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ODE Rules Advisory Committee

August 31, 2021

Agenda Overview

9:00 am- 12:30 pm

- I. Introductions & Opening Remarks
- II. ODE Updates
 - A. Grounding on RAC & Refresher on Rulemaking Process including State Board of Education
 - B. Upcoming RAC Topics & Implementation of Bills
- III. ODE Draft Rules
 - A. OAR 581-015-2200 - Content of IEP
 - B. Educational Adequacy Standards for Long-Range Facility Plans -- Technical Assistance Program
 - C. Student Success Act Summer Program
 - D. Every Student Belongs
- IV. Open Space/Questions
- V. Closing

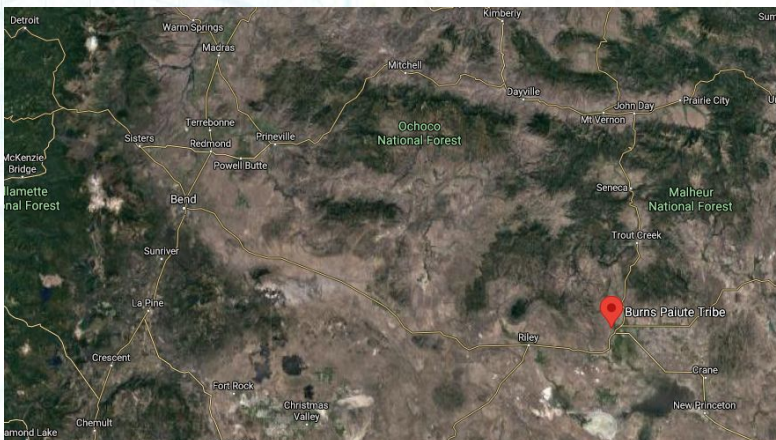


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Land Acknowledgement

Nine Federated Tribes of Oregon: Burns Paiute of Harney County

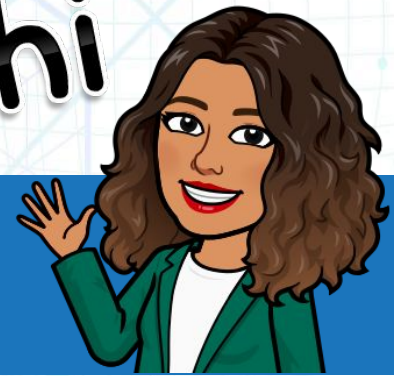


<https://burnspaiute-nsn.gov/>

Welcome, Opening Remarks

- Technical and Virtual reminders
- Suggested Protocol and Dialogue
- How to use shared Notespace/Workspace during presentation

hi



Hello! Me llamo Jessica



hi



Hello! Me llamo Jessica

- My role as your new RAC Facilitator
 - Thanks Scott!
 - In my brown skin, I operate very differently.
 - Participative style of leadership
 - However, I will not be making decisions. I will set conditions for dialogue, build trust, and work through the disagreements (even if there's discomfort there).
 - Empathetic listener
 - Does not mean we have to agree!
- My team!
 - Jeremy is our fearless leader
 - Sarah keeps us organized
- RAC Core Team
 - Tamara Dykman, Scott Nine, Emily Nazarov

“I’ve learned that people will forget what you said, people will forget what you did, but people will never forget *how you made them feel.*”

Maya Angelou
1928 - 2014



hi



Why are we here?

The Fund for Student Success Act

\$2 billion dollar investment

2019

SBE asked ODE to create an advisory committee.

ODE Rules Advisory Committee

2020

2019

SSA Rules Advisory Committee

2021

HB 2993- will become law Jan 1, 2022

Process

Notification

Agenda will be sent out
by RAC Coordinator

RAC Meetings

Discuss Early Draft
Rule or Policy
Concepts

State Board of
Ed

Staff will take Oregon
Administrative Rules to
State Board of
Education

RAC Meetings

Staff may bring back
draft rules to RAC

State Board of
Ed

Final adoption of rules
or policies

hi



Agenda Example

Rules At Glance

Rules that we just want to make you aware of but do not necessarily need a lot of input on

