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## Appendix 1.4A.2

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► **The Oregon Administrative Rules contain OARs filed through April 15, 2016** ◄

**QUESTIONS ABOUT THE CONTENT OR MEANING OF THIS AGENCY'S RULES?**  
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## **OREGON DEPARTMENT OF EDUCATION**

### **DIVISION 22**

#### **STANDARDS FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS**

##### **581-022-0102**

##### **Definitions**

The following definitions apply to Oregon Administrative Rules 581-022-0102 through 581-022-1940, unless otherwise indicated by context:

(1) "Assessment": Systematic gathering of data with the purpose of appraising and evaluating children's social, physical, emotional, and intellectual development. Activities may include testing to obtain and organize information on student performance in specific subject areas.

(2) Career and Technical Education: A sequence of organized educational activities that:

(a) Provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers;

(b) Provides technical skill proficiency and may provide an industry-recognized credential, a certificate or an advanced 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.

(3) "Career Development": The exploration of personal interests and abilities with regard to career selection, and the development of tentative career goals.

(4) "Career Education": A process for improving educational programs to enhance student understanding of and preparation for work and continuing career development.

(5) "Career-Related Learning Experiences": Structured student activities in the community, the workplace, or in school that connect academic content and career-related learning to real life applications. These experiences extend, reinforce and support classroom learning. They include, but are not limited to:

(a) Workplace mentoring;

(b) Workplace simulations;

(c) School-based enterprises;

(d) Structured work experiences;

(e) Cooperative work and study programs;

(f) On-the-job training;

(g) Apprenticeship programs;

(h) Service learning; and

(i) Field-based investigations.

(6) "Charter school": A public charter school as defined in ORS 338.005.

(7) "Child development specialist program": An optional elementary (grades K-8 or any configuration thereof) component of a district's comprehensive guidance and counseling program for grades K-12.

(8) "Collection of Evidence": The work of a student collected and evaluated together to measure the student's ability to apply what the student knows and can do in relation to a set of standards or criteria.

(9) "Common Curriculum Goals": The knowledge and skills expected of all students as a result of their educational experience; defined by the state as:

(a) The Essential Learning Skills which means essential skills as defined by this rule; and

(b) The Common Knowledge and Skills in instructional programs as adopted by the State Board of Education.

(10) "Common Knowledge and Skills in Instructional Programs": Facts, concepts, principles, rules, procedures and methods of inquiry associated with specific subject matter areas as adopted by the State Board of Education.

(11) "Common School District": A school district other than a union high school district formed primarily to provide education in all or part of grades K through 12 to pupils residing within the district (ORS 330.005(2)(b)). See section (20) of this rule.

(12) "Community Partnerships": Collaborations to network resources to assist students to meet state and local standards and prepare students for post high school transitions. These partnerships include parents, students, business, education, government and community-based organizations.

(13) "Compliance Indicator": Statement of the action taken by a local district which can be accepted as evidence that the district is in compliance with the intent of a particular state standard.

(14) "Comprehensive guidance and counseling program: A program that is integral to a district's total PreK through 12 educational program that is planned, proactive and preventative in design to address each student's academic, career, personal and social development and community involvement.

(15) "Conditionally Standard School": A school that fails to meet the standards but has submitted a plan of correction, approved by the district school board, to the State Superintendent.

(16) "Course Goals": Statements describing the knowledge and skills students are expected to acquire as a result of having completed a course, elementary unit, or grade level.

(17) "Diploma": The document issued by school districts and charter schools in accordance with OAR 581-022-1130 or 581-022-1134.

(18) "District": A common or union high school district (ORS 332.002(2)).

(19) "District Goals": Statements related to State Board of Education goals (OAR 581-022-1030) which describe the local district and community's expectations for student learning.

(20) "District School Board": The board of directors of a common school district or a union high school district (ORS 332.002(1)).

(21) "Education Plan": A formalized plan and process in which a student identifies their academic, personal and career interests which helps the student to connect school activities with their post-high school goals.

(22) "Education Profile": Documentation of a student's academic achievement and progress toward their graduation requirements, post-high school goals and other personal accomplishments identified in their education plan.

(23) "Education Record": has the same meaning as in OAR 581-021-0220.

(24) "Elementary School": Any combination of grades K through 8.

(25) "Essential Skills": Process skills that cross academic disciplines and are embedded in the content standards. The skills are not content specific and can be applied in a variety of courses, subjects, and settings. The essential skills include: Read and comprehend a variety of text; Write clearly and accurately; Listen actively and speak clearly and coherently; Apply

mathematics in a variety of settings; Think critically and analytically; Use technology to learn, live, and work; Demonstrate civic and community engagement; Demonstrate global literacy; and Demonstrate personal management and teamwork skills.

(26) "Extended Application Standard": The application and extension of knowledge and skills in new and complex situations related to the student's personal and career interests and post-high school goals.

(27) "Global Studies": An area of study for learning about the people and cultures of the world through history, geography and other social studies disciplines.

(28) "High School": Any combination of grades 10 through 12 in districts providing a junior high school containing grade 9; any combination of grades 9 through 12 organized as a separate unit; grades 9 through 12 housed with grades K through 12; grades 7 or 8 through 12, if approved by the Oregon Department of Education.

(29) "Identification Team" referred to as the "Team": A team of at least two district staff who carry out district identification procedures and determine the identification of students under OAR 581-022-1310.

