



THE OREGON STATE BOARD OF EDUCATION

Provide leadership and vision for Oregon’s Public Schools and districts by enacting equitable policies and promoting educational practices that lead directly to the educational and life success of students.

AGENDA
Regular Meeting
Public Service Building 251 A/B
255 Capitol Street NE
Salem, OR 97310
Thursday, February 19, 2026

State Board of Education meetings comply with open meeting laws and accessibility requirements. Requests for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be given to [Corey Rosenberg](#) at 503-947-5740, at least 48 hours before the meeting. You can access all board materials on our [Boardbook](#) page. Staff respectfully request that you submit email copies of written materials before or after your testimony.

Please note: all times are approximate.

1. **Call to Order**
 - A. **Roll Call**
Time: 9:00 AM
 - B. **Board Member Reports**
Time: 9:05 AM
 - C. **Break**
Time: 9:55 AM
 - D. **Director's Report** **3**
Time: 10:00 AM
2. **Public Comment**
Time: 10:20 AM
 - A. The State Board of Education will hold space for **virtual** public comment. 19
Individuals must register to provide virtual comment. Written public comment received will be posted to BoardBook.
3. **Consent Agenda**
Time: 10:40 AM
 - A. House Bill 3040 (2025) Bill Implementation: Early Literacy Grants: OAR 58
581-017-0801 and OAR 581-017-0811
4. **Adoptions**
 - A. Transportation Grant Non-Reimbursable Mileage Rate Update: OAR 80
581-023-0040
Time: 10:45 AM
Vanessa Clark and Mike Wiltfong, Office of Finance and Tenneal Wetherell, Office of the Director
 - B. Written Notification and Parent Consent to Access Public Insurance (Medicaid): 111
OAR 581-015-2885, OAR 581-015-2735, OAR 581-015-2530, and OAR 581-015-2090
Time: 10:55 AM
Jennifer Dundon and Michael Essien, Office of Equity, Diversity, and Inclusion



C. English Learner Outcomes Program: Temporary Rules	144
<i>Time: 11:05 AM</i>	
Mary Martinez-Wenzl and Michael Essien, Office of Equity, Diversity, and Inclusion	
D. Senate Bill 141 (2025) Implementation: Interim Assessments: Temporary Rules	154
<i>Time: 11:25 AM</i>	
Dr. Candice Castillo and Dr. Charlene Williams, Office of the Director	
5. Break for Lunch	
<i>Time: 12:00 PM</i>	
6. First Readings	
A. Senate Bill 934 (2025) Implementation: Talented and Gifted (TAG) Identification:	169
OAR 581-022-2325	
<i>Time: 1:00 PM</i>	
Angela Allen, Cynthia Stinson, and Alexa Pearson, Office of Teaching, Learning, and Assessment	
B. Charter School Contract: Four Rivers Community School	194
<i>Time: 1:25 PM</i>	
Christen Kelly and Kate Pattison, Office of Relations, Management, and Support	
C. Division 55 Rules Revisions: OAR 581-055-0001 - OAR 581-055-0017	263
<i>Time: 1:55 PM</i>	
Maya Heim and Emily Nazarov, Office of Relations, Management, and Support	
D. Senate Bill 810 (2025) Implementation: Employment First: OAR 581-015-2930	306
and OAR 581-015-2245	
<i>Time: 2:25 PM</i>	
Crystal Brumfield, Shava Feinstein, and Ramonda Olaloye, Office of Enhancing Student Opportunities	
E. House Bill 3037 (2025) Implementation: Aligned Program Grants Technical Fixes	330
<i>Written Report Only</i>	
F. Instructional Materials Substitution Request	352
<i>Written Report Only</i>	
7. Informational Reports	
A. Substance Use Prevention Standards Language Update	374
<i>Written Report Only</i>	
8. Adjourn	
<i>Time: 2:45 PM</i>	



Director's Report

Dr. Charlene Williams, Director
Oregon Department of Education

February 19, 2026



Celebrating Successes

2024-25 Graduation Highlights

- **83.0% overall** - On-time graduation rate for the Class of 2025
- **1% increase** - Up more than one percentage point from the rate for the Class of 2024.
- **Record High Graduation Rate for Oregon!**

Oregon Department of Education



2024-25 Student Group Graduation Highlights

Student Groups Below Record Highest Graduation Rates Ever

- **82.9% - Migrant Students**
- **72.2% - Special Education Students**
- **54.4% - Foster Students**
- **74.0% - American Indian/Alaska Native**
- **71.3% - Students Experiencing Poverty**
- **62.5% - Students Experiencing Houselessness**



The Class of 2025 is the first cohort that had access to in-person learning across all four years of their high school experience.



2024-25 Graduation Highlights

- **97.8% - Students completing two credits in an approved Career and Technical Education (CTE) Program of Study - significantly exceeded the statewide average.**
-

7

**February is CTE
Month!
#ThisIsCTE**



**CELEBRATE TODAY,
OWN TOMORROW!**

Oregon School for the Deaf Highlights



Middle School Math Time Shines



Girls High School Basketball Success

Executive Order 25-09 Update

As of February 19, 2026:

99.9% of Oregon School Districts with a combined total of 538,883 students have adopted and are implementing a personal electronic policy.

- Overall positive responses
- Many started the school year with a policy
- Reduced incidents of bullying and harassment
- More conversations at lunch time
- Libraries are more active and book check out has increased



Shared Accountability

10

Shared Accountability

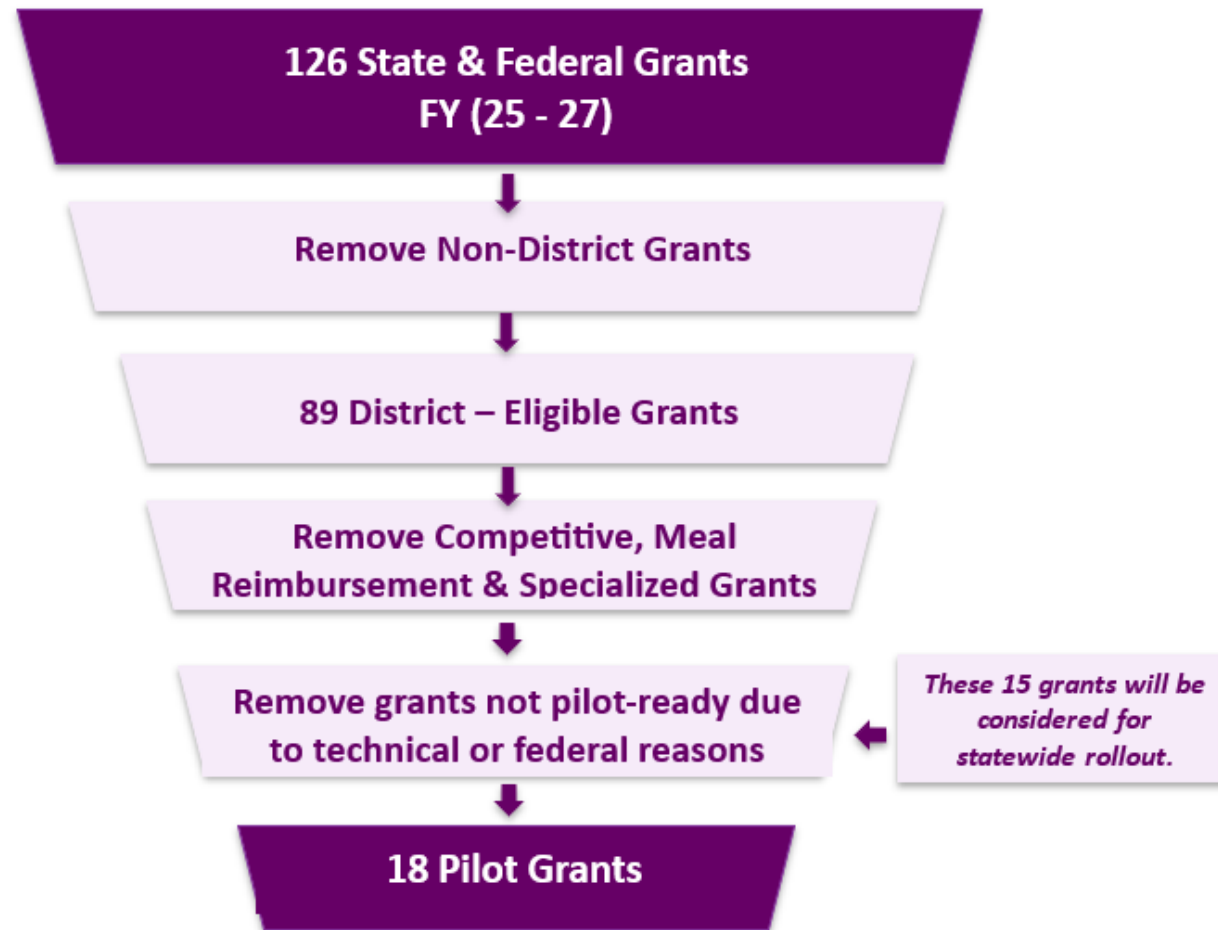
- Launch of initial ODE Regional Support Teams
- Launching Phase I Unified Application (March 16)
- **Feb SBE meeting:** Interim Assessments
- **March SBE meeting:**
 - setting statewide Performance Growth Targets
 - meeting/not meeting Performance Growth Targets
- **April SBE meeting:** Chart of Accounts



34 Phase I (pilot) Districts

Cohort (99 ADMr or less)		
Burnt River SD 30J	McDermitt	Portland SD 1J
Black Butte SD 41 (K-8)	Huntington SD 16J	Salem-Keizer SD 24J
Long Creek SD 17	Diamond SD 7	Hillsboro SD
Troy SD 54	Drewsey SD 13	North Clackamas SD 12
Adel SD 21	South Harney SD 33	Reynolds SD 7
Plush SD 18	Double O SD 28	Lincoln County SD
Ukiah SD 80R	Suntex SD 10	Roseburg SD (Douglas County SD4)
Monument SD 8	Pine Creek SD 5	Harney County SD 3
Spray SD 1	Frenchglen SD 16	Vernonia SD 47J
Arock SD 81	Pinehurst SD 94	Pine Eagle SD 61
Juntura SD 12	Dayville SD 16J	Mapleton SD 32
Jordan Valley SD 3		

Streamlining Selection: A Filtering Process



Unified Application Scope: Required Plans & Budgets

Current List of Grants that are In and Out of Scope

School / District Plans	State Grants	Federal Grants
<ol style="list-style-type: none"> 1. ESEA Consolidated Plan 2. Federal School Improvement (1003) Plan <i>(District assurances only)</i> 3. State SIA plan 4. State Continuous Improvement Plan 5. High School Success Plan 6. State Early Literacy Success Plan 	<ol style="list-style-type: none"> 1. Access to Menstrual Products 2. IP: Early Indicator and Intervention Systems 3. IP: Early Literacy District Grant 4. IP: High School Success Fund 5. IP: Student Investment Grants - Formula 6. Supporting Accelerated Learning Opportunities (International Baccalaureate Test Fees) 7. PEEK-8 Professional Development Grants (PD) 8. PEEK-8 Teacher Hire Grant 	<ol style="list-style-type: none"> 1. IP: CTE Perkins - Basic Grant 2. IP: Title I-A School Improvement Program 3. Title I-A - Improving Basic Programs <i>(the Title I school-level plan will continued to₁₄ be submitted during monitoring)</i> 4. Title I-C Migrant Education 5. Title I-D - Neglected and Delinquent Program Subpart 2 6. Title II-A - Supporting Effective Instruction 7. Title III - English Language Acquisition 8. Title III - Immigrant Sub-grant 9. Title IV-A - Student Support and Academic Enrichment 10. Title V-B - Rural and Low Income Schools



ODE Strategic Planning Updates

15

ODE 2026-28 Strategic Plan

- 2026-28 Strategic Plan completed
- Implementation and Monitoring Plan completed by March 1
- Focusing on:
 - Specific actions to implement each strategy
 - Measurable targets to evaluate progress
 - Tools to track, report progress
- Aligning Strategic Plan and Shared Accountability





Legislative Updates

17

2026 Legislative Short Session

- The 2026 Legislative Short Session started **February 2nd and runs through March 8th**
- ODE has one **small technical fix** for the Interstate Military Compact that will be included in a House Education committee bill that has passed the House Chamber and had a public hearing in Senate Education on 2/16
- Legislative budget decisions are generally made toward the end of Session
- **ODE staff will provide a summary of legislation to the Board after session ends**



From: [REDACTED]
To: [StateBoard Public Email](#)
Date: Sunday, January 25, 2026 10:21:22 AM

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I am honored to have opportunity to. Speak with you today. My major concern of interest is to help YOU to learn basic comfortable learning environments and class subject's that make reading,math

And musical instruments fun and create positive social enteraction with each other. Allowing teachers to STRIKE FOR LONG PERIODS OF TIME, SHOWING COMPLETE DISREGARD FOR THE KIDS. WHEN TEACHERS ARE DISGRUNTLED THEN LET THEM GO AND HIRE NEW TEACHERS WITH A SPECIFIC PROFILE THAT BREEDS EXCELLENCE AND PRIDE IN CHILDREN

AND BUILD TEAMS

THAT HAS LEADERS WHO WILL SHOW UP NO MATTER WHAT

.BEFORE THE DEMISE OF THE BLACK COMMUNITY LIFE FOR THE KIDS WAS MUCH BETTER, BECAUSE NOBODY LIVED IN DANGER BEING far from home ,mom's & DADS, & a whole community of support. Not now.

From: [REDACTED]
To: [StateBoard Public Email](#)
Subject: Public Comment on Interim Assessment Adoption and the Inclusion of Smarter Balanced Interims
Date: Monday, February 2, 2026 3:01:11 PM

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Dear Chair Scurlock, Vice Chair Montgomery, Second Vice Chair Richardson, and Members of the State Board of Education,

I am writing in response to the proposed list of approved interim assessments under SB 141 and the accompanying discussion of implementation considerations. I want to be unequivocal: the State Board must ensure that districts retain the option to adopt the Smarter Balanced Interim Assessments.

Smarter Balanced interims are uniquely positioned to advance the stated goals of SB 141. First, they are tightly aligned to Oregon's academic content standards and to the summative OSAS assessment. This alignment matters. It provides educators with a coherent instructional and assessment progression across the year, allowing interim data to be used formatively—to diagnose student understanding, adjust instruction, and monitor growth in ways that are instructionally meaningful rather than merely compliance-oriented. No other option on the proposed list offers the same degree of vertical and conceptual coherence with Oregon's standards and accountability system.

Second, Smarter Balanced interims are freely available to districts. At a time when districts are navigating significant fiscal constraints, declining enrollment, and staffing shortages, it is difficult to justify a state policy framework that effectively pressures districts toward fee-based interim systems when a high-quality, standards-aligned, no-cost option exists. Denying districts the ability to select a state-provided, standards-based assessment undermines both fiscal stewardship and equitable access.

It is important to acknowledge, as you all have noted, that Smarter Balanced interims are not yet available in Spanish and do not currently serve grades K–2. These are real limitations. However, they do not justify removing Smarter Balanced as an option. SB 141 does not require districts to adopt a single interim assessment across all grades or subjects. Districts already make nuanced, context-specific decisions about assessment systems, and they are fully capable of supplementing Smarter Balanced interims with other tools where gaps exist. Flexibility at the local level is not a flaw in the system—it is a necessary feature.

The role of the State Board should be to expand high-quality options for districts, not to constrain them in ways that increase costs, reduce coherence, or dilute the instructional value of interim assessment data. A system that fails to clearly preserve districts' access to freely available, state-aligned interim assessments risks prioritizing procurement mechanics over educational outcomes.

I urge the Board to adopt and explicitly affirm Smarter Balanced Interim Assessments as a viable and supported option within the approved list. Doing so would reflect a commitment to coherence, equity, and responsible use of public resources—principles that are foundational to Oregon's vision for assessment and accountability.

Thank you for your consideration and for your continued service to Oregon's students, educators, and communities.

Respectfully,

Maddy Ahearn, PhD

From: [Erik Jespersen](#)
To: [StateBoard Public Email](#)
Subject: Cambium Smarter Balanced (OSAS) interims
Date: Thursday, February 12, 2026 9:47:39 AM
Attachments: [image001.png](#)

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Dear Chair Scurlock, Vice Chair Montgomery, Second Vice Chair Richardson, and Members of the Oregon State Board of Education,

I am writing in my role as Director of Curriculum and Instruction for Salem-Keizer Public Schools. In this position, I am responsible for leading our district's work in curriculum adoption, instructional alignment, assessment strategy, and professional learning. I am reaching out regarding the Board's January 15, 2026 decision to pause approval of the Oregon Department of Education's recommendation to include Cambium-Smarter Balanced as an interim assessment vendor under SB 141.

Salem-Keizer Public Schools is fully committed to improving student outcomes. A central part of that commitment is ensuring that curriculum, daily instruction, and assessment are tightly aligned to the Oregon State Standards and to the Oregon Statewide Assessment System. Having an interim assessment system that mirrors OSAS in rigor, format, accessibility tools, and standards alignment is an essential component of our broader assessment strategy. Our district uses universal screeners such as STAR and i-Ready as part of our comprehensive assessment system. These tools provide important information about foundational skills and student growth. At the same time, screeners are not designed to measure mastery of grade-level standards in the same way as OSAS. The Smarter Balanced Interim Assessments serve a different and critical purpose: they are aligned to OSAS claims and targets and are designed to assess grade-level standards with the same structure and accessibility features students encounter on the statewide assessment. This alignment helps ensure that grade-level instruction is occurring and that students are engaging with the full rigor of the standards. Over the past year, Salem-Keizer has engaged in intentional work to align Smarter Balanced Interim Assessments and Tools for Teachers to our adopted instructional materials. Educators have participated in professional learning to analyze item types, claims, targets, and accessibility features, strengthening assessment literacy and reinforcing coherence between curriculum, instruction, and assessment. This work has supported clearer expectations for grade-level performance and more consistent instructional planning across schools. Smarter Balanced Interim Assessments also include the same accessibility resources available on the summative OSAS. This consistency allows educators to interpret interim results within the context of the statewide assessment and to make instructional decisions grounded in a shared understanding of rigor and expectations.

Pausing approval of Cambium-Smarter Balanced as an interim vendor creates uncertainty

around a system that is aligned to our standards and to OSAS. From a district perspective, maintaining access to interim assessments that are directly aligned to the statewide assessment is important to sustaining coherent instructional systems focused on grade-level outcomes.

I respectfully urge the Board to approve Cambium-Smarter Balanced Interim Assessments so districts can continue implementing aligned assessment systems in support of improved student outcomes.



From: [Kari Caulder](#)
To: [StateBoard Public Email](#)
Subject: Public Comment on New Statewide Accountability Requirement Options
Date: Thursday, February 12, 2026 11:29:07 AM

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Dear Chair Scurlock, Vice Chair Montgomery, Second Vice Chair Richardson, and Members of the Oregon State Board of Education,

I submit this public comment as a Program Associate for Salem Keizer Public Schools, where I support teachers in curriculum implementation, instructional planning, professional learning communities, and assessment literacy. I am writing to express concern regarding the Board's decision on January 15th, 2026, to pause the approval of the Oregon Department of Education's recommendation for Cambium-Smarter Balanced as an interim assessment vendor under SB 141.

Our district engaged in a professional learning cycle with The New Teacher Center utilizing teacher leaders in a deep review and analysis of Smarter Balanced Interim Assessments. One of our biggest findings was how aligned the interims were to our newly adopted curriculum. This work provided multiple discoveries that have confirmed our analysis of the curriculum we adopted and additionally helped our teachers understand better what grade level standards look like in assessment and in curriculum. Before this opportunity, our teachers had slowly reduced the rigor of the standards by deconstructing them, inadvertently, to lower grade levels. Only through our use of the interims and in connection with our newly adopted curriculum were teachers able to see what grade level expectations for our students needs to be. We have done screeners for years, including STAR. Screeners do not provide grade level instructional implications the way that the interims do. Screeners also have not pushed our work in the direction our students and teachers needed to address a slowly lowering of grade level test scores.

In Salem-Keizer, we are already fighting against one of the [shortest schools years](#) in the nation in order to teach our students. Our students get less instructional hours than [47 other states](#). This instructional disadvantage is unfair and yet is out of every educator's control. The decision on which assessments are approved and used is also out of our control. That said, every minute counts. Every class period matters. Spending time on assessments that have immediate instructional implications matters. **We have found the interims have immediate implications for classroom instruction.** Screeners, such as STAR, **do not.** Only by using the interims have teachers gotten a deeper understanding of our state tests and has helped them implement the State Standards—the implementation of Oregon's version of the Common Core Standards—and how to help our students be college and career ready. While we could use the STAR screener in addition to the Interims, it would be more days of assessment that could be used for instruction. There is an argument for having an assessment in Spanish, but our state test for Language Arts is in English only. What matters more for Language Arts is that we have an assessment that builds to our state test and our

accountability measures. Additionally, STAR is normed in Spanish reading for grades 1-8 only. Therefore, there is already an approved interim assessment that doesn't fit the Spanish reading criteria.

By requiring districts to use i-Ready, STAR, or NWEA Map, the state is mandating that money is spent on expensive assessments systems. Our district currently uses STAR for elementary and at middle for ELA. The cost this year is large to implement across the district, let alone if we had to expand this K-12. Funding across the state is already requiring districts to do a reduction in force. Budget crisis is regularly in the headlines across Oregon. **This is money that could be used to retain teachers.** Combine this with the [inequitable funding of disadvantaged districts](#) and the poor funding of education in the state of Oregon (which impacts the length of the school year) and this sets districts up against even poorer odds. (If students go to school in Washington State from grades K-12, by the end of their school experience they will have a FULL additional year of education compared to Oregon students.) We have used i-Ready in ELA. It was a very poor screener and takes an entire week to administer. We have used STAR and have found that it is not a good indicator of students on grade level, but especially the higher they go in grade level. Starting in 6th grade, we have found it harder and harder to rely on the results. At high school it's even worse. We have used NWEA Map for our students in Read 180 and while this is the best assessment already approved, it is the **MOST** expensive assessment. If the state is going to require the use of these screeners, the State should help subsidize the cost of them. Which brings me to the point of adding the interim assessments. **They are free, they are quality, and they tie directly to our accountability measures required by the state.** It is the most logical selection for anyone who has used these other assessments and are in the same predicament of lack of funding. This isn't even taking into consideration the quality and the positive impact on classroom instruction it provides.

I have been in the position as a Program Associate supporting ELA teachers grades 6-12 for 13 years. I have worked with them implementing our new curriculum, as well as implementing the interim assessments. I know which teachers are effective and who knows what is best in the classroom practice. The teachers who engaged in the professional learning cycle with the New Teacher Center went into using the interims reluctantly because we already have so many assessments our students have to take (screeners (STAR), ELPA, OSAS, unit assessments, etc.). To have them come to complete agreement that the interims were worth implementing and were willing to stand up in front of their peers in professional development to explain the positive impact they have had is testimony enough for the rest of my ELA teachers to implement them this year. The feedback from teachers across the district this year after implementation has been 100% positive about this inclusion of the interims. In our surveys, teachers have said that using the interims has improved their PLC time, their opinion of PLC time, and in turn the reteaching of standards. The full impact is that this impacts their students positively, which is why the reception has been so good. This alone should give the committee time to pause and consider the worth of the interims as an approved assessment tool.

By using the Smarter Balanced interims, we have been able to create coherence for our teachers around the end of year assessment, the curriculum we adopted and are now implementing, as well as made a strong case for how to use assessments to do short assessment cycles to improve

student learning. We have used the other assessments on the list. None of those had this kind of positive classroom impact.

Please consider Cambium-Smarter Balanced as a vendor for the list of approved assessments.

Respectfully,

Kari Caulder

Secondary Literacy and Language Arts Specialist
Salem-Keizer Public Schools, Curriculum Department
2450 Lancaster Drive NE
Salem, OR 97305

Subject: Public Comment on SB 141 – Proposed State List of Interim Assessments

Dear Oregon State Board of Education,

Thank you for the opportunity to provide comments regarding the Oregon Department of Education’s (ODE) recommendation and the State Board of Education’s consideration of interim assessment vendors. Cambium Assessment, Inc. (CAI) and the Smarter Balanced Assessment Consortium jointly submit this response in recognition of our long-standing partnership with the State of Oregon. CAI has proudly served as Oregon’s comprehensive state assessment system, including summative and interim assessments in English Language Arts (ELA), Mathematics, and Science, and English Language Proficiency assessments, throughout that time. Our position is one of strong support for the continued inclusion of the Smarter Balanced Interim Assessments as an approved option available to Oregon districts.

For more than a decade, Smarter Balanced and Oregon educators have collaborated to build an assessment system grounded in instructional value, technical quality, and equitable access. We appreciate the rigorous evaluation process conducted by ODE and its acknowledgment that CAI/Smarter Balanced offering remains among the four highest qualified vendors based on the Department’s published criteria. -qualified vendors based on the Department’s published criteria.

The following points outline several key considerations that support maintaining the Smarter Balanced Interim Assessments among the Board approved options under SB 141:

- Smarter Balanced Interim Assessments represent a uniquely high quality and instructionally valuable system shaped directly by Oregon educators, whose involvement has been foundational since the Consortium’s inception. Educators from across Oregon districts have contributed their expertise across item and test development, including content and bias/sensitivity reviews, accessibility and accommodation evaluations, and standard setting activities, ensuring that these assessments reflect the needs and diversity of Oregon students. No other interim assessment option has been shaped to this extent by Oregon educators, whose direct contributions have uniquely grounded Smarter Balanced Interim Assessments in the educational practices and values of Oregon classrooms. -quality and instructionally valuable system shaped directly by Oregon

educators, whose involvement has been foundational since the -setting activities, ensuring that these assessments reflect the needs and diversity of Oregon

- CAI’s delivery of the Smarter Balanced assessments provides a fully compliant interim solution that can be made available to Oregon districts at no additional cost and without requiring new procurement processes. At a time when districts are navigating tight budgets, staffing constraints, and significant implementation demands under SB 141, the ability to adopt a high-quality interim system without incurring new expenses or contractual transitions is a meaningful advantage. Advantages such as this one are particularly important as Oregon seeks to address critical and historic budget shortfalls, as well as an increasing sense of urgency to provide essential resources to students and teachers. -quality interim system without incurring new expenses or contractual transitions
- A central focus of SB 141 is to provide timely, reliable information about student learning throughout the year. Using Smarter Balanced for both interim and summative assessments improve coherence across the system and allows Oregon teachers and families to interpret student progress on a consistent scale, reducing confusion and strengthening the connection between classroom instruction and statewide performance expectations aligned to Oregon’s academic standards.
- The Smarter Balanced Interim Assessments include a comprehensive set of accessibility features that ensure equitable participation for all students, including Spanish -translated Mathematics items, multilingual glossaries with audio and text support in 13 languages, and key assistive technologies such as braille, American Sign Language (ASL), text-to-to-speech, and closed captioning. Together, these supports provide students, particularly multilingual learners and students with disabilities, with the tools they need to demonstrate what they know and can do, reinforcing the State’s commitment to accessible, inclusive assessment for every Oregon student.
- Smarter Balanced Interim Assessments were always intended to fit within a district’s ecosystem of learning materials so that districts may select the assessment and instructional resources that best meet the specific needs of their students, families, and educators. The CAI/Smarter Balanced solution therefore supports local flexibility to select additional assessments from qualified vendors that address learning in grades K–2 as well as Spanish literacy.

While concerns have been raised regarding coverage of grades K–2 and Spanish Language Arts, we remain actively engaged in conversations with ODE to explore enhancements and supports that meet the State’s needs. Smarter Balanced remains committed to responsive partnership and continuous improvement—a commitment built on Oregon’s longstanding leadership within the Consortium.

In closing, we respectfully urge the Board to ensure that the CAI/Smarter Balanced Interim Assessments remain an approved option under SB 141. This approach preserves district flexibility, protects fiscal stability, maintains continuity with Oregon’s existing assessment system, and honors the significant contributions Oregon educators have made in shaping Smarter Balanced over the years.

CAI and the Smarter Balanced Assessment Consortium remain committed partners to ODE and stand ready to collaborate on next steps, including guidance development, transition support, and addressing any outstanding questions the Board may have regarding implementation.

Thank you for your consideration.

Sincerely,

Steve Kromer
President
Cambium Assessment, Inc
steve.kromer@cambiumassessment.com

Anthony Alpert
Executive Director
Smarter Balanced Assessment Consortium, UC Santa Cruz
toalpert@ucsc.edu

From: [Re:Fi](#)
To: [StateBoard Public Email](#)
Subject: Reimagining Purpose-Driven High School-Pilot Program
Date: Thursday, February 12, 2026 3:14:56 PM

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Hello,

Over the past five years, U.S. high schools have maintained graduation rates that appear stable on the surface, yet these figures conceal a growing crisis of student disengagement and loss of purpose, interest, and connection. According to the National Center for Education Statistics, the national four-year high school graduation rate has remained near 87 percent, but this measure alone does not reflect students' levels of motivation, engagement, or readiness to contribute meaningfully beyond school. At the same time, Oregon's own graduation rate, though recently hitting a record high 83 percent for the Class of 2025, remains below the national average and has only inched upward by a few points over the past several years, signaling persistent systemic challenges. ([opb](#))

Beneath these averages, disengagement remains widespread. National indicators show that approximately 10 to 11 percent of youth ages 16 to 24 — more than 4 million young people, are neither enrolled in school nor employed, a condition commonly described as youth disconnection. Even among enrolled students, declining engagement is evident through rising absenteeism, reduced academic performance, and worsening mental health. Data from the Centers for Disease Control and Prevention report that over 40 percent of high school students experience persistent feelings of sadness or hopelessness, a factor strongly linked to disengagement from learning and future planning. ([opb](#))

At the same time, the community-based programs that once helped prevent this disengagement have steadily eroded or become financially inaccessible. Historically, cost-free or low-cost outlets such as neighborhood recreation programs, youth centers, scouting, community sports, and organizations like the YMCA provided safe structured environments where young people developed skills, responsibility, and a sense of belonging. Today, many of these opportunities are no longer free; rising participation fees, transportation barriers, limited availability, and program closures mean that access increasingly depends on family income, leaving many students without structured, supervised space outside the school day.

As a result, schools are now the primary, and often only, consistent institution in young people's lives capable of providing structure, mentorship, and purpose. However, most school systems remain heavily focused on academic benchmarks, with limited integration of skill-based, applied, or purpose-driven learning. Research consistently shows that students who participate in structured, skills-oriented programs are more engaged, more likely to graduate, and better prepared for life beyond high school.

These data point to a clear need to rethink how schools support students, not only as learners, but as developing individuals seeking relevance and contribution. Reintroducing accessible, school-based skill training and structured programming can help replace the free community outlets that no longer exist for many families, restoring pathways to engagement, purpose, and long-term success.

Oregon High School Career & Skills Program Proposal

Prepared by: *Rene Filardo*

Date: February 2026

Introduction: Reimagining Purpose-Driven High School

Adolescence is a critical period for developing purpose, self-confidence, and identity. Research shows that a strong sense of purpose in high school students is associated with greater resilience, well-being, motivation, academic engagement, and future achievement, including persistence in college and career goals (Bronk et al., 2019, *PMC9674496*).

However, much of today's education system emphasizes rote memorization and standardized testing, leaving many students disengaged and uncertain of their future direction. Vocational and hands-on learning, where students create, build, and solve real problems, helps bridge this gap by reinforcing that learning is meaningful, purposeful, and connected to real life (Ocean Decademed, 2025).

This proposal outlines a comprehensive high school program for Oregon that combines career-connected pathways, college readiness, and personal growth to serve all students, whether they are career-bound, college-bound, or still exploring their strengths.

Program Overview

Vision

To equip Oregon students with skills, confidence, purpose, and flexibility to thrive in a rapidly changing world. Students will graduate not just with academic knowledge, but with real-world competencies, credentials, and a sense of direction.

Core Principles

- Purpose-driven learning: Pathways help students see relevance beyond grades.
- Standards alignment: Meets Oregon graduation requirements and national academic expectations.
- Choice and flexibility: Students choose one pathway but may switch after ninth grade.
- Hands-on and project-based: Real projects, real skills, real confidence.
- Community and industry partnerships: Apprenticeships, internships, and dual enrollment.
- College prep options: AP, IB, and dual enrollment pathways for academically focused students.

Program Structure

- Duration: Four years, with pathway courses offered in the last period of the day.
- Progression: Foundational skill development in early years, capstone projects and internships in senior year.
- Credit integration: Pathways count as elective credits and can substitute for PE or Fine Arts credits where appropriate. Dual enrollment courses can count toward both high school and college credit.
- Pilot implementation: Launch in selected Oregon high schools with three to four pathways initially, expanding statewide after evaluation.

Pathways

- 1) **Trades & Mechanical** – Automotive, metalwork, electrical, fabrication
- 2) **Culinary & Hospitality** – Cooking, baking, event management
- 3) **Health & Emergency Services** – EMT, CNA, patient care
- 4) **Sports & Athletics** – Coaching, training, management
- 5) **Fashion Design** – Sewing, design, illustration, merchandising
- 6) **Cosmetology & Barbering** – Haircare, styling, salon/barber shop operations
- 7) **Music & Arts Education** – Performance, theory, production, teaching
- 8) **AP/IB Academic Track** – Advanced coursework and dual enrollment

Four-Year Pathway Course Map (Last Period of the Day)

Grade	Semester	Trades & Mechanical	Culinary & Hospitality	Health & Emergency Services	Sports & Athletics	Fashion Design	Cosmetology & Barbering	Music & Arts	AP/IB/Advanced Academics
9	1	Intro to Trades / Safety	Intro to Culinary / Kitchen Safety	Intro to Health Sciences / CPR	Intro to Sports & Fitness	Intro to Fashion / Design Basics	Intro to Cosmetology / Barbering Basics	Music Fundamentals / Theory	AP/IB Seminar / Advanced Elective
	2	Tools & Materials / Shop Fundamentals	Basic Cooking Techniques	Patient Care & First Aid	Coaching & Team Dynamics	Sewing & Patternmaking	Haircare & Hygiene	Instrument or Voice Technique	AP/IB Seminar / Advanced Elective
10	3	Mechanical Systems / Diagnostics	Intermediate Culinary / Baking	EMT Basics / Anatomy	Athletic Training & Conditioning	Advanced Sewing & Draping	Hair Styling Techniques	Music Composition / Ensemble	AP/IB Literature / Math / Science
	4	Fabrication / Electrical Basics	International Cuisine / Food Prep	EMT Patient Simulations	Sports Management / Officiating	Fashion Illustration / Portfolio	Barbering Techniques	Recording / Performance Skills	AP/IB Literature / Math / Science
11	5	Automotive / Welding / Advanced Projects	Catering / Menu Planning	EMT Internship / Lab	Advanced Coaching / Personal Training	Fashion Merchandising / Advanced Portfolio	Salon Operations / Client Services	Music Production / Conducting	AP/IB Advanced Courses
	6	Electrical / HVAC / Systems Capstone	Advanced Baking / Pastry Restaurant	Emergency Procedures / Simulation Clinical	Sports Marketing / Event Management Senior	Textile Studies / Advanced Projects Senior	Cosmetology Internship / Barbering Practicum Final Salon	Music Ensemble / Recital Senior	AP/IB Advanced Courses

12	7	Project / Certification Prep	Operations / Internship	Experience / Certification	Capstone / Internship	Fashion Collection / Portfolio	Practicum / Certification	Performance / Capstone	AP/IB Capstone / College Prep
	8	Certification Testing / Career Prep	Internship / Food Service Certification	EMT Final Exam / Career Prep	Internship / Coaching Certification	Portfolio Review / Career Prep	Cosmetology / Barbering Exam & Career Prep	Capstone Performance / Portfolio	AP/IB Capstone / College Prep

Notes:

- Each pathway builds skills progressively, culminating in capstone projects and certifications in grade 12.
- AP/IB and advanced academic courses run parallel to pathways for college-bound students.
- Introductory courses in grade 9 allow students to explore multiple pathways before committing.
- Internships, dual enrollment, and certifications are embedded in grades 11 and 12.

Educational Performance Context: Oregon and National Standards

Where Oregon Stands on National Learning Metrics

The National Assessment of Educational Progress, also known as the “Nation’s Report Card,” is the most authoritative nationally representative measure of student academic achievement in the United States. NAEP regularly assesses reading, math, and science for grades four, eight, and twelve, providing a consistent long-term picture of academic performance across states.

Recent NAEP results show that Oregon students continue to lag behind national averages in core academic areas. Nearly half of Oregon fourth graders score below basic in reading. Approximately one-third of Oregon fourth graders and nearly half of eighth graders score below basic in math. Trends show that many students are still roughly ten percentage points behind pre-pandemic achievement levels.

National Trends and Challenges

Across the United States, student performance on the NAEP and other standardized assessments has shown broad declines. Only about thirty-five percent of U.S. twelfth-graders scored at or above proficient in reading, and just twenty-two percent in math. Achievement gaps have widened, reflecting inequities in access, engagement, and support.

Why This Matters for Oregon Students

While NAEP measures academic knowledge, trends show persistent struggles with proficiency. Research indicates that students actively engaged in meaningful, hands-on work develop higher motivation, persistence, and cognitive skills. Providing structured pathways in trades, health sciences, culinary arts, or design reinforces learning, confidence, and goal-setting, while integrating core academic standards.

Instructor Staffing & Quality Assurance

Finding qualified instructors is a primary concern. Strategies include:

- Alternative CTE licenses for industry professionals.
- Co-teaching models pairing licensed teachers with experts.
- Professional development and micro-credentials.
- Community college partnerships for dual enrollment instruction.

These ensure authentic, industry-level instruction while maintaining credentialing and standards compliance.

Funding Strategy

Funding sources include state CTE grants, federal Perkins V funds, Title I/II grants, and local education levies. Industry partnerships and community college collaborations offset equipment and instruction costs. Phased implementation spreads costs over several years.

Pilot Program Plan

- **Year 1:** Launch pilot at select high schools with three to four pathways. Refine instructors and partnerships.
 - **Year 2:** Evaluate student engagement, certifications, and college enrollment. Adjust curriculum and expand.
 - **Years 3–4:** Full statewide implementation with all pathways active. Continuous evaluation and improvement.
-

Other Questions and Concerns

Facilities and Learning Environments

Concern: Schools may not have labs, equipment, or space.

Response: Solutions include shared resource hubs, industry partnerships, mobile labs, community college collaborations, phased implementation, and grant funding.

Teacher and Instructor Availability

Concern: How do we find qualified instructors who are also effective teachers?

Response: Alternative CTE licenses, co-teaching, professional development, micro-credentials, and college partnerships.

Academic Standards and College Readiness

Concern: Could pathway courses reduce rigor?

Response: Courses are standards-aligned, integrating literacy, math, and science. AP/IB courses remain available.

Cost and Funding

Concern: How will programs be funded?

Response: Grants, levies, and industry partnerships cover costs; phased implementation spreads expenses.

Student Choice and Flexibility

Concern: What if students choose a pathway too early?

Response: Ninth-grade modules allow exploration; switching pathways is possible with guidance.

Equity and Access

Concern: Will all students have access?

Response: Programs are inclusive, with transportation support, dual enrollment, internships, and grants for high-need populations.

Conclusion

This proposal offers Oregon a standards-aligned, purpose-driven high school program preparing students for life, work, and further education. Pathways develop skills, confidence, and a sense of purpose. Hands-on pathways complement academic standards and ensure students are engaged, motivated, and prepared for multiple futures.

References

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- Ocean Decademed. (2025). Why hands-on learning is the key to student success.
- Institute of Education Sciences. (2025). Shift to skills-based education and supporting multiple pathways to career success.
- Oregon Capital Chronicle. (2025). National assessment shows Oregon students falling behind in key subjects.
- AP News. (2025). U.S. high school test scores show historic lows in reading and math.
- OPB. (2025). Oregon and Washington test scores mostly down on Nation's Report Card.

From: [Jamie Peters](#)
To: [StateBoard Public Email](#)
Subject: Public Comment on New Statewide Accountability Requirement Options
Date: Friday, February 13, 2026 1:05:59 PM
Attachments: [image001.png](#)

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Dear Chair Scurlock, Vice Chair Montgomery, Second Vice Chair Richardson, and Members of the Oregon State Board of Education,

I submit this public comment as a Secondary Math Program Associate for Salem Keizer Public Schools, where I support teachers in curriculum implementation, instructional planning, professional learning communities, and assessment literacy. I am writing to express concern regarding the Board's decision on January 15th, 2026, to pause the approval of the Oregon Department of Education's recommendation for Cambium-Smarter Balanced as an interim assessment vendor under SB 141.

Our district engaged in a professional learning cycle with The New Teacher Center utilizing middle school math teacher leaders in a deep review and analysis of Smarter Balanced Interim Assessments. One of our biggest findings was how aligned the interims were to our newly adopted curriculum. This work provided multiple discoveries that have confirmed our analysis of the curriculum we adopted and additionally helped our teachers understand better what grade level standards look like in assessment and in curriculum. The Smarter Balanced Interim Assessments provided a third point for our teachers as they triangulated their grade-level instruction utilizing the Oregon State Math Standards, our curriculum, and the items on the interims. Before this opportunity, our teachers had slowly reduced the rigor of the standards by deconstructing them, inadvertently, to lower grade levels. Only through our use of the interims and in connection with our newly adopted curriculum were teachers able to see what grade level expectations for our students needs to be. Previously we utilized iReady's diagnostic. We found that the diagnostic did not provide data directly related to the domains and standards we were teaching in the moment and it tended to contribute to a deficit mindset in our students and teachers. Teachers and students would see a 6th grader with a diagnostic score that showed that the student was at a 2nd grade level of proficiency and start to believe that grade level materials were not accessible to the student. With the interims, we've seen both teachers and students taking a more asset-based approach. The interim provides specific, actionable data – at grade level – that students and teachers can use to identify relative strengths.

Using the interims has allowed our teachers a deeper understanding of our state tests and has helped them implement the State Standards—the implementation of Oregon's version of the Common Core Standards—and how to help our students be college and career ready. Even more importantly, this has been a grassroots effort by our teachers. Our teachers saw the value in the interim assessments. Our teachers pushed us to require more interims during the school year. Our

teachers showed us how much more effective the interim results made their data teams and professional learning communities. Our teachers don't want to go backwards to the significant time commitment, with less payoff that came from using the diagnostics and screeners from the big companies. Our teachers have told us and shown us how much more effective their lesson planning is when they can backwards plan, and the interims give them a view into the summative test that they never had before.

By requiring districts to use i-Ready, STAR, or NWEA Map, the state is mandating that money is spent on expensive assessments systems. **The Smarter Balanced Interim Assessments are free to our district, they are quality, and they tie directly to our accountability measures required by the state.**

By using the Smarter Balanced interims, we have been able to create coherence for our teachers around the end of year assessment, the curriculum we adopted and are now implementing, as well as made a strong case for how to use assessments to do short assessment cycles to improve student learning.

Please consider Cambium-Smarter Balanced as a vendor for the list of approved assessments.

Respectfully,

Jamie Peters



From: [Erica Denton](#)
To: [StateBoard Public Email](#)
Subject: Public Comment SB141 Decision
Date: Monday, February 16, 2026 2:49:41 PM

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Dear Chair Scurlock, Vice Chair Montgomery, Second Vice Chair Richardson, and Members of the Oregon State Board of Education,

I submit this public comment as a teacher leader in Parrish Middle School, where I support colleagues in instructional planning, professional learning communities, and assessment literacy. I am writing to express concern regarding the Board's decision on January 15, 2026, to pause the approval of the Oregon Department of Education's recommendation for Cambium-Smarter Balanced as an interim assessment vendor under SB141.

Through district-supported professional learning with the New Teacher Center, our teacher leader cohort engaged in deep review and analysis of Smarter Balanced Interim Assessments aligned to our adopted curriculum. This work confirmed instructional coherence and strengthened our confidence as educators. I'd like to propose the following reasons why Cambium-Smarter Balanced should be on the interim vendor list:

- **Instructional Time & Alignment:** Instructional time in Oregon is already limited, and we work deliberately to protect it every school day. Over the past year, our district undertook a dual implementation—launching a new curriculum while intentionally mapping Smarter Balanced Interim Assessments and Tools for Teachers directly to that curriculum. Through this deep alignment work, educators have gained confidence that these resources are tightly aligned to grade-level standards and instructional expectations. This work validated our instructional choices and gave teachers trust that a balanced assessment system works.
- **Disruption & Cost:** Preventing us from using the Smarter Balanced Interim Assessments would be devastating and disruptive to student learning. Beyond the fiscal costs of purchasing new assessments and retraining educators, it would erase the substantial professional learning investments already made and realized over the past year. However, it is important to note that Salem-Keizer does not have to pay for the Smarter Balanced Interim Assessments and would have to find additional funds to do so while at the same time budgeting for cuts that will directly impact students. This will negatively affect an already strained

budget.

- **Effectiveness & Evidence of Impact:** We know this approach is effective. Teacher confidence and instructional clarity have increased across classrooms, and early evidence of impact was reflected in last spring's Oregon Statewide Assessment System results. This is not theoretical success—these practices are already showing results for students.
- **Why Smarter Balanced:** We have tried other interim assessment solutions in the past, and they did not provide the coherence we needed. Smarter Balanced Interim Assessments and Tools for Teachers finally allowed us to align curriculum, instruction, and assessment within our multi-tiered systems of support. Because Smarter Balanced Interim Assessments include all the accessibility resources offered on the end-of-year test, our teachers can trust the data. While the financial costs of losing this system are measurable, the instructional loss and long-term impact on student learning may not be fully visible until it is too late to recover.

The Board's decision not to adopt Cambium-Smarter Balanced as an interim assessment vendor on January 15, places this work at risk. As teacher leaders, we are deeply concerned about the loss of instructional coherence, the erosion of assessment literacy gains, and the real fiscal and morale impacts of forcing us to abandon a system that is already implemented with fidelity and effectiveness.

Denying approval of Cambium-Smarter Balanced as a vendor would undermine an evidence-based, teacher-validated system already demonstrating positive early impact for Salem-Keizer students. I respectfully urge the Board to approve ODE's recommended list of four interim assessment vendors, including Cambium-Smarter Balanced, so districts may continue building on proven practices rather than restarting at great cost to students and educators.

Respectfully submitted,

Erica Denton
ELA Curriculum and Instruction
Salem Keizer School District

Erica Denton

6th Grade ELA

From: [Sarbacher, Gary](#)
To: [StateBoard Public Email](#)
Subject: SB-141 Interim Testing Comment
Date: Tuesday, February 17, 2026 1:26:43 PM

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Dear Chair Scurlock, Vice Chair Montgomery, Second Vice Chair Richardson, and Members of the Oregon State Board of Education:

I am writing in my capacity as a member of the Gaston School Board to share concerns and implementation considerations regarding the proposed state list of interim assessments.

As a small, rural district serving approximately 430 students across Washington and Yamhill counties, Gaston School District is deeply committed to ensuring that every student has equitable access to a high-quality education. Interim assessments play a meaningful role in that effort. When implemented thoughtfully, they provide timely data to inform instruction, guide interventions, and support continuous improvement across grade levels.

I appreciate the Board's work to bring coherence and consistency to assessment practices statewide. At the same time, I respectfully urge you to consider the practical and financial implications that the proposed list will have on small districts like ours.

Gaston School District currently utilizes a research-based assessment system that is integrated into our instructional framework, intervention processes, and data review cycles. Because our current system is not included on the proposed state list, we would be required to adopt and implement new interim assessments in both English language arts and mathematics within a limited timeframe.

From a governance and oversight perspective, this presents several significant concerns:

Financial Impact

Adopting new assessment systems will require substantial startup costs, licensing fees, professional development investments, and potential technology integration expenses. Without dedicated state funding, these costs will come directly from district resources that would otherwise support classroom instruction, student services, and staffing.

Loss of Data Continuity

Our current assessment platform provides longitudinal growth data that informs board-level decision-making, program evaluation, and district improvement planning. A mandated transition risks disrupting this data continuity, making it more difficult to track trends and measure the effectiveness of initiatives over time.

Implementation Capacity and Timeline

Successful implementation requires adequate time for staff training, alignment with curriculum, calibration of expectations, and communication with families. A compressed rollout period increases the risk of implementation challenges and may reduce the effectiveness of the new system during the transition year.

Operational and Systems Integration

Assessment tools are closely connected to our student information systems, MTSS framework, and reporting structures. Transitioning to new platforms requires technical coordination and instructional realignment that take time and capacity—both of which are limited in small districts.

As a board member, my responsibility is to ensure fiscal stewardship, operational feasibility, and alignment with our district’s strategic goals. I respectfully request that the State Board consider providing:

- Dedicated funding to support adoption and implementation costs;
- A phased or flexible implementation timeline;
- Clear technical guidance and professional learning supports; and
- Consideration of pathways for districts currently using high-quality, research-based assessment systems not included on the proposed list.

I recognize the complexity of your role and appreciate your service to Oregon’s students and communities. My intent in writing is to ensure that the voices and realities of small, rural districts are fully considered in this decision.

Thank you for your time and thoughtful consideration.

Respectfully,
Gary Sarbacher
Member, Gaston School Board

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Testimony for the Oregon State Board of Education
Interim Assessments
February 12, 2026

Dear members of the State Board of Education

The docket for Interim Assessments: Temporary Rules notes that: "The department has also learned that some educators would like the department to use results from these interim tests to determine academic growth as a potential local metric option."

We agree that measurements should include academic growth. Indeed, this should be mandatory. Proficiency percentages measure incoming student demographics, not school quality. They show how many students are at or above an arbitrary cutoff, not whether they have learned anything after entering a classroom. Proficiency percentages also fail to show whether students are far above, near, or way below the cutoff number. A comparable metric would be to measure the height of all students and then single out districts with shorter students for special treatment without asking whether the students had made appropriate growth during the year.

This approach is especially discouraging for TAG students. According to research, TAG students are typically several years beyond benchmarks at the start of school in the fall. They can remain in a school for years, learn nothing new, and still test as "proficient."

Evidently, no one will have any reason to care whether they have improved. They are also still excluded as a group from the Every Student Succeeds Act and hence also from the metrics in SB 141.

The board's "Values" state that the board "dedicates itself to sharing responsibility, aiming for **every student's individual academic excellence.**" Yet the Board's decisions continue to neglect our students who display "academic excellence" by exceeding standards.

Respectfully submitted

Margaret DeLacy, president
Oregon Association for Talented and Gifted
Box 1703
Beaverton Oregon 97075



Testimony for the Oregon State Board of Education
Agenda item 6.a: Senate Bill 934 (2025) Implementation: Talented and Gifted (TAG)
Identification:
February 12, 2026

The Oregon Association for Talented and Gifted (OATAG) advocates for the needs of talented and gifted (TAG) students across Oregon and supports families, educators, and communities.

We strongly support the proposed amendments to OAR 681-022-2325 and urge you to approve them. We believe these will increase accessibility and equity for TAG students.

We would also like to thank the staff at the Oregon Department of Education and especially our TAG Specialist, Angela Allen, who worked very hard on this draft. Ms. Allen has also spearheaded earlier efforts to ensure that our TAG Administrative Rules are more equitable, transparent and accessible.

The position of TAG specialist has been scheduled for elimination in April in cuts proposed to the education budget. We hope the State Board and/or individual board members will oppose this catastrophic cut. TAG students are already excluded from the focal groups served under the Student Success Act. Apart from the single Specialist's position, no other state or federal funding supports TAG services for this important group of students.

Respectfully submitted

Margaret DeLacy, president
Oregon Association for Talented and Gifted
Box 1703
Beaverton Oregon
97075
www.oatag.org

From: [Julia Dewitt](#)
To: [StateBoard Public Email](#)
Subject: Public Comment: Senate Bill 141 (2025) Implementation, Interim Assessments
Date: Tuesday, February 17, 2026 5:20:32 PM

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Dear Chair Scurlock, Vice Chair Montgomery, Second Vice Chair Richardson, and Members of the Oregon State Board of Education,

I submit this public comment as a Secondary Coordinator in MTSS and Curriculum and Instruction with Salem-Keizer Public Schools, where I support school leaders and teachers in implementing High-Quality Instructional Materials (HQIM), strengthening professional learning communities, and using assessment evidence to guide instructional decisions. In this role, I work closely with educators to strengthen alignment among standards, curriculum, instruction, and assessment so that teaching and learning are coherent and effective for all students.

I am writing to share my support for an accountability framework that places students at the center and defines performance expectations that are rigorous, achievable, and equitable, and to acknowledge the meaningful progress the Oregon Department of Education and this Board have made in moving this work forward. At the same time, I want to share my concern regarding the Board's decision on January 15, 2026, to pause approval of Cambium Assessment, the vendor supporting the OSAS Interim Assessments developed by Smarter Balanced, under SB 141.

Across Oregon, educators are being asked to strengthen alignment among standards-aligned HQIM, instruction, and assessment while responding to persistent gaps in student learning. As districts invest in grade-level curriculum and professional learning to support strong implementation, it becomes even more important that assessment systems reinforce, rather than compete with, those instructional shifts. Instructional time in Oregon is already limited, and districts work deliberately to protect it each day. When assessments are aligned to curriculum and embedded within instructional cycles, they support teaching and learning; when they are disconnected, they risk consuming time without improving outcomes.

In practice, the challenge is not a lack of data, but a lack of useful data at the moment instructional decisions are being made. OSAS Interim Assessments, developed by Smarter Balanced and delivered through Cambium Assessment, help address this challenge by providing timely, standards-aligned evidence that teachers can use to understand how students are responding to grade-level instruction and what adjustments are needed next. Because students representing a wide range of linguistic backgrounds and learning needs

participate in the ELA and mathematics summative assessments, it is important that interim assessments reflect the same standards, rigor, and expectations so they provide meaningful, actionable information that supports instructional decision-making and system improvement.

Reading and mathematics screeners are designed to identify levels of risk and inform intervention planning. However, they are intended as a starting point and are not designed to guide instructional decisions before or after teaching has occurred. OSAS Interim Assessments help fill that gap by allowing teachers to preview the assessment in advance, align instruction to key learning goals within a unit, and use results to determine what is sticking in student learning and where a quick adjustment, targeted re-teach, or extension may be needed. A helpful analogy is healthcare: a screening test can identify a concern, but it does not guide treatment. Effective care depends on follow-up information that shows how a patient is responding and what adjustments are needed next. In education, OSAS Interim Assessments serve that same purpose by providing actionable information that supports instructional improvement rather than simply labeling performance.

In my role with Salem-Keizer Public Schools, I have seen firsthand how OSAS Interim Assessments can be used responsibly and effectively. When we faced historically low proficiency rates in grades 6–8, along with low teacher confidence in existing assessment tools, we made a deliberate decision to address curriculum, instruction, and assessment simultaneously. As part of a middle school math and ELA curriculum adoption, we intentionally mapped OSAS Interim Assessments and Tools for Teachers directly to the adopted curriculum and embedded them into unit planning and professional learning community (PLC) data cycles. Teachers administered grade-level interims aligned to curriculum units immediately following instruction and analyzed item-level results using Oregon’s Interim Analysis Tool. In earlier years, we had explored other interim assessment tools, but they did not provide the same level of coherence across curriculum, instruction, and assessment or the same alignment and accessibility features as the summative system, which are essential for building educator confidence in the data.

As a result, standards-aligned curriculum maps were revised to replace many curriculum-based unit tests with OSAS Interim Assessments because they provided clearer evidence of student understanding and more useful guidance for next instructional steps. This alignment also helped protect instructional time. Teachers were not administering additional tests; rather, they were strategically replacing assessments with ones that were both predictive and directly connected to instruction. During a year of new curriculum implementation, this coherence reduced initiative fatigue and allowed educators to focus on teaching rather than navigating multiple disconnected systems. Teachers reported increased confidence in their curriculum, greater clarity about student mastery, and deeper, more focused conversations about instruction. Early indicators of impact were also reflected in last spring’s OSAS results, reinforcing that alignment among curriculum, instruction, and assessment was contributing to

stronger student outcomes.

OSAS Interim Assessments are provided to districts as part of Oregon's statewide assessment system, allowing schools to use standards-aligned tools without additional cost while sustaining coherent systems of curriculum, instruction, and assessment. Districts like ours have invested significant time in professional learning, curriculum alignment, and PLC routines centered on these tools, and this work is already supporting teachers and students. Approval of OSAS Interim Assessments allows districts to build on these investments and keep resources focused on instruction and student learning.

As part of a complementary suite of Oregon interim assessments, OSAS Interim Assessments strengthen statewide priorities by reinforcing coherence across standards, curriculum, instruction, and summative expectations, supporting equity through accessible, grade-level measures, and building instructional capacity through meaningful data use within PLCs. Aligning these assessments alongside the approved K–2 ELA and mathematics assessments and the K–8 Spanish reading interim assessments would further strengthen the continuity and coherence of Oregon's assessment system.

This is an important moment to approve an interim assessment that is already positioned to do what Oregon's accountability system is asking of educators and districts: align standards, curriculum, instruction, and assessment in ways that improve teaching and learning.

I respectfully urge the Board to approve OSAS Interim Assessments as part of Oregon's complementary assessment suite so districts across the state can maintain coherent, aligned systems that protect instructional time, support educators, and improve outcomes for Oregon students.

Thank you for your thoughtful consideration.

Respectfully submitted,

Julia DeWitt

Secondary Coordinator, MTSS, Curriculum & Instruction
Salem-Keizer Public Schools, Curriculum Department
2450 Lancaster Drive NE
Salem, OR 97305

TO: Oregon State Board of Education

CC: Renée House, Procurement Officer, Oregon Department of Education

DATE: 2/18/2026

RE: PUBLIC COMMENT / FORMAL GRIEVANCE AND REQUEST FOR RE-EVALUATION:
RFQ Bid S-58100-00014955 (Interim Assessment Testing Provider List)

Dear Chair Scurlock and Members of the Board:

Amira Learning, Inc. (“Amira”) respectfully submits this formal grievance regarding the evaluation and selection process for the Interim Assessment Testing Provider List (Bid S-58100-00014955).

While the formal seven-day protest window has elapsed, the recent public disclosure of evaluation scoring and the subsequent “pause” in the Board’s approval process have revealed significant procedural irregularities and the application of *ex post facto* criteria that demand immediate administrative attention.

Amira requests that the Agency re-evaluate Amira’s submission for its intended scope (English Language Arts) or, in the alternative, reissue the RFQ to clarify mandatory subject-matter requirements that were missing from the original solicitation.

I. Grounds for Grievance: Application of Latent, Unstated Requirements

The core of this grievance rests on the Agency’s decision to penalize single-subject submissions—a requirement not supported by the plain language of the RFQ or Oregon statute.

1. The “Math Penalty” was Arbitrary and Capricious

Review of the scoring summaries reveals that Amira was awarded a technical score of approximately 66%. However, evaluators repeatedly applied a “half-points” deduction across major categories solely because Amira did not submit a mathematics assessment. Reviewer comments explicitly state: *“Does not offer math, so only half points available.”* The RFQ did not state that bidding only one subject would result in a zero or 50% score for that section. By applying this “all-or-nothing” subject-matter mandate during the evaluation phase rather than the solicitation phase, the Agency disadvantaged specialized, best-in-class providers and skewed the final rankings in a way that does not reflect the actual technical quality of the tools.

2. Violation of Legislative Intent (SB 141 and HB 2009)

Under SB 141, the Oregon Legislature mandated the selection of interim assessment systems that provide high-quality, research-validated data. Nowhere does the statute mandate that a single vendor must provide both ELA and Mathematics on a single platform. By effectively disqualifying single-subject vendors, the Board has prioritized administrative convenience over the legislative mandate to provide Oregon districts with the most effective instructional tools available.

3. Inconsistency with Procurement Transparency

The Agency's Q&A and Addenda clarified that vendors *could* partner via Attachment G to provide a joint solution, but it failed to state that a single-subject bid would be technically down-weighted to the point of exclusion. Amira's ELA evidence was described by evaluators as "very strong" and "robust." Had the RFQ clearly identified a "both subjects required" gateway criterion, Amira would have exercised its option to bid its math component or formalized a joint submission at the time of the RFP.

II. Impact on Oregon Students and Educators

The current selection list denies Oregon districts access to the highest-rated literacy screening and AI-driven oral reading technology currently in use in the state (including at Portland Public Schools).

- **Equity and Spanish Bilingual:** Amira provides a validated K-8 Spanish assessment—a critical tool for Oregon's equity-centered literacy vision. Evaluators penalized Amira for not including a K-8 Spanish *Math* assessment, even though no such requirement was clearly articulated as a grounds for dismissal in the RFQ.
- **Superior Literacy Outcomes:** Amira outscored several "approved" vendors on ELA-specific technical merit. Forcing districts to use a bundled tool that scored lower in ELA simply because it includes a math component is a "least-best" solution for Oregon's literacy crisis.

III. Requested Remedy

To ensure a clear, transparent, and legal process that serves the best interests of Oregon students, Amira requests the following:

1. **Re-evaluation of Amira's Submission:** We ask the Agency to evaluate Amira's ELA submission based on its own merit for a "Subject-Specific" approval category, allowing Oregon districts the flexibility to choose the best literacy tools available.
2. **RFQ Re-issuance:** If the Board maintains that integrated ELA/Math platforms are a mandatory requirement, we ask that the current RFQ be canceled and reissued with clear, legally defensible gateway criteria.



Amira Learning remains committed to supporting Oregon’s literacy goals. We look forward to a resolution that ensures Oregon educators have access to the best possible tools for student success.

Sincerely,

A handwritten signature in black ink, appearing to read "Dianne Henderson".

Dianne Henderson, PhD
VP, Impact
Amira Learning, Inc.

From: [Toni Rommel](#)
To: [StateBoard Public Email](#)
Subject: Oregon's Interim Assessment Systems
Date: Wednesday, February 18, 2026 11:18:26 AM

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Dear Chair Scurlock, Vice Chair Montgomery, Second Vice Chair Richardson, and Members of the Oregon State Board of Education,

I submit this public comment as a teacher leader at Straub Middle School in Salem-Keizer School District, where I support colleagues in instructional planning, professional learning communities, and assessment literacy. I am writing to express concern regarding the Board's decision on January 15, 2026, to pause the approval of the Oregon Department of Education's recommendation for Cambium-Smarter Balanced as an interim assessment vendor under SB 141.