ODE Updates

Policy updates from ODE staff



Closing

Open Space

ODE Draft Rules

Written out draft where staff will be asking for input

Suggested Protocol for Dialogue

- Trust is earned - *and* let's attempt to move in conversation like we've got several years working together already behind us.
- Engage tension, don't indulge drama.
- Listen to your gut!
- Share space - help collectively balance the insights of verbal and quick processors with the wisdom of those who might appear more reticent.
- Confidentiality - this is not a social-media space. Lessons can be shared but leave the details.
- Dialogue, not selling - let's converse not pitch.
- Assume best intent, attend to impact
- Pay attention (neighbors, yourself, group process and dynamics)

Core Principles

- Collaborative Rulemaking Process
- Engagement/Consultation Before Pen Hits Paper
- Coordinating Engagement Opportunities to Not Overburden Partners
- In-Person Engagement (when possible)
- Different Perspectives in the Same Room (when possible)
- Advisory to ODE Staff (State Board of Education is statutorily responsible for promulgating rules.)
- Not One-Size Fits All
- Engage Community Partners, including those who will be directly affected by the rules
- Loop Back to Partners - to explain how their input shaped (or did not shape) the outcome or administrative rules



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ODE Updates

ODE Rulemaking Process

1. Notification and Engagement

2. ODE Rules Advisory Committee

3. State Board of Education



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Notification and Engagement

Notification

- Staff notify and schedule a meeting with the Rules Coordinator and State Board Administrator.
- Check-in with the Office of Indian Education for possible tribal consultation and engagement.
- Check-in with other ODE offices/teams for possible engagement, e.g., Procurement.

Engagement

- Staff meet with their own advisory committee to begin development and drafting of rules.
 - Aligns with program/grant purpose.
 - Equity discussion on how rule(s) will impact and affect different student populations and districts.
- Rules coordinator review of draft rules and reformat the rules to be used as the attachment to your Board docket.



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ODE Rules Advisory Committee (RAC)

Role and Purpose

- I. The purpose of the RAC is to provide input on the development and drafting of the rule and the content of the fiscal & small business impact statement.
- II. RACs role is advisory only. Not decision-makers.
- III. RACs are used to seek public input to the maximum extent possible during the development of the proposed rulemaking.

RAC Rulemaking Processes

1. Standard rule process – Draft Rules
 - a. Permanent rules & Repeal of rules
2. Abbreviated rule process – Rules-at-a-Glance
 - a. Temporary rules & some technical changes to permanent rules.
3. RAC Rule Input/Review process– Early Rule Concepts and Considerations
 - a. SSA Rules and/or other rules where there is no advisory committee of subject matter experts

Standard Rule Process - Draft Rules

- Presentation with key questions.
 - Background and timeline of process prior to the ODE RAC.
 - Discussion of key questions.
 - Rule Changes Impact on Fiscal/Small business & Racial Equity.
- Follow-up with what recommendations were incorporated into rules.

Abbreviated Rule Process - Rules-at-a-Glance

- Short introduction of rule(s).
- Opportunity for feedback, questions, concerns will be recorded in separate document.
- Follow-up with what recommendations were incorporated into rules.

Early Rule Concepts and Considerations

- Presentation of early rule concept.
 - Discuss considerations for how rule can be developed and written.
- Follow up with progress on how rule is being drafted and additional discussion.

Proposed Rule Impacts

- **Fiscal impact**
 - Are any state agencies, local governments, and/or members of the public likely to be economically affected by the rule change?
- **Small business impact**
 - Is there a cost of compliance on small business? Ex: administrative costs, supplies/services costs, reporting/recordkeeping costs.
- **Racial Equity impact**
 - HB 2993. How are students of color affected by the rule change?



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State Board of Education

Process and Information Sharing

- **1st Read Presentation**
 - Provide an overview and answer questions from Board members. May take direction from the Board.
- **2nd Read/Adoption**
 - Provide Board members with final draft of OARs and recommendation.
- **Implementation**
 - Staff implement rules.
- **Follow-up**
 - Possible RAC Update and further engagement.