(30)(a) "Instructional time" means time during which students are engaged in regularly scheduled instruction, learning activities, or learning assessments that are designed to meet Common Curriculum Goals and academic content standards required by OAR 581-022-1210, and are working under the direction and supervision of a licensed or registered teacher, licensed CTE instructor, licensed practitioner, or Educational Assistant who is assigned instructionally related activities and is working under the supervision of a licensed or registered teacher as required by OAR 581-037-0015.

(b) Instructional time shall include:

(A) Time that a student spends traveling between the student's school and a CTE center, internship, work experience site, or post-secondary education facility;

(B) Time that a student spends in statewide performance assessments; and

(C) Up to fifteen minutes each day of the time that a student spends consuming breakfast in the classroom if instruction is being provided while the student is consuming breakfast.

(c) Instructional time shall not include time that a student spends passing between classes, at recess, in non-academic assemblies, on non-academic fieldtrips, participating in optional school programs, or in study periods or advisory periods where attendance is not required and no instructional assistance is provided.

(31) "Junior High School": A secondary school composed of one or more of grades 7, 8, and 9 organized separately from other grades and approved by the Oregon Department of Education.

(32) "Kindergarten": A planned program that provides activities designed to foster the physical, social, emotional, and cognitive development of young children (ORS 336.092 and 336.095).

(33) "Middle School": An organizational unit composed of any combination of grades 5, 6, 7, and 8 organized separately from other elementary grades and identified as a middle school with the Oregon Department of Education.

(34) "Next steps": The education and/or career choices students make after leaving high school, which may include the workforce, community colleges, four-year colleges and universities, private career schools, apprenticeships, and the military.

(35) "Nonstandard School": A school which fails to meet the standards, and which within ninety days of the State Superintendent's notification of deficiencies, fails to submit a plan of correction or adhere to a plan of correction approved by the State Superintendent (ORS 327.103).

(36) "Parent": Has the same definition as in Oregon Revised Statute 343.035.

(37) "Planned Course Statement": Course title, course overview, course goals (including essential learning skills, career-related goals and common curriculum goals as set forth in OARs 581-022-1210) and, where appropriate, graduation competence assigned to the course for verification.

(38) "Potential": As used in OAR 581-022-1310, the demonstrated capacity to perform at or above the 97th percentile as determined by the team.

(39) "Program": A planned series of interrelated activities or services contributing to the attainment of a goal or set of goals.

(40) "Program Evaluation": A process for making judgments about the philosophy, goals, methods, materials and outcomes of a program to guide program improvement.

(41) "Program Goals" (instructional): Statements describing what students are expected to learn in each district instructional program in any combination of grades K through 12.

(42) "Program Goals" (support): Statements describing program outcomes which support the entire learning system, or one or more of its components, usually stated in terms of services to be performed.

(43) "Program Needs Identification": Procedures, which specify and rank the differences between actual and desired outcomes leading to the consideration of program revision.

(44) "School District": A common or union high school district (ORS 332.002). For the purposes of OARs 581-022-0403, 581-022-1310, 581-022-1320 and 581-022 1330, school district has the same meaning as in Oregon Revised Statute 343.395.

(45) "Standard School": A school, which is in compliance with all of the standards.

(46) "State Standards": State Board division 22 Administrative Rules for public elementary and secondary schools.

(47) "Student Activity Funds": All money raised or collected by and/or for school-approved student groups, excluding money budgeted in the general fund.

(48) "Talented and Gifted Students": Those children defined in Oregon Revised Statute 343.395.

(49) "Union High School District": A school district, other than a common school district, formed in accordance with ORS 335.210 to 335.485 (330.005).

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.011

Hist.: 1EB 19-1980, f. 6-17-80, ef. 7-1-80; 1EB 4-1986, f. 1-23-86, ef. 2-1-86; EB 8-1989, f. & cert. ef. 1-27-89; EB 6-1995, f. & cert. ef. 1-24-95; ODE 7-1999, f. & cert. ef. 1-15-99; ODE 12-2002, f. & cert. ef. 4-15-02; ODE 4-2003, f. & cert. ef. 3-14-03; ODE 25-2008, f. & cert. ef. 9-26-08; ODE 4-2015, f. 1-30-15, cert. ef. 7-1-15; ODE 21-2015, f. & cert. ef. 12-18-15

## **Curriculum Requirements**

### **581-022-0405**

#### **Career Education**

Each school district shall implement plans for career education for Grades K through 12, as part of its comprehensive guidance and counseling program, based on the Oregon Department of Education's "Framework for Comprehensive Guidance and Counseling Programs for Pre-Kindergarten through Twelfth Grade." Career education curriculum is part of the overall comprehensive guidance and counseling curriculum, written to address Essential Skills, Education Plan and Education Profile and the four interrelated student developmental domains: academic, career, personal/social, and community involvement.

Stat. Auth.: ORS 326.051 & 329.275

Stats. Implemented: ORS 326.051

Hist.: 1EB 19-1980, f. 6-17-80, ef. 9-1-81; EB 4-1989, f. & cert. ef. 1-23-89; ODE 19-2008, f. & cert. ef. 6-27-08

## **Plan of Instruction**

### **581-022-0413**

#### **Prevention Education Programs in Drugs and Alcohol**

(1) Each school district shall develop a comprehensive plan for alcohol and drug abuse prevention program which shall include, but not limited to:

(a) Instruction in the effects of tobacco, alcohol, drugs, including anabolic steroids, performance-enhancing and controlled substances as an integral part of the district's K–12 comprehensive health education program. In addition, at least annually, all high school

students, grades 9–12 shall receive age-appropriate instruction about drug and alcohol prevention

(A) The age-appropriate curriculum for this instruction shall:

- (i) Emphasize prevention strategies;
- (ii) Be reviewed and updated annually to reflect current research; and
- (iii) Be consistent with State Board adopted Health Education Academic Content Standards.