Through district-supported professional learning with the New Teacher Center, our teacher cohort engaged in deep review and analysis of Smarter Balanced Interim Assessments aligned to our adopted curriculum. This work confirmed instructional coherence and strengthened our confidence as educators. I'd like to propose the following reasons why Cambium-Smarter Balanced should be on the interim vendor list:

- This provides an incredible tool to analyze where are students are, and their strengths and weaknesses. As a math team, we meet weekly to discuss our students and data. Using the interim assessments, we have not only been able to analyze what our students know and don't know, but also compare our results with each other and discuss instructional strategies based off of where we see the most success. We have learned from each other so much via analyzing the results of the interim assessments.
- Since this interim assessment is based in the OSAS system, students are able to get comfortable with the system that they will be using for end of year state assessments. Using these interim assessments last year, we noticed that students are more at ease during end of year state testing, because they are very familiar with the system. Reducing their test anxiety can play a large role in their success on state assessments. Anything that we can do to help them reduce their stress about state testing can really help their mental health.
- As our state education system is dealing with a financial issues, finding ways to minimize expenses is key. As a state system, this system is free to districts providing an option to meet the requirements without additional cost. If our district

was forced to purchase another system, we would then need to find other areas to cut. This would cause a hardship to our district and all of our staff and students.

The Board's decision not to adopt Cambium-Smarter Balanced as an interim assessment vendor on January 15, places this work at risk. As teacher leaders, we are deeply concerned about the loss of instructional coherence, the erosion of assessment literacy gains, and the real fiscal and morale impacts of forcing us to abandon a system that is already implemented with fidelity and effectiveness.

Denying approval of Cambium-Smarter Balanced as a vendor would undermine an evidence-based, teacher-validated system already demonstrating positive early impact for Salem-Keizer students. I respectfully urge the Board to approve ODE's recommended list of four interim assessment vendors, including Cambium-Smarter Balanced, so districts may continue building on proven practices rather than restarting at great cost to students and educators.

Respectfully submitted,
Toni Rommel
Teacher Leader
Straub Middle School
Salem-Keizer Public Schools



Mapleton School District #32

10868 E Mapleton Rd
Mapleton, OR 97453
541-268-4312
Sue Wilson, Superintendent

February 13, 2026

Dear Chair Scurlock, Vice Chair Montgomery, Second Vice Chair Richardson, and Members of the State Board of Education:

I am writing on behalf of Mapleton School District regarding the proposed list of approved interim assessments under SB 141. We respectfully urge the State Board to approve the Smarter Balanced Interim Assessments (SBAC Interims) as a fourth option for districts to meet the interim assessment requirements outlined in the legislation.

Mapleton does not currently utilize one of the three proposed approved measures. In this fiscal climate, the absence of a no-cost option presents a significant challenge for small and rural districts like ours. We believe strongly that a free, high-quality assessment option should remain available to ensure equity of access and responsible stewardship of public funds.

The SBAC Interim Assessments are uniquely positioned to support the goals of SB 141. They are directly aligned to Oregon's academic content standards and to the state's summative accountability assessment, OSAS. That coherence matters deeply. When interim measures reflect the same standards, rigor, and performance expectations as the summative assessment, the resulting data is more meaningful. It allows educators to engage in true instructional cycles—identifying skill gaps, adjusting instruction, and monitoring progress in ways that are integrated into classroom practice rather than layered on as compliance tasks.

In Mapleton, we are intentionally building a student portfolio system and deepening our use of data conversations among staff, students, families, and our Board. We are investing in curriculum-embedded performance tasks aligned to state standards because we believe the strongest improvement efforts occur when assessment is inseparable from instruction. The SBAC Interims align with this approach. They support standards-based performance expectations and provide actionable information without requiring a shift to a separate, more costly platform that would fragment our system.

We fully understand and support the intent of SB 141 to increase transparency, public accountability, and reporting of student performance. However, as a small district, much of our K-4 data will be suppressed due to subgroup size. In that context, the value of shifting limited financial and staff resources to a new commercial platform is diminished. Those dollars would be better invested in deepening instructional practice, strengthening performance tasks, and sharing authentic work samples and growth evidence with families and our Board.

We recognize that SBAC Interims currently do not include K-2 measures. Should they be approved, Mapleton would implement SBAC Interims in grades 3-11 and utilize a different aligned tool in K-2 to ensure we continue monitoring and supporting early literacy and numeracy development. The legislation permits multiple options across grade bands, and we will continue to ensure that every student's growth is monitored and supported. We are also hopeful that future development may expand SBAC-aligned measures into the K-2 space.

Our request is not for exemption from accountability. Rather, it is for alignment, coherence, fiscal responsibility, and local flexibility within the framework established by law.



Mapleton School District #32

10868 E Mapleton Rd
Mapleton, OR 97453
541-268-4312
Sue Wilson, Superintendent

We welcome further conversation with the Board regarding implementation considerations and would appreciate the opportunity to share how our portfolio-based and standards-aligned system is working in practice. We respectfully encourage the State Board to add the Smarter Balanced Interim Assessments to the approved toolkit.

Please do not hesitate to contact me directly should you need additional context or clarification, I can be reached by phone at 971-678-7829 or email at swilson@mapleton.k12.or.us.

Thank you for your service to Oregon's students and communities and for your thoughtful consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue Wilson", is written over a horizontal line.

Sue Wilson
Superintendent, Mapleton School District

From: [REDACTED]
To: [StateBoard Public Email](#)
Subject: Upcoming Meeting
Date: Wednesday, February 18, 2026 11:40:51 AM

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Please set a protocol regarding students walking out during school seat time. Our state education ranks so low that every second we have to educate our youth is sacred.

Perhaps any planned walkout can occur after school or before school but not during seat time.

Catherine Caudle



COALITION OF
OREGON SCHOOL
ADMINISTRATORS



OAESD
OREGON ASSOCIATION OF
EDUCATION SERVICE DISTRICTS



ORC3S
OREGON COALITION
OF COMMUNITY
CHARTER SCHOOLS

Date: February 18, 2026

To: Oregon State Board of Education

From: Dr. Krista Parent, Coalition of Oregon School Administrators (COASA)
Dandy Stevens & Michael Carter, Oregon Small Schools Association (OSSA)
Sam Breyer, Oregon Association of Education Service Districts (OAESD)
Jackie Olsen, Oregon Association of School Business Officials (OASBO)
Emielle Nischik, Oregon School Boards Association (OSBA)
Iris Maria Chávez, Oregon Coalition of Community Charter Schools (ORC3S)

Subject: Public Comment on SB 141 Accountability regarding Agenda Item 4.D.

- Interim Assessments - Temporary Rule

Dear Chair Scurlock, Vice Chair Montgomery, Second Vice Chair Richardson, and Members of the State Board of Education:

On behalf of the Coalition of Oregon School Administrators, Oregon Small Schools Association, Oregon Association of Education Service Districts, Oregon Association of School Business Officials, Oregon School Boards Association, and Oregon Coalition of Community Charter Schools, we submit this letter to provide public comment on Agenda Item 4.D - SB 141 Accountability - Temporary Rules on Interim Assessments.

We urge you to adopt the temporary rule proposed in Agenda Item 4.D. to further support the implementation of the interim assessment provisions as required by SB 141.

As we have stated before, accountability is critical. As the State continues to make improvements to our education accountability model, the systems of support and details matter. In the case of interim assessments, we view these as important tools that are aligned with the learning standards and help districts and public charter schools accurately measure students' knowledge, skills, and academic growth throughout the school year. The data from these assessments provide timely and actionable information for educators to help inform instruction and support for students.

State Approved List of Interim Assessments

Senate Bill 141 requires the State Board of Education to adopt up to four interim assessments in language arts and math in grades K-8 – no later than January 31, 2026 – that school districts and public charter schools must administer three times a year, and report the test data to their respective building leaders and boards three times a year. The new interim assessment requirements go into effect in the 2026-27 school year.

The State Board of Education Board approved three interim assessments at the Board meeting on January 15, 2026.

1. Curriculum Associates (iReady)
2. Renaissance (STAR Reading & Mathematics)
3. Houghton Mifflin Harcourt (MAP Growth)



COALITION OF OREGON SCHOOL ADMINISTRATORS



OAESD
OREGON ASSOCIATION OF EDUCATION SERVICE DISTRICTS



ORC3S
OREGON COALITION OF COMMUNITY CHARTER SCHOOLS

We administered a survey in the fall of 2025 to gather information about what interim assessments districts and public charter schools currently administer. In January 2026, we reached out to more districts and charter schools to gather a more complete data set.

With the additional outreach, the survey garnered 223 responses representing both school districts and public charter schools. Furthermore, survey responses included representation from 129 small districts (1-999 students), 76 medium districts (1,000-6,999 students), and 18 large districts (7,000+ students).

COASA Interim Assessment Survey Summary (updated January 2026)

Language Arts Interim Assessment Most Utilized Tools		Math Interim Assessment Most Utilized Tools	
i-Ready	49	i-Ready	72
MAP	41	MAP	39
STAR	37	STAR	30
IXL	23	IXL	25
Smarter Balanced	12	Smarter Balanced	11
Acadience	8	Easy CBM	8
Easy CBM	8	Fastbridge	7
Fastbridge	6	Other	31
AIMSWEB	4		
Other	35		

Adopting a fourth interim assessment as proposed by the temporary rule will be critical in supporting districts and public charter schools in meeting the interim assessment requirements outlined in SB 141.

Over the last several months, our organizations have been working with the Oregon Department of Education and the Governor’s Office to co-develop a transition plan to support districts and public charter schools who will need to pivot to one, and in some cases, two new interim assessments.

We are eager to move forward in launching that transition plan – along with resources and supports to come alongside that plan – and your vote today in support of this temporary rule is an important step in advancing that work.

Our hope is that the transition plan will aide districts and public charter schools by: 1) mitigating some of the financial costs; and 2) providing leaders with some additional time in transitioning to new interim assessments, while also still meeting and advancing the core SB 141 provisions around interim assessment administration and reporting at the local level.

As we continue to reinforce, this work cannot be done in isolation. We appreciate the Oregon Department of Education and Governor’s Office continued partnership in the rollout of SB 141.

Please vote yes on approving the temporary rule to adopt a fourth interim assessment.

From: [REDACTED]
To: [StateBoard Public Email](#)
Subject: Public comment: monitoring/assessment options, under sb 141
Date: Wednesday, February 18, 2026 6:08:02 PM

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Hello,

My name is Kera Jones. I am a parent of 2 children that will be effected by assessment changes next year. One of my children is neurodivergent and has used multiple types of testing software in the last few years. My other child will be old enough to start taking assessments as of next year and as far as we know is neurotypical.

The options ODE has provided to schools so far have all been adaptive technology. At least 1 of those has been proven to not provide accurate results as to where children are in learning and their gained skills. Some schools that have already been using it have had to add additional non adaptive assessments to get more accurate results.

That same adaptive assessment has caused severe mental health repercussions for many kids and their families, including mine. My child was in kindergarten at the time we used it and he was sent into severe depression from it. I know Feburary 19th meeting is regarding ODE's 4th option. I beg you to actually look into the accuracy of the options you are providing and choose non adaptive technology. Give kids grade level assements for accurate results and healthy outcomes for kids mental wellness.

As a parent im fighting against sb141 and hopefully you can do away with this whole issue, but until then I beg of you to reconsider your options. Do what's best for all of us.

Inaccurate results will lead to further interventions via sb141. Noone wants that.

Accurate results and possitive health outcomes for kids and families.

Thank you for your time.

From: [REDACTED]
To: [StateBoard Public Email](#)
Subject: Adaptability Assessments, letter for Board Meeting.
Date: Wednesday, February 18, 2026 8:05:31 PM
Importance: High

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Dear ODE,

I'm writing to express my concerns about the requirement to put adaptive assessment testing in place for students enrolled in a Public virtual Charter school.

We were looking forward to a stress-free end to my son's middle school years, next year, in 8th grade.

However, the announcement of iReady assessments has caused distress for our family. As a parent with previous experience of iReady and have been involved with a Charter - including serving on the Board — I've seen firsthand how the iReady requirement led many families to leave the program.

The inefficiency of iReady became very apparent during our four years of using it. And, surprisingly, it was the adaptability function of iReady that cause the most issues. It is so convoluted that we heard that students/friends often "button mashed" their way through the test due to stress and frustration. The questions often felt way off grade level, and the forced adaptability simply makes the students feel like they've not been retaining knowledge throughout their learning lessons. Even though I had deeper involvement with our Charter, I learned that we were not alone in our dismay with iReady's adaptability assessments.

Thank you for your time and consideration. I look forward to seeing ODE make a decision that continues to support students and helps them excel.

Kindly,
E'lan Buendia
[760.420.3296](tel:760.420.3296)

Sent from my Verizon, Samsung Galaxy smartphone

Below are the proposed changes to the Oregon Department of Education’s rules relating to the Early Literacy Success Initiative: OAR 581-017-0801 and OAR 581-017-0811. The proposed new text is bold, and the proposed text to remove is in bracketed italics.

Current Rule Link: Oregon Administrative Rule [\(OAR\) 581-017-0801](#)

Rule Number: 581-017-0801

Rule Title: Early Literacy Grants: Definitions

The following definitions apply to OAR 581-017-0801 to 581-017-0811:

(1) For Early Literacy Success School District Grants, established in ORS 327.829, “additional staff” means individuals in a school, other than teachers, administrators, or instructional assistants, who are directly involved in delivering, supporting, or coordinating literacy instruction for students.

[(1)] **(2)** “ADMw” means the extended weighted average daily membership computed as provided in ORS 327.013(1)(c).

[(2)] **(3)** “Coaching” means a structure that supports and develops educators through regular observation of their instruction, using a shared framework.

[(3)] **(4)** “Community-Based Organizations” means an organization that is:

(a) Established as a nonprofit organization under the laws of this state;

(b) Qualifies as an exempt organization under section 501(c)(3) of the Internal Revenue Code, as described in ORS 314.011;

(c) Reflective of a community or significant segments of a community it seeks to serve; and

(d) Driven by and representative of a community or a significant segment of a community and works to meet community needs and amplify strengths.

[(4)] **(5)** “Community Voice” means that members representing the community served by the project, including students, will be involved in co-constructing the project design, implementation, and/or providing strategic guidance in final decision-making.

[(5)] **(6)** “Core (also known as ‘basal’) Instructional Materials” means any organized system, which constitutes the major instructional vehicle for a given course of study, or any part thereof. A major instructional vehicle may include such instructional materials as a hardbound or a softbound book or books, or sets or kits of print and non-print materials, including electronic and internet or web-based materials or media.

[(6)] **(7)** “Culturally Responsive” means the implicit recognition and incorporation of the cultural knowledge, experience, and ways of being and knowing of students in teaching, learning, and assessment. This includes identifying, valuing, and maintaining a high commitment to students’ cultural assets in instruction and assessment; diverse frames of reference that correspond to multifaceted cultural perspectives/ experiences; and behaviors in the classroom that can differ from White-centered cultural views of what qualifies as achievement or success.

[(7)] **(8)** “Developmentally Appropriate” means designing and implementing learning environments to help all children achieve their full potential in literacy through:

(a) Building on each child’s strengths;

(b) Taking care to not harm any aspect of each child’s physical, cognitive, social, or emotional well-being; and

(c) Considering what is known about:

(A) Age-related characteristics that can inform what experiences are likely to best promote a student’s learning and development;

(B) What is known about each child as an individual that has implications for how best to adapt learning experiences; and

(C) The social and cultural contexts in which a student lives in order to ensure that learning experiences are meaningful, relevant, and respectful for each child and family.

[(8)] **(9)** “Diagnostic” means assessments to identify a student’s specific strengths and needs in literacy in order to determine and plan the appropriate level of instruction, pacing and intervention support.

[(9)] **(10)** “Direct Administrative Costs” means administrative functions readily allocable to and required for administering the grant program such as oversight, grant expenditure data collection, leadership that does not include direct service to teacher or students, management, and supervision. Direct administrative costs should be a smaller proportion of the overall grant amount in relation to direct service costs.

[(10)] **(11)** “Early Learning Hub” means any entity designated by regional partners to coordinate early learning services, as determined by rules adopted by the Early Learning Council.

[(11)] **(12)** “Early Literacy Program” means the entirety of the curriculum, assessments, instructional materials, practices, systems, staffing, and structures in place to support comprehensive early literacy across the district.

[(12)] **(13)** “Early Literacy Success Plan” means the elements in the application, including but not limited to the responses to the application questions, program review, and inventory, as defined in ORS 327.831.

[(13)] **(14)** “Early Literacy Success School Grant” means the program established in ORS 327.829 and may also be referred to as “Early Literacy Success School District Grants”.

[(14)] **(15)** For Early Literacy Success School District Grants, established in ORS 327.829, “Eligible Applicant” means a school district or public charter school that serves students in grades prekindergarten/preschool through third grade. This can include districts and public charter schools that serve students in grades prekindergarten/preschool through eighth grade or prekindergarten/preschool through twelfth grade, given the application focuses on specific grade levels named in ORS 327.825. Per ORS 327.825 and ORS 327.831, virtual public charter schools are not eligible applicants for this grant.

[(15)] **(16)** For Tribal Grants, established in ORS 327.843(2)(d), “Eligible Applicant” means:

- (a) Burns Paiute Tribe;
- (b) The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw;
- (c) Confederated Tribes of Cow Creek Band of Umpqua;
- (d) Confederated Tribes of Grand Ronde;
- (e) Confederated Tribes of Siletz;
- (f) Confederated Tribes of Warm Spring Indian Reservation;
- (g) Confederated Tribes of Umatilla Indian Reservation;
- (h) Coquille Tribe; or
- (i) Klamath Tribes.

[(16)] **(17)** For Community Grants, established in ORS 327.843, “Evidence-Based” means practices with a proven record of success based on reliable, trustworthy, and valid evidence that when the practices are implemented with fidelity, students can be expected to make adequate gains in early literacy. Instructional practices, activities, strategies, or interventions that are “evidence-based” should not just privilege scientific evidence, but also be driven by evidence stemming from the perspectives of those affected by those practices, activities, strategies, or interventions such as:

- (a) Tribal consultation, recommendations, and experiences of American Indian/ Alaska Native community members or Tribes.

(b) Community-driven, culturally-responsive/sustaining/specific, non-dominant and non-Western ways of knowing, being, and researching.

[(17)] **(18)** “Extended Learning Program” means literacy programming which shall:

(a) Use “Research-aligned literacy strategies” as defined in ORS 327.825 and is based on “Science of reading and writing” as defined in ORS 327.825 and meets the criteria established by the Department in OAR 581-017-0811;

(b) Occur outside of the traditional school day, which could include, but is not limited to afterschool and summer; and

(c) Be administered either by a licensed teacher of any subject area or by a qualified tutor, which is defined for School District Grants as a person who has the training necessary to implement the research-aligned tutoring model effectively or a high-dosage tutoring provider from the Qualified List for High-Dosage Tutoring established in section 20.

[(18)] **(19)** “Fidelity” means how closely prescribed procedures are followed and, in the context of schools, the degree to which educators implement programs, assessments, and implementation plans the way they were intended.

[(19)] **(20)** “Formative” means a process of collecting and responding to evidence of student learning; the information gained about student learning is used in the course of instruction to respond to and adjust instruction.

[(20)] **(21)** For Early Literacy Success School District Grants, established in ORS 327.829, “High-Dosage Tutoring” is additionally defined as tutoring that:

(a) Is provided in addition to regular core instruction;

(b) Is provided during the school year, which may occur during the school day or before/after school, and may also be provided during school breaks, including summer;

(c) Uses a research-aligned tutoring model, which is defined for School District Grants as a tutoring model that uses “Research-aligned literacy strategies” as defined in ORS 327.825, is based on the “science of reading and writing” as defined in ORS 327.825, and meets the criteria established by the Department in section OAR 581-017-0811;

(d) Is administered by a qualified tutor which is defined for School District Grants as a person who has the training necessary to implement the research-aligned tutoring model effectively and criteria established by the Department in section OAR 581-017-0811;

(e) Is provided to four or fewer students; and

(f) Integrates reading and writing in a way that is aligned to Oregon’s ELA Content Standards and to students’ reading instructional needs, based on student assessment data and other evidence of student learning.

[(21)] **(22)** For Early Literacy Success Community Grants, established in ORS 327.843, “High-Dosage Tutoring” is additionally defined as tutoring that:

(a) Is provided outside of the school day;

(b) Is provided by a qualified and trained tutor which is defined for Community Grants as a person who has the training necessary to implement the research-aligned tutoring model effectively;

(c) Uses a research-aligned tutoring model that employs evidence-based strategies and is administered in a culturally responsive manner and that is combined with the training necessary for tutors to implement the model effectively;

(d) Is provided to four or fewer students;

(e) Uses materials that are aligned to the program; and

(f) Uses student assessment data and other evidence of student learning to inform tutoring sessions and adjust to student needs.

[(22)] **(23)** For Tribal Grants, established in ORS 327.843(2)(d), “High-Dosage Tutoring” is additionally defined and determined by each of Oregon’s nine sovereign nations and the work plans developed by each nation.

[(23)] **(24)** For Early Literacy Success Community Grants: “Indirect costs” means costs not readily identifiable with the activities of the grant but incurred for the joint benefit of those activities and other activities of the organization.

[(24)] **(25)** “Literacy coaches” means a licensed educator who:

(a) Has advanced training or certification in “research-aligned literacy strategies” and “the science of reading and writing” as defined in ORS 327.825 that was either:

(A) Included as a course(s) in an educator preparation program;

(B) Included as a course(s) in a post-graduate degree program in teaching reading or literacy;

(C) Provided by ODE or included on the ODE list of professional development providers; or

(D) Provided by a school district or ESD;

(b) Has a literacy-focused licensure endorsement;

(c) Whose primary role and responsibilities include direct support of students and/or educators;
and

(d) Are additionally defined in OAR 584-210-0170.

[(25)] **(26)** “Literacy specialists or interventionists” means a licensed educator who:

(a) Has advanced training or certification in “research-aligned literacy strategies” and “the science of reading and writing” as defined in ORS 327.829 that was either:

(A) Included as a course(s) in an educator preparation program;

(B) Included as a course(s) in a post-graduate degree program in teaching reading or literacy;

(C) Provided by ODE or included on the ODE list of professional development providers; or

(D) Provided by a school district or ESD;

(b) Has a literacy-focused licensure endorsement; and

(c) Whose primary role and responsibilities include direct support of students and/or educators.

[(26)] **(27)** For Early Literacy Success School District Grants, established in ORS 327.829 ,
“Outcomes” is defined as literacy achievement as measured by the student growth assessment
and other sources of evidence related to literacy achievement.

[(27)] **(28)** “Partnership” means a group of organizations, Tribal governments, districts or
individuals who agree to work together with a common interest and shared vision. In a
partnership, there is a high level of trust and communication, and differences in power and
privilege are addressed. Roles and responsibilities on all sides are well-defined and developed
with shared authority in decision making. There might be shared space and staff, with
expectations and agreements in writing.

[(28)] **(29)** “Professional Development” means learning that is systemic, job-embedded, and
aligned to current research, training, and practices that support educator and student learning.

[(29)] **(30)** “Provider of Early Learning Services” means a public or non-profit entity that
provides education and learning opportunities for children in grades pre-Kindergarten to third
grade through the provision of services that:

(a) Supports families, caregivers, and community members to incorporate research-aligned
early learning practices outside of the school day; or

(b) A program that directly provides research-aligned early learning services outside of the
school day.

[(30)] **(31)** “Public Library” means a public agency that provides to all residents of a local government unit free and equal access to library and information services that are suitable for persons of all ages.

[(31)] **(32)** “Regular Core Instruction” means instruction in the general education setting as part of every student's regular schedule that is aligned to grade-level standards and inclusive of every student in the classroom.

[(32)] **(33)** “Statewide Education Initiatives Account” means the account as established in ORS 327.250.

[(33)] **(34)** “Student Growth Assessment” means a process of evidence collection and review, which includes tests (for example, criterion referenced or developmental continuum) alongside other sources of evidence for the purpose of monitoring students’ growth towards proficient reading and writing. Grant recipients shall avoid making determinations about student growth from a single source of evidence/test score.

[(34)] **(35)** “Student Groups that have Historically Experienced Disparities” includes:

(a) “Students Experiencing Poverty,” which means students who meet one or more of the following qualifications:

(A) Are participating in Supplemental Nutrition Assistance Program funded by the United States Department of Agriculture;

(B) Are participating in the Temporary Assistance for Needy Families program as defined in Title IV of the Social Security Act;

(C) Are foster students; or

(D) Are migrant students.

(b) “Students from Racial or Ethnic Groups that Have Historically Experienced Academic Disparities,” which includes, but is not limited to American Indian and Alaska Native students, Black and African American students, Hispanic and Latino students, Asian students, Native Hawaiian and Pacific Islander students, and multiracial students and any other racial or ethnic group identified by the eligible applicant as historically experienced academic disparities.

(c) “Students with Disabilities,” which means a child with a disability as defined in ORS 343.035(1) and ORS 343.035(14)(b).

(d) “English Language Learners,” which means or “English learners,” which means a student who has limited English language proficiency because English is not the native language of the

student or the student comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency.

(e) "Foster Students" as defined in ORS 30.297(5)(c).

(f) "Students who are Homeless" has the same meaning as in section 725 of the McKinney-Vento Act, 42 USC § 11434a (2).

(g) Students who attend an elementary school that:

(A) Is identified for comprehensive support and improvement or for targeted support and improvement under the federal Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802) regardless of whether the school is receiving funding; or

(B) Qualifies for assistance under Title I of the federal Elementary and Secondary Education Act of 1965; "whereas qualifying for assistance under Title I" means at least 35% of the school's students are experiencing poverty, or the school receives Title I-A funds as determined by the district.

(h) "LGBTQ2SIA+ Students," which means students who may have one or multiple gender identities and/or sexual orientations including lesbian, gay, bisexual, pansexual, transgender, nonbinary, queer, questioning, two-spirit, intersex, and asexual. The plus sign ("+") recognizes and includes the myriad ways to describe marginalized gender identities and sexual orientations.

(i) "Students Recently Arrived," which means a student who was NOT born in any state or US Territory and who has not been attending one or more schools in any one or more state for more than three full academic years.

(j) "Migratory Students," which means a student whose is a migratory worker or whose parent or guardian is a migratory worker in the agricultural, dairy, lumber, or fishing industries and who has moved due to economic necessity between school districts in the last thirty six months, and is eligible to be a part of the Title 1-C Migrant Education Program.

(k) "Justice involved youth" means a student who is pre or post adjudication, been or currently detained in a secure juvenile justice facility, and/or been or currently placed in a community juvenile justice program.

Statutory/Other Authority: ORS 327.829

Statutes/Other Implemented: ORS 327.825 - 327.845

History:

[ODE 27-2025, amend filed 05/22/2025, effective 05/22/2025](#)

[ODE 22-2024, minor correction filed 05/02/2024, effective 05/02/2024](#)

[ODE 13-2024, adopt filed 03/22/2024, effective 03/22/2024](#)

Current Rule Link: Oregon Administrative Rule ([OAR](#)) [581-017-0811](#)

Rule Title: Early Literacy Success School District Grants: Allowable Uses of Funding

Rule Number: 581-017-0811

(1) Allowable uses of the Early Literacy Success School Grant program are described in ORS 327.825 and ORS 327.829. The administrative rules that follow provide additional specificity or clarity and do not expand or replace what is in statute.

(2) Professional Development and Coaching may be provided to teachers, administrators, instructional assistants, and additional staff.

[(2)] **(3)** Training for tutors to implement effectively the provision of high-dosage tutoring according to ORS 327.825 and ORS 327.829 shall be research-aligned and include the specific knowledge and skills relevant to the literacy concepts, skills, instructional practices of the tutoring program, and needs of students who it is serving, and effectively use data to ensure the methods used are responsive to student need. This may be specific to a particular program, or core set of knowledge, skills or instructional practices all of which must be based on the science of reading and writing.

(a) Grant recipients may use internal or external expertise for high dosage tutoring. At least once every two years the Oregon Department of Education shall develop and/or revisit qualifications for tutors. The qualifications shall be inclusive of the qualified tutors definition in these rules and may include additional qualifications, which shall be used by grant recipients to evaluate eligibility for those internal and external to the district to be a tutor for high-dosage tutoring programs. The Department may decide to make the qualifications different for those tutors internal and for those external to the district.

(b) At least once every two years the Oregon Department of Education shall develop or revisit criteria for high-dosage tutoring programs and extended learning. The criteria shall be used by grant recipients to evaluate eligibility for high-dosage tutoring and extended learning programs to be used for the purposes of this grant.

(c) The Oregon Department of Education shall, at least once every two years, develop or revisit a list of qualified high-dosage tutoring program providers, should grant recipients choose to use external providers. To be included on the list, the provider must meet the qualifications in

section (a) and (b) of this rule if providing a program and tutors or just (b) if providing a program only and must include content to be determined by the Department.

(d) The Oregon Department of Education will independently review potential providers at least once every two years by posting a Request for Information for providers to solicit information from interested vendors.

(A) ODE will publish the list no later than January 15th of odd numbered years, beginning in 2025. After the first publication, eligible applicants who use funding to pay for external high dosage tutoring services shall select from the list.

(B) Once a high-dosage tutoring program provider has been approved by the Department and placed on the list, to remain on the list the provider must every two years provide an updated information form provided by the Department.

[(3)] **(4)** Grant recipients may use internal or external expertise for professional development and coaching. At least once every two years, the Oregon Department of Education shall develop a list of qualifications for professional development and coaching providers. The list of qualifications shall be used by grant recipients to evaluate eligibility for those internal and external to the district to provide professional development and coaching. The Department may decide to make different qualifications for people who are internal to the district and for those external to the district.

(a) The Oregon Department of Education shall, at least once every two years, develop a list of qualified professional development providers and organizations that provide coaching related to early literacy should grant recipients choose to use external providers. To be included on the list of qualified professional development or coaching providers, the provider must meet the qualifications in section (3) of this rule and include content to be determined by the Department.

(b) The Oregon Department of Education will independently review potential providers at least once every two years post a Request for Information for providers to solicit information from interested vendors.

(A) ODE will publish the list no later than January 15th of odd numbered years, beginning in 2025. After the first publication, eligible applicants who use funding to pay for external professional development and coaching shall select from the list.

(B) Once a professional development or coaching provider has been approved by the Department and placed on the list, to remain on the list the provider must every two years provide an updated information form provided by the Department.

(C) The Department will consult with the Teacher Standards and Practices Commission to ensure the approved providers also satisfy professional development requirements for teachers.

[(4)] **(5)** The State Board adoption criteria for Language Arts basal instructional materials and the list of basal instructional materials adopted by the State Board of Education shall be the criteria for core instructional materials meeting the early literacy school grant requirements.

(a) The Oregon Department of Education shall establish research-aligned criteria for districts to use for all materials that are not core instructional materials. Districts shall use this criteria when purchasing and/or reviewing literacy assessments, tools, supplemental curricula, and digital resources annually.

(b) The Department shall review available criteria and resources from national and international organizations related to:

(A) Early literacy practices;

(B) Literacy assessment practices and tools, inclusive of both formative and diagnostic practices;

(C) Digital literacy practices, resources, and tools;

(D) Culturally responsive practices in literacy instruction;

(E) Biliteracy or literacy practices in multilingual instructional settings or dual language; and

(F) Supporting students who are experiencing disabilities.

(c) Effective January 1, 2025, funds from this grant used for the adoption and implementation of K-[3] **5** core instructional materials may only be used for materials from the State Board of Education adopted list for ELA. If core instructional materials are adopted from the State Board of Education list at the time of application, they meet the criteria for this grant.

(d) Effective January 1, 2025, funds from this grant used for the adoption and implementation of core instructional materials for prekindergarten may only be used for materials that meet criteria to be determined by the Department of Early Learning and Care by Jan 1, 2025.

[(5)] **(6)** Rules will be applied by ODE for allowable uses of funding of the Early Literacy Success Initiative beginning July 1, 2025.

Statutory/Other Authority: ORS 327.829 & ORS 327.833

Statutes/Other Implemented: ORS 327.825 to 327.837

History:

[ODE 27-2025, amend filed 05/22/2025, effective 05/22/2025](#)

ODE 23-2024, minor correction filed 05/02/2024, effective 05/02/2024

ODE 13-2024, adopt filed 03/22/2024, effective 03/22/2024

Summary

Meeting Date: 2/19/2026

Title: Early Literacy Success School District Grant OAR Updates

Status: Second Reading/Adoption (item has changed)

Presentation: No (Written Report Only/Consent)

Key Staff: Angelica Cruz, Sophie Hilton

Topic Summary: House Bill 3040 expands the allowable uses of Early Literacy Success School District Grant funds by broadening professional development and coaching eligibility to include instructional assistants and additional staff. HB 3040 also extends the allowable use of funds for purchasing and implementing research-aligned curriculum from Pre-K–3 to include grades 4 and 5. ODE is updating OAR 581-017-0801 and OAR 581-017-0811 to ensure the rules accurately reflect current legislative requirements.

ODE Education Equity

Stance

Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

BACKGROUND AND NEED

Members of the State Board of Education are volunteers, with unique professional and lived experiences. Using plain language, this section should provide context for this item, including any needed overviews of relevant programs or initiatives.

- 1. Briefly, how does this topic, program, or initiative currently operate? Where is it located within Oregon’s school systems? How does it ultimately serve students?**

The Early Literacy Success School District grant is a non-competitive, formula-based grant administered to districts and public charter schools for a total of \$90 million for the 2023-2025 biennium and \$93 million for the 2025-2027 biennium. For 2025-27, there are a total of 246 grantees in Oregon receiving these funds.

- 2. Please list the specific rule(s), statute(s), or recently passed legislation that allows the Board to take action on this item. Where are they prescriptive and where do they provide the Board and Department flexibility?**

House Bill 3040 passed in the 2025 legislative session and amends ORS 327.829, requiring the State Board to approve the identification of *other staff* that may receive professional development and coaching in rule. The additional changes are prescriptive and must be updated based on the statutory changes.

Oregon State Board of Education Docket



3. Has this item come before the Board before? If so, when did the Board last take action, and what was that action?

The Early Literacy Success School District Grant brought OARs to the SBE in the spring of 2025 to update rules based on the first year of grant implementation and the OAR updates were adopted. The Board had previously adopted permanent OARs 581-017-0801 through 581-017-0811 for the Early Literacy Success Initiative in March 2024.

4. Why is this item coming before the Board now?

These rule amendments are necessary to align with the statutory changes enacted by HB 3040. The bill expanded the allowable uses of Early Literacy Success School District Grant funds by broadening professional development and coaching eligibility to include instructional assistants and additional staff. HB 3040 also extended the allowable use of funds for purchasing and implementing research-aligned curriculum from Pre-K-3 to permanently include grades 4 and 5. These updates ensure the rules accurately reflect current legislative requirements.

5. Who requested or brought about the need for this item? (Select all that apply.)

- ODE Staff
- Students
- Families
- Community-Based Organizations
- Culturally Specific Organizations
- School Districts
- Education Service Districts
- Charter Schools
- Oregon State Legislature
- Educational Associations
- Racial Justice Council
- Federal Government
- One or more of Oregon’s nine federally recognized tribes: _____
- Other: _____

ENGAGEMENT STRATEGY AND LEARNINGS

The State Board of Education expects all items that come before it be reviewed and influenced, to the greatest extent possible, by a robust community engagement process. Using plain language, this section should provide an overview of the role that engagement played in this item, including with Oregon’s nine federally recognized Tribes, other state agencies, and external partners.

6. How did the [Equity Decision Tree](#) inform your office/team engagement strategy? Who is most likely to be affected and how have they been intentionally incorporated into the engagement process for this item?

The Equity Decision Tree guided ODE to engage those most directly affected by the OAR updates, especially staff who support literacy instruction across diverse communities. We engaged the Literacy Advisory Roundtable early in the process because it represents educators, community partners, and leaders from all regions of the state. Roundtable members reviewed draft rule language, surfaced equity concerns, and offered suggestions that directly informed revisions. ODE also provided multiple pathways for input, including live discussion and asynchronous feedback to reduce barriers to participation.

7. **After consulting with ODE’s Rules Coordinator and the Office of Indian Education, did this item require Tribal Consultation and/or Tribal Communication with Oregon’s nine federally recognized tribes? (For more information, please reference ODE’s [Tribal Consultation Toolkit](#).)**

- No
- Yes – Both Consultation and Communication.
- Yes – Only Communication.

8. **Has your office/team considered how this item intersects with the authority of other state entities that serve the health and education needs of Oregon’s students, or otherwise contribute to the climate of Oregon’s school systems? If so, please select from the below list.**

- N/A; this item does not intersect with other state entities.
- Oregon Health Authority (OHA)
- Department of Early Learning and Care (DELIC; formerly ELD)
- Educator Advancement Council (EAC)
- Higher Education Coordinating Commission (HECC)
- Youth Development Oregon (YDO)
- Teacher Standards and Practices Commission (TSPC)
- Oregon Housing and Community Services (OHCS)
- Other: _____

If you selected any of the above entities, please share why they were involved, how the Department partnered with them, and what feedback they provided.

Our Office of Teaching, Learning and Assessment collaborates closely with the Department of Early Learning and Care (DELIC) through bi-monthly meetings. During these meetings, we reviewed and discussed relevant OARs. In addition, DELIC, the Educator Advancement Council, HECC, and TSPC all have representatives on the Literacy Advisory Roundtable to ensure their perspectives are represented in our engagement efforts.

9. **Which geographic perspectives are intentionally represented in your office/team engagement strategy?**

- Northeast Oregon
- Central and Southeast Oregon

Oregon State Board of Education Docket



- Southwest Oregon
- Willamette Valley and Central Coast
- Northwest Oregon
- Tribal lands
- Other: _____

Why did your office/team focus on the above geographical perspective(s)?

As the ODE Literacy Team works with grantees from across the state, which include school, district, and ESD staff, ODE received feedback representing all geographical regions in the state.

10. Please highlight some of the key pieces of feedback your office/team received during the engagement process. How did this feedback influence the development of this item? How were differences in opinion accounted for?

The primary feedback centered on clarifying the definition of “additional staff” to ensure it would include community partners, student teachers, and volunteers, who are often key partners in providing literacy support to students. This input led us to revise the draft definition to more clearly encompass all individuals who support literacy instruction within a school. When perspectives differed, we considered the range of equity impacts and chose language that maintained both clarity and alignment with statutory requirements.

11. Please describe any additional engagement opportunities your office/team will be pursuing prior to asking the Board to take action on this item.

Once the OAR updates have been adopted, ODE will ensure guidance and technical assistance is available and updated.

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

Equitable resource allocation is a critical component of education equity. Using plain language, this section should describe the fiscal, administrative, and small business impacts of this item, and how it affects the larger social system that serves Oregon’s students.

12. After consulting with ODE’s Rules Coordinator and Grant Consolidation Team, was this item identified as a grant-related item?

- No
- Yes; please review Appendix B: Grant Consolidation below.

13. Will Board action create fiscal or administrative impacts on districts, ESDs, community-based organizations, and/or the nine federally recognized tribes? If so, please describe the anticipated short- and long-term effects and how they may be felt differently in small, rural, or remote communities.

Yes. The Board action may create both fiscal and administrative impacts for grantees (districts and public charter schools). Grantees may choose to reallocate Early Literacy Success School District Grant funds during the biennium to include instructional assistants and additional staff in professional development and coaching, and/or to purchase instructional materials for 4th and 5th grade. While this flexibility does not create new requirements, it may influence local budgeting decisions and how grantees prioritize funds.

The expanded eligibility for PD/Coaching may provide meaningful long-term benefits by increasing access to training for staff who play critical roles in literacy instruction in all regions and especially in small and rural communities with fewer personnel.

Over time, the adoption of high-quality, K–5 aligned curriculum leads to improved literacy outcomes, more efficient use of resources, and greater clarity for educators and families regarding expectations for literacy instruction across elementary grades. In small/rural communities, this helps ensure all students have access to high-quality instruction materials.

14. Will Board action create a fiscal or administrative impact on state agencies, units of local government, and/or the public? Will it increase costs associated with compliance for small businesses?

The proposed Board action is not anticipated to create new fiscal burdens for state agencies, local governments, the public or increase costs associated with compliance for small businesses. The changes reflected in the updated rules fall under the overall allowable uses of existing Early Literacy Success School District Grant, so the administrative burden to the state will be the same.

EQUITY IMPACT ANALYSIS

The State Board of Education envisions an aspirational education system that honors its increasingly diverse student body and affirms every student to reach their full potential in a rapidly shifting global environment. Using plain language, this section should describe the impact of this item on students and the larger social system that serves their health and education needs.

15. How will Board action on this item ultimately impact students and their families, particularly those who have been and continue to be systemically marginalized?

Expanding professional development to include instructional assistants and additional staff will strengthen support for all students. This will improve instructional consistency across classrooms and positively impact student outcomes.

Expanding the allowable use of funds to include curriculum purchases for fourth- and fifth-grade materials will strengthen instructional alignment across pre-K through grade 5. This adjustment also more closely reflects the grade-band structure used by ODE to evaluate instructional materials (K–2 and 3–5). Because districts typically review, adopt, and purchase curriculum according to these same grade bands, extending eligibility to these grades is

operationally consistent with existing practices. In addition, this expansion increases access to high-quality instructional materials for all elementary grade levels.

16. How will Board action on this item ultimately impact school district employees and volunteers, particularly those who have been and continue to be systemically marginalized?

More staff members, including those who often have the least access to training, will now have opportunities to receive professional learning in research-aligned literacy practices. This change is intended to ensure that **all** adults supporting literacy instruction, not just licensed teachers, are equipped, valued, and included in Oregon’s statewide literacy efforts. Ultimately, these efforts promote more equitable learning conditions for students and more equitable professional conditions for the adults who serve them.

17. What are the anticipated short- and long-term consequences of Board action on this item? Will Board action have a cumulative effect on students, families, educators, districts, or Oregon’s school systems?

Short-term consequences are direct professional development and coaching for all staff, which can happen immediately, along with paying for K-5 instructional materials to ensure alignment across all grades. Over time, these changes will contribute to more consistent, research-aligned literacy practices, a better-supported literacy workforce, and more equitable access to high-quality instruction for students across the state.

18. What are the anticipated short- and long-term consequences of inaction on this item and who would experience those consequences?

The consequences of inaction would be continued inequitable access to professional learning, disproportionately impacting paraprofessionals, community-based staff, and adults in rural/remote areas who are often closest to students and leading to weaker instructional alignment across K–5, ultimately impacting student learning trajectories and hindering district improvement efforts.

RECOMMENDED ACTION

The State Board of Education has dedicated itself to challenging the status quo and sharing responsibility for every student’s academic and lifelong success. Using plain language, this section should describe the choice before the Board, the Department’s recommendation, and any other relevant information.

19. Please provide a brief summary of the specific language your office/team is bringing to the Board. Are there any key decisions within this language that your office/team would like the Board to make?

Oregon State Board of Education Docket



ODE is adding the following definition for "additional Staff" to OAR 581-017-0801: Early Literacy Definitions: "For Early Literacy Success School District Grants, established in ORS 327.829, 'additional staff' means individuals in a school, other than teachers, administrators, or instructional assistants, who are directly involved in delivering, supporting, or coordinating literacy instruction for students."

To ensure all allowable groups may participate in Professional Development and Coaching, ODE is adding the following line to our Allowable Uses of Funding OAR 581-017-0811: "Professional Development and Coaching may be provided to teachers, administrators, instructional assistants."

In the Allowable Uses of Funding OAR 581-017-0811, ODE is changing the grade levels to now permanently include 4th and 5th grade materials as allowable expenditures.

20. How is this language responsive to identified needs and/or feedback received through the engagement process? How is it in alignment with [the Board's Mission, Vision, and Values](#)?

ODE updated the additional staff definition to ensure it includes all individuals involved in supporting literacy instruction and removes any barriers to participating in PD/Coaching, should a district choose to offer those opportunities to additional staff.

21. Please describe the action your office/team is recommending to the Board (for example, the adoption of rules or the approval of a waiver) and how it reflects the Department's commitment to academic excellence, belonging and wellness, and reimagining accountability.

Our team is recommending that the State Board adopt updates to OAR 581-017-0801 and OAR 581-017-0811 to align existing rules with the statutory changes enacted in HB 3040.

This action reflects the Department's commitment to academic excellence by ensuring that all adults who support student literacy receive high-quality, research-aligned training. It advances belonging and wellness by recognizing and valuing the full range of individuals who contribute to students' literacy journeys, particularly those in roles that have historically not had access to training. Finally, it supports reimagining accountability by strengthening coherence across the literacy system, reducing gaps in training and support, and ensuring that implementation is consistent, equitable, and aligned with Oregon's long-term vision for improving literacy outcomes statewide.

22. Please note any additional support the Department is (or will be) providing to ensure successful implementation of this item.

- N/A; this item does not require any additional support.
- Communications plan
- Technical assistance, professional development, and/or coaching

Oregon State Board of Education Docket



- Direct or differentiated support for small, rural, or remote school districts
- Corrective Action Processes
- Safety measures
- Organizational culture or practice changes (change management)
- Materials and/or supplies
- Guidance and/or supplemental resources
- Other: _____

23. Has this item changed since the last Board meeting?

- N/A; this item has not previously been before the Board
- No; same as last month
- Yes; please review Appendix A: Second Reading below.

APPENDIX A: SECOND READING

Appendix A should only be completed if “yes” is selected for question 23. Using plain language, this section should provide a summary of any additional engagements, learnings, or changes that have occurred since the First Reading of this item.

1. Please describe any additional engagement opportunities your office/team has pursued since the First Reading of this item. Which perspectives were intentionally included?

ODE presented to ORCA for the second read in January 2026.

2. Has your office/team received any additional public comment on this item? If so, who provided that comment and what feedback did they provide?

Yes, we received a question during ORCA regarding allowable uses and whether a clarification about purchasing and training on curriculum should be added to the Early Literacy Definitions OAR. After consultation with ODE’s Senior Rules Policy Advisor, we determined that the statutory language: “The adoption and implementation of curricula that uses research-aligned literacy strategies and that is applicable starting in any grade from prekindergarten through grade five” already encompasses this allowable use update. Adding additional language to the OAR would be duplicative and may create unnecessary confusion. ODE will clarify this allowable use update in guidance to ensure this change is clearly communicated.

3. Please describe any overall learnings that have occurred since the First Reading of this item. How were differences in opinion accounted for?

In further consultation on these OARs, ODE identified opportunities to ensure clarity and readability of the OARs, as described below.

Oregon State Board of Education Docket



- 4. Please provide a brief summary of the changes your office/team have made to this item since the First Reading. How are these changes responsive to identified needs and/or feedback received through the engagement process?**

For the OAR update stating that “Professional Development and Coaching may be provided to teachers, administrators, instructional assistants, and additional staff,” we removed the phrase “as established in ORS 327.829” because it was unnecessary. Removing this reference improves clarity and readability within the OAR.

While no specific feedback was received on this item, ODE identified this revision during its internal review as a technical clarification to ensure the rules are as clear and concise as possible.

APPENDIX B: GRANT CONSOLIDATION

Appendix B should only be completed if “yes” is selected for question 12. Using plain language, this section should provide additional detail on how grant rules have been aligned and designed to support districts and meet administrative needs.

- 1. Please indicate which of the following underlying processes are required for this grant program.**

- Conduct a needs assessment
- Gather and provide additional data
- Submit an application to ODE
- Submit a report to ODE
- Submit a plan to ODE
- Submit a budget to ODE
- Conduct community engagement
- Other: _____

- 2. How has your team/office worked to encourage more equitable resource allocation and address administrative impacts, particularly for small or rural school districts? How has this grant been aligned with existing grant programs?**

The Early Literacy Success School District grant program is aligned and integrated into the Integrated Programs application and reporting requirements to reduce administrative impacts on districts. The Literacy team works closely with ESD liaisons to support small and rural school districts.

- 3. How are the grant requirements differentiated for small and rural school districts?**

Oregon State Board of Education Docket



While the Integrated Programs application is differentiated for small and rural districts, the Early Literacy Success School Districts grant requirements are not differentiated, largely due to what is named in statute. The Literacy team and ODE staff work with small and rural school districts to support their needs and have updated OARs where we can to reduce burden when possible.

Summary

Meeting Date: 2/19/2026

Title: Transportation Grant – Non-reimbursable Mileage Rate Update 581-023-0040

Status: Second Reading/Adoption (no changes)

Presentation: Yes

Key Staff: Vanessa Clark, Michael Wiltfong

Topic Summary: This rule includes a yearly non-reimbursable mileage rate. The current rule lists a rate for the years 2021-22, 2022-23, 2023-24, and 2024-25. This rule change updates the rule to remove years 2021-22 and 2022-23, and to add a rate for the years 2025-26 and 2026-27. We are also adding a forecasted rate for two additional years, 2027-28 and 2028-29, which may be adjusted in 2027. The addition of two forecasted years would give school districts an estimate to use when they are setting long term forecasts.

ODE Education Equity

Stance

Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

BACKGROUND AND NEED

Members of the State Board of Education are volunteers, with unique professional and lived experiences. Using plain language, this section should provide context for this item, including any needed overviews of relevant programs or initiatives.

- 1. Briefly, how does this topic, program, or initiative currently operate? Where is it located within Oregon’s school systems? How does it ultimately serve students?**

The Transportation Grant is one of the subgrants of the State School Fund. It provides school districts with a reimbursement of a percentage of their costs for transporting students for academic purposes. This rule defines approved costs under the grant and how reimbursements are calculated. One of the areas defined in this rule is the non-reimbursable mileage rate.

School districts often provide transportation services for students for non-academic purposes, such as athletics or other activity trips that are not related to student coursework. These non-academic trips are not reimbursable under the Transportation Grant, but most often, school districts use the same staff and equipment to provide these services. In order to deduct the cost of these trips from reimbursable expenses, a non-reimbursable mileage rate is set which intends to account for the cost of fuel, staffing, supplies, and equipment maintenance. School districts report their non-reimbursable mileage, and the non-reimbursable mileage rate is used to deduct these costs from their total transportation expenses.

Oregon State Board of Education Docket



2. Please list the specific rule(s), statute(s), or recently passed legislation that allows the Board to take action on this item. Where are they prescriptive and where do they provide the Board and Department flexibility?

- ORS 327.008 (2) and 327.013 (3) describe the Transportation Grant, as part of the State School Fund.
- ORS 327.033 (2)(a) directs the State Board of Education to “adopt rules to determine the amounts to reimburse a school district for costs incurred by the school district in transporting students described in ORS 327.006 (2)(a).”
- ORS 327.006 (2)(a) describes the general allowable expenditures that may be claimed under the Transportation Grant. In summary, the rule describes that allowable expenditures are those related to transporting students for academic purposes, including transportation between home and school, transportation between educational facilities, and transportation for field trips that are “an extension of classroom activities.”
- OAR 581-023-0040 (6)(m)(B) lists the rates to be used for deducting non-reimbursable mileage from the expenditures claimed for the Transportation Grant.

3. Has this item come before the Board before? If so, when did the Board last take action, and what was that action?

Yes. The last time the Board reviewed and adopted rates for non-reimbursable mileage were the December 2023 and February 2024 meetings. The Board adopted rates for school years 2023-24 and 2024-25.

4. Why is this item coming before the Board now?

The non-reimbursable mileage rates need to be updated for the 2025-26 and future school years.

5. Who requested or brought about the need for this item? (Select all that apply.)

- ODE Staff
- Students
- Families
- Community-Based Organizations
- Culturally Specific Organizations
- School Districts
- Education Service Districts
- Charter Schools
- Oregon State Legislature
- Educational Associations
- Racial Justice Council

Oregon State Board of Education Docket



- Federal Government
- One or more of Oregon’s nine federally recognized tribes: _____
- Other: _____

ENGAGEMENT STRATEGY AND LEARNINGS

The State Board of Education expects all items that come before it be reviewed and influenced, to the greatest extent possible, by a robust community engagement process. Using plain language, this section should provide an overview of the role that engagement played in this item, including with Oregon’s nine federally recognized Tribes, other state agencies, and external partners.

6. How did the [Equity Decision Tree](#) inform your office/team engagement strategy? Who is most likely to be affected and how have they been intentionally incorporated into the engagement process for this item?

This is a routine update to the non-reimbursable mileage rates used in calculating the Transportation Grant for all school districts. Updates to these rates are necessary to account for inflation. There is not a policy or process under review at this time. Due to this, engagement is focused on school business officials who manage the districts’ budgets and expenditures.

7. After consulting with ODE’s Rules Coordinator and the Office of Indian Education, did this item require Tribal Consultation and/or Tribal Communication with Oregon’s nine federally recognized tribes? (For more information, please reference ODE’s [Tribal Consultation Toolkit](#).)

- No
- Yes – Both Consultation and Communication.
- Yes – Only Communication.

8. Has your office/team considered how this item intersects with the authority of other state entities that serve the health and education needs of Oregon’s students, or otherwise contribute to the climate of Oregon’s school systems? If so, please select from the below list.

- N/A; this item does not intersect with other state entities.
- Oregon Health Authority (OHA)
- Department of Early Learning and Care (DELIC; formerly ELD)
- Educator Advancement Council (EAC)
- Higher Education Coordinating Commission (HECC)
- Youth Development Oregon (YDO)
- Teacher Standards and Practices Commission (TSPC)
- Oregon Housing and Community Services (OHCS)
- Other: _____

If you selected any of the above entities, please share why they were involved, how the Department partnered with them, and what feedback they provided.

Oregon State Board of Education Docket



N/A

9. Which geographic perspectives are intentionally represented in your office/team engagement strategy?

- Northeast Oregon
- Central and Southeast Oregon
- Southwest Oregon
- Willamette Valley and Central Coast
- Northwest Oregon
- Tribal lands
- Other:

Why did your office/team focus on the above geographical perspective(s)?

All school districts are required to provide transportation services for their students. School Business Officials from all areas of the state were presented with the information and given an opportunity to respond and provide feedback.

10. Please highlight some of the key pieces of feedback your office/team received during the engagement process. How did this feedback influence the development of this item? How were differences in opinion accounted for?

The feedback we received was overwhelmingly positive. We specifically received comments in favor of adding two additional years of forecasted rates to support budgeting and planning activities.

11. Please describe any additional engagement opportunities your office/team will be pursuing prior to asking the Board to take action on this item.

N/A

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

Equitable resource allocation is a critical component of education equity. Using plain language, this section should describe the fiscal, administrative, and small business impacts of this item, and how it affects the larger social system that serves Oregon’s students.

12. After consulting with ODE’s Rules Coordinator and Grant Consolidation Team, was this item identified as a grant-related item?

- No
- Yes; please review Appendix B: Grant Consolidation below.

Oregon State Board of Education Docket



- 13. Will Board action create fiscal or administrative impacts on districts, ESDs, community-based organizations, and/or the nine federally recognized tribes? If so, please describe the anticipated short- and long-term effects and how they may be felt differently in small, rural, or remote communities.**

In both the short- and long-term, updating the non-reimbursable mileage rate ensures that non-reimbursable expenditure deductions keep pace with inflation.

Remote communities are likely to have greater expenses for transportation in general, and especially for transportation for athletics and other non-academic activity trips where students travel for performances and competitions. However, the purpose of the Transportation Grant is to ensure students have transportation for academic purposes. By reviewing the rates on an annual basis and adjusting as needed to keep pace with inflation, we can avoid larger changes in the rates which may pose a greater burden for communities to absorb all at once.

- 14. Will Board action create a fiscal or administrative impact on state agencies, units of local government, and/or the public? Will it increase costs associated with compliance for small businesses?**

No

EQUITY IMPACT ANALYSIS

The State Board of Education envisions an aspirational education system that honors its increasingly diverse student body and affirms every student to reach their full potential in a rapidly shifting global environment. Using plain language, this section should describe the impact of this item on students and the larger social system that serves their health and education needs.

- 15. How will Board action on this item ultimately impact students and their families, particularly those who have been and continue to be systemically marginalized?**

It is unlikely that students and families will notice a direct impact from this update. However, the mechanism of using a non-reimbursable mileage rate helps to keep the grant focused on its purpose and increases equitable access to funding across the state.

The non-reimbursable mileage rate aims to capture the costs of non-academic trips to deduct those expenses from the Transportation Grant. Doing this ensures that funds from the State School Fund are used to support students' academic needs, while also allowing school districts to use the same pupil transportation equipment for additional uses, such as athletic trips. Increasing the rate to keep pace with inflation means higher deductions from the Transportation Grant, ensuring that dollars are available to focus on the purpose of the grant, supporting transportation for academic purposes.

16. How will Board action on this item ultimately impact school district employees and volunteers, particularly those who have been and continue to be systemically marginalized?

The mechanism of using a non-reimbursable mileage rate to deduct non-qualifying trips from the Transportation Grant eligible expenditures allows school districts to use the same pupil transportation equipment for additional uses, such as athletic trips, without creating an additional burden of tracking and coding expenses to a different fund or function.

17. What are the anticipated short- and long-term consequences of Board action on this item? Will Board action have a cumulative effect on students, families, educators, districts, or Oregon’s school systems?

If the Board approves this rule revision, the rate will be updated and available to be used in the Transportation Grant calculation. This update will keep the program operations consistent.

18. What are the anticipated short- and long-term consequences of inaction on this item and who would experience those consequences?

If the Board does not approve this rule revision, the non-reimbursable mileage rate will be out of date. Using an older rate in the Transportation Grant calculation would mean that non-reimbursable mileage is deducted at a rate lower than needed to cover non-academic trips.

RECOMMENDED ACTION

The State Board of Education has dedicated itself to challenging the status quo and sharing responsibility for every student’s academic and lifelong success. Using plain language, this section should describe the choice before the Board, the Department’s recommendation, and any other relevant information.

19. Please provide a brief summary of the specific language your office/team is bringing to the Board. Are there any key decisions within this language that your office/team would like the Board to make?

This rule revision will:

- Remove the non-reimbursable mileage rates for the 2021-22 and 2022-23 school years,
- Add non-reimbursable mileage rates for the 2025-26 and 2026-27 school years,
- Add forecasted non-reimbursable mileage rates for the 2027-28 and 2028-29 school years.

20. How is this language responsive to identified needs and/or feedback received through the engagement process? How is it in alignment with the Board’s Mission, Vision, and Values?

We often hear from school district business managers that having access to information as early as possible is helpful for their planning and budgeting purposes. We are intentionally adding forecasted rates to support this earlier access to information.

21. Please describe the action your office/team is recommending to the Board (for example, the adoption of rules or the approval of a waiver) and how it reflects the Department’s commitment to academic excellence, belonging and wellness, and reimagining accountability.

We recommend the adoption of this rule update. This update maintains continuity of the program's processes, increases transparency by providing an early forecasted rate, and maintains the focus of the Transportation Grant on ensuring student access to transportation for academic purposes.

22. Please note any additional support the Department is (or will be) providing to ensure successful implementation of this item.

- N/A; this item does not require any additional support.
- Communications plan
- Technical assistance, professional development, and/or coaching
- Direct or differentiated support for small, rural, or remote school districts
- Corrective Action Processes
- Safety measures
- Organizational culture or practice changes (change management)
- Materials and/or supplies
- Guidance and/or supplemental resources
- Other: _____

23. Has this item changed since the last Board meeting?

- N/A; this item has not previously been before the Board
- No; please review Appendix A: Second Reading below.
- Yes; please review Appendix A: Second Reading below.

APPENDIX A: SECOND READING

Appendix A should only be completed if “yes” is selected for question 23. Using plain language, this section should provide a summary of any additional engagements, learnings, or changes that have occurred since the First Reading of this item.

1. Please describe any additional engagement opportunities your office/team has pursued since the First Reading of this item. Which perspectives were intentionally included?

The team did not pursue additional engagement and feedback, due to the routine nature of this update. The rule change was presented to the Oregon Rules Community Advisory as part of their Rules At a Glance agenda during their January meeting. No additional feedback was provided. The rule change also had a public hearing on January 20, 2026, but no comments were received.

Oregon State Board of Education Docket



- 2. Has your office/team received any additional public comment on this item? If so, who provided that comment and what feedback did they provide?**

No additional feedback or comments were received.

- 3. Please describe any overall learnings that have occurred since the First Reading of this item. How were differences in opinion accounted for?**

N/A

- 4. Please provide a brief summary of the changes your office/team have made to this item since the First Reading. How are these changes responsive to identified needs and/or feedback received through the engagement process?**

N/A

Below you will find the proposed changes to the Oregon Department of Education’s rule relating to the State School Fund Transportation Grant. Specifically, these changes are related to the non-reimbursable mileage rates used in the calculation of the Transportation Grant. Proposed new text is bold, and the proposed text to remove is in bracketed italics.

Current Rule Link: Oregon Administrative Rule (OAR) [581-023-0040](#)

Rule Title: Approved Transportation Costs for Payments from the State School Fund

Rule Text:

(1) Definitions for the purpose of this rule:

(a) “Elementary School Student” means, notwithstanding any other OAR or statute, pupils attending a school offering only an elementary curriculum, any combination of grades K through 8;

(b) “Secondary School Student” means, notwithstanding any other OAR or statute, pupils attending a school offering any secondary curriculum for grades 9, 10, 11, or 12. Additionally, all students attending a school designated by the local school board through board action as a junior high school or middle school may be considered secondary students;

(c) “Local School Board” means, notwithstanding any other OAR or statute, the local school board for the district in which the student’s legal residence is physically located. Local school boards are not required to provide transportation for students who have requested and received approval to attend a school other than that designated by the local school board for students living in their specified attendance area;

(d) “Manufacturer’s Rated Capacity” means the number of students to be used in the calculations specified in paragraph (5)(n)(B) of this rule and described below:

(A) Buses transporting only elementary students will have a passenger capacity as stated on the manufacturer’s identification plate;

(B) Buses transporting only high school students, grades 9 through 12 will have a passenger capacity based on two students for each 39 inch bus seat;

(C) Buses transporting mixed groups from grades K–12 (in any combination) or groups of only junior high or middle school students will have a passenger capacity based on 2.5 students for each 39-inch bus seat.

“EXAMPLE: A bus with a manufacturer’s passenger capacity stated on the identification plate of 72 would have the following ratings: elementary — 72, high school only — 48, mixed groups — 60, middle school and junior high school — 60.”

(e) “Mile(s) from School” means the distance a student lives from school, measured from the closest, reasonable, and prudent point between the school property identified by the local board for that pupil’s attendance and the property where the pupil lives. The distance will be

measured over the shortest practicable route on maintained public roadways or over existing pedestrian facilities or pedestrian facilities capable of meeting the requirements listed in ORS 332.405(4);

(f) "Patron" means any individual, organization, or entity that is able to use student transportation services except for charter schools (as defined in ORS 338) or a public agency (described in ORS 339.133(4), ORS 327.527, ORS 327.540 or ORS 327.390) if the school or agency reimburses school districts up to one hundred percent (100%) of incurred transportation costs pursuant to ORS 338.145, 339.133(4), ORS 327.527, ORS 327.540 or 327.390.

(g) "Supplemental Plan" means a plan adopted by local school board resolution identifying groups or categories of students who live within the 1 and 1.5 mile limitations and require transportation based on health or safety reasons, including special education. Supplemental plan approvals may be ordered by the State Board of Education or its designated representatives. The State Board shall have the right of final review of any actions regarding supplemental plans. Appeals will be directed to the State Board for final consideration. The Plan must include the following:

(A) The approximate number of students to be transported based on the plan;

(B) The health or safety reasons cited for providing transportation;

(C) The local board resolution specifying the supplemental plan as submitted; and

(D) Any additional information or documentation supporting the supplemental plan deemed appropriate locally.