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Upcoming RAC Topics & Implementation of Bills

Fall and Winter 2021

- HB 2935 - CROWN Act
- HB 2060 - Student Success Act
- HB 2817 - Interscholastic Activities for GED students
- SB 222 - Vision Screening Reimbursement
- HB 3294 Menstrual Dignity Act
- Talented and Gifted OARs

Spring and Summer 2022

- HB 2056 - Access to Linguistic Inclusion
- HB 3041 - Defining Gender Identity
- HB 2969 - Oral health education and services
- HB 2166 - Social Emotional Languages Standards
- HB 2166 - Public Charter School Equity (Sec. 16)



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ODE Draft Rules



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OAR 581-015-2200 Content of IEP

Mike Franklin
Office of Enhancing Student
Opportunities

OAR 581-015-2200 Proposed Amendment

Subject: Proposed Rule Change

Concept: Inclusion of language from Lane v. Brown settlement agreement

Background: In December, 2015 ODE, Vocational Rehabilitation, and the Office of Developmental Disabilities Services entered into a settlement agreement in the Lane v. Brown case, sometimes referred to as the “sheltered workshop” case. One of the underlying concerns of the lawsuit was that students with disabilities were not being informed about supported employment services. The proposed changes incorporate language from this agreement into the rule. ODE guidance to school districts has been consistent with this language since entering the agreement.

OAR 581-015-2200 Proposed Amendment

Proposed Rule Changes:

(2) For the purposes of transition, the IEP must include:

(a) Beginning not later than the first IEP to be in effect when the child turns 16, or **as early as age 14 or** younger, if determined appropriate by the IEP team **(including parent(s))**, and updated annually thereafter:

(A) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and

(B) The transition services (including courses of study) needed to assist the child in reaching those goals.

a. (l) Regarding employment, planning shall include information about and opportunities to experience supported employment services provided by Oregon Vocational Rehabilitation or the Oregon Office of Developmental Disability Services. These services must be provided in a competitive integrated employment setting, as defined by OAR 411-345-0020. Information about these services shall also be provided to the parent by the school district at each annual review for IEPs to be in effect when the child turns 16, or as early as age 14 or younger, if determined appropriate by the IEP team (including parent(s)).

Questions

Questions for Input:

1. Are the changes clear?
2. Are the changes consistent with the agency's commitment to equity?
3. Are there any potential unintended consequences that we haven't considered?

Next Steps

State Board? Further engagement?

Our plan is to present this rule change to the State Board for first reading in September and second reading in October.

Proposed Rule Impacts

Racial Equity:

- This change will ensure that students of color experiencing disability and their families receive specific information about supported employment services and competitive, integrated employment.

Fiscal/Small Business Impact:

- None identified/anticipated.



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Updates to the Technical Assistance Program's OARs

Leanna Heiman
Office of Finance and Information
Technology

OAR 581-027-0030, -0040, 0043 Proposed Amendments

Subject: Updates to the Technical Assistance Program's OARs

Concept: To clarify the two types of environmental hazard assessments between radon and asbestos. The proposal also provides 6 preference points specific to asbestos testing for the Asbestos TAP grant.

To incorporate a new rule for educational adequacy analysis as part of the Long-Range Facility Planning grant requirements to help districts determine how school facilities perform in key areas that promote student learning.

OAR 581-027-0030, -0040, 0043 Proposed Amendments

Subject: Updates to the Technical Assistance Program's OARs

Background: Starting in 2022, the Office of School Facilities will offer school districts a grant for asbestos management planning & inspections under TAP, known as the Asbestos Environmental Hazard Assessment grant.

Educational Adequacy Review has been a requirement for Long-Range Facility Planning since TAP began in 2015. However, the quality of this review varies greatly among districts. These standards help direct community discussions around the educational vision for local schools and prioritize improvements to facilities that are needed to achieve that vision.

OAR 581-027-0030 Technical Assistance Grant Program Procedures

Proposed Amendment:

The proposed rule change clarifies the two types of environmental hazard assessments between radon and asbestos. Also, it provides 6 preference points specific to the Asbestos Environmental Hazard Assessment TAP grant.