(B) Basic information shall include:

- (i) The effects of alcohol, tobacco and other drug use, including anabolic steroids, performance-enhancing and controlled substances
- (ii) All laws relating to the use, especially by minors, of alcohol and other illegal drugs; and
- (iii) The availability of school and community resources.

(C) The instructional program shall include activities which will assist students in developing and reinforcing skills to:

- (i) Understand and manage peer pressure;
- (ii) Understand the consequences of consuming alcohol and other drugs;
- (iii) Make informed and responsible decisions; and
- (iv) Motivate students to adopt positive attitudes towards health and wellness.

(b) A public information program for students, parents, and district staff; and

(c) Policies, rules, and procedures which:

(A) Include a philosophy statement relating to drug-free schools and the established tobacco-free policies and procedures for students, staff and visitors.

(B) Define the nature and extent of the district's program, including a plan to access and use federal funds;

(C) State that alcohol, tobacco, and other drug use by student is illegal and harmful;

(D) In accordance with OAR 581-021-0050 and 581-021-0055, indicate the consequences for using and/or selling alcohol and other drugs, including the specific rule of the school as it relates to law enforcement agencies;

(E) Describe the district's intervention and referral procedures, including those for drug-related medical emergencies;

(F) Indicate clearly that the school district's jurisdiction includes all school sponsored events including student activities; and

(G) Are reviewed and updated annually.

(2) The district's drug and alcohol prevention and intervention program shall be approved by the school district board after consultation from parents, teachers, school administrators, local community agencies, and persons from the health or alcohol and drug service community who are knowledgeable of the latest research information.

(3) Staff development in the district shall:

- (a) Inform all staff of the district plan and their responsibilities within that plan; and
- (b) Provide alcohol and drug abuse prevention education to all staff.

Stat. Auth.: ORS 326.051, 336.235

Stats. Implemented: ORS 336.067, 336.222

Hist.: EB 30-1989, f. & cert. ef. 10-24-89; ODE 14-2008, f. & cert .ef. 5-23-08

## **581-022-0416**

### **Anabolic Steroids and Performance Enhancing Substances**

(1) As used in this rule:

(a) “Anabolic steroid” includes any drug or hormonal substance chemically or pharmacologically related to testosterone, all prohormones, including dehydroepiandrosterone and all substances listed in the Anabolic Steroid Control Act of 2004. “Anabolic steroid” does not include estrogens, progestins, corticosteroids and mineralocorticoids.

(b) “Performance-enhancing substance” means a manufactured product for oral ingestion, intranasal application or inhalation containing compounds that:

(A) Contain a stimulant, amino acid, hormone precursor, herb or other botanical or any other substance other than an essential vitamin or mineral; and

(B) Are intended to increase athletic performance, promote muscle growth, induce weight loss or increase an individual’s endurance or capacity for exercise.

(c) “School district employee” means:

(A) An administrator, teacher or other person employed by a school district;

(B) A person who volunteers for a school district; and

(C) A person who is performing services on behalf of a school district pursuant to a contract.

(2) Each school district shall:

(a) Utilize evidence-based programs such as the Oregon Health and Science University’s Athletes Training and Learning to Avoid Steroids (ATLAS) and Athletes Targeting Healthy Exercise and Nutrition Alternatives (ATHENA) for the reduction in anabolic steroid and performance-enhancing substance abuse by high school athletes.

(b) Ensure school district employees who are coaches or athletic directors receive training once every four years on identifying the components of anabolic steroids abuse and prevention strategies for the use of performance-enhancing substances.

Stat. Auth.: ORS 326.051

Stat. Implemented: ORS 342.721 & 342.726

Hist.: ODE 22-2008, f. 8-28-08, cert. ef. 8-29-08

## **581-022-0421**

### **Safety of School Sports — Concussions**

(1) As used in this rule:

(a) “Annual training” means once in a twelve month period.

(b) “Coach” means a person who instructs or trains members on a school athletic team and may be:

(A) A school district employee;

(B) A person who volunteers for a school district

(C) A person who is performing services on behalf of a school district pursuant to a contract.

(c) “Concussion” means exhibiting signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body.

(d) “Health care professional” means a medical doctor, osteopathic physician, psychologist, physician assistant or nurse practitioner licensed or certified under the laws of this state.

(e) “Proper medical treatment” means treatment provided by a licensed health care professional which is within their scope of practice.

(f) “Return to participation” means a student can rejoin the athletic event or training.

(g) “Training timeline” means every coach receives the training prior to the beginning of the season for the school athletic team they are specifically coaching.

(h) “Same day” means the same calendar day on which the injury occurs.

(2) Each school district shall:

(a) Develop a list of coaches.

(b) Identify which community (may include state or national) resources the district will use to provide the training as required in section (3) of this rule.

(c) Develop training timelines for coaches of all school athletic teams.

(d) Ensure coaches receive training once every twelve months.

(e) Develop a tracking system to document that all coaches meet the training requirements of this rule.

(f) Ensure no coach allows a member of a school athletic team to participate in any athletic event or training on the same calendar day that the member:

(A) Exhibits signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body; or

(B) Has been diagnosed with a concussion.

(g) Except as provided by subsection (3) in this section ensure no coach will allow a student who is prohibited from participating in an athletic event or training, as described in section (2) (f), to return to participate in an athletic event or training no sooner than the day after the student experienced a blow to the head or body. The student may not return to participate in an athletic event or training until the following two conditions have been met:

(A) The student no longer exhibits signs, symptoms or behaviors consistent with a concussion; and

(B) The student receives a medical release form from a health care professional.