(h) "Alternative Transportation," and "Active Transportation costs" have the definitions given in ORS 327.033.

(i) "Suitable and sufficient" means transportation that is appropriate for a particular student or group of students based on:

(A) The age of the student;

(B) The physical or mental capabilities of the student;

(C) The distance the student is to be transported; and

(D) The safety of the student to be transported.

(2) Approved transportation costs shall include those costs incurred in transporting pupils to and from instructional programs during the regularly scheduled school term within the limitations specified by ORS 327.006 and 327.033. Approved transportation costs may include costs incurred in transporting students participating in extended school year programs eligible for funding from the State School Fund.

(3) Approved transportation costs shall include those district expenditures associated with:

(a) Home-to-school transportation of elementary school pupils who live at least one mile from school;

(b) Home-to-school transportation of secondary school pupils who live at least one and one-half miles from school;

(c) Transportation of pupils between educational facilities either within or across district boundaries, if the facilities are used as part of the regularly-scheduled instructional program approved by the Board;

(d) Transportation of pupils for in-state field trips when such represents an extension of classroom activities for instructional purposes, and shall include out-of-state destinations within 100 miles of the Oregon border;

(e) Transportation of pupils home to school for whom a supplemental plan has been approved by the State Board of Education in addressing safety, health, and special education needs;

(f) Transportation of preschool children in Early Childhood Special Education Services having an Individual Family Service Plan requiring transportation and preschool children receiving Early Intervention Services under the authority of ORS 343.533.

(g) School to home transportation following extended school day instructional programs for:

(A) Elementary school pupils who live at least one mile from school;

(B) Secondary school pupils who live at least one and one-half miles from school.

(h) For the 2020-21 school year, maintaining an adequate level of pupil transportation services while school districts are administering Comprehensive Distance Learning in response to the COVID-19 pandemic.

(4) Approved Alternative Transportation costs:

(a) Include those district expenditures associated with:

(A) The facilitation of Active Transportation for human-powered forms of travel, including walking or bicycling, between home and school for students who live less than three miles from school. These costs may include:

(i) A pedestrian or bicycle group;

(ii) A crossing guard; or

(iii) Staff time required for coordinating active transportation options.

(B) The facilitation of Public Transportation between home and school for secondary school students. This may include staff time required for coordinating public transportation options.

(b) Require that new positions or extra duty opportunities created as a result of the implementation of Alternative Transportation will be direct employees of the school district.

(c) Do not include costs for transportation that is subcontracted by a school district to a private transportation provider.

(5) Approved transportation costs shall exclude those district expenditures associated with transportation for the following unless the school program is required under provisions of the Individuals with Disabilities Education Act, ORS 343.533 or 339.010 through 339.090 and 339.250:

(a) Pupils living within the limits prescribed in ORS 327.006(2) for whom no supplemental plan has been approved by the State Board;

(b) Activity trips other than for instructional purposes;

(c) Athletic trips;

(d) School lunch purposes;

(e) Summer school;

(f) Adult education;

(g) Evening school;

(h) Preschool and/or nursery school;

(i) Board and room in lieu of transportation associated with field trips;

(j) Transportation facility and staff costs other than those directly related to approved pupil transportation activities.

(6) The computation shall be made as follows:

(a) Pupil Transportation Salaries;

(b) Pupil Transportation Supplies, Equipment, Repairs, and Maintenance;

(c) All contracted Transportation;

(d) Travel of Pupil Transportation Personnel;

(e) Employee Benefits on Pupil Transportation Salaries;

(f) Pupil Transportation Insurance;

(g) Payments in Lieu of Transportation;

(h) Other Expenses of Pupil Transportation;

(i) Payments to Other Districts for Pupil Transportation;

(j) Leases and Rentals;

(k) Depreciation:

(A) Depreciation of Garage, but this shall not include land;

(B) Depreciation of Buses that are used at least 50% for reimbursable mileage.

(C) Shall include the costs to the district to retrofit, repower, or to replace as defined in ORS 468A.795, school buses for the purpose of reducing or eliminating diesel engine emissions.

These costs:

(i) Shall not include the costs paid with moneys received from the state by a school district from the Clean Diesel Engine Fund that are described in 468A.801 (2)(a); and

(ii) Shall include costs to paid with moneys received from the state as allowed by the Environmental Mitigation Trust Agreement as defined in ORS 468A.801 (2)(c).

(l) Total of subsections (5)(a) through (k) of this rule;

(m) Deduct (if cost is included in detail above):

(A) Payments Received from Other Districts and from Patrons for reimbursable transportation;

(B) Non-reimbursable Transportation Costs:

[(i) For 2021 – 22:

(I) Number of miles at \$2.86 Per mile for all school buses and school activity vehicles having a manufacturers designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.43 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(ii) For 2022 – 23:

(I) Number of miles at \$2.96 Per mile for all school buses and school activity vehicles having a manufacturers designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.49 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.]

[(iii)] (i) For 2023 – 24:

(I) Number of miles at \$3.18 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.60 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(iv) (ii) For 2024 – 25:

(I) Number of miles at \$3.29 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.65 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(iii) For 2025-26:

(I) Number of miles at \$3.39 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.70 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(iv) For 2026-27:

(I) Number of miles at \$3.50 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.76 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(v) For the purposes of forecasting costs for 2027-28:

(I) Number of miles at \$3.61 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.82 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(vi) For the purposes of forecasting costs for 2028-29:

(I) Number of miles at \$3.72 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles at \$1.88 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(v)(I) Those local school board certified marginal costs attributable to services provided to students who are not eligible for home-to-school transportation under section 3, calculated and

documented as follows: Documentation maintained by local district shall include: bus and route identification, school(s) being served, number of eligible students on board, number of ineligible students on board;

(II) Calculation of marginal costs shall be as follows: District Cost Per Mile of bus operation divided by the total number of students transported on each bus to derive an average cost per student. The cost per student multiplied by the number of ineligible students and the number of miles transported provides the amount for deduction. Example: Cost per student = district cost per bus mile - number of students on bus; Total Deduction = cost per student x ineligible students x number of miles transported.

(III) No deduction will be made for transportation inside prescribed limits if the local board certifies student demographics would require student bus rides to or from school of more than one hour if the bus is routed in a manner making it accessible to the number of eligible students living outside the prescribed mileage limit equal to 130 percent of the bus manufacturer's rated capacity; or

(IV) The local school board certifies that buses are routed in a manner to serve at least the number of eligible students living outside the prescribed mileage limits equal to 130 percent of the bus manufacturer's rated passenger capacity; and

(V) In either of the aforementioned situations, no additional costs have been incurred by the district for the identified service.

(C) State and Federal Receipts for Transportation, except those apportioned under ORS 327.006 or third party Medicaid payments for transportation, if used to support expenditures in subsections (5)(a) through (l) of this rule;

(D) Rental or Lease Payments from Private Contractors;

(E) The percentage of transportation facility depreciation commensurate with the percentage of the total district fleet value based upon purchase price (see subsection (6)(k) of this rule) represented by non-pupil transportation equipment. Examples of nonpupil transportation equipment would include the following: lawnmowers, tractors, backhoes, trucks, pickups, cars, trailers, snow blowers, etc.

(n) Total Deductions ((5)(m)(A)+(m)(B)+(m)(C)+(m)(D)+ (m)(E));

(o) Approved Cost ((5)(l) minus (5)(n)).

(7) In the above computation, the following definitions apply:

(a) Pupil Transportation Salaries. Salaries and wages paid school bus drivers, assistants to driver, and that portion of salaries paid mechanics and other bus maintenance employees, supervisors of transportation, secretarial and clerical assistants, and persons assigned transportation oversight and coordination responsibilities attributable to the transportation

program and documented through position descriptions and payroll records. No school district General Administration salaries may be included in this area;

(b) Pupil Transportation Supplies, Equipment, Repairs, and Maintenance. Costs of fuel, oil, lubricants, tires, tire repair, batteries, vehicle diagnosis and repair equipment identified as capital expenditures in the "Program Budget Manual," vehicle repair parts and supplies, repair of vehicles by other than the school district, garage maintenance and operation, and garage equipment repair and maintenance;

(c) All Contracted Transportation. Payments to parents and independent public or private contractors for transporting pupils from home to school, between educational facilities and for non-reimbursable activities enumerated in paragraph (6)(l)(B) of this rule; and fares to public carriers for transporting pupils from home to school and between educational facilities:

(A) If a district retains ownership of buses and garages and contracts for the operation of the transportation system with provision in the contract for lease or rental of the buses and garages, the contracted transportation cost shown should reflect the gross bid including the lease or rental payment. The lease or rental payment shall be deducted in the computation as reported in paragraph (5)(n)(D) of this rule;

(B) If the district retains ownership of buses and garages and participates in a transportation cooperative or consortium through an intergovernmental agreement, depreciation apportionment provided under ORS 327.033 will be disbursed directly to the district. No depreciation component is approved for cooperative-owned buses or garages.

(d) Travel of Pupil Transportation Personnel. Meals, lodging, mileage, per diem and other travel expenses of pupil transportation personnel, and private car mileage if paid to bus drivers for travel to and from the point where school bus is parked if other than the central garage. The same travel expenses plus tuition or registration are included for attendance at Department of Education sponsored or presented pupil transportation training programs and seminars;

(e) Employee Benefits on Pupil Transportation Salaries. The district's contributions for employee benefits including social security and retirement, employee health insurance, workers' compensation, and unemployment insurance;

(f) Pupil Transportation Insurance. Payments for public liability and property damage, medical care, collision, fire and theft, and insurance on garages and shops;

(g) Payments in Lieu of Transportation. Payments for pupils' board and room in lieu of transportation, consistent with ORS 332.405(2);

(h) Other Expenses of Pupil Transportation. District-paid fees for school bus drivers' physical examinations; interest on bus or garage contracts payable including lease-purchase agreements if capitalized (see subsection (6)(k) of this rule);

(i) Payments to Other In-State or Out-of-State Districts for Transportation. Payments to other districts for approved pupil transportation costs;

(j) Leases and Rentals. Rental or lease payments for the use of land or buildings used for approved pupil transportation. Rental or lease payments for buses operated by district personnel for approved pupil transportation.

“NOTE: Only those leases which do not contain an option to purchase or application of rentals to purchase should be included in subsection (5)(j) of this rule. See subsection (6)(k) of this rule as to the proper treatment of other lease-purchase agreements.”

(k) Depreciation. For purposes of computing depreciation, capitalized cost is defined to include the unit cost of the asset, exclusive of interest, for such assets purchased outright, by conventional contract, or by lease-purchase agreement if such agreement contains any provision to acquire ownership at the end of the agreement by application of a portion of the rentals paid or a terminal payment. The computation of the capitalized cost and the depreciation shall be according to the following:

(A) Portions of Garages and Other Buildings Used for Approved Pupil Transportation:

(i) Outright purchase (including purchase by conventional contract). For each outright purchase or purchase by conventional contract, each district shall report to the Oregon Department of Education, on the forms provided, the unit cost of the garage or other building purchased and the dollar amount of interest payments associated with such purchase. The purchase of land shall not be included in the Garage Depreciation. The capitalized value shall represent the unit cost, exclusive of interest. Depreciation shall be computed at an annual rate of four percent;

(ii) Lease-purchase agreements. For each lease-purchase agreement, the district shall report to the Oregon Department of Education, on the forms provided, the dollar amount of the agreement, the interest payments contained in the agreement, and the schedule of such interest payments contained in the agreement. Land shall not be included in the lease purchase agreement for the purpose of reimbursement. Subsequent to July 1, 1975, the capitalized value shall represent the lease-purchase price less any interest payments contained in the agreement. Depreciation shall be computed at an annual rate of four percent.

(B) Buses and Other Vehicles Used for Approved Pupil Transportation:

(i) Outright purchase (including purchase by conventional contract). For each outright purchase or purchase by conventional contract, each district shall report to the Oregon Department of Education, on the forms provided, the unit cost of the vehicle(s) purchased and the dollar amount of interest payments associated with such purchase. The capitalized value shall represent the unit cost, exclusive of interest. Depreciation shall be computed at an annual rate of ten percent;

(ii) Lease-purchase agreements. For each lease-purchase agreement, the district shall report to the Oregon Department of Education, on the forms provided, the dollar amount of the agreement, any applicable trade-in value, the dollar amounts of interest payments contained in the agreement, and the schedule of such interest payments contained in the agreement. The capitalized value of the vehicles shall represent the lease-purchase price including the trade-in

allowance less interest payments contained in the agreement. Depreciation shall be computed at an annual rate of ten percent;

(iii) Lease agreements. If the district is leasing its buses under a lease agreement, the district shall report the annual lease cost. A lease agreement as used in this paragraph means an agreement whereby the lessor retains title to the buses being leased to the lessee school district and the title to the buses is never received by the lessee. Under such a lease agreement, the use of the buses by the lessee is limited by the term of the lease. If there is an auxiliary agreement either written or oral whereby at the end of the lease term, the title of the buses shall pass to the lessee school district, the agreement is not a lease agreement as described in this paragraph but is a lease-purchase agreement as outlined in subparagraph (ii) of this paragraph. The lease payment made by a school district obtaining the use of buses pursuant to a lease as defined in this paragraph shall be used in the computation of the reimbursement in place of the depreciation set forth in subparagraphs (i) and (ii) of this paragraph.

(C) Deductions:

(i) Payments Received from Other Districts and from Patrons. Money received from other school districts, parents, guardians, or students for transportation if paid in support of expenditures listed in subsections (5)(a) through (l) of this rule;

(ii) Nonreimbursable Transportation Costs. Actual bus mileage of excludable trips shall include the actual mileage in district owned or contracted buses for transportation for activity trips, athletic trips, school lunch purposes, summer school, adult education, evening school, nursery school, and any other nonreimbursable purposes. Such mileage shall be deducted at the rate indicated in subsection (5)(m)(B) of this rule. The rate of deduction may be reviewed periodically by the State Board of Education and adjusted accordingly;

(iii) State and Federal Receipts for Transportation. All state and federal receipts for transportation expenditures, exclusive of funds apportioned under ORS 327.006 and 327.033, that have been included in subsection (5)(a) through (l) of this rule;

(iv) Rental or Lease Payments from Private Contractors. Payments received from private contractors for the use of district owned buses and garages in the operation of the pupil transportation system by the private contractor. This item must be shown as Revenue Code 1930 in the school district audit and the gross payments to the contractor must be included in subsection (5)(c) of this rule.

(8) Each district shall maintain a record, by purpose, of total pupil transportation miles and shall submit a report of such to the Oregon Department of Education on the form provided. The accuracy of such records shall be certified by the district clerk.

(9) If an education service district offers a special service under the provisions of section (4) of ORS 334.175, including home-to-school transportation that would qualify for reimbursement under the provisions of ORS 327.006 if provided by a local school district, the following procedure in crediting the transportation expenditure to the local district may be employed:

(a) The education service district shall compute approved home-to-school transportation costs as provided in section (4) of this rule;

(b) The approved costs so determined shall be billed to and paid by each of the local school districts. The expenditure shall be accounted for by the local district as a transportation expenditure paid to another education agency;

(c) The audited district expenditure shall be recognized by the State Superintendent of Public Instruction in computing the local district's entitlement under ORS 327.006;

(d) If the education service district reimburses the local district the difference between that portion billed and that paid under ORS 327.006, such reimbursement — if derived from property tax sources by education service district resolution — shall not be deducted by the state in determining the local district's approved costs. The local district shall account for the education service district reimbursement as other general receipts are accounted for from the education service district.

(10) For purposes of computing board and room entitlement for a district operating a dormitory under provisions of ORS 327.006, the state assumes responsibility for its proportionate share of costs associated with the provision of food, facilities, staff, operation, and maintenance necessary to provide students with safe and healthy living conditions. The state does not assume responsibility for costs associated with recreation or entertainment of students. The approved cost against which the computation is made for state liability shall not exceed the limit stated in ORS 332.405. In addition, the state will assume its proportionate share of the cost of field trips as defined in subsection (3)(c) of this rule.

(11) The computation of approved expenditures for board and room entitlement shall be made as follows:

(a) Salaries;

(b) Operation:

(A) Utilities;

(B) Supplies;

(C) Other Operational Costs.

(c) Maintenance:

(A) Upkeep;

(B) Replacement.

(d) Fixed Charges:

(A) Employee Benefits;

(B) Other Fixed Charges.

(e) Food;

(f) Operation of Buses and Other Vehicles — Supplies, Repairs and Maintenance;

(g) Depreciation:

(A) Dormitory;

(B) Buses and Other Vehicles.

(h) Total Expenditures (Sum of subsections (10)(a) through (g) of this rule));

(i) Deductions (subtract if cost is included in cost above):

(A) Payments Received from Other Districts and from Patrons;

(B) Nonreimbursable Transportation Costs as indicated in subsection (5)(m)(B) of this rule;

(C) State and Federal Receipts for Transportation, except those apportioned under ORS 327.006, 327.033, or third party Medicaid payments, if used to support expenditures in subsections (10)(a) through (g) of this rule;

(D) Federal School Lunch, Breakfast, and Milk Reimbursements;

(E) Sales of Food.

(j) Total Deductions (sum (10)(i)(A) + (i)(B) + (i)(C) + (i)(D) + (i)(E));

(k) Approved Cost ((10)(h) minus (10)(j) of this rule).

(12) The items included in the board and room entitlement computation are defined as follows:

(a) Salaries. Salaries and wages paid dormitory personnel, including the dormitory manager, cooks, custodians, and other personnel directly concerned with operation of the dormitory, and that portion of salaries paid secretarial and clerical assistants and other personnel attributable to the dormitory program;

(b) Operation:

(A) Utilities. Heat for buildings, water and sewage, electricity, telephone, and other utilities necessary for the operation of the dormitory;

(B) Supplies. Custodial supplies, supplies for care of grounds, linens, and other supplies necessary for the operation of the dormitory including food services. Purchase of food is included in subsection (11)(e) of this rule;

(C) Other Operational Costs. Contracted custodial services, window washing, laundry or linen services, etc., necessary for the operation of the dormitory.

(c) Maintenance:

(A) Upkeep. Expenditures associated with maintaining the existing dormitory facilities in a safe, healthy, and efficient condition, including supplies and materials for upkeep of dormitory grounds and the dormitory building. Costs associated with maintenance of recreational or entertainment facilities are excluded;

(B) Replacement of Equipment. Expenditures associated with replacing equipment necessary to the safe, healthy, and efficient operation of the dormitory. Replacement of equipment used for recreational or entertainment purposes are excluded.

(d) Fixed Charges:

(A) Employee Benefits. Expenditures for dormitory employees' benefits including social security and retirement, employee health insurance, workers' compensation, and unemployment insurance;

(B) Other Fixed Charges. Expenditures for property insurance, liability insurance, rental of land and buildings for purposes associated with operation of the dormitory, and other fixed charges directly attributable to operation of the dormitory.

(e) Food. Expenditures for food necessary for the operation of the dormitory;

(f) Operation of Buses and Other Vehicles — Supplies, Repairs, and Maintenance. Expenditures for fuel, oil, lubricants, tires, tire repair, batteries, vehicle repair parts and supplies, repair of vehicles by other than the school district, garage maintenance and operation, and garage equipment repair and maintenance necessary for the operation of buses utilized for purposes stated in section (3) of this rule and of other vehicles necessary for the operation of the dormitory;

(g) Depreciation:

(A) Dormitory. For purposes of computing dormitory depreciation, capitalized cost is defined as the unit cost of the asset (including the cost of original equipment), exclusive of interest, plus the cost of substantial improvements or remodeling. The purchase of land shall not be included. Costs associated with providing recreational or entertainment facilities are not included. Depreciation shall be computed at an annual rate of four percent;

(B) Buses and Other Vehicles. Depreciation for buses used for approved pupil transportation and that portion of other vehicles necessary for operation of the dormitory shall be computed in accordance with the formula and definition stated in paragraph (6)(k)(B) of this rule.

(h) Total. Sum of subsections (10)(a) through (g) of this rule;

(i) Deductions:

(A) Payments Received from Other Districts and from Patrons. Money received from other school districts, parents, guardians, or students for transportation or room and board if paid in support of expenditures listed in subsections (10)(a) through (f) of this rule;

(B) Nonreimbursable Transportation Costs. Costs for nonreimbursable transportation according to the formula and definition stated in paragraph (6)(l)(B) of this rule;

(C) State and Federal Receipts for Transportation. All state and federal receipts for transportation or room and board expenditures exclusive of funds apportioned under ORS 327.006 that have been included in subsections (10)(a) through (f) of this rule;

(D) Federal School Lunch, Breakfast, and Milk Reimbursements. All federal receipts for school lunch, breakfast, and milk expenditures that have been included in subsections (10)(a) through (f) of this rule;

(E) Sales of Food. Money received from teachers, students, or other individuals from food sales for which the expenditures are included in subsections (10)(a) through (f) of this rule.

(13) Beginning with the 2024-25 school year, school districts may request a waiver and/or supplemental plan to include Alternative Transportation as a reimbursable expense under their Transportation Grant. In order to include Alternative Transportation costs as a reimbursable expense, school districts must:

(a) Submit a proposed or revised supplemental plan and/or waiver for their district that includes explanations of the alternative transportation methods to be used.

(b) Demonstrate that the inclusion of Alternative Transportation will result in Transportation Grant expenses that are equal to or less than planned expenses without Alternative Transportation, or demonstrate that costs exceeding this amount will be paid from a source other than the transportation grant from the State School Fund.

(c) Document the local community engagement that was conducted to develop the plan for Alternative Transportation.

(d) For Alternative Transportation plans that include Public Transportation, districts must demonstrate that:

(A) No other transportation options, including Active Transportation options, are suitable and sufficient;

(B) They have made a good faith effort to recruit, hire, train, retain and pay transportation positions at competitive wages consistent with collective bargaining agreements and were unable to hire a sufficient workforce to ensure reliable service by a school bus and timely transport of students to and from school.

(e) School districts shall resubmit their supplemental plans and/or waivers for the inclusion of Alternative Transportation to be reauthorized by the State Board of Education every two years.

(f) Notwithstanding subsections (13)(a-e) of this section, a school district that, prior to the effective date of July 1, 2024, had been receiving reimbursement for costs incurred in providing transit passes under a supplemental plan or a waiver shall continue to receive reimbursement under the terms and conditions the school district was receiving reimbursement prior to the effective date of July 1, 2024 unless the State Board of Education and the school district agree otherwise.

(14) Approved Alternative Transportation costs shall include costs identified in or aligned with the plan presented in their request for a waiver and/or supplemental plan that has been approved by the State Board of Education.

(a) The Department may reimburse estimated Alternative Transportation costs during the school year the costs are incurred based on estimates provided by the school district, and then reconcile to actual costs the following school year.

(b) The Department shall not reimburse Alternative Transportation costs that exceed 5% of the school district's total Transportation Grant for the concurrent school year.

(15) Such items of expenditure as may be questionable in applying the policy stated in this administrative rule shall be resolved by the State Superintendent of Public Instruction and such determination shall be final.

(16) Apportionment of the State School Fund for 2001–02 and subsequent years.



Transportation Grant: Non-Reimbursable Mileage Rate Update

103

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What is the Transportation Grant?

- Provides a percent reimbursement of actual expenses to transport students for academic purposes (70, 80, or 90% based on cost per ADMr)
- Largest of the State School Fund subgrants
 - \$330 million for the 2023-2024 SY
- ORS 327.006 Defines Parameters for Grant
- OAR 581-023-0040 Defines approved costs



What types of costs does the grant cover?

Reimbursable Trips:

- Between home and school (outside the walking boundary)
- Between educational facilities
- In-state field trips where it is an extension of classroom activities

Non-Reimbursable Trips:

- Athletics trips
- Activity trips (not part of classroom instruction)
- Transportation for students that the district is not required to transport

105

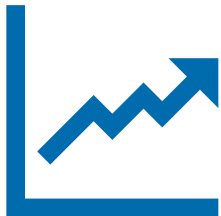
Non-Reimbursable Mileage Rate



Allows school districts to use the same equipment, staff, and supplies to support transportation that is not reimbursable under the Transportation Grant.



Used to deduct the expenses for non-reimbursable trips.



Updated annually using Consumer Price Index trend data.

Summary of Routine Rule Change

Routine Updates

- **Removal** of rates for closed school years 2021-22 and 2022-23
- **Addition** of rates for school years 2025-26 and 2026-27

School Year	Rate Description	Passenger Capacity Greater than 20	Passenger Capacity of 20 or Less
2021-22	Removed	\$2.86	\$1.43
2022-23	Removed	\$2.96	\$1.49
2023-24	Current	\$3.18	\$1.60
2024-25	Current	\$3.29	\$1.65
2025-26	Set	\$3.39	\$1.70
2026-27	Set	\$3.50	\$1.76

107

Summary of Routine + Proposed New Rule Change

Routine Updates

- **Removal** of rates for closed school years 2021-22 and 2022-23
- **Addition** of rates for school years 2025-26 and 2026-27

New Updates

- **Addition** of forecasted rates (subject to change) for school years 2027-28 and 2028-29
 - Language used for forecasted rates: “For the purposes of forecasting costs for 20XX-XX”

School Year	Rate Description	Passenger Capacity Greater than 20	Passenger Capacity of 20 or Less
2021-22	Removed	\$2.86	\$1.43
2022-23	Removed	\$2.96	\$1.49
2023-24	Current	\$3.18	\$1.60
2024-25	Current	\$3.29	\$1.65
2025-26	Set	\$3.39	\$1.70
2026-27	Set	\$3.50	\$1.76
2027-28	Forecasted	\$3.61	\$1.82
2028-29	Forecasted	\$3.72	\$1.88

108

Questions & Feedback



- Questions about the Transportation Grant or the Non-Reimbursable Mileage Rate?
- Suggestions or concerns about this update to the rule?

109

Thank you!

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110

Below, you will find the proposed changes to the Oregon Department of Education's rules relating to Written Notification and Parent Consent to Access Public Insurance (Medicaid). The proposed new text is bold, and the proposed text to remove is in bracketed italics. This rule update consolidates 4 rules into one.

Current Rule Link: Oregon Administrative Rule ([OAR 581-015-2530](#))

Rule Number: OAR 581-015-2530

Rule Title: *[Children with Disabilities under IDEA Enrolled in Public Benefits or Insurance]*
Children and Young Adults Enrolled in Public Benefits or Insurance

[(1) A school district program may use the State's Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for special education and related services required under IDEA and permitted under the public benefits or insurance program, as specified in subsection (2) below.

(2) With regard to services required to provide a free appropriate public education (FAPE) to a child with disabilities under IDEA, a school district.

(a) May not require parents to sign up for or enroll in public benefits or insurance programs in order for their child with disabilities to receive FAPE under the IDEA;

(b) May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for special education and related services pursuant to IDEA, but may pay the cost that the parent otherwise would be required to pay; and

(c) May not use the child's benefits under a public insurance program if that use would:

(A) Decrease available lifetime coverage or any other insured benefit;

(B) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school;

(C) Increase premiums or lead to the discontinuation of insurance; or

(D) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures; and

(3) Prior to accessing a child's or parent's public benefits or insurance for the first time, and after providing notification to the child's parents consistent with (4) below, the school district, must obtain written, parental consent that:

(a) Meets the requirements of the Family Education Rights and Privacy Act (34 CFR part 99) and the parental consent provisions in IDEA (34 CFR §300.622) requiring that consent state:

(A) the personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular child);

(B) the purpose of the disclosure (e.g., billing for services under the Individuals with Disabilities Education Act (IDEA)); and

(C) the agency to which the disclosure may be made (e.g., the State's public benefits or insurance program (e.g., Medicaid)); and

(D) Specifies that the parent understands and agrees that the public agency may access the parent's or child's public benefits or insurance to pay for services under IDEA.

(4) Prior to accessing a child's or parent's public benefits or insurance for the first time, and annually thereafter, the school district must provide prior written notification, consistent with requirements of OAR 581-015-2310(4) and (5), to the child's parents, that includes:

(a) A statement of the parental consent provisions in paragraphs (3)(a)(A) and (B) above;

(b) A statement of the "no cost" provisions in paragraphs (2)(a) through (c) above.

(c) A statement that the parents have the right under the Family Education Rights and Privacy Act (FERPA) and IDEA, Part B, and OAR 581-015-2090 to withdraw their consent to disclosure of their child's personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) at any time; and

(d) A statement that the withdrawal of consent or refusal to provide consent, pursuant to FERPA and IDEA, to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

(5) Use of IDEA Part B funds.

(a) If a school district is unable to obtain parental consent to use the parents' public benefits or insurance when the parents would incur a cost for a specified service required to ensure a free appropriate public education, the district may use its Part B funds to pay for the service.

(b) To avoid financial cost to parents who otherwise would consent to use public benefits or insurance, the district may use its Part B funds to pay the cost the parents otherwise would have to pay to use the public insurance (e.g., the deductible or co-pay amounts).

(c) Proceeds from public benefits or insurance will not be treated as program income for purposes of 34 CFR 80.25.

(d) If a school district or ECSE program spends reimbursements from federal funds (e.g., Medicaid) for special education and related services, those funds will not be considered "state or local" funds for purposes of the maintenance of effort provisions pursuant to IDEA 34 CFR § 300.163 and 300.203.

(6) Construction. Nothing in this rule should be construed to alter the requirements imposed on a state Medicaid agency, or any other agency administering a public benefits or insurance program by federal statute, regulations or policy under title XIX, or title XXI of the Social Security Act, 42 U.S.C. 1396 through 1396v and 42 U.S.C. 1397 aa through 1397jj, or any other insurance program.]

(1) For purposes of this rule:

(a) "Child or young adult" has the meaning given that term in OAR 410-133-0040.

(b) "Consent":

(A) For purposes of subsection (2)(a) of this rule, has the meaning given that term in 34 C.F.R. §300.9, or where applicable, §300.7; and

(B) For purposes of subsection (2)(b) of this rule, has the meaning described for that term in 34 C.F.R. §99.30.

(c) "Education agency" has the meaning given that term in OAR 410-133-0040.

(2) Before an education agency accesses a child’s or young adult’s public benefits or insurance and discloses personally identifiable information to seek Medicaid reimbursement for the first time, an education agency must provide written notification to the child’s or young adult’s parent and obtain informed, written consent that meets the requirements of:

(a) 34 C.F.R. §§300.154, 300.622, 303.520, 303.521, and 303.414 (The Individuals with Disabilities Education Act); and

(b) 34 C.F.R. §99.30 (Family Education Rights and Privacy Act).

(3) After providing written notification and obtaining consent as described in subsection (2) of this rule, an education agency must provide the parent with the written notification on an annual basis that meets the requirements of the regulations listed in subsection (2) of this rule.

Statutory/Other Authority: ORS 343.041, 343.045 & 343.055

Statutes/Other Implemented: *[ORS 343.045, 343.155 & 34 CFR 300.154]* **34 C.F.R. 99.30, 34 C.F.R. 104, 34 C.F.R. 300.154, 34 C.F.R. 300.622, 34 C.F.R. 300.9, 34 C.F.R. 303.414, ORS 343.045 & ORS 343.155**

History:

ODE 12-2013, f. & cert. ef. 5-30-13

ODE 11-2013(Temp), f. & cert. ef. 4-25-13 thru 10-21-13

Renumbered from 581-015-0607, ODE 10-2007, f. & cert. ef. 4-25-07

ODE 2-2003, f. & cert. ef. 3-10-03

Current Rule Link: [OAR 581-015-2090](#)

Rule Number: **OAR 581-015-2090**

Rule Title: **Consent**

(1) Consent means that the parent or adult student:

(a) Has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought; and

(b) Understands and agrees in writing to the carrying out of the activity for which his or her consent is sought.

(2) Consent is voluntary on the part of the parent and meets the requirements of the consent provisions of this rule and 34 CFR 300.622 and 34 CFR 99.30 implementing IDEA, and FERPA respectively.

(3) Consent for initial evaluation:

(a) The school district must provide notice under OAR 581-015-2310 and obtain informed written consent from the parent or adult student before conducting an initial evaluation to determine if a child qualifies as a child with a disability under OAR 581-015-2130 through 581-015-2180.

(A) Consent for initial evaluation may not be construed as consent for the initial provision of special education and related services.

(B) The school district must make reasonable efforts to obtain the informed consent from a parent for an initial evaluation to determine a child's eligibility for special education services.

(b) If a parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent for an initial evaluation, does not respond to a request for consent for an initial evaluation, or revokes consent for an initial evaluation, the school district may, but is not required to, pursue the initial evaluation of the child using mediation or due process hearing procedures. A district does not violate its child find obligations if it declines to pursue the evaluation using these procedures.

(c) Consent for initial evaluation for a child who is a ward of the state may be obtained under OAR 581-015-2095(2).

(4) Consent for initial provision of services:

(a) A school district must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child.

(b) The school district must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child.

(c) If a parent or adult student does not respond or refuses to consent for initial provision of special education and related services or revokes consent for the initial provision of special education and related services, the school district may not seek to provide special education and related services to the child by using mediation or due process hearing procedures.

(d) If a parent or adult student refuses to grant consent for initial provision of special education and related services, does not respond to a request to provide such consent, or revokes consent for the initial provision of special education and related services:

(A) The school district will not be considered to be in violation of the requirement to make available a free appropriate public education to the child for the failure to provide the child with the special education and related services for which the school district requests consent; and

(B) The school district is not required to convene an IEP meeting or develop an IEP for the child for the special education and related services for which the school district requests such consent.

(e) If, at any time subsequent to the initial provision of special education and related services, the parent or adult student revokes consent in writing for the continued provision of special education and related services, the school district.

(A) May not continue to provide special education and related services to the student, but must provide prior written notice in accordance with OAR 581-015-2310 before ceasing the provision of special education and related services; and

(B) Is not required to amend the student's education records to remove any references to the student's receipt of special education and related services because of the revocation of consent.

(5) Consent for reevaluation:

(a) A school district must obtain informed parent consent before conducting any reevaluation of a child with a disability, except as provided in subsections (b) and OAR 581-015-2095.

(b) If a parent refuses to consent to the reevaluation or revokes consent for the reevaluation, the school district may, but is not required to, pursue the reevaluation by using mediation or due process hearing procedures. A district does not violate its child find obligations if it declines to pursue the reevaluation using these procedures.

[(6) Consent to Access Public Benefits or Insurance:

(a) Prior to accessing a child or parent's public benefits or insurance for the first time, or disclosing a child's personally identifiable information to a State's public benefits or insurance program for the first time, a public agency or school district must obtain informed consent in accordance with IDEA 34 CFR 300.622 and the Family Rights and Privacy Act (FERPA (34 CFR 99.30)).

(b) Such consent must specify:

(A) The personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular child);

(B) The purpose of the disclosure (e.g., billing for services), and

(C) The agency to which the disclosure may be made (e.g., the State’s public benefits or insurance program (e.g., Medicaid); and

(D) Specify that the parent understands and agrees that the public agency may access the child’s or parent’s public benefits or insurance to pay for services.]

[(7)] (6) Revocation of consent:

(a) A parent or adult student may revoke consent at any time before the completion of the activity or action for which they have given consent.

(A) A parent or adult student may revoke consent for an evaluation or reevaluation that has not yet been conducted.

(B) A parent or adult student may revoke consent for the provision of special education services in writing at any time before or during the provision of those services.

(C) A parent or adult student may revoke consent for release of personally identifiable information to the State’s public benefits or insurance program (e.g., Medicaid).

(b) If a parent or adult student revokes consent, that revocation is not retroactive.

[(8)] (7) Other consent requirements:

(a) The school district must document its reasonable efforts to obtain parent consent in accordance with OAR 581-015-2195(3).

(b) If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent does not respond to a request for consent:

(A) The school district may not use mediation or due process hearing procedures to seek consent; and

(B) The school district is not required to consider the child as eligible for special education services.

(c) A refusal to consent to one service or activity may not be used to deny the parent or child any other service, benefit, or activity of the school district, except as provided in this rule.

Statutory/Other Authority: ORS 343.041, 343.045, 343.055, 343.155 & 343.164

Statutes/Other Implemented: ORS 343.155, 343.164, 34 CFR 300.9, 300.154, 300.300 & 300.622

History:

ODE 12-2013, f. & cert. ef. 5-30-13
ODE 11-2013(Temp), f. & cert. ef. 4-25-13 thru 10-21-13
ODE 13-2009, f. & cert. ef. 12-10-09
Renumbered from 581-015-0039, ODE 10-2007, f. & cert. ef. 4-25-07
ODE 2-2003, f. & cert. ef. 3-10-03
ODE 16-1999, f. & cert. ef. 9-24-99
EB 11-1995, f. & cert. ef. 5-25-95
EB 9-1993, f. & cert. ef. 3-25-93
1EB 37-1978, f. & ef. 10-5-78
1EB 269, f. & ef. 12-22-77

Current Rule Link: [OAR 581-015-2735](#)

Rule Number: OAR 581-015-2735

Rule Title: Parent Consent for ECSE

(1) Consent means that the parent:

(a) Has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought; and

(b) Understands and agrees in writing to the carrying out of the activity for which his or her consent is sought.

(2) Consent is voluntary on the part of the parent and meets the requirements of the consent provisions of this rule and 34 CFR 300.622 and 34 CFR 99.30 implementing IDEA, and FERPA respectively.

(3) Consent for initial evaluation:

(a) The public agency must provide notice under OAR 581-015-2745 and obtain informed written parental consent before conducting an initial ECSE evaluation to determine if a child qualifies as a child with a disability under 581-015-2795. Consent for initial evaluation may not be construed as consent for the initial provision of special education and related services.

(b) The public agency must make reasonable efforts to obtain the informed consent from a parent for an initial evaluation to determine a child's eligibility for ECSE services.

(c) If a parent of a child enrolled in public preschool or seeking to be enrolled in public preschool does not provide consent for an initial evaluation, does not respond to a request for consent for an initial evaluation, or revokes consent for an initial evaluation, the public agency may, but is not required to, pursue the initial evaluation of the child using mediation or due process hearing procedures. A public agency does not violate its child find obligations if it declines to pursue the evaluation using these procedures.

(4) Consent for initial provision of services:

(a) The contractor or subcontractor must obtain informed consent from the parent of the child before the initial provision of ECSE services to the child.

(b) The contractor or subcontractor must make reasonable efforts to obtain informed consent from the parent for the initial provision of ECSE services to the child.

(c) If a parent does not respond or refuses to consent for initial provision of ECSE services or revokes consent for the initial provision of ECSE services, the contractor or subcontractor may not seek to provide ECSE services to the child by using mediation or due process hearing procedures.

(d) If a parent refuses to grant consent for initial provision of ECSE services, does not respond to a request to provide consent for the initial provision of ECSE services, or revokes consent for such services:

(A) The contractor or subcontractor will not be considered to be in violation of the requirement to make available a free appropriate public education to the child for the failure to provide the child with the ECSE services for which the contractor or subcontractor requests consent; and

(B) The contractor or subcontractor is not required to convene an IFSP meeting or develop an IFSP for the child for the ECSE services for which consent is requested.

(e) If, at any time subsequent to the initial provision of ECSE services, the parent of a student revokes consent in writing for the continued provision of ECSE services, the school district

(A) May not continue to provide ECSE services to the student, but must provide prior written notice in accordance with OAR 581-015-2310 before ceasing the provision of special education and related services; and

(B) Is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

(5) Consent for reevaluation:

(a) The public agency must obtain informed parent consent before conducting any reevaluation of a child with a disability, except as provided in subsections (b) and OAR 581-015-2740(3).

(b) If a parent refuses to consent to the reevaluation or revokes consent for the reevaluation, the public agency may, but is not required to, pursue the reevaluation by using mediation or due process hearing procedures. A district does not violate its child find obligations if it declines to pursue the reevaluation using these procedures.

(c) If, after reasonable efforts to obtain parent consent, the parent does not respond, the public agency may conduct the reevaluation without consent, unless the reevaluation is an individual intelligence test or test of personality.

[(6) Consent to Access Public Benefits or Insurance

(a) Prior to accessing a child or parent's public benefits or insurance for the first time, or disclosing a child's personally identifiable information to the State's public benefits or insurance program for the first time, the ECSE program must obtain informed consent in accordance with IDEA, 34 CFR 300.622 and with the Family Rights and Privacy Act (FERPA), 34 CFR 99.30.

(b) Such consent must specify:

(A) The personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular child);

(B) The purpose of the disclosure (e.g., billing for services), and

(C) The agency to which the disclosure may be made (e.g., the State's public benefits or insurance program (e.g., Medicaid)); and

(D) Specify that the parent understands and agrees that the public agency may access the child's or parent's public benefits or insurance to pay for services.]

[(7)] (6) Revocation of consent:

(a) A parent may revoke consent at any time before the completion of the activity or action for which they have given consent.

(A) A parent may revoke consent for an evaluation or reevaluation that has not yet been conducted.

(B) A parent may revoke consent for the provision of special education services in writing at any time before or during the provision of those services.

(C) A parent may revoke consent for release of personally identifiable information to the State's public benefits or insurance program (e.g., Medicaid).

(b) If a parent revokes consent, that revocation is not retroactive.

[(8)] (7) Other consent requirements:

(a) The public agency must document its reasonable efforts to obtain parent consent in accordance with OAR 581-015-2755(2)(b).

(b) A parent's refusal to consent to one service or activity may not be used to deny the parent or child any other service, benefit, or activity of the contractor or subcontractor, except as provided in this rule.

(c) If a parent of a child who is placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent does not respond to a request for consent:

(A) The public agency may not use mediation or due process hearing procedures to seek consent; and

(B) The public agency is not required to consider the child as eligible for ECSE services.

Statutory/Other Authority: ORS 343.475 & 343.531

Statutes/Other Implemented: ORS 343.475, 343.531, 34 CFR 300.300 & 34 CFR 300.622

History:

ODE 12-2013, f. & cert. ef. 5-30-13

ODE 11-2013(Temp), f. & cert. ef. 4-25-13 thru 10-21-13

ODE 13-2009, f. & cert. ef. 12-10-09

Renumbered from 581-015-0939, ODE 10-2007, f. & cert. ef. 4-25-07

ODE 2-2003, f. & cert. ef. 3-10-03

ODE 24-2000, f. & cert. ef. 10-16-00

EB 4-1995, f. & cert. ef. 1-24-95

Current Rule Link: [581-015-2885](#)

Rule Number: OAR 581-015-2885

Rule Title: **Preschool Children with Disabilities Covered by Public Insurance**

Rule OAR 581-015-2885 is repealed.

[(1) Applicability: For purposes of OAR 581-015-2885, IDEA Part C requirements apply to children ages birth through two; IDEA Part B requirements apply to children ages three and above.

(2) For purposes of this rule the term "public benefits" means public insurance including but not limited to Medicaid.

(3) The contractor or subcontractor may use a child or family's public benefits to provide or pay for early intervention, as permitted under the public insurance program and the requirements of this rule.

(4) The contractor or subcontractor may not require a parent to sign up for, or enroll in, public benefits to receive early intervention services under Part C.

- (5) For a child under age three, the contractor or subcontractor:*
- (a) Must obtain, prior to using public benefits, parent consent if the child or family is not enrolled in the public benefits program or if that use would:*
 - (A) Decrease available lifetime coverage or any other insured benefit;*
 - (B) Result in the family paying for services that would otherwise be covered by the public benefits;*
 - (C) Increase premiums or lead to the discontinuation of insurance; or*
 - (D) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.*
 - (b) Must provide, if the parent does not consent to use of their public benefits, the early intervention services on the IFSP for which the parent has provided consent.*
 - (c) Must provide written notification, prior to using public benefits, to the parents that includes:*
 - (A) A statement that parental consent must be obtained before the contractor or subcontractor discloses a child's personally identifiable information to the State Medicaid Agency for billing purposes;*
 - (B) A statement of the no-cost protection provision in subsection (5)(a)–(b) that early intervention services on the IFSP must still be made available if the parent has consented to these services;*
 - (C) A statement that the parents have the right to withdraw their consent to disclose personally identifiable information to the public agency responsible for the administration of public benefits or insurance program (e.g., Medicaid) at any time; and*
 - (D) A statement of the general cost categories that the parent would incur as a result of participating in a public benefits program.*
 - (d) Must pay any costs incurred as a result of using public benefits for early intervention services, such as a deductible or copayment.*
 - (e) May use its Part C funds to pay fees and costs (e.g., the deductible or co-pay amounts) the parents otherwise would have to pay to use public benefits.*
 - (f) May use its Part C funds to pay for early intervention services;*
 - (g) Must notify EI parents that they may use any of the state's dispute resolution procedures including, but not limited to, the state complaint system under OAR 581-015-2030, and mediation, due process and related resolution sessions under 581-015-2865 through 581-015-2870 to contest the imposition of an insurance-related fee or cost, such as co-payments or deductibles, to provide early intervention services for a child who may have a disability.*
- (6) For a child over age three, the ECSE program, contractor, or subcontractor may use the State's Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for special education and related services required under IDEA and permitted under the public benefits or insurance program, as specified in subsection (2) below.*

(7) With regard to services required to provide a free appropriate public education (FAPE) to a child with disabilities under IDEA, the ECSE program, contractor, or subcontractor

(a) May not require parents to sign up for or enroll in public benefits or insurance programs in order for their child with disabilities to receive FAPE under the IDEA;

(b) May not require parents to incur an out-of-pocket expense such as the payment of deductible or copay amount incurred in filing a claim for special education and related services, pursuant to IDEA, but may pay the cost that the parent otherwise would be required to pay; and

(c) May not use the child's benefits under a public insurance program if that use would:

(A) Decrease available lifetime coverage or any other insured benefit;

(B) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school;

(C) Increase premiums or lead to the discontinuation of insurance; or

(D) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures; and

(d) Must not use a child's benefits under a public insurance program if that use would:

(A) Decrease available lifetime coverage or any other insured benefit;

(B) Result in the family paying for services that would otherwise be covered by the public benefits;

(C) Increase premiums or lead to the discontinuation of insurance; or

(D) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

(8) Prior to accessing a child's or parent's public benefits or insurance for the first time, and after providing notification to the child's parents consistent with (5) below, the ECSE program, contractor, or subcontractor must obtain written, parental consent that: Meets the requirements of the Family Education Rights and Privacy Act (34 CFR part 99) and the parental consent provisions in IDEA (34 CFR §300.622) requiring that consent state:

(a) the personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular child);

(b) the purpose of the disclosure (e.g., billing for services under the Individuals with Disabilities Education Act (IDEA));

(c) the agency to which the disclosure may be made (e.g., the State's public benefits or insurance program (e.g., Medicaid); and

(d) Specifies that the parent understands and agrees that the public agency may access the parent's or child's public benefits or insurance to pay for services under IDEA.

(9) Prior to accessing a child's or parent's public benefits or insurance for the first time, and annually thereafter, the District or ECSE program must provide prior written notification,

consistent with requirements of OAR 581-015-2310(4) and (5), to the child's parents, that includes:

(a) A statement of the parental consent provisions in paragraphs (4)(a)(A) and (B) above;

(b) A statement of the "no cost" provisions in paragraphs (2)(a) through (c) above.

(c) A statement that the parents have the right under the Family Education Rights and Privacy Act (FERPA) and IDEA, Part B, and OAR 581-0152005 to withdraw their consent to disclosure of their child's personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) at any time; and

(d) A statement that the withdrawal of consent or refusal to provide consent, pursuant to FERPA and IDEA, to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

(10) Use of IDEA Part B funds.

(a) If the ECSE program, contractor, or subcontractor is unable to obtain parental consent to use the parents' public benefits or insurance when the parents would incur a cost for a specified service required to ensure a free appropriate public education, the district or ECSE program may use its Part B funds to pay for the service.

(b) To avoid financial cost to parents who would otherwise consent to use public benefits or insurance, the ECSE program, contractor, or subcontractor may use its Part B funds to pay the cost the parents otherwise would have to pay to use the public insurance (e.g., the deductible or co-pay amounts).

(c) Proceeds from public benefits or insurance will not be treated as program income for purposes of 34 CFR 80.25.

(d) If the ECSE program, contractor, or subcontractor spends reimbursements from federal funds (e.g., Medicaid) for special education and related services, those funds will not be considered "state or local" funds for purposes of the maintenance of effort provisions pursuant to IDEA. If a contractor or subcontractor spends reimbursements from federal funds (e.g., Medicaid) for early intervention, those funds will not be considered "state or local" funds for purposes of the maintenance of effort provisions.

(11) Construction. Nothing in this rule should be construed to alter the requirements imposed on a state Medicaid agency, or any other agency administering a public benefits or insurance program by federal statute, regulations or policy under title XIX, or title XXI of the Social Security Act, 42 U.S.C. 1396 through 1396v and 42 U.S.C. 1397 aa through 1397jj, or any other insurance program.

Statutory/Other Authority: ORS 343.475

Statutes/Other Implemented: ORS 343.475, 343.495, 34 CFR 303.430, 303.520, 303.521 & 300.154

History:

ODE 12-2013, f. & cert. ef. 5-30-13

ODE 11-2013(Temp), f. & cert. ef. 4-25-13 thru 10-21-13

ODE 30-2012, f. 11-7-12, cert. ef. 11-9-12

ODE 14-2012, f. 3-30-12, cert. ef. 4-2-12

Renumbered from 581-015-1051, ODE 10-2007, f. & cert. ef. 4-25-07

ODE 2-2003, f. & cert. ef. 3-10-03]



OAR 581-015-2530: Children and Young Adults Enrolled in Public Benefits or Insurance (Medicaid)

Jennifer Dundon

School Wellness, Inclusion, Safety, and Health

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126

Children and Young Adults Enrolled in Public Benefits or Insurance: Program Overview

Medicaid is a state and federal partnership focused on funding health and medical services for enrolled beneficiaries. Oregon's School Based Health Services (SBHS) Medicaid program, also referred to as School Medicaid, allows an education agency (EA) to seek reimbursement for covered health services provided to Medicaid-enrolled children and young adults aged birth through 21.

Until September 2024, School Medicaid billing was only permitted for services provided pursuant to the Individuals with Disabilities Education Act (IDEA). Medicaid has now expanded to include covered IDEA and Non-IDEA health services.

127

Children and Young Adults Enrolled in Public Benefits or Insurance: Background

To meet the information sharing requirements in the Family Educational Rights and Privacy Act (FERPA) and the IDEA, education agencies (EAs) are required to provide written notification and obtain parent consent to share limited information from their child's record for the purposes of Medicaid billing.

ODE provides written notification and parent consent form templates for ages birth through 21. All forms and guidance are up to date.

128

Children and Young Adults Enrolled in Public Benefits or Insurance : Need for Rulemaking

- This rule update is primarily a technical fix.
- There are currently 4 OARs in Division 15 that reference written notification and parent consent to access Medicaid.
- ODE is proposing to consolidate requirements for written notification and parent consent to access Medicaid into a single, clear OAR that covers ages birth through 21 that reflects Oregon's Medicaid expansion.

129

Children and Young Adults Enrolled in Public Benefits or Insurance: Summary of Changes

OAR	Proposed Action
OAR 581-015-2090 (Consent)	<ul style="list-style-type: none"> Delete reference to written notification and parent consent to access Medicaid and renumber
OAR 581-015-2735 (Parent Consent for ECSE)	<ul style="list-style-type: none"> Delete reference to written notification and parent consent to access Medicaid and renumber
OAR 581-015-2885 (Preschool Children with Disabilities Covered by Public Insurance)	<ul style="list-style-type: none"> Repeal
OAR 581-015-2530 (Children with Disabilities under IDEA Enrolled in Public Benefits or Insurance)	<ul style="list-style-type: none"> Rename to Children and Young Adults Enrolled in Public Benefits or Insurance Update language to address written notification and parent consent requirements from birth through age 21 Renumber

130

Engagement and Feedback

Engagement

- Internal ODE staff
- The Oregon Health Authority (OHA)
- FACT Oregon
- Oregon Parent Teacher Association
- Disability Rights Oregon (DRO)
- Central Oregon Disability Support Network (CODSN)

School Medicaid Advisory Committee

- Membership includes representation from:
- Parents, Licensed Practitioners, Medicaid Coordinators
- Oregon School Nurses Association (OSNA)
- Oregon School Boards Association (OSBA)
- Coalition of School Administrators (COSA)
- Oregon Education Association (OEA)
- Oregon School Employees Association (OSEA)
- School district and education service district administrators
- Early Intervention/Early Childhood Special Education administrators
- CareOregon

Response

- Feedback received focused on making the rules more accessible for parents:
- Updates to proposed language to make more clear
- Questions around how parents may/may not be able to access the cited regulations.

131

Children and Young Adults Enrolled in Public Benefits or Insurance: Equity Impact

Impact on Students, Families, & Staff

- No new procedural impact on students, families, or staff.
- ODE does not foresee a direct change to student services or access.
- Clearer rule language may increase understanding and consistency, particularly supporting families who face systemic barriers.
- Streamlined rules may ease workload, supporting limited administrative capacity without adding new steps.

Outreach Plan

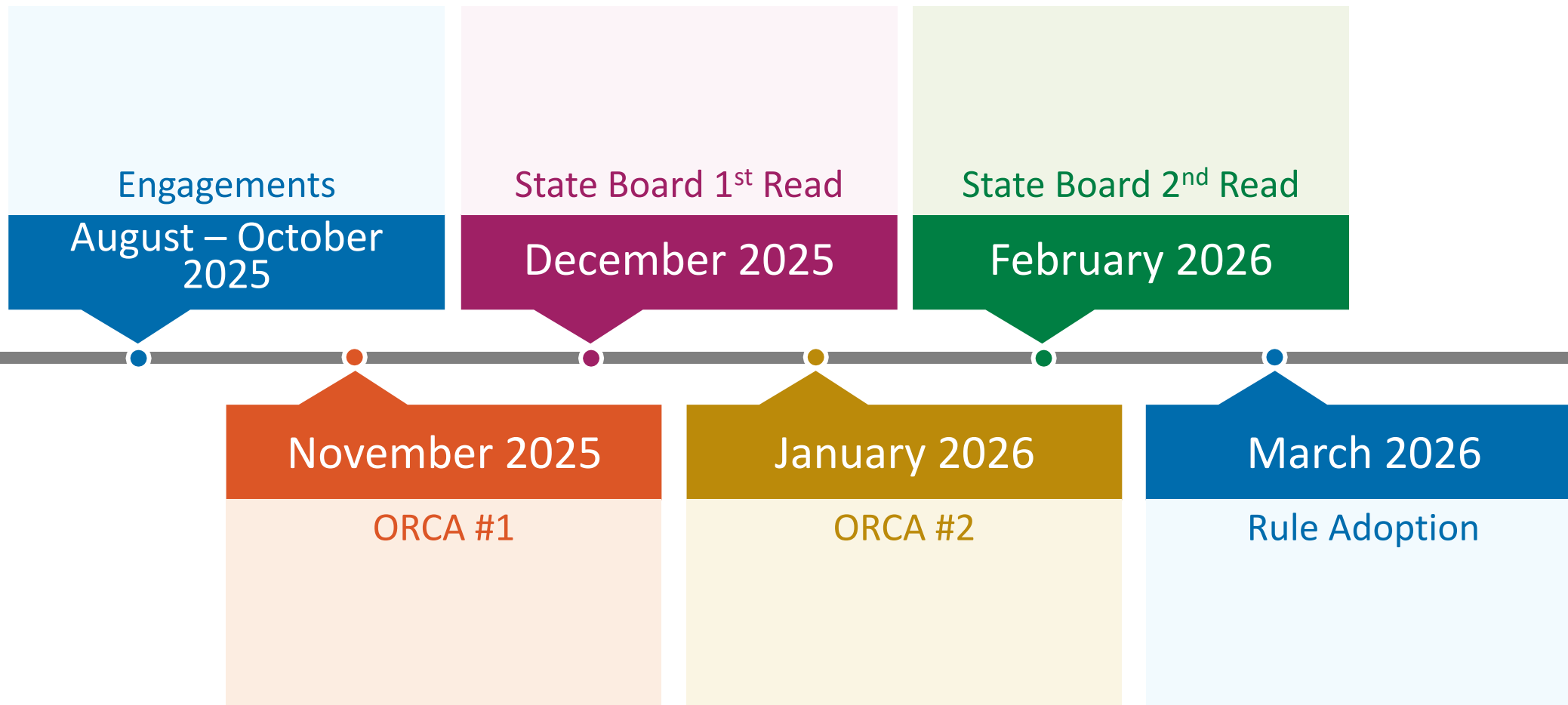
- We have created a [School Medicaid Billing Factsheet](#) for parents to support understanding of School Medicaid, their rights, and the consent process.
- The factsheet was sent out via ODE's listservs and is available in 10 languages on ODE's web page.
- FACT, ORPTA, and OHA have volunteered to share with their networks.

132

Children and Young Adults Enrolled in Public Benefits or Insurance: Fiscal Impact

- This rule is primarily a technical fix and does not impose any new requirements. ODE anticipates that these OAR changes will have no fiscal impact on any entity.

Rulemaking Timeline





Thank You

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135

Summary

Meeting Date: 2/19/2026

Title: Written Notification and Parent Consent to Access Public Insurance (Medicaid)

Status: Second Reading

Presentation: Yes

Key Staff: Jennifer Dundon, School Medicaid Operations & Policy Analyst

Topic Summary: This rule update is primarily a technical fix. There are currently 4 Oregon Administrative Rules (OARs) in Division 15 that reference written notification and parent consent to access Medicaid. This proposed update will consolidate the rules into a single, clear rule covering ages birth through age 21 that reflects the recent expansion of School Medicaid.

ODE Education Equity

Stance

Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

BACKGROUND AND NEED

Members of the State Board of Education are volunteers, with unique professional and lived experiences. Using plain language, this section should provide context for this item, including any needed overviews of relevant programs or initiatives.

- 1. Briefly, how does this topic, program, or initiative currently operate? Where is it located within Oregon's school systems? How does it ultimately serve students?**

Oregon's School-Based Health Services (SBHS) Medicaid program allows education agencies (school districts, ESDs, and EI/ECSE programs) to bill Medicaid for covered health services provided to Medicaid-enrolled children and young adults from birth through age 21. Historically, billing was limited to services provided pursuant to the Individuals with Disabilities Education Act (IDEA), but as of September 2024 the Oregon Health Authority expanded the program to include IDEA and non-IDEA health services.

To meet information sharing requirements in the Federal Educational Rights and Privacy Act (FERPA), education agencies are required to obtain parent consent to share limited information from their child's record for the purposes of Medicaid billing. Prior to obtaining parent consent, and annually thereafter, education agencies must provide parents with written notification informing them of their rights. ODE provides written notification and parent consent form templates for ages birth through 21.

Oregon State Board of Education Docket



The SBHS Medicaid program supports students by helping schools receive reimbursement that may be used to increase access to school health services, which enable students to access and benefit from their education.

- 2. Please list the specific rule(s), statute(s), or recently passed legislation that allows the Board to take action on this item. Where are they prescriptive and where do they provide the Board and Department flexibility?**

The Board has the authority to adopt administrative rules per ORS 343.041, 343.045, 343.055, 343.155 & 343.164, ORS 343.475 & 343.531. The proposed rules are adopting federal regulations as they relate to School Based Health Services: The Individuals with Disabilities with Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA). ODE and the Board do not have flexibility over the requirements because they are federal.

- 3. Has this item come before the Board before? If so, when did the Board last take action, and what was that action?**

These rules related to written notification and parent consent to access Medicaid have not been updated since 2013.

- 4. Why is this item coming before the Board now?**

The intention is to streamline OARs, develop one rule that covers ages birth through 21, and, reflects Oregon's Medicaid expansion. This rule update simplifies and aligns the language with current policy and practice. This update is a technical fix and does not impose any new requirements.

- 5. Who requested or brought about the need for this item? (Select all that apply.)**

- ODE Staff
- Students
- Families
- Community-Based Organizations
- Culturally Specific Organizations
- School Districts
- Education Service Districts
- Charter Schools
- Oregon State Legislature
- Educational Associations
- Racial Justice Council
- Federal Government
- One or more of Oregon's nine federally recognized tribes: _____
- Other: _____

ENGAGEMENT STRATEGY AND LEARNINGS

The State Board of Education expects all items that come before it be reviewed and influenced, to the greatest extent possible, by a robust community engagement process. Using plain language, this section should provide an overview of the role that engagement played in this item, including with Oregon's nine federally recognized Tribes, other state agencies, and external partners.

6. How did the [Equity Decision Tree](#) inform your office/team engagement strategy? Who is most likely to be affected and how have they been intentionally incorporated into the engagement process for this item?

ODE conducted engagement with key knowledgeable partners including the Oregon Health Authority (OHA), the Coalition of School Administrators (COSA), FACT Oregon, Oregon PTA, Disability Rights Oregon, ODE's Ongoing Rules Committee Advisory (ORCA), and the School Medicaid Advisory Committee, which includes representation from:

- Parents, Licensed Practitioners, Medicaid Coordinators
- Oregon School Nurses Association (OSNA)
- Oregon School Boards Association (OSBA)
- Coalition of School Administrators (COSA)
- Oregon Education Association (OEA)
- Oregon School Employees Association (OSEA)
- School district and education service district administrators
- Early Intervention/Early Childhood Special Education administrators
- CareOregon

7. After consulting with ODE's Rules Coordinator and the Office of Indian Education, did this item require Tribal Consultation and/or Tribal Communication with Oregon's nine federally recognized tribes? (For more information, please reference ODE's [Tribal Consultation Toolkit](#).)

- No
 Yes – Both Consultation and Communication.
 Yes – Only Communication.

8. Has your office/team considered how this item intersects with the authority of other state entities that serve the health and education needs of Oregon's students, or otherwise contribute to the climate of Oregon's school systems? If so, please select from the below list.

- N/A; this item does not intersect with other state entities.
 Oregon Health Authority (OHA)
 Department of Early Learning and Care (DELIC; formerly ELD)
 Educator Advancement Council (EAC)
 Higher Education Coordinating Commission (HECC)
 Youth Development Oregon (YDO)
 Teacher Standards and Practices Commission (TSPC)
 Oregon Housing and Community Services (OHCS)

Oregon State Board of Education Docket



Other: _____

If you selected any of the above entities, please share why they were involved, how the Department partnered with them, and what feedback they provided.

OHA representatives reviewed rule language and methodology and support the rule update.

9. Which geographic perspectives are intentionally represented in your office/team engagement strategy?

- Northeast Oregon
- Central and Southeast Oregon
- Southwest Oregon
- Willamette Valley and Central Coast
- Northwest Oregon
- Tribal lands
- Other: Statewide

Why did your office/team focus on the above geographical perspective(s)?

This OAR update is applicable to school districts, ESDs, and EI/ECSE programs across Oregon.

10. Please highlight some of the key pieces of feedback your office/team received during the engagement process. How did this feedback influence the development of this item? How were differences in opinion accounted for?

