



ODE Rules Advisory Committee

May 4, 2023

Welcome and Group Share

→ In the chat, please list your:

- ◆ Name;
- ◆ Pronouns;
- ◆ Organization; and

- ◆ Grounding Prompt: *Star Wars, Star Trek...or neither?*

Agenda

9:00 AM - 10:30 AM

- I. Introductions & Opening Remarks
- II. Rules-at-a-Glance
 - A. Health Services Update
 - B. Compulsory Attendance Notices
- III. Draft Rules
 - A. Educational Leadership - Administrator Standards
 - B. Fingerprint-Based Background Check Rules Changes
- 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.

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.

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.



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

Health Services Rule

Subject: Health Services Rule 2nd RAC Reading

Concept: Health Services related rules for School Districts & Charter Schools in service of students

Background: [OAR 581-022-2220](#) was established in 1980, and requires school districts to have Health Services plans. The last major update to this rule was in 1996. The rule includes communicable disease management plans, vision requirements, nursing staff to student ratios, isolation of ill students, first-aid trained staff-to-student ratio requirements, and more.

Health Services Rule

Proposed Rule Changes: This proposed update maintains Health Services state standards, adds clarity to requirements related to nursing and delegation, incorporates lessons learned during the pandemic, aligns expectations for health services with those for health education, and updates rules and statutes referenced.

Proposed Rule Impacts:

- **Racial Equity:** The communicable disease plan portion of this rule includes planning for communities that we reasonable know will experience greater burden of a communicable disease event.
- **Fiscal/Economic & Small Business Impact:** Fulfills requirements under ESSER III for schools to continue to use ESSER III funds for the 2023 - 2024 academic year.

Next Steps & Changes since 1st RAC reading:

- Re-included naming hearing screening language from the current rule.
- Returning to the SBE for hopes of adoption in June.

Compulsory Attendance Notices

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.

Compulsory Attendance Notices

Proposed Rule Changes: Delete second sentence of section 3, and delete all of sections 4 and 5, which outline the citation notification process. Under section 2, add in: “(c) The notice shall be written in the native language of the parent or guardian of the student.”

Proposed Rule Impacts:

- **Racial Equity:** This rule update strengthens climate and culture for those who have experienced the impacts of inequitable implementation of past citation processes.
- **Fiscal/Economic & Small Business Impact:** There are no impacts to small business.

Next Steps:

- Present to the State Board of Education - first read in May, second read in June.
- In the 23-24 school year, the EDM team in partnership with students, families, community organizations, ESDs, and school staff, will develop/outline a best practices process for districts centered on relationships, belonging and engagement. This best practices process will be brought to the State Board of Education to expand on the Compulsory Attendance Notice rule.



ODE Draft Rules



Educational Leadership — Administrator Standards

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OAR 581-022-2415 & OAR 581-022-2420

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

OAR 581-022-2415 & OAR 581-022-2420

Background (cont'd):

- TSPC establishes standards for licensure, while ODE establishes standards for evaluation
- In keeping with ORS 342.856, ODE has historically aligned the standards used for evaluations with the standards adopted by TSPC for licensure
- In 2019, TSPC adopted new administrator standards
- ODE now seeks to update OAR 581-022-2420 to maintain alignment with the standards established in TSPC's rules

OAR 581-022-2415 & OAR 581-022-2420

Timeline:

- **Engagement**

- Engagement is ongoing during the month of May 2023
- Preliminary feedback indicates districts need an on ramp to implement new administrator standards

- **Rulemaking Process**

- Secretary of State posted revised rules for public comment on April 1, 2023
- State Board 1st Read scheduled for May 18, 2023
- State Board adoption anticipated in June 2023
 - Immediate implementation for OAR 581-022-2415
 - Delayed implementation of OAR 581-022-2420 (*effective July 1, 2026*)

OAR 581-022-2415: Core Teaching 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

OAR 581-022-2420: 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

Proposed Rule Impacts: OAR 581-022-2415 & OAR 581-022-2420

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

OAR 581-022-2415 & OAR 581-022-2420

Engagement:

- **Groups we are consulting:**
 - Coalition of Oregon School Administrators (COSA)
 - Oregon Educator Association (OEA)
- **What we are asking:**
 - What communication needs will districts and administrators need?
 - What barriers do districts anticipate encountering when updating your local administrator & school leader evaluation system to align with the new administrator standards?
 - What supports or resources do districts anticipate needing in order to align their systems with the new administrator standards?



Fingerprint-Based Background Checks

Brock Dittus & Shonna Bumgarner

Pupil Transportation & Fingerprinting

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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

Timeline:

- This is the first time the changes have been presented to the RAC.
- Because the proposed revisions have been brought forward primarily to align the administrative rules to statute, the program team has worked closely with the ODE's Government and Legal Affairs Manager.
- Following the RAC review, this will go the State Board of Education Meeting for its first read.

Fingerprint-Based Background Checks

- **Proposed Rule Changes:
Align appeal rights in
administrative rules to
what is required under
statutes**

	Employment – Public School	Employment – Private School	Volunteer – Public School	Volunteer – Private School
Rule and Statute	OAR 581-021-0511 ORS 326.603	OAR 581-045-0586 ORS 326.603	OAR 581-021-0512 ORS 326.607	OAR 581-045-0587 ORS 326.607
Is the individual required to be fingerprinted by ODE?	Yes	No	No	No
Is an appeal right required by statute?	Yes	Yes	No	No
Does the administrative rule currently offer an appeal right?	Yes	No	Yes	Yes
Suggested rule change	Maintain appeal right	Create appeal right	Remove appeal right	Remove appeal right

Fingerprint-Based Background Checks

- **Proposed Rule Changes: Align appeal rights in administrative rules to what is required under statutes**
 - **581-045-0586(5)(a)(A)** – add appeal language for private school employees or contractors.
 - **581-021-0512(5)** – remove appeal language for public school volunteers.
 - **581-045-0587(5)** – remove appeal language for private school volunteers.

Fingerprint-Based Background Checks

- **Proposed Rule Changes: Identify entities that may collect fingerprints:**
 - **581-021-0511 (2)(d)** – for the rule governing public school employees and contractors, add “statewide vendor identified by the Department of Administrative Services.”
 - **581-045-0586(2)** – for the rules governing private school employees and contractors, revise to identify entities that may collect fingerprints and by doing so, make this rule consistent with the rule for public schools employees.

Fingerprint-Based Background Checks

- **Proposed Rule Changes: Process revisions**
 - **581-021-0511(6)** – for the rule governing public school employees and contractors, revise to align process of notification in rule to current ODE practice.
 - **581-045-0586(5)** – for the rules governing private school employees and contractors, revised to align process of notification in rule to current ODE practice.

Proposed Rule Impacts: Fingerprint-Based Background Checks

Racial Equity:

- ODE has not identified any changes to equity as a result of these changes. We welcome feedback from RAC members on any impacts that we have not anticipated.

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.

Fingerprint-Based Background Checks

Engagement:

- No previous official engagement has been conducted, but RAC feedback is welcome and suggestions for whose feedback would be beneficial prior to the State Board Meeting would be helpful.

Feedback requested:

- The proposed revisions are technical in nature in that they align to what is required under statute and current ODE process. That said, we understand there are always impacts, even for technical revisions. We welcome feedback that helps us understand impacts.

Preview of June 1 Agenda

- Rules-at-a-Glance:
 - Technical Fix for Educator Effectiveness Rules
 - Fingerprinting Updates
- Updates/Policies:
 -
- Draft Rules:

Thank you



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...**