(3) A coach may allow a member of a school athletic team to participate in any athletic event or training at any time after an athletic trainer registered by the Board of Athletic Trainers determines that the member has not suffered a concussion. The athletic trainer may, but is not required to, consult with a health care professional in making the determination that the member has not suffered a concussion.

(4) The training required of coaches under this rules shall include the following:

(a) Training in how to recognize the signs and symptoms of a concussion;

(b) Training in strategies to reduce the risk of concussions;

(c) Training in how to seek proper medical treatment for a person suspected of having a concussion; and

(d) Training in determination of when the athlete may safely return to the event or training.

Stat. Auth: ORS 336.485

Stats. Implemented: ORS 336.485

Hist.: ODE 13-2010, f. & cert. ef. 6-30-10; ODE 2-2011, f. 1-31-11, cert. ef. 2-1-11; ODE 29-2015, f. & cert. ef. 12-22-15

## **Assessment and Evaluation**

### **581-022-0606**

#### **District Continuous Improvement Plan**

(1) For the purposes of OAR 581-022-0606 the following definitions apply:

(a) “Aligned with standards” means that the taught curriculum (what teachers teach), the learned curriculum (what students learn), and the assessed curriculum (what students are tested on) as identified through state and national academic standards do not deviate significantly one from another. This alignment includes four components:

(A) Content match — topical coverage, or comprehensiveness and level of detail

(B) Depth match — level of difficulty, or cognitive complexity

(C) Emphasis match — the relative duration of the instruction about each topic/standard within a subject

(D) Performance match — the type of performance required to demonstrate proficiency of the standard



(b) “Data-driven” means the use of information available from a high quality data system to focus decisions regarding curriculum, instruction, staff assignment, and staff development to promote student achievement through a planned, systemic program improvement effort.

(c) “Family and community engagement” means a system of shared responsibility in which schools and other community agencies and organizations are committed to engaging families in meaningful and culturally respectful ways while families are committed to actively supporting their children’s learning and development.

(d) “High quality data system” means a method by which teachers and administrators have access to data needed for instructional and administrative decision-making, one that makes available to the public appropriate data content and displays and provides for regular updates to the data, maintenance and upgrading of the system, and training for key personnel on use and maintenance. The collection and use of data in such a system would include district-, school-, and student-level data describing but not limited to:

- (A) Instruction;
- (B) Accountability;
- (C) Demographics;
- (D) Achievement; and
- (E) Assessment.

(e) “High quality instructional programs” means that teachers teach knowledge and skills through the use of an appropriate variety of instructional strategies reflecting best practice and based on state/national standards and assessments that effectively measure what the standards require. Such instruction is not universal but is situational based on instructional context.

(f) “Long-term professional development plans” means teacher training reflecting best practice as defined by national standards related to content, process, and context. Such training supports:

- (A) Continuing advancement of professional collaboration;
- (B) Ongoing, job-embedded experiences,
- (C) Standards-based instruction, and
- (D) Continual, guided reflection on school/student data a part of professional learning.

(g) “Rigorous curriculum” means multiple courses of study any one of which will prepare students to successfully meet the Oregon diploma requirements. These courses are cognitively demanding and challenging to students as those students apply the fundamental concepts and skills from various disciplines to real world problems in complex and open ended situations.

(h) “Safe educational environment” means a healthy, positive school climate free of drug use, gangs, violence, intimidation, fear, and shaming, ensuring the physical and emotional well-being and academic and social growth of every student.

(i) “Service plans for students” means a system of planned services outlining student educational activities, supporting students in meeting expectations for one or more content areas and continuing to academically challenge students who have exceeded expectations in one or more content areas.

(j) “Short-term professional development plans” means a component of a long term professional development plan with a direct connection with one or more of the following—individual continuing professional development plans; board, district or school goals; state certification criteria; or other regulatory mandates. Such plans may be responsive to emerging needs not yet addressed in long-term professional development plans.

(k) “Staff leadership development” means practices, policies, and procedures that create shared leadership opportunities and empower teacher participation in setting and achieving school goals and policies.

(l) “Strong school library program” means a planned effort to ensure the instruction of students, school staff, and the broader learning community in library skills, information literacy, and educational technology; such a program promotes a rich array of literacy experiences supporting life-long reading; facilitates collaboration in lesson planning and

instruction; ensures equitable access to library resources and licensed school librarians; and develops and manages current, plentiful, and diverse library collections of print and electronic resources that support classroom curricula and student interests.

(2) Each school district shall conduct self-evaluations in order to develop and update their local district continuous improvement plans once every three years. Except as provided in subsection (3) of this rule, the department may not require school districts or schools to conduct self-evaluations or to update their local district continuous improvement plans more frequently than biennially.

(3) Each school district shall:

(a) Submit its local district continuous improvement plan to the Department of Education once every three years unless there are substantial changes.

(b) Notify the Department and update its local district continuous improvement plan when there has been a substantial changes.

(c) Substantial change is defined as changes to:

(A) School or district improvement status under state or federal law;

(B) Student academic achievement;

(C) Student demographics (including changes in excess of 10% in identified subgroups);

(D) Instructional staffing (either counts of personnel or changes in individual staff);

(E) Financial resources available to the district; or

(F) The district's goals for student achievement.

(4) The self-evaluation process shall involve the public in the setting of local goals. The school district shall ensure that representatives from the demographic groups of their school population are invited to participate in the development of local district continuous improvement plans to achieve the goals.