ODE received feedback from the School Medicaid Advisory Committee regarding additional partners to engage. To that end, ODE engaged FACT Oregon, Oregon Parent Teacher Association, Disability Rights Oregon, and the Central Oregon Disability Support Network.

Most of the feedback that ODE received was related to parent access to understanding the OAR and associated federal regulations. ODE updated the original draft OAR language to make it clearer and more accessible for parents. ODE also created a School Medicaid Billing Factsheet to help parents understand the process. The factsheet has been posted publicly, shared via listserv, and is available in 10 languages.

11. Please describe any additional engagement opportunities your office/team will be pursuing prior to asking the Board to take action on this item.

N/A

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

Oregon State Board of Education Docket



Equitable resource allocation is a critical component of education equity. Using plain language, this section should describe the fiscal, administrative, and small business impacts of this item, and how it affects the larger social system that serves Oregon's students.

12. After consulting with ODE's Rules Coordinator and Grant Consolidation Team, was this item identified as a grant-related item?

No

Yes; please review Appendix B: Grant Consolidation below.

13. Will Board action create fiscal or administrative impacts on districts, ESDs, community-based organizations, and/or the nine federally recognized tribes? If so, please describe the anticipated short- and long-term effects and how they may be felt differently in small, rural, or remote communities.

This rule update is primarily a technical fix and does not impose any new requirements. ODE does not foresee any fiscal impact on any entity.

14. Will Board action create a fiscal or administrative impact on state agencies, units of local government, and/or the public? Will it increase costs associated with compliance for small businesses?

This rule update is primarily a technical fix and does not impose any new requirements. ODE does not foresee any fiscal impact on any entity.

EQUITY IMPACT ANALYSIS

The State Board of Education envisions an aspirational education system that honors its increasingly diverse student body and affirms every student to reach their full potential in a rapidly shifting global environment. Using plain language, this section should describe the impact of this item on students and the larger social system that serves their health and education needs.

15. How will Board action on this item ultimately impact students and their families, particularly those who have been and continue to be systemically marginalized?

This rule update is primarily a technical fix and does not impose any new requirements. ODE does not foresee a direct change to student services or access, nor do we anticipate any procedural impact. However, streamlined and consistent rule language may make the rules more accessible to both parents and school staff.

16. How will Board action on this item ultimately impact school district employees and volunteers, particularly those who have been and continue to be systemically marginalized?

Oregon State Board of Education Docket



This rule update is primarily a technical fix and does not impose any new requirements. ODE does not foresee a direct change to student services or access, nor do we anticipate any procedural impact. However, streamlined and consistent rule language may make the rules more accessible to both parents and school staff.

17. What are the anticipated short- and long-term consequences of Board action on this item? Will Board action have a cumulative effect on students, families, educators, districts, or Oregon’s school systems?

Streamlined and consistent rule language may make the rules more accessible to both parents and school staff.

18. What are the anticipated short- and long-term consequences of inaction on this item and who would experience those consequences?

Inaction would mean that we would continue to have four administrative rules addressing one requirement, none of which account for the Medicaid expansion.

RECOMMENDED ACTION

The State Board of Education has dedicated itself to challenging the status quo and sharing responsibility for every student’s academic and lifelong success. Using plain language, this section should describe the choice before the Board, the Department’s recommendation, and any other relevant information.

19. Please provide a brief summary of the specific language your office/team is bringing to the Board. Are there any key decisions within this language that your office/team would like the Board to make?

- OAR 581-015-2090 (Consent): Delete reference to written notification and parent consent to access Medicaid and renumber
- OAR 581-015-2735 (Parent Consent for ECSE): Delete reference to written notification and parent consent to access Medicaid and renumber
- OAR 581-015-2885 (Preschool Children with Disabilities Covered by Public Insurance): Delete
- OAR 581-015-2530 (Children with Disabilities under IDEA Enrolled in Public Benefits or Insurance): Rename to Children and Young Adults Enrolled in Public Benefits or Insurance:
 - Update language to address written notification and parent consent requirements from birth through age 21
 - Renumber

Proposed language for adoption of OAR 581-015-2530: Children and Young Adults Enrolled in Public Benefits or Insurance:

Oregon State Board of Education Docket

(1) For purposes of this rule:

(a) “Child or young adult” has the meaning given that term in OAR 410-133-0040.

(b) “Consent”:

(A) For purposes of subsection (2)(a) of this rule, has the meaning given that term in 34 C.F.R. §300.9; and

(B) For purposes of subsection (2)(b) of this rule, has the meaning described for that term in 34 C.F.R. §99.30.

(c) “Education agency” has the meaning given that term in OAR 410-133-0040.

(2) Before an education agency accesses a child’s or young adult’s public benefits or insurance and discloses personally identifiable information to seek Medicaid reimbursement for the first time, an education agency must provide written notification to and obtain informed, written consent from the child’s or young adult’s parent that meets the requirements of:

(a) 34 C.F.R. §§300.154, 300.622, 303.520, 303.521, and 303.414 (The Individuals with Disabilities Education Act);

(b) 34 C.F.R. §99.30 (Family Education Rights and Privacy Act).

(3) After providing written notification and obtaining consent as described in subsection (2) of this rule, an education agency must provide the parent with the written notification on an annual basis that meets the requirements of the regulations listed in subsection (2) of this rule.

20. How is this language responsive to identified needs and/or feedback received through the engagement process? How is it in alignment with [the Board’s Mission, Vision, and Values](#)?

ODE attempted to make the language as accessible as possible while still meeting legal requirements.

21. Please describe the action your office/team is recommending to the Board (for example, the adoption of rules or the approval of a waiver) and how it reflects the Department’s commitment to academic excellence, belonging and wellness, and reimagining accountability.

ODE recommends that the State Board of Education adopt the proposed updates to OAR 581-015-2090 (Consent), OAR 581-015-2735 (Parent Consent for ECSE), OAR 581-015-2885 (Preschool Children with Disabilities Covered by Public Insurance), and OAR 581-015-2530 (Children and Young Adults Enrolled in Public Benefits or Insurance). The streamlined and consistent rule language may make the rules more accessible to both parents and school staff.

22. Please note any additional support the Department is (or will be) providing to ensure successful implementation of this item.

- N/A; this item does not require any additional support.
- Communications plan
- Technical assistance, professional development, and/or coaching
- Direct or differentiated support for small, rural, or remote school districts

Oregon State Board of Education Docket



- Corrective Action Processes
- Safety measures
- Organizational culture or practice changes (change management)
- Materials and/or supplies
- Guidance and/or supplemental resources
- Other: _____

23. Has this item changed since the last Board meeting?

- N/A; this item has not previously been before the Board
- No; please review Appendix A: Second Reading below.
- Yes; please review Appendix A: Second Reading below.

APPENDIX A: SECOND READING

Appendix A should only be completed if "yes" is selected for question 23. Using plain language, this section should provide a summary of any additional engagements, learnings, or changes that have occurred since the First Reading of this item.

1. Please describe any additional engagement opportunities your office/team has pursued since the First Reading of this item. Which perspectives were intentionally included?

The draft rules were presented to ORCA for the second time on January 8, 2026.

2. Has your office/team received any additional public comment on this item? If so, who provided that comment and what feedback did they provide?

No.

3. Please describe any overall learnings that have occurred since the First Reading of this item. How were differences in opinion accounted for?

There have been no requests to update or change the rule language since the First Reading.

4. Please provide a brief summary of the changes your office/team have made to this item since the First Reading. How are these changes responsive to identified needs and/or feedback received through the engagement process?

There have been no requests to update or change the rule language since the First Reading.

Below, you will find the proposed changes to the Oregon Department of Education's rule(s) relating to ELL District and School Improvement: District Expenditure of Moneys [OAR 581-020-0621](#). The proposed text to remove is in bracketed italics.

Current Rule Link: [Oregon Administrative Rule \(OAR\) 581-020-0621](#)

Rule Number: 581-020-0621

Rule Title: ELL District and School Improvement: District Expenditure of Moneys

(1) The Department shall direct transformation and target school districts on how to expend all moneys received under ORS 327.013(1)(c)(A)(ii) (ELL weight) for up to three years, for identified districts that have not met the expected growth and expected benchmarks for student progress indicators, and demonstrated implementation of the instructional practices and program improvements recognized as effective in improving outcomes for ELL students that were identified for the school district. The overall progress of transformation and target school districts will be evaluated applying an equity lens to examine:

(a) District progress in improving the student outcomes that resulted in their selection as a transformation or target district (as defined in OAR 581-020-0609).

(b) District implementation of program design, program model, instructional delivery strategies, curriculum, assessment, staff qualifications, staff training on culturally responsive instructional pedagogy and practices, and the level of engagement with ELL families and community identified for improvement (as described in OAR 581-020-0613).

(2) If a school district meets or exceeds the expected growth and benchmarks for student progress indicators, and demonstrates implementation of the instructional practices and program improvements recognized as effective in improving outcomes for ELL students then the Department may no longer direct the expenditure to State School Fund moneys under this section for that school district.

(3) The Department shall utilize the following framework to direct the expenditure of moneys under this section. The expenditure direction must be:

(a) Individualized for each district based on state and district data and the district improvement work from the previous four years;

(b) Aligned with evidence-based practices;

(c) Focused on supporting the district in meeting expected growth and benchmarks for student progress indicators and instructional and/or program improvement indicators recognized as improving outcomes for ELL students identified for the school district;

(d) Communicated to the district in writing and communicate to the district the specific direction of expenditures and the rationale for that direction;

(e) Sent to the district [*prior to March 1*] before the fiscal year to which it applies; and

(f) Be reviewed at least annually.

(4) The Department may utilize the district and community engagement process established as part of the technical assistance process to receive feedback on the expenditure direction.

(5) The school district shall communicate to stakeholders about the expenditure direction as follows:

(a) In at least one community forum;

(b) In a letter to parents of ELL students who are enrolled in the district; and

(c) By posting information about the expenditure direction on the district's website.

(6) The direction on expenditure of moneys for school districts identified as ELL transformation or target districts in 2016 will first apply to moneys received by those school districts from the ELL weight on or after July 1, 2020.

Statutory/Other Authority: Sec. 3, ch. 604 & OL 2015 (Enrolled HB 3499)

Statutes/Other Implemented: ORS 339.079 & Sec. 3, ch. 604 & OL 2015 (Enrolled HB 3499)

Summary

Meeting Date: 2/19/2026

Title: *English Learner Outcomes Program*

Status: Adoption (item has changed)

Presentation: Yes

Key Staff: Mary Martinez-Wenzl, Michael Essien

Topic Summary: The proposed temporary rule change to OAR 581-020-0621 ELL District and School Improvement: District Expenditure of Moneys will remove the March 1 deadline. A more flexible timeline will allow expenditure directives to be tailored to the unique context of each district, aligned with evidence-based practices, and intentionally designed to support districts in meeting established benchmarks for student progress, as required by state policy.

ODE Education Equity

Stance

Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

BACKGROUND AND NEED

Members of the State Board of Education are volunteers, with unique professional and lived experiences. Using plain language, this section should provide context for this item, including any needed overviews of relevant programs or initiatives.

- 1. Briefly, how does this topic, program, or initiative currently operate? Where is it located within Oregon’s school systems? How does it ultimately serve students?**

The English Learner Outcomes Program (ELOP) is an accountability and support program for school districts that serve English learners. It is operated by the Oregon Department of Education’s Multilingual and Migrant Education Team, which is housed in the Office of Equity, Diversity, and Inclusion. The program itself operates statewide and applies to districts across Oregon that are identified for improvement.

When a district is identified, it participates in the program for four years. During this time, ODE provides ongoing technical assistance, coaching, and dedicated grant funding to help the district strengthen its systems for serving English learners.

At the end of the four-year period, districts are evaluated on their progress toward established benchmarks. If a district has not met these expectations, ODE will issue an expenditure direction, as required by law. This directs the district to use the portion of the State School Fund generated by the English Learner (ELL) weight in ways that ensure stronger services and

Oregon State Board of Education Docket



outcomes for English learners. Expenditure directions can continue for up to three years, depending on the district’s progress.

2. Please list the specific rule(s), statute(s), or recently passed legislation that allows the Board to take action on this item. Where are they prescriptive and where do they provide the Board and Department flexibility?

ORS 336.079 provides the statutory authority for the English Learner Outcomes Program. This statute was enacted through House Bill 3499 during the 2015 legislative session and requires ODE to identify districts that are not meeting the needs of English learners, set growth targets with them, provide four years of interventions, and—when benchmarks are not met—issue an expenditure direction for the portion of the State School Fund generated by the English Learner weight.

OAR 581-020-0621 establishes the framework for expenditure directions. Under this rule, each expenditure direction must be individualized, tied to the district’s improvement efforts during the previous four years, aligned with evidence-based practices, and focused on helping the district meet the expected growth and benchmarks outlined in statute. The rule requires that each direction be issued in writing by March 1 prior to the fiscal year to which it applies, and that it include both the direction and the rationale.

3. Has this item come before the Board before? If so, when did the Board last take action, and what was that action?

Yes. The State Board last took action on this item in January 2021, when it approved a temporary rule change to OAR 581-020-0621. That temporary amendment extended the deadline for issuing an expenditure direction from March 1 to April 1 for that year.

4. Why is this item coming before the Board now?

This item is coming before the Board now because 15 districts completed their four-year improvement cycle on June 30, 2025. After conducting an extensive analysis of district progress, ODE determined that 11 of the districts identified in 2021 did not meet the established benchmarks and therefore require an expenditure direction for the upcoming cycle.

Several factors contribute to the need for revising the timeline:

- Key data required for determinations were embargoed, which delayed ODE’s ability to identify districts needing an expenditure direction.
- More districts require expenditure directions than originally anticipated.
- Many districts are simultaneously navigating declining enrollment, budget reductions, and the effects of immigration enforcement, which complicate their local planning and system capacity.

Oregon State Board of Education Docket



A more flexible timeline will allow ODE to develop expenditure directions that are responsive to each district's unique context, grounded in evidence-based practices, and intentionally designed to support districts in meeting the expected growth and student progress benchmarks required under state policy.

5. Who requested or brought about the need for this item? (Select all that apply.)

- ODE Staff
- Students
- Families
- Community-Based Organizations
- Culturally Specific Organizations
- School Districts
- Education Service Districts
- Charter Schools
- Oregon State Legislature
- Educational Associations
- Racial Justice Council
- Federal Government
- One or more of Oregon's nine federally recognized tribes: _____
- Other: _____

ENGAGEMENT STRATEGY AND LEARNINGS

The State Board of Education expects all items that come before it be reviewed and influenced, to the greatest extent possible, by a robust community engagement process. Using plain language, this section should provide an overview of the role that engagement played in this item, including with Oregon's nine federally recognized Tribes, other state agencies, and external partners.

6. How did the [Equity Decision Tree](#) inform your office/team engagement strategy? Who is most likely to be affected and how have they been intentionally incorporated into the engagement process for this item?

The Equity Decision Tree guided our engagement strategy by helping us identify who would be most affected by this rule change and ensuring that those groups were intentionally included in the process. Districts participating in the English Learner Outcomes Program—and the multilingual students and families they serve—are the communities most directly impacted. Because of this, ODE prioritized engaging those districts early and often.

To support equitable engagement, ODE met individually with each participating district, held phone conversations with district leaders, and collected input through a short survey focused on the directed funding process and the proposed temporary rule change. These multiple avenues helped ensure that districts of different sizes, capacities, and regional contexts could participate meaningfully. Their voices were instrumental in making the decision to request a rule change.

Oregon State Board of Education Docket

In addition, the ODE English Learner Advisory Group—which includes district leaders, community-based organizations, educators, parents, and multilingual students—received an update and provided feedback at its January 2026 meeting. Their perspectives helped ensure that the proposal reflects the experiences of those most affected and is responsive to community needs.

7. **After consulting with ODE’s Rules Coordinator and the Office of Indian Education, did this item require Tribal Consultation and/or Tribal Communication with Oregon’s nine federally recognized tribes? (For more information, please reference ODE’s [Tribal Consultation Toolkit](#).)**
- No
 - Yes – Both Consultation and Communication.
 - Yes – Only Communication.
8. **Has your office/team considered how this item intersects with the authority of other state entities that serve the health and education needs of Oregon’s students, or otherwise contribute to the climate of Oregon’s school systems? If so, please select from the below list.**
- N/A; this item does not intersect with other state entities.
 - Oregon Health Authority (OHA)
 - Department of Early Learning and Care (DELIC; formerly ELD)
 - Educator Advancement Council (EAC)
 - Higher Education Coordinating Commission (HECC)
 - Youth Development Oregon (YDO)
 - Teacher Standards and Practices Commission (TSPC)
 - Oregon Housing and Community Services (OHCS)
 - Other: _____

If you selected any of the above entities, please share why they were involved, how the Department partnered with them, and what feedback they provided.

Not applicable.

9. **Which geographic perspectives are intentionally represented in your office/team engagement strategy?**
- Northeast Oregon
 - Central and Southeast Oregon
 - Southwest Oregon
 - Willamette Valley and Central Coast
 - Northwest Oregon
 - Tribal lands
 - Other: _____

Why did your office/team focus on the above geographical perspective(s)?

As a statewide program, engagement with all regions of the state was intentional.

10. Please highlight some of the key pieces of feedback your office/team received during the engagement process. How did this feedback influence the development of this item? How were differences in opinion accounted for?

Districts expressed appreciation for the extended timeline, provided it does not interfere with their local budgeting processes or hiring for the 2026–27 school year. ODE is committed to working closely with each district to ensure the revised timeline supports their planning needs and minimizes disruptions.

11. Please describe any additional engagement opportunities your office/team will be pursuing prior to asking the Board to take action on this item.

N/A

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

Equitable resource allocation is a critical component of education equity. Using plain language, this section should describe the fiscal, administrative, and small business impacts of this item, and how it affects the larger social system that serves Oregon’s students.

12. After consulting with ODE’s Rules Coordinator and Grant Consolidation Team, was this item identified as a grant-related item?

No

Yes; please review Appendix B: Grant Consolidation below.

13. Will Board action create fiscal or administrative impacts on districts, ESDs, community-based organizations, and/or the nine federally recognized tribes? If so, please describe the anticipated short- and long-term effects and how they may be felt differently in small, rural, or remote communities.

Yes. The proposed rule change will likely have an administrative impact on districts because they would receive their expenditure direction after March 1. For many districts—especially smaller, rural, or remote systems with limited central office staffing—this could require adjustments to local planning timelines. To minimize disruptions, ODE will work closely with affected districts and ESDs to ensure the revised timeline aligns as smoothly as possible with their spring budgeting and staffing processes. The rule is not expected to create fiscal impacts for districts, community-based organizations, or Oregon’s nine federally recognized tribes.

14. Will Board action create a fiscal or administrative impact on state agencies, units of local government, and/or the public? Will it increase costs associated with compliance for small businesses?

No. The proposed Board action is not expected to create fiscal or administrative impacts on state agencies, units of local government, or the public. It also does not increase compliance-related costs for small businesses.

EQUITY IMPACT ANALYSIS

The State Board of Education envisions an aspirational education system that honors its increasingly diverse student body and affirms every student to reach their full potential in a rapidly shifting global environment. Using plain language, this section should describe the impact of this item on students and the larger social system that serves their health and education needs.

15. How will Board action on this item ultimately impact students and their families, particularly those who have been and continue to be systemically marginalized?

Providing expenditure directions for districts' ELL-weighted funds is intended to ensure that resources are used in ways that directly support multilingual learners and their families. A timeline that allows for careful collaboration with each district helps ODE develop directions that reflect the specific needs of students who have been historically and systemically marginalized, including immigrant and refugee students, students from low-income families, and students living in rural or remote communities.

By giving districts clearer guidance and adequate time to plan, the Board's action supports stronger, more consistent services for multilingual learners and helps districts make informed decisions that benefit students and their families. OE's engagement process also uncovered challenges the districts were facing that they were better able to share when trust grew through engagement. This has allowed ODE to better communicate and improve understanding of required service to multilingual learners.

16. How will Board action on this item ultimately impact school district employees and volunteers, particularly those who have been and continue to be systemically marginalized?

Districts use most of their ELL-weighted funds to support staffing. A more flexible timeline for issuing expenditure directions will allow ODE to better understand each district's staffing context before finalizing requirements. This helps ensure that the needs of educators and support staff—particularly those working in schools that serve students who have been systemically marginalized—are taken into account. By aligning expenditure directions with local conditions, the Board's action can support more stable and intentional staffing decisions that ultimately benefit both employees and the students they serve.

- 17. What are the anticipated short- and long-term consequences of Board action on this item? Will Board action have a cumulative effect on students, families, educators, districts, or Oregon’s school systems?**

In the short term, this temporary rule change is expected to strengthen collaboration between ODE and districts by allowing more time to develop expenditure directions that reflect each district’s context. This can improve shared understanding of needs and support more thoughtful planning for multilingual learner services.

In the long term, the directed funding model used in the English Learner Outcomes Program will help inform future directed funding processes under the state’s new accountability law. Together, these efforts are intended to ensure that multilingual learner programs are appropriately resourced and grounded in evidence-based instructional practices.

- 18. What are the anticipated short- and long-term consequences of inaction on this item and who would experience those consequences?**

Inaction on this item would require ODE to issue expenditure directions by March 1, 2026, with limited time for meaningful district engagement or collaboration. Districts would experience the consequences most directly, particularly those with limited staffing or complex budgeting cycles. A shortened engagement window could make it harder for districts to plan effectively for multilingual learner services and could reduce opportunities to ensure that expenditure directions reflect local needs and contexts.

RECOMMENDED ACTION

The State Board of Education has dedicated itself to challenging the status quo and sharing responsibility for every student’s academic and lifelong success. Using plain language, this section should describe the choice before the Board, the Department’s recommendation, and any other relevant information.

- 19. Please provide a brief summary of the specific language your office/team is bringing to the Board. Are there any key decisions within this language that your office/team would like the Board to make?**

The proposed temporary rule change removes the phrase “prior to March 1” from [OAR 581-020-0621](#). This revision adjusts the deadline for issuing expenditure directions under the English Learner Outcomes Program. The key decision before the Board is whether to approve this temporary amendment to the rule’s timeline.

- 20. How is this language responsive to identified needs and/or feedback received through the engagement process? How is it in alignment with [the Board’s Mission, Vision, and Values](#)?**

Districts have expressed support for extending the timeline, and the proposed rule language responds directly to that need. Adjusting the deadline provides districts and ODE more time to

Oregon State Board of Education Docket



work together on developing expenditure directions that reflect local contexts and the needs of multilingual learners.

This change aligns with the Board’s Mission, Vision, and Values by promoting equitable resource use, strengthening collaboration with school districts, and supporting systems that help every student—especially those who have been historically underserved—access high-quality instruction and services.

21. Please describe the action your office/team is recommending to the Board (for example, the adoption of rules or the approval of a waiver) and how it reflects the Department’s commitment to academic excellence, belonging and wellness, and reimagining accountability.

ODE recommends that the Board immediately adopt the temporary rule change. Adjusting the timeline for issuing expenditure directions reflects the Department’s commitment to academic excellence by allowing more time to develop guidance that supports effective services for multilingual learners. It also supports belonging and wellness by creating space for more meaningful collaboration with districts. Finally, the recommended action aligns with the Department’s efforts to reimagine accountability by ensuring that the directed funding process is thoughtful, responsive, and grounded in local needs.

22. Please note any additional support the Department is (or will be) providing to ensure successful implementation of this item.

- N/A; this item does not require any additional support.
- Communications plan
- Technical assistance, professional development, and/or coaching
- Direct or differentiated support for small, rural, or remote school districts
- Corrective Action Processes
- Safety measures
- Organizational culture or practice changes (change management)
- Materials and/or supplies
- Guidance and/or supplemental resources
- Other: _____

23. Has this item changed since the last Board meeting?

- N/A; this item has not previously been before the Board
- No; same as last month
- Yes; please review Appendix A: Second Reading below.

Summary

Meeting Date: 2/19/2026

Title: Senate Bill 141 (2025) Implementation: Interim

Assessments: Temporary Rules

Status: Adoption (item has changed)

Presentation: Yes

Key Staff: Dr. Candice Castillo and Dr. Charlene Williams

Topic Summary: The Oregon Department of Education proposed rules for implementation of the Oregon Education Accountability Act related to the selection of interim tests and subsequent administration, reporting, and adoption cycle pursuant to the requirements in ORS 329.485. That rule was adopted in the January session. ODE was tasked with returning with its recommendation for a fourth interim assessment test

ODE Education Equity

Stance

Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

BACKGROUND AND NEED

Members of the State Board of Education are volunteers, with unique professional and lived experiences. Using plain language, this section should provide context for this item, including any needed overviews of relevant programs or initiatives.

- 1. Briefly, how does this topic, program, or initiative currently operate? Where is it located within Oregon’s school systems? How does it ultimately serve students?**

The Oregon Education Accountability Act (Senate Bill 141) requires the State Board of Education to adopt four interim assessments in language arts and mathematics in Grades K-8 that will be administered and reported to school boards and education administrators three times per year during public meetings. The Oregon Department of Education developed technical and Oregon-specific criteria for review of prospective interim test vendor products with our Technical Advisory committee and general feedback from education and community partners and published a Request for Qualifications on September 19, 2025. Responses were due from vendors by October 20, 2025 at 4:00 PM Pacific Time.

- 2. Please list the specific rule(s), statute(s), or recently passed legislation that allows the Board to take action on this item. Where are they prescriptive and where do they provide the Board and Department flexibility?**

Oregon State Board of Education Docket



The Oregon Education Accountability Act ([Senate Bill 141; Section 24](#)) was signed into law during the 2025 long session and is housed within ORS 329.485. The bill requires the Oregon State Board of Education to adopt no more than four approved interim assessments for district selection. Districts must implement interim assessments beginning in the 2026-27 school year.

3. Has this item come before the Board before? If so, when did the Board last take action, and what was that action?

The Board approved this rule and a list of three interim assessments at their January 15, 2026 meeting.

4. Why is this item coming before the Board now?

The Oregon Education Accountability Act requires that the Board adopt the approved list of no more than four interim tests by January 31, 2026. The Board adopted three of the recommended four interim tests at the January 15, 2026 meeting, and tasked ODE with reviewing the recommendation of the fourth interim assessment test vendor and bringing a recommendation to the February 19, 2026 Board meeting.

5. Who requested or brought about the need for this item? (Select all that apply.)

- ODE Staff
- Students
- Families
- Community-Based Organizations
- Culturally Specific Organizations
- School Districts
- Education Service Districts
- Charter Schools
- Oregon State Legislature
- Educational Associations
- Racial Justice Council
- Federal Government
- One or more of Oregon’s nine federally recognized tribes: _____
- Other: _____

ENGAGEMENT STRATEGY AND LEARNINGS

The State Board of Education expects all items that come before it be reviewed and influenced, to the greatest extent possible, by a robust community engagement process. Using plain language, this section should provide an overview of the role that engagement played in this item, including with Oregon’s nine federally recognized Tribes, other state agencies, and external partners.

Oregon State Board of Education Docket



6. How did the [Equity Decision Tree](#) inform your office/team engagement strategy? Who is most likely to be affected and how have they been intentionally incorporated into the engagement process for this item?

The engagement process for interim selection intentionally engaged measurement experts and those who will be impacted by the bill, including education administrators and policy advocates. The engagement process in the development of the criteria used to select the interim tests could not be broad, given the competitive nature of the RFQ procurement process. ODE did connect with district staff for two advisory committee meetings in October. Measurement experts and Oregon educators and community members participated in the interim qualification review process in October and November of 2025, as well.

Engagement with a broader community is recommended for considerations related to implementation after the interim selection process is completed.

7. After consulting with ODE’s Rules Coordinator and the Office of Indian Education, did this item require Tribal Consultation and/or Tribal Communication with Oregon’s nine federally recognized tribes? (For more information, please reference ODE’s [Tribal Consultation Toolkit](#).)

- No
- Yes – Both Consultation and Communication.
- Yes – Only Communication.

8. Has your office/team considered how this item intersects with the authority of other state entities that serve the health and education needs of Oregon’s students, or otherwise contribute to the climate of Oregon’s school systems? If so, please select from the below list.

- N/A; this item does not intersect with other state entities.
- Oregon Health Authority (OHA)
- Department of Early Learning and Care (DELIC; formerly ELD)
- Educator Advancement Council (EAC)
- Higher Education Coordinating Commission (HECC)
- Youth Development Oregon (YDO)
- Teacher Standards and Practices Commission (TSPC)
- Oregon Housing and Community Services (OHCS)
- Other: _____

If you selected any of the above entities, please share why they were involved, how the Department partnered with them, and what feedback they provided.

N/A

9. Which geographic perspectives are intentionally represented in your office/team engagement strategy?

Oregon State Board of Education Docket

- Northeast Oregon
- Central and Southeast Oregon
- Southwest Oregon
- Willamette Valley and Central Coast
- Northwest Oregon
- Tribal lands
- Other: Statewide perspectives were solicited

Why did your office/team focus on the above geographical perspective(s)?

Urban, rural, and regional perspectives were represented in the intentionally small sample of education and community partners who were engaged in the development of the technical and Oregon-specific criteria that were used to evaluate vendors' interim test products. Those criteria had to be held strictly confidential to ensure that an open, competitive Request for Qualifications process was enacted.

The project of reviewing vendors was conducted in two phases:

- *Phase 1 – Technical Review:* From October Measurement experts from Oregon's assessment and accountability Technical Advisory Committee and ODE measurement experts evaluated the technical adequacy of vendor documentation (reliability/validity, accessibility).
- *Phase 2 – Oregon-Specific Review:* A representative group of Oregon educators and community members, and programmatic staff from ODE who support students who are multilingual learners and students experiencing disabilities, participated in a review of Oregon-specific criteria (e.g., fiscal impact, Spanish language arts version).

10. Please highlight some of the key pieces of feedback your office/team received during the engagement process. How did this feedback influence the development of this item? How were differences in opinion accounted for?

ODE responded to feedback received from our TAC by conducting a multi-phase Request for Qualifications Process and reducing the complexity of the technical criteria. The Oregon-Specific criteria were developed in partnership with Oregon administrators and reflect the values of those administrators as well as of the department.

ODE has also heard from the Ongoing Rules Community Advisory (ORCA) and district partners that there is a desire for the rule to provide more clarity about test windows, reporting requirements, and an interim test adoption cycle. The proposed Oregon Administrative Rule includes this specific content for that reason.

11. Please describe any additional engagement opportunities your office/team will be pursuing prior to asking the Board to take action on this item.

If the OAR is advanced as written, ODE will engage district and community partners to develop expectations and guidance to support implementation, including test windows, reporting requirements, and an adoption cycle. ODE will also work with districts to design interim test data collection processes and support staff and district partners in the development of protocols to guide the consideration of interim test results during Performance Growth Target discussions.

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

Equitable resource allocation is a critical component of education equity. Using plain language, this section should describe the fiscal, administrative, and small business impacts of this item, and how it affects the larger social system that serves Oregon's students.

12. After consulting with ODE's Rules Coordinator and Grant Consolidation Team, was this item identified as a grant-related item?

- No
 Yes; please review Appendix B: Grant Consolidation below.

13. Will Board action create fiscal or administrative impacts on districts, ESDs, community-based organizations, and/or the nine federally recognized tribes? If so, please describe the anticipated short- and long-term effects and how they may be felt differently in small, rural, or remote communities.

Yes. Many districts in Oregon administer interim assessments in these grade levels in language arts and mathematics. If the assessments they are using are ultimately adopted as approved by the Board, there will be minimal to no additional expense. If, however, the tools they are using are not on the approved list, districts will need to determine whether they should transition to an approved interim assessment entirely or maintain both their current tools and the new interim assessment. There are vendor and staff professional development costs associated with both options that are challenging to predict. There are also districts who do not have interim assessments in place, for whom vendor and staff professional development costs would be added.

14. Will Board action create a fiscal or administrative impact on state agencies, units of local government, and/or the public? Will it increase costs associated with compliance for small businesses?

The Assessment & Student Reporting Team and the Research & Measurement Team in the Office of Research, Assessment, Data, Accountability, and Reporting (RADAR) are impacted by this decision administratively, as the team and RADAR leadership have been charged with designing and conducting the RFQ process and supporting district implementation. The teams will also need to engage with education and community partners to establish interim test administration windows, reporting requirements (including data collection for interim tests),

and an adoption cycle. No additional staffing nor funding has been made available to the department to meet these requirements.

EQUITY IMPACT ANALYSIS

The State Board of Education envisions an aspirational education system that honors its increasingly diverse student body and affirms every student to reach their full potential in a rapidly shifting global environment. Using plain language, this section should describe the impact of this item on students and the larger social system that serves their health and education needs.

15. How will Board action on this item ultimately impact students and their families, particularly those who have been and continue to be systemically marginalized?

If implemented well, interim tests can be used to identify areas of strength to build from and areas where growth is needed periodically across the school year. This can allow for meaningful responses to student learning needs during the school year. These interim test results will also be shared publicly, which is common practice in some districts but will be new for others. Public reporting will shine a light on how schools and districts are serving students during the school year, which can be compared to student performance on end-of-year state summative test results.

16. How will Board action on this item ultimately impact school district employees and volunteers, particularly those who have been and continue to be systemically marginalized?

The impact on school district employees will vary depending upon their current interim assessment use. The meaningful benefits for most of Oregon's students will come in the form of the public reporting requirement. Families and students who are served by Oregon's districts will have three additional data points to consider (fall/winter/spring) in considering how well students in their child's school and district are being served.

17. What are the anticipated short- and long-term consequences of Board action on this item? Will Board action have a cumulative effect on students, families, educators, districts, or Oregon's school systems?

If implemented as intended, interim tests can be positioned to guide student learning decisions periodically across the school year at key points. The best tools provide educators with information about how well students learned content that they were just taught, and also point to instructional resources that can help students make their next learning move. The short-term consequence is increased awareness and public transparency about student achievement and change across the school year. In the long-term, if implemented as intended, Oregon students should demonstrate proficiency on Oregon's state summative tests at increased levels. These increases will reflect that students are college and career ready.

Oregon State Board of Education Docket



18. What are the anticipated short- and long-term consequences of inaction on this item and who would experience those consequences?

District assessment practices would have continued as they were situated. There would have been no requirement to administer or publicly report interim assessment results.

RECOMMENDED ACTION

The State Board of Education has dedicated itself to challenging the status quo and sharing responsibility for every student's academic and lifelong success. Using plain language, this section should describe the choice before the Board, the Department's recommendation, and any other relevant information.

19. Please provide a brief summary of the specific language your office/team is bringing to the Board. Are there any key decisions within this language that your office/team would like the Board to make?

The following OAR 581-003-3035 was adopted by the board in January, pursuant to Senate Bill 141.

OAR 581-003-3035
Interim Assessments

- (1) School districts and public charter schools shall administer interim assessments in accordance with ORS 329.485.
- (2) In administering interim assessments under this rule, school districts and public charter schools shall select interim assessments from among the most recently approved list of interim assessments adopted by State Board of Education.
- (3) The Oregon Department of Education will engage with education and community partners to develop guidance for interim test administration windows, reporting requirements, and the timeline for an adoption renewal cycle for the purposes of implementing ORS 329.485(5).

[ED. NOTE: The list of interim assessments referenced is available from the Oregon Department of Education upon request.]

Statutory/Other Authority: ORS 329.485

Statutes/Other Implemented: ORS 329.485

The Department has reviewed the competitive RFQ process and has determined that the process worked as designed. The department maintains its recommendation of adding the Cambium/Smarter Balanced proposal (the vendors who provide Oregon's State Assessment System interim tests) as the fourth interim vendor, based on the score received during the competitive RFQ process.

While Cambium/Smarter Balanced does not currently have a K-2 or Spanish language arts option, it does not prevent districts from selecting an option aligned to their needs from the

Oregon State Board of Education Docket



Oregon State Board of Education approved list. It is a common practice for districts to adopt different assessment tools for different grade bands or purposes, as it allows them to better match developmental and instructional needs. The approved list will allow districts to select what best meets their needs, whether that is a single provider or mixing and matching from the provided list.

20. How is this language responsive to identified needs and/or feedback received through the engagement process? How is it in alignment with [the Board’s Mission, Vision, and Values](#)?

The proposed language reflects the requirements in the Oregon Education Accountability Act, as well as feedback that the department received from ORCA after two readings and education partners after advisory committee meetings conducted in October 2025.

21. Please describe the action your office/team is recommending to the Board (for example, the adoption of rules or the approval of a waiver) and how it reflects the Department’s commitment to academic excellence, belonging and wellness, and reimagining accountability.

We recommend the State Board adopt the proposed rule and list of four approved vendors as a result of this follow-up to the second read opportunity.

22. Please note any additional support the Department is (or will be) providing to ensure successful implementation of this item.

- N/A; this item does not require any additional support.
- Communications plan
- Technical assistance, professional development, and/or coaching
- Direct or differentiated support for small, rural, or remote school districts
- Corrective Action Processes
- Safety measures
- Organizational culture or practice changes (change management)
- Materials and/or supplies
- Guidance and/or supplemental resources
- Other: Engagement with education and community partners in spring 2026

23. Has this item changed since the last Board meeting?

- N/A; this item has not previously been before the Board
- No; same as last month
- Yes; please review Appendix A: Second Reading below.

APPENDIX A: SECOND READING

Appendix A should only be completed if “yes” is selected for question 23. Using plain language, this section should provide a summary of any additional engagements, learnings, or changes that have occurred since the First Reading of this item.

- 1. Please describe any additional engagement opportunities your office/team has pursued since the First Reading of this item. Which perspectives were intentionally included?**

Since the first reading on October 16, 2025, the department has engaged with two advisory committees composed of Oregon educators and advocates on October 17 & 18, 2025. The department engaged with ORCA on November 10, 2025. The department also completed the technical and Oregon-specific review panels, composed of measurement experts and Oregon educators, advocates, and community members, respectively. The board also received public comment and listened to the second read presentation on January 15, 2026.

- 2. Has your office/team received any additional public comment on this item? If so, who provided that comment and what feedback did they provide?**

No.

- 3. Please describe any overall learnings that have occurred since the First Reading of this item. How were differences in opinion accounted for?**

The department continues to hear that fiscal impacts on districts are a serious concern that is associated with the implementation timeline for this aspect of Senate Bill 141. The department has also learned that some educators would like the department to use results from these interim tests to determine academic growth as a potential local metric option.

- 4. Please provide a brief summary of the changes your office/team have made to this item since the First Reading. How are these changes responsive to identified needs and/or feedback received through the engagement process?**

ODE is actively working to support, where feasible, the concerns shared and is working with identified vendors to address the following areas:

- ODE roles versus interim assessment test vendor roles
- Possibility of in-person caravans that are accessible, including online demonstrations.
- Collecting current test windows
- Exploring possible consortia price agreements
- Possibility of establishing data sharing agreements directly with ODE

We will also partner with the Legislature, Governor's Office, and Board to determine the best path forward.

OAR 581-003-3035

Interim Assessments

(1) School districts and public charter schools shall administer interim assessments in accordance with ORS 329.485.

(2) In administering interim assessments under this rule, school districts and public charter schools shall select interim assessments from among the most recently approved list of interim assessments adopted by the State Board of Education.

(3) The Oregon Department of Education will engage with education and community partners to develop guidance for interim test administration windows, reporting requirements, and the timeline for an adoption renewal cycle for the purposes of implementing ORS 329.485(5).

[ED. NOTE: The list of interim assessments referenced is available from the Oregon Department of Education upon request.]

Statutory/Other Authority: ORS 329.485

Statutes/Other Implemented: ORS 329.485



Interim Assessment Recommendation

164

—
OAR 581-003-0035

February 19, 2026

Dr. Charlene Williams, Director &
Dr. Candice Castillo, Deputy Director
Oregon Department of Education

Senate Bill 141 (2025) - Sections 24 & 25

Section 24

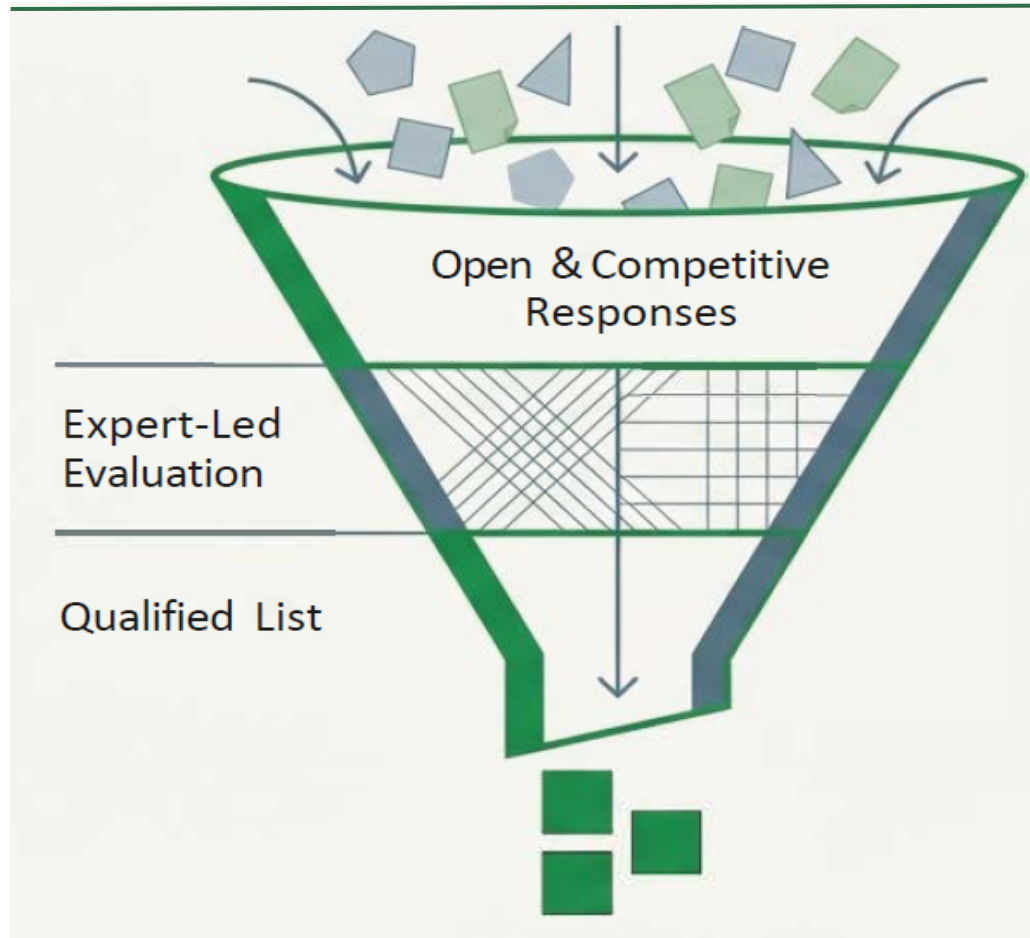
- Administer interim tests in math & language arts at least 3 times per year in Grades K-8.
- Select interim assessments from the list adopted by the State Board.
- Review data at least three times each school year:
 - with administrators of each school and public charter school
 - during a public meeting, for the superintendent of the school district, the school district board/governing body of the public charter school.

165

Section 25

- The State Board of Education shall adopt a list of approved interim assessments to measure student performance growth no later than January 31, 2026.
- The bill first applies in the 2026-2027 school year.

The RFQ Process: From Open Application to Curated List



ODE consulted a panel of experts and trusted educators in developing the criteria used for the evaluation.

166

Recommended Interim Assessment

Based on the Request for Qualification process:

Recommendation	Interim Assessment	Status
Curriculum Associates	iReady	Adopted January 15, 2026
Houghton Mifflin Harcourt	MAP	Adopted January 15, 2026
Renaissance	STAR	Adopted January 15, 2026
★ Cambium Assessment Inc	Smarter Balanced	Recommended for Adoption

167



Questions

168

Summary

Meeting Date: 2/19/2026

Title: Talented and Gifted Education – Implementation of SB 934; Amending OAR 581-022-2325

Status: First Reading

Presentation: Yes

Key Staff: Angela Allen, Cynthia Stinson, Alexa Pearson

Topic Summary: The current requirements of OAR 581-022-2325 (Identification of Academically Talented and Intellectually Gifted Students) need to be amended to include:

- Requirements from SB 934 Enrolled
- Clarification of language
- Clarification of Talented and Gifted identification screening process at the district level.

ODE Education Equity

Stance

Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

BACKGROUND AND NEED

Members of the State Board of Education are volunteers, with unique professional and lived experiences. Using plain language, this section should provide context for this item, including any needed overviews of relevant programs or initiatives.

- 1. Briefly, how does this topic, program, or initiative currently operate? Where is it located within Oregon’s school systems? How does it ultimately serve students?**

The requirements for Talented and Gifted (TAG) identification are set out in [ORS 343.407](#) – Identification of Talented and Gifted Students and [OAR 581-022-2325](#) – Identification of Academically Talented and Intellectually Gifted Students. Districts adopt local policies and practices in accordance with these requirements. Students who are identified as Talented and Gifted receive instructional services that are designed to accommodate their assessed levels of learning, including depth and complexity, and the pace at which they learn. Identification is the means to ensure Talented and Gifted students receive instruction that provides access to academic growth.

- 2. Please list the specific rule(s), statute(s), or recently passed legislation that allows the Board to take action on this item. Where are they prescriptive and where do they provide the Board and Department flexibility?**

Oregon State Board of Education Docket



Senate Bill 934 (2025) set out additional requirements for identification that need to be incorporated in OAR 581-022-2325 Identification of Academically Talented and Intellectually Gifted Students. The Board and Department have some flexibility regarding word choice (e.g. children, students, etc.) that will provide clarity and consistency without impacting the integrity of the bill.

3. Has this item come before the Board before? If so, when did the Board last take action, and what was that action?

No

4. Why is this item coming before the Board now?

Requirements for OAR 581-022-2325 need to be amended to reflect the statutory changes resulting from the passage of SB 934 (2025).

5. Who requested or brought about the need for this item? (Select all that apply.)

- ODE Staff
- Students
- Families
- Community-Based Organizations
- Culturally Specific Organizations
- School Districts
- Education Service Districts
- Charter Schools
- Oregon State Legislature
- Educational Associations
- Racial Justice Council
- Federal Government
- One or more of Oregon's nine federally recognized tribes: _____
- Other: _____

ENGAGEMENT STRATEGY AND LEARNINGS

The State Board of Education expects all items that come before it be reviewed and influenced, to the greatest extent possible, by a robust community engagement process. Using plain language, this section should provide an overview of the role that engagement played in this item, including with Oregon's nine federally recognized Tribes, other state agencies, and external partners.

6. How did the [Equity Decision Tree](#) inform your office/team engagement strategy? Who is most likely to be affected and how have they been intentionally incorporated into the engagement process for this item?

Oregon State Board of Education Docket



The engagement process for this rule change began in October 2025 and included district TAG coordinators, educators, families, and students. Knowing that the SB 934 advisory committee had limited geographical representation, ODE’s session at the OATAG conference captured input from attendees across the state.

Engagement:

- OATAG Conference on October 11, 2025
 - Perspectives from various regions and district sizes, including small/rural and eastern Oregon
 - Included families and students
- Zoom district engagement November 6, 2025, and January 20, 2026:
 - SB 934 Advisory Committee: Lake Oswego, Oregon City, Reynolds, Mt. Angel, Medford, South Lane, Tigard-Tualatin, Canby, Lake County
 - Drafted/revised rule language, asked questions for clarity
- ORCA – 1st Read; January 8, 2026
 - Feedback primarily from Lane ESD, COSA, OSBA, and OEA.
- OATAG – Email correspondence regarding feedback; January 2026
- COSA and OSBA – follow up meeting from ORCA; January 23, 2026

7. After consulting with ODE’s Rules Coordinator and the Office of Indian Education, did this item require Tribal Consultation and/or Tribal Communication with Oregon’s nine federally recognized tribes? (For more information, please reference ODE’s [Tribal Consultation Toolkit](#).)

- No
- Yes – Both Consultation and Communication.
- Yes – Only Communication.

8. Has your office/team considered how this item intersects with the authority of other state entities that serve the health and education needs of Oregon’s students, or otherwise contribute to the climate of Oregon’s school systems? If so, please select from the below list.

- N/A; this item does not intersect with other state entities.
- Oregon Health Authority (OHA)
- Department of Early Learning and Care (DELIC; formerly ELD)
- Educator Advancement Council (EAC)
- Higher Education Coordinating Commission (HECC)
- Youth Development Oregon (YDO)
- Teacher Standards and Practices Commission (TSPC)
- Oregon Housing and Community Services (OHCS)
- Other: _____

If you selected any of the above entities, please share why they were involved, how the Department partnered with them, and what feedback they provided.

N/A

9. Which geographic perspectives are intentionally represented in your office/team engagement strategy?

- Northeast Oregon
- Central and Southeast Oregon
- Southwest Oregon
- Willamette Valley and Central Coast
- Northwest Oregon
- Tribal lands
- Other: _____

Why did your office/team focus on the above geographical perspective(s)?

Inviting voice and perspective when amending current OARs is central to our belief that representation and consideration of unique circumstances are part of the process to ensure the newly amended requirements do not create unforeseen hardships and barriers for districts in Oregon. While many district TAG leaders, including from the northeast region expressed interest in participating in rules advisory committee created for SB 934, many did not have the capacity or bandwidth to participate.

10. Please highlight some of the key pieces of feedback your office/team received during the engagement process. How did this feedback influence the development of this item? How were differences in opinion accounted for?

The most notable feedback was received from ORCA regarding language districts had advocated for during engagement to ensure they had enough time during the school year to screen any student who was recommended. The way the rule was initially drafted created confusion about unintended implications for testing students. We revised the draft rules to reflect the feedback we received.

11. Please describe any additional engagement opportunities your office/team will be pursuing prior to asking the Board to take action on this item.

We will present at ORCA for a second reading and engage districts, external partners (COSA, OSBA, and OATAG – Oregon Association for Talented and Gifted) to include additional feedback prior to second read for SBE.

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

Equitable resource allocation is a critical component of education equity. Using plain language, this section should describe the fiscal, administrative, and small business impacts of this item, and how it affects the larger social system that serves Oregon's students.

12. After consulting with ODE’s Rules Coordinator and Grant Consolidation Team, was this item identified as a grant-related item?

- No
- Yes; please review Appendix B: Grant Consolidation below.

13. Will Board action create fiscal or administrative impacts on districts, ESDs, community-based organizations, and/or the nine federally recognized tribes? If so, please describe the anticipated short- and long-term effects and how they may be felt differently in small, rural, or remote communities.

Prior to SB 934 passing, nearly all the 197 districts already included most of the requirements outlined in the bill as part of their current identification practices. Therefore, fiscal impact is minimal. Districts will need to spend time revising their district-level TAG plan to align with the new requirements and develop a widespread communication pathway to notify families of the opportunities and pathways to identification for Talented and Gifted education.

14. Will Board action create a fiscal or administrative impact on state agencies, units of local government, and/or the public? Will it increase costs associated with compliance for small businesses?

No.

EQUITY IMPACT ANALYSIS

The State Board of Education envisions an aspirational education system that honors its increasingly diverse student body and affirms every student to reach their full potential in a rapidly shifting global environment. Using plain language, this section should describe the impact of this item on students and the larger social system that serves their health and education needs.

15. How will Board action on this item ultimately impact students and their families, particularly those who have been and continue to be systemically marginalized?

- Creates additional onramps to initiate the eligibility process for Talented and Gifted programs and services by allowing anyone who knows the child to recommend consideration for identification
- Removes gatekeeping practices - identification can only be determined through a preponderance of evidence, which is a collection of both qualitative and quantitative data collected throughout the screening process.
- Reduces the impact of the Belief Gap (the gulf between what students can accomplish and what others believe they can).
- Provides pathways to education rigor, academic excellence, and sense of belonging for talented and gifted students

16. How will Board action on this item ultimately impact school district employees and volunteers, particularly those who have been and continue to be systemically marginalized?

Board action will result in increased agency and representation. The way in which talent and characteristics of giftedness manifest varies by culture. District employees and staff who are not classroom educators now have an empowered voice to recommend students they see and work with as Talented and Gifted.

17. What are the anticipated short- and long-term consequences of Board action on this item? Will Board action have a cumulative effect on students, families, educators, districts, or Oregon's school systems?

The anticipated outcome, both short and long-term, is an increase in identification of Talented and Gifted students, including those who have and continue to be systemically marginalized.

18. What are the anticipated short- and long-term consequences of inaction on this item and who would experience those consequences?

Districts may not have clarity and understanding of how identification practices must be aligned to comply with the requirements in SB 934. Additionally, students and families who have been historically overlooked in the Talented and Gifted identification process will continue to face inequitable barriers.

RECOMMENDED ACTION

The State Board of Education has dedicated itself to challenging the status quo and sharing responsibility for every student's academic and lifelong success. Using plain language, this section should describe the choice before the Board, the Department's recommendation, and any other relevant information.

19. Please provide a brief summary of the specific language your office/team is bringing to the Board. Are there any key decisions within this language that your office/team would like the Board to make?

The rule defines "screening" specific to identification practices for Talented and Gifted education (screening does not mean formal assessment). It replaces "children" with "student" and clarifies that "year" should be interpreted to mean "school year."

20. How is this language responsive to identified needs and/or feedback received through the engagement process? How is it in alignment with the Board's Mission, Vision, and Values?

Through feedback loops with internal and external partners, areas of confusion and potential misinterpretation were identified. The changes align with statute and maintain the integrity of the bill.

Oregon State Board of Education Docket



21. Please describe the action your office/team is recommending to the Board (for example, the adoption of rules or the approval of a waiver) and how it reflects the Department's commitment to academic excellence, belonging and wellness, and reimagining accountability.

We are seeking adoption of amendments to OAR 581-022-2325. The pillars of Talented and Gifted education are rooted in academic excellence. Once a student is identified, instruction that meets the students' needs must be provided (581-022-2500(3)). Meeting students' affective and academic needs fosters a sense of belonging and wellness for students. We must ensure our systems of identification and talent development for all students are a continued piece of accountability metrics and conversations.

22. Please note any additional support the Department is (or will be) providing to ensure successful implementation of this item.

- N/A; this item does not require any additional support.
- Communications plan
- Technical assistance, professional development, and/or coaching
- Direct or differentiated support for small, rural, or remote school districts
- Corrective Action Processes
- Safety measures
- Organizational culture or practice changes (change management)
- Materials and/or supplies
- Guidance and/or supplemental resources
- Other: _____

23. Has this item changed since the last Board meeting?

- N/A; this item has not previously been before the Board
- No; same as last month
- Yes; please review Appendix A: Second Reading below.

Below, you will find the proposed changes to the Oregon Department of Education’s rule relating to the Identification of Academically Talented and Intellectually Gifted Students. The proposed new text is bold, and the proposed text to remove is in bracketed italics.

Current Rule Link: Oregon Administrative Rule [581-022-2325](#)

Rule Number: 581-022-2325

Rule Title: Identification of Academically Talented and Intellectually Gifted Students

(1) For purposes of this rule, “screen” means to use district policies and procedures that have the purpose of identifying which students are eligible to receive talented and gifted services, supports, or programs.

[(1)] **(2)** Each school district shall have policies and procedures for the identification of talented and gifted students as defined in ORS 343.395.

(a) This population of students demonstrates exceptional performance when compared to applicable developmental or learning progressions, with consideration given for variations in student's opportunity to learn and to culturally relevant indicators of ability.

(b) Students identified as talented and gifted require differentiated instructional services and/or programs designed to address their strengths and needs.

[(2)] **(3)** In the identification of talented and gifted students, district policies and procedures shall:

(a) Allow any person who knows the student to recommend that a student be screened for identification as talented and gifted;

(b) Conduct a screening process for a student recommended under paragraph (a) of this subsection;

(c) Accept recommendations under paragraph (a) of this subsection throughout the school year;

(d) Directly inform parents and guardians that a student may be recommended and screened as described in paragraphs (a), (b), and (c) of this subsection;

(e) Provide information on the school district’s website that a student may be recommended and screened as described in paragraphs (a), (b), and (c) of this subsection;

[(a)] **(f)** Provide professional development for those responsible for identification of students who are talented and gifted;

[(b)] **(g)** Use evidence-based practices that include a variety of tools and procedures to determine if a student demonstrates a pattern of exceptional performance and/or achievement that is relevant to the identification of talented and gifted students under ORS 343.395.

[(c)] **(h)** Collect and use multiple modes and methods of qualitative and quantitative evidence to allow appropriate members of a student's identification team to make a determination about the identification and eligibility of the students for talented and gifted services, supports, and/or programs; with no single test or piece of evidence eliminating a student from eligibility.

[(d)] **(i)** Use methods and practices that minimize or seek to eliminate the effects of bias in assessment and identification of students from historically underrepresented populations including, but not limited to:

- (A) Students who are racially/ethnically diverse;
- (B) Students experiencing disability;
- (C) Students who are culturally and/or linguistically diverse;
- (D) Students experiencing poverty; and
- (E) Students experiencing high mobility.

[(e)] **(j)** Incorporate assessments, tools, and procedures, that will inform the development of an appropriate plan of instruction for students who are identified as talented and gifted and describe how information from the assessments, tools and procedures used in the identification for talented and gifted students will be used to support development of the plan of instruction.

[(f)] **(k)** Identify how the educational record under ORS 326.565 of the student being considered will document and reflect the record of the team's decision and the procedures and data used by the team to make the decision.

[(3)] **(4)** The following sources of evidence may be used by the identification team to provide students with multiple opportunities to demonstrate a pattern or preponderance of evidence of talent or giftedness:

- (a) Local Performance Assessment data, as defined in OAR 581-022-2115, using local norms (building or district),
- (b) National and/or state standardized assessment data using national and/or local norms (building or district),
- (c) Evidence of rapid language acquisition, accelerated learning, and advanced vocabulary in any language,
- (d) Research-based rating scales,

(e) Research-based comprehensive observational instruments, or

(f) Learning progressions, performance tasks, work samples, and other measures provided by the Department of Education.

[(4)] **(5)** Academic evidence reviewed shall align to the full depth, breadth, and complexity of Oregon’s content standards and benchmarks. Standardized assessments used for academic/achievement-based identification shall include technical documentation demonstrating alignment or documentation of intended use for the purpose of talented and gifted identification.

[(5)] **(6)** Standardized assessments used for intellectually gifted identification shall include technical documentation demonstrating alignment to research-based best practices inclusive of students from underrepresented populations.

[(6)] **(7)** School districts may identify additional students who are talented and gifted as defined in ORS 343.395, as determined by local district policies and provisions, if the students demonstrate outstanding ability or potential in one or more of the following areas:

(a) Creative ability in using original or nontraditional methods in thinking and producing.

(b) Leadership ability in motivating the performance of others either in educational or non-educational settings.

(c) Ability in the visual or performing arts, such as dance, music or art.

Statutory/Other Authority: ORS 343.391 - 343.413

Statutes/Other Implemented: ORS 326.051

History:

[ODE 18-2022, amend filed 03/28/2022, effective 03/28/2022](#)

Renumbered from 581-022-1310 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 23-2016, f. & cert. ef. 4-7-16

ODE 6-2009, f. & cert. ef. 6-29-09

EB 18-1996, f. & cert. ef. 11-1-96

Clean Version:

581-022-2325

Identification of Academically Talented and Intellectually Gifted Students

(1) For purposes of this rule, “screen” means to use district policies and procedures that have the purpose of identifying which students are eligible to receive talented and gifted services, supports, or programs.

(2) Each school district shall have policies and procedures for the identification of talented and gifted students as defined in ORS 343.395.

(a) This population of students demonstrates exceptional performance when compared to applicable developmental or learning progressions, with consideration given for variations in student's opportunity to learn and to culturally relevant indicators of ability.

(b) Students identified as talented and gifted require differentiated instructional services and/or programs designed to address their strengths and needs.

(3) In the identification of talented and gifted students, district policies and procedures shall:

(a) Allow any person who knows the student to recommend that a student be screened for identification as talented and gifted;

(b) Conduct a screening process for a student recommended under paragraph (a) of this subsection;

(c) Accept recommendations under paragraph (a) of this subsection throughout the school year;

(d) Directly inform parents and guardians that a student may be recommended and screened as described in paragraphs (a), (b), and (c) of this subsection;

(e) Provide information on the school district’s website that a student may be recommended and screened as described in paragraphs (a), (b), and (c) of this subsection;

(f) Provide professional development for those responsible for identification of students who are talented and gifted;

(g) Use evidence-based practices that include a variety of tools and procedures to determine if a student demonstrates a pattern of exceptional performance and/or achievement that is relevant to the identification of talented and gifted students under ORS 343.395.

(h) Collect and use multiple modes and methods of qualitative and quantitative evidence to allow appropriate members of a student’s identification team to make a determination about

the identification and eligibility of the students for talented and gifted services, supports, and/or programs; with no single test or piece of evidence eliminating a student from eligibility.

(i) Use methods and practices that minimize or seek to eliminate the effects of bias in assessment and identification of students from historically underrepresented populations including, but not limited to:

(A) Students who are racially/ethnically diverse;

(B) Students experiencing disability;

(C) Students who are culturally and/or linguistically diverse;

(D) Students experiencing poverty; and

(E) Students experiencing high mobility.

(j) Incorporate assessments, tools, and procedures, that will inform the development of an appropriate plan of instruction for students who are identified as talented and gifted and describe how information from the assessments, tools and procedures used in the identification for talented and gifted students will be used to support development of the plan of instruction.

(k) Identify how the educational record under ORS 326.565 of the student being considered will document and reflect the record of the team's decision and the procedures and data used by the team to make the decision.

(4) The following sources of evidence may be used by the identification team to provide students with multiple opportunities to demonstrate a pattern or preponderance of evidence of talent or giftedness:

(a) Local Performance Assessment data, as defined in OAR 581-022-2115, using local norms (building or district),

(b) National and/or state standardized assessment data using national and/or local norms (building or district),

(c) Evidence of rapid language acquisition, accelerated learning, and advanced vocabulary in any language,

(d) Research-based rating scales,

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(f) Learning progressions, performance tasks, work samples, and other measures provided by the Department of Education.

(5) Academic evidence reviewed shall align to the full depth, breadth, and complexity of Oregon's content standards and benchmarks. Standardized assessments used for

academic/achievement-based identification shall include technical documentation demonstrating alignment or documentation of intended use for the purpose of talented and gifted identification.