The preference points are designed to give priority to districts that:

- Have a student population under 2,500 ADMr
- Have 25% or more of students in poverty
- Have 50% or more of its schools built before 1980
- Have staff who need asbestos awareness or AHERA-related training
- Are due to conduct their 3-year AHERA reinspection
- Have completed annual updates to ODE's Building Collection by February 15 of each year.

OAR 581-027-0040 Long-Range Facility Plan Requirements

OAR 581-027-0043 Educational Adequacy Review Standards

Proposed Amendment:

Replaces the current requirement for Long-Range Facility Plans to include an analysis of a district's current facilities' ability to meet District-adopted educational adequacy standards with more specific guidance.

The proposed amendment will require this analysis to include a rating or indication of the degree to which each of the District's campuses meets the Department's Educational Adequacy Review Standards as described in OAR 581-027-0043. These standards focus on five primary facets of good indoor learning environments that directly correlate to student outcomes.

1. Acoustics and Noise
2. Air Quality
3. Lighting
4. Temperature
5. School Capacity and Classroom Space

Questions for Input

Will these standards help you as community members engage with the district to better determine what is needed to improve facilities for better indoor learning environments for students?

Next Steps

The proposed amendments to the Technical Assistance Program's OARs will be first read as part of the September meeting for the State Board.

Proposed Rule Impacts

Racial Equity:

- Districts with historically underserved populations are more likely to receive the TAP's Asbestos Environmental Hazard Assessment grant because the preference points prioritize small districts, districts with a significant number of students in poverty, and districts with older buildings.
- The educational adequacy review standards are designed to focus on indoor environmental quality since research has shown this to have a profound effect on both students' and teachers' comfort and cognitive performance. This new rule advances the Every Student Succeeds Goals by requiring Long-Range Facility Plans funded by TAP to use these research-based standards that are applicable to every district.

Fiscal/Small Business Impact:

AHERA-accredited inspectors and trainers will receive some additional business. TAP encourages districts to solicit bids from inspectors that are also COBID-certified minority-owned businesses, women-owned businesses, service-disabled veteran-owned businesses, and emerging small businesses. For the Educational Adequacy Review Standards, the fiscal impact should be minimal.



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SSA Summer Program Grants

Sophie Hilton
Office of Teaching Learning, and
Assessment

SSA Summer Programs: OAR 581-017-0620, 0623, 0626, 0629, 0632

Subject: Revising SSA summer program rules

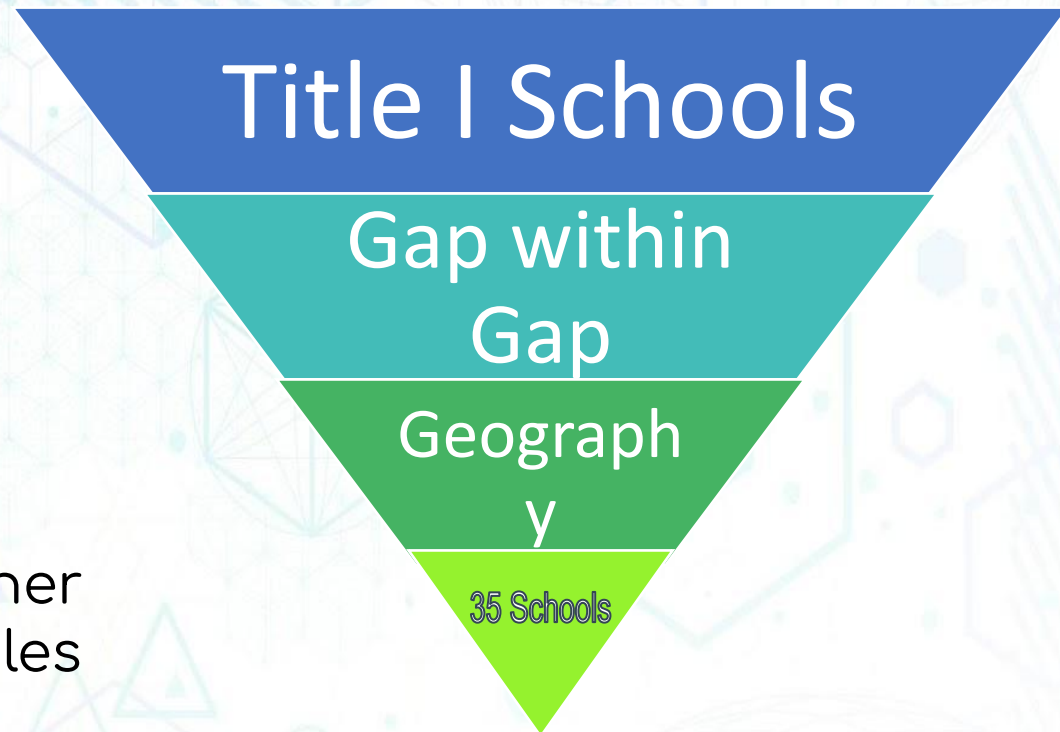
Concept: SSA program rules were first adopted in March 2020. In March 2021, temporary rules were adopted for funding and program requirements to address COVID impacts. (These temporary rules expire on September 19, 2021.)