(5) As part of setting local goals, school districts shall undertake a communications process that involves parents, students, teachers, school employees and community representatives to explain and discuss the local goals and their relationship to programs in the continuous improvement plan.

(6) At the request of the school district, department staff shall provide ongoing technical assistance in the development and implementation of the local district continuous improvement plan.

(7) The local district continuous improvement plan shall include:

(a) A rigorous curriculum aligned with state standards;

(b) High-quality instructional programs;

(c) Short-term and long-term professional development plans;

(d) Programs and policies to achieve a safe educational environment;

(e) A plan for family and community engagement;

(f) Staff leadership development;

(g) High-quality data systems;

(h) Improvement planning that is data-driven;

(i) Education service plans for students who have or have not exceeded all of the academic content standards;

(j) A strong school library program;

(k) A review of demographics, student performance, staff characteristics and student access to, and use of, educational opportunities; and

(l) District efforts to achieve local efficiencies and efforts to make better use of resources.

(8) Each school district shall annually review and report test results and progress on the

district improvement plan to the community.

(9) Each school district shall maintain copies of the school and district improvement plans as a public record.

(10) Each school district shall submit the district improvement plan to the Department of Education when requested.

Stat. Auth.: ORS 326.051 & 329.095

Stats. Implemented: ORS 326.051 & 329.095

Hist.: 1EB 19-1980, f. 6-17-80, ef. as follows: Section (1) 9-1-80; Sections (2), (4), (5) 9-1-81; Section (3) 7-1-80; 1EB 26-1980, f. 11-7-80, ef. as follows: Sections (1) and (3) 9-1-81; Sections (2), (4) and (5) 9-1-82; 1EB 21-1986, f. & ef. 7-2-86; EB 38-1990, f. & cert. ef. 7-10-90; EB 15-1996, f. & cert. ef. 9-26-96; ODE 25-2008, f. & cert. ef. 9-26-08; ODE 38-2013, f. & cert. ef. 12-18-13

## **581-022-0610**

### **Administration of State Assessments**

(1) Definitions. As used in this rule:

(a) “Accommodations” means changes in procedures or materials that increase equitable access during assessment and generate valid assessment results for students for whom there is documentation of need on an Individualized Education Program (IEP) or 504 (Plan); they allow these students to show what they know and can do.

(b) “Designated supports” means access features of the assessment available for use by any student for whom the need has been indicated by an educator or team of educators.

(c) “District test coordinator” (DTC) means district personnel who ensure secure administration of Oregon Statewide Assessments as defined by Oregon Revised Statute, Administrative Rules, and the Test Administration Manual, including but not limited to supervising the work of the school test coordinators and test administrators.

(d) “Force majeure” means an extraordinary circumstance (e.g., power outage or network disturbance lasting at least one full school day) or act of nature (e.g., flooding, earthquake, volcano eruption) which directly prevents a school district from making reasonable attempts to adhere to the Test Schedule.

(e) “Impropriety” means the administration of an Oregon Statewide Assessment in a manner not in compliance with the Test Administration Manual, Oregon Revised Statute, or this rule.

(f) “Invalidation” means the act of omitting test results and student responses from the testing, reporting, and accountability systems for a given testing event for which the student may not retest.

(g) “Irregularity” means an unusual circumstance that impacts a group of students who are testing and may potentially affect student performance on the assessment or interpretation of the students’ scores. A force majeure is an example of a severe irregularity.

(h) “Modification” means practices and procedures that compromise the intent of the assessment through a change in the achievement level, construct, or measured outcome of the assessment.

(i) “Universal Tools” means access features of the assessment that are either provided as digitally-delivered components of the test administration system or separate from it. Universal tools are available to all students based on student preference and selection.

(j) “Oregon Statewide Assessments” means:

(A) The Oregon Assessment of Knowledge and Skills (OAKS) in:

(i) Science;

(i) Social Sciences;

(B) The Smarter Balanced Assessments (Smarter) in:

(i) Mathematics

(ii) English Language Arts (ELA)

(C) The English Language Proficiency Assessment (ELPA21);

(D) The Extended Assessment in:

(i) English Language Arts (ELA);

(ii) Mathematics;

(iii) Science; and

(E) The Kindergarten Assessment

(k) “Reset” means the removal of student responses from the web-based testing application for a given testing event for which the student may retest.

(l) “School building” means facilities owned, leased, or rented by a school district, educational service district, public charter school, private school, or private alternative program.

(m) "School district" means:

(A) A school district as defined in ORS 332.002;

(B) The Oregon School for the Deaf;

(C) The Juvenile Detention Education Program as defined in ORS 326.695;

(D) The Youth Corrections Education Program as defined in ORS 326.695;

(E) The Long Term Care Program as defined in ORS 343.961; and

(F) The Hospital Education Programs as defined in ORS 343.261.

(n) “School test coordinator” (STC) means school personnel who provide comprehensive training to test administrators and monitor the testing process.

(o) “Test Administration Manual” means a manual published annually by ODE that includes descriptions of the specific policies and procedures that school districts are required to follow when administering any component of the Oregon Statewide Assessments. References to the Test Administration Manual refer to the edition in effect at the time of test administration and include appendices and any addenda published in accordance with ODE’s revision policy.

(p) “Test administrator” (TA) means an individual trained to administer the Oregon Statewide Assessments in accordance with the Test Administration Manual.

(q) “Test Schedule” means the Test Schedule and Required Ship Dates published annually by ODE that includes the windows in which school districts must offer their students the Oregon Statewide Assessments and the deadline by which DTCs must ship or postmark test materials.

