



ODE Rules Advisory Committee

FEB 03, 2022

Agenda

9:00 am - 2:30 pm

- I. Introductions & Opening Remarks
- II. ODE Rules-at-a-Glance
- III. ODE Updates
 - A. SB 744 Implementation Update & Legislative Update
- IV. ODE Draft Rules
 - A. SIA Rules for Focal Group Students; OAR Updates for Fingerprinting Fees; Intensive Coaching & Student Success Teams; Continuous Improvement Plans; Alternative Education Programs; Open Educational Resource Fee Waiver; SB 513 - Civics Requirement for Graduation
- V. Open Space/Questions
- VI. Closing

Nine Federated Tribes of Oregon: Confederated Tribes of Warm Springs



Oregon Department of Education

Welcome & Opening Remarks

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

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

Suggested Protocol

- 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)

Process

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 Early Draft Rule or Policy 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

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.





ODE Rules-at-a-Glance

Amendment to Latinx Student Success Grants

Subject: Amendment to Latino/a/x and Indigenous Student Success Rules
(Indigenous Mexican, Central, South American, and Caribbean)

Concept: Update to eligible entities

Background: Tribes and Educational Service Districts were originally excluded from the SSA statute. In the 2021 Legislative session, an amendment was made to include these entities. We are now making this change to the OARs to match what is in statute.

Amendment to Latinx Student Success Grants

Proposed Rule Changes: Adding to the eligible entities:

Community-Based Organization, early learning hub, provider of early learning services, school district, educational service district, Tribe, or post-secondary institution of education

Next Steps: Present to the State Board of Education in March for approval. This will take effect immediately for the 2022-2023 Latinx Student Success Grants RFA when it is released.

Suspension of Assessment of Essential Skills - OAR 581-022-2115

Subject: Senate Bill 744 - Suspension of Assessment of Essential Skills

Concept: The State Board will be asked to extend the suspension of the Assessment of Essential Skills at OAR 581-022-2115.

Background: Pursuant to SB 744, students are not required to demonstrate proficiency in relation to Essential Skills in order to receive an Oregon Diploma through the 2023-24 school year.

Suspension of Assessment of Essential Skills - OAR 581-022-2115

Proposed Rule Changes:

(22) The Essential Skills graduation requirements established by Sections 3, 4, and 5 of this rule are waived for students graduating in the 2021-2022, 2022-23, & 2023-24 school years.

Next Steps: 2nd Reading/Adoption at the March SBE Meeting.

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– and in at least 2 bathrooms by the end of the 2021-22 school year.

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 four temporary rules that govern this program have been presented to the RAC and State Board twice. The State Board will have its second read of the permanent rules in March.

Menstrual Dignity for Students

Proposed changes

- To strengthen inclusive and affirming language
- To clarify intentions of the law regarding positive education and displayed instructions
- To clarify where products are to be provided privately
- To better align reimbursable costs with the statute

Next steps

- Continued engagement with partners and interested parties.
- Second read at the State Board meeting in March.

Vision Screening

Subject: Vision Screening Reimbursement Programs

Concept: External vision screening providers can now be reimbursed directly by ODE

Background: SB 222 expanded the parties eligible for reimbursement under the Vision Screening Reimbursement grant, from “educational institutions” to “persons”. OAR 581-021-0031 currently stipulates a process for reimbursing school districts for expenses incurred for providing vision screenings, which are usually provided by external vision screeners. This amended OAR will allow external vision screening providers to be reimbursed directly by ODE, rather than through a school district.

Vision Screening

- **Proposed Rule Changes**

- No changes to the temporary rule passed in September.
- Adds “(7) For each biennium that the Legislature appropriates money to the Department for the purpose of reimbursing education providers or an organization that has been approved to provide vision screenings by the Department as provided in subsection (6) of this rule for vision screening, the Department will administer reimbursements to education providers or an organization that has been approved to provide vision screenings by the Department as provided in subsection (6) of this rule.

- **Next Steps**

- Final read and anticipated adoption at the State Board of Education (3/17/2022)



ODE Updates/ Policies



Senate Bill 744 Implementation

Rules Advisory Committee Update

February 3, 2022

Our Time Today



[Image Source](#)

- Brief Review of Requirements and Timeline of [Senate Bill 744](#)
 - Follow up on modified diploma rates by race/ethnicity
- **OAR Change at 581-022-2115 - Extending the Suspension of the Assessment of Essential Skills**
- Oregon's Graduation Requirements
- Canvas of State Graduation Policies and Practices
- Engagement Update

SB 744 Requirements & Timeline

Senate Bill 744 Requirements

[Senate Bill 744](#) maintains Oregon's rigorous high school credit requirements for graduation. **Students are required to have knowledge and skill in reading, writing, and math to graduate with a diploma in Oregon.**

Senate Bill 744 directs ODE to use a transparent process that is equitable, accessible and inclusive to:

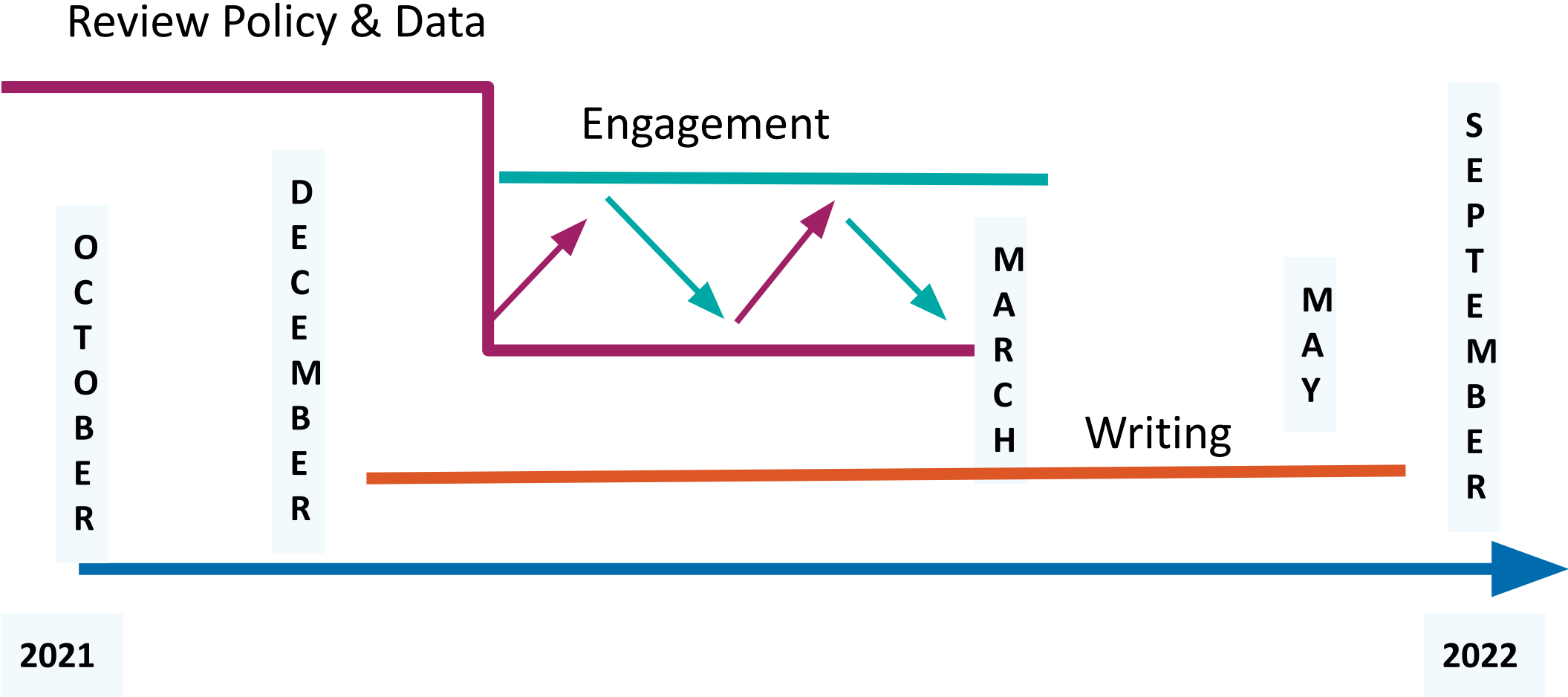
- **Review existing state requirements for earning each of the diplomas and alternative certificates** as prescribed by state law and rules adopted by the State Board of Education.
- **Review inequities and disparities that may exist** including the causes of disparities that have resulted from the requirements and whether the requirements have been applied inequitably to different student populations.

SB 744 - Requirements, cont.