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(7) School districts may identify additional students who are talented and gifted as defined in ORS 343.395, as determined by local district policies and provisions, if the students demonstrate outstanding ability or potential in one or more of the following areas:

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Statutory/Other Authority: ORS 343.391 - 343.413

Statutes/Other Implemented: ORS 326.051

History:

[ODE 18-2022, amend filed 03/28/2022, effective 03/28/2022](#)

Renumbered from 581-022-1310 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 23-2016, f. & cert. ef. 4-7-16

ODE 6-2009, f. & cert. ef. 6-29-09

EB 18-1996, f. & cert. ef. 11-1-96



Identification of Academically Talented and Intellectually Gifted Students

182

Angela Allen (she/her), Talented and Gifted Education Specialist
Cynthia Stinson, Director of Education Programs Standards Team
Alexa Pearson, Assistant Superintendent
Office of Teaching, Learning, and Assessment
angela.m.allen@ode.oregon.gov

Grounding in Academic Excellence



Students who are identified as Talented and Gifted receive instructional services that are designed to accommodate their assessed levels of learning, including depth and complexity, and the pace at which they learn ([581-022-2500](#)).

Identification is the means to ensure Talented and Gifted students receive instruction that provides access to academic growth.

183

The requirements for Talented and Gifted (TAG) identification are set out in [ORS 343.407](#) – Identification of Talented and Gifted Students and [OAR 581-022-2325](#) – Identification of Academically Talented and Intellectually Gifted Students.

SB 934

Background Information



- The Oregon Association for Talented and Gifted
 - Elevated need for legislation based on feedback from OATAG members
 - Initiated conversations to bring bill to Legislative session
- Senator Taylor sponsored SB 934 and it passed in the 2025 legislative session
- ODE began bill implementation in October 2025
- Proposed changes to OAR 581-022-2325:
 - Incorporate new requirements from SB 934 to reflect the enrolled bill language
 - Clarify statutory and OAR language (e.g. “screening”)

Identification of Talented and Gifted Students

Current Identification Practices

Oregon's Administrative Rule requirements for Talented and Gifted identification currently:

- provide equitable requirements for considerations of variations of student's opportunity to learn and culturally relevant indicators of ability
- connect identification to instructional services
- require a preponderance of evidence prior to making a determination of identification

Gap in Identification Practices Addressed by SB 934

Oregon's Administrative Rule requirements for Talented and Gifted identification currently *do not*:

- specify how the initial recommendation process should work

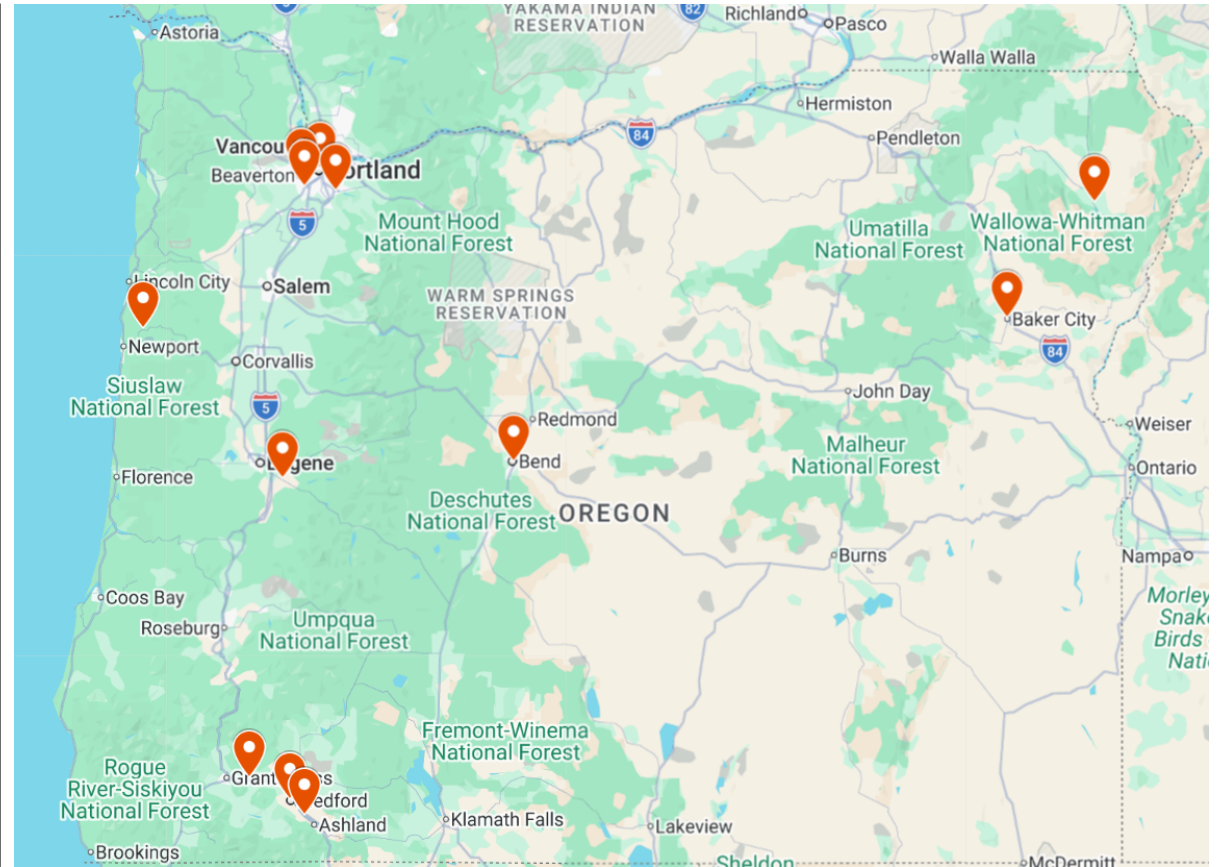
As a result, there are a range of district practices, which don't provide a consistent pathway to identification.

185

Engagement - District Educators and Families

Oregon Association for Talented and Gifted (OATAG) Conference on October 11th

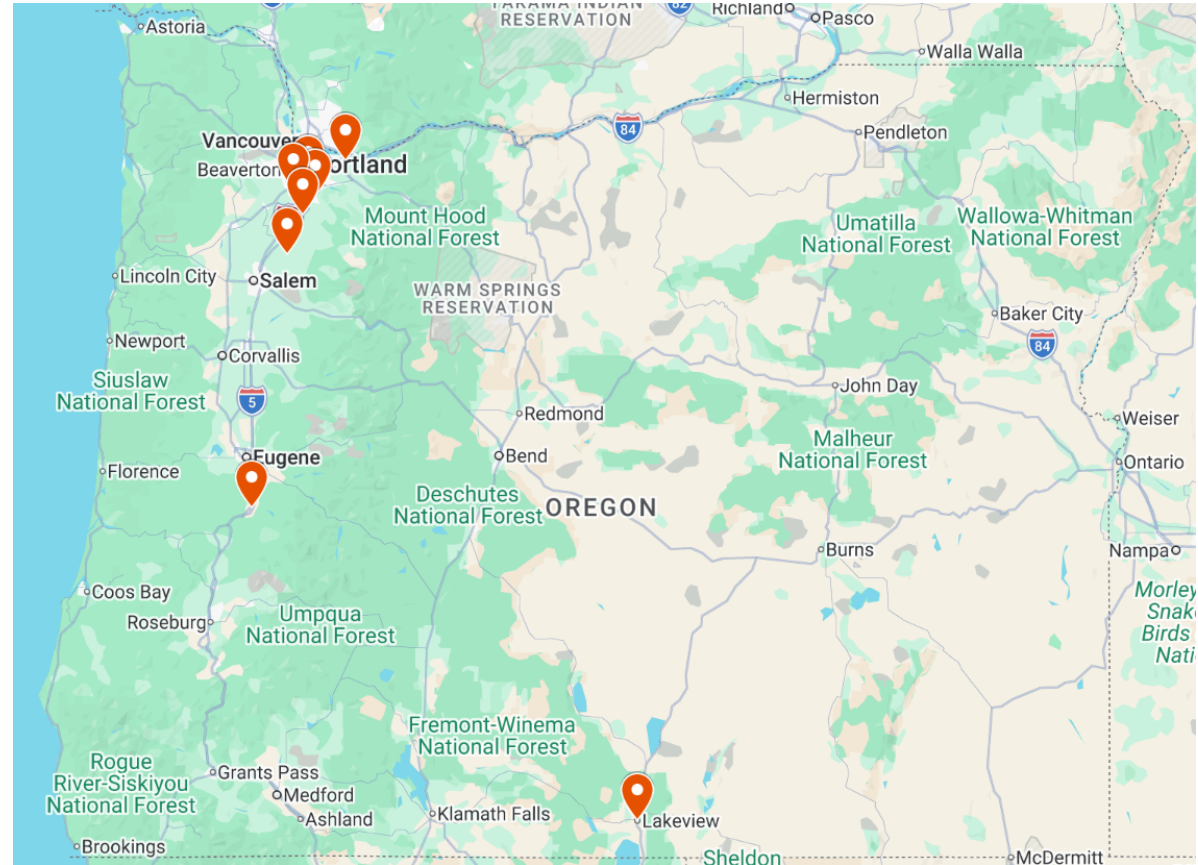
- Perspectives from various regions, districts, and district sizes
- Voice and perspective included families and students in attendance



Engagement - TAG Rules District Advisory Committee

Zoom district engagement November 6, 2025, and January 20, 2026

- SB 934 Advisory Committee: Lake Oswego, Oregon City, Reynolds, Mt. Angel, Medford, South Lane, Tigard-Tualatin, Canby, Lake County
- Drafted/revised rule language; asked questions for clarity



Engagement - Ongoing Rules Community Advisory (ORCA)

Input/Feedback January 8, 2026

- Request to revise draft rule language that created confusion about unintended implications for testing students
- Request to keep language consistent (referral vs. recommend, eligibility vs. screening, etc.)
- Concerns about potential FERPA violations

Response to Feedback

- January 23, 2026 - Met with interested COSA and OSBA partners to clarify and align language and rationale
- Revised draft rules to reflect feedback from ORCA, COSA, and OSBA
- Parents or guardians are notified and must 'opt in' to having their student screened

188

OAR 581-022-2325 Identification of TAG Students

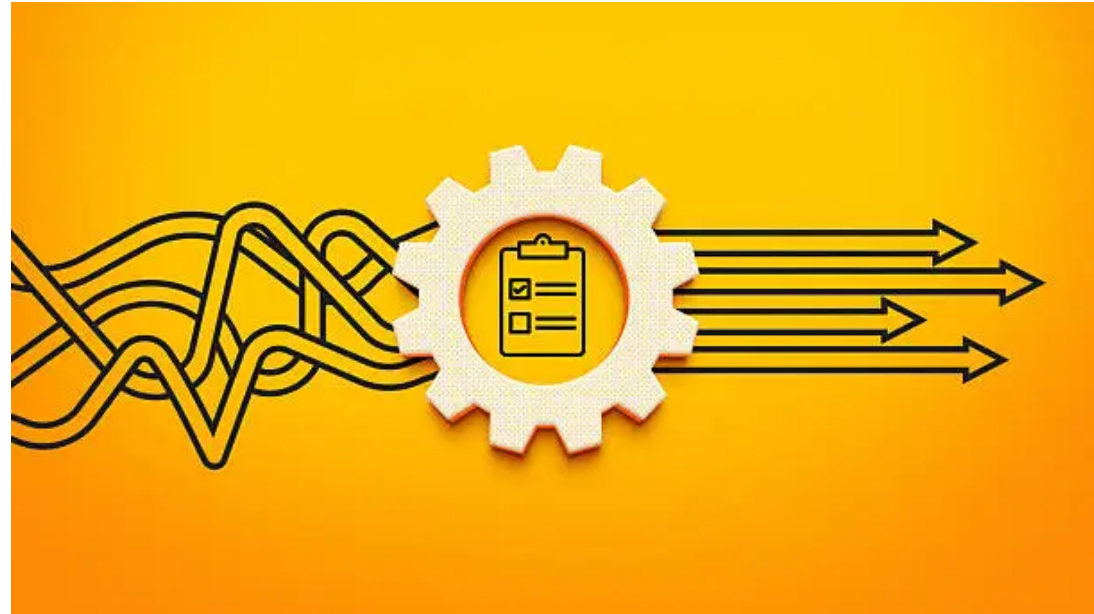
Proposed changes to OAR 581-022-2325 reflect the following SB 934 requirements:

- Anyone who knows a child may initiate the recommendation process for TAG screening.
- Recommendations for TAG screening can be received throughout the school year.
- Parents and families are informed about Talented and Gifted programs and the screening process in their district.



OAR 581-022-2325 Definition of “Screen”

(1) For purposes of this rule, “screen” means to use district policies and procedures that have the purpose of identifying which students are eligible to receive talented and gifted services, supports, or programs



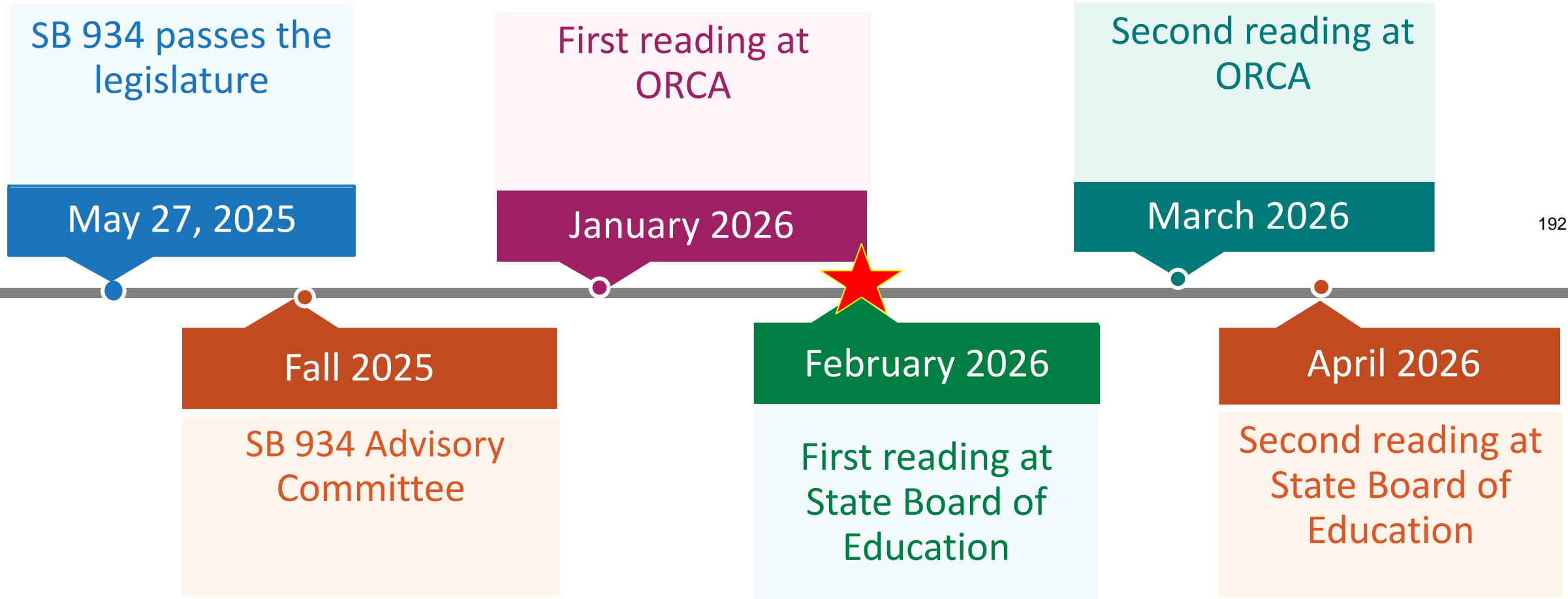
Equity Impact



- More onramps to initiate to access Talented and Gifted programs and services
- Removal of gatekeeping practices
- Reduced impact of Belief Gap implications
- Service-based program providing pathways to academic excellence and rigor, as well as a sense of belonging

191

Statute to Rule - Timeline for Adopting Amended Requirements for OAR 581-022-2325



Questions and Comments



193

Summary

Meeting Date: 2/19/2026

Title: Four Rivers Community School Charter Contract (State Board Sponsored)

Status: First Reading

Presentation: Yes

Key Staff: Christen Kelly, Charter School Specialist; Kate Pattison, SCORE Team Director; Chelle Robins, Superintendent, Four Rivers Community School

Topic Summary: First reading of the Four Rivers Community School Charter Contract authorizing the school to operate July 1, 2026 to June 30, 2036.

ODE Education Equity

Stance

Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

BACKGROUND

The Four Rivers Community School (FRCS) is one of four Oregon State Board of Education sponsored charter schools. FRCS originally opened in September 2003 and has successfully operated in Oregon as the longest running state sponsored charter school. The school is currently in its 22nd year of operation, serving 369 students in grades K-12 as a model dual language immersion school in Malheur County. The vision of the school is to build generations of biliterate and culturally engaged learners who envision a future of possibilities.

The current charter contract expires on June 30, 2026 and The State Board of Education received an official written request from FRCS for renewal of the charter contract pursuant to ORS 338.065 in October 2025. On January 15, 2026, the State Board approved the renewal of the school and directed the Department to negotiate a new charter contract. This contract includes updated language reviewed by the Oregon Department of Justice and the Department's procurement team. The contract is similar to the last three charter contracts the State Board has approved for other renewed charter schools from the last three years.

Below is an important section for the Board to review for Four Rivers Community School:

Section 13.G.v. Enrollment Requirements – Priority Enrollment

- Four Rivers was granted the option to provide children of staff enrollment priority in the previous charter contract. This is continued as a provision in the current contract. Four Rivers demonstrated a commitment to recruiting qualified staff who mirror the student population demographics and lived experience of the students. This is demonstrated through their “grow your own” educator program. Continuing this option can support the school’s commitment to equitable access and be leveraged as a recruitment and retention mechanism.

Section 13. G.viii. Enrollment Requirements – Enrollment Cap

- The renewed charter agreement includes a specified enrollment cap of 500 total students in grades K-12 for the length of the charter term (June 30, 2026, through July 1, 2036). This provision further specifies that the Charter School’s total enrollment shall not increase by more than six percent (6%) from one school year to the next. This is in alignment and range with enrollment caps for the other state sponsored charter schools.

Section 22 – School Location

- The renewed charter agreement addresses location by requiring Four Rivers to operate facilities within Ontario School District boundaries and by prohibiting the establishment of any school or facility outside the District absent explicit written approval from Ontario School District and compliance with all applicable statutory notice and approval requirements.

SUMMARY OF PREVIOUS BOARD ACTION

This is Four Rivers’ fourth renewal and fifth charter contract. The school was originally approved by the Board on February 20, 2003. The initial charter was effective from August 15, 2003, to June 30, 2007. The first renewal was approved on April 19, 2007 and the second charter was effective from July 1, 2007, to June 30, 2011. The second renewal was approved June 24, 2011, and the third charter was effective from July 1, 2011, to June 30, 2016. The third renewal was approved June 25, 2015, and the fourth and current charter is effective July 1, 2016, to June 30, 2026. The State Board first heard Four Rivers’ fourth request for renewal at the December 2025 meeting. On January 15, 2026, the State Board of Education approved the renewal of a ten-year charter contract for Four Rivers Community School.

HAS THE ITEM CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—has not been before board
- No; same as last month
- Yes – As follows:

POLICY ISSUE OR CONCERNS

Oregon State Board of Education Docket



In their letter dated November 20, 2025, Ontario School District requested that the State Board affirm that the renewed charter agreement will include an authorized enrollment cap, as well as prohibit the addition of new grade levels or satellite campuses within the District's boundaries for the duration of the renewed term. An enrollment cap has been addressed in **Section 13.G.viii. Enrollment Requirements**. This section also limits Four Rivers to serve grades K-12. **Section 22** of the contract addresses the parameters of the charter school's location.

EQUITY IMPACT ANALYSIS

Four Rivers was established with the mission to build generations of bi-literate and culturally engaged learners who envision a future of possibilities. The school is located in Malheur County (Ontario SD) and has positioned itself as a unique educational choice school for students in the region. FRCS currently serves 369 students and strives to create a culturally inclusive school community for families and staff while providing an academically rigorous and equitable K-12 education. The senior prep (grades 9-12) continues dual language instruction in an early college model where most students graduate with college credits, a biliteracy seal, and professional certifications.

Race/Ethnicity	FRCS	Ontario SD
American Indian/Alaska Native	0%	0%
Asian	0%	0%
Native Hawaiian/Pacific Islander	0%	0%
Black/African American	1%	0%
Hispanic/Latino	83%	67%
White	15%	28%
Multi-Racial	1%	5%

The school has worked hard to recruit and retain teachers and staff who reflect the students and the community they serve. Currently, 61% of teachers and 86% of instructional assistants are ethnically and linguistically diverse. FRCS has continually invested in a “grow your own” model to support staff in professional opportunities and further education. The school has now begun hiring its own graduates.

Race/Ethnicity	FRCS	FRCS Staff
American Indian/Alaska Native	0%	0%
Asian	0%	0%
Native Hawaiian/Pacific Islander	0%	0%
Black/African American	1%	0%
Hispanic/Latino	83%	68%
White	15%	25%
Multi-Racial	1%	7%

Oregon State Board of Education Docket



FRCS implements a college-going culture for all students by creating opportunities for students to visit College campuses starting in grade four. Students in the middle school (Junior Prep), wear uniforms sponsored by various colleges and universities with school logos. The high school (Senior Prep) campus is currently located adjacent to the Treasure Valley Community College where all students have access to college courses. Many of the students who attend FRCS are first-generation high school graduates.

Embedded throughout the FRCS operational and curricular model are opportunities for students, families, and staff to access a rigorous, bi-cultural, dual language immersion, college-going K-12 school of choice. The school is accessible to students because of home-to-school transportation provided by FRCS, universal school meals (breakfast, lunch, and snack) provided to all students for free, and after school enrichment activities provided at reduced cost to families.

In 2025, 93.3% of high school twelfth grade students graduated on time. 19 out of 23 graduates earned a biliteracy seal, and one student earned an associate's degree. The graduating class collectively earned 764 college credits and 15 out of 23 students enrolled in a post-secondary educational option. For the class of 2026, 100% of twelfth grade students are on track to graduate and 14 students are projected to earn a biliteracy seal on their diploma.

FISCAL ANALYSIS

This contract does not obligate any ODE funds. However, the sponsorship and operation of Four Rivers Community School generates about \$412,000 in revenue a biennium. This is equivalent to about 38% of the funds the Department receives from the state sponsored charter schools that are used to fund all charter school staff and programs at ODE.

EFFECT OF A "YES" OR "NO" VOTE

"Yes" = Four Rivers Community School contract will be executed and signed by both parties initiating a new charter, authorizing the school to operate through June 30, 2036.

"No" = Four Rivers Community School will continue to operate under the previous charter contract until a new contract is negotiated and approved by both parties.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time

ATTACHMENTS

Attachment 1: 2026-2036 Four Rivers Community School Charter Agreement Final with Exhibits

**OREGON STATE BOARD OF EDUCATION SPONSORED CHARTER SCHOOL
AGREEMENT**

This State Board of Education sponsored Charter School Agreement (the “Agreement”) is between the State of Oregon acting by and through its Oregon Department of Education (“ODE”) on behalf of the Oregon State Board of Education (“Board”) and Four Rivers Community School (“Charter School”), an Oregon nonprofit corporation, each a “Party” and, together, the “Parties”.

RECITALS

WHEREAS the Oregon Legislature enacted Oregon Revised Statutes (ORS) chapter 338, which sets forth the laws under which charter schools are created and governed; and

WHEREAS the Board determined the Charter School’s proposal for the formation of a public charter school on February 20, 2003 complied with the purposes and requirements of ORS chapter 338; and

WHEREAS the Board and the Charter School entered into a Sponsored Charter School Agreement on July 23, 2003 to authorize the Charter School to operate from August 15, 2003 to June 30, 2007; and

WHEREAS the Board approved the renewal of the Charter School on April 19, 2007 to authorize the Charter School to operate from July 1, 2007 to June 30, 2011; and

WHEREAS the Board approved the renewal of the Charter School on June 24, 2011 to authorize the Charter School to operate from July 1, 2011 to June 30, 2016; and

WHEREAS the Board approved the renewal of the Charter School on June 25, 2015 to authorize the Charter School to operate from July 1, 2016 to June 30, 2026; and

WHEREAS the Charter School submitted to the Board on October 22, 2025 a request to continue its operations; and

WHEREAS the Board approved the renewal of the Charter School on January 15, 2026 and directed ODE staff to negotiate and enter into an agreement acceptable to the Board and Charter School; and

WHEREAS ORS Chapter 338 contemplates, and the Parties agree, that this Agreement including its Exhibits, will constitute the Agreement in its entirety between the Parties

regarding the governance and operation of the Charter School as a public charter school and the legal authorization for the establishment of the Charter School under ORS 338.035(2); and

WHEREAS the Oregon Deputy Superintendent of Public Instruction (“Deputy Superintendent”) or designee (as defined in Section 24. L. of this Agreement) shall have authority and responsibility for the administration of this Agreement on behalf of the Board, consistent with the provisions of ORS Chapter 326 and ORS Chapter 338.

NOW, THEREFORE, in consideration of the foregoing Recitals and the mutual understandings, releases, covenants and exchange of promises herein described, the Parties agree as follows:

(The remainder of this page has been left blank intentionally. Agreement to follow.)

AGREEMENT

1. **Grant of Charter Agreement.** The Board is the sponsor of the Charter School and authorizes this Charter School, in accordance with ORS Chapter 338 and the terms and conditions of this Agreement, to operate a single public charter school.
2. **Establishment of Charter School.** The Parties agree that (1) ORS chapter 338, now or as amended, strictly apply to and are incorporated into this Agreement and shall supersede and control any conflicting language contained in this Agreement, including the Description of Educational Program (Exhibit A) except proposal for any waivers permitted and granted under ORS 338.025; (2) the provisions of this Agreement shall supersede and control any conflicting language contained in the Description of Educational Program; and (3) the provisions of ORS chapter 338, the Board resolutions and this Agreement supersede and control any prior understandings written or oral with the Board regarding Charter School.
3. **Compliance with Laws.** Charter School represents and warrants that this Agreement does not violate any existing agreements or contracts with third parties. Charter School represents and warrants that its articles and bylaws provide for the operation of a public charter school in a manner consistent with this Agreement. Charter School shall amend the articles and bylaws, if necessary, to comply with this Agreement or amendments to this Agreement. Charter School shall provide a copy to the Deputy Superintendent or designee of any changes to its articles of incorporation or bylaws no later than 15 business days after making any such changes.
4. **Authority of the Charter School Board.** The Charter School shall constitute and maintain a governing board (“Charter Board”) that may exercise all power necessary to carry out the responsibilities of the Charter School’s compliance with applicable laws, rules, regulations, policies, procedures, the terms and conditions of this Agreement and the Description of Educational Program (Exhibit A). Subject to ORS 338.115 and other applicable law, Charter School’s powers shall include, but are not limited to, making all personnel decisions, including hiring, firing and discipline of teachers, supervisors and staff; making decisions to increase number of classrooms per grade level; contracting for goods and services necessary for the operation of Charter School; preparing a budget; procuring insurance and necessary bonds; acquiring facilities for school purposes; purchasing, leasing or renting furniture, equipment or supplies; retaining fees collected from students in accordance with law; organizing and carrying out fund-raising efforts; and accepting and expending gifts, donations or grants of any kind in accordance with such conditions prescribed by the donor as are consistent with law and not contrary to any of the terms of this Agreement.
5. **Use of Appropriate Policies.** In order to facilitate the most efficient and collaborative educational services for students and to maintain an effective relationship with the Board, Charter School shall:

- A. Adopt policies, rules and procedures as required by this Agreement and law;
 - B. Furnish to the Deputy Superintendent or designee copies of all written policies, rules and procedures it may adopt with respect to any matter relating to its operations and educational program; and
 - C. Within 30 calendar days of any change to the policies, rules and procedures submitted to the Deputy Superintendent in accordance with this Section 5, Charter School shall provide a copy of the revised policies, rules and procedures to the Deputy Superintendent or designee.
- 6. Effective Date; Term; Renewal.** This Agreement shall legally authorize the continued operation of the Charter School, commencing July 1, 2026 (the “Effective Date”) and expiring on June 30, 2036 (the “Expiration Date”). The process for renewal of this Agreement beyond the Expiration Date shall occur pursuant to ORS 338.065, as amended. In addition to any renewal criteria established by statute or administrative rule and applicable at the time the Charter School applies for renewal, the Board shall base the charter renewal decision on a good faith evaluation of whether the Charter School is (i) in compliance with ORS 338 and applicable state and federal laws; (ii) is in compliance with this Agreement; (iii) is meeting or working toward meeting student performance goals, including, but not limited to, the evaluation of student Academic Performance from the Charter School Performance Framework, (iv) is fiscally stable and using a sound financial management system as described in this Agreement and (v) is in compliance with the outcomes from the annual evaluations of the Charter School Performance Framework (Exhibit B).
- 7. Contracting.**
- A. Any agreement or contract that Charter School enters into with a person or public body, as defined in ORS chapter 174, shall include a provision that any obligations incurred under such agreement or contract are solely the responsibility of Charter School. The Charter School further agrees that any legal or contractual obligations that it may incur in its operation under this Agreement are the sole responsibility of Charter School and are not the responsibility of ODE, the Board, or the State of Oregon.
 - B. Charter School shall include a report of all contracts over the small procurement dollar amount of ORS 279B.065, (\$25,000.00), which are subject to procurement procedures under Oregon Public Contracting Law, entered into by Charter School in the annual report required in Section 14.A. The report shall include at a minimum the names of each vendor, amount of contract(s), scope of work, length of the contract(s), date of Charter Board’s approval, and status of current contract.

8. **Operational Powers.** Subject to the conditions and provisions of this Agreement, Charter School shall be solely responsible for Charter School's operations and for the actions of its agents, officers, and employees, as well as any subcontractors and the agents, officers, and employees thereof.
9. **Waiver of Laws.** Charter School may seek a waiver of laws from the Board according to the same process and decision-making criteria of the Board as all charter schools pursuant to ORS 338.025.
10. **Disclaimer.** Charter School shall not in oral and written communications indicate that it speaks or acts on behalf of the Board, Deputy Superintendent or ODE.
11. **Requests and Reports.**
 - A. Charter School shall provide any reports, formal or informal, written or oral requested in good faith and for a reasonable purpose by the Board, Deputy Superintendent or designee. The Board, Deputy Superintendent and the designee shall authorize Charter School at least 15 business days to comply with any requests for any reports.
 - B. Charter School shall, no less than quarterly, report attendance data in writing to the Deputy Superintendent or designee in accordance with the requirements of the Deputy Superintendent.
12. **Ex Officio Participation.** Charter School shall permit ODE staff or designee of the Deputy Superintendent to attend and participate ex officio at all regular Charter Board meetings, except for executive sessions of the Charter Board as authorized in ORS 192.660. Charter School may invite ODE staff or designee of the Deputy Superintendent to attend executive sessions as appropriate or necessary.
13. **Education Program, Student Performance Standards, and Curriculum.** Charter School shall comply with all state laws and rules that apply to charter schools pertaining to educational programs, pupil performance standards and curriculum.
 - A. **Education Program and Curriculum.** Charter School shall implement the instructional programs as outlined in the Description of Education Program (Exhibit A). Charter School shall ensure that Charter School's educational program is designed and implemented in a manner consistent with this Agreement and ORS chapter 338, including, without limitation, requirements regarding content standards, pursuant to ORS 329.045.
 - B. **Student Performance.** Charter School shall make progress toward meeting or exceeding annual student academic performance expectations as described in Charter School Performance Framework (Exhibit B) including all standards required by the Every Student Succeeds Act (ESSA) and ensuing assessment requirements adopted by the Board, the United States Department of

Education, or the Oregon Legislature to implement ESSA. The Board shall consider Charter School comments on the Performance Framework when considering whether student performance expectations have been met.

- C. School Improvement Plans. If Charter School does not meet or exceed in a school year the indicators of student performance expectations in Section 13.B. above as compared to the prior school year, the Board may require Charter School to develop and submit a school improvement plan. Charter School designee may submit a draft school improvement plan to the Board designee for comment by the Board designee prior to submission to the Board.
- D. Required Instructional Time. Charter School shall annually adopt and implement a school calendar that establishes requirements for instructional time provided by a school during each day or during a year in accordance with ORS 338.115 and OAR 581-022-2320 that requires a minimum number of instructional hours annually. By October 15 of each year, Charter School shall report to ODE the percent of the total students scheduled to receive annually the minimum hours of instructional time as required by OAR 581-022-2320. Charter School shall calculate instruction time in accordance with standards established by the Board by rule, as amended from time to time.
- E. Records. Charter School shall comply with all applicable federal and state laws concerning the maintenance, retention, and disclosure of all operational records and of student records.
- F. Nondiscrimination Standards. The educational program of Charter School shall not violate ORS 659.850 and shall not discriminate against any student or staff on the basis of race, color, age, sex, national origin, marital status, religion, sexual orientation, gender identity, or disability.
- G. Enrollment Requirements.
 - (i) Enrollment shall be open to any eligible child who resides within the Ontario School District boundaries. Additionally, enrollment shall be open to children not residing within the district in accordance with ORS 338.125.
 - (ii) Charter School shall not limit student enrollment based on race, religion, sex, sexual orientation, gender identity, ethnicity, national origin, disability, the terms of an individualized education program, income level, proficiency in the English language or athletic ability.
 - (iii) Charter School may conduct a weighted admission lottery in compliance with ORS 338.125(3)(a).
 - (iv) Charter School may give priority admission to students according to ORS 338.125(3)(c).

- (v) Charter School may give priority admission to children of Charter School employees.
 - (vi) Charter School must maintain an active enrollment of at least 25 students.
 - (vii) Active enrollment for purposes of this Agreement shall mean “active roll” as that term is defined and used in OAR 581-023-0006. The process of application, enrollment and admissions shall be governed by ORS 338.125.
 - (viii) For each school year between June 30, 2026, and July 1, 2036, The Charter School’s total enrollment shall not exceed 500 students in grades K–12. The Charter School’s total enrollment shall not increase by more than six percent (6%) from one school year to the next. The Charter School may serve any consecutive configuration of grades within this range, provided that there are no gaps in the grade levels offered.
- H. Student Registration. Charter School shall complete a student registration form, beginning, according to the Charter School calendar, on the first day of school of each school year and ending on the last day of school of each school year, for each student upon admittance to Charter School and update the form according to OAR 581-023-0006 when a student withdraws. Charter School shall mark a student as withdrawn from the active roll on the school day following withdrawal; provided that Charter School must mark a student as withdrawn from the active roll on the day following the tenth consecutive day of absence. Student enrollment shall be reported to the Deputy Superintendent or designee not later than September 15 of each year of this Agreement.
- I. Education of Students under the Individuals with Disabilities Education Act (IDEA). Charter School will comply with state and federal law concerning IDEA and all IDEA policies of Ontario School District applicable to students at the Charter School.
- J. Enrollment of Special Education Students. Charter School shall admit students without regard to their status as special education students. The students’ Individualized Education Program (IEP) team shall determine modifications and accommodations as necessary.

14. Evaluation of Student Performance and Annual Report.

- A. Charter School shall provide to the Deputy Superintendent or designee, and parents the annual written report required by ORS 338.095 on or before January 30 of each year of this Agreement, to include a report of progress on the plan to improve student performance. The format and contents of the annual report and the plan to improve student performance will be determined by and agreed upon by the Parties.

- B. Charter School shall administer all the State of Oregon assessments required for its students in accordance with ORS 329.485 and 338.115 and OAR 581-022-2100. Results of these assessments shall be made available to the parents of Charter School students and to the Deputy Superintendent or designee upon request.
- C. The Deputy Superintendent may designate, and shall bear the entire cost of, an external entity to evaluate the academic, operational, and financial success of the Charter School. The external evaluation shall be conducted within a mutually agreeable time period and in a manner as to not interfere unreasonably with the operation of the school or with performance of duties of Charter School staff. The Deputy Superintendent or designee will provide Charter School with notice of the scope of the evaluation and the Charter School will have 30 days to provide feedback on the scope. Charter School shall cooperate fully in such evaluation, including the provision of all requested data.
- D. Members of the Board and the Deputy Superintendent, or designee, may visit Charter School at any time during normal business hours for purposes of monitoring the progress of the implementation of this Agreement.
 - (i) Visits by the Deputy Superintendent, or designee may not interfere unreasonably with the operation of the Charter School or with performance of duties by Charter School staff, unless the visit is regarding issues of health and safety.
 - (ii) On a mutually agreed upon date, there shall be at least one annual on-site visit by the Board or the Board's designee to review compliance with the provisions of this Agreement and to discuss growth in student achievement.

15. Governance and Operation.

- A. Charter School shall operate in all respects, as a nonsectarian, nonreligious public charter school. Charter School shall not be affiliated with any nonpublic sectarian school or religious organization.
- B. If Charter School provides daily food service, Charter School shall ensure persons involved in providing the food service possess the appropriate food handlers' certification.
- C. Charter School shall maintain a policy and process for complaints that meets or exceeds the process required in OAR 581-022-2370, as amended from time to time. Charter School shall post the policy on the Charter School's website

and provide a copy of the policy to all parents of students attending the Charter School each school year.

- D. Charter School shall ensure that all Charter Board members receive board and ethics training. The Charter Board shall use the Oregon Government Ethics Commission training programs, or a comparable program. Each member of the Charter Board shall submit to ODE a signed acknowledgment of understanding provided by ODE and consistent with ORS 338.095(5) within 30 calendar days of the beginning of a member's term.
- E. Charter School shall not allow an individual to serve on the Charter School board of directors for whom a criminal records check consistent with ORS 326.607 has not been initiated or who has been convicted of an offense that would preclude that individual from volunteering in a public school in Oregon.
- F. Charter School shall provide written notice to the Board of any legal action or suit filed against Charter School, Charter Board, or their respective employees, members, or agents within 15 business days of notice of such action or suit.

16. Funding and Budget.

- A. In accordance with ORS 338.155, Charter School shall enter into an agreement with the Ontario School District for funding equal to 90% for all Charter School students enrolled in kindergarten through eighth grade and 95% for all Charter School students enrolled in grades nine through twelve of the amount of Ontario School District General Purpose Grant per ADMw as calculated under ORS 327.013. Charter School shall provide a copy of this agreement and any amendments to this agreement to the Deputy Superintendent or designee within 30 calendar days of the Effective Date of the agreement or amendment, unless the Parties agree to an extension, and by July 1 of each subsequent year during the term of this Agreement.
- B. Charter School shall operate on a July 1-June 30 fiscal year basis. On or before June 30 of each year of this Agreement, Charter School shall submit to the Deputy Superintendent or designee Charter School's budget for the upcoming fiscal year.
- C. It is the intent of the Board that Charter School receive a proportionate share of state, local and federal grant funding, to the extent that Charter School is entitled to such funding, complies with the conditions and requirements of such grants and applicable law, and fulfills the reporting requirements for such funding. Charter School's receipt of such federal and state resources or categorical aid shall be contingent on Charter School's compliance with federal and state statutes and regulations regarding entitlement to such resources. The Board will not interfere with, and this provision shall not be construed to limit, Charter School's ability to apply for grants available to charter schools

and nonprofit organizations and to retain the entire amount of such grants received less any administrative or other costs specifically permitted to be withheld from Charter School for such services provided to Charter School pursuant to state, federal or local law.

- D. Charter School shall act as its own fiscal agent; provided, however, the Board agrees to act as Charter School's fiscal agent for the sole purpose of making payment, and providing access, to Oregon School Board Association services.

17. Financial Records and Annual Audit.

- A. Charter School shall establish, maintain, and retain appropriate financial records relating to Charter School for 7 years, or for such longer time as required by law, and to make such records available to the Deputy Superintendent within 7 business days upon written request.
- B. Charter School shall retain a certified public accountant to conduct an annual municipal audit of Charter School in accordance with State law requirements pursuant to ORS 338.115. Charter School shall submit the audit and all management letters (i.e. SAS-114 letter and SAS-115 letter) to the Deputy Superintendent or designee no later than December 31 of each year of this Agreement. The audit shall be submitted to the Deputy Superintendent in accordance with the format of the State Chart of Accounts required of Oregon public school districts.
- C. Charter School shall provide quarterly written financial reports of Charter School to the Deputy Superintendent or designee that track expenditures for the fiscal year and shall be subject to a review of its operations and finances by the Deputy Superintendent or designee. Charter School shall adopt fiscal policies and procedures to maintain a sound financial management system that meets the requirements of OAR 581-026-0200.

18. Termination.

- A. The Board may terminate the Agreement for any grounds stated in ORS 338.105 including, but not limited to, the following:
 - (i) Charter School's failure to meet the requirement of ORS chapter 338 except as provided in subparagraph (iii) below, provided, however, that any such failure shall be due to Charter School's actions or inactions and not due to actions or inactions of the Board, Deputy Superintendent or designee, or of the actions or inactions of any school district contracting with Charter School.
 - (ii) Charter School's failure to meet student performance standards as set forth in Section 13.B. and C.

- (iii) Charter School's failure to correct after notification by the Board, Deputy Superintendent or designee a violation of a federal or state law that is described in ORS 338.115.
 - (iv) Charter School's failure to maintain insurance as described in Exhibit C.
 - (v) Charter School's failure to maintain financial stability or to meet generally accepted standards of fiscal management provided that Charter School has failed to follow a plan to correct deficiencies as described at ORS 338.105(2)(b).
 - (vi) Charter School's insufficient enrollment of students below the minimum required by ORS 338.115.
 - (vii) Charter School's endangering the health or safety of the students enrolled in Charter School.
- B. In accordance with ORS chapter 338, Charter School may only terminate the Agreement or close the school at the end of a semester and after notifying the Deputy Superintendent in accordance with Section 23.E of this Agreement at least 180 calendar days prior to the proposed effective date of the termination or closure. In the event Charter School should permanently cease operations for whatever reason, including the nonrenewal or revocation of this Agreement:
- (i) Charter School shall inventory all assets and provide such inventory to the Board;
 - (ii) The assets purchased with public funds under this Agreement shall be given to the Board; and
 - (iii) All student education records shall be transferred to Ontario School District as required by ORS 338.105.
- C. In executing the obligations and rights of termination under ORS chapter 338.105, the parties agree to first make a good faith attempt to resolve any dispute regarding the operation of the Agreement in the following manner:
- (i) The party with a concern regarding the other party's compliance with the Agreement will notify the other party in writing of the concern.
 - (ii) The responding party shall submit a written response to the concern within thirty (30) days of the receipt of the same.
 - (iii) The termination provisions contained in ORS 338.105 may proceed if the parties are unable to agree in good faith to a resolution of the concern within thirty (30) days of the receipt of the response.
 - (iv) The time frames set forth in sections (ii) and (iii) of this paragraph may be extended by mutual agreement of the parties.

- D. The dispute resolution process set forth in this Section shall not be required prior to the exercise of any contractual right conferred upon either the Board or Charter School under this Agreement except the dispute resolution process shall be required for the contractual right of termination under Section 18A of this Agreement. The parties further agree the Board reserves the right, without exhausting the good-faith resolution process described in this Section, to immediately invoke the health and safety termination provisions of ORS 338.105 with respect to this Agreement.

19. Employment Matters.

- A. Personnel. Charter School shall be the employer of persons on the staff at the Charter School. Charter School may also enter into contracts to provide services to the Charter School or to fulfill responsibilities of Charter School under this Agreement. Persons employed by the Charter School or contractors that provide services to the Charter School are not, and shall not be considered, employees of the State of Oregon. The State of Oregon, including the Board, Deputy Superintendent, and ODE, will not, and shall not have any obligation to, collectively bargain with Charter School employees, nor shall such employees be eligible for inclusion in any bargaining unit containing state employees. Charter School shall be solely responsible for initiating appropriate criminal background checks in accordance with Section 19.C. of this Agreement no later than the first day of instruction of each year of this Charter or prior to execution of any subcontract agreement. Charter School shall be solely responsible for any legal liability or claims resulting from or arising out of acts of Charter School staff.
- B. Staff Licensure and Registration. All of Charter School's teaching and administrative staff must possess a valid Oregon registration. Consistent with ORS 338.135, at least 50% of Charter School's full time equivalent of teachers and administrative staff must possess a valid Oregon teaching or administrative license. By the first instructional day of each year, Charter School shall submit to the Deputy Superintendent or designee a written list of all teachers and administrators employed by Charter School designating the licenses, endorsements, degrees, and qualifications of the same. Charter School shall provide the same information to the Deputy Superintendent or designee with respect to any new hire of a teacher or administrator by Charter School during the course of each year within 30 calendar days after such hire. All teaching and administrative staff must be licensed or registered prior to employment.
- C. Criminal Background Checks. Charter School shall comply with ORS 338.115 and ORS 326.603. No later than the first instructional day of each school year that Charter School operates as a public charter school under this Agreement, Charter School shall provide to the Deputy Superintendent or designee a list containing the names and job positions of all its employees. Such a list shall

also indicate for each new employee hired that year the date of initiation of the criminal background investigation required by Oregon law.

- D. Sexual Conduct. Charter School shall comply with ORS 339.370, 339.374, 339.378, 339.384, 339.388, 399.392, and 339.400.
- E. Child Abuse Training and Prevention. In accordance with ORS 339.370, 339.372, 339.375 and 339.377, Charter School shall establish and maintain a policy on the reporting of child abuse and shall provide training on the prevention and identification of child abuse to school employees and students. In addition, Charter School shall make the training available to Charter Board members, parents and legal guardians of students.
- F. Employee Records. Charter School shall establish and maintain personnel records for its employees in compliance with all applicable federal and state laws concerning the maintenance, retention and disclosure of employee records, including but not limited to, ORS 342.850(8) regarding disclosure of employees' personnel file. Charter School shall adopt rules and policies governing access to personnel files.
- G. Public Employees Retirement System (PERS). Charter School shall participate in PERS and shall make appropriate contributions consistent with the applicable PERS policies, procedures, and regulations.
- H. Unemployment. Charter School shall comply with ORS 657.505(7)(a) and will be responsible for unemployment benefits.

20. Insurance. Charter School shall at all times maintain and keep in force the insurance specified in Exhibit C.

21. Legal Liabilities and Indemnification.

- A. Charter School is a Separate Legal Entity. Charter School may sue or be sued as a separate legal entity apart from the Board, and the Board has no responsibility to indemnify Charter School in any fashion with respect to Charter School activities except as provided in this Agreement.
- B. Charter School's Indemnification Obligations. Subject to the Oregon Tort Claims Act (ORS 30.260 through 30.300), Charter School agrees to indemnify and hold harmless within the limits of and subject to the restrictions in the Tort Claims Act, the Board, ODE and the Deputy Superintendent and their agents and employees from all liability, claims and demands on account of injury, loss or damage, including, without limitation, claims arising from (1) the possession, occupancy or use of property of Charter School (including after school use of buildings by outside groups) its faculty, students, patrons, employees, guests, subcontractors or agents; (2) civil rights violations,

including Section 504 of the Rehabilitation Act of 1973, provided, however, the Charter shall not be required to indemnify the Board, ODE and the Deputy Superintendent and their agents and employees for any such liability arising out of the wrongful acts of the Board, ODE and the Deputy Superintendent and their agents and employees. Charter School further agrees to indemnify and defend the Board and the State of Oregon and their respective officers, employees, and agents against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature arising out of, or relating to, the acts or omissions of Charter School or its officers, employees, subcontractors or agents under this Agreement.

- C. Board's Indemnification Obligations. Subject to the limitations of Article XI, § 7 of the Oregon Constitution and the Oregon Tort Claims Act (ORS 30.260 through 30.300), the Board agrees to indemnify, and hold harmless within the limits of and subject to the restrictions in the Tort Claims Act, the Charter School against any liability for personal injury or damage to life or property arising from the Board's negligent activity under this Agreement provided, however, the Board shall not be required to indemnify the Charter School for any such liability arising out of the wrongful acts of Charter School, its officers, employees or agents. Notwithstanding those general limitations, the Board assumes no liability for any loss or injury, resulting from:
- (i) Any acts or omissions of Charter School, its Charter Board, trustees, agents, employees or volunteers;
 - (ii) Any use and occupancy of the building occupied by Charter School or any matter in connection with the condition of such building, except if the condition of such building is due to the action, inaction or negligence of the Board, ODE and the Deputy Superintendent and their agents and employees ; or
 - (iii) Any debt or contractual obligation incurred by Charter School.

22. School Location. Charter School shall be responsible for maintaining school facilities located within the Ontario School District boundaries for the operation of the Charter School. At all relevant times and during all operations under this Agreement, Charter School shall ensure that the location and use of the facilities comply with all applicable local, state, and federal laws and regulations, including but not limited to those relating to accessibility and student safety. Charter School shall ensure it complies with all such applicable laws during the term of this Agreement. Charter School may operate a school or facility outside of the Ontario School District boundaries if Ontario School District agrees to the location. For the purpose of a school or facility outside of the Ontario School District boundary, Charter School must provide written approval from Ontario School District to the ODE and comply with the notice requirements of ORS 332.158 and OAR 581-026-0600 and all applicable local, state, and federal laws and regulations related to such school or facility, including but not limited to those relating to accessibility and student safety.

23. Dispute Resolution Mediation.

- A. If any dispute arises between the Board, Deputy Superintendent or designee and the Charter School concerning this Agreement, including, without limitation, an allegation of any breach or default, the Parties may agree to mediation of the matter.
- B. At any time during the mediation process, or if the Parties are unable to reach an agreement through mediation, either Party may give notice to the other Party and to the mediator that it is terminating its participation in the mediation.
- C. If the Parties agree to mediate, the Parties shall share equally the fees and expenses of any mediator and each Party shall pay its own expenses incurred in any mediation.
- D. This Section does not apply to termination. Decisions related to termination are subject to the process in Section 18 and ORS Chapter 338.

24. General Provisions.

- A. Entire Agreement. This Agreement, with its Exhibits, contains the entire understandings of the Parties, and all prior representations, understandings, and discussions are merged herein and superseded and canceled by this Agreement .
- B. Nonassignment. The Parties may not assign any rights or benefits they are entitled to under this Agreement to any entity or individual. This does not limit the right of Charter School to enter into agreements to the full extent allowed under this Agreement and allowed to charter schools under Oregon law.
- C. Amendment. This Agreement may only be modified or amended by further written agreement executed by the Parties hereto.
- D. Governing Law and Enforcement. This Agreement will be governed and construed according to the laws and regulations of the State of Oregon, including those changed subsequent to the execution of this Agreement.
- E. Notice. Except as otherwise expressly provided in this Agreement, any communications between the Parties hereto or notices to be given hereunder must be given in writing by email, personal delivery, facsimile, or mailing the same, postage prepaid, to Charter School or ODE at the email address, postal address or telephone number set forth in this Agreement, or to such other addresses or numbers as either Party may indicate pursuant to this Section 24.E. Any communication or notice so addressed and mailed is effective five business days after mailing. Any communication or notice delivered by facsimile is

effective on the day the transmitting machine generates a receipt of the successful transmission, if transmission was during normal business hours, or on the next business day, if transmission was outside normal business hours of the recipient. To be effective against ODE, any notice transmitted by facsimile must be confirmed by telephone notice to ODE's Deputy Superintendent's Designee (Section 24L herein). Any communication or notice given by personal delivery is effective when actually delivered. Any notice given by email is effective when the sender receives confirmation of delivery, either by return email, or by demonstrating through other technological means that the email has been delivered to the intended email address.

Four Rivers Community School: 2449 S.W. 4th Avenue, Ontario, OR 97914, chelle.robins@4riverscs.org (or any updated email address of the Superintendent)

State Board of Education: 255 Capitol Street NE, Salem, OR 97310, Jennifer.Scurlock@ode.oregon.gov (or any updated email address of the State Board of Education Chair)

Oregon Department of Education, Director's Office: 255 Capitol Street NE, Salem, OR 97310, charlene.williams@ode.oregon.gov (or any updated email address of the Superintendent of Public Instruction)

- F. No Third Party Beneficiary. This Agreement shall not create any rights in any third parties who have not entered into this Agreement, nor shall any third party be entitled to enforce any rights or obligations that may be possessed by either Party to this Agreement
- G. Charter School Authority to Enter into Agreement. Charter School expressly affirms the signatories on its behalf who sign below have the authority to enter into this Agreement on behalf of Charter School and the Charter Board has duly approved this Agreement. Charter School shall provide a copy of its written resolution authorizing Charter School to enter into this Agreement.
- H. Severability. If any provision of this Agreement is determined to be unenforceable or invalid for any reason, the remainder of this Agreement shall remain in effect, unless otherwise terminated by one or both of the Parties in accordance with the terms of this Agreement.
- I. This Agreement consists of the following documents, which are incorporated by this reference and listed in descending order of precedence:
 - (i) This Agreement less all exhibits
 - (ii) Exhibit A (Description of Educational Program)
 - (iii) Exhibit B (Charter School Performance Framework)

(iv) Exhibit C (Insurance)

- J. Execution in Counterparts. This Agreement may be executed and delivered in counterparts, each of which, when so executed and delivered, shall be effective.
- K. Delegation. The Parties agree and acknowledge the functions and powers of the Board may, at the discretion of the Board, be exercised by the Deputy Superintendent or designee identified in this Agreement. The Parties agree and acknowledge the functions and powers of Charter School and Charter Board may be exercised by the chair of the Charter Board or the administrator of the Charter School. Each Party shall provide notice to the other Party in accordance with Section 24.E. of this Agreement of any change in the person's name and contact information for this delegation. Notwithstanding the above, any ultimate decision about renewal, non-renewal or termination of this Agreement may only be made by the Board.
- L. Deputy Superintendent's Designee. For purposes of this Agreement, and as referenced herein, the Deputy Superintendent's designee is:

Christen Kelly
Charter School Specialist
Oregon Department of Education
255 Capitol St NE, Salem, OR 97310
Christen.Kelly@ode.oregon.gov
503-580-5749 (cell)

(Signature page to follow.)

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates set forth below.

EACH PARTY, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS. The Parties further agree that by the exchange of this Agreement electronically, each has agreed to the use of electronic means, if applicable, instead of the exchange of physical documents and manual signatures. By inserting an electronic or manual signature below, each authorized representative acknowledges that it is their signature, that each intends to execute this Agreement, and that their electronic or manual signature should be given full force and effect to create a valid and legally binding agreement

STATE OF OREGON acting by and through its DEPARTMENT OF EDUCATION

Philip Hofmann, Contracting Officer

Date

OREGON STATE BOARD OF EDUCATION

Jennifer Scurlock, Chair, Oregon State Board of Education

Date

CHARTER SCHOOL

Chelle Robins, Superintendent, Four Rivers Community School

Date

CHARTER BOARD

Pam Wettstein, Board Chair, Four Rivers Community School

Date

EXHIBIT A
DESCRIPTION OF EDUCATIONAL PROGRAM

Four Rivers Community School

Academic Program Overview

Four Rivers Community School is a state sponsored public charter school founded in 2003 and located in Ontario, Oregon.

Mission

Four Rivers Community School is dedicated to providing progressive dual-language instruction and whole family education. Our students and staff demonstrate Pride, Purpose, and Performance through everyday classroom activities and community involvement. We embrace diversity and cultural appreciation through instruction and practice.

Vision

To build generations of bi-literate and culturally engaged learners who envision a future of possibilities.

Educational Program:

Four Rivers Community School is a K-12 dual language immersion school. The school is split into three programs: K-5 Community School, 6-8 Jr. Preparatory School, and 9-12 Senior Preparatory School.

K-5 Community School

Students in the K-5 Community School have a 90:10 Spanish:English immersion model and then move into a 50:50 week at a time immersion model. In addition to core content, students also have physical education class, cultural dance class, and opportunities for academic support after school.

6-8 Junior Preparatory School

Students in the 6-8 Junior Preparatory School experience language immersion classes based on the availability of bilingual teachers. Currently, students take the following classes delivered using Spanish: Spanish Language Arts, Bilingual Mathematics, Spanish Language Development, Pre-AP Spanish, and have elective options in Cultural Dance and Cultural Art.

9-12 Senior Preparatory School

Students in 9–12 Senior Preparatory School experience a continuation of Spanish Language Arts, Community Interpreting, AP Spanish Language & Culture. Both Science and Math have bilingual support, but are generally taught in English. The Senior Prep School is also an Early College Model where students have the opportunity to take college courses.

Technology

Four Rivers uses a variety of technology resources to provide interactive and engaging lessons for students. Four Rivers has 1:1 laptops for students to access curriculum and lessons can be delivered through a virtual platform and interactive whiteboards in all of the classrooms. Four Rivers is also developing a flexible learning option to support students who, due to individual circumstances, need access to online courses to receive dual language instruction.

Athletics

Four Rivers offers competitive athletic programs in grades 6–12. Four Rivers Senior Prep is a member of OSAA and has the following programs for both boys and girls: Cross Country, Soccer, Basketball, Wrestling, Track/Field, Tennis.

Clubs

Four Rivers offers a variety of clubs in grades 4–12 to engage students. The clubs primarily focus on academics and service.

**EXHIBIT B
CHARTER SCHOOL PERFORMANCE FRAMEWORK**

**State Board of Education
Public Charter School Performance Framework
And Annual Evaluation Report**

Four Rivers Community School

(State Sponsored Charter School)

To be used for the school years 2026 - 2036*



Oregon Department of Education

255 Capitol St NE

Salem, OR 97310

Prepared by Christen Kelly

Charter School Specialist

Oregon Department of Education

**The State Board of Education and Four Rivers may agree to revisions in future years if it improves the annual assessment.*

Introduction

Across Oregon, public charter schools provide additional options for students and families. The State Board of Education is a public charter school authorizer, or “sponsor” in the state as an appellate governing body. If an application to establish a public charter school is denied by a local school district, the charter school developers may appeal the district decision to the State Board of Education. If the application is deemed to meet the criteria, it is possible for the charter school to be authorized by the State Board of Education. While the state provides oversight and support to its sponsored charters, each charter school has autonomy over its budget, hiring, and the development and implementation of its educational program.

The State Board of Education is responsible for maintaining high standards for its sponsored charter schools, and for ensuring that charter schools are not only compliant with all applicable laws, but that their academic programs are successful, they are financially viable, and their organizations are effective and responsibly managed. The State Board of Education is particularly interested in analyzing equity issues within public charter schools and may continue to refine the tools with which it uses to evaluate a public charter school’s effectiveness and quality.

In so doing, the State Board of Education has established the following performance framework, which is largely derived from the [Core Performance Framework and Guidance](#) developed by the National Association of Charter School Authorizers (NACSA). This performance framework is designed to measure each charter school’s academic, financial, and organizational performance, and to “...guide practice, assess progress, and inform decision-making over the course of the charter term and at renewal”.¹

Because each charter school’s story and perspective on its own performance are critical to a balanced evaluation process, each measure includes space for narrative explanation and/or further description from both the State Board and the charter school. It is our hope and goal that each charter school will fully engage in the process of program evaluation each year and at the renewal period, and that this process contributes to the continuous improvement of each State Board of Education public charter school.

Christen Kelly

Charter School Specialist

SCORE Team

Oregon Department of Education

¹ From NACSA’s [Core Performance Framework and Guidance](#).

Academic performance: data elements and sources

The purpose of the Academic Performance section of the Annual Report is to evaluate whether or not the charter school's educational program is showing success with its students.

Many of the indicators for this section are adopted from the National Association of Charter School Authorizers' "Core Performance Framework and Guidance", while the performance targets and ratings are aligned with the targets and ratings in the Oregon Report Card.

The following data elements and sources are used to complete the Academic Performance analysis:

- The charter school's Oregon Report Card
- The charter school's contract
- The charter school's whole school growth and performance on standardized tests in ELA and MATH
- The charter school's subgroup growth and performance on standardized tests in ELA and MATH
- The district's Oregon Report Card (for the district in which the charter school is located)
- Performance and growth information for comparison schools, as defined by the Oregon Department of Education
- The school's graduation rate (where applicable)
- The district's graduation rate (where applicable)
- The school's completion rate (where applicable)
- The district's completion rate (where applicable)
- The school's dropout rate (where applicable)
- The district's dropout rate (where applicable)
- The graduation, completion, and dropout rates of comparison schools, as defined by ODE (where applicable)
- The charter school's alignment to Common Core State Standards as evidenced by course syllabi, course descriptions, curriculum alignments, etc. (where applicable)

Academic Performance

1. Oregon School Rating System

Measure 1a
Is the school meeting acceptable standards according to the Oregon State school rating system?
Exceeds standard:
<input type="checkbox"/> School received the highest rating from the state accountability system.
Meets standard:
<input type="checkbox"/> School received the highest rating from the state accountability system.
Does not meet standard:
<input type="checkbox"/> School did not receive passing rating from the state accountability system.
Falls far below standard:
<input type="checkbox"/> School identified for intervention or considered failing by the state accountability system.
State Board of Education comments:
School comments:

Measure 1b
Is the school meeting state designation expectations as set forth by the state and federal accountability system?
Exceeds standard:
<input type="checkbox"/> School was identified as a "Model" school.
Meets standard:
<input type="checkbox"/> School does not have a designation.
Does not meet standard:
<input type="checkbox"/> School was identified as a "Focus" school.
Falls far below standard:

<input type="checkbox"/> School was identified as a "Priority" school.
State Board of Education comments:
School comments:

Measure 1c How are Students Experiencing Poverty achieving on state assessments in ELA compared to the Students Experiencing Poverty in the district?
Exceeds standard: <input type="checkbox"/> School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.
Meets standard: <input type="checkbox"/> School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.
Does not meet standard: <input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.
Falls far below standard: <input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.
State Board of Education comments:
School comments:

Measure 1d How are Students Experiencing Poverty achieving on state assessments in MATH compared to the Students Experiencing Poverty in the district?
Exceeds standard: <input type="checkbox"/> School's average subgroup achievement rate exceeds the average district performance of students in the

same subgroup in the same grades by at least 10%.
Meets standard: <input type="checkbox"/> School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.
Does not meet standard: <input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.
Falls far below standard: <input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.
State Board of Education comments:
School comments:

Measure 1e How are English Learners achieving on state assessments in ELA compared to the English Learners in the district?
Exceeds standard: <input type="checkbox"/> School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.
Meets standard: <input type="checkbox"/> School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.
Does not meet standard: <input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.
Falls far below standard: <input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.

State Board of Education comments:
School comments:

Measure 1f How are English Learners achieving on state assessments in MATH compared to the English Learners in the district?
Exceeds standard: <input type="checkbox"/> School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.
Meets standard: <input type="checkbox"/> School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.
Does not meet standard: <input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.
Falls far below standard: <input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.
State Board of Education comments:
School comments:

Measure 1g How are Students with Disabilities achieving on state assessments in ELA compared to the Students with Disabilities in the district?
Exceeds standard: <input type="checkbox"/> School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.

<p>Meets standard:</p> <p><input type="checkbox"/> School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.</p>
<p>Does not meet standard:</p> <p><input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.</p>
<p>Falls far below standard:</p> <p><input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.</p>
<p>State Board of Education comments:</p>
<p>School comments:</p>

<p>Measure 1h</p> <p>How are Students with Disabilities achieving on state assessments in MATH compared to the Students with Disabilities in the district?</p>
<p>Exceeds standard:</p> <p><input type="checkbox"/> School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.</p>
<p>Meets standard:</p> <p><input type="checkbox"/> School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.</p>
<p>Does not meet standard:</p> <p><input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.</p>
<p>Falls far below standard:</p> <p><input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.</p>
<p>State Board of Education comments:</p>

School comments:

Measure 1i
How are **Students of Underserved Races/Ethnicities** achieving on state assessments in ELA compared to the **Students of Underserved Races/Ethnicities** in the district?