(2)(a) School districts, as defined in ORS 332.002, must enforce the assessment policies described in this rule for all students enrolled in a school operated by the district or enrolled in a public charter school that is located within the boundaries of the school district.

(b) School districts, as defined in ORS 332.002, must enforce the assessment policies described in this rule for all resident students enrolled in a private alternative education program, regardless of whether the private alternative education program is located within the boundaries of the school district.

(c) The Oregon School for the Deaf must enforce the assessment policies described in this rule for all students enrolled in that school.

(d) The Juvenile Detention Education Program and the Youth Corrections Education Program must enforce the assessment policies described in this rule for all students enrolled in that program.

(e) The Long Term Care Program and the Hospital Education Programs must enforce the assessment policies described in this rule for all students enrolled in that program.

(f) School districts may delegate responsibility for enforcing the assessment policies described in this rule to another school district or education service district under the conditions specified in the Test Administration Manual.

(3) School districts must administer Oregon Statewide Assessments in accordance with the Test Administration Manual and Test Schedule published by ODE. The results of these assessments are used to satisfy the requirements specified in OAR 581-022-1670 and 581-022-0606 and as a method to evaluate compliance with 581-022-1210.

(4) School districts must ensure that students are administered the proper Oregon Statewide Assessment and that the testing environment satisfies the following testing conditions:

(a) School districts must ensure that Oregon Statewide Assessments are administered by a trained TA who has signed an Assurance of Test Security form for the current school year on file in the district office;

(b) School districts must administer Oregon Statewide Assessments in a school building or in an environment that otherwise complies with the Test Administration Manual;

(c) School districts must apply the following criteria in deciding whether to provide a student with an accommodation during administration of an Oregon Statewide Assessment:

(A) School districts must decide whether to provide accommodations during an assessment on an individual student basis and separately for each content area to be assessed; and

(B) For students with an Individualized Education Plan (IEP) or 504 Plan, school districts must implement the assessment decision made by a student's IEP or 504 team and documented in the IEP or 504 Plan;

(d) School districts may only administer modifications to students with an IEP or 504 Plan and only in accordance with the assessment decision made by the student's IEP or 504 team and documented in the IEP or 504 Plan. Before administering an assessment using a modification, a student's IEP or 504 team must inform the student's parent that the use of a modification on an assessment will result in an invalid assessment;

(e) School districts must provide only those subject-specific accommodations, designated supports, and universal tools listed in the Oregon Accessibility Manual and must provide these supports in a manner consistent with the policies contained in the Test Administration Manual and Oregon Accessibility Manual;

(f) School districts must ensure that students do not access electronic communication devices such as cellular phones or personal digital assistants (PDAs) during an assessment; and

(g) School districts must follow all additional testing conditions specified in the Test Administration Manual.

(5) Failure by a school district to comply with section (4) of this rule constitutes an impropriety as defined in section (1)(e) of this rule. DTCs must report all potential improprieties or irregularities to ODE within one business day of learning of the potential impropriety or irregularity in accordance with the reporting procedures contained in the Test Administration Manual.

(6) The ODE may invalidate assessment results and student responses for assessments administered under conditions not meeting the assessment administration requirements specified in Sections 3 and 4 of this rule. In rare instances, ODE may reset a student assessment at the request of the school district if ODE determines that a reset would not compromise the security or validity of the assessment.

(7) ODE counts assessments that meet the following conditions as non-participants in ODE calculations of participation and does not include such assessments in ODE calculations of performance:

(a) Assessments administered using modifications as defined in section (1)(h) of this rule;

(b) Invalidated assessments;

(c) Assessments administered outside the testing window specified in the Test Schedule; or

(d) Assessments shipped or postmarked after the dates identified in the Test Schedule.

(8) ODE only allows extensions to the testing window or shipping deadlines identified in the Test Schedule in cases where a force majeure occurs within three days of the close of the testing window or shipping deadline and prevents a school district from meeting the deadline. Upon receiving a force majeure extension request from the school district, ODE may permit a one-day extension of the testing window or shipping deadline for each day of the force majeure, for up to five days. The force majeure extension begins on the first school day after normal operations resume and ends no later than the last school day in the month in which the testing window closes.

(9) School districts may only assess students using the Extended Assessment instead of OAKS or Smarter if the student has an IEP Plan and the student's Plan indicates that the student requires the Extended Assessment.

(10) School districts must administer ELPA annually to all students determined by the school district to be eligible for English language development (ELD) services under Title III of the Elementary and Secondary Education Act (ESEA), regardless of whether an eligible student actually receives ELD services.

(11) Administration of the Kindergarten Assessment is governed by OAR 581-022-2130.

Stat. Auth.: ORS 326.051 & 329.075

Stats. Implemented: ORS 329.075 & 329.485

Hist.: 1EB 2-1985, f. 1-4-85, ef. 1-7-85; EB 14-1990(Temp), f. & cert. ef. 3-5-90; ODE 6-2002(Temp), f. & cert. ef. 2-15-02 thru 6-30-02; ODE 16-2002, f. & cert. ef. 6-10-02; ODE 30-2008, f. 12-16-08, cert. ef. 12-19-08; ODE 12-2009, f. & cert. ef. 12-10-09; ODE 7-2010, f. & cert. ef. 5-27-10; ODE 7-2011, f. & cert. ef. 7-1-11; ODE 34-2014, f. & cert. ef. 6-24-14; ODE 26-2015, f. & cert. ef. 12-21-15

## **581-022-0612**

### **Exception of Students with Disabilities from State Assessment Testing**

(1) For the purposes of this rule a "student with a disability" is a student identified under the Individuals with Disabilities Education Act, consistent with OAR chapter 581, division 015, or a student with a disability under Section 504 of the Rehabilitation Act of 1973.