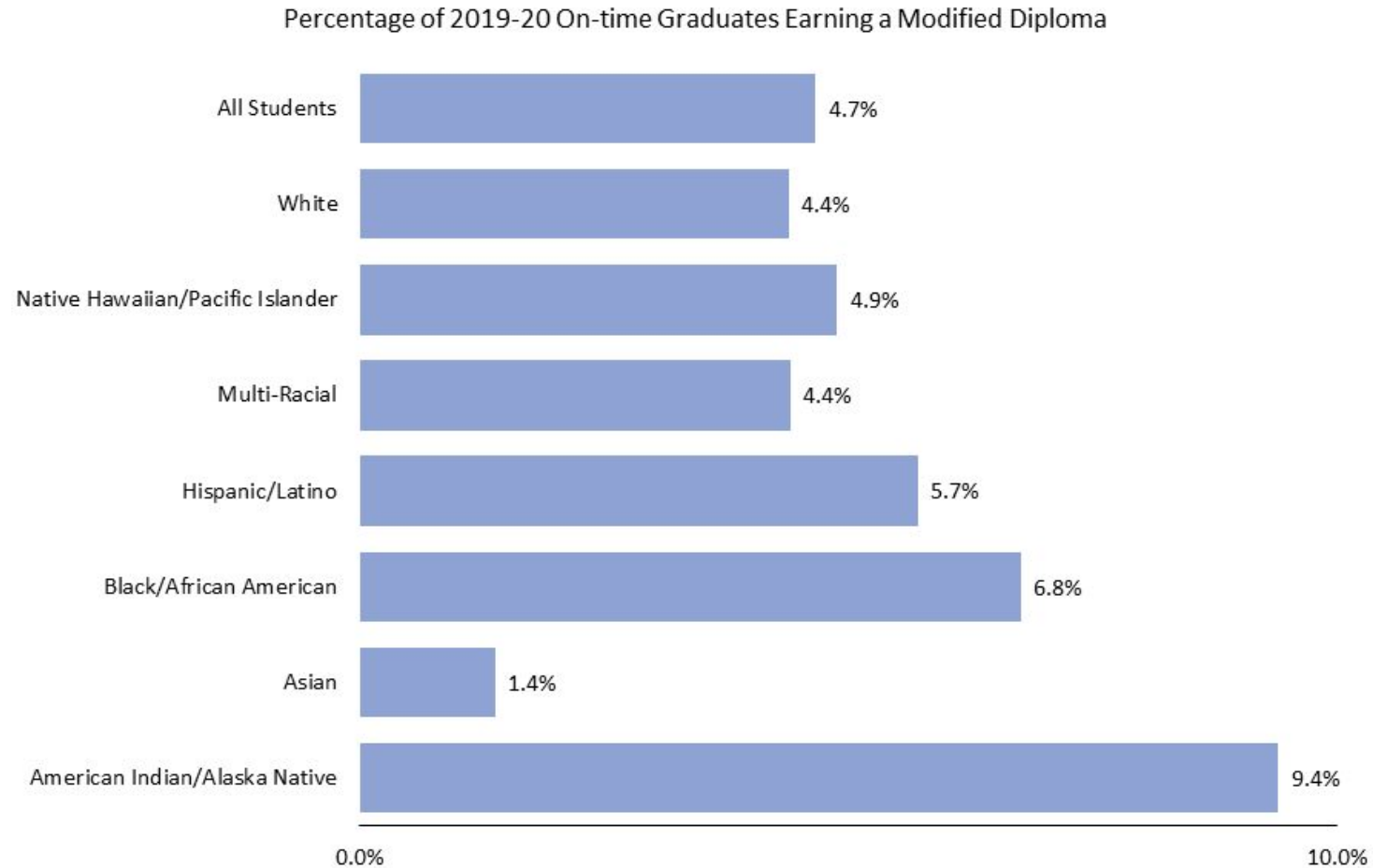
- Review other state graduation models
- Examine local implementation
- Canvas expectations of employers and post-secondary institutions
- Engage Oregon's diverse communities
- Temporarily suspend the assessment of Essential Skills requirement
- Produce a report to the Legislature and the State Board of Education by September 1, 2022

First Read
on 1-20-22

Implementation Timeline



Modified by Race/Ethnicity



Oregon's Credit Requirements

Oregon Credit Requirements

Subject Areas	Oregon Diploma	Oregon Modified Diploma	Oregon Extended Diploma
English Language Arts	4	3	2
Mathematics	3 ¹	2	2
Science	3 ²	2	2
Second Language; Arts; CTE	3	1	1
Health	1	1	1
PE	1	1	1
Electives	6	12	
Social Sciences	3 ³	2	3 ⁴
Total Credits	24	24	12

2022 Oregon Graduation Requirements

- Complete all course and credit requirements
- Complete all [Personalized Learning](#) requirements
 - Education Plan and Profile
 - Career Related Experience
 - Extended Application
- Suspended through 2023-24: *Demonstrate proficiency in the Essential Skills of reading, writing, and mathematics with state-approved assessment options

Note: Personalized Learning requirements do not apply to the Extended Diploma or the Alternate Certificate

State Policies Review

State Exit Examination Trends

- Only 11 states had graduation exit examinations in place for ELA and math in 2020 (FL, LA, MA, MD, MI, NJ, NM, NY, OH, TX, and VA)
- 12 states recently ended graduation exit examinations (AR, AZ, CA, GA, ID, IN, MN, NV, OK, RI, SC, and WA)
- 1 state placed an exit examination moratorium (PA)
- 7 states delivered retroactive diplomas (AK, AZ, CA, GA, NV, SC, and TX)
- 1 state was planning a new series of graduation examinations (CO)

Source: [FairTest.org](https://www.fairtest.org)

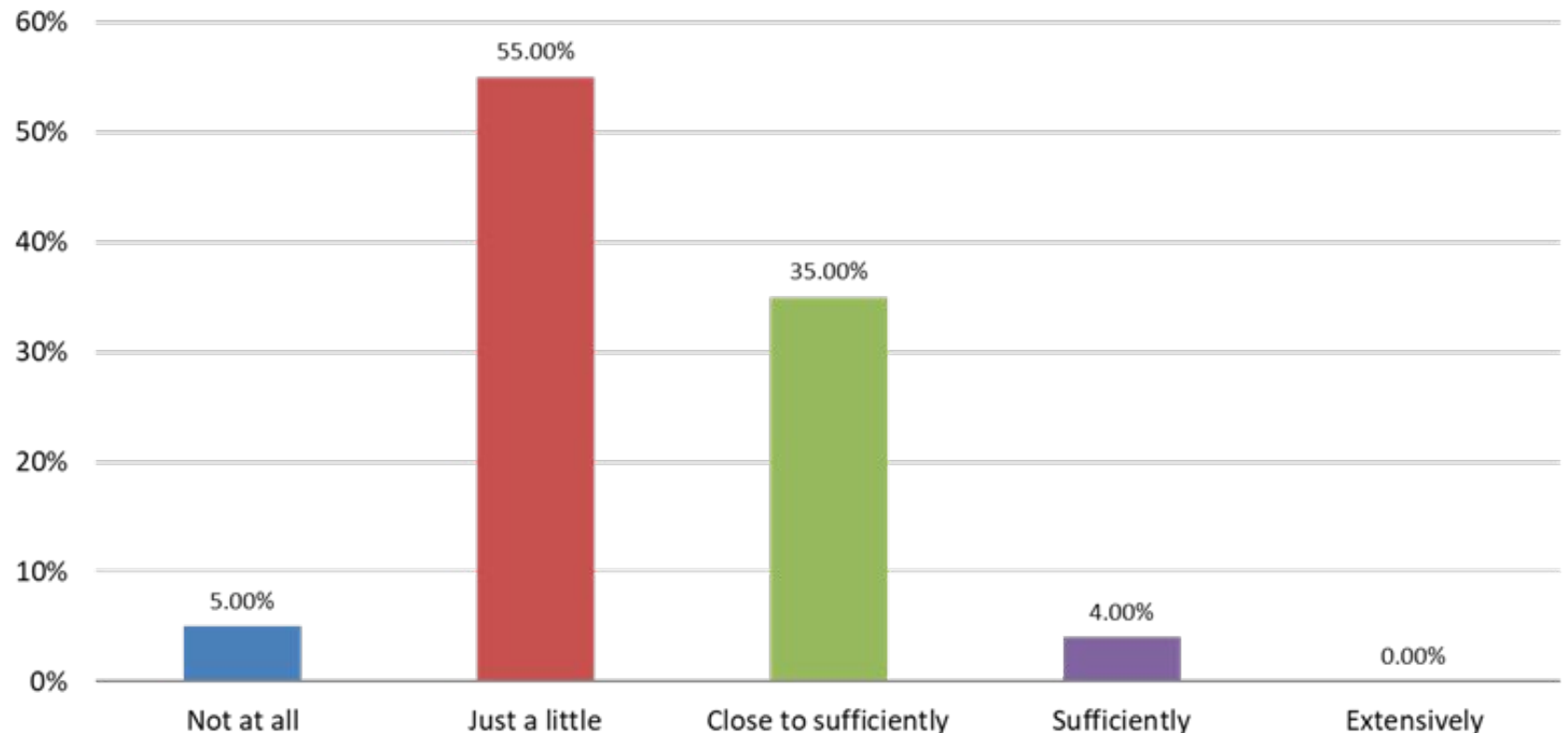
ESSA Diploma Requirements

- ESSA counts only regular, on-time diplomas as part of official graduation rates (Oregon has made the argument that the modified diploma is substantially similar to the regular diploma, given that it also requires 24 credits)
- States have transitioned to having multiple pathways to the same diploma versus having multiple diplomas