Exceeds standard:
 School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.

Meets standard:
 School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.

Does not meet standard:
 School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.

Falls far below standard:
 School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.

State Board of Education comments:

School comments:

Measure 1j
How are **Students of Underserved Races/Ethnicities** achieving on state assessments in MATH compared to the **Students of Underserved Races/Ethnicities** in the district?

Exceeds standard:
 School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.

Meets standard:
 School's average subgroup achievement rate meets or exceeds the average district performance of students

in the same subgroup in the same grades by up to 10%.
<p>Does not meet standard:</p> <input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.
<p>Falls far below standard:</p> <input type="checkbox"/> School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.
State Board of Education comments:
School comments:

2. Student Academic Growth

<p>Measure 2a</p> <p>Are All students making expected annual academic growth in ELA compared to their peers? (3-year Average Combined Median Growth Percentile-CMGP)</p>
<p>Exceeds standard:</p> <input type="checkbox"/> Combined median growth percentile of 60 or more.
<p>Meets standard:</p> <input type="checkbox"/> Combined median growth percentile of between 35 and 59.5.
<p>Does not meet standard:</p> <input type="checkbox"/> Combined median growth percentile of between 30 and 34.5.
<p>Falls far below standard:</p> <input type="checkbox"/> Combined median growth percentile of lower than 30.
State Board of Education comments:
School comments:

Measure 2b Are students making expected annual academic growth in MATH compared to their peers? (3-year Average Combined Median Growth Percentile)
Exceeds standard: <input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets standard: <input type="checkbox"/> Combined median growth percentile of between 35 and 59.5.
Does not meet standard: <input type="checkbox"/> Combined median growth percentile of between 30 and 34.5.
Falls far below standard: <input type="checkbox"/> Combined median growth percentile of lower than 30.
State Board of Education comments:
School comments:

3. Subgroup Growth

Measure 3a Is the school increasing academic performance in ELA over time for Students Experiencing Poverty students? (3-year Average Combined Median Growth Percentile)
Exceeds standard: <input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets standard: <input type="checkbox"/> Combined median growth percentile of between 35 and 59.5.
Does not meet standard: <input type="checkbox"/> Combined median growth percentile of between 30 and 34.5.
Falls far below standard:

<input type="checkbox"/> Combined median growth percentile of lower than 30.
State Board of Education comments:
School comments:

Measure 3b Is the school increasing academic performance in MATH over time for Students Experiencing Poverty? (3-year Average Combined Median Growth Percentile)
<i>Exceeds standard:</i> <input type="checkbox"/> Combined median growth percentile of 60 or more.
<i>Meets standard:</i> <input type="checkbox"/> Combined median growth percentile of between 35 and 59.5.
<i>Does not meet standard:</i> <input type="checkbox"/> Combined median growth percentile of between 30 and 34.5.
<i>Falls far below standard:</i> <input type="checkbox"/> Combined median growth percentile of lower than 30.
State Board of Education comments:
School comments:

Measure 3c Is the school increasing academic performance in ELA over time for English Learner students? (3-year Average Combined median Growth Percentile)
<i>Exceeds standard:</i> <input type="checkbox"/> Combined median growth percentile of 60 or more.
<i>Meets standard:</i>

<input type="checkbox"/> Combined median growth percentile of between 35 and 59.5.
Does not meet standard: <input type="checkbox"/> Combined median growth percentile of between 30 and 34.5.
Falls far below standard: <input type="checkbox"/> Combined median growth percentile of lower than 30.
State Board of Education comments:
School comments:

Measure 3d Is the school increasing academic performance in MATH over time for English Learner students? (3-year Average Combined median Growth Percentile)
Exceeds standard: <input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets standard: <input type="checkbox"/> Combined median growth percentile of between 35 and 59.5.
Does not meet standard: <input type="checkbox"/> Combined median growth percentile of between 30 and 34.5.
Falls far below standard: <input type="checkbox"/> Combined median growth percentile of lower than 30.
State Board of Education comments:
School comments:

Measure 3e Is the school increasing academic performance in ELA over time for Students with Disabilities? (3-year Average Combined Median Growth Percentile)
Exceeds standard: <input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets standard: <input type="checkbox"/> Combined median growth percentile of between 35 and 59.5.
Does not meet standard: <input type="checkbox"/> Combined median growth percentile of between 30 and 34.5.
Falls far below standard: <input type="checkbox"/> Combined median growth percentile of lower than 30.
State Board of Education comments:
School comments:

Measure 3f Is the school increasing academic performance in MATH over time for Students with Disabilities? (3-year Average Combined Median Growth Percentile)
Exceeds standard: <input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets standard: <input type="checkbox"/> Combined median growth percentile of between 35 and 59.5.
Does not meet standard: <input type="checkbox"/> Combined median growth percentile of between 30 and 34.5.
Falls far below standard: <input type="checkbox"/> Combined median growth percentile of lower than 30.

State Board of Education comments:
School comments:

Measure 3g Is the school increasing academic performance in ELA over time for students of Underserved Races/Ethnicities? (3-year Average Combined Median Growth Percentile)
Exceeds standard: <input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets standard: <input type="checkbox"/> Combined median growth percentile of between 35 and 59.5.
Does not meet standard: <input type="checkbox"/> Combined median growth percentile of between 30 and 34.5.
Falls far below standard: <input type="checkbox"/> Combined median growth percentile of lower than 30.
State Board of Education comments:
School comments:

Measure 3h Is the school increasing academic performance in MATH over time for students of Underserved Races/Ethnicities? (3-year Average Combined Median Growth Percentile)
Exceeds standard: <input type="checkbox"/> Combined median growth percentile of 60 or more.
Meets standard: <input type="checkbox"/> Combined median growth percentile of between 35 and 59.5.

<p>Does not meet standard:</p> <p><input type="checkbox"/> Combined median growth percentile of between 30 and 34.5.</p>
<p>Falls far below standard:</p> <p><input type="checkbox"/> Combined median growth percentile of lower than 30.</p>
<p>State Board of Education comments:</p>
<p>School comments:</p>

4. Alignment of Curriculum to Common Core State Standards

<p>Measure 4a</p> <p>Is the school aligning curriculum to Common Core State Standards?</p>
<p>Meets standard:</p> <p><input type="checkbox"/> School is offering all required core subjects and has aligned all classes in core subjects to Common Core State Standards and has articulated this through detailed syllabi, course descriptions, curriculum alignments, or other methods.</p>
<p>Does not meet standard:</p> <p><input type="checkbox"/> School is offering all required core subjects but has not fully aligned all classes in core subjects to Common Core State Standards, and/or has not provided evidence of this through detailed syllabi, course descriptions, curriculum alignments, or other methods.</p>
<p>Falls far below standard:</p> <p><input type="checkbox"/> School is not offering all required core subjects and/or has not aligned all classes in core subjects to Common Core State Standards and has not provided evidence of this through detailed syllabi, course descriptions, curriculum alignments, or other methods.</p>
<p>State Board of Education comments:</p>
<p>School comments:</p>

5. Graduation and post-secondary readiness (high schools only)

Measure 5a What percentage of students is graduating within four years of entering high school as compared to other schools in the district?
Exceeds standard: <input type="checkbox"/> School's average graduation rate exceeds the average district graduation rate by at least 10%.
Meets standard: <input type="checkbox"/> School's average graduation rate meets or exceeds the average district graduation rate by up to 10%.
Does not meet standard: <input type="checkbox"/> School's average graduation rate is less than the average district graduation rate by 1-10%.
Falls far below standard: <input type="checkbox"/> School's average graduation rate is less than the average district graduation rate by 10% or more.
State Board of Education comments:
School comments:

Measure 5b What percentage of students is graduating within four years of entering high school as compared to their peers in like schools?
Exceeds standard: <input type="checkbox"/> School's average graduation rate exceeds the average graduation rate of their peers in like schools by at least 10%.
Meets standard: <input type="checkbox"/> School's average graduation rate meets or exceeds the average graduation rate of their peers in like schools by up to 10%.
Does not meet standard: <input type="checkbox"/> School's average graduation rate is less than the average graduation rate of their peers in like schools by 1-10%.

Falls far below standard: <input type="checkbox"/> School's average graduation rate is less than the average graduation rate of their peers in like schools by 10% or more.
State Board of Education comments:
School comments:

Measure 5c What percentages of students receive a regular, modified, extended, or adult high school diploma or complete a GED within five years of entering high school as compared to other schools in the district?
Exceeds standard: <input type="checkbox"/> School's average completion rate exceeds the average district completion rate by at least 10%.
Meets standard: <input type="checkbox"/> School's average completion rate meets or exceeds the average district completion rate by up to 10%.
Does not meet standard: <input type="checkbox"/> School's average completion rate is less than the average district completion rate by 1-10%.
Falls far below standard: <input type="checkbox"/> School's average completion rate is less than the average district completion rate by 10% or more.
State Board of Education comments:
School comments:

Measure 5d What percentages of students receive a regular, modified, extended, or adult high school diploma or complete a GED within five years of entering high school as compared to their peers in like schools?
Exceeds standard: <input type="checkbox"/> School's average completion rate exceeds the average completion rate of their peers in like schools by at

least 10%.
Meets standard: <input type="checkbox"/> School's average completion rate meets or exceeds the average completion rate of their peers in like schools by up to 10%.
Does not meet standard: <input type="checkbox"/> School's average completion rate is less than the average completion rate of their peers in like schools by 1-10%.
Falls far below standard: <input type="checkbox"/> School's average completion rate is less than the average completion rate of their peers in like schools by 10% or more.
State Board of Education comments:
School comments:

Measure 5e What percentage of students dropped out during the school year and did not re-enroll as compared to other schools in the district?
Exceeds standard: <input type="checkbox"/> School's average dropout rate is less than the average district dropout rate by 4% or more.
Meets standard: <input type="checkbox"/> School's average dropout rate meets or is less than the average district dropout rate by up to 4%.
Does not meet standard: <input type="checkbox"/> School's average dropout rate exceeds the average district dropout rate by 1-4%.
Falls far below standard: <input type="checkbox"/> School's average dropout rate exceeds the average district dropout rate by 4% or more.
State Board of Education comments:

School comments:

Measure 5f

What percentage of students dropped out during the school year and did not re-enroll as compared to their peers in like schools?

Exceeds standard:

School's average dropout rate is less than the average dropout rate of their peers in like schools by 4% or more.

Meets standard:

School's average dropout rate meets or is less than the average dropout rate of their peers in like schools by up to 4%.

Does not meet standard:

School's average dropout rate exceeds the average dropout rate of their peers in like schools by 1-4%.

Falls far below standard:

School's average dropout rate exceeds the average dropout rate of their peers in like schools by 4% or more.

State Board of Education comments:

School comments:

COMMENDATIONS: ACADEMIC PERFORMANCE

RECOMMENDATIONS: ACADEMIC PERFORMANCE

Financial Performance: data elements and sources

The purpose of the Financial Performance section of the Annual Report is to evaluate whether or not the charter school is financially viable.

Many of the indicators, performance targets, and ratings for this section are adopted from the National Association of Charter School Authorizers' "Core Performance Framework and Guidance".

The following data elements and sources are used to complete the Financial Performance analysis:

- The charter school's contract
- The charter school's audited balance sheet and notes for the last three years
- The charter school's projected enrollment and actual enrollment
- The charter school's board-adopted budget
- The charter school's audited income statement and audited cash flow statement
- Annual principal and interest obligations
- Quarterly financial statements, including budget-to-actuals, profit and loss, balance sheet

Financial Performance

7. Near-Term Measures

Measure 7a Current ratio: Current assets divided by current liabilities.
Meets standard: <input type="checkbox"/> Current ratio is greater than or equal to 1.1.
Does not meet standard: <input type="checkbox"/> Current ratio is between .9 and 1.0 or equals 1.0.
Falls far below standard: <input type="checkbox"/> Current ratio is less than or equal to .9.
State Board of Education comments:
School comments:

Measure 7b Unrestricted days cash: Unrestricted cash divided by (total expenses minus depreciation expense/365).
Meets standard: <input type="checkbox"/> 60 days cash
Does not meet standard: <input type="checkbox"/> Days cash is between 15 and 30 days
Falls far below standard: <input type="checkbox"/> Fewer than 15 days cash
State Board of Education comments:
School comments:

Measure 7c Enrollment variance: actual enrollment divided by enrollment projection in charter school board-approved budget.
Meets standard: <input type="checkbox"/> Enrollment variance equals or exceeds 95% in the most recent year.
Does not meet standard: <input type="checkbox"/> Enrollment variance is between 85-95% in the most recent year.
Falls far below standard: <input type="checkbox"/> Enrollment variance is less than 85% in the most recent year.
State Board of Education comments:
School comments:

Measure 7d Default
Meets standard: <input type="checkbox"/> School is not in default of loan covenant(s) and/or is not delinquent with debt service payments.
Falls far below standard: <input type="checkbox"/> School is in default of loan covenant(s) and/or is delinquent with debt service payments.
State Board of Education comments:
School comments:

8. Sustainability Measures

<p>Measure 8a & 8b</p> <p>Total Margin: Net income divided by total revenue.</p> <p>Aggregated total margin: Total 3-year net income divided by total 3-year revenues.</p>
<p>Meets standard:</p> <p><input type="checkbox"/> Aggregated 3-year total margin is positive and the most recent year total margin is positive.</p>
<p>Does not meet standard:</p> <p><input type="checkbox"/> Aggregated 3-year total margin is greater than -1.5%, but trend does not “meet standard” (above).</p>
<p>Falls far below standard:</p> <p><input type="checkbox"/> Aggregated three-year total margin is less than or equal to -1.5% and the most recent year total margin is less than -10%.</p>
<p>State Board of Education comments:</p>
<p>School comments:</p>

<p>Measure 8c</p> <p>Debt to asset ratio: Total liabilities divided by total assets.</p>
<p>Meets standard:</p> <p><input type="checkbox"/> Debt-to-asset ratio is less than .9.</p>
<p>Does not meet standard:</p> <p><input type="checkbox"/> Debt-to-asset ratio is between .9 and 1.0.</p>
<p>Falls far below standard:</p> <p><input type="checkbox"/> Debt-to-asset ratio is greater than 1.0.</p>
<p>State Board of Education comments:</p>
<p>School comments:</p>

<p>Measure 8d & 8e</p> <p>Cash flow:</p> <p>Multi-year cash flow = Year 3 total cash - Year 1 total cash.</p> <p>One-year cash flow: Year 2 total cash - Year 1 total cash.</p>
<p>Meets standard:</p> <p><input type="checkbox"/> Multi-year cumulative cash flow is positive and cash flow is positive each year.</p>
<p>Does not meet standard:</p> <p><input type="checkbox"/> Multi-year cumulative cash flow is positive, but trend does not “meet standard” (above).</p>
<p>Falls far below standard:</p> <p><input type="checkbox"/> Multi-year cumulative cash flow is negative.</p>
<p>State Board of Education comments:</p>
<p>School comments:</p>

<p>Measure 8f</p> <p>Debt service coverage ratio: (net income + depreciation + interest expense) / (annual principal, interest, and lease payments).</p>
<p>Meets standard:</p> <p><input type="checkbox"/> Debt service coverage ratio is equal to or exceeds 1.1.</p>
<p>Does not meet standard:</p> <p><input type="checkbox"/> Debt service coverage ratio is less than 1.1.</p>
<p>State Board of Education comments:</p>
<p>School comments:</p>

Measure 8g Is the school meeting financial reporting and compliance requirements?
<p>Meets standard:</p> <p><input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to financial reporting requirements, including, but not limited to:</p> <ul style="list-style-type: none"> ● Complete and timely submission of financial reports, including: annual budget, revised budgets (when applicable), quarterly financial reports, and annual municipal audit. ● All other reporting requirements related to the use of public funds.
<p>Does not meet standard:</p> <p><input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to financial reporting requirements, including, but not limited to:</p> <ul style="list-style-type: none"> ● Complete and timely submission of financial reports, including: annual budget, revised budgets (when applicable), quarterly financial reports, and annual municipal audit. ● All other reporting requirements related to the use of public funds.
State Board of Education comments:
School comments:

Measure 8h Is the school following Generally Accepted Accounting Principles (GAAP)?
<p>Meets standard:</p> <p><input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to financial management and oversight expectations by an annual independent audit, including, but not limited to:</p> <ul style="list-style-type: none"> ● An unqualified audit opinion ● An audit devoid of significant findings and conditions, material weaknesses, or significant internal control weaknesses ● An audit that does not include a going concern disclosure in the notes or an explanatory paragraph within the audit report
<p>Does not meet standard:</p> <p><input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to financial management and oversight expectations by an annual independent audit, including, but not limited to:</p> <ul style="list-style-type: none"> ● An qualified audit opinion

- An audit containing significant findings or conditions, material weaknesses, or significant internal control weaknesses
- An audit that included a going concern disclosure in the notes or an explanatory paragraph within the audit report

State Board of Education comments:

School comments:

COMMENDATIONS: FINANCIAL PERFORMANCE

RECOMMENDATIONS: FINANCIAL PERFORMANCE

Organizational Performance: data elements and sources

The purpose of the Organizational Performance section of the Annual Evaluation is to evaluate whether or not the charter school as an organization is effectively governed and well run.

Many of the indicators, performance targets, and ratings for this section are adopted from the National Association of Charter School Authorizers' "Core Performance Framework and Guidance".

The following data elements and sources are used to complete the Organizational Performance analysis:

- Site visit observations (both formal and informal)
- The charter school's contract
- Required reporting by the charter school, including all deliverables
- The school's adherence to deliverable and reporting due dates
- Feedback from parents, students, charter school staff, and other community stakeholders
- Student accounting reports
- The charter school's internal accountability systems
- Student enrollment forms
- The charter school's adopted board policies
- The charter school's parent/student/staff handbooks
- TSPC
- Assurances by the charter school and governing board that it is compliant with all applicable requirements

Organizational Performance

10. Education Program

Measure 10a Is the school implementing the material terms of the education program as defined in the current charter contract?
Meets standard: <input type="checkbox"/> The school implemented the material terms of the education program in all material aspects and the education program in operation reflects the material terms as defined in the charter contract, or the school has gained approval for a modification to the material terms.
Does not meet standard: <input type="checkbox"/> The school failed to implement the material terms of the education program in all material aspects and the education program in operation does not reflect the material terms as defined in the charter contract, or the schools implemented a modification to the material terms without approval and/or a mutually agreeable amendment to the contract.
State Board of Education comments:
School comments:

Measure 10b Is the school complying with applicable education requirements?
Meets standard: <input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to education requirements, including, but not limited to: <ul style="list-style-type: none">● Instructional days and/or minutes requirements● Graduation and promotion requirements● Content standards, including Common Core State Standards● The administration of state assessments● Implementation of mandated programming as a result of state or federal funding
Does not meet standard: <input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to education requirements, including, but not limited to: <ul style="list-style-type: none">● Instructional days and/or minutes requirements● Graduation and promotion requirements● Content standards, including Common Core State Standards● The administration of state assessments

<ul style="list-style-type: none"> ● Implementation of mandated programming as a result of state or federal funding
State Board of Education comments:
School comments:

Measure 10c
Is the school protecting the rights of students with disabilities?

Meets standard:

Consistent with the school’s status as a school in a district LEA, the school materially complies with applicable laws, rules, regulations, and provisions of the charter contract (including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act) relating to the treatment of students with identified disabilities and those suspected of having a disability, including, but not limited to:

- Equitable access and opportunity to enroll
- Identification and referral
- Appropriate involvement with development and implementation of Individualized Education Plans, and appropriate development of Section 504 plans
- Operational compliance, including appropriate inclusion in the school’s academic program, assessments, and extracurricular activities.
- Discipline, including due process protections, manifestation determinations, and behavioral intervention plans
- Access to the school’s facility and program to students in a lawful manner and consistent with students’ IEPs or 504 plans

Does not meet standard:

Consistent with the school’s status as a school in a district LEA, the school was materially out of compliance with one or more applicable laws, rules, regulations, and provisions of the charter contract (including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act) relating to the treatment of students with identified disabilities and those suspected of having a disability, including, but not limited to:

- Equitable access and opportunity to enroll
- Identification and referral
- Appropriate involvement with development and implementation of Individualized Education Plans, and appropriate development of Section 504 plans
- Operational compliance, including appropriate inclusion in the school’s academic program, assessments, and extracurricular activities.
- Discipline, including due process protections, manifestation determinations, and behavioral intervention plans
- Access to the school’s facility and program to students in a lawful manner and consistent with students’ IEPs or 504 plans

State Board of Education comments:

School comments:

Measure 10d

Is the school protecting the rights of English Language Learner students?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract (including Title III of the Elementary and Secondary Education Act, and US Department of Education authorities) relating to requirements of English Language Learners, including, but not limited to:

- Equitable access and opportunity to enroll
- Development and implementation of required plans related to the service of ELL students
- Proper steps for identification of students in need of ELL services
- Appropriate and equitable delivery of services to identified students
- Appropriate accommodations on assessments
- Exiting of students from ELL services
- Ongoing monitoring of exited students

Does not meet standard:

The school failed to comply with one or more applicable laws, rules, regulations, and/or provisions of the charter contract (including Title III of the Elementary and Secondary Education Act, and US Department of Education authorities) relating to requirements of English Language Learners, including, but not limited to:

- Equitable access and opportunity to enroll
- Development and implementation of required plans related to the service of ELL students
- Proper steps for identification of students in need of ELL services
- Appropriate and equitable delivery of services to identified students
- Appropriate accommodations on assessments
- Exiting of students from ELL services
- Ongoing monitoring of exited students

State Board of Education comments:

School comments:

11. Governance and Reporting

Measure 11a

Is the school complying with applicable governance requirements?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to governance by its board, including, but not limited to:

- Board policies
- Board bylaws
- State open meetings law
- Code of ethics
- Conflicts of interest
- Board composition and/or membership rules

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to governance by its board, including, but not limited to:

- Board policies
- Board bylaws
- State open meetings law
- Code of ethics
- Conflicts of interest
- Board composition and/or membership rules

State Board of Education comments:

School comments:

Measure 11b

Is the school holding its administration accountable?

Meets standard:

The school materially complies with applicable laws, rules, regulations, provisions of the charter contract, and its own internal policies and practices relating to oversight of school administration, including, but not limited to:

- Board oversight of school administration that includes holding it accountable for performance expectations which may or may not be agreed to under a written performance agreement
- The board conducting an annual evaluation of the administrator's performance

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, provisions of the charter

contract, and its own internal policies and practices relating to oversight of school administration, including, but not limited to:

- Board oversight of school administration that includes holding it accountable for performance expectations which may or may not be agreed to under a written performance agreement
- The board conducting an annual evaluation of the administrator's performance

State Board of Education comments:

School comments:

Measure 11c

Is the school complying with reporting requirements?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to relevant reporting requirements to the district, and the Oregon Department of Education, including, but not limited to:

- Accountability planning and performance
- Attendance and enrollment reporting
- Compliance with the charter contract and all applicable laws
- Timely submission of all deliverables
- Additional information as requested by the district

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to relevant reporting requirements to the district, and the Oregon Department of Education, including, but not limited to:

- Accountability planning and performance
- Attendance and enrollment reporting
- Compliance with the charter contract and all applicable laws
- Timely submission of all deliverables
- Additional information as requested by the district

State Board of Education comments:

School comments:

12. Students and Employees

Measure 12a

Is the school protecting the rights of all students?
<p>Meets standard:</p> <p><input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to the rights of students, including, but not limited to:</p> <ul style="list-style-type: none">● Policies and practices related to admissions, lottery, waiting lists, fair and open recruitment, and enrollment (including rights to enroll or maintain enrollment)● The collection and protection of student information● Due process protections, privacy, civil rights, and student liberties requirements, including First Amendment protections and the Establishment Clause restrictions prohibiting public schools from engaging in religious instruction● Conduct of discipline (discipline hearings, and suspensions and expulsion policies and practices)
<p>Does not meet standard:</p> <p><input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to the rights of students, including, but not limited to:</p> <ul style="list-style-type: none">● Policies and practices related to admissions, lottery, waiting lists, fair and open recruitment, and enrollment (including rights to enroll or maintain enrollment)● The collection and protection of student information● Due process protections, privacy, civil rights, and student liberties requirements, including First Amendment protections and the Establishment Clause restrictions prohibiting public schools from engaging in religious instruction● Conduct of discipline (discipline hearings, and suspensions and expulsion policies and practices)
State Board of Education comments:
School comments:

Measure 12b Is the school meeting teacher and other staff credentialing requirements?
<p>Meets standard:</p> <p><input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to state certification requirements, including the federal Highly Qualified Teacher and Paraprofessional requirements, charter school licensure and registry requirements, and background check and fingerprinting requirements for all staff and volunteers.</p>
<p>Does not meet standard:</p> <p><input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the charter contract relating to state certification requirements, including the federal Highly Qualified Teacher and Paraprofessional requirements, charter school licensure and registry requirements, and/or background check</p>

and fingerprinting requirements for all staff and volunteers.
State Board of Education comments:
School comments:

13. School Environment

Measure 13a Is the school complying with facilities and transportation requirements?
Meets standard: <input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to the school facilities, grounds, and transportation, including, but not limited to: <ul style="list-style-type: none">• Americans with Disabilities Act• Fire inspections and related records• Viable certificate of occupancy or other required building use authorization• Documentation of requisite insurance coverage• Student transportation
Does not meet standard: <input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the charter contract relating to the school facilities, grounds, and transportation, including, but not limited to: <ul style="list-style-type: none">• Americans with Disabilities Act• Fire inspections and related records• Viable certificate of occupancy or other required building use authorization• Documentation of requisite insurance coverage• Student transportation
State Board of Education comments:
School comments:

Measure 13b Is the school complying with health and safety requirements?
Meets standard: <input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to safety and the provision of health-related services, including, but not limited to: <ul style="list-style-type: none">• Appropriate nursing services and dispensing of pharmaceuticals

<ul style="list-style-type: none">• Food service requirements
<p>Does not meet standard:</p> <p><input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the charter contract relating to safety and the provision of health-related services, including, but not limited to:</p> <ul style="list-style-type: none">• Appropriate nursing services and dispensing of pharmaceuticals• Food service requirements
State Board of Education comments:
School comments:

<p>Measure 13c</p> <p>Is the school handling information appropriately?</p>
<p>Meets standard:</p> <p><input type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to the handling of information, including, but not limited to:</p> <ul style="list-style-type: none">• Maintaining the security of and providing access to student records under the Family Educational Rights and Privacy Act (FERPA) and other applicable authorities• Accessing documents maintained by the school under the state’s Freedom of Information law and other applicable authorities• Transferring of student records• Proper and secure maintenance of testing materials
<p>Does not meet standard:</p> <p><input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the charter contract relating to the handling of information, including, but not limited to:</p> <ul style="list-style-type: none">• Maintaining the security of and providing access to student records under the Family Educational Rights and Privacy Act (FERPA) and other applicable authorities• Accessing documents maintained by the school under the state’s Freedom of Information law and other applicable authorities• Transferring of student records• Proper and secure maintenance of testing materials
State Board of Education comments:
School comments:

14. Additional Obligations

Measure 14a

Is the school complying with all other obligations?

Meets standard:

The school materially complies with all other applicable legal, statutory, regulatory, or contractual requirements contained in the charter contract that are not otherwise explicitly stated herein, including, but not limited to requirements from the following sources:

- Revisions to state charter law
- Intervention requirements required by the district
- Action items assigned by the district
- Requirements by other entities to which the charter school is accountable (e.g. ODE)

Does not meet standard:

The school was materially out of compliance with applicable legal, statutory, regulatory, or contractual requirements contained in the charter contract that are not otherwise explicitly stated herein, including, but not limited to requirement from the following sources:

- Revisions to state charter law
- Intervention requirements required by the district
- Action items assigned by the district
- Requirements by other entities to which the charter school is accountable (e.g. ODE)

State Board of Education comments:

School comments:

COMMENDATIONS: ORGANIZATIONAL PERFORMANCE

RECOMMENDATIONS: ORGANIZATIONAL PERFORMANCE

SUMMARY OF ANNUAL EVALUATION COMMENDATIONS AND RECOMMENDATIONS

MEASURE	EXCEEDS STANDARD	MEETS STANDARD	DOES NOT MEET STANDARD	FALLS FAR BELOW STANDARD
Oregon rating system				
State and Federal accountability system				
Students Experiencing Poverty -ELA				
Students Experiencing Poverty -MATH				
ELL-ELA				
ELL-MATH				
Students with Disabilities-ELA				
Students with Disabilities-MATH				
Underserved-ELA				
Underserved-MATH				
All Student Growth-ELA				
All Student Growth-MATH				
Growth: Students Experiencing Poverty-ELA				
Growth: Students Experiencing Poverty -MATH				
Growth: ELL-ELA				
Growth: ELL-MATH				
Growth: Students with Disabilities-ELA				
Growth: Students with Disabilities-Math				
Growth: Underserved-ELA				
Growth: Underserved-MATH				
Alignment to CCSS				
Graduation/post-secondary readiness				
Graduation percent				

School completion/Diploma				
Drop out percentage				
Current Ratio: Assets/Liabilities				
Unrestricted Cash				
Enrollment Variance				
Loan Default				
Total Margin (income /revenue)				
Debt to Asset Ratio				
Cash Flow				
Debt Service Coverage Ratio				
Reporting and Compliance				
GAAP				
Education Program Implementation				
Education Requirement Compliance				
Rights of Students with Disabilities				
Rights of ELL				
Governance Compliance				
Administration Accountability				
Reporting Requirement Compliance				
Rights of All Students				
Staff Credentialing Requirements				
Facilities and Transportation Requirements				
Health and Safety Requirements				
Student Information				
Other Obligations				

OVERALL COMMENDATIONS

OVERALL RECOMMENDATIONS

EXHIBIT C INSURANCE REQUIREMENTS

Charter School shall obtain at Charter School's expense the insurance specified in this Exhibit C prior to performing under this Agreement and shall maintain it in full force and at its own expense throughout the duration of this Agreement, as required by any extended reporting period or tail coverage requirements, and all warranty periods that apply. Charter School shall obtain the following insurance from insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon with an AM Best rating of no less than A: VII or Standard and Poor's rating of no less than BBB. All coverage shall be primary and non-contributory with any other insurance and self-insurance, with the exception of Professional Liability and Workers' Compensation. Charter School shall pay for all deductibles, self-insured retention and self-insurance, if any.

If Charter School maintains broader coverage and/or higher limits than the minimums shown in this Insurance Requirement Exhibit, ODE requires and shall be entitled to the broader coverage and/or higher limits maintained by Charter School.

WORKERS' COMPENSATION & EMPLOYERS' LIABILITY

All employers, including Charter School, that employ subject workers, as defined in ORS 656.027, shall comply with ORS 656.017 and provide workers' compensation insurance coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Charter School shall require and ensure that each of its contractors complies with these requirements.

If Charter School is a subject employer, as defined in ORS 656.023, Charter School shall also obtain employers' liability insurance coverage with limits not less than \$500,000 each occurrence. If Charter School is an employer subject to any other state's workers' compensation law, Charter School shall provide workers' compensation insurance coverage for its employees as required by applicable workers' compensation laws including employers' liability insurance coverage with limits not less than \$500,000 and shall require and ensure that each of its out-of-state contractors complies with these requirements.

COMMERCIAL GENERAL LIABILITY:

Charter School shall provide Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverage that are satisfactory to the State of Oregon. This insurance must include personal and advertising injury liability, products and completed operations, contractual liability coverage for the indemnity provided under this Agreement, and have no limitation of coverage to designated premises, project or operation. Coverage must be written on an occurrence basis in an amount of not less than \$1,000,000 per occurrence and not less than \$2,000,000 annual aggregate limit..

AUTOMOBILE LIABILITY INSURANCE:

Charter School shall provide Automobile Liability Insurance covering Charter School's business use including coverage for all owned, non-owned, or hired vehicles with a combined single limit of not less than \$1,000,000 for bodily injury and property damage. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for Commercial General Liability and Automobile Liability). Use of personal automobile liability insurance coverage may be acceptable if evidence that the policy includes a business use endorsement is provided.

PROFESSIONAL LIABILITY:

Charter School shall provide Professional Liability Insurance covering any damages caused by an error, omission or any negligent acts related to the services to be provided under this Agreement by the Charter School and Charter School's contractors, agents, officers or employees in an amount not less than \$1,000,000 per claim and not less than \$2,000,000 annual aggregate limit.

If coverage is on a claims made basis, then either an extended reporting period of not less than 24 months shall be included in the Professional Liability insurance coverage, or the Charter School shall provide Continuous Claims Made Coverage as stated below.

NETWORK SECURITY AND PRIVACY LIABILITY:

Charter School shall provide Network Security and Privacy Liability insurance for the duration of the Agreement and for the period of time in which Charter School (or its Business Associates or contractor(s)) maintains, possesses, stores, or has access to ODE or client data, whichever is longer, with a combined single limit of not less than \$1,000,000 per claim or incident. This insurance shall include coverage for third party claims and for losses, thefts, unauthorized disclosures, access or use of ODE or client data (which may include, but is not limited to, Personally Identifiable Information ("PII"), Payment Card Data and Protected Health Information ("PHI") in any format, including coverage for accidental loss, theft, unauthorized disclosure access or use of ODE data.

DIRECTORS, OFFICERS AND ORGANIZATION LIABILITY:

Charter School shall provide Directors, Officers and Organization Insurance covering the Charter School's Organization, Directors, Officers, and Trustees actual or alleged errors, omissions, negligent, or wrongful acts, including improper governance, employment practices and financial oversight - including improper oversight and/or use of use of funds and donor contributions - with a combined single limit of no less than \$1,000,000 per claim.

PHYSICAL ABUSE AND MOLESTATION INSURANCE COVERAGE:

Charter School shall provide Abuse and Molestation Insurance in a form and with coverage that are satisfactory to the State of Oregon covering damages arising out of actual, perceived, or threatened physical abuse, mental injury, sexual molestation, negligent: hiring,

employment, supervision, training, investigation, reporting to proper authorities, and retention of any person for whom the Charter School is responsible including but not limited to Charter School and Charter School's employees and volunteers. Policy endorsement's definition of an insured shall include the Charter School, and the Charter School's employees and volunteers. Coverage shall be written on an occurrence basis in an amount of not less than \$1,000,000 per occurrence and not less than \$3,000,000 annual aggregate. Coverage can be provided by a separate policy or as an endorsement to the commercial general liability or professional liability policies. The limits shall be exclusive to this required coverage. Incidents related to or arising out of physical abuse, mental injury, or sexual molestation, whether committed by one or more individuals, and irrespective of the number of incidents or injuries or the time-period or area over which the incidents or injuries occur, shall be treated as a separate occurrence for each victim. Coverage shall include the cost of defense and the cost of defense shall be provided outside the coverage limit.

PROPERTY INSURANCE:

Property Insurance shall be required on all Charter School owned buildings, leased property, personal property, and equipment. The insurance shall provide coverage against all risks of loss, including flood and earthquake, at full replacement cost and at least sufficient with respect to the face amount of the policy. Coverage shall include extra expense coverage for additional reasonable and necessary costs incurred by Charter School in excess of normal expenses to continue operations while the property, including the building, betterments and improvements, and contents are being replaced or repaired as a result from physical loss, damage or destruction by a covered cause of loss.

If Charter School leases premises, Charter School or the owner shall provide the same all-risk coverage. If Charter School leases personal property with public funds, Charter School shall provide the same all-risk coverage.

EXCESS/UMBRELLA INSURANCE:

A combination of primary and excess/umbrella insurance may be used to meet the required limits of insurance. When used, all of the primary and umbrella or excess policies shall provide all of the insurance coverages herein required, including, but not limited to, primary and non-contributory, additional insured, Self-Insured Retentions (SIRs), indemnity, and defense requirements. The umbrella or excess policies shall be provided on a true "following form" or broader coverage basis, with coverage at least as broad as provided on the underlying insurance. No insurance policies maintained by the Additional Insureds, whether primary or excess, and which also apply to a loss covered hereunder, shall be called upon to contribute to a loss until the Charter School's primary and excess liability policies are exhausted.

If excess/umbrella insurance is used to meet the minimum insurance requirement, the Certificate of Insurance must include a list of all policies that fall under the excess/umbrella insurance.

ADDITIONAL INSURED:

All liability insurance, except for Workers' Compensation, Professional Liability, and Network Security and Privacy Liability (if applicable), required under this Agreement must include an additional insured endorsement specifying the State of Oregon, its officers, employees and agents as Additional Insureds, but only with respect to Charter School's operation and activities performed under this Agreement. Coverage shall be primary and non-contributory with any other activities to be performed under this Agreement.

Regarding Additional Insured status under the General Liability policy, the State of Oregon requires additional insured status with respect to liability arising out of ongoing operations and completed operations, but only with respect to Charter School's activities to be performed under this Agreement. The Additional Insured endorsement with respect to liability arising out of Charter School's ongoing operations must be on or at least as broad as ISO Form CG 20 10 and the Additional Insured endorsement with respect to completed operations must be on or at least as broad as ISO form CG 20 37.

WAIVER OF SUBROGATION:

Charter School shall waive rights of subrogation which Charter School or any insurer of Charter School may acquire against ODE or State of Oregon by virtue of the payment of any loss. Charter School will obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not ODE has received a waiver of subrogation endorsement from the Charter School or the Charter School's insurer(s).

CONTINUOUS CLAIMS MADE COVERAGE:

If any of the required liability insurance is on a claims made basis and does not include an extended reporting period of at least 24 months, then Charter School shall maintain continuous claims made liability coverage, provided the effective date of the continuous claims made coverage is on or before the effective date of the Agreement, for a minimum of 24 months following the later of:

- i. Charter School 's completion and ODE's acceptance of all requirements under the Agreement, or
- ii. ODE's or Charter School's termination of this Agreement, or
- iii. The expiration of all warranty periods, if applicable, provided under this Agreement.

CERTIFICATE(S) AND PROOF OF INSURANCE:

Charter School shall provide to ODE Certificate(s) of Insurance for all required insurance before performing under this Agreement. The Certificate(s) shall list the State of Oregon, its officers, employees and agents as a Certificate holder and as an endorsed Additional Insured. The Certificate(s) shall also include all required endorsements or copies of the applicable policy language effecting coverage required by this Agreement. If excess/umbrella insurance is used to meet the minimum insurance requirement, the Certificate of Insurance must include a list of all policies that fall under the excess/umbrella insurance. As proof of insurance ODE has the right to request copies of insurance policies and endorsements relating to the insurance requirements in this Agreement.

NOTICE OF CHANGE OR CANCELLATION:

The Charter School or its insurer must provide at least 30 calendar day's written notice to ODE before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

INSURANCE REQUIREMENT REVIEW:

Charter School agrees to periodic review of insurance requirements by ODE under this Agreement and to provide updated requirements as mutually agreed upon by Charter School and ODE.

STATE ACCEPTANCE:

If requested by ODE, Charter School shall provide complete copies of insurance policies, endorsements, self-insurance documents and related insurance documents to ODE's representatives responsible for verification of the insurance coverages required under this Exhibit C.

Summary

Meeting Date: 2/19/2026

Title: Division 55 Rules Revision

Status: First Reading

Presentation: Yes

Key Staff: Maya Heim

Topic Summary: Substantive revisions to the Department’s rules regarding sexual conduct investigations are being proposed to align the rules with current statutory language, close procedural gaps, incorporate best practices, and enhance administrative efficiency.

ODE Education Equity

Stance

Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

BACKGROUND AND NEED

Members of the State Board of Education are volunteers, with unique professional and lived experiences. Using plain language, this section should provide context for this item, including any needed overviews of relevant programs or initiatives.

- 1. Briefly, how does this topic, program, or initiative currently operate? Where is it located within Oregon’s school systems? How does it ultimately serve students?**

The Department’s Reports and Investigations of Sexual Conduct (RISC) Unit is responsible for investigating allegations of sexual conduct involving a non-licensed school employee, contractor, agent, or volunteer and a student. When an education provider receives a report of suspected sexual conduct, they must notify the Department. The RISC Unit then evaluates the report and conducts an investigation when statutory criteria are met. In addition, education providers are required to verify with the Department, prior to hiring or accepting school-based services from a non-licensed individual, whether the individual has an ongoing investigation or substantiated report of sexual conduct.

The Department’s RISC Unit ultimately serves students by ensuring timely, impartial investigations that prioritize student safety. By requiring education providers to verify a non-licensed individual’s history before employment or service, the RISC Unit helps prevent individuals with substantiated sexual conduct from gaining access to students and supports safer learning environments across Oregon.

Oregon State Board of Education Docket



- 2. Please list the specific rule(s), statute(s), or recently passed legislation that allows the Board to take action on this item. Where are they prescriptive and where do they provide the Board and Department flexibility?**

The Board’s authority comes from ORS 326.051 and ORS 339.391. ORS 339.391 is prescriptive, outlining mandatory requirements for investigating reports of sexual conduct involving non-licensed school personnel and setting clear duties for education providers and the Department.

ORS 326.051 provides broader administrative authority, giving the Board and the Department flexibility to establish the processes and structures needed to carry out these statutory responsibilities. Together, these statutes direct what must occur and allow flexibility in how the Department and Board implement the work.

- 3. Has this item come before the Board before? If so, when did the Board last take action, and what was that action?**

No.

- 4. Why is this item coming before the Board now?**

There have been statutory changes that require updates since the rules were adopted in 2020.

- 5. Who requested or brought about the need for this item? (Select all that apply.)**

- ODE Staff
- Students
- Families
- Community-Based Organizations
- Culturally Specific Organizations
- School Districts
- Education Service Districts
- Charter Schools
- Oregon State Legislature
- Educational Associations
- Racial Justice Council
- Federal Government
- One or more of Oregon’s nine federally recognized tribes: _____
- Other: _____

ENGAGEMENT STRATEGY AND LEARNINGS

Oregon State Board of Education Docket



The State Board of Education expects all items that come before it be reviewed and influenced, to the greatest extent possible, by a robust community engagement process. Using plain language, this section should provide an overview of the role that engagement played in this item, including with Oregon’s nine federally recognized Tribes, other state agencies, and external partners.

6. How did the [Equity Decision Tree](#) inform your office/team engagement strategy? Who is most likely to be affected and how have they been intentionally incorporated into the engagement process for this item?

The equity decision tree provided a framework for considering our engagement approach. Education providers and respondents experience the most direct effects related to the Department’s sexual conduct investigations, so early engagement focused on feedback from partners such as the Oregon School Boards Association, Oregon School Employees Association, and the Coalition of Oregon School Administrators.

7. After consulting with ODE’s Rules Coordinator and the Office of Indian Education, did this item require Tribal Consultation and/or Tribal Communication with Oregon’s nine federally recognized tribes? (For more information, please reference ODE’s [Tribal Consultation Toolkit.](#))

- No
- Yes – Both Consultation and Communication.
- Yes – Only Communication.

8. Has your office/team considered how this item intersects with the authority of other state entities that serve the health and education needs of Oregon’s students, or otherwise contribute to the climate of Oregon’s school systems? If so, please select from the below list.

- N/A; this item does not intersect with other state entities.
- Oregon Health Authority (OHA)
- Department of Early Learning and Care (DELIC; formerly ELD)
- Educator Advancement Council (EAC)
- Higher Education Coordinating Commission (HECC)
- Youth Development Oregon (YDO)
- Teacher Standards and Practices Commission (TSPC)
- Oregon Housing and Community Services (OHCS)
- Other: Oregon Department of Human Services (ODHS)

If you selected any of the above entities, please share why they were involved, how the Department partnered with them, and what feedback they provided.

Feedback was requested on an early draft in October 2025 from multiple organizations, including TSPC and ODHS. Neither TSPC nor ODHS responded to the request.

Oregon State Board of Education Docket



9. Which geographic perspectives are intentionally represented in your office/team engagement strategy?

- Northeast Oregon
- Central and Southeast Oregon
- Southwest Oregon
- Willamette Valley and Central Coast
- Northwest Oregon
- Tribal lands
- Other: Statewide

Why did your office/team focus on the above geographical perspective(s)?

The Department is charged with statewide investigation of all sexual conduct reports that meet screening criteria involving non-licensed personnel and students.

10. Please highlight some of the key pieces of feedback your office/team received during the engagement process. How did this feedback influence the development of this item? How were differences in opinion accounted for?

The Department received feedback from one partner relating to clarification of issuance of the final determination to education providers. Once clarified, there was no difference of opinion that needed to be accounted for, and as a result, no changes were made to the draft.

11. Please describe any additional engagement opportunities your office/team will be pursuing prior to asking the Board to take action on this item.

N/A.

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

Equitable resource allocation is a critical component of education equity. Using plain language, this section should describe the fiscal, administrative, and small business impacts of this item, and how it affects the larger social system that serves Oregon's students.

12. After consulting with ODE's Rules Coordinator and Grant Consolidation Team, was this item identified as a grant-related item?

- No
- Yes; please review Appendix B: Grant Consolidation below.

13. Will Board action create fiscal or administrative impacts on districts, ESDs, community-based organizations, and/or the nine federally recognized tribes? If so, please describe the anticipated short- and long-term effects and how they may be felt differently in small, rural, or remote communities.

No.

- 14. Will Board action create a fiscal or administrative impact on state agencies, units of local government, and/or the public? Will it increase costs associated with compliance for small businesses?**

No.

EQUITY IMPACT ANALYSIS

The State Board of Education envisions an aspirational education system that honors its increasingly diverse student body and affirms every student to reach their full potential in a rapidly shifting global environment. Using plain language, this section should describe the impact of this item on students and the larger social system that serves their health and education needs.

- 15. How will Board action on this item ultimately impact students and their families, particularly those who have been and continue to be systemically marginalized?**

Revisions to the Division 55 rules will ultimately strengthen protections for students by ensuring clearer, more consistent processes for responding to sexual conduct concerns across Oregon. For students and families, especially those who have been and continue to be systemically marginalized, these changes help create safer, more predictable, and more accountable school environments.

- 16. How will Board action on this item ultimately impact school district employees and volunteers, particularly those who have been and continue to be systemically marginalized?**

For staff and volunteers, these updates help ensure that the Department's processes are transparent and predictable. The revised rules reduce ambiguity in reporting pathways and investigative steps, which supports employees and volunteers in understanding their rights and responsibilities. This clarity is especially important for individuals who may have previously faced disproportionate scrutiny, inconsistent treatment, or barriers in navigating district systems.

- 17. What are the anticipated short- and long-term consequences of Board action on this item? Will Board action have a cumulative effect on students, families, educators, districts, or Oregon's school systems?**

Board action on the Division 55 revisions will have both immediate and cumulative effects across Oregon's school system. Short-term, the revisions will create clearer expectations for districts and more consistent processes for reporting and investigating sexual conduct, improving communication and reducing confusion for students, families, and staff.

Oregon State Board of Education Docket



Long-term consequences involve strengthening statewide systems for student safety, promoting more equitable and predictable practices, and building trust in how concerns are handled. Taken together, these actions will have a cumulative impact by creating conditions that support increased consistency, accountability, and equity across districts, which benefits students, families, educators, and school communities over time.

18. What are the anticipated short- and long-term consequences of inaction on this item and who would experience those consequences?

Inaction would leave outdated or unclear requirements in place, which hinders efforts to improve accountability, consistency, transparency, and equity statewide. This has potential to cause indirect harm to students, families, educators, and education providers, especially those least equipped to navigate complex systems.

RECOMMENDED ACTION

The State Board of Education has dedicated itself to challenging the status quo and sharing responsibility for every student's academic and lifelong success. Using plain language, this section should describe the choice before the Board, the Department's recommendation, and any other relevant information.

19. Please provide a brief summary of the specific language your office/team is bringing to the Board. Are there any key decisions within this language that your office/team would like the Board to make?

We are presenting revised rule language necessary to fully implement ORS 339.391. The proposed updates (1) align Division 55 rules with current statutory requirements, (2) address areas where the statute is silent or incomplete, (3) clarify language that is vague or operationally unclear, and (4) streamline existing Department processes to ensure consistency and efficiency.

At this time, we are not asking the Board to make additional policy decisions beyond adopting the revised language.

20. How is this language responsive to identified needs and/or feedback received through the engagement process? How is it in alignment with [the Board's Mission, Vision, and Values](#)?

The engagement process did not reveal specific needs or substantive feedback beyond a request for clarification on when determinations are issued to education providers. Even without substantial external feedback, the Division 55 revisions remain aligned with the Board's mission by strengthening consistency, transparency, and statewide accountability in responding to sexual conduct concerns, which advances the Board's commitment to safe and equitable learning environments.

Oregon State Board of Education Docket



21. Please describe the action your office/team is recommending to the Board (for example, the adoption of rules or the approval of a waiver) and how it reflects the Department's commitment to academic excellence, belonging and wellness, and reimagining accountability.

This recommendation reflects the Department's commitment in several ways:

- Academic excellence: Safe learning environments are foundational to student success. By clarifying processes and strengthening statewide consistency of their application, the revisions help ensure that students are protected from harm so they can fully engage in learning.
- Belonging and wellness: Transparent and equitable procedures support students and families in feeling seen, heard, and protected. Clear expectations also ensure that all staff and volunteers are treated fairly and respectfully in the investigative process.
- Reimagining accountability: The revisions modernize and streamline rule language and promote consistent implementation, which advances a model of accountability that is more transparent.

22. Please note any additional support the Department is (or will be) providing to ensure successful implementation of this item.

- N/A; this item does not require any additional support.
- Communications plan
- Technical assistance, professional development, and/or coaching
- Direct or differentiated support for small, rural, or remote school districts
- Corrective Action Processes
- Safety measures
- Organizational culture or practice changes (change management)
- Materials and/or supplies
- Guidance and/or supplemental resources
- Other: _____

23. Has this item changed since the last Board meeting?

- N/A; this item has not previously been before the Board
- No; same as last month
- Yes; please review Appendix A: Second Reading below.

**CHAPTER 581, DIVISION 55
SEXUAL CONDUCT INVESTIGATIONS**

OAR 581-055-0001 Definitions1
OAR 581-055-0002 Purpose and Scope6
OAR 581-055-0003 Screening.....6
OAR 581-055-0004 Sexual Conduct Investigations7
OAR 581-055-0006 Exceptions to Completing an Investigation10
OAR 581-055-0007 Sexual Conduct Final Determinations10
OAR 581-055-0009 Notices Related to Final Determinations12
OAR 581-055-0011 Appeal of a Substantiated Final Determination13
OAR 581-055-0012 Verification System13
OAR 581-055-0014 Confidentiality of Documents, Materials, and Reports14

OAR 581-055-0001 Definitions

[Sexual Conduct Investigations and Abuse Notifications:] **Definitions**

For purposes of OAR 581-055-0001 to OAR 581-055-0014:

- (1) “Agent” has the meaning given that term in ORS 339.370.**
- (2) “Commission licensee” has the meaning given that term in ORS 339.370.**
- (3) “Contractor” has the meaning given that term in ORS 339.370.**
- (4) “Disqualifying crime”:**
 - (a) Means a conviction for any crime that involved a student and is listed below, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.**
 - (b) Includes:**
 - (A) ORS 163.355 (Rape in the third degree);**
 - (B) ORS 163.365 (Rape in the second degree);**
 - (C) ORS 163.375 (Rape in the first degree);**
 - (D) ORS 163.385 (Sodomy in the third degree);**
 - (E) ORS 163.395 (Sodomy in the second degree);**

- (F) ORS 163.405 (Sodomy in the first degree);
- (G) ORS 163.408 (Unlawful sexual penetration in the second degree);
- (H) ORS 163.411 (Unlawful sexual penetration in the first degree);
- (I) ORS 163.415 (Sexual abuse in the third degree);
- (J) ORS 163.425 (Sexual abuse in the second degree);
- (K) ORS 163.427 (Sexual abuse in the first degree);
- (L) ORS 163.432 (Online sexual corruption of a child in the second degree);
- (M) ORS 163.433 (Online sexual corruption of a child in the first degree);
- (N) ORS 163.435 (Contributing to the sexual delinquency of a minor);
- (O) ORS 163.445 (Sexual misconduct);
- (P) ORS 163.670 (Using child in display of sexually explicit conduct);
- (Q) ORS 163.684 (Encouraging child sexual abuse in the first degree);
- (R) ORS 163.686 (Encouraging child sexual abuse in the second degree);
- (S) ORS 163.687 (Encouraging child sexual abuse in the third degree);
- (T) ORS 163.688 (Possession of materials depicting sexually explicit conduct of a child in the first degree);
- (U) ORS 163.689 (Possession of materials depicting sexually explicit conduct of a child in the second degree);
- (V) ORS 167.057 (Luring a minor);
- (W) ORS 167.075 (Exhibiting an obscene performance to a minor);
- (X) ORS 167.080 (Displaying obscene materials to minors); and
- (Y) ORS 161.405 (Attempt to commit any of the crimes listed in subparagraphs (A) through (X) of this paragraph).

- (5) "Education provider" has the meaning given that term in ORS 339.370.
- (6) "Final determination" means the determination ODE makes after conducting a sexual conduct investigation that a report is substantiated, cannot be substantiated, or is not a report of sexual conduct.
- (7) "Investigation" has the meaning given that term in ORS 339.370. "Investigation" does not include screening activities conducted upon the receipt of a report of possible sexual conduct.

- (8) “Investigation report” means the report an ODE investigator completes following a suspected sexual conduct investigation.
- (9) “ODE” means the Oregon Department of Education.
- (10) “ODHS” means the Oregon Department of Human Services.
- (11) “Reasonable cause” means a subjectively and objectively reasonable belief, given all of the circumstances and based on specific and articulable facts.
- (12) “Report of confirmed sexual conduct” means a report of sexual conduct submitted to ODE on or after July 1, 2020, involving a conviction for a disqualifying crime that has been ~~submitted to ODE~~, screened by ODE, and determined by ODE to constitute sexual conduct for which ODE would have had the responsibility to investigate but for the criminal conviction.
- (13) “Report of possible sexual conduct” means any report of sexual conduct submitted to ODE that may have been committed by a school employee, contractor, agent or volunteer. ODE screens all reports of possible sexual conduct to determine if it constitutes a report of suspected sexual conduct.
- (14) “Report of suspected sexual conduct” means a report of possible sexual conduct that has been submitted to ODE, screened by ODE, and determined by ODE to constitute a report of suspected sexual conduct for which ODE has responsibility to investigate. A report of suspected sexual conduct must meet the following criteria:
- (a) The report alleges sexual conduct;
 - (b) At the time of the alleged conduct, the student was a student;
 - (c) The respondent provided services to an education provider as a school employee, contractor, agent or volunteer within two calendar years prior to when the suspected sexual conduct occurred;
 - (d) The respondent is not a commission licensee;
 - (e) The respondent is not deceased;
 - (f) The respondent has not been convicted of a disqualifying crime; and
 - (g) One of the following circumstances applies:
 - (A) If the alleged conduct was investigated by ODHS or law enforcement, ODE’s independent analysis of available information indicates that there is reasonable cause to believe that the respondent engaged in sexual conduct; or
 - (B) If the alleged conduct was not investigated by ODHS or law enforcement, information available after screening indicates that there is a basis to believe that the respondent engaged in sexual conduct.

- (15) **“Respondent” means a living person who is alleged to have committed sexual conduct in a report of sexual conduct.**
- (16) **“School employee” has the meaning given that term in ORS 339.370.**
- (17) **“Screening” means the activities conducted by ODE as described in OAR 581-055-0003.**
- (18) **“Sexual conduct” has the meaning given that term in ORS 339.370.**
- (19) **“Substantiated report” has the meaning given that term in ORS 339.370.**
- (20) **“Student” has the meaning given that term in ORS 339.370.**
- (21) **“TSPC” means the Oregon Teacher Standards and Practices Commission.**
- (22) **“Volunteer” has the meaning given that term in ORS 339.370.**

[For purposes of OAR 581-055-0001 to OAR 581-055-0017:

(1) “Agent” means a person acting on behalf of an education provider in a manner that requires the person to have direct, unsupervised contact with students.

(2) “Contractor” means a person providing services to an education provider under a contract in a manner that requires the person to have direct, unsupervised contact with students.

(3)(a) “Education provider” means:

(A) A school district, as defined in ORS 332.002;

(B) The Oregon School for the Deaf;

(C) An educational program under the Youth Corrections Education Program;

(D) A public charter school, as defined in ORS 338.005;

(E) An education service district, as defined in ORS 334.003;

(F) Any state-operated program that provides educational services to students; and

(G) A private school.

(b) “Education provider” does not include:

(A) The Oregon Youth Authority;

(B) The Department of Corrections; or

(C) The Department of Education, except when functioning as an education provider on behalf of:

(i) The Oregon School for the Deaf;

(ii) An educational program under the Youth Corrections Education Program; or

(iii) A public charter school, as defined in ORS 338.005, that is sponsored by the Department of Education.

(4) "Private school" means a school that provides to students instructional programs that are not limited solely to dancing, drama, music, religious, or athletic instruction.

(5) "School employee" means an employee of an education provider.

(6)(a) "Sexual Conduct" means:

(A) Conduct by a school employee, a contractor, an agent, or a volunteer that is verbal or physical in nature, that involves a student, and that is:

(i) A sexual advancement or request for sexual favors directed toward a student; or

(ii) Of a sexual nature that is directed toward a student or that has the effect of unreasonably interfering with a student's educational performance, or of creating an intimidating, hostile, or offensive educational environment.

(B) Communications by a school employee, a contractor, an agent, or a volunteer that are verbal, written, or electronic in nature, that involve a student, and that are:

(i) Sexual advances or requests for sexual favors directed toward a student; or

(ii) Of a sexual nature that are directed toward a student or that have the effect of unreasonably interfering with a student's educational performance, or of creating an intimidating, hostile, or offensive educational environment.

(b) "Sexual conduct" does not include touching for which there is no sexual intent and that is necessitated by the nature of a school employee's job duties or by the services required to be provided by a contractor, agent, or volunteer.

(7) "Student" means any person:

(a) Who is in any grade from prekindergarten through grade 12;

(b) Who is twenty-one years of age or younger and receives educational or related services from an education provider that is not a post-secondary institution of education; or

(c) Who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school 90 or fewer days before the date on which the sexual conduct occurred.

(8) "Volunteer" means a person acting as a volunteer for an education provider in a manner that requires the person to have direct, unsupervised contact with students.]

Statutory/Other Authority: ORS 326.051, ORS 339.391, ORS 342.120, & ORS 342.143

Statutes/Other Implemented: ORS 339.391 & ORS 419B.019

History:

ODE 30-2020, adopt filed 06/24/2020, effective 06/24/2020

OAR 581-055-0002 Purpose and Scope

ODE receives reports of possible sexual conduct and screens them to determine the response required under ORS 339.391. The purpose of OAR 581-055-0001 to 581-055-00014 is to describe:

- (1) The circumstances under which ODE is responsible to respond to a report of sexual conduct involving a student that may have been committed by an employee, contractor, agent or volunteer of an education provider; and**
- (2) The requirements for screening and investigating a report of sexual conduct received by ODE on or after July 1, 2020.**

Statutory/Other Authority: ORS 326.051 & ORS 339.391

Statutes/Other Implemented: ORS 339.391

OAR 581-055-0003 Screening

- (1) When ODE receives a report of possible sexual conduct, ODE shall conduct screening activities to determine whether the report constitutes a report of suspected sexual conduct for which ODE has responsibility to investigate or a report of confirmed sexual conduct for which ODE does not have responsibility to investigate. Screening activities may include:**
 - (a) Determining whether the report alleges sexual conduct.**
 - (b) Determining whether, at the time of the alleged conduct, the student was a student.**
 - (c) Determining whether the respondent provided services to an education provider as a school employee, contractor, agent or volunteer within two calendar years prior to when the possible sexual conduct was committed.**
 - (d) Determining whether the respondent is a commission licensee.**
 - (e) Confirming that the respondent is not deceased.**
 - (f) Confirming that the respondent has not been convicted of a disqualifying crime.**
 - (g) Gathering information on the alleged conduct and the circumstances surrounding the report.**
 - (h) Requesting relevant records from the education provider pertaining to the alleged conduct.**
 - (i) Requesting relevant records from ODHS pertaining to the alleged conduct. If ODHS is presently conducting an investigation into the alleged conduct, ODE will wait for the conclusion of ODHS' investigation before determining whether the report constitutes a report of suspected sexual conduct for purposes of investigations under ORS 339.391.**

(j) Requesting relevant records from law enforcement pertaining to the alleged conduct. If law enforcement is presently conducting an investigation into the alleged conduct, ODE will wait for the conclusion of law enforcement's investigation before determining whether the report constitutes a report of suspected sexual conduct for purposes of investigations under ORS 339.391.

(2) When screening activities in subsection (1) of this rule are complete, ODE shall determine whether the report constitutes a report of suspected sexual conduct or a report of confirmed sexual conduct.

(a) If ODE determines that the report is a report of suspected sexual conduct, ODE shall immediately initiate an investigation as defined in OAR 581-055-0004.

(b) If ODE determines that the report is a report of confirmed sexual conduct, ODE shall:

(A) Close the report at screening; and

(B) Provide written notice to the respondent that explains:

(i) Due to the conviction, ODE will maintain a record in its verification system indicating that the respondent has a substantiated report of sexual conduct with ODE; and

(ii) The process the respondent can initiate to dispute ODE's verification system record.

(c) If ODE determines that the report is not a report of suspected sexual conduct or a report of confirmed sexual conduct, ODE shall close the report at screening. If the education provider has submitted a report of possible sexual conduct to ODE, ODE shall provide written notice to the education provider regarding its action to close the report at screening.

Statutory/Other Authority: ORS 326.051 & ORS 339.391

Statutes/Other Implemented: ORS 339.391 & 419B.019

OAR 581-055-0004 Sexual Conduct Investigations

Sexual Conduct Investigations [by the Department of Education]

(1) When ODE initiates an investigation into a report of suspected sexual conduct, ODE shall send notice of the investigation to:

(a) The education provider for which the respondent was working, acting, or performing services when the alleged sexual conduct occurred;

(b) Any other education provider that ODE determines must receive notice to ensure the safety of students; and

(c) The respondent who is alleged to have committed the sexual conduct.