(2) A public agency shall not exempt a student with a disability from participation in the Oregon State Assessment System or any district wide assessments to accommodate the student's disability unless the parent has requested such an exemption.

Stat. Auth.: ORS 326.051 & 343.045

Stats. Implemented: ORS 329.485 & 659.850

Hist.: ODE 3-2002(Temp), f. & cert. ef. 1-25-02 thru 6-30-02; ODE 14-2002, f. & cert. ef. 5-15-02; ODE 25-2008, f. & cert. ef. 9-26-08

## **581-022-0615**

### **Assessment of Essential Skills**

(1) Definitions. As used in this rule:

(a) "Assessment option" means an assessment approved to assess proficiency in the Essential Skills for the purpose of earning a high school diploma or a modified diploma.

(b) "Essential Skills" means process skills that cross academic disciplines and are embedded in the content standards. The skills are not content specific and can be applied in a variety of courses, subjects, and settings.

(c) "Local performance assessment" means a standardized measure (e.g., activity, exercise, problem, or work sample scored using an official state scoring guide), embedded in the school districts' and public charter schools' curriculum that evaluates the application of students' knowledge and skills.

(d) "Official state scoring guide" means an evaluation tool designed for scoring student work that includes specific, consistent assessment criteria for student performance and a 1-6 point scale to help rate student work. It is used by Oregon teachers to evaluate student work samples.

(e) "Student-initiated test impropriety" means student conduct that:

(A) Is inconsistent with:

(i) The Test Administration Manual; or

(ii) Accompanying guidelines; or

(B) Results in a score that is invalid.

(f) "Work sample" means a representative sample of individual student work (e.g., research papers, statistical experiments, speaking presentations, theatrical performances, work experience) that may cover one or more content areas and therefore may be scored using one or more official state scoring guide(s). At the high school level, a work sample can be used to fulfill both the local performance assessment requirement described in Section 2 of this rule and the Essential Skills requirement described in Section 3 of this rule.

(2) School districts and public charter schools that offer grades 3 through 8 or high school shall administer local performance assessments for students in grades 3 through 8 and at

least once in high school. For each skill area listed in section (17) of this rule, the assessments shall consist of:

(a) One work sample per grade scored using official state scoring guides; or

(b) Comparable measures adopted by the district.

(3) School districts and public charter schools shall require high school students to demonstrate proficiency in the Essential Skills using assessment options that are approved by the State Board of Education for the purpose of student eligibility for:

(a) The high school diploma as established in OAR 581-022-1130; or

(b) The modified diploma as established in OAR 581-022-1134.

(4) Pursuant to ORS 339.115 and 339.505, school districts and public charter schools shall provide any eligible student with instruction in and multiple assessment opportunities to demonstrate proficiency in the Essential Skills for the purpose of achieving the high school diploma or the modified diploma.

(5) To be eligible to receive a high school diploma or a modified diploma:

(a) For students first enrolled in grade 9 during the 2008-2009 school year, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skill listed in section (16)(a) of this rule: Read and comprehend a variety of text.

(b) For students first enrolled in grade 9 during the 2009-2010 school year, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skills listed in sections (16)(a)-(b) of this rule:

(A) Read and comprehend a variety of text; and

(B) Write clearly and accurately.

(c) For students first enrolled in grade 9 during the 2010-2011 school year, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skills listed in section (16)(a)-(c) of this rule:

(A) Read and comprehend a variety of text;

(B) Write clearly and accurately; and

(C) Apply mathematics in a variety of settings.

(d) For students first enrolled in grade 9 during the 2011-2012 school year or first enrolled in grade 9 in any subsequent school year, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skills listed in Section 16(a)–(c) of this rule and any additional Essential Skills for which:

(A) The State Board of Education has adopted the determination to phase in for inclusion in the high school diploma and modified diploma requirements; and

(B) The State Board of Education has adopted assessment options by March 1 of the student's 8th grade year.

(e) School districts and public charter schools may require students to demonstrate proficiency in additional Essential Skills beyond the minimum requirements described in section (5)(a)-(d) of this rule.

(6) The Superintendent of Public Instruction shall establish an Assessment of Essential Skills Review Panel (AESRP) to make recommendations on:

(a) The phasing in of Essential Skills for inclusion in the high school diploma and the modified diploma requirements;

(b) The adoption of assessment options to measure students' proficiency in the approved Essential Skills for the purpose of the high school diploma or the modified diploma; and

(c) The achievement standards used to determine student eligibility for the high school diploma or the modified diploma.

(7) The AESRP shall work toward the goal of a system with a high degree of technical adequacy and equivalent rigor between assessment options as practicable.

(8) The AESRP shall base its recommendations on evidence provided by:

- (a) School districts;
- (b) Research organizations; and
- (c) Other experts.

(9) The AESRP shall consist of assessment experts from:

- (a) School districts, including but not limited to:
  - (A) Superintendents;
  - (B) Principals;
  - (C) Curriculum Directors;
  - (D) Educators;
  - (E) Special education educators; and
  - (F) English Language Learners (ELL) educators;
- (b) Post-secondary education institutions; and
- (c) Business partners who have expertise in:
  - (A) Assessment design;
  - (B) Assessment administration; or
  - (C) Use of assessments

(10) The State Board of Education shall make the determination to adopt the AESRP's recommended assessment options, and achievement standards for the purpose of conferring high school diplomas and modified diplomas. The determination of the State Board of Education will be final and not subject to appeal.