Student Employability Perceptions

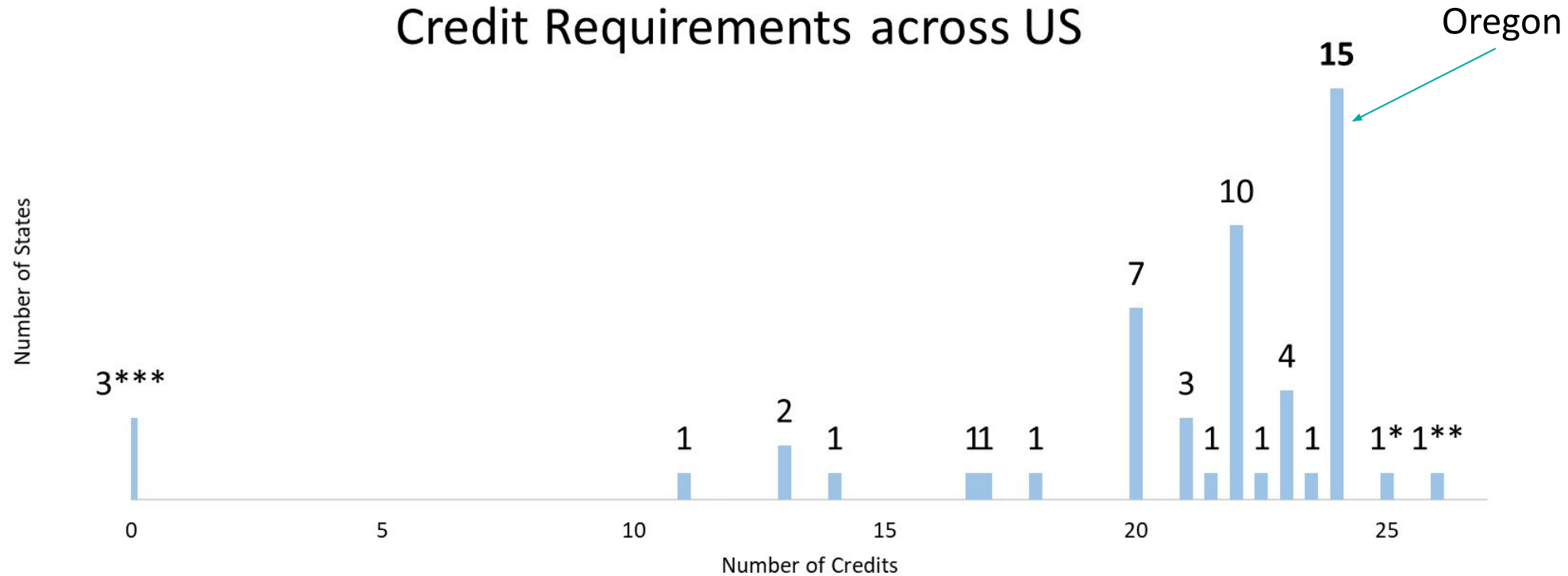
Perception of preparedness

Survey recipients were asked about their perception of how prepared current high school graduates are with essential employability skills when entering the workplace. 60% responded “just a little” or “not at all.” 35% reported “close to sufficiently,” 4% reported “sufficiently,” and none reported “extensively.”



National Credit Requirements

Credit Requirements across US



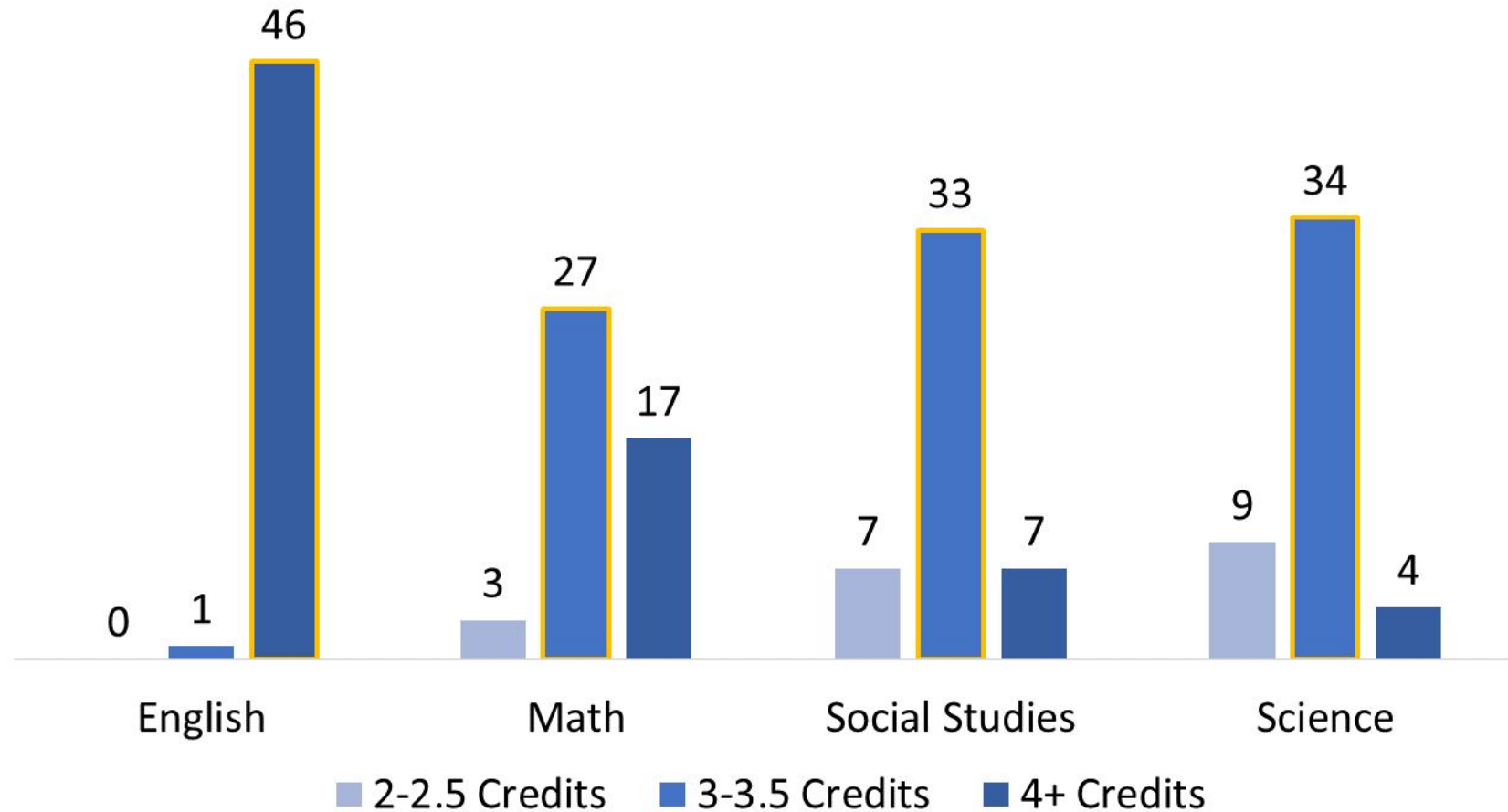
*Connecticut will require 25 credits beginning with graduates in 2023