- (2) If ODE’s investigation involves a report of suspected sexual conduct that has been investigated by ODHS or law enforcement, ODE may:**
- (a) Rely on the findings of an ODHS or law enforcement investigation, including findings based on:**
 - (A) Interviews conducted with the student who may have been subjected to sexual conduct;**
 - (B) Interviews conducted with the respondent;**
 - (C) Interviews conducted with other individuals involved in the investigation; and**
 - (D) Evidence obtained during the investigation.**
 - (b) Assess what additional information is needed for ODE’s investigation in order to determine whether there is reasonable cause to believe that the respondent engaged in sexual conduct.**
- (3) If ODE’s investigation involves a report of suspected sexual conduct that has not been investigated by ODHS or law enforcement, ODE’s investigation shall include the following activities:**
- (a) Requesting interviews with the following persons:**
 - (A) The student who may have been subjected to sexual conduct. If the student is a minor or has a legal guardian, ODE must notify the parent or legal guardian prior to requesting an interview with the student.**
 - (B) Any witnesses to the reported sexual conduct.**
 - (C) The respondent.**
 - (i) If the respondent declines ODE’s interview request, it must be documented in ODE’s investigation report.**
 - (ii) If the respondent does not respond to ODE’s initial interview request, at least two additional attempts to interview the respondent must be made.**
 - (a) At least one additional attempt must be made by phone to the last known phone number.**
 - (b) At least one additional attempt must be made by mail to the last known address.**
 - (c) All attempts to contact the respondent must be documented in the investigation report.**
 - (b) Informing all individuals being interviewed that they may decline to be interviewed.**
 - (c) Obtaining and reviewing relevant material evidence.**

(4) Except as provided in OAR 581-055-0006, when investigation activities are complete, the ODE investigator shall prepare an investigation report that recommends whether the report of suspected sexual conduct should be substantiated, cannot be substantiated, or is not a report of sexual conduct.

[(1) When the Department of Education receives a report of suspected sexual conduct, the department shall determine whether:

(a) The report alleges sexual conduct as defined in OAR 581-055-0001; and

(b) A school employee, contractor, agent, or volunteer who is not licensed by the Teacher Standards and Practices Commission is alleged to have committed the sexual conduct.

(2) If the department determines that the report of suspected sexual conduct meets the requirements of (1) of this rule, the department shall immediately initiate an investigation and send notice of the investigation to:

(a) The education provider for which the school employee, contractor, agent, or volunteer who is alleged to have committed the sexual conduct was working, acting, or performing services when the alleged sexual conduct occurred; and

(b) Any other education provider that the Department of Education determines must receive notice to ensure the safety of students.

(3) An investigation conducted under this rule shall include a detailed inquiry into the factual allegations of the report of suspected sexual conduct including, but not limited to:

(a) The gathering of any evidence relevant to the allegations in the report; and

(b) Interviews with:

(A) The person who initiated the report;

(B) The student who may have been subjected to sexual conduct;

(C) The subject of the report who is alleged to have committed the sexual conduct; and

(D) Any witnesses to the events that were reported.

(4) A person appointed to conduct an investigation under this rule may:

(a) Issue subpoenas to require the attendance of witnesses or the production of documents or other evidence;

(b) Subpoena witnesses; and

(c) Swear witnesses and compel obedience in the same manner as provided by law for state agencies in contested cases.]

Statutory/Other Authority: ORS 326.051 & ORS 339.391

Statutes/Other Implemented: ORS 339.391 & **419B.019**

History:

ODE 30-2020, adopt filed 06/24/2020, effective 06/24/2020

OAR 581-055-0006 Exceptions to Completing an Investigation

- (1) During the course of an investigation, ODE may determine that the report does not require a final determination under the following circumstances:
 - (a) The report was assigned for investigation in error; or
 - (b) ODE received information after the report was assigned for investigation and that information, in combination with the report initially submitted to ODE, no longer constitutes a report of suspected sexual conduct. This exception may be used only when ODE determines the information:
 - (A) Relates directly to and specifically negates all allegations of sexual conduct in the initial report; and
 - (B) Is considered on the basis of the objectivity of the individual providing the information and the quality of the information.
- (2) If ODE determines that one of the exceptions to completing an investigation listed above applies, ODE shall:
 - (a) Document the basis for the exception; and
 - (b) Provide written notice that explains the basis of the exception to the education provider or providers that received notice under OAR 581-055-0004(1).

Statutory/Other Authority: ORS 326.051 & ORS 339.391

Statutes/Other Implemented: ORS 339.391

OAR 581-055-0007 Sexual Conduct Final Determinations

Sexual Conduct Final Determinations *[Reports by the Department of Education]*

- (1) Except as provided in OAR 581-055-0006, a final determination must be made for all reports of suspected sexual conduct that are determined to require an investigation under OAR 581-055-0003.
- (2) Following an investigation conducted under OAR 581-055-0004, ODE shall issue its final determination on whether the allegation raised in the report:
 - (a) Is “substantiated,” which means that based on available evidence, there is reasonable cause to believe the respondent engaged in sexual conduct;
 - (b) “Cannot be substantiated,” which means there is insufficient evidence to conclude that there is reasonable cause to believe the respondent engaged in sexual conduct; or

(c) Is “not a report of sexual conduct,” which means that the reported conduct does not meet the definition of sexual conduct.

(3) Unless an extension is granted as provided in paragraph (a) of this subsection, the final determination shall be issued to the education provider or providers that received notification of the investigation no later than 90 calendar days following the date on which the report was filed with ODE.

(a) ODE may extend the time by which ODE must issue the final determination if, for good cause, ODE determines that a longer period of time is necessary.

(b) Good cause to extend the 90-day timeline may apply to the following situations:

(A) When law enforcement or ODHS is conducting an investigation; or

(B) When critical information necessary to make a determination is outstanding.

[(1)(a) Following an investigation conducted under OAR 581-055-0004, the Department of Education shall issue its final report, which must include the following information, as allowed by state and federal law:

(A) A cite to the department’s statutory authority;

(B) The procedural background;

(C) The department’s findings of fact;

(D) The evidentiary standards and legal analysis used to prepare the final report;

(E) The department’s final determination, which will indicate whether the allegations raised in the report of suspected sexual conduct are substantiated, cannot be substantiated, or do not constitute a report of sexual conduct; and

(F) Information about the right to an appeal under OAR 137-003-0501 to 137-003-0700, as described in OAR 581-055-0011.

(b) The final report shall be sent to the following individuals within the time prescribed in subsection (2) of this rule:

(A) The person alleged to have committed the sexual conduct;

(B) The student involved and, if applicable, the student’s parent or legal guardian;

(C) Each education provider that received notice of the investigation;

(D) The person who made the report of suspected sexual conduct; and

(E) Any regulatory board other than the Teacher Standards and Practices Commission that licenses, registers, certifies, or otherwise authorizes the actions of or the performance of services by the school employee, contractor, agent, or volunteer to practice a profession or provide professional services.

(2)(a) The final report described in this rule must be issued no later than 90 calendar days after the department receives the report of suspected sexual conduct under OAR 581-055-0004.

(b) Notwithstanding paragraph (a) of this subsection, the department may extend the time by which the department must issue the final report if, for good cause, the department determines that a longer period of time is necessary.]

Statutory/Other Authority: ORS 326.051 & ORS 339.391

Statutes/Other Implemented: ORS 339.391 & **419B.019**

History:

ODE 30-2020, adopt filed 06/24/2020, effective 06/24/2020

OAR 581-055-0009 Notices Related to Final Determinations

(1) ODE shall provide written notice of the final determination to:

(a) The student, the student’s parent or legal guardian, or both the student and the student’s parent or legal guardian; and

(b) The respondent if the report cannot be substantiated or is not a report of sexual conduct.

(2) For a substantiated report only, ODE shall provide notice of substantiated determination to:

(a) The respondent;

(b) The respondent’s attorney, if applicable; and

(c) Any regulatory board other than TSPC that ODE knows licensed, registered, certified, or otherwise authorized the actions of or the performance of services by the school employee, contractor, agent or volunteer to practice a profession or provide professional services.

(3) The notice of substantiated determination must include the information described in:

(a) OAR 137-003-0505(1) and (2)(a); and

(b) ORS 183.415.

(4) If the person who reported the conduct to ODE is not ODHS, an education provider, a student who may have been subjected to sexual conduct, or the parent or legal guardian of a student who may have been subjected to sexual conduct, ODE shall attempt to notify the reporter of the outcome of the investigation.

Statutory/Other Authority: ORS 326.051 & ORS 339.391

Statutes/Other Implemented: ORS 339.391

OAR 581-055-0011 Appeal of a Substantiated Final Determination

Appeal[s] of a **Substantiated Final Determination** [*Matters Asserted*]

- (1) After issuing [*its*] a **substantiated** final [*report*] **determination** under OAR 581-055-0007, **ODE** [*the Department of Education*] shall send **to the respondent** notice of substantiated determination that describes a right to a contested case hearing under OAR 137-003-0501 to 137-003-0700. **The notice shall be sent to the respondent by certified mail with return receipt requested.**
- (2) [*Upon receiving notice of the right to a contested case hearing under this rule, a person may*] **The respondent has twenty-one days from the mailing date of the notice to** request from [the department] **ODE**[, *within the amount of time stated in the notice,*] a contested case hearing to appeal the **substantiated** [*matter asserted in the*] final **determination** [*report*]. Hearings requested under this section are subject to the provisions established for contested case hearings under OAR 137-003-0501 to 137-003-0700.

Statutory/Other Authority: ORS 326.051 & ORS 339.391

Statutes/Other Implemented: ORS 339.391 & **419B.019**

History:

ODE 30-2020, adopt filed 06/24/2020, effective 06/24/2020

OAR 581-055-0012 Verification System

- (1) When ODE initiates an investigation based on a report of suspected sexual conduct, ODE shall enter the respondent's name into a verification system to indicate that the person has an open investigation of suspected sexual conduct.
- (2) A respondent's name shall remain in ODE's verification system until:
 - (a) An exception applies to completing the investigation under subsection (a) or subsection (b) of OAR 581-055-0006 and the report is closed without a final determination, in which case the respondent's record must be removed from the verification system;
 - (b) An unsubstantiated final determination is issued, in which case the respondent's record must be removed from the verification system;
 - (c) A substantiated final determination is issued and the respondent does not request a contested case hearing within twenty-one days of the date of issuance, in which case the respondent's record in the verification system must be changed from "open investigation" to "substantiated report"; or
 - (d) The respondent requests a contested case hearing, a contested case hearing is held, and:

- (A) ODE’s final determination is ultimately affirmed through the appeal process, in which case the respondent’s record in the verification system must be changed from “open investigation” to “substantiated report”; or
- (B) ODE’s final determination is ultimately not affirmed through the appeal process, in which case the respondent’s record must be removed from the verification system.

Statutory/Other Authority: ORS 326.051 & ORS 339.391

Statutes/Other Implemented: ORS 339.391

OAR 581-055-0014 Confidentiality of Documents, Materials, and Reports

- (1) Except as provided in subsection (2) of this rule, documents, *[and]* materials, **and reports related to screenings**, *[used in an]* investigations, **and determinations** conducted pursuant to OAR **581-055-0001 to 581-055-0014** *[chapter 581, division 55 581-055-0004, and reports related to the investigation,]* are confidential and not subject to public inspection.
- (2) To the extent allowed by state and federal law, upon request, **ODE** *[the department]* shall make documents, materials, and reports described in subsection (1) of this rule available to:
 - (a) A law enforcement agency or **ODHS** *[the Department of Human Services]*, if necessary to conduct an investigation **under ORS 419B.005 to 419B.050** *[of alleged abuse]*;
 - (b) **TSPC** *[The Teacher Standards and Practices Commission]*, if necessary to conduct an investigation **under ORS 339.390 or ORS 342.176** *[of suspected sexual conduct by a school employee, contractor, agent, or volunteer who is licensed by the commission]*; and
 - (c) An education provider, if necessary for the education provider to take disciplinary action *[against,]* **or** make changes *[to]* **in** the employment **relationship** *[of,]* or *[make changes to the]* duties of a school employee, contractor, agent or volunteer.
- (3) **ODE shall retain documents and materials related to any report received under this rule for a period of 75 years.**

Statutory/Other Authority: ORS 326.051 & ORS 339.391

Statutes/Other Implemented: ORS 339.391 & 419B.019

History:

ODE 30-2020, adopt filed 06/24/2020, effective 06/24/2020

OAR 581-055-0017 is repealed.



Division 55 Rules Revision

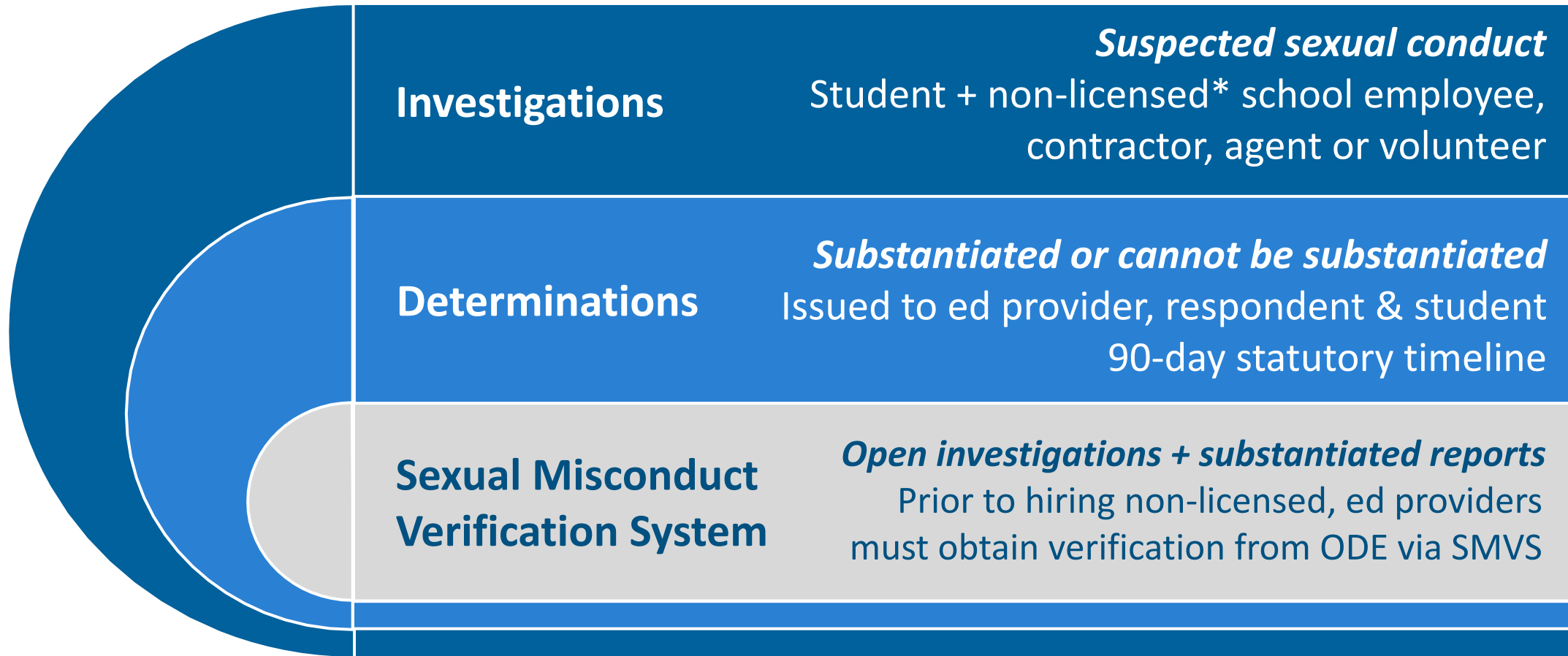
284

Maya Heim (she/her) – RISC Unit Manager
Office of Relations, Management and Support

Maya.Heim@ODE.Oregon.gov

Division 55 Rules Revision: Program Overview

Reports & Investigations of Sexual Conduct (RISC) Unit Core Functions



285

Division 55 Rules Revision: Program Overview

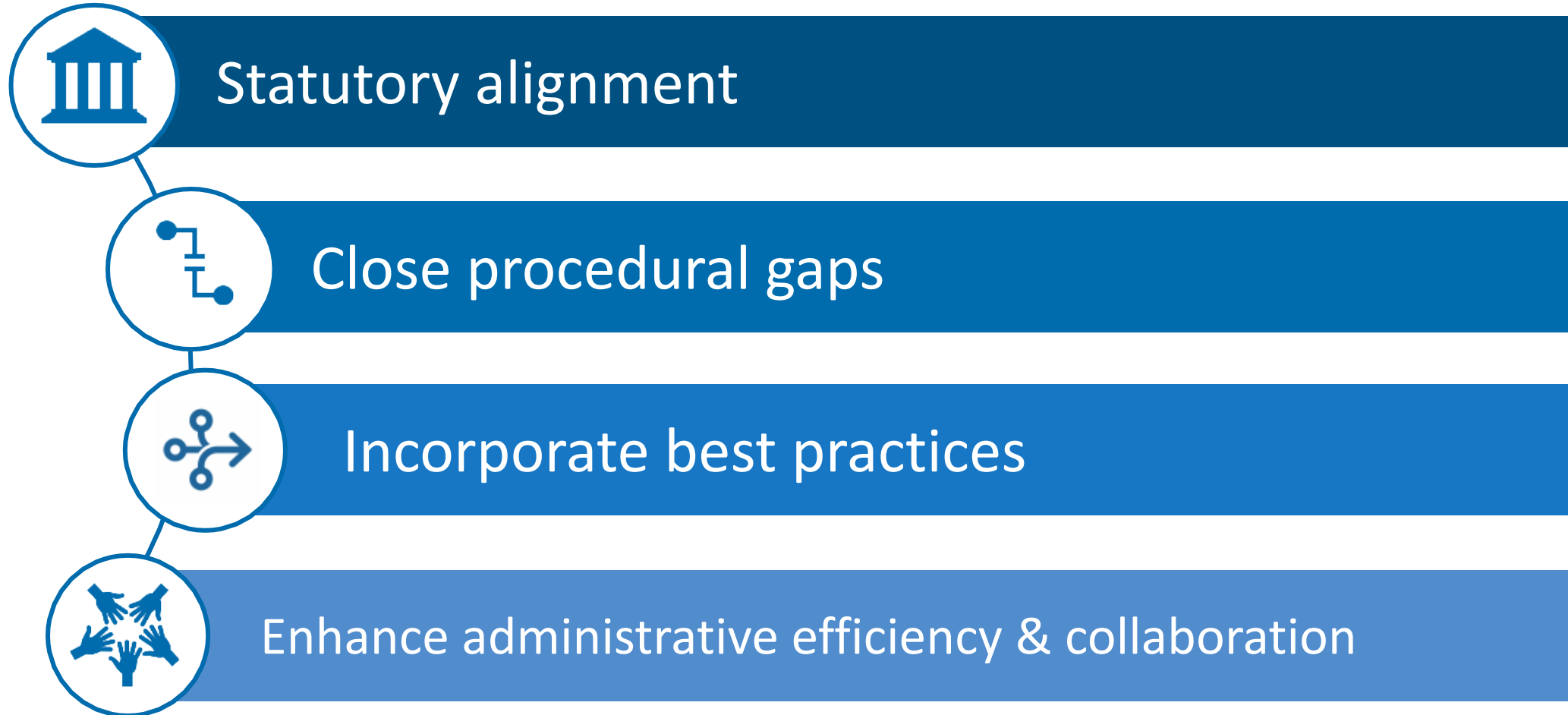
Interagency Roles in Sexual Conduct Investigations

Sexual Conduct <i>Conduct or communications of a sexual nature directed toward or involving a student</i>	Conducted by ODE or TSPC <i>Administrative investigation / reasonable cause</i> Focus: respondent's conduct
Sexual Abuse <i>Person's use of a minor for sexual gratification</i>	Conducted by ODHS in collaboration with law enforcement²⁸⁶ <i>Administrative investigation / reasonable cause</i> Focus: minor's environment & protective measures
Sexual Abuse <i>Sexual crimes involving minors</i>	Conducted by law enforcement <i>Criminal investigation / beyond a reasonable doubt</i> Focus: suspect, justice & legal standards of proof

Sexual conduct severity



Division 55 Rules Revision: Need for Rulemaking



287

Division 55 Rules Revision: Engagement Strategy

OSBA

OR School Boards Association

COSA

Coalition of OR School Administrators

OSEA

OR School Employees Association

OTIS

Office of Training, Investigations & Safety

TSPC

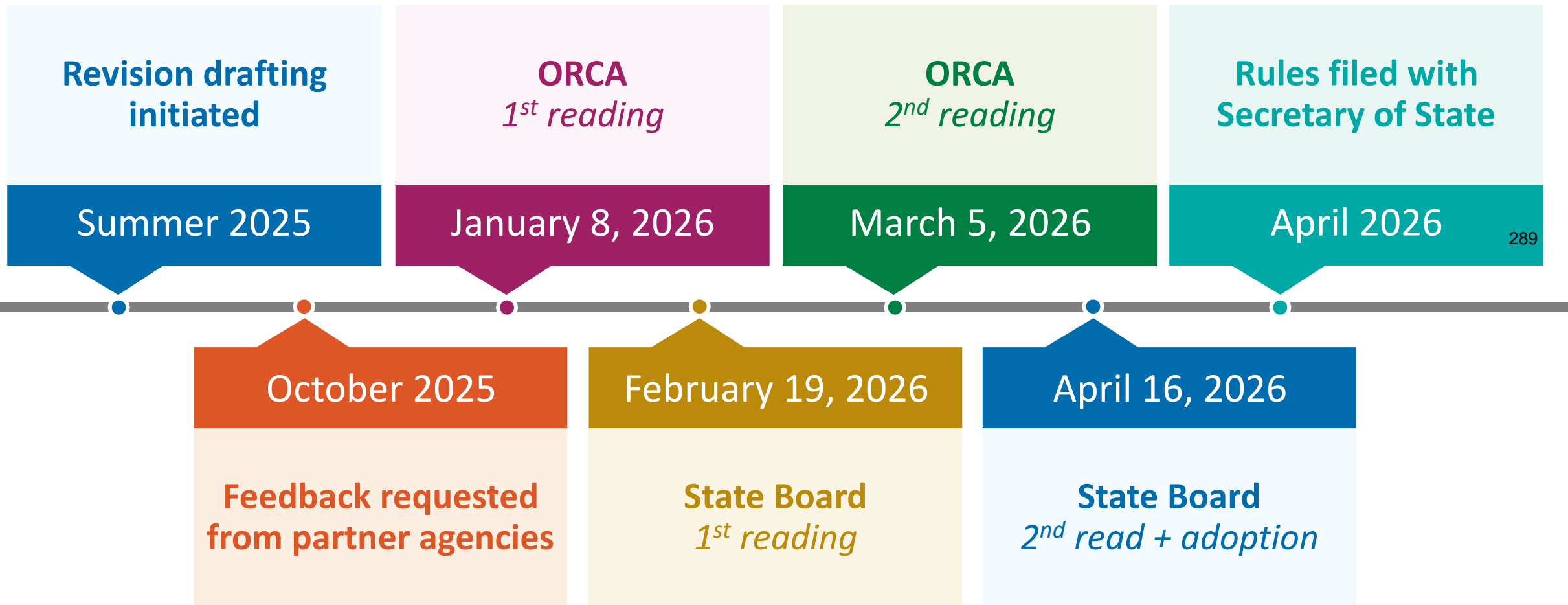
Teacher Standards & Practices Commission

Feedback Received

Clarification on issuance of the final determination to the education provider

288

Division 55 Rules Revision: Timeline



289

Division 55 Rules Revision: Summary of Changes

New Rules

- OAR 581-055-0002
Purpose & Scope
- OAR 581-055-0003
Screening
- OAR 581-055-0006
Exceptions
- OAR 581-055-0009
Final Det. Notices
- OAR 581-055-0012
Verification System

Modified Rules

- OAR 581-055-0001
Definitions
- OAR 581-055-0004
Investigations
- OAR 581-055-0007
Final Determinations
- OAR 581-055-0011
Appeals
- OAR 581-055-0014
Confidentiality

Repealed

- OAR 581-055-0017
ODHS Notices

Division 55 Rules Revision: Summary of Changes

Modified Rule | OAR 581-055-0001 | Definitions

- 16 new definitions, such as:
 - “Disqualifying crime”
 - “Reasonable cause”
- 5 modified definitions via reference to ORS
- 1 eliminated definition for term not referenced in rules (“private school”)
- Defines types of sexual conduct reports
 - *Possible*: all reports submitted to ODE prior to screening
 - *Suspected*: reports that meet criteria for investigation after ODE screening
 - *Confirmed*: reports concerning a respondent w/disqualifying crime conviction

291

Division 55 Rules Revision: Summary of Changes

*****New Rule***** | *OAR 581-055-0002* | *Purpose and Scope*

- Describes circumstances under which ODE is responsible to respond to reports of sexual conduct
- States screening and investigating requirements for reports received on or after July 1, 2020

292

Division 55 Rules Revision: Summary of Changes

*****New Rule***** | *OAR 581-055-0003* | *Screening*

- Describes screening process for all reports received
- Identifies specific screening activities that may be undertaken
- States criteria to open an investigation
- Provides alternative process for individuals convicted of disqualifying crimes
- Clarifies ODE's role if the report is being investigated by law enforcement (LE) or Oregon Dept. of Human Services (ODHS)

293

Division 55 Rules Revision: Summary of Changes

Modified Rule | OAR 581-055-0004 | Sexual Conduct Investigations

- Clarifies process if investigated by LE or ODHS
 - ODE may rely on findings from LE/ODHS investigations
 - Streamlines ODE's process by minimizing duplicative investigations
 - Aligns with best practices
- States requirements for documenting requests for interviews with the respondent and others

294

Division 55 Rules Revision: Summary of Changes

*****New Rule***** | *OAR 581-055-0006* | *Exceptions to Completing an Investigation*

- Provides closure process if:
 - Report was assigned for investigation in error, or
 - Information is obtained during investigation that negates all allegations
- States notice requirements when an investigation is closed under an exception

295

Division 55 Rules Revision: Summary of Changes

Modified Rule | OAR 581-055-0007 | Final Determinations

- Aligns language with current practice
- Defines each possible determination outcome
- Clarifies 90-day timeline to issue the determination to the education provider
- Identifies circumstances that may constitute good cause to extend
- Moves notification procedures to separate rule

296

Division 55 Rules Revision: Summary of Changes

*****New Rule***** | OAR 581-055-0009 | *Final Determination Notices*

- Outlines notification procedures to:
 - The student, parent and/or legal guardian;
 - The respondent, and if applicable, the respondent's attorney;
 - *If applicable*, a regulatory board other than TSPC that authorized the actions of the respondent; and
 - *If applicable*, the person who submitted the report to ODE
- States required information in the notice of substantiated determination

297

Division 55 Rules Revision: Summary of Changes

Modified Rule | OAR 581-055-0011 | Appeal of a Substantiated Determination

- States certified mailing requirement
- Expressly states 21-day window to request appeal

298

Division 55 Rules Revision: Summary of Changes

*****New Rule***** | *OAR 581-055-0012* | *Verification System*

Sexual Misconduct Verification System (SMVS)

- Describes when a respondent's record:
 - Is entered into SMVS; and
 - When it is removed from or updated within SMVS

299

Division 55 Rules Revision: Summary of Changes

Modified Rule | OAR 581-055-0014 | Confidentiality of Records

- Clarifies that screening-related records are confidential
- Updates language regarding record disclosures to LE, ODHS, and education providers
- States 75-year retention requirement

300

Division 55 Rules Revision: Summary of Changes

Repealed Rule | OAR 581-055-0017 | ODHS Abuse Notifications

- Adopted in 2020 when ODE had mandatory obligation to notify
- *2021 session*: Amended to reflect permissive language that allows, but does not require, notification
- ODHS directly notifies ed providers without need for ODE facilitation
- ODE still retains statutory authority to notify, making the rule unnecessary

301

Division 55 Rules Revision: Equity Impact

OARS

No direct equity impact

ODE

Streamlined internal procedures

Increased transparency

Improved timelines

Schools

More efficient systems

More equitable systems

Improves ability to be more responsive to needs of
Students, families & communities

302

Division 55 Rules Revision: Fiscal Impact

OARS

No direct fiscal, administrative or small business impacts

ODE

Streamlined procedures

More screening + fewer investigations

Improved timelines

Schools

Reduced admin impact re: investigations

More flexibility re: resource allocation

Encourages more equitable resource allocation for Students, families & communities

303

ORCA Feedback

Process Communication

- First contact
- Room for improvement
- Changes implemented since ORCA

Investigation Timelines

- 2025: 65% completed within 90 days
- 86 days on average
- 200+ completed overall

SMVS Entry & Access

- Statutorily required when INV opens
- Accessible to ed providers only

Det. Notice Timelines

- Same day as ed prov.*
- Minor delays if contact info not current

21-Day Appeal Window

- APA: 21 days
- Emails accepted
- Delivery date tracked

Record Access & Retention

- Exempt from public
- Disclosable to ed providers, ODHS, TSPC, LE
- 75-year rationale

304

Division 55 Rules Revision: Discussion

Questions or feedback?

305

Summary

Meeting Date: 2/19/2026

Title: Employment First Legislation: Implementing SB 810

Status: First Reading

Presentation: Yes

Key Staff: Shava Feinstein, Crystal Brumfield, Ramonda Olalyoe

Topic Summary: SB 810 amends statute prohibiting transition services being provided in sheltered or mock sheltered work settings. These amendments to statute require technical fixes to OARs.

ODE Education Equity

Stance

Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

BACKGROUND AND NEED

Members of the State Board of Education are volunteers, with unique professional and lived experiences. Using plain language, this section should provide context for this item, including any needed overviews of relevant programs or initiatives.

- 1. Briefly, how does this topic, program, or initiative currently operate? Where is it located within Oregon's school systems? How does it ultimately serve students?**

Senate Bill 810 takes requirements that exist in executive orders and the *Lane v. Brown* settlement and codifies them into Oregon statute. The bill has two primary mechanisms related to education:

- 1) It mandates ongoing collaboration between ODHS and ODE to expand competitive integrated employment opportunities; and
- 2) It explicitly prohibits 'sheltered' or mock sheltered work settings within transition services for students with intellectual or developmental disabilities.

- 2. Please list the specific rule(s), statute(s), or recently passed legislation that allows the Board to take action on this item. Where are they prescriptive and where do they provide the Board and Department flexibility?**

ORS 343.955 (as enacted by SB 810): The Department of Education shall ensure that transition services, as defined in ORS 343.035, provided to students with intellectual or developmental

Oregon State Board of Education Docket



disabilities do not occur in a sheltered work setting or a mock sheltered work setting, as those terms are defined by rule by the department.

This statute is prescriptive and does not allow the department flexibility in its implementation.

3. Has this item come before the Board before? If so, when did the Board last take action, and what was that action?

No.

4. Why is this item coming before the Board now?

Rulemaking is required to align with statute.

5. Who requested or brought about the need for this item? (Select all that apply.)

- ODE Staff
- Students
- Families
- Community-Based Organizations
- Culturally Specific Organizations
- School Districts
- Education Service Districts
- Charter Schools
- Oregon State Legislature
- Educational Associations
- Racial Justice Council
- Federal Government
- One or more of Oregon’s nine federally recognized tribes: _____
- Other: _____

ENGAGEMENT STRATEGY AND LEARNINGS

The State Board of Education expects all items that come before it be reviewed and influenced, to the greatest extent possible, by a robust community engagement process. Using plain language, this section should provide an overview of the role that engagement played in this item, including with Oregon’s nine federally recognized Tribes, other state agencies, and external partners.

6. How did the [Equity Decision Tree](#) inform your office/team engagement strategy? Who is most likely to be affected and how have they been intentionally incorporated into the engagement process for this item?

Implementation of these rule amendments support ODE’s commitment to carry out legislation intended to increase opportunities for youth and students experiencing disabilities, specifically

Oregon State Board of Education Docket

those experiencing intellectual and developmental disabilities (I/DD). The rule changes were reviewed with Vocational Rehabilitation's rule advisor and the State Rehabilitation Council. Even with limited ability to conduct wide public engagement, the engagement process remained centered on those most affected by the rule changes: students with I/DD, their families, and the cross-agency partners who support competitive integrated employment pathways.

7. **After consulting with ODE's Rules Coordinator and the Office of Indian Education, did this item require Tribal Consultation and/or Tribal Communication with Oregon's nine federally recognized tribes? (For more information, please reference ODE's [Tribal Consultation Toolkit](#).)**
- No
 - Yes – Both Consultation and Communication.
 - Yes – Only Communication.
8. **Has your office/team considered how this item intersects with the authority of other state entities that serve the health and education needs of Oregon's students, or otherwise contribute to the climate of Oregon's school systems? If so, please select from the below list.**
- N/A; this item does not intersect with other state entities.
 - Oregon Health Authority (OHA)
 - Department of Early Learning and Care (DELIC; formerly ELD)
 - Educator Advancement Council (EAC)
 - Higher Education Coordinating Commission (HECC)
 - Youth Development Oregon (YDO)
 - Teacher Standards and Practices Commission (TSPC)
 - Oregon Housing and Community Services (OHCS)
 - Other: Oregon Department of Human Services, Vocational Rehabilitation

If you selected any of the above entities, please share why they were involved, how the Department partnered with them, and what feedback they provided.

ODE works under a Memorandum of Understanding (MOU) with DHS and VR, which ensures all agencies collaborate and provide input consistent with each agency's Employment First roles.

9. **Which geographic perspectives are intentionally represented in your office/team engagement strategy?**
- Northeast Oregon
 - Central and Southeast Oregon
 - Southwest Oregon
 - Willamette Valley and Central Coast
 - Northwest Oregon

Oregon State Board of Education Docket



- Tribal lands
- Other: _____

Why did your office/team focus on the above geographical perspective(s)?

Not Applicable

10. Please highlight some of the key pieces of feedback your office/team received during the engagement process. How did this feedback influence the development of this item? How were differences in opinion accounted for?

We received feedback recommending grammatical refinements to the proposed rule changes to ensure the language is clear and easy to understand.

11. Please describe any additional engagement opportunities your office/team will be pursuing prior to asking the Board to take action on this item.

OESO staff will present this item at the February 19, 2026 State Advisory Council for Special Education (SACSE) meeting to share information and receive feedback about proposed rule amendments. In addition to representatives from state agencies, this advisory council membership includes parents of students experiencing disabilities from across the state.

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

Equitable resource allocation is a critical component of education equity. Using plain language, this section should describe the fiscal, administrative, and small business impacts of this item, and how it affects the larger social system that serves Oregon’s students.

12. After consulting with ODE’s Rules Coordinator and Grant Consolidation Team, was this item identified as a grant-related item?

- No
- Yes; please review Appendix B: Grant Consolidation below.

13. Will Board action create fiscal or administrative impacts on districts, ESDs, community-based organizations, and/or the nine federally recognized tribes? If so, please describe the anticipated short- and long-term effects and how they may be felt differently in small, rural, or remote communities.

No anticipated fiscal or administrative impacts.

14. Will Board action create a fiscal or administrative impact on state agencies, units of local government, and/or the public? Will it increase costs associated with compliance for small businesses?

Oregon State Board of Education Docket



Minimal fiscal impact as responsibilities rely on existing staff and resources already in place. ODE has provided guidance, resources, and communication on Employment First and the prohibition of sheltered workshops since 2013.

EQUITY IMPACT ANALYSIS

The State Board of Education envisions an aspirational education system that honors its increasingly diverse student body and affirms every student to reach their full potential in a rapidly shifting global environment. Using plain language, this section should describe the impact of this item on students and the larger social system that serves their health and education needs.

15. How will Board action on this item ultimately impact students and their families, particularly those who have been and continue to be systemically marginalized?

Approval of the proposed rule amendments support ODE's commitment to implementing legislation meant to increase opportunities for youth and students experiencing disabilities, specifically those experiencing intellectual and developmental disabilities.

16. How will Board action on this item ultimately impact school district employees and volunteers, particularly those who have been and continue to be systemically marginalized?

No impact

17. What are the anticipated short- and long-term consequences of Board action on this item? Will Board action have a cumulative effect on students, families, educators, districts, or Oregon's school systems?

Short term, Board action will clarify expectations for IEP transition services by aligning OARs with statute. Long term, Board action will help to ensure transition services included meaningful work experiences provided in inclusive setting statewide while supporting equitable post-school outcomes for students with disabilities.

18. What are the anticipated short- and long-term consequences of inaction on this item and who would experience those consequences?

Inaction would leave OARs misaligned with statute, creating potential confusion for districts, charter schools, IEP teams, and partner agencies regarding expectations for transition services.

RECOMMENDED ACTION

The State Board of Education has dedicated itself to challenging the status quo and sharing responsibility for every student's academic and lifelong success. Using plain language, this section should describe the choice before the Board, the Department's recommendation, and any other relevant information.

Oregon State Board of Education Docket



- 19. Please provide a brief summary of the specific language your office/team is bringing to the Board. Are there any key decisions within this language that your office/team would like the Board to make?**

Proposed rule amendment to add definition of 'Mock sheltered work settings' as defined by *Lane v. Brown Settlement* (2016) and adding explicit language that this continuum not include sheltered workshops or the newly defined 'mock sheltered work settings'. This ensures that when an IEP team considers placement, these segregated settings are not an option.

- 20. How is this language responsive to identified needs and/or feedback received through the engagement process? How is it in alignment with [the Board's Mission, Vision, and Values](#)?**

The proposed language responds to identified needs by clarifying key definitions and strengthening grammatical precision based on feedback received during the engagement process, ensuring the rules are easier for districts, families, and partner agencies to understand.

- 21. Please describe the action your office/team is recommending to the Board (for example, the adoption of rules or the approval of a waiver) and how it reflects the Department's commitment to academic excellence, belonging and wellness, and reimagining accountability.**

The Office of Enhancing Student Opportunities (OESO) is recommending the adoption of the rule amendments.

- 22. Please note any additional support the Department is (or will be) providing to ensure successful implementation of this item.**

- N/A; this item does not require any additional support.
- Communications plan
- Technical assistance, professional development, and/or coaching
- Direct or differentiated support for small, rural, or remote school districts
- Corrective Action Processes
- Safety measures
- Organizational culture or practice changes (change management)
- Materials and/or supplies
- Guidance and/or supplemental resources
- Other: _____

- 23. Has this item changed since the last Board meeting?**

- N/A; this item has not previously been before the Board
- No; same as last month
- Yes; please review Appendix A: Second Reading below.



SB 810 (2025) Bill Implementation: Employment First

Ramonda Olaloye, Assistant Superintendent
Crystal Brumfield (she/her), Director of IDEA Programs
Shava Feinstein (she/her), District Support Specialist
Office of Enhancing Student Opportunities

312

Senate Bill 810 Influence on Transition Services

Senate Bill 810 codifies requirements from prior executive orders, Lane v. Brown settlement, and existing OARs.

Requires collaboration between the Oregon Department of Human Services (ODHS) and ODE to: 313

- Expand opportunities for individuals with intellectual and developmental disabilities (I/DD) to obtain and advance in competitive integrated employment
- Convene Employment First Advisory Committees for statewide and regional recommendations

Prohibits sheltered and mock sheltered work settings in transition services for students with intellectual or developmental disabilities.

Senate Bill 810 (2025) : Legislative Context

2008

Oregon adopts Employment First policy, prioritizing integrated employment for individuals with disabilities.

2012

Class action lawsuit alleges ADA violations for segregated sheltered workshop where individuals with intellectual and developmental disabilities (I/DD) perform paid work with little or no interaction with nondisabled peers.

2013–2015

Executive Orders 13-04 and 15-01 require Oregon Department of Human Services and Oregon Department of Education to collaborate on improving integrated employment outcomes.

2016

Lane v. Brown settlement prohibits school curricula from including mock sheltered workshop activities.³¹⁴

Senate Bill 810 (2025): Legislative Context

ORS 343.955 (as enacted by SB 810):

The Department of Education shall ensure that transition services, as defined in ORS 343.035, provided to students with intellectual or developmental disabilities do not occur in a sheltered work setting or a mock sheltered work setting, as those terms are defined by rule by the department.

315

Definition Technical Fixes: Need for Rulemaking

OAR 581-015-2000 Definitions - Defines Sheltered Workshop:

(34) “Sheltered Workshop” is a facility in which individuals with disabilities, including intellectual or developmental disabilities, are congregated for the purpose of receiving employment services and performing work tasks for pay at the facility. A Sheltered Workshop primarily employs these individuals with the exception of service support staff. A Sheltered Workshop is a fixed site that is owned, operated, or controlled by a provider, where an individual has few or no opportunities to interact with nondisabled individuals, except paid support staff.

316

Definition Technical Fixes: Need for Rulemaking

- “Mock sheltered work setting” is not currently defined.
- Rules must be updated to align with statute and ensure integrated employment services for students with disabilities, while maintaining compliance with Employment First principles and *Lane v. Brown* commitments.
- Failure to amend these rules would undermine compliance with state law and Employment First principles, risking the loss of coordinated systems that support integrated employment for students experiencing disabilities.

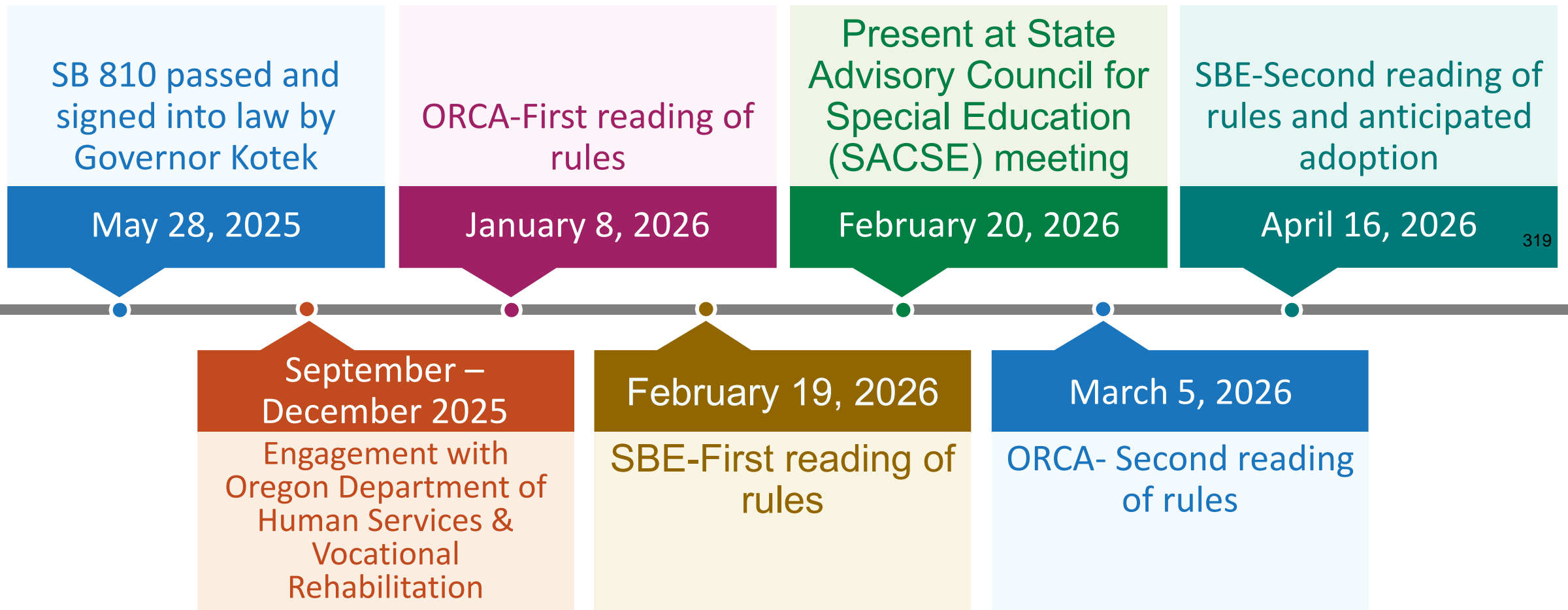
317

Definition Technical Fixes: Engagement Strategy

- Because SB 810 was enacted by the legislature and codified existing Employment First principles, the rulemaking is required to align with statute rather than shaped through stakeholder engagement.
- While direct public engagement was not feasible due to the legislative mandate, ODE consulted with Oregon Department of Human Services (ODHS) and Vocational Rehabilitation (VR) as obligated under the Memorandum of Understanding (MOU) we have with these agencies.
- On February 19, 2026, OESO staff will present this item to the State Advisory Council for Special Education (SACSE) in an effort to provide them with information and gather feedback from council members, including parents of students with disabilities and representatives from state agencies.

318

Definition Technical Fixes: Timeline



319

Rule Amendments: Summary of Changes

OAR 581-015-2930, Employment-Related Transition Services, establishes the expectation that students with I/DD work in integrated, community-based settings and will be prepared to transition into integrated work experiences.

OAR 581-015-2245, Alternative Placements and Supplementary Aids and Services, ensures school districts provide a full range of placement options and supports for students with disabilities.

320

Updated language will define “mock sheltered work settings” and prohibit school districts from using placements that include sheltered or mock sheltered work settings.

OAR 581-015-2930 - Employment-Related Transition Services

Proposed rule amendment to add definition of “Mock sheltered work settings” as defined by Lane v. Brown Settlement (2016).

(b) “Mock sheltered work settings” are prevocational training activities that are:

(A) Conducted during the school day;

(B) Performed only by students with disabilities;

(C) Closely resembles the vocational work tasks performed by adults with intellectual or developmental disabilities or both (I/DD) in Sheltered Workshops, including activities:

(i) designed to fulfill the demands of a contractor, business, charitable organization, school or school district, retail store, or other entity; and

(ii) performed by individuals without compensation or in exchange for subminimum wages; and

(D) Not part of an instructional sequence, such as teaching generalization of skills. Instructional sequence does not include instruction that consists solely of the activities described in all of (A), (B), and (C).

(E) Examples include folding, sorting, shredding, packaging, and labeling activities.

321

581-015-2245 Alternative Placements and Supplementary Aids and Services

Proposed rule amendment to ensure alternative placement for Individualized Education Program (IEP) not include mock sheltered work settings.

Rule Number: 581-015-2245

Rule Title: Alternative Placements and Supplementary Aids and Services

Rule Text

School districts must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum must:

322

- (1) Include as alternative placements, instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions;
- (2) Make provision for supplementary aids and services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement; and
- (3) Not include sheltered workshops as defined in OAR 581-015-2000(34) and 407-025-0010(16), **or mock sheltered work settings as defined in OAR 581-015-2930.**

Definition Technical Fixes: Equity Impact

Implementation of these rule amendments support ODE's commitment to implementing legislation meant to increase opportunities for youth and students experiencing disabilities, specifically those experiencing intellectual and developmental disabilities.

Definition Technical Fixes: Fiscal Impact

Minimal fiscal impact as responsibilities rely on existing staff and resources already in place.

ODE has provided guidance, resources, and communication on Employment First and the prohibition of sheltered workshops since 2013.

324

Definition Technical Fixes: Discussion

- These rule updates align Oregon law with Employment First principles and SB 810 requirements.
- Definitions and prohibitions ensure transition services occur in inclusive, community-based settings.
- We look forward to providing further clarification, addressing language suggestions, or considerations for implementation.

325

Questions



326

Below, you will find the proposed changes to the Oregon Department of Education’s rules relating to SB 810 (2025) which prohibit transition services in sheltered work settings or mock sheltered work settings. Proposed new text is bold, and the proposed text to remove is in bracketed italics.

Current Rule Link: [Oregon Administrative Rule \(OAR\) 581-015-2930](#)

Rule Number: 581-015-2100

Rule Title: Employment-Related Transition Services

Rule Text

(1) This rule establishes the policies of Executive Order No. 15-01, related to the Department of Education’s involvement with integrated employment services.

(2) For purposes of this rule, the following definitions apply:

(a) “Education Goals” means the following goals:

(A) Families, students, and educators will have the expectation that individuals with intellectual and developmental disabilities will work in integrated, community-based settings;

(B) Students transitioning to adult services will be prepared to transition to integrated work experiences; and

(C) Statewide systems will be coordinated to reach the goal of integrated employment opportunities as an outcome of students’ education.

(b) “Mock sheltered work settings” are prevocational training activities that are:

(A) Conducted during the school day;

(B) Performed only by students with disabilities;

(C) Closely resembles the vocational work tasks performed by adults with intellectual or developmental disabilities or both (I/DD) in Sheltered Workshops, including activities:

(i) designed to fulfill the demands of a contractor, business, charitable organization, school or school district, retail store, or other entity; and

(ii) performed by individuals without compensation or in exchange for subminimum wages; and

(D) Not part of an instructional sequence, such as teaching generalization of skills. Instructional sequence does not include instruction that consists solely of the activities described in all of (A), (B), and (C).

(E) Examples include folding, sorting, shredding, packaging, and labeling activities.

(b)c “Transition age student” means a student with disabilities who is eligible for transition services under the Individuals with Disabilities Education Act (IDEA) and OAR 581-015-2200.

[(c)d] “Transition Technical Assistance” is the substance of the work of the Statewide Transition Technical Assistance Network (TTAN) and includes development of competencies for teachers, administrators, and other educational service providers that include:

(A) Developing transition-related curriculum and instructional approaches which are consistent with the Education Goals;

(B) Developing outcome-based transition planning approaches that use precepts of discovery and person-centered planning;

(C) Implementing transition-related instructional approaches for students with disabilities, such as those that are community based, and which may include, but are not limited to, authentic experiences such as internships, mentorships, youth work experiences, job skill related instruction, and job shadowing;

(D) Facilitating and managing interagency teams and resources to help ensure students and families may utilize resources from applicable state agencies, local education agencies, and other available resources; and

(E) Encouraging the implementation of transition services in schools that are consistent with the Education Goals.

(F) Assisting Local Education Agencies to meet the requirements of OAR 581-015-2245 regarding the placement of students.

(3) The Department shall establish a statewide TTAN to assist high schools in Oregon in providing transition services. The TTAN shall seek to ensure that the Education Goals are implemented in assessment, curriculum, and instruction for transition age students.

(4) This rule and its provisions are not intended to expand or replace the obligations of the State or its schools under the IDEA.

Statutory/Other Authority: ORS 343.041, 343.045 & 343.055

Statutes/Other Implemented: ORS 343.041, 343.045 & 343.055 & **343.955**

Current Rule Link: [Oregon Administrative Rule \(OAR\) 581-015-2245](#)

Rule Number: 581-015-2245

Rule Title: Alternative Placements and Supplementary Aids and Services

Rule Text

School districts must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. The continuum must:

(1) Include as alternative placements, instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions;

(2) Make provision for supplementary aids and services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement; and

(3) Not include sheltered workshops as defined in OAR 581-015-2000(34) and 407-025-0010(16), **or mock sheltered work settings as defined in OAR 581-015-2930.**

Statutory/Other Authority: ORS 343.041 & 343.045 & 343.055

Statutes/Other Implemented: ORS 343.045 & 343.155 & **343.955** & 34 CFR 300.115

581-017-0660

Early Indicator and Intervention Systems: Definitions

The following definitions apply to OAR 581-017-0660 to 581-017-0672:

(1) ~~“ADM” or “Resident Average Daily Membership” means average daily membership as defined in ORS 327.006. “ADMw” or “weighted average daily membership” means the weighted average daily membership of a school district, as calculated under ORS 327.013(1)(c)(A).~~

(2) ~~“Corrective action” means necessary action made to the educational system to assist a K-12 student to make progress towards and ultimately receive a high school diploma. Corrective action can include, but is not limited to, changes to the school climate and culture, learning environment, instructional approach, course offerings, efforts to engagement families and caregivers, student support services, supports for student mental and physical health, allocation of resources, student support services, or school or district policy.~~

~~Corrective actions that may be taken must be that is~~ based on research on graduation rates and on reports of individual students related to:

(a) Regular attendance;

(b) Loss of instructional time or support related to behavior at school;

(c) Academic or skill progress (which may include credit attainment, grades, GPA, assessment results, and/or proof of proficiency-based learning);

~~(d) Agency – A student’s ownership, active participation, and ability to make change in their learning experience~~

~~(e) Belonging – A student’s feeling of respect and acceptance at school and having a sense that school is relevant to their lives~~

~~(f) Connectedness – The strength of a student’s relationships with peers and adults at school~~

~~(g) Social-emotional well-being – A student’s skills in self-awareness, self-management, social awareness, relationships, and responsible decision-making~~

~~(dh) If historically linked to graduation outcomes at the local district, other factors may be considered, including but not limited to:~~

~~(A) Participation in extracurricular activities;~~

~~(B) Participation in cultural experiences and activities; and~~

~~(C) Attainment of college credits through accelerated learning programs, including, but not limited to: credit-bearing, career and technical education (CTE); dual credit, sponsored~~

dual credit, and assessment-based learning credit; expanded options; online courses; Advanced Placement; and International Baccalaureate.

(3) “Early Indicator and Intervention Systems” means the early warning system established by the Student Success Act in ORS 327.367.

(4) “Early Indicator and Intervention Systems Grant” means the grant established by the Student Success Act in ORS 327.367.

Statutory/Other Authority: ORS 327.367

Statutes/Other Implemented: ORS 327.367

History:

ODE 29-2020, adopt filed 06/23/2020, effective 06/23/2020

581-017-0663

Early Indicator and Intervention Systems: Eligibility

(1) The following entities shall be eligible to receive an Early Indicator and Intervention Systems Grant:

(a) School districts;

(b) Public charter schools;

(c) ~~Consortia of school districts; or~~ The Oregon School for the Deaf;

(d) Youth Correctional Education Programs;

(e) Juvenile Detention Educational Programs;

(f) Long Term Care and Treatment Educational Programs or

(dg) Consortia of ~~school districts and public charter schools~~ two or more eligible entities.

(2) ~~A grant may include more than one eligible entity, but the fiscal agent must be one of the eligible entities identified in subsection (1) of this rule or an~~ An education service district may serve as fiscal agent for a consortia or eligible entity.

Statutory/Other Authority: ORS 327.367

Statutes/Other Implemented: ORS 327.367

History:

ODE 29-2020, adopt filed 06/23/2020, effective 06/23/2020

581-017-0666

Early Indicator and Intervention Systems: Criteria

(1) The Department of Education will establish a process for eligible grant recipients to request the Early Indicator and Intervention Systems Grant each biennium for which grant funds are available. The Department shall notify eligible applicants of the request process and due dates, and make available necessary guidelines and application forms.

(2) All requests for grants must comply with the requirements of ORS 327.367. To receive funds, a grant recipient must:

(a) Implement an Early Indicator and Intervention System that enables the following entities to take corrective actions:

(A) School districts;

(B) Students;

(C) Students' families;

(D) Educators;

(E) Tribal governments;

(F) School counselors; and

(G) Community organizations.

(b) Participate in the continuum of supports technical assistance provided by the Department, including assistance related to equitable implementation of the system.

(3) Allowable uses of the An Early Indicator and Intervention Systems grant may include:

(a) System software purchases and subscriptions;

(b) Staffing to maintain and facilitate the implementation and improvement of the system and to facilitate corrective action;

(c) Training for staff to maintain and use the system with fidelity;

(d) Data analysis and research;

(e) Tribal government consultation; ~~and~~

(f) Student, family, staff, and community engagement; and

(g) Additional evidence-based investments as determined by the Department.

Statutory/Other Authority: ORS 327.367

Statutes/Other Implemented: ORS 327.367

History:

ODE 29-2020, adopt filed 06/23/2020, effective 06/23/2020

581-017-0669

Early Indicator and Intervention Systems: Funding

(1) For purposes of establishing the amount of grant funds apportioned to eligible applicants, the Oregon Department of Education will use the most current finalized ADMw from the State School Fund from the year prior to the start of each biennium. The Department of Education will determine for each fiscal year the portion of the funds available for the Early Indicator and Intervention System Grant program.

(2) If an eligible applicant experiences an increase in their K-12 student enrollment, they may submit a request for recalculation to the Oregon Department of Education by April 30 of each even numbered year.

(23) The Department will determine the amount of the grant based on the ~~following formula: the school district's or public charter school's ADMr × \$3. In calculating the grant available to each school district or public charter school, the Department of Education will use the most current finalized ADMr from the State School Fund from the prior year.~~ described in 327.367(5(a-c)).

(4) Grant recipients will be eligible to expend funds until June 30 of year two of the biennium. Any allocated funds that are not used by a grant recipient by June 30 of year two of the biennium will be returned to the Statewide Education Initiatives Account for reallocation in a subsequent fiscal year.

Statutory/Other Authority: ORS 327.367

Statutes/Other Implemented: ORS 327.367

History:

ODE 29-2020, adopt filed 06/23/2020, effective 06/23/2020

581-017-0672

Early Indicator and Intervention Systems: Reporting

(1) Each year, a recipient of an Early Indicator and Intervention Systems Grant must report on the grant in the manner and form required by the Department.

Statutory/Other Authority: ORS 327.367

Statutes/Other Implemented: ORS 327.367

History:

ODE 29-2020, adopt filed 06/23/2020, effective 06/23/2020

Oregon Department of Education

Chapter 581

Division 13

RULES IMPLEMENTING BALLOT MEASURE 98 (2016)

581-013-0005

Definitions

The following definitions apply to OAR 581-013-0005 to 581-013-0035:

(1) “Career Technical Education” or “CTE” means content, programs, and instructional strategies based on business and industry workplace skills and technical skill sets and needs. Instruction incorporates standards-based academic content, technical skills and workplace behaviors necessary for success in careers of the 21st century. Career Technical Education:

(a) Provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare students for their career pathway;

(b) Provides technical skill proficiency and may provide an industry-recognized credential, a post-secondary certificate or degree; and

(c) Includes applied learning that contributes to an individual’s academic and technical knowledge, higher-order reasoning and problem-solving skills, work attitudes and general employability skills.

(2) “CTE program” means a CTE Program of Study or CTE Start-up Program.

(3) “CTE Program of Study” means a sequence of courses, aligned to industry standards at the secondary and post-secondary level that integrates technical and career skill proficiencies with relevant academic content. A CTE Program of Study prepares students for the workplace, further education, training, and community roles. A CTE Program of Study is approved by the Oregon Department of Education.

(4) “CTE Start-up Program” means an intentional plan approved by ODE to develop a CTE Program of Study within an ODE agreed upon timeline. The program includes initial course(s), connections to economic need, and a proposed alignment to a community college CTE program.

(5) “Charter school” means a public charter school operating pursuant to ORS Chapter 338.

(6) “Dual credit courses” means dual credit courses, sponsored dual credit courses, and assessment based learning credit as those terms are defined by the Oregon Higher Education Coordinating Commission.

(7) “English Language Learner” or “ELL” means a child whose native language is other than English or who speaks a language other than English in the child’s home.

- (8) “ESD” means education service district as defined in ORS 334.003.
- (9) “Establish” means create or implement new programs, activities, or services for students.
- (10) “Evidence-based” means an activity, strategy, or intervention that
- (a) Demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on
 - (A) Strong evidence from at least one well-designed and well-implemented experimental study;
 - (B) Moderate evidence from at least one well-designed and well-implemented quasi-experimental study using a large or multi-site sample; or
 - (C) Promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or
 - (b) (A) Demonstrates a rationale based on high quality research findings or positive evaluation that such activity, strategy, or intervention adheres to antidiscrimination laws, and is likely to improve student outcomes or other relevant outcomes based on a well-specified logic model informed by research or an evaluation that suggests how the intervention will improve relevant outcomes; and
 - (B) Includes ongoing efforts to examine, evaluate and reflect upon the effectiveness of such activity, strategy, or intervention on the intended outcomes.
- (11) “Expand” means to increase the course offerings, course participation, supports for students, activities, or services available to students or increase the number of students served.
- (12) “Extended ADMw” means the extended weighted average daily membership computed as provided in ORS 327.013(1)(c).
- (13) “High School Graduation and College and Career Readiness Fund” means the fund established by section 1, chapter 1, Oregon Laws 2017.
- (14) “Historically and traditionally marginalized students” means English language learners, Black and African American students, American Indian and Alaskan Native students, Latino and Hispanic students, Asian and Pacific Islander students, Multi-racial students, students experiencing poverty, and students with disabilities.
- (15) “Historically underrepresented populations” means demographic groups whose representation in CTE, science, technology, engineering and math fields, college-level educational opportunities, does not mirror the demographics of the school building .
- (16) “School district” means a common or union high school district, the Oregon School for the Deaf, ~~and~~ an education program under the Youth Corrections Education Program or the

Juvenile Detention Education Program, and a school district or education service district that is providing the educational services for a long-term care or treatment facility.

(17)“Long term care or treatment facility” means an eligible day treatment program or an eligible residential treatment program for which payment of the costs of education is provided as described in ORS 343.961 (2)

Statutory/Other Authority: Ch. 1, OL 2017 & Sec. 1

Statutes/Other Implemented: Sec. 1, Ch. 1 & OL 2017

History:

ODE 144-2019, minor correction filed 10/03/2019, effective 10/03/2019

ODE 12-2018, amend filed 04/27/2018, effective 04/27/2018

ODE 3-2017, f. & cert. ef. 3-1-17

581-013-0020

Eligibility

The Oregon Department of Education shall allocate the High School Graduation and College and Career Readiness Fund based on the following criteria

(1) The following entities are able to receive funding from the High School Graduation and College and Career Readiness Fund:

(a) School districts;

(b) Charter schools that serve students in grades 9 through 12; and

(c) ESDs where:

(A) The ESD provides services for an education program under the Youth Corrections Education Program or the Juvenile Detention Education Program; or

(B) The ESD provides the educational services for a long term care or treatment facility; or

(CB) The ESD is coordinating a regional effort on behalf of a consortium of two or more school districts or charter schools, submitting a biennial plan on behalf of the consortium, and acting as the fiscal agent for the consortium.

(2) For the school year 2018-19 and biennia thereafter, to be eligible to receive an allocation from the High School Graduation and College and Career Readiness Fund a school district or charter school must prepare a biennial plan that meets the requirements of OAR 581-013-0025 and is approved by the Oregon Department of Education.

(3) For the 2017-18 school year, to be eligible to receive an allocation from the High School Graduation and College and Career Readiness Fund a school district or charter school must have submitted a written request to the Oregon Department of Education using the template developed by the Oregon Department of Education.

Statutory/Other Authority: Sec. 1, Ch. 1 & OL 2017

Statutes/Other Implemented: Sec. 1, Ch. 1 & OL 2017

History:

[ODE 12-2018, amend filed 04/27/2018, effective 04/27/2018](#)

ODE 3-2017, f. & cert. ef. 3-1-17

[Oregon Department of Education](#)

[Chapter 581](#)

Division 14
STUDENT INVESTMENT ACCOUNT

[581-014-0001](#)

Definitions for Student Investment Account

The following definitions apply to OAR 581-014-0001 to 581-014-9999:

(1) “ADMw” means the extended weighted average daily membership computed as provided in ORS 327.013(1)(c).

Commented [D01]: extended?

(2) “Economically Disadvantaged Students” means students who meet one or more of the following qualifications:

- (a) are participating in Supplemental Nutrition Assistance Program funded by the United States Department of Agriculture;
- (b) are participating in the Temporary Assistance for Needy Families program as defined in Title IV of the Social Security Act;
- (c) are foster students;
- (d) are migratory students; or
- (e) are students who are homeless.

(3) “Eligible Applicant” means an applicant as defined in ORS 327.185(1) including YCEP and JDEP programs, [the Oregon School for the Deaf, and a school district or education service district that is providing the educational services for an eligible day treatment program or an eligible residential treatment program for which payment of the costs of education is provided as described in ORS 343.961 \(2\).](#)

(4) “Foster Students” as defined in ORS 30.297(5)(c).

(5) “Justice Involved Youth” means a student who is pre or post adjudication, been or currently detained in a secure juvenile justice facility, and/or been or currently placed in a community juvenile justice program.

(6) “LGBTQ2SIA+ Students” means students who may have one or multiple gender identities and/or sexual orientations including lesbian, gay, bisexual, pansexual, transgender, nonbinary, queer, questioning, two-spirit, intersex, and asexual. The plus sign (“+”) recognizes and includes the myriad ways to describe marginalized gender identities and sexual orientations.

(7) “Migratory Students” means a student who is a migratory worker or whose parent or guardian is a migratory worker in the agricultural, dairy, lumber, or fishing industries and

who has moved due to economic necessity between school districts in the last thirty six months, and is eligible to be a part of the Title 1-C Migrant Education Program.

(8) “Spring Membership” means the data report that represents students attending public schools and programs on the first school day in May, as derived from the 3rd period cumulative average daily membership collection. Rules governing the Spring Membership report are contained in the most recent edition of the Oregon Student Membership Manual, published by the Oregon Department of Education.

(9) “Students Recently Arrived” means a student who was NOT born in any state or US Territory and who has not been attending one or more schools in any one or more state for more than three full academic years.

(10) “Students from Racial or Ethnic Groups that Have Historically Experienced Academic Disparities” includes, but is not limited to American Indian and Alaska Native (AI/AN and AI/AN+) students, Black and African American students, Hispanic and Latino students, Asian students, Native Hawaiian and Pacific Islander students, and multiracial students, and any other racial or ethnic group identified by the school district as historically experienced academic disparities.

(11) “Student Investment Account” means the account as established in ORS 327.175.

(12) “Students who are Homeless” has the same meaning as in section 725 of the McKinney-Vento Act, 42 USC § 11434a (2).

(13) “Students who are Pregnant, Parenting, and/or Students who Experience any Pregnancy-related Condition” means students who are pregnant for any length of time, or who are actively caring for a child, whether biologically related to them or otherwise. This includes students with pregnancy-related conditions, including, but not limited to loss or termination of a pregnancy, childbirth, lactation, and/or mental health conditions.

(14) “Students with Disabilities” means a child with a disability as defined in ORS 343.035(1).

Statutory/Other Authority: ORS 327.175 – 327.235

Statutes/Other Implemented: ORS 327.175 – 327.235

History:

[ODE 19-2024, amend filed 04/24/2024, effective 04/24/2024](#)

[ODE 57-2022, amend filed 12/20/2022, effective 12/20/2022](#)

[ODE 41-2022, temporary amend filed 07/06/2022, effective 07/06/2022 through 01/01/2023](#)

[ODE 35-2022, amend filed 06/23/2022, effective 06/23/2022](#)

[ODE 37-2020, temporary amend filed 09/18/2020, effective 09/18/2020 through 03/16/2021](#)

[ODE 6-2020, adopt filed 03/20/2020, effective 03/20/2020](#)

[ODE 149-2019, temporary adopt filed 10/24/2019, effective 10/24/2019 through 04/20/2020](#)

581-014-0004

Fund Administration for Student Investment Account

(1) For each biennium, the Oregon Department of Education will determine the amount of grant funds from the Student Investment Account to be apportioned among eligible applicants.

(2) For purposes of establishing the amount of grant funds apportioned to eligible applicants, the Oregon Department of Education will use the most current finalized ADMw from the State School Fund from the year prior to the start of each biennium.

(3) If an eligible applicant experiences an increase in their K-12 student enrollment, they may submit a request for recalculation to the Oregon Department of Education by April 30 of each even numbered year.

(4) **For the fiscal biennia ending June 30, 2027** If a school district has an ADMw of 50 or less, it will receive an allocation based on an ADMw of 50.

Commented [D02]: add 6/30/2027 expiration for section 4

(5) If an eligible applicant does not apply for a grant from the Student Investment Account by the close of the application period, the amount of their grant funds will revert to the Student Investment Account and be reallocated within the grant award cycle. An eligible applicant that does not apply for a grant will be eligible in the next application process for the Student Investment Account.

(6) Following approval of the grant agreement, an eligible recipient will receive payments of at least 12.5 percent on a quarterly basis per biennial allocation. If adjustments to installment payments are required, a lower percentage may be used.

(7) Grant recipients will be eligible to expend funds until June 30 of year two of the biennium. Any allocated funds that are not used by a grant recipient by June 30 of year two of the biennium will be returned to the Student Investment Account for distribution in the next biennium.

(8) Funds received by a grant recipient under this section must be separately accounted for and must be used in accordance with the recipient's grant agreement for the Student Investment Account. A grant recipient may use funds for administrative costs, including indirect costs, directly related to allowed expenditures as provided in the grant agreement. Administrative costs are limited to five percent of the total expenditures or \$500,000 annually, whichever is less. Any administrative costs incurred by a participating charter school must be accounted for within the sponsoring school district's overall limit of five percent or \$500,000, whichever is less.

(9) The Deputy Superintendent of Public Instruction shall resolve any issues arising from the administration of the Student Investment Account grants not specifically addressed by this rule. The Deputy Superintendent of Public Instruction's determination shall be final.

(10) In the case of a public charter school closure that impacts a sponsoring district's allocation, the Department will determine the best way to reapportion funds based on the

timing of the closure, context, and communication with the closing charter school and the sponsoring district. The Department may;

(a) Allocate what have been apportioned to the charter school to the sponsoring district at the same time as the district allocations are made.

(b) Allocate what would have been apportioned to the charter school to the charter schools successor entity.

(c) Return the apportioned amount to the Statewide Education Initiatives Account for reallocation in a subsequent fiscal year.

Statutory/Other Authority: ORS 327.175 – 327.235

Statutes/Other Implemented: ORS 327.175 – 327.235

History:

[ODE 26-2025, amend filed 05/20/2025, effective 05/20/2025](#)

[ODE 59-2024, amend filed 12/11/2024, effective 12/11/2024](#)

[ODE 1-2023, amend filed 01/24/2023, effective 01/24/2023](#)

[ODE 23-2021, amend filed 06/22/2021, effective 06/22/2021](#)

[ODE 6-2020, adopt filed 03/20/2020, effective 03/20/2020](#)

[ODE 149-2019, temporary adopt filed 10/24/2019, effective 10/24/2019 through 04/20/2020](#)

Summary

Meeting Date: 2/19/2026

Title: Aligned Programs Grant Technical Fixes HB 3037 (2025)

Status: First Reading

Presentation: No (Written Report Only/Consent)

Key Staff: Cassie Medina, Brittany Deckard

Topic Summary: Draft permanent rules for proposed adoption in April 2026. The goal of these changes is to align rules with statute where the current rule mirrors or follows statute, as well as other technical and language updates to align with program operation. Changes focus on definitions, eligible applicants, formula for determining allocations, and other language alignment and clarification.

ODE Education Equity

Stance

Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

BACKGROUND AND NEED

Members of the State Board of Education are volunteers, with unique professional and lived experiences. Using plain language, this section should provide context for this item, including any needed overviews of relevant programs or initiatives.

- 1. Briefly, how does this topic, program, or initiative currently operate? Where is it located within Oregon’s school systems? How does it ultimately serve students?**

The Student Investment Account, High School Success, and Early Indicator and Intervention Systems are three of the Aligned Programs, a group of grant programs administered by the Office of Education Innovation and Improvement. These three grant programs serve students by increasing the opportunity and quality of support for their health and mental health, equitable access to a well-rounded education, support from highly-qualified staff, and safe school environments for learning.

All three grant programs are non-competitive with allocations determined by formula.

The Student Investment Account, established by House Bill 3427, the Student Success Act of 2019 and codified in ORS 329.095 through 329.254 and OAR 581-014-0001 through 581-014-9999, provides funding to expand instructional time, address student health and safety, reduce class size and caseloads, provide a well-rounded education in order to meet students’ mental or

Oregon State Board of Education Docket



behavioral health needs and increase academic achievement for students, including reducing academic disparities.

Early Indicator and Intervention Systems, established by House Bill 3427, the Student Success Act of 2019 and codified in ORS 327.367 and OAR 581-017-0660 through 581-017-0672, provides grant funding and technical assistance to support implementation of cohesive student success systems.

High School Success, established by Ballot Measure 98 of 2016 and the Student Success Act of 2019, codified in ORS 327.850 through 327.895 and OAR 581-013-0005 through 581-013-0035, provides funding to establish or expand programs in three areas: Career and Technical Education, College-Level Education Opportunities, and Dropout Prevention in order to improve high school students' progress towards graduation beginning with grade 9, increase the graduation rates at high schools, and improve high school graduates' career and college readiness.

2. Please list the specific rule(s), statute(s), or recently passed legislation that allows the Board to take action on this item. Where are they prescriptive and where do they provide the Board and Department flexibility?

House Bill 3037 was passed in the 2025 legislative session and updates statute with technical fixes for the administration of three of the Aligned Programs - the Student Investment Account, Early Indicator and Intervention Systems, and High School Success. The updates are prescriptive in many areas where rules for these programs mirror or restate statute language that was updated by HB 3037, or a reference to a specific statute language that was updated by HB 3037 which requires the rules to be updated or changed.

<i>Program</i>	<i>Statute changed by HB 3037</i>	<i>Updated Rules</i>
Student Investment Account	ORS 327.185, 327.195	OAR 581-014-001, 581-014-004
Early Indicator and Intervention Systems	ORS 327.367	OAR 581-017-0660, 581-017-0663, 581-017-0666, 581-017-0669, 581-017-0672

Oregon State Board of Education Docket



High School Success	ORS 327.853, 327.859, 327.874	OAR 581-013-005, 581-013-0020
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Some updates to definitions and clarification of language in OAR 581-017-0660, 581-017-0663, 581-017-0666, 581-017-0669, and 581-017-0672, relating to Early Indicator and Intervention Systems grants, are not required by the passage of HB 3037, but are needed to avoid misunderstanding of the program and to improve implementation.

3. Has this item come before the Board before? If so, when did the Board last take action, and what was that action?

No, this is the first time these rules are coming before the State Board of Education.

4. Why is this item coming before the Board now?

It is necessary to update rules in a timely manner to align with statute updates in House Bill 3037, as well as to work within the biennial grant cycle.

5. Who requested or brought about the need for this item? (Select all that apply.)

- ODE Staff
- Students
- Families
- Community-Based Organizations
- Culturally Specific Organizations
- School Districts
- Education Service Districts
- Charter Schools
- Oregon State Legislature
- Educational Associations
- Racial Justice Council
- Federal Government
- One or more of Oregon’s nine federally recognized tribes: _____
- Other: _____

ENGAGEMENT STRATEGY AND LEARNINGS

The State Board of Education expects all items that come before it be reviewed and influenced, to the greatest extent possible, by a robust community engagement process. Using plain language, this section should provide an overview of the role that engagement played in this item, including with Oregon’s nine federally recognized Tribes, other state agencies, and external partners.

6. How did the [Equity Decision Tree](#) inform your office/team engagement strategy? Who is most likely to be affected and how have they been intentionally incorporated into the engagement process for this item?

All Oregon school districts are impacted by the changes HB 3037 makes to administration of these three grant programs. The Equity Decision Tree informed engagement planning with school, district ESD leaders and community partners to give feedback on the proposed rules.

7. After consulting with ODE’s Rules Coordinator and the Office of Indian Education, did this item require Tribal Consultation and/or Tribal Communication with Oregon’s nine federally recognized tribes? (For more information, please reference ODE’s [Tribal Consultation Toolkit](#).)

- No
- Yes – Both Consultation and Communication.
- Yes – Only Communication.

8. Has your office/team considered how this item intersects with the authority of other state entities that serve the health and education needs of Oregon’s students, or otherwise contribute to the climate of Oregon’s school systems? If so, please select from the below list.

- N/A; this item does not intersect with other state entities.
- Oregon Health Authority (OHA)
- Department of Early Learning and Care (DELIC; formerly ELD)
- Educator Advancement Council (EAC)
- Higher Education Coordinating Commission (HECC)
- Youth Development Oregon (YDO)
- Teacher Standards and Practices Commission (TSPC)
- Oregon Housing and Community Services (OHCS)
- Other: _____

If you selected any of the above entities, please share why they were involved, how the Department partnered with them, and what feedback they provided.

N/A

9. Which geographic perspectives are intentionally represented in your office/team engagement strategy?

- Northeast Oregon
- Central and Southeast Oregon
- Southwest Oregon
- Willamette Valley and Central Coast
- Northwest Oregon

Oregon State Board of Education Docket



- Tribal lands
- Other: _____

Why did your office/team focus on the above geographical perspective(s)?

ODE began with targeted outreach to ESDs and districts who ODE has previously partnered with on early Student Investment Account, Early Indicator and Intervention Systems, and High School Success to give partners from varied size and geographically located districts and ESDs the opportunity to give early feedback. We also extended engagement opportunities to all ESD liaisons and district and ESD superintendents.

10. Please highlight some of the key pieces of feedback your office/team received during the engagement process. How did this feedback influence the development of this item? How were differences in opinion accounted for?

The only feedback shared relates to a concern that the minimum grant amount for the Student Investment Account would be eliminated. To ensure districts and ESDs that the current minimum grant amount will be applied to allocations in the 2025-2027 biennium the 581-014-0004 (4) had been adjusted to maintain the minimum grant amount until June 30, 2027.

All other comments were supportive of the rules and did not offer any suggestions for improvement or questions.

11. Please describe any additional engagement opportunities your office/team will be pursuing prior to asking the Board to take action on this item.

ODE will share the developing rules with the individuals who participated in the engagement session and survey, as well as sharing updates about the development process in regular communication to district and ESD superintendents and external partner organizations through EII's Monthly Aligned Message. Additionally, we will bring our updated draft rules back to the Ongoing Rules Community Advisory for a second reading on March 5, 2026.

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

Equitable resource allocation is a critical component of education equity. Using plain language, this section should describe the fiscal, administrative, and small business impacts of this item, and how it affects the larger social system that serves Oregon's students.

12. After consulting with ODE's Rules Coordinator and Grant Consolidation Team, was this item identified as a grant-related item?

- No
- Yes; please review Appendix B: Grant Consolidation below.

Oregon State Board of Education Docket



- 13. Will Board action create fiscal or administrative impacts on districts, ESDs, community-based organizations, and/or the nine federally recognized tribes? If so, please describe the anticipated short- and long-term effects and how they may be felt differently in small, rural, or remote communities.**

State Board action to approve these OARs will make additional educational programs eligible to receive funds from Student Investment Account, Early Indicator and Intervention Systems, and High Success grants, which will increase access to funds to more Oregon students who are currently not benefiting.

Removal of allocation limitation of \$3 per ADM and update to the EIS allocation formula will allow for all budgeted funds to be allocated to schools and districts, increasing the total amount available to schools and districts for this program.

- 14. Will Board action create a fiscal or administrative impact on state agencies, units of local government, and/or the public? Will it increase costs associated with compliance for small businesses?**

No, there will not be a fiscal or administrative impact on state agencies, units of local government, small businesses, or the public.

EQUITY IMPACT ANALYSIS

The State Board of Education envisions an aspirational education system that honors its increasingly diverse student body and affirms every student to reach their full potential in a rapidly shifting global environment. Using plain language, this section should describe the impact of this item on students and the larger social system that serves their health and education needs.

- 15. How will Board action on this item ultimately impact students and their families, particularly those who have been and continue to be systemically marginalized?**

In considering the equity impact of these proposed rule changes, the updates to eligible applicants will increase access to the grant funds to more Oregon students, especially those who had been underrepresented in state-funded grant programs. Youth Correction Educational Programs, Juvenile Detention Educational Programs, the Oregon School for the Deaf, and Long-Term Care and Treatment Programs were not all named as eligible recipients in the original statutes and therefore were denied access to grant funds. These rules will achieve greater inclusion for these students.

- 16. How will Board action on this item ultimately impact school district employees and volunteers, particularly those who have been and continue to be systemically marginalized?**

The updates to eligible applicants will increase access to the grant funds to more Oregon students, especially those who had been underrepresented in state-funded grant programs.

Oregon State Board of Education Docket



Youth Correction Educational Programs, Juvenile Detention Educational Programs, the Oregon School for the Deaf, and Long-Term Care and Treatment Programs were not all named as eligible recipients in the original statutes and therefore were denied access to grant funds. These rules will achieve greater inclusion for these students. The increased resources will positively impact the students and staff of these schools and programs.

17. What are the anticipated short- and long-term consequences of Board action on this item? Will Board action have a cumulative effect on students, families, educators, districts, or Oregon’s school systems?

Approving these draft rules will result in alignment between statute and rule, which will allow ODE to efficiently and accurately administer the grants.

18. What are the anticipated short- and long-term consequences of inaction on this item and who would experience those consequences?

If these rules are not updated there will be a contradiction between statute and rule, which would create difficulty to efficiently and accurately administer the grants. Additionally, it would create confusion and burden to schools and districts, as well as potential delay in distributing grant funds.

RECOMMENDED ACTION

The State Board of Education has dedicated itself to challenging the status quo and sharing responsibility for every student’s academic and lifelong success. Using plain language, this section should describe the choice before the Board, the Department’s recommendation, and any other relevant information.

19. Please provide a brief summary of the specific language your office/team is bringing to the Board. Are there any key decisions within this language that your office/team would like the Board to make?

Student Investment Account

OAR 581-014-0001 - Definitions for Student Investment Account

- Adds Oregon School for the Deaf (ODS) and Long-Term Care and Treatment Educational (LTCT) Programs run by a school district or ESD to the definition of “Eligible Applicant.”

OAR 581-014-0004 - Student Investment Account Fund Administration

- Define the duration of the 50 ADMw threshold for minimum grant amount, ending on 6/30/2027.

Early Indicator and Intervention Systems

OAR 581-017-0660 Early Indicator and Intervention Systems: Definitions

- Replaces definition of “ADMr” with “ADMw”
- Adds to definition of “Corrective Action”

- Corrects program title to “Early Indicator and Intervention Systems”

OAR 581-017-0663 - Early Indicator and Intervention Systems: Eligibility

- Adds the Oregon School for the Deaf, Youth Correctional Education Programs, Juvenile Detention Educational Programs, and Long-Term Care and Treatment Educational Programs as entities to receive an EIS grant.
- Adds that an ESD may be the fiscal agent for an educational program.
- Corrects program title to “Early Indicator and Intervention Systems”

OAR 581-017-0666 – Early Indicator and Intervention Systems: Criteria

- Clarifies that corrective actions apply to K-12
- Replaces “technical assistance” with “continuum of supports”
- Clarifies the allowable uses of EIS grants
- Corrects program title to “Early Indicator and Intervention Systems”

OAR 581-017-0669 - Early Indicator and Intervention Systems Funding

- Remove \$3 per ADMr allocation limitation, update to allocation formula named in statute, align with SIA funding rules
- Corrects program title to “Early Indicator and Intervention Systems”

OAR 581-017-0672 - Early Indicator and Intervention Systems: Reporting

- Corrects program title to “Early Indicator and Intervention Systems”

High School Success

581-013-0005 – High School Success Definitions

- Adds a definition for a “Long term care or treatment facility.”
- Adds “school district or education service district that is providing the educational services for a long-term care or treatment facility” to definition of “School district.”

581-013-0020 – High School Success Eligibility

- Adds to the conditions when an ESD could be an eligible entity.

20. How is this language responsive to identified needs and/or feedback received through the engagement process? How is it in alignment with [the Board’s Mission, Vision, and Values](#)?

This language is responsive to a need to align administrative rule to updated statute.

21. Please describe the action your office/team is recommending to the Board (for example, the adoption of rules or the approval of a waiver) and how it reflects the Department’s commitment to academic excellence, belonging and wellness, and reimagining accountability.

Oregon State Board of Education Docket



This is the first reading of draft permanent rules changes to OAR 581-014-001, OAR 581-014-004, OAR 581-017-0660, OAR 581-017-0663, OAR 581-017-0666, OAR 581-017-0669, OAR 581-017-0672, OAR 581-013-005, and OAR 581-013-0020, which will align administrative rule to updated statute, allowing ODE to efficiently and accurately administer the grants to all eligible entities. We are recommending adoption of permanent rule changes in April 2026.

22. Please note any additional support the Department is (or will be) providing to ensure successful implementation of this item.

- N/A; this item does not require any additional support.
- Communications plan
- Technical assistance, professional development, and/or coaching
- Direct or differentiated support for small, rural, or remote school districts
- Corrective Action Processes
- Safety measures
- Organizational culture or practice changes (change management)
- Materials and/or supplies
- Guidance and/or supplemental resources
- Other: _____

23. Has this item changed since the last Board meeting?

- N/A; this item has not previously been before the Board
- No; same as last month
- Yes; please review Appendix A: Second Reading below.

APPENDIX B: GRANT CONSOLIDATION

Appendix B should only be completed if "yes" is selected for question 12. Using plain language, this section should provide additional detail on how grant rules have been aligned and designed to support districts and meet administrative needs.

1. Please indicate which of the following underlying processes are required for this grant program.

- Conduct a needs assessment
- Gather and provide additional data
- Submit an application to ODE
- Submit a report to ODE
- Submit a plan to ODE
- Submit a budget to ODE
- Conduct community engagement
- Other: _____

Oregon State Board of Education Docket



- 2. How has your team/office worked to encourage more equitable resource allocation and address administrative impacts, particularly for small or rural school districts? How has this grant been aligned with existing grant programs?**

Student Investment Account, Early Indicator and Intervention Systems, and High School Success are component programs of Aligning for Student Success: Integrated Guidance Update 2025-27. Throughout the development of the Integrated Guidance Update and the Aligning for Student Success: Integrated Guidance for six ODE Initiatives 2022 the Office of Education Innovation and Improvement has centered our work on ensuring that small and rural school districts are considered and supported. In both editions of the guidance there are specific guidance, tools, and resources to support implementation of required planning and application tasks. In addition to consideration for small and rural school districts, the guidance for the integrated programs take into account the unique needs and opportunities of charter schools, Youth Correction Education Programs, Juvenile Detention Education Programs, and other non-traditional school models.

The Office of Education Innovation and Improvement is actively working to align the programs included in the Integrated Guidance with other state and federal grant programs through the Unified Application and Streamlined Reporting efforts.

- 3. How are the grant requirements differentiated for small and rural school districts?**

In an effort to reduce administrative burden for small school districts and educational programs ODE has adapted some application requirements, as allowed by statute.



IMPACT K-5 ©2026 Updates from ©2020

Print Changes

- Revisions to content across all print and digital components, including Jimmy Carter’s passing, and updated presidential information for Donald Trump and Joe Biden.
- Updates to Program Author pages reflecting new university affiliations and promotions.
- Updated Book Covers
- Updated map labels/names due to new federal naming requirements.
- Updated imagery and fonts for compliance issues.
- The Teacher Edition includes the following additional changes:
 - Revised Walkthrough Pages in the Frontmatter
 - Flexible Pacing Pathways Guides added to the Frontmatter
 - New Habits of Learning activities replace SEL activities.

Digital Changes

- Reorganizing the blade organization of the Courseware
- New Fixed-Page Layout (FPL) eBooks for all Components to match new print books with content updates.
- Some new ePresentation slides and interactive impact resources to align with revised or new print pages and content updates.
- Transformation of the final page of each Explorer Magazine into a printable digital worksheet to boost engagement.
- Lesson View Filter functionality.
- Updates to the Design Your Own Teaching Guide PDFs to remove SEL activities.



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To Whom It May Concern,

We are writing to kindly request the substitution of our updated 2026 version of Impact Social Studies, Grades K-5 in Categories 1 and 7 of the recently submitted bids as part of the 2025 Social Sciences state review.

Since the submission of the c.2020 version, we have published the updated c.2026 program, which includes enhancements detailed in the attached list of updates/changes.

Both versions are classroom compatible, and we understand and agree to keep both the approved c.2020 and updated c.2026 programs in stock at the same pricing for the life of the contract.

Additionally, we have included an updated bid submission form reflecting the new ISBNs at the current approved pricing.

Please let us know if there is any additional information or documentation we can provide to assist with this substitution request. We look forward to continuing to serve Oregon's students and educators.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Tullos".

Lisa Tullos
Lead Bids Specialist

Date:	3/20/25		Publisher Name:	McGraw Hill LLC
State Evaluation and Adoption of Instructional Materials for:				
Category 1: Social Science Grades K-5				
Submit via email in .xls (Excel Format only) by March 18, 2024				
ISBN-13	Catalog or other #	Program/Series Name or Title	Item Title and Description (if needed)	Author
Impact Social Studies, Grade K				
9781265215903	1265215901	IMPACT Social Studies	IMPACT Social Studies, Learning and Working Together, Grade K, Complete Print & Digital Student Bundle, 7 year subscription	McGraw Hill
9781264884551	1264884559	IMPACT Social Studies	IMPACT Social Studies, Learning and Working Together, Grade K, Complete Print & Digital Student Bundle, 1 year subscription	McGraw Hill
9781265330125	1265330123	IMPACT Social Studies	IMPACT Social Studies, Learning and Working Together, Grade K, Inquiry Print & Digital Student Bundle, 7 year subscription	McGraw Hill
9781265209186	1265209189	IMPACT Social Studies	IMPACT Social Studies, Learning and Working Together, Grade K, Inquiry Print & Digital Student Bundle, 1 year subscription	McGraw Hill
9781265869489	1265869480	IMPACT Social Studies	IMPACT Social Studies, Learning and Working Together, Grade K, Inquiry Journal	McGraw Hill
9781265548919	1265548919	IMPACT Social Studies	IMPACT Social Studies, Learning and Working Together, Grade K, Research Companion	McGraw Hill
9781264532490	1264532490	IMPACT Social Studies	IMPACT Social Studies, Learning and Working Together, Grade K, IMPACT Explorer Magazine	McGraw Hill
9781266265600	1266265600	IMPACT Social Studies	IMPACT Social Studies, Learning and Working Together, Grade K, Online Student Center, 7-year subscription	McGraw Hill
9781266657481	1266657487	IMPACT Social Studies	IMPACT Social Studies, Learning and Working Together, Grade K, Online Student Center, 1-year subscription	McGraw Hill
9781265920043	1265920044	IMPACT Social Studies	IMPACT Social Studies, Learning and Working Together, Grade K, Teacher's Edition	McGraw Hill
9781266041426	1266041427	IMPACT Social Studies	IMPACT Social Studies, Learning and Working Together, Grade K, IMPACT Explorer Magazine Teaching Guide	McGraw Hill
9781265843304	1265843309	IMPACT Social Studies	IMPACT Social Studies, Learning and Working Together, Grade K, Online Teacher Center, 7-year subscription	McGraw Hill
9781265822323	1265822328	IMPACT Social Studies	IMPACT Social Studies, Learning and Working Together, Grade K, Online Teacher Center, 1-year subscription	McGraw Hill

354

9781264769124	1264769121	IMPACT Social Studies	IMPACTO Social Studies, Aprender y trabajar juntos, Grade K, Complete Print & Digital Student Bundle, 7 year subscription	McGraw Hill
9781265906733	1265906734	IMPACT Social Studies	IMPACTO Social Studies, Aprender y trabajar juntos, Grade K, Complete Print & Digital Student Bundle, 1 year subscription	McGraw Hill
9781265723477	1265723478	IMPACT Social Studies	IMPACTO Social Studies, Aprender y trabajar juntos, Grade K, Inquiry Print & Digital Student Bundle, 7 year subscription	McGraw Hill
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9781264400720	1264400721	IMPACT Social Studies	IMPACTO Social Studies, Aprender y trabajar juntos, Grade K, Research Companion	McGraw Hill
9781264910182	1264910185	IMPACT Social Studies	IMPACTO Social Studies, Aprender y trabajar juntos, Grade K, IMPACT Explorer Magazine	McGraw Hill
9781265924652	1265924651	IMPACT Social Studies	IMPACTO Social Studies, Aprender y trabajar juntos, Grade K, Online Student Center, 7-year subscription	McGraw Hill
9781265219635	126521963X	IMPACT Social Studies	IMPACTO Social Studies, Aprender y trabajar juntos, Grade K, Online Student Center, 1-year subscription	McGraw Hill
9781264735662	1264735669	IMPACT Social Studies	IMPACTO Social Studies, Aprender y trabajar juntos, Grade K, Teacher's Edition	McGraw Hill
9781265029975	1265029970	IMPACT Social Studies	IMPACTO Social Studies, Aprender y trabajar juntos, Grade K, IMPACT Explorer Magazine Teaching Guide	McGraw Hill
9781265192907	1265192901	IMPACT Social Studies	IMPACTO Social Studies, Aprender y trabajar juntos, Grade K, Online Teacher Center, 7-year subscription	McGraw Hill
9781265878313	1265878315	IMPACT Social Studies	IMPACTO Social Studies, Aprender y trabajar juntos, Grade K, Online Teacher Center, 1-year subscription	McGraw Hill
Impact Social Studies, Grade 1				
9781265407346	1265407347	IMPACT Social Studies	IMPACT Social Studies, Our Place in the World, Grade 1, Complete Print & Digital Student Bundle, 7 year subscription	McGraw Hill
9781265999391	1265999392	IMPACT Social Studies	IMPACT Social Studies, Our Place in the World, Grade 1, Complete Print & Digital Student Bundle, 1 year subscription	McGraw Hill
9781266972232	1266972234	IMPACT Social Studies	IMPACT Social Studies, Our Place in the World, Grade 1, Inquiry Print & Digital Student Bundle, 7 year subscription	McGraw Hill
9781264541829	1264541821	IMPACT Social Studies	IMPACT Social Studies, Our Place in the World, Grade 1, Inquiry Print & Digital Student Bundle, 1 year subscription	McGraw Hill
9781265964979	1265964971	IMPACT Social Studies	IMPACT Social Studies, Our Place in the World, Grade 1, Inquiry Journal	McGraw Hill
9781266658129	1266658122	IMPACT Social Studies	IMPACT Social Studies, Our Place in the World, Grade 1, Research Companion	McGraw Hill
9781264811687	1264811683	IMPACT Social Studies	IMPACT Social Studies, Our Place in the World, Grade 1, IMPACT Explorer Magazine	McGraw Hill

9781265551285	1265551286	IMPACT Social Studies	IMPACT Social Studies, Our Place in the World, Grade 1, Online Student Center, 7-year subscription	McGraw Hill
9781264575923	1264575920	IMPACT Social Studies	IMPACT Social Studies, Our Place in the World, Grade 1, Online Student Center, 1-year subscription	McGraw Hill
9781265545154	1265545154	IMPACT Social Studies	IMPACT Social Studies, Our Place in the World, Grade 1, Teacher's Edition	McGraw Hill
9781265515867	1265515867	IMPACT Social Studies	IMPACT Social Studies, Our Place in the World, Grade 1, IMPACT Explorer Magazine Teaching Guide	McGraw Hill
9781265611873	1265611874	IMPACT Social Studies	IMPACT Social Studies, Our Place in the World, Grade 1, Online Teacher Center, 7-year subscription	McGraw Hill
9781266669446	1266669442	IMPACT Social Studies	IMPACT Social Studies, Our Place in the World, Grade 1, Online Teacher Center, 1-year subscription	McGraw Hill

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Grade Level(s)	Copyright Date	Retail Price	Contract Price	Alt for-mat	Amount Billed ODE use	Total ODE use
K	2026	106.72	84.06			\$2,216.16
K	2026	78.64	61.92	*		
K	2026	76.64	60.36	*		
K	2026	30.40	23.94	*		
K	2026	14.32	11.28	*		
K	2026	36.04	28.38	*		
K	2026	20.36	16.05	*		
K	2026	65.72	50.76	*		
K	2026	21.84	16.89	*		
K	2026	171.92	135.39	*		
K	2026	111.40	87.72	*		
K	2026	738.72	570.66		738.72	
K	2026	154.32	119.22	*		

K	2026	128.08	100.86	*		
K	2026	94.32	74.28	*		
K	2026	91.96	72.42	*		
K	2026	36.52	28.77	*		
K	2026	17.16	13.53	*		
K	2026	43.32	34.11	*		
K	2026	24.40	19.23	*		
K	2026	78.80	60.87	*		
K	2026	26.24	20.28	*		
K	2026	206.24	162.42	*		
K	2026	133.64	105.24	*		
K	2026	886.44	684.78	*		
K	2026	185.20	143.07	*		
1	2026	125.56	98.88			
1	2026	87.00	68.52	*		
1	2026	97.12	76.50	*		
1	2026	34.92	27.51	*		
1	2026	18.04	14.22	*		
1	2026	38.60	30.39	*		
1	2026	22.20	17.49	*		

1	2026	83.40	64.44	*		
1	2026	23.00	17.76	*		
1	2026	201.28	158.52	*		
1	2026	117.08	92.22	*		
1	2026	738.72	570.66		738.72	
1	2026	154.32	119.22	*		

Date:	3/20/25		Publisher Name:	McGraw Hill LLC
State Evaluation and Adoption of Instructional Materials for:				
Category 1: Social Science Grades K-5				
Submit via email in .xls (Excel Format only) by March 18, 2024				
ISBN-13	Catalog or other #	Program/Series Name or Title	Item Title and Description (if needed)	Author
Impact Social Studies, Grade 3				
9781265975357	1265975353	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, Complete Print & Digital Student Bundle with Actively Learn, 7-year subscription	McGraw Hill
9781265552275	1265552274	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, Complete Print & Digital Student Bundle with Actively Learn, 1-year subscription	McGraw Hill
9781266263231	1266263233	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, Complete Print & Digital Student Bundle, 7 year subscription	McGraw Hill
9781266860355	1266860355	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, Complete Print & Digital Student Bundle, 1 year subscription	McGraw Hill
9781266962561	1266962565	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, Inquiry Print & Digital Student Bundle with Actively Learn Social Studies, 7-year subscription	McGraw Hill
9781264703913	1264703910	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, Inquiry Print & Digital Student Bundle with Actively Learn Social Studies, 1-year subscription	McGraw Hill
9781265421274	1265421277	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, Inquiry Print & Digital Student Bundle, 7 year subscription	McGraw Hill
9781265072148	1265072140	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, Inquiry Print & Digital Student Bundle, 1 year subscription	McGraw Hill
9781266591136	1266591133	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, Inquiry Journal	McGraw Hill
9781265729196	1265729190	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, Research Companion	McGraw Hill
9781265560331	1265560331	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, IMPACT Explorer Magazine	McGraw Hill
9781266782602	1266782605	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, Online Student Center, 7-year subscription	McGraw Hill
9781264897599	1264897596	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, Online Student Center, 1-year subscription	McGraw Hill
9781265406899	1265406898	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, Teacher's Edition	McGraw Hill
9781265970031	1265970033	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, IMPACT Explorer Magazine Teaching Guide	McGraw Hill

360

9781265412906	1265412901	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, Online Teacher Center, 7-year subscription	McGraw Hill
9781265655228	1265655227	IMPACT Social Studies	IMPACT Social Studies, Our Communities, Grade 3, Online Teacher Center, 1-year subscription	McGraw Hill
9781265919375	1265919372	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, Complete Print & Digital Student Bundle with Actively Learn Social Studies, 7-year subscription	McGraw Hill
9781264930326	1264930321	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, Complete Print & Digital Student Bundle with Actively Learn Social Studies, 1-year subscription	McGraw Hill
9781266668791	1266668799	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, Complete Print & Digital Student Bundle, 7 year subscription	McGraw Hill
9781265887582	1265887586	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, Complete Print & Digital Student Bundle, 1 year subscription	McGraw Hill
9781265551933	1265551936	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, Inquiry Print & Digital Student Bundle with Actively Learn Social Studies, 7-year subscription	McGraw Hill
9781266980794	1266980792	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, Inquiry Print & Digital Student Bundle with Actively Learn Social Studies, 1-year subscription	McGraw Hill
9781265807450	1265807450	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, Inquiry Print & Digital Student Bundle, 7 year subscription	McGraw Hill
9781266138379	1266138374	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, Inquiry Print & Digital Student Bundle, 1 year subscription	McGraw Hill
9781266317774	1266317775	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, Inquiry Journal	McGraw Hill
9781265305697	1265305692	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, Research Companion	McGraw Hill
9781265372149	1265372144	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, IMPACT Explorer Magazine	McGraw Hill
9781264594757	1264594755	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, Online Student Center, 7-year subscription	McGraw Hill
9781266364464	1266364463	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, Online Student Center, 1-year subscription	McGraw Hill
9781264990283	1264990286	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, Teacher's Edition	McGraw Hill
9781266689321	126668932X	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, IMPACT Explorer Magazine Teaching Guide	McGraw Hill
9781265275471	1265275475	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, Online Teacher Center, 7-year subscription	McGraw Hill
9781266040405	1266040404	IMPACT Social Studies	IMPACTO Social Studies, Nuestras comunidades, Grade 3, Online Teacher Center, 1-year subscription	McGraw Hill

361

	AL.SS.7	Actively Learn	Actively Learn Social Studies 7-Year Subscription	McGraw Hill
	AL.SS.1	Actively Learn	Actively Learn Social Studies 1-Year Subscription	McGraw Hill
Impact Social Studies, Grade 4				
9781265735302	1265735301	IMPACT Social Studies	IMPACT Social Studies, Regions of the United States, Grade 4, Complete Print & Digital Student Bundle with Actively Learn, 7-year subscription	McGraw Hill

Grade Level(s)	Copyright Date	Retail Price	Contract Price	Alt for-mat	Amount Billed ODE use	Total ODE use
						\$2,282.68
3	2026	163.32	128.61			
3	2026	98.72	77.76	*		
3	2026	131.52	103.59	*		
3	2026	91.92	72.39	*		
3	2026	130.56	102.84	*		
3	2026	41.72	32.88	*		
3	2026	98.76	77.79	*		
3	2026	34.92	27.51	*		
3	2026	19.88	15.66	*		
3	2026	42.32	33.33	*		
3	2026	23.84	18.78	*		
3	2026	85.28	65.88	*		
3	2026	24.96	19.29	*		
3	2026	225.84	177.84	*		
3	2026	137.56	108.33	*		

3	2026	738.72	570.66		738.72	
3	2026	154.32	119.22	*		
3	2026	189.68	149.40	*		
3	2026	117.08	92.22	*		
3	2026	157.88	124.35	*		
3	2026	110.28	86.85	*		
3	2026	150.32	118.38	*		
3	2026	48.64	38.31	*		
3	2026	118.52	93.33	*		
3	2026	41.84	32.94	*		
3	2026	23.84	18.78	*		
3	2026	50.68	39.93	*		
3	2026	28.64	22.56	*		
3	2026	102.32	79.05	*		
3	2026	30.00	23.19	*		
3	2026	271.08	213.48	*		
3	2026	163.88	129.06	*		
3	2026	886.44	684.78	*		
3	2026	185.20	143.07	*		

3-12	2022	66.52	66.52	*		
3-12	2020	11.88	11.88	*		
4	2026	195.00	153.57			

Summary

Meeting Date: 2/19/2026

Title: McGraw Hill Social Science Instructional Materials Substitution Request

Status: First Reading

Presentation: No (Written Report Only/Consent)

Key Staff: Deirdre Banning-Shaughnessy, Office of Teaching, Learning, and Assessment

Topic Summary: The publisher McGraw Hill has requested to update the 2020 version of K-5 Impact Social Science instructional materials, adopted by the State Board of Education in 2025. Substituted materials will be supplied to Oregon schools at the contract price of the originally adopted edition unless the price for the substituted version's price is lower than the 2025 contract price.

ODE Education Equity

Stance

Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

BACKGROUND AND NEED

Members of the State Board of Education are volunteers, with unique professional and lived experiences. Using plain language, this section should provide context for this item, including any needed overviews of relevant programs or initiatives.

- 1. Briefly, how does this topic, program, or initiative currently operate? Where is it located within Oregon's school systems? How does it ultimately serve students?**

In accordance with OAR 581-011-0070, instructional materials are adopted by the State Board of Education on a 7-year subject matter cycle. The High-Quality Instructional Materials program, with the assistance of Oregon educators and content area specialists, develops the criteria for content-area high-quality instructional materials, evaluates submitted instructional materials in accordance with the adopted cycle, and recommends a list for the School Board of Education to review and consider for adoption. Following adoption by the Board, per Division 11, school districts have the responsibility to either (1) select and adopt from the list (ORS 337.050 and OAR 581-022-2355), (2) independently adopt instructional materials using the state criteria (OAR 581-022-2350), or (3) postpone adoption for up to two years (OAR 581-022-2360).

The State Board of Education adopted McGraw Hill's K-5 Social Science Impact K-5 2020 edition as a recommended high-quality instructional materials program for Social Sciences in October 2025. In 2026, the publisher McGraw Hill published an updated edition of Impact. The updated

Oregon State Board of Education Docket



version meets the social science adoption criteria set by the State Board of Education in 2024. The updated edition of Impact includes minor changes that include historical and accuracy updates, updated maps and visuals, and updates to educator resources such as the Teacher edition of textbooks. The State Board of Education has the discretion to approve the update to Impact K-5 or decline McGraw Hill's request to update the materials from the 2020 edition to the 2026 edition

Amit Kobrowski, ODE's Social Science Education Specialist, has completed a review of the materials to confirm that they are an appropriate update that meets the criteria. Additionally, Northwest Textbook Depository was engaged to confirm that the update was appropriate and would not negatively affect districts currently using the 2020 edition of McGraw Hill's Impact K-5. Districts would now be able to purchase either the updated 2026 version or 2020 version of Impact K-5 for the same contract price through Northwest Textbook Depository without conducting a formal independent adoption.

The contract period for Oregon State Board of Education adopted high-quality instructional materials began in February 2026, with the beginning of the 2026-2027 school year being the implementation deadline for Oregon districts in adopting K-12 social science high-quality instructional materials. Because Oregon districts are at the initial stages in social science materials for review and adoption, ODE does not anticipate that this substitution would not create additional barriers. For these reasons, it is recommended that the State Board of Education approve adding the new edition of Impact K-5 to the list of recommended social science high-quality instructional materials.

2. Please list the specific rule(s), statute(s), or recently passed legislation that allows the Board to take action on this item. Where are they prescriptive and where do they provide the Board and Department flexibility?

Per Oregon administrative rule [581-011-0086](#), the State Board of Education has the discretion to approve the update to Impact K-5 or decline McGraw Hill's request to update the materials from the 2020 edition to the 2026 edition.

3. Has this item come before the Board before? If so, when did the Board last take action, and what was that action?

The State Board of Education adopted the current K-12 social science high-quality instructional materials list in October 2025, including McGraw Hill's 2020 Impact K-5 program.

The State Board of Education has previously reviewed and approved other instructional materials substitutions under OAR 581-011-0086. The most recent substitutions occurred in 2023, including Amplify Education's K-5 Core Knowledge Language Arts (CKLA) edition substitution in March 2023, Bedford, Freeman & Worth's Foundations of Language and

Oregon State Board of Education Docket



Literature edition substitution in 2023, and Curriculum Associate’s K-5 iReady mathematics edition substitution in 2023.

4. Why is this item coming before the Board now?

On November 24th, 2025, McGraw Hill submitted a substitution request to ODE’s High-Quality Instructional Materials team. The request and additional materials were reviewed by the Instructional Materials team and deemed as meeting the requirements of substitution under OAR 581-011-0086. A topic request to present the submitted request was submitted for February 19th, 2026, State Board of Education meeting.

5. Who requested or brought about the need for this item? (Select all that apply.)

- ODE Staff
- Students
- Families
- Community-Based Organizations
- Culturally Specific Organizations
- School Districts
- Education Service Districts
- Charter Schools
- Oregon State Legislature
- Educational Associations
- Racial Justice Council
- Federal Government
- One or more of Oregon’s nine federally recognized tribes: _____
- Other: Publisher

ENGAGEMENT STRATEGY AND LEARNINGS

The State Board of Education expects all items that come before it be reviewed and influenced, to the greatest extent possible, by a robust community engagement process. Using plain language, this section should provide an overview of the role that engagement played in this item, including with Oregon’s nine federally recognized Tribes, other state agencies, and external partners.

6. How did the [Equity Decision Tree](#) inform your office/team engagement strategy? Who is most likely to be affected and how have they been intentionally incorporated into the engagement process for this item?

This substitution stands to offer districts more options in selection and adoption of high-quality instructional materials for K-5 Social Science. Because this proposed substitution would be at the same contract prices, it would allow for districts to not only have multiple options, but be able to update existing materials, and access updated, relevant materials at the same price.

Oregon State Board of Education Docket

Because this edition would be offered in addition to the existing 2020 edition, the action does not stand to impact districts negatively. Additionally, the alignment of the substitution request allows for districts to consider this substituted edition alongside all other State Board of Education adopted Social Science high-quality instructional materials in accordance with the current adopted 7-year schedule.

7. **After consulting with ODE’s Rules Coordinator and the Office of Indian Education, did this item require Tribal Consultation and/or Tribal Communication with Oregon’s nine federally recognized tribes? (For more information, please reference ODE’s [Tribal Consultation Toolkit.](#))**

- No
- Yes – Both Consultation and Communication.
- Yes – Only Communication.

8. **Has your office/team considered how this item intersects with the authority of other state entities that serve the health and education needs of Oregon’s students, or otherwise contribute to the climate of Oregon’s school systems? If so, please select from the below list.**

- N/A; this item does not intersect with other state entities.
- Oregon Health Authority (OHA)
- Department of Early Learning and Care (DELIC; formerly ELD)
- Educator Advancement Council (EAC)
- Higher Education Coordinating Commission (HECC)
- Youth Development Oregon (YDO)
- Teacher Standards and Practices Commission (TSPC)
- Oregon Housing and Community Services (OHCS)
- Other: _____

If you selected any of the above entities, please share why they were involved, how the Department partnered with them, and what feedback they provided.

N/A

9. **Which geographic perspectives are intentionally represented in your office/team engagement strategy?**

- Northeast Oregon
- Central and Southeast Oregon
- Southwest Oregon
- Willamette Valley and Central Coast
- Northwest Oregon
- Tribal lands
- Other: N/A

Oregon State Board of Education Docket



Why did your office/team focus on the above geographical perspective(s)?

N/A

10. Please highlight some of the key pieces of feedback your office/team received during the engagement process. How did this feedback influence the development of this item? How were differences in opinion accounted for?

This instructional materials substitution request was reviewed internally by ODE’s Standards and Instructional Support team, by the Social Science Educational Specialist Amit Kobrowski. Additionally, Northwest Textbook Depository representative Mark Hansen reviewed the request to identify potential concerns, or barriers to Oregon school districts in the adoption process.

11. Please describe any additional engagement opportunities your office/team will be pursuing prior to asking the Board to take action on this item.

N/A

FISCAL AND ADMINISTRATIVE IMPACT ANALYSIS

Equitable resource allocation is a critical component of education equity. Using plain language, this section should describe the fiscal, administrative, and small business impacts of this item, and how it affects the larger social system that serves Oregon’s students.

12. After consulting with ODE’s Rules Coordinator and Grant Consolidation Team, was this item identified as a grant-related item?

No

Yes; please review Appendix B: Grant Consolidation below.

13. Will Board action create fiscal or administrative impacts on districts, ESDs, community-based organizations, and/or the nine federally recognized tribes? If so, please describe the anticipated short- and long-term effects and how they may be felt differently in small, rural, or remote communities.

The proposed update to Impact K-5 is fiscally beneficial to districts. Allowing the material to be officially updated gives districts the opportunity to purchase the 2026 edition of Impact K-5 for the contract price of the 2020 edition of Impact K-5. The additional resources will be provided at no additional charge with the purchase of adopted classroom kits. This will lead to cost savings and additional options for districts.

- 14. Will Board action create a fiscal or administrative impact on state agencies, units of local government, and/or the public? Will it increase costs associated with compliance for small businesses?**

No fiscal impact is anticipated at this time.

EQUITY IMPACT ANALYSIS

The State Board of Education envisions an aspirational education system that honors its increasingly diverse student body and affirms every student to reach their full potential in a rapidly shifting global environment. Using plain language, this section should describe the impact of this item on students and the larger social system that serves their health and education needs.

- 15. How will Board action on this item ultimately impact students and their families, particularly those who have been and continue to be systemically marginalized?**

The submitted substitution edition of Impact K-5 includes historically updated information, such as presidents and historical figures. This positively impacts all students in districts that would have access to the new 2026 edition.

Additionally, further digital updates, and additions to the teacher edition of McGraw Hill's Impact K-5 will positively impact historically underserved students by providing updated and a wider range of differentiated supports and pacing guidance, greater accessibility features, and streamlined integration of digital and physical high-quality instructional materials.

- 16. How will Board action on this item ultimately impact school district employees and volunteers, particularly those who have been and continue to be systemically marginalized?**

By providing educators with more recent editions of materials, educators stand to benefit by having higher quality and relevant social science instructional materials at the building and classroom level. Additionally, the additional teacher supports added in the 2026 edition, and further alignment and integration with digital offerings stands to save educators time and labor in planning and implementation, offer greater differentiation opportunities, and spend less time supplementing adopted materials with recent and relevant supplemental materials.

- 17. What are the anticipated short- and long-term consequences of Board action on this item? Will Board action have a cumulative effect on students, families, educators, districts, or Oregon's school systems?**

This will provide Oregon students, educators, and districts more K-5 social science high-quality instructional materials options, and at the same contract prices. Additionally, districts would not need to conduct an independent adoption to adopt the newest 2026 edition of Impact K-5.

18. What are the anticipated short- and long-term consequences of inaction on this item and who would experience those consequences?

With time, inaction on this item would result in potentially outdated state board of education instructional materials offerings for K-5 McGraw Hill, which are not the recent and updated editions. Additionally, districts that wanted to have the updated and relevant version would need to allocate additional resources to conduct an independent adoption of the program.

RECOMMENDED ACTION

The State Board of Education has dedicated itself to challenging the status quo and sharing responsibility for every student's academic and lifelong success. Using plain language, this section should describe the choice before the Board, the Department's recommendation, and any other relevant information.

19. Please provide a brief summary of the specific language your office/team is bringing to the Board. Are there any key decisions within this language that your office/team would like the Board to make?

The publisher McGraw Hill has requested to update the 2020 version of K-5 Impact Social Science instructional materials, adopted by the State Board of Education in 2025. Both 2020 and 2026 editions of Impact K-5 would be available as part of the State Board of Education adopted instructional materials for social science and retain the current contract prices.

A "YES" vote would allow ODE to substitute the 2020 edition of Impact K-5 to the social science instructional materials list for the remainder of the contract period (through January 2033).

A "NO" vote would deny the publisher's request to substitute the 2026 edition of Impact K-5 to the adopted social science instructional materials list.

20. How is this language responsive to identified needs and/or feedback received through the engagement process? How is it in alignment with the Board's Mission, Vision, and Values?

This recommendation and language are responsive to the Boards mission of "providing equitable policies and practices that lead to the educational and life success of every Oregon student," and values, including "conducting business with integrity, transparency, and adaptability as the basis for equitable student access and success in public education."

21. Please describe the action your office/team is recommending to the Board (for example, the adoption of rules or the approval of a waiver) and how it reflects the Department's commitment to academic excellence, belonging and wellness, and reimagining accountability. It is recommended that the State Board of Education approve adding the 2026 edition of McGraw Hill's Impact K-5 to the list of recommended social science high-quality instructional

Oregon State Board of Education Docket



materials adopted in 2025. This recommendation is grounded in a commitment to high-quality, relevant, and up-to-date instructional materials for Oregon students.

22. Please note any additional support the Department is (or will be) providing to ensure successful implementation of this item.

- N/A; this item does not require any additional support.
- Communications plan
- Technical assistance, professional development, and/or coaching
- Direct or differentiated support for small, rural, or remote school districts
- Corrective Action Processes
- Safety measures
- Organizational culture or practice changes (change management)
- Materials and/or supplies
- Guidance and/or supplemental resources
- Other: _____

23. Has this item changed since the last Board meeting?

- N/A; this item has not previously been before the Board
- No; same as last month
- Yes; please review Appendix A: Second Reading below.



Substance Use Health Standards Language Update

February 19th, 2026

Alanna Russell, MN, RN

ODE Substance Use Prevention Education Coordinator

alanna.russell@ode.oregon.gov

374

Substance Use Standards: Why it Matters

- School-based prevention education that emphasizes evidence-based strategies such as building self-efficacy, refusal skills, and healthy peer relationships has been shown to positively impact substance use rates among youth¹.
- Substance use contributes to leading causes of death amongst youth in Oregon.
- More than half (64%) of the youth overdose deaths in 2023 had at least one bystander present.

"[Prevention education] offers **skill-building opportunities** to analyze cultural influences, communicate effectively and make decisions in navigating internal and external factors related to substance use. "

- *From the Oregon K-12 Health Standards Instructional Practices*

1. Washington State Healthcare Authority, "Prevention tools: What works, what doesn't?"

Substance Use Standards: Background Information

- The [Oregon K-12 Health Standards](#) include **Substance Use, Misuse, and Abuse (SUB)** as a Topic Area. Within this Topic Area, specific standards also utilize the terminology “**substance abuse.**”
- Since the standards were published, prevention education specialists¹ have shifted away from using “**Substance Abuse**” and instead recommend using “**Substance Use Disorder.**”

Topic Areas

- Wellness and Health Promotion (WHP)
- Safety and First Aid (SFA)
- Substance Use, Misuse, and Abuse (SUB)
- Food, Nutrition, and Physical Activity (FNP)
- Social, Emotional, and Mental Health (SEM)
- Healthy Relationships and Violence/Abuse Prevention (HRVP)
- Growth and Development (GD)
- Sexual and Reproductive Health (SRH)

376

From the [Oregon K-12 Health Standards](#)

1. National Institute on Drug Abuse, [Words Matter: Preferred Language for Talking About Addiction | National Institute on Drug Abuse \(NIDA\)](#)

Addiction is a chronic but **treatable medical condition**. Often unintentionally, many people still talk about addiction in ways that are stigmatizing—meaning they use words that can portray someone with a substance use disorder (SUD) in a shameful or negative way and **may prevent them from seeking treatment. With simple changes in language harmful stigma and negativity around SUD can be reduced or avoided.**

377



National Institute on Drug Abuse (NIDA)

Substance Use Standards: Non-Stigmatizing Language

- Removing the term "substance abuse" from the Health Standards helps **reduce stigma** associated with substance use and helps learners develop an understanding of Substance Use Disorder as a **medical condition and not a moral failing**.
- Recent data indicates that over 90% of youth with Substance Use Disorder are still attending school .

378

"[Youth need] **less judgement** with language and attitudes towards drug use. I hid my addiction for fear of what my parents would think or say. There needs to be **more safe spaces** for individuals facing addiction."

- Oregon Youth, 2023 Fentanyl Survey

Substance Use Standards: Community Engagement

- A survey was distributed to school and community partners to gather feedback on replacing the term "abuse" in the Oregon K-12 Health Standards
 - **Survey timeframe:** September 2025-October 2025
 - **# of responses:** 28 responded
 - **Respondents:** Educators, Counselors, Administrators, Community Partners, Substance Use and Mental Health Specialists, Caregivers
- **Summary of feedback**
 - 64% (n=18) of respondents Agreed or Strongly Agreed with updating the language.
 - Proponents of the change reported that this shift is already occurring in the field, reflects medically accurate terminology, and will help reduce stigmatization of individuals impacted by substance use.
 - 32% (n=9) of respondents Disagreed or Strongly Disagreed with updating the language*.
 - Opponents of the change expressed concern that the shift is reflective of a permissive approach to substance use that does not place enough emphasis on personal decision-making.

**One respondent marked "strongly disagree" but indicated in the comments section that they were in favor of the change, suggesting that they may have misunderstood the Likert Scale. This response has been removed from the final totals on this slide.*

Substance Use Standards: Addressing Community Feedback

- Engagement with school and community partners indicated that replacement of the word "abuse" in the Health Standards was overall aligned with other work taking place in the field and would be minimally disruptive to health educators and others using the Health Standards.
- Substance use prevention education continues to emphasize the role of personal decision-making by teaching students skills such as setting personal boundaries, resisting peer pressure, and identifying alternatives to use.
- Students are less likely to seek help when they feel judged and unaccepted. **Non-stigmatizing language allows students to build protective skills while creating a space where they feel safe to seek help.**

380

Substance Use Standards: Language Update

- The term “abuse” is used 27 times in the Oregon Health Standards document in relation to substance use. This terminology also appears in the "Standards" section of the K-12 lesson plans recently released by ODE.
- The language in the Health Standards has been updated as of February 2026

381

Original Language	Updated Language
Topic Area Title: "Substance Use, Misuse, and Abuse (SUB)"	Topic Area Title: "Substance Use Prevention (SUB)"
Throughout the Standards: "Substance Abuse"	Throughout the Standards: Removed or replaced with "Substance Use Disorder"

Note: *This update does not change any of the content or objectives of the Health Standards*

Substance Use Standards: Communication Plan

- The updated Oregon K-12 Health Education Standards will be published on ODE Health Education webpage in **March 2026**.
- **Districts will be notified in March** using the Health Education, Sexuality Education, and other relevant listservs.
- Schools, community partners, and families can contact the ODE Substance Use Prevention Education Coordinator at any time with questions or feedback at **ode.substance-prevention@ode.oregon.gov**

382



Thank You

383

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Summary

Meeting Date: 2/19/2026

Informational Title: Substance Use Prevention Standards Language Update

Presentation: No (Written Report Only/Consent)

Key Staff: Alanna Russell, Substance Use Prevention Education Coordinator

Informational Summary: This presentation serves to update the State Board of Education regarding minor language changes to the Health Education Standards Substance Use Prevention topic area to align with current best-practices in substance use prevention education.

ODE Education Equity

Stance

Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

OVERVIEW

The State Board of Education has dedicated itself to challenging the status quo and sharing responsibility for every student's academic and lifelong success. Its members are volunteers, with unique professional and lived experiences. Using plain language, this section should provide context for this informational presentation, including any needed overviews of relevant programs or initiatives

- 1. How does this topic, program, or initiative currently operate? Where is it located within Oregon's school systems? How does it ultimately impact students?**

Substance Use Prevention is a subtopic of the Oregon Health Education Standards and includes standards for preventing substance misuse at every K-12 grade level. The inclusion of this topic in the Health Education Standards is lifesaving. Research shows that when substance use prevention education is comprehensive, inclusive, skills-based, and non-stigmatizing, it leads to improved physical, behavioral, and academic outcomes for students.

- 2. Are there any rule(s), statute(s), or recently passed legislation related to this topic, program, or initiative? If so, please list and describe each.**

[OAR 581-022-2030](#) requires health education as a content area that must be taught as part of K-12 instructional programming. [OAR 58-022-2045](#) requires that schools provide age-appropriate instruction in substance use prevention education that aligns with State Board adopted Health Education Academic Content Standards.

Oregon State Board of Education Docket



- 3. Has this topic, program, or initiative been presented to the Board before? If so, when, and how has it evolved since then?**

The Oregon Health Standards were approved by the State Board of Education on October 19, 2023. Since the standards were published, prevention education specialists have shifted away from using the term “substance abuse,” which currently appears in the Oregon Health Standards, and instead recommend using “substance use disorder.” The topic of updating the language to reflect this current practice has not been presented to the Board before.

- 4. Was this presentation at the request of the Board or at the request of Department staff? Who was involved in preparing this presentation? Did it involve collaboration with external partners?**

This presentation was submitted at the request of Department staff. It was prepared by the ODE Substance Use Prevention Education Coordinator in collaboration with the Health and Physical Education Specialist and the Sexuality Education Specialist in addition to Directors from the School Wellness, Inclusion, Safety, and Health unit and Standards and Instructional Support team.

- 5. What is the purpose of this presentation? Why is this presentation coming before the Board now? How can this information be used by the Board?**

The purpose of this presentation is to inform the Board of language changes to the Health Education Standards Substance Use Prevention topic area. The changes include removal of stigmatizing language, including the term “substance abuse”, but do not change the content of the Health Standards. The term “abuse” is associated with shame and stigma that may prevent individuals with substance use disorder from seeking help. Removing the term “abuse” or replacing it with “substance use disorder” throughout the Oregon Health Standards will align the standards with the most current recommendations of substance use prevention experts and individuals with lived experience. Updating the terminology also reflects that addiction is a medical condition involving brain changes, behavior patterns, and impaired control, not simply a matter of willpower or individual shortcoming.

This presentation is coming before the Board now to make them aware of the changes before the proposed language updates are made. This serves to keep the Board aware of how the ODE Health Education team is responding to changes in prevention science and feedback from students, educators, and community members. The Health Education team distributed a survey in Fall, 2025 to collect feedback from key stakeholders regarding the proposed language updates. The majority of respondents indicated support for the change and indicated that this update would align with practice shifts that are already happening in the field.

Oregon State Board of Education Docket



- 6. How has this presentation been informed by an equity lens? How does it account for historical and current patterns of neglect and oppression? How does it reflect the unique realities faced by Oregon's small, rural, and remote communities?**

This presentation addresses minor updates that are intended to remove stigmatizing language from the Health Education Standards related to substance use. Stigmatizing language harms communities who have been impacted by substance use and contributes to systems of oppression that disproportionately criminalize substance use disorder among historically marginalized groups while reducing access to treatment and supportive care. These inequities are often exacerbated in rural and remote communities, where there is limited access to services causing individuals with mental health concerns to feel further isolated and stigmatized. The language changes discussed in this presentation reflect the voices of Oregonians who have been impacted by substance use disorder and the harms of systemic stigmatization.

- 7. How does this presentation reflect the Department's commitment to academic excellence, belonging and wellness, and reimagining accountability? How does it advance [the Board's Mission, Vision, and Values](#)?**

Updating the Health Standards with more strengths-based language related to substance use advances health education that is medically accurate, aligned with evidence-informed prevention practices, and promotes a learning environment where all students feel like they are affirmed and valued. Creating a shame-free and non-stigmatizing school culture related to substance use increases the likelihood that students will feel safe seeking help for substance use concerns, which directly impacts the State Board of Education's mission to promote the life success of every Oregon student.

ATTACHMENTS

All documents submitted for Board presentations must meet the Department's accessibility standards for publicly posted documents. We cannot post a document on BoardBook that is not accessible.

- 8. Please list any additional materials (for example, a separate slide deck, report, or memo) that have been submitted as part of this presentation. For each, please provide a brief summary of the material and describe why it has been included.**

[SBE Health Standards Language Update](#) - This slide deck is intended to provide the State Board of Education with the background information related to this topic, and overview of community engagement efforts that took place to inform the change, the specific language changes to the substance use prevention Health Standards, and the communication plan for this update.