As we move back to the original permanent rules, ODE would like to make some revisions based on lessons learned during the SSA Summer year 1 implementation.

SSA Summer Programs: Background

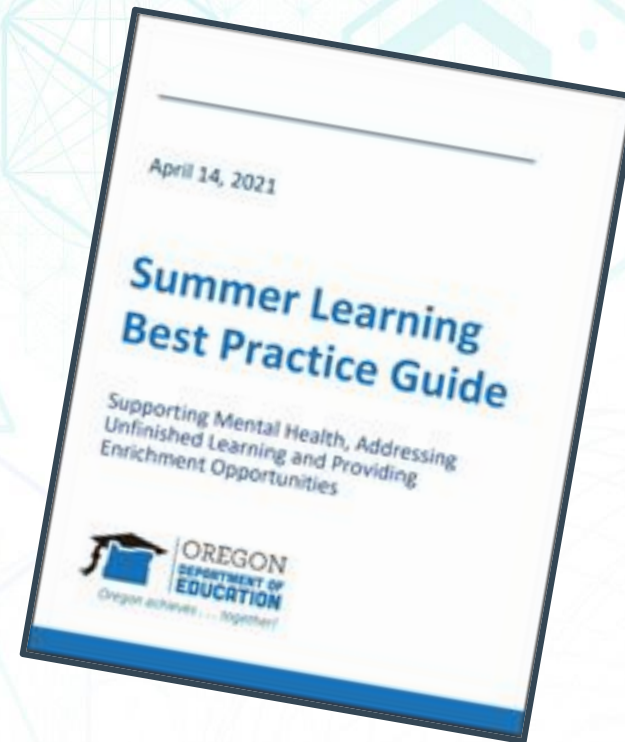
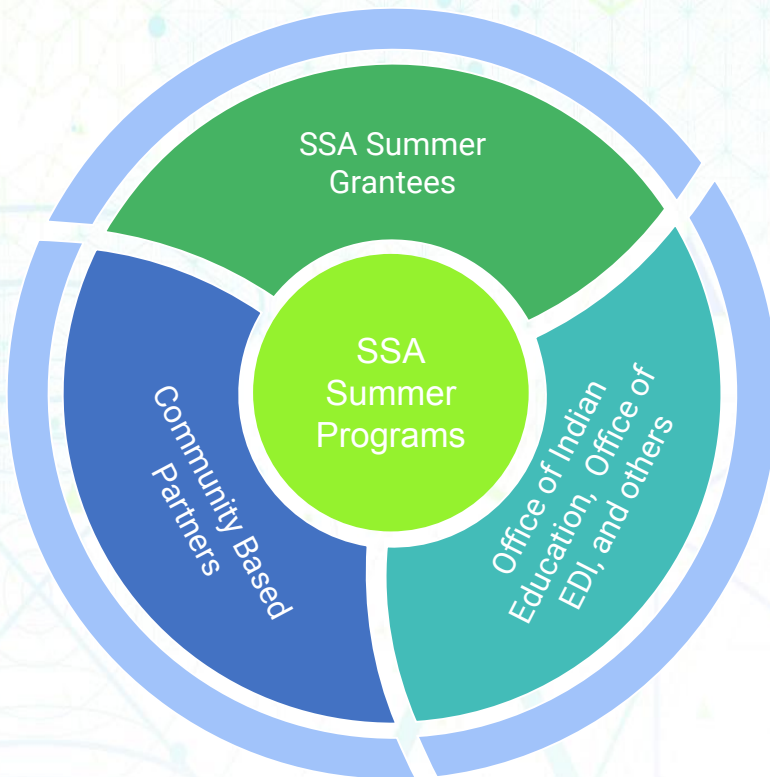
In 2019, the Legislature created a summer program grant for identified Title 1 schools in the Student Success Act.

Since 2019, ODE has worked closely with the RAC and other partners to co-construct rules to serve student groups in these identified schools



The [list of 35 selected schools](#) for Summer 2021, 22, and 23.

SSA Summer Programs: Engagement



SSA Summer Programs - Lesson Learned

What we are learning from engagement and 1st year implementation

- Grantees:
 - Successfully implemented 60 Hours Direct Academic Instruction
 - Integrated Well Rounded Learning
 - Noted the importance of transition points for students
 - Need additional supports in Student and Family Outreach
- Implementation
 - No dates in rules
 - Be more clear about program scheduling requirements
 - Centering mental health
 - Location flexibility - but still ODE-approved

SSA Summer Program

Proposed Rule Changes:

Worked closely with RAC to develop Rules for SSA Summer - Major changes involved additional ODE sections. See temporary Rule changes at this [link](#).

581-017-0620 Definitions: SSA Summer Program Grant - *Technical Changes Only*

581-017-0623 Eligibility: SSA Summer Program Grant - (a) Contracts may be established with federally-recognized Tribal governments, education service districts (ESDs), education-focused non-profit organizations, and other qualified entities for purposes allowed in this rule, ~~but the fiscal agent must be one of the eligible recipients identified in subsection (1) of this rule.~~

581-017-0626 Funding: SSA Summer Program Grant - *Section repealed*

581-017-0629 ~~Requirements~~ **Funding**: SSA Summer Program Grant

~~(2) The Department will determine each grantee's annual summer program allocation by providing a base amount plus per-student funding.~~

SSA Summer Program

Proposed Rule Changes Cont:

Program Requirement section - deepening equity alignment

581-017-0632 Program Requirements: SSA Summer Program Grant - (a) Serve students in kindergarten through grade 8, ~~including students entering kindergarten in the fall following the summer program;~~ **this includes students entering kindergarten in the fall and students exiting 8th grade going into 9th grade.**

(C) Students' **mental health including** social and emotional well-being.

(A) is scheduled over at least three **consecutive** weeks; and

(B) held at a ~~physical~~ **approved** location, **as determined by the Department of Education**

(f) Ensure staff are trained to implement program requirements and work effectively with all students within their school population, including students who ~~are~~ **have been identified as** English learners as defined by OAR 581-018-0540(2) and children with disabilities as defined by ORS 343.035(1);

(g) **Provide effective and culturally responsive outreach methods to ensure students enrolled** ~~Enroll students that~~ reflect the demographics of the school's student population to the extent practicable, with a focus on serving historically underserved student groups that are experiencing a significant achievement gap within the school;

Proposed Rule Impacts

Racial Equity:

- Selection criteria based on the most underserved student groups (gap with the gap), including students of color
- Attendance reflect the demographics of the school's student population (monitored by ODE)
- Focus on culturally responsive outreach and recruitment of historically underserved students groups
- Focus on mental health through centering Equity, Racial Equity and Anti-racism

Fiscal/Small Business Impact:

- Community Based Organizations

Questions

Questions for Input:

Are there additional equity implications related to the rule changes and/or program implementation that we should consider?

Since the RAC played a significant role in writing the original Rules for this program, do the rule changes continue to represent the original hopes and intentions of the group?

What else would you like to know about the first year of SSA Summer Program implementation?

Next Steps

Sept 16: State Board of Education: 1st read
Oct 21: State Board of Education: Adoption

Summer Best Practice Guide Listening Sessions:

Session 1: Tuesday, August 31, 2021 at 3:30-4:30 pm- [Zoom Registration Link](#)

Session 2: Thursday, September 2, 2021 at 12:00-1:00 pm- [Zoom Registration Link](#)

Session 3: Friday, September 3, 2021 at 10:00-11:00 am- [Zoom Registration Link](#)

If you cannot make a session, you may support our efforts by taking this brief [survey](#). The survey will close on September 7th by close of business.

[Summer Learning Best Practice Guide](#)

April 14, 2021

Summer Learning Best Practice Guide

Supporting Mental Health, Addressing
Unfinished Learning and Providing
Enrichment Opportunities





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Every Student Belongs

Ben Bowman
Office of the Director

Every Student Belongs

Subject: Updates to the Every Student Belongs rule

Concept: Align Every Student Belongs rule with the newly-passed House Bill 2697

Background: In 2020, the State Board of Education passed the “Every Student Belongs” rule. During the 2021 legislative session, the legislature passed a bill very similar to the rule. These minor changes bring the rule and the law into closer alignment.

Every Student Belongs

Proposed Rule Changes:

- These changes are a “technical fix” or “clean up” to the original rules; they do not substantively change the rule or its impact
- Align and streamline definitions with House Bill 2697
 - “Symbol of Hate” means nooses, symbols of neo-Nazi ideology or the battle flag of the Confederacy
 - “School property” means any property under the control of an education provider.
- Re-writes various other provisions of the rule to better align language with HB 2697

Every Student Belongs

Statement on Newberg School Board Situation

Currently, we have received 16 complaints filed against Newberg School Board for directing the superintendent to remove all flags and other communications promoting Black Lives Matter and Pride.

At this stage, the Oregon Department of Education cannot yet take these complaints. The department takes complaints alleging discrimination on appeal. This means that a parent or student must first file their complaint with the school district, and the school district must have an opportunity to cure the deficiency, before the department will accept the complaint. The department can take these complaints after the school board issues a written response to the complainants OR, if the school board fails to issue a written response within 30 days, after 30 days has passed.

We have responded to each person who has filed a complaint and have provided them with information about the department's processes. We have also provided them with information on how to file a complaint with Newberg School District. We have continued to have communications with several of these complainants, helping them navigate these processes.

If you want additional information about the department's complaint and appeals processes, you can contact Mark Mayer, a complaint and appeals specialist at the department. His email is

Mark.Mayer@ode.state.or.us

Every Student Belongs

Questions for Small Group Discussion (10 min):

- What are your greatest fears about this rule?
- What are your greatest hopes for this rule?
 - What will we need to accomplish your hopes?

Every Student Belongs - Next Steps

- First reading at the September State Board of Education meeting
- Second reading and possible adoption at the October State Board of Education meeting
- Reminder: ESB is a Division 22 Standard, subject to the same processes and enforcement as all other Division 22 Standards
 - Complaint, investigation, official determination, plan submission and approval, and potential withholding of funds

Proposed Rule Impacts

Racial Equity:

- This rule is designed specifically to protect historically marginalized students, staff, families, and community members from being targeted by symbols of hate and bias incidents. The rule will promote racial equity by creating safer spaces for students to learn, teachers to teach, and family to visit.

Fiscal/Small Business Impact:

- This will have a minimal impact on small businesses and a minimal fiscal impact on ODE/school districts.

Schedule of RAC Meeting Dates

- August 31, 2021
- September 9, 2021
- October 14, 2021
- November 9, 2021
- January 13, 2022
- February 10, 2022
- March 10, 2022
- April 14, 2022
- May 12, 2022
- June 9, 2022 (if needed)
- No December 2021 meeting
- Agenda, meeting materials, and updated invites will be sent out 1 week prior to the meeting date.

Preview of September Agenda

- Rules at Glance - Many temp rules
 - Interscholastic Activities for GED, Menstrual Dignity Act, Visions Screening, State Standards for 20-21, Content of IEP
- ODE Updates
 - ODE Budget Update, RSSL Resiliency Framework for 21-22 School Year
- ODE Draft Rules
 - Farm-to-school, Identification of TAG & Programs & Services for TAG



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OPEN SPACE

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



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Thank you!