** DoD requires 26 credits

*** 3 states allow districts to determine credit requirements with no statewide minimum

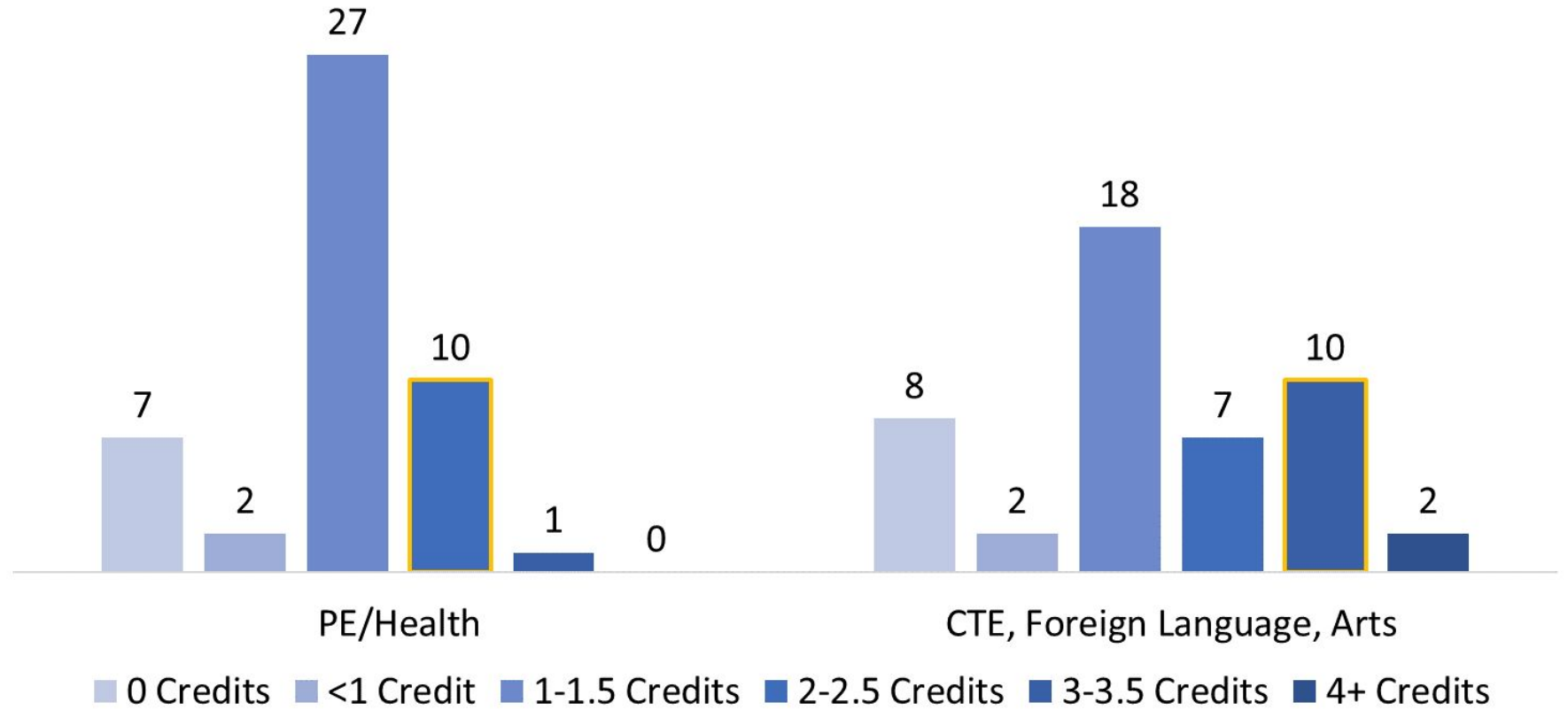
Credits for Graduation by Subject

Yellow border shows Oregon's current requirements



Credits for Graduation by Subject


Yellow border shows Oregon's current requirements



Math Credit Requirements by State

	n	%
No specifics	12	28%
Requires at least Algebra I	31	72%
Requires only Algebra I	6	14%
Requires Geometry	20	47%
Requires Algebra II	14	33%
Requires unspecified course(s) above Algebra I	2	5%
Requires unspecified course(s) above Geometry	3	7%

Oregon



Graduation Decision-making Policies

- 47 states and the District of Columbia have minimum statewide high school graduation requirements.
- 3 states allow local districts to decide graduation requirements: Colorado, Massachusetts, and Pennsylvania, but all three have a statewide assessment or recommended graduation requirements.
- 16 states offer diploma options other than the standard diploma type, and six states offer multiple standard diploma options.
- 17 states specify non-course requirements as a condition of graduation in state policy.

State Policies of Interest

- Rhode Island: In process of recommending a new diploma but have [multiple graduation pathway endorsements](#).
- Ohio: [Class of 2023](#) has 20 credit requirement, a demonstration of competency and a demonstration of readiness as the basis of their diploma.
- Connecticut: [New diploma adopted in 2017](#) allows for more student choice and personalized pathways. Class of 2023 will be required to complete 25 credits, but have flexibility in the types of humanities, STEM, and other courses.

SB 744 Engagement

Senate Bill 744 Engagement

Oregon students who've experienced the most graduation outcome disparity

- Members of Tribes in Oregon
- American Indian/Alaska Native
- Black/African American
- Native Hawaiian/Pacific Islander
- Hispanic/Latino/Latinx
- Immigrants and refugees
- Experiencing disabilities
- Emerging bilinguals
- *Experiencing mobility*
- *Navigating poverty*
- *Identify as LGBTQ2SIA+*
- *Gender (male/female/non-binary)*

ODE-Facilitated Engagements

ODE is coordinating engagements with multiple internal and external education partners

- Government to Government with Tribes in Oregon
- Student Success Teams ([SACSE](#), [EL Advisory](#), [African-American/Black](#), [Latino/a/x & Indigenous](#), and [LGBTQ2SIA+](#))
- Oregon Educators (migrant education coordinators, special education directors, English language coordinators, high school counselors, high school educators)
- Oregon Administrators (high school principals)

Oregon's Kitchen Table

ODE is partnering with the [Oregon Kitchen Table](#) (OKT) program within Portland State University



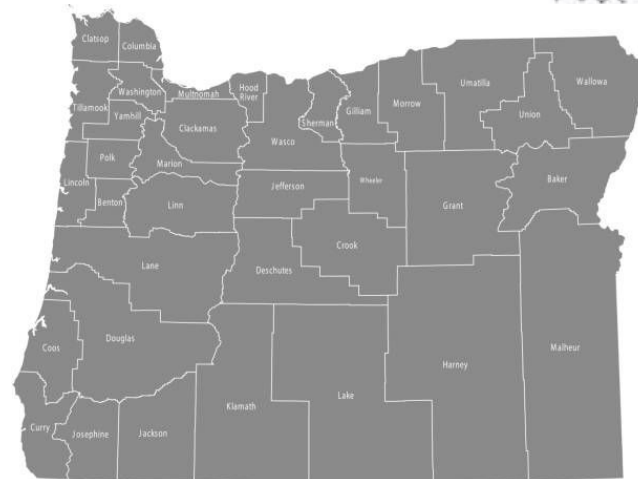
“Oregon’s Kitchen Table is a space for people in Oregon to contribute feedback, ideas, and resources to decision-makers, public projects, and initiatives. Using culturally specific and targeted outreach, Oregon’s Kitchen Table has a particular focus on hearing from Oregonians who have been left out of traditional engagement processes. Oregon’s Kitchen Table has been used at the state, local and regional levels to gather feedback from a wide variety of Oregonians on a range of topics, including state budgeting priorities, county budgeting, kindergarten readiness, school boundaries, affordable and accessible housing, and equitable education.”

Statewide Survey

Made available in seven languages:

- Arabic
- Chinese
- English
- Russian
- Somali
- Spanish, and
- Vietnamese

**Expected dissemination date:
February 15, 2022**



Community Connections

Personal connections to groups defined by SB 744

- Relationship building
- Identify important connectors and connection points for people
- Co-create engagement efforts and activities
- Work with compensated community organizers from those groups
- Make materials and events available in plain language and in multiple languages



Community Conversations

- Virtual meetings
- Hosted regionally, with dissemination via Oregon's 19 Education Service Districts
- **All 19 are currently planned: February 16 - March 17, 2022**



Questions



[Image Source](#)

Thank you!

Dan Farley

Director of Assessment



Legislative Update

Zoe Larmer

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Break



ODE Draft Rules



Revisiting SIA Rules on Focal Groups: Distinguishing Charter Eligibility, Engagement, and Performance Targets

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SIA Rules for Focal Group Students

Subject: Definitions for the Student Investment Account

Concept: Adding additional definitions to rule regarding the Student Investment Account.

Background: Currently the rules for the Student Investment Account contain some definitions for focal student groups as they pertain to the determination of eligibility for charter schools to apply independently.

After two years of implementation, we have found that in reality we have three structural areas where there needs to be definitions in rule.

SIA Rules for Focal Group Students

1. Charter School Eligibility

- The definitions for student groups already in rule support the determination of eligibility for a charter school to apply independently of a district.

2. Community Engagement

- The statute lists focal groups that should be engaged by districts and eligible charter schools for the purpose of community engagement.
- The statute also provides that additional groups can be added by the State Board in rule.
- Currently no focal groups, for the purpose of engagement, are identified in rule. ODE is proposing this change to increase clarity within the best understanding of the intent of the law and authority of the State Board.

3. Longitudinal Performance Growth Targets

- Again, defined in statute but no definitions currently in rule expressly for the purpose of LPGTs.

SIA Rules for Focal Group Students

Timeline:

- In December we presented these ideas as a rule concept
- At the January RAC we presented a first draft of the rules based on initial feedback
- In today's RAC meeting, we are bringing the draft back for a second review before going to the State Board
- Requesting to present First Read to State Board in April and a Second Read in May

SIA Rules for Focal Group Students

- **Proposed Rule Changes**
 - Draft Rules: Link to the working document is in the chat
- Adding or updating definitions for:
 - Students from Racial or Ethnic groups that have historically experienced academic disparities
 - Foster Students
 - LGBTQ2SIA+ Students
 - Recent Arriver Students
 - Migrant Students
 - Incarcerated and detained youth

SIA Rules for Focal Group Students

- **Proposed Rule Additions for Community Engagement**
 - These rules mirror what is in statute for community engagement as part of the strategic planning processes districts must do when applying.
 - Adding the groups previously named to rule for the purpose of community engagement.
 - Establishes that districts or eligible charter schools may, if they choose, establish additional focal groups not otherwise named as long as they have experienced historic or current academic disparities resulting from:
 - Immutable characteristics
 - Socio-economic status
 - Cultural or ethnic background
 - Disability
 - Students experiencing mental or behavioral health barriers.
 - Or any combination thereof

SIA Rules for Focal Group Students

- **Proposed Rule Additions for Community Engagement**
 - While recognizing that the lack of access to Talented and Gifted (TAG) programs has been recognized by the Joint Committee on Student Success, lack of access to TAG programming for academically gifted and high achieving students on it's own does not fit within the spirit and intent of the SIA to reduce academic disparities for historically underserved students.
 - The proposed rules limit the identification of TAG students as a focal group unless they are otherwise part of an already identified focal group.
 - This rule does not exclude TAG students from the SIA, but does maintain its intent of focusing on historically underserved students who have experienced academic disparities.