(11) The ODE shall issue the State Board of Education's intentions regarding the AESRP's recommendations by December 15 of each year and formal notice of the State Board of Education's final determination regarding the AESRP's recommendations by March 1 of each year as an addendum to the Test Administration Manual, which the ODE shall issue by August 1 of each year.

(12) School districts and public charter schools shall adhere to the requirements set forth in the Test Administration Manual to:

- (a) Administer;
- (b) Score;
- (c) Manage; and
- (d) Document the district and school assessments of students' proficiency in the Essential Skills required to receive a high school diploma or a modified diploma.

(13) School districts and public charter schools shall establish conduct and discipline policies addressing student-initiated test impropriety.

(14) School districts and public charter schools shall allow students to use assessment options and achievement standards adopted by the State Board of Education in a student's ninth through twelfth grade years as follows:

- (a) Students may demonstrate proficiency in the Essential Skills using assessment options adopted in their ninth through twelfth grade years.
- (b) Students may use achievement standards adopted in their 9th through 12th grade years that are equal to or lower than the achievement standards approved as of March 1 of the students' 8th grade year.

(15) Districts may develop and administer a local assessment option for students to demonstrate proficiency in the Essential Skills, using established professional and technical standards in place of the assessment options adopted by the State Board of Education as described in section 14 of this rule. Districts that choose this option are required to publish:



(a) A communication strategy to ensure stakeholders are notified of the district's approach to the local assessment option; and

(b) Materials written in plain language that contain descriptions of the

(A) Purpose of the assessment;

(B) Scoring methodology;

(C) Method by which students and parents will receive results from the assessment;

(D) Criteria for determining student proficiency using the assessment; and

(E) Criteria for determining which students will have access to the assessment

(16) The ODE shall publish the subset of Essential Skills assessment options and the associated performance levels which may be used by each of Oregon's post-secondary institutions as defined by those institutions' policies provided to the ODE by October 15 of each year.

(17) The Essential Skills identified by the State Board of Education as of July 1, 2008 are as follows:

(a) Read and comprehend a variety of text;

(b) Write clearly and accurately;

(c) Apply mathematics in a variety of settings;

(d) Listen actively and speak clearly and coherently;

(e) Think critically and analytically;

(f) Use technology to learn, live, and work;

(g) Demonstrate civic and community engagement;

(h) Demonstrate global literacy; and

(i) Demonstrate personal management and teamwork skills.

(18) School districts and public charter schools shall include one or more local performance assessments for grades 3 through 8 and for high school for each of the following skill areas:

(a) Writing;

(b) Speaking;

(c) Mathematical problem-solving; and

(d) Scientific inquiry.

(19) School districts and public charter schools may include one social science analysis work sample that is administered in accordance with school district or public charter school policies as a local performance assessment for grades 3 through 8 and for high school.

(20) For students on an Individualized Education Plan (IEP) or 504 Plan, if a student's IEP or 504 Team determines that the nature of a student's disability prevents the student from demonstrating proficiency in an Essential Skill using any of the approved assessment options listed in the Test Administration Manual, the student's IEP Team may exempt the student from the requirement as listed in the Test Administration Manual and determine an appropriate replacement assessment option for the student to use that addresses the Essential Skill in a manner that is consistent with:

(a) The student's instructional plan; and

(b) The state assessment criteria adopted by the State Board of Education.

(21) For students seeking a modified diploma, school districts and public charter schools may modify the assessment options adopted by the State Board of Education when the following conditions are met:

(a) For students on IEP or 504 Plans:

(A) School districts and public charter schools must comply with all requirements established

by the student's IEP or 504 Plan when implementing modifications for work samples;

(B) School districts and public charter schools must comply with OAR 581-022-0610 section (4)(d) when implementing modifications for a statewide assessment.

(b) For students not on IEP or 504 Plans:

(A) School districts and public charter schools may only implement modifications for work samples that are consistent with the modifications the student has received during instruction in the content area to be assessed in the year in which the work sample is administered.

(B) School districts and public charter schools must obtain approval from the school team responsible for monitoring the student's progress toward the modified diploma before implementing modifications for work samples.

(C) Consistent with OAR 581-022-0610, school districts and public charter schools may not implement modifications for statewide assessments for students who are not on an IEP or 504 Plan.

Stat. Auth.: ORS 329.451, 338.025, 339.115 & 339.505

Stats. Implemented: 329.045, 329.075, 329.451, 329.485 & 338.115

Hist.: ODE 17-2008, f. & cert. ef. 6-27-08; ODE 10-2009(Temp), f. & cert. ef. 9-1-09 thru 2-28-10; ODE 19-2009, f. & cert. ef. 12-10-09; ODE 8-2011, f. & cert. ef. 7-1-11

## **581-022-0617**

### **Essential Skills for English Language Learners**

(1) Definitions. As used in this rule:

(a) "Assessment option" means an assessment approved to assess proficiency in the Essential Skills for the purpose of earning a high school diploma or a modified diploma.

(b) "English Language Learner" (ELL) means a student who meets the definition of "Limited English Proficient" found in Title IX, Part A, Section 9101.25 of the No Child Left Behind Act of 2001 (NCLB).

(c) "Essential Skills" means process skills that cross academic disciplines and are embedded in the content standards. The skills are not content specific and can be applied in a variety of courses, subjects, and settings.

(d) "Qualified Rater" means any individual who is:

(A) Trained to a high degree of proficiency in scoring the assessment administered to the student; and

(B) Endorsed by the school district or public charter school, consistent with local school board policy, as proficient in the student's language of origin for the purposes of accurately scoring the student's work in the student's language of origin.

(2) Consