
 - **Feb. 28th**: ELD, Home Visiting Programs (OHA), Early Learning System Initiative, ORIMH, Head Start/community partners
 - **Feb. 28th**: Families (FACT Oregon)
- **What previous feedback have you heard?**
 - Written feedback surveys sent to EI/ECSE contractors, subcontractors, and supervisors; EI/ECSE higher education faculty; Early Learning Hubs; anyone who indicated they wanted to provide written feedback instead of attending a feedback session.
- **Where are you in the process of rulemaking?** only updating language in current OARs to align with DEC standards

EI/ECSE Standards

- **Proposed Rule Changes**

- Update “competencies” to “standards” and DEC standard area titles for Authorization OARs. Rules can be found in Meeting Materials.
- Are these rule changes mirroring statute? Statutes do not need to change
 - (ORS 343.055, ORS 343.475)
- Does the RAC have any flexibility in proposing additional and/or different rule language?
 - No, we are just changing minor language to align with DEC standard adoption.

Proposed Rule Impacts: EI/ECSE Standards

Racial Equity:

A statement identifying how adoption of the rule will affect racial equity in the state.

- National DEC standards focus on equity, cultural responsiveness and inclusion.
 - Annual staff professional development plans
 - Applicants for Authorization
- Authorization supports staff recruitment and retention efforts (across state) as an alternative to TSPC licensure.
 - No additional higher education needed with BA in early childhood, special education or a related field.
 - Authorization and renewal is free (a more affordable and convenient option for working staff).

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Proposed Rule Impacts: EI/ECSE Standards

Fiscal/Economic & Small Business Impact:

- Are any state agencies, local governments, and/or members of the public likely to be economically affected by the rule change? No
- Is there a cost of compliance on small business? (Ex: administrative costs, supplies/services costs, reporting/recordkeeping costs). No

EI/ECSE Standards

Engagement:

- Written survey feedback and four feedback sessions. Feedback does not impact updating the OARs to align with DEC Standard's language.
- Some examples:
 - “Appreciated the equity lens and cultural responsiveness of the guidance sections.”
 - “Appreciate focus on developmentally appropriate strategies.”
 - “Happy to see additional guidance around social-emotional development and mental health.”
 - “Appreciate the use of language around “natural and inclusive environments.”

Follow-up Actions: Consider Feedback? State Board? Further engagement?

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581-021-0077

Compulsory Attendance Notices and Citation

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OAR 581-021-0077

Subject: Aligning attendance OARs to legislative changes required by Senate Bill 817

Concept: Removing language from OAR (581-021-0077) that refers to the citation process

Background: Senate Bill 817, passed in 2021, removed the Class C Violation penalty from the attendance process for students and families. This update in language removes the language that give specificity for following the citation process, while also keeping the concept of families receiving information in their native language.

Timeline: Compulsory Attendance Notices

RAC Engagement

April 6

SBE 1st Read

May 18

May 4

RAC Rules-at-a-Glance

June 15

SBE 2nd Read &
Adoption

581-021-0077 - Compulsory Attendance Notices and Citation

(2) Notice of Attendance Supervisor. When an attendance supervisor determines a parent has failed to enroll his or her child and to maintain such child in regular attendance at a public school, the attendance supervisor shall give written notification to the parent within 24 hours of being informed of the failure. The notice may be served personally or by certified mail.

(a) The notice shall state that the student must appear at the public school on the next school day following receipt of the notice and maintain regular attendance for the remainder of the school year.

(b) The notice shall state that the parent has the right to request for a child who does not have an Individualized Education Program, an evaluation to determine if the child should have an Individualized Education Program; or for a child who has an Individualized Education Program, a review of the Individualized Education Program.

(c) The notice shall be written in the native language of the parent or guardian of the student.

(ed) The attendance officer, at the time the notice is served to the parent, shall notify the district superintendent, principal or other appropriate school official.

581-021-0077 - Cont

(3) Notice of Superintendent. If the parent receiving the notice of the attendance supervisor does not comply with that notice, the attendance officer, within three days of knowledge of such noncompliance, shall notify the superintendent. ~~Upon notification by the attendance officer, the superintendent may issue a citation as set forth in Attachment A of this rule.~~

~~(4) Prior to issuing the citation set forth in Attachment A, the superintendent, by personal service or certified mail, shall serve the parent written notification that:~~

~~(a) States that the student is required to regularly attend a full-time school;~~

~~(b) Explains that the failure to send the student and to maintain the student in regular attendance is a Class C violation;~~

~~(c) States that the superintendent may issue a citation;~~

~~(d) Requires the parent and the student to attend a conference with a designated school official; and~~

~~(e) States that the parent has the right to request for a child who does not have an Individualized Education Program, an evaluation to determine if the child should have an Individualized Education Program; or for a child who has an Individualized Education Program, a review of the Individualized Education Program.~~

~~(f) Is written in the native language of the parent or guardian of the student.~~

581-021-0077 - Cont.

~~(5) The superintendent shall schedule the conference described in section (4)(d) of this rule. A conference may not be scheduled until after any evaluations or reviews described in subsections 2(b) and 4(e) of this rule have been completed. If the parent does not attend the conference or fails to send the child to public school after the conference, the superintendent may issue a citation provided by the Department of Education in the form set forth as Attachment A which is incorporated by reference into this rule. **The citation shall be served in person.**~~

~~[ED. NOTE: Attachments referenced are available from the agency.]~~

Proposed Rule Impacts: Rule Title

Racial Equity:

- This rule update strengthens climate and culture for those who have experienced the impacts of inequitable implementation of past citation processes.

Fiscal/Small Business Impact:

- There are no impacts to small business.

Next Steps: Compulsory Attendance Notices

- Rules at a Glance to the RAC in May, 2023
- Rules Proposed to SBE in May, June
- Developing/outlining a best practices process for districts to follow in partnership with:
 - Students and families
 - Districts
 - OSBA
 - ESDs
 - Culturally specific organizations
 - Community-based organizations

If SB48 passes and a new task force is developed, ODE will participate and seek to coordinate efforts with discussions in that body.

Questions for Input: Compulsory Attendance Notices

What engagement would the RAC like to see continue?

Is there anything else we should consider in updating this rule set?

What questions do you have for us?

Preview of May 4 Agenda

- Rules-at-a-Glance:
 - Health Services Update
 - Early Intervention/Early Childhood Special Education (EI/ECSE) Standards
 - Compulsory Attendance Notices
- Draft Rules:
 - Technical Fix to Educator Effectiveness Rules

The background is a dark space filled with numerous small white stars. On the right side, there is a large, detailed blue planet with visible atmospheric bands. On the left side, there are two smaller planets: a bright white one and a smaller yellow one.

OPEN SPACE

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

Thank you