SIA Rules for Focal Group Students

- Proposed Rule Additions for Longitudinal Performance Growth Targets (LPGTs)
 - We do recognize that some of these newly identified focal groups, as well as ones that districts may recognize will not be identifiable in data collections currently captured by ODE.
 - The proposed rules say that groups not in data collected by ODE, such as LGBTQSIA+ students, will not be required to be included in the development of LPGTs.
 - The rules do indicate that as data becomes available that could include other groups, they may become required to be included in the development of LPGTs.

SIA Rules for Focal Group Students

Questions for Input:

- Are there other focal groups we should consider adding who are not otherwise captured in the draft rules for community engagement?
 - There is not statutory authority to adjust how charter eligibility is determined except as it relates to the definition of “economically disadvantaged” which is work happening in a parallel effort with wider impacts across a larger set of rules.
 - There is not a feasible change for LPGTs based on current data collections.
- Are there other areas of definitions and structure missing from the proposed rules?

SIA Rules for Focal Group Students

Timeline/Next Steps:

- In December we presented these ideas as a rule concept
- At the January RAC we presented a first draft of the rules based on initial feedback
- In today's RAC meeting, we are bringing the draft back for a second review before going to the State Board
- Requesting to present First Read to State Board in April and a Second Read in May

Proposed Rule Impacts: SIA Rules for Focal Group Students

Racial Equity:

- The proposed rules expand the spirit of the SIA by adding the definitions of both groups named in statute as well as expanding community engagement with the inclusion of additional named focal groups.

Fiscal/Small Business Impact:

- The fiscal impact would be limited to districts and eligible charter schools. However, due to the engagement process required by ESSER III and SIA, this impact should be negligible. Ongoing community engagement is also an allowable use of both ESSER and SIA funds.



Background Check Fees

Brock Dittus

Pupil Transportation & Fingerprinting

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Background Check Fees

Subject: OARs 581-021-0511, 581-021-0512, 581-045-0586, and 581-045-0586

Concept: Background Check Fees

Background: Specific numeric costs for background checks related to classified employment or volunteering with public or private schools have been established in OAR; these revisions attempt to remove some specificity to allow for fluctuating costs.

Background Check Fees

Timeline:

- Previously presented to the RAC in November 2021
- Adopted as temporary rule at December 2021 State Board of Education meeting

Rules have been drafted and adopted as temporary; the same rule text is proposed as a permanent rule to allow ODE to be responsive to future Oregon State Police or Federal Bureau of Investigation fees and/or significant cost of living increases.

Background Check Fees

- **Proposed Rule Changes**

- consistent language across the four rules:
“A fee per criminal records check request shall be established by the department, reviewed annually, and commensurate to cost changes to Oregon State Police or Federal Bureau of Investigation fee schedules and other costs associated with acquiring and furnishing criminal offender information.”
- OAR 581-021-0511 - fingerprinting of subject individuals in public schools
- OAR 581-021-0512 - nonemployment criminal background checks (public)
- OAR 581-045-0586 - fingerprinting of subject individuals in private schools
- OAR 581-045-0587 - nonemployment criminal background checks (private)

Background Check Fees

- Proposed Rule Changes
 - The language does not mirror statute, but statute does limit fees to actual costs of delivering criminal background check results.
 - The RAC previously reviewed this language for the temporary rule and did not propose new language at that time. Any suggestions for improvement are welcome.

Background Check Fees

Questions for Input:

- Is the language clear in communicating its intent?
- Is there any reason that a specific numeric amount would be necessary in rule?
- Do you have any other suggestions for improvement?

Background Check Fees

Next Steps:

- Presentation to the State Board of Education for first read as a permanent rule

Proposed Rule Impacts: Background Check Fees

Racial Equity:

- No specific impacts to racial equity have been identified.

Fiscal/Small Business Impact:

- No impacts on small business have been identified. School districts will need to account for the \$7 per application increase in fees.



Intensive Coaching Program

Tim Boyd and Sarah Dey

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Intensive Coaching Program

Subject: Intensive Coaching Program Funds

Concept: Access to initial grant-in-aid to cover collaboration and coordination costs between the participating district and the Department

Background: Initial rule sets established that program funding allocations are made through the recommendations of the Student Success Teams and adopted by the district's school board. As we have begun the actual work to partner with participating districts, we've identified a value and need in districts to have some dedicated initial funding to support the coordination of this program on the district side of operations.

Intensive Coaching Program

Timeline:

- We currently have a temporary rule to offer some limited initial funding to districts, and we are requesting that the temporary rule be made permanent.
- We presented this request for a first read to the State Board of Education on January 20, 2022.

Intensive Coaching Program

Proposed Rule Changes

581-017-0741 Intensive Program & Student Success Teams: Funding

1. Available funds will be distributed based on ADMw
2. Maximum allocations will not exceed 50% of the total available funds per district
3. Minimum allocations will not fall below 5% of the total available funds per district
4. A portion of the allocation of at least \$50,000 but not to exceed 5% of the total allocation may be used to support coordination and collaboration between The Department and the district.
5. All remaining funds will be spent in accordance with recommendations from the Student Success Teams

Intensive Coaching Program

Proposed Rule Changes: Minor Edits

Under 581-017-0729, the Department proposes:

(10) “Stewarding Members” are the ODE point person, the Leadership ~~Steward Adviser~~, the Teaching and Learning ~~Steward Adviser~~, the Community ~~Steward Adviser~~, the district superintendent, a school board member or community member, and a classroom teacher.

Under 581-017-0738 (b), the Department proposes:

b. Commitment to membership and representation on the Student Success Team;

Whether by formal participation or through consultation, the experiences of the following perspectives, where applicable, must be included in decision-making considerations by ~~the group of Stewarding Members Stewardship Group~~:

Intensive Coaching Program

Questions for Input:

- Do you foresee any unintended consequences of making this temporary rule permanent?
- Does this range represent the right balance of providing districts with resources to effectively start the program while also ensuring the bulk of the additional grant in aid goes to strategies or activities aligned with the spirit of the Student Investment Account?

Intensive Coaching Program

Next Steps:

- Rules Advisory Committee: Rules-at-a-Glance – March 03
- State Board of Education: 2nd Read – March 17
- Rules Filed with Secretary of State and in effect – March 23

Proposed Rule Impacts: Intensive Coaching Program

Racial Equity:

- We believe that making this rule permanent will support more effective implementation of this program, which aims to improve racial equity.

Fiscal/Small Business Impact:

- We don't anticipate any immediate or direct fiscal/ small business impact from these rule changes.



District Continuous Improvement Plans

OAR 581-022-2250

Tim Boyd

Office of Education Innovation & Improvement

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District Continuous Improvement Plans

Subject: OAR 581-022-2250

Concept: Shift submission timelines to align with program integration efforts

Background: Current rules require school districts to submit local district continuous improvement plans (CIP) once every three years. By shifting the submission of plans to once every four years, the plans and the required processes would be aligned to the efforts to integrate:

- High School Success (HSS)
- Student Investment Account (SIA) within the Student Success Act
- Continuous Improvement Planning (CIP)
- Career and Technical Education - Perkins V (CTE)
- Every Day Matters (EDM)
- Early Indicator Intervention Systems (EIS)

District Continuous Improvement Plans

- All 197 school districts submitted Continuous Improvement Plans December, 2019
- Staff from multiple teams reviewed submissions to ensure they met requirements
- This proposed rule change would see districts submit CIPs in 2023
- While no funding is attached to the CIP, these plans serve as LEA plans under ESSA and are required to be on file with the department to access federal budget funds through the CIP Budget Narrative process

District Continuous Improvement Plans

Timeline:

- February 3: Introduction of rule change to Rules Advisory Committee
- February - March: engage internally and with partners
- March: Revisit rule change with Rules Advisory Committee
- March 17: first read with State Board of Education
- April 21: second read / adoption with SBE

Continuous Improvement Plans - OAR 581-022-2250

Questions for Input:

- What might be unintended impacts for shifting the CIP submissions to once every four years?

Proposed Rule Impacts: Continuous Improvement Plans - OAR 581-022-2250

Racial Equity:

- Shifting timelines to support the alignment of programs has the potential to strengthen engagement and planning efforts for programs with explicit focus to advance racial equity.

Fiscal/Small Business Impact:

- No immediate fiscal impact is anticipated. Shifting timelines for district CIPs has the potential for more intentional and focused engagement opportunities with communities and businesses.



Questions?



Lunch



Alternative Education Programs

OAR 581-022-2505

Annie Marges, Alternative Education Options Specialist
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Alternative Education Programs: OAR 581-022-2505

Subject: New Definition for Alternative Education

Concept: In response to Secretary of State Audit, a new definition of Alternative Education is proposed

Background: Secretary of State Audit in 2017 of alternative and online education produced 15 recommendations; 13 of the 15 related specifically to alternative education in Oregon. The first recommendation was for the ODE to “develop a clear definition of alternative schools and programs”. A couple of iterations of a definition have been proposed, all without stakeholder input. We aim to change that.

A bit about Alternative Education in Oregon

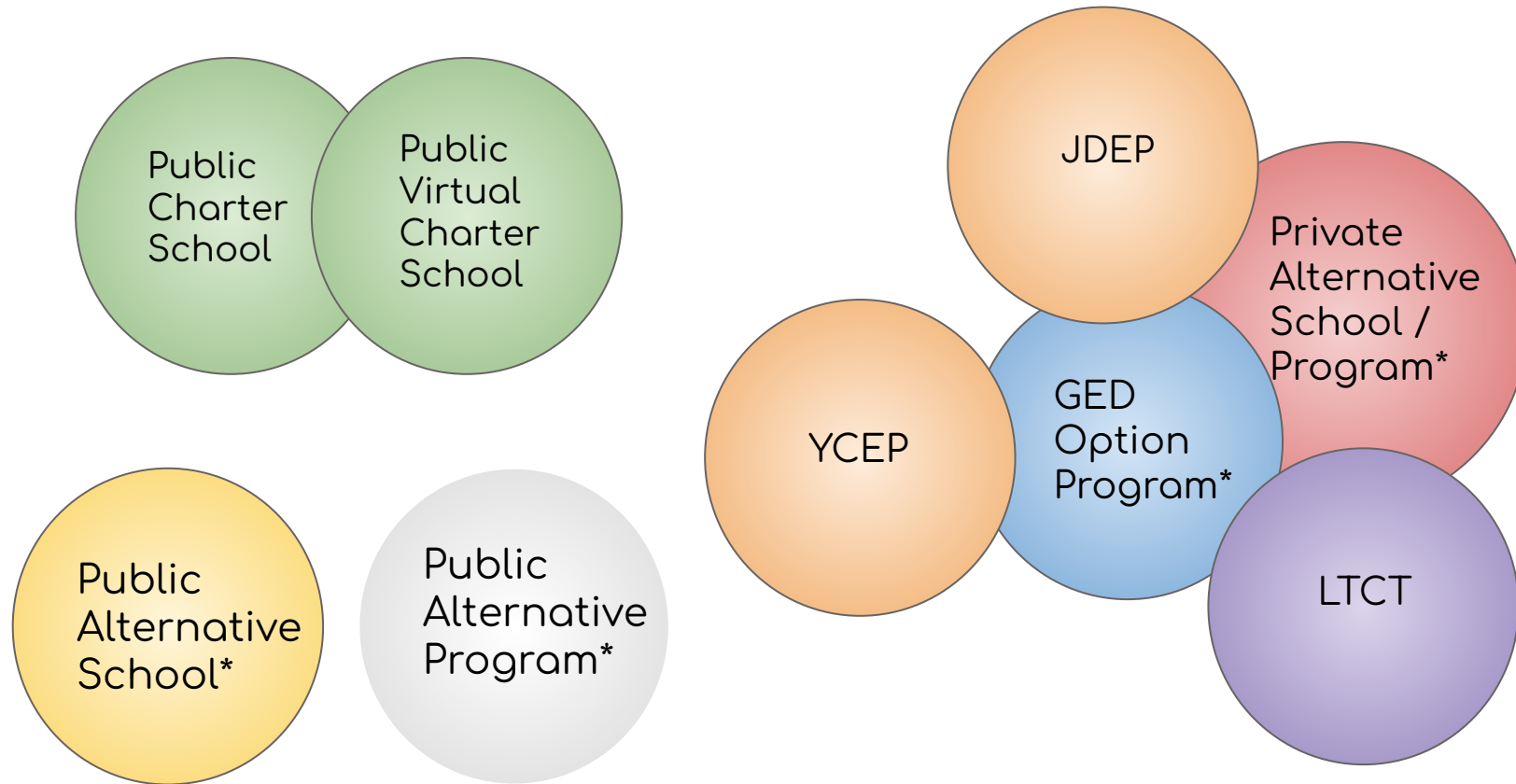
Traditional Brick and Mortar



Non-Traditional K-12 Options

- Public Charter School
- Public Virtual Charter School
- Public Alternative School
- Public Alternative Program
- Private Alternative School / Program
- GED Option Program
- Long Term Care and Treatment (LTCT)
- Juvenile Detention Education Program (JDEP)
- Youth Correctional Education Program (YCEP)

Education Options Ecosystem



Alternative Education Options

Public Alternative Schools

District-sponsored schools (ex: Alliance HS in Portland, Success HS in Woodburn)

School report card

Placements may be long or short term

Public Alternative Programs

District-sponsored programs, sheltered data is invisible to ODE, no report card, no data collection

Short-term placements, or GED

Private Alternative Schools / Programs

Community-Based Organizations, non-profit, no report card, data collection

Variety of models (6 month - 4 year), often connected with workforce development

GED Option Programs

May be sponsored by school districts, ESDs, community colleges, public alternatives, private alternatives

Students 16-18

Pursuing diploma and GED simultaneously

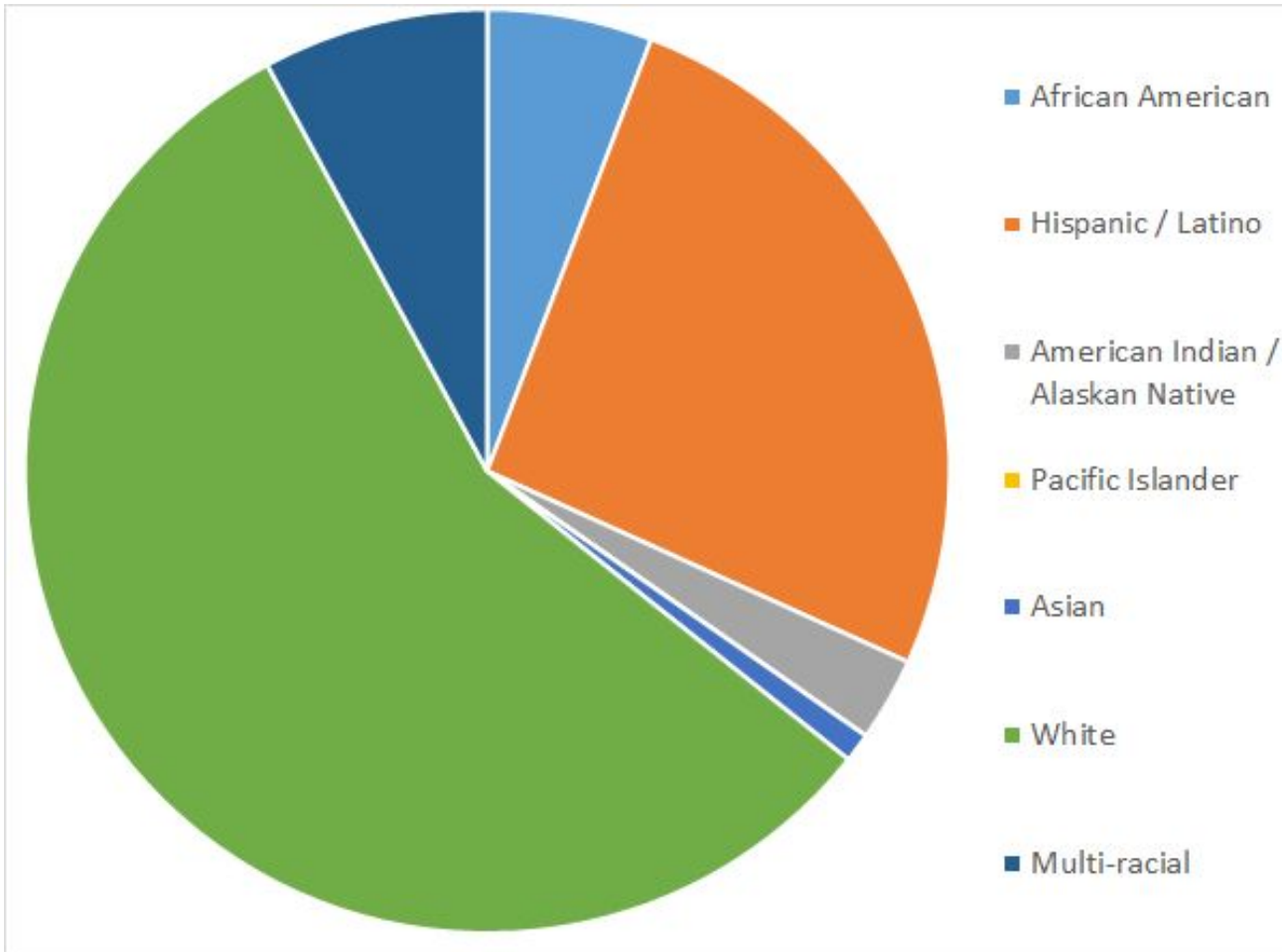
Alternative Education Options

Students in all alternative settings may be:

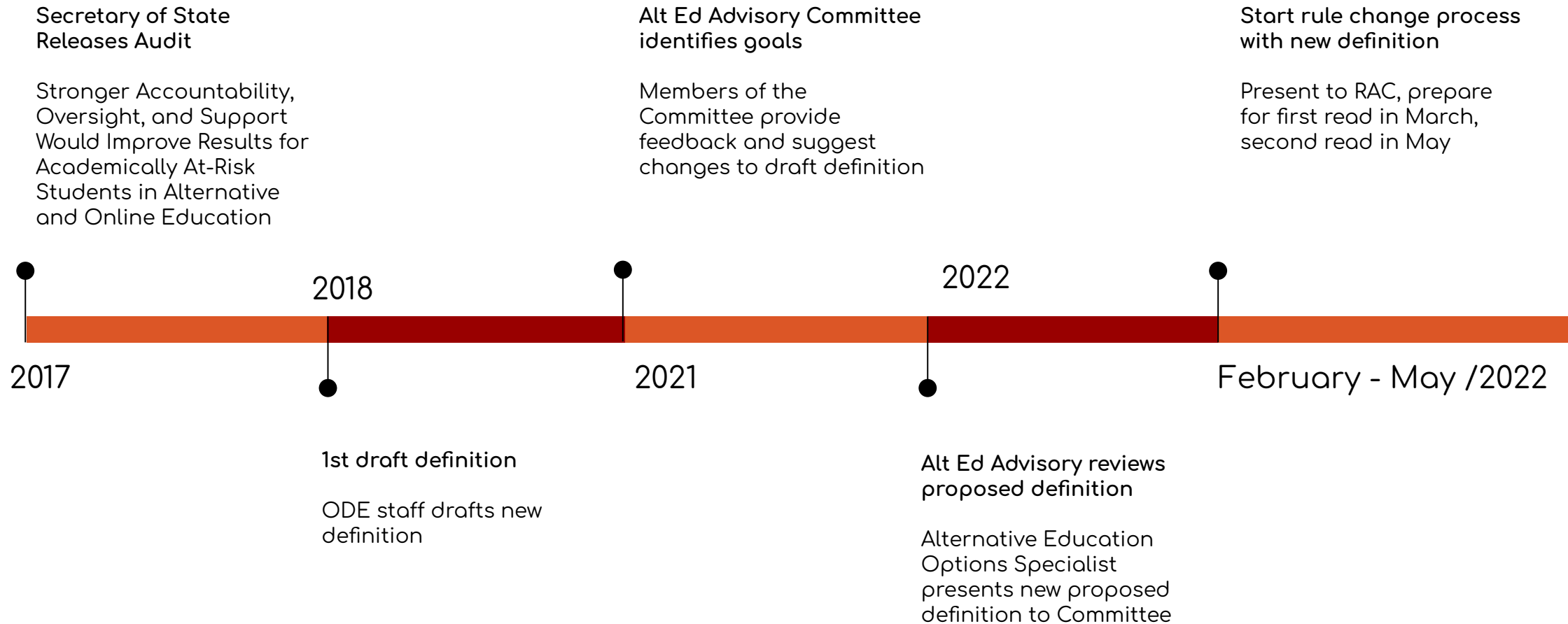
- Experiencing homelessness, addiction, violence, mental health issues, gang involvement, juvenile justice system, foster system, pregnant or parenting
- Historically under-resourced (Black, Indigenous students of color, economically disadvantaged, etc)
- Feeling unsafe in traditional settings because of LGBTQ+ status
- Behind in credits, wanting to accelerate, gifted
- Wanting to connect to post-secondary education and training, the trades, the military

Students in Alternative Settings by Race

Racial category	% students enrolled in Alt Ed	% total students
African American	5.7	2.3
Hispanic / Latino	25.7	23.4
American Indian / Alaskan Native	2.9	1.2
Pacific Islander	<1	<1
Asian	1	3.9
White	55.7	61.9
Multi-racial	7.8	6.4



Alternative Education Programs: OAR 581-022-2505



Alternative Education Programs: OAR 581-022-2505

Current language in rule and statute

- Current definition: [OAR 581-022-2505](#)(2) In order to provide innovative and more flexible ways of educating children, school districts may establish alternative education options within the public school system.
- [ORS 336.315](#) “Alternative education program” means a school or separate class group designed to best serve students’ educational needs and interests and assist students in achieving the academic standards of the school district and the state.
- [ORS 336.625 Goals](#) (1) In implementing alternative education programs, district school boards shall maintain learning situations that are flexible with regard to environment, time, structure, and pedagogy

Alternative Education Programs - OAR 581-022-2505

Proposed Definition for Rule:

For the purposes of OAR 581-022-2505, alternative education is defined as public or private alternative schools or programs whose primary mission is to serve students whose academic, social, emotional, and/or behavioral needs are not being met by a traditional program or school.

Alternative education is designed to best serve these students' educational needs and interests through small classes and individualized attention, while assisting students to achieve the academic standards of the school district and the state through varied instructional interventions, strategies, and techniques.

Alternative education may be responsive to students' needs by providing, for example, unique programming, non-traditional hours, hybrid, or virtual experiences for students.

Alternative Education Programs - OAR 581-022-2505

Questions for Input:

- Does the proposed definition need to be more prescriptive?
- Some alternative schools and programs are designed to fill a particular need in a community (culturally responsive education, behavioral support, suicide prevention, and other medical or behavioral needs). How much should those be reflected in the definition?
- Does the proposed language allow for innovation and potential for growth in this realm of education?
- To what extent, if at all, does the proposed language need to consider or correspond with definitions of other non-traditional educational options (charter, virtual)?

Alternative Education Programs - OAR 581-022-2505

Next Steps:

- Take proposed definition to Alt Ed community (start with schools and programs) for input and feedback
- Present to State Board in March for the first reading
- Continue to engage community members (teachers, students, families, community-based organizations, districts, ESDs)
- Take all feedback into consideration, draft final definition, and take to Alt Ed Advisory Committee
- Take to State Board for second read in May

Proposed Rule Impacts: Alternative Education Programs - OAR 581-022-2505

Racial Equity:

- According to ODE data, at least 45% of all students who are enrolled in alternative learning spaces are students of color. What's more, traditionally system-impacted youth, and historically underserved youth tend to enroll in alternative schools and programs.

Fiscal/Small Business Impact:

- No impact.



Open Educational Resource Fee Waiver - OAR 581-011-0090

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Open Educational Resource Fee Waiver - OAR 581-011-0090

Subject: OAR 581-011-0090 Assessment of Submission Fees

Concept: Open Educational Resources (OER) Fee Waiver

Background: In 2017 Chapter 337 of Oregon Revised Statute was revised to allow ODE to waive fees for teaching and learning resources that reside in the public domain and/or are licensed to allow the "free use and repurposing by others", otherwise referred to as open educational resources (OER).

Although ORS 337.065 instructs the Department of Education to waive publisher fees for OER, the current administrative rules do not include language regarding the fee waiver.

Open Educational Resource Fee Waiver - OAR 581-011-0090

Timeline:

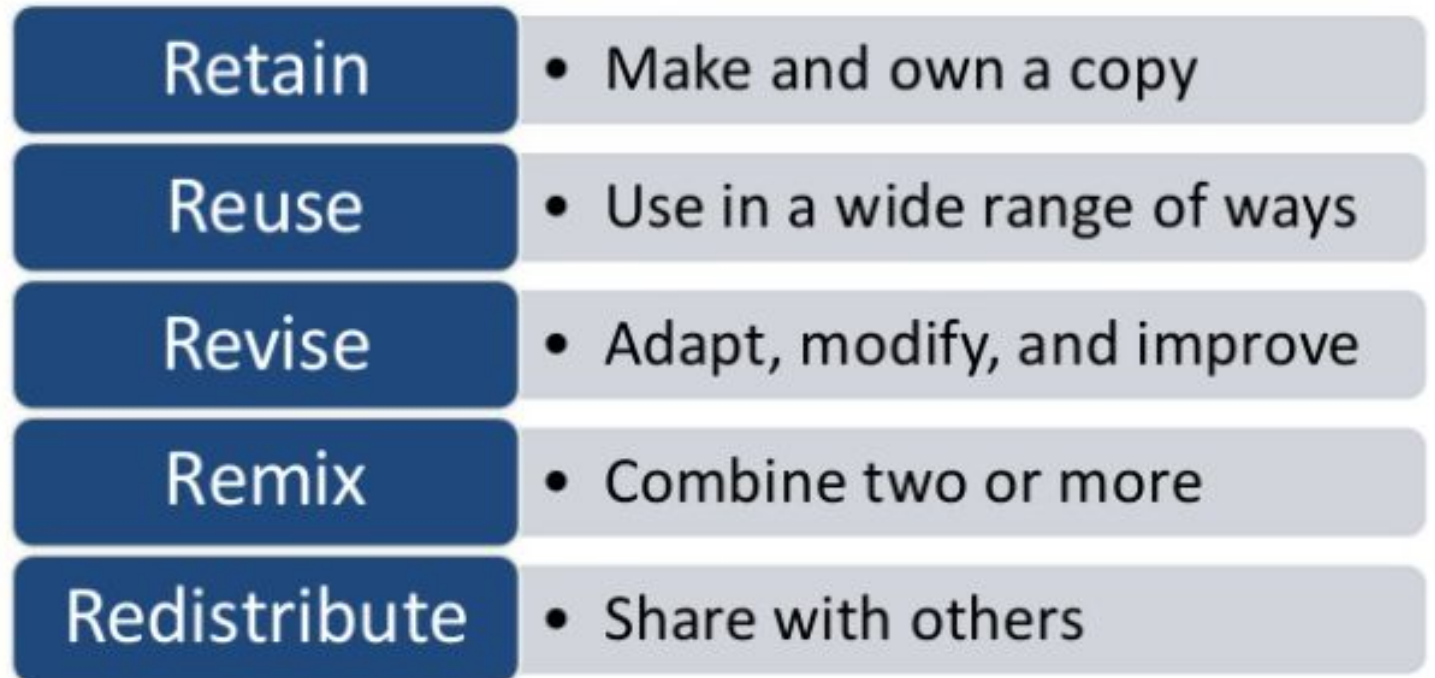
- Spring-Fall 2021: Creation of proposed rule revision with internal workgroup.
- November-December 2021: Round one of collecting feedback from external stakeholders.
- January 2022: Revised proposed rule revision based on feedback from internal and external stakeholders.
- January-February 2022: Round two of collecting feedback from external stakeholders.
- **February: First Rules Advisory Committee presentation**
- March: First-read for State Board of Education
- April: Second Rules Advisory Committee presentation
- May: Adoption by State Board of Education

Where are you in the process of rulemaking?

- First presentation to Rules Advisory Committee

What are OER?

- Teaching and learning materials that you may freely use and reuse at no cost
- Users have permission to engage in one or more of the 5 Rs without violating copyright



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Open Educational Resource Fee Waiver - OAR 581-011-0090

Proposed addition to OAR 581-011-0090:

(5)(a) The Department of Education may waive the fee described in subsection (1) of this rule for an item of instructional material if the item is:

(A) A teaching and learning resource that resides in the public domain or that has been released under an intellectual property license that permits the free use and/or repurposing by others of the title or item;

(B) A basal instructional program as defined in OAR 581-011-0050; and

(C) Submitted in the format described in paragraph (A) of this subsection.

(b) The Department of Education may determine the number of waivers each year, no later than 90 days prior to the evaluation, based on the annual fee assessment.

(c) The submitter of instructional materials must request a waiver using forms provided by the Department of Education.

(d) The Department of Education shall prioritize waiver requests for materials described in subsection (5)(a) and for materials created by Oregon educators and school districts.

Open Educational Resource Fee Waiver - OAR 581-011-0090

Questions for Input:

- Regarding the “and/or”, should the “or” be removed? This would mean that materials must allow repurposing to be considered for a fee waiver.
- What is the most equitable system for selecting which OER receive a fee waiver if they are limited in quantity?
 - Note: proposed rule revision outlines priority will be given to waiver requests for materials created by Oregon educators and school districts.

Open Educational Resource Fee Waiver - OAR 581-011-0090

Next Steps

- February 7 (4PM PST): Synchronous feedback session
- March: first-read for State Board of Education
- April: presentation to update RAC on feedback received and any changes to the proposed revision.
- May: Adoption by State Board of Education

Proposed Rule Impacts: Open Educational Resource Fee Waiver - OAR 581-011-0090

Racial Equity:

- OER enable a shift in the power structures that have historically driven the development of educational materials by broadening access to authorship, and supporting the inclusion of historically marginalized voices.

Fiscal Impact:

- The presence of OER on the State Board approved adoption list allows districts to procure OER as their basal instructional material and reinvest the funds into other areas such as professional development for teachers



High School Graduation Civics Requirement

581-022-2000

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581-022-2000 Diploma Requirements

Subject: High School Diploma Requirements

Concept: Adding 0.5 Civics Credit For Graduation Class of 2026

Background: Adopted April 2021, SB 513 recognizes the need to improve civic and government education in Oregon. The law creates a 0.5 credit requirement with the intention to have students focus on government and civics standards in a stand-alone class.

Many school districts currently offer a class that satisfies proposed rule. Other school districts may need to shift from U.S. History and Government to a single course identified as civics/government.

Civics Diploma Requirement

Proposed Rule Changes: OAR 581-022-2000

3) Unit of Credit Requirements for students who were first enrolled in grade 9 during the **2022-2023** school year or first enrolled in grade 9 in any subsequent school year:

(a) Each student shall earn a minimum of 24 units of credit **aligned to the Oregon State Board adopted standards** to include:

(D) Social Sciences 3 — (**shall include 0.5 unit of US civics credit in addition to at least 2.5 units of credit aligned to the Oregon State Board adopted standards for U.S. history, world history, geography, economics, and financial literacy**);

Next Steps:

- May 2022: Second read at State Board with adoption
- June 2022: Communication to school districts

581-022-2000 Diploma Requirements

Timeline:

- November 2021: Introduction of proposed rule to RAC
- December 2021: Discussion with district social science specialists
- January 2021: ODE communication to superintendents/principals/teachers
- Jan./Feb. 2022: Engagement sessions with educator advisory groups
- March 2022: First read with State Board of Education/Update school districts
- April 2022: RAC update and rules at a-glance
- May 2022: Second read at State Board with adoption
- May/June 2022: Communication to school districts

581-022-2000 Diploma Requirements

Proposed Rule Changes-Delete Expired Text

(1) Each district school board and public charter school with jurisdiction over high school programs shall award diplomas to all students who fulfill all state requirements as described in sections (2) to (11) of this rule and all local school district requirements as described in district school board policies or all public charter school requirements as described in the policies or charter of the public charter school.

(2) Unit of Credit Requirements for students graduating before July 1, 2009:

(a) Each student shall earn a minimum of 22 units of credit to include at least:

(A) English Language Arts — 3 (shall include the equivalent of one unit in Written Composition);

(B) Mathematics — 2;

(C) Science — 2;

(D) Social Sciences 3 — (including history, civics, geography and economics (including personal finance));

(E) Health Education — 1;

(F) Physical Education — 1;

((G) Career and Technical Education, The Arts or World Languages — 1 (one unit shall be earned in any one or a combination).

(b) A district school board or public charter school with a three-year high school may submit through the waiver process alternative plans to meet unit requirements;

(c) A district school board or public charter school may increase the number of units required in specific areas, and may increase or decrease the number of elective units; however, the total units of credit required for graduation shall not be less than 22;

(d) A school district or public charter school may grant high school credit for courses taken prior to grade 9 if students taking pre-grade 9 courses are required to meet performance criteria that are equivalent to the performance criteria for students taking the same high school courses;

581-022-2000 Diploma Requirements

Proposed Rule Changes-Added Language

(3) Unit of Credit Requirements for students who were first enrolled in grade 9 during the **2022–2023** school year or first enrolled in grade 9 in any subsequent school year:

(a) Each student shall earn a minimum of 24 units of credit **aligned to the Oregon State Board adopted standards** to include:

(A) English Language Arts — 4 (shall include the equivalent of one unit in Written Composition);

(B) Mathematics —3 (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);

(C) Science — 3;

(D) Social Sciences 3 — (**shall include 0.5 unit of US civics credit in addition to at least 2.5 units of credit aligned to the Oregon State Board adopted standards for U.S. history, world history, geography, economics, and financial literacy**);

(E) Health Education — 1;

(F) Physical Education — 1;

(G) Career and Technical Education, The Arts or World Languages — 3 (units shall be earned in any one or a combination).

581-022-2000 Diploma Requirements

Questions for Input:

- What hurdles will smaller school districts or schools need to address?
- What support will districts and teachers need to implement 0.5 civics course?

581-022-2000 Diploma Requirements

Next Steps:

- Feb. 8 & 9 2022 Engagement sessions with educator advisory groups
- March 2022: 1st read State Board of Education/Update school districts
- April 2022: RAC update and rules at a-glance
- May 2022: Second read at State Board with adoption
- May/June 2022: Communication to school districts

Proposed Rule Impacts: 581-022-2000 Diploma Requirements

Racial Equity:

- Ensuring civics as a minimum 0.5 credit creates additional opportunities to implement new ethnic studies integrated social science standards. Tribal History/Shared History includes tribal governance structures, Holocaust/genocide studies requires civic responsibility, new social science standards expand inquiry and understanding on civil rights and justice movements.

Fiscal Impact:

- School districts without a civics course will need to identify teacher and materials for use in civics course.

Preview of March 03 Agenda

- Rules-at-a-Glance:
 - Oregon State Seal of Biliteracy and Multiliteracy - OAR 581-021-0580 and OAR 581-021-0584
- Updates/Policies:
 - SB 744 Implementation Update
- Draft Rules:
 - LGBTQ2SIA+ Grant rules
 - School Programs in State-Owned and Private Hospitals OAR 581-015-2575 & 581-015-2580 rules
 - Division 51 OARs

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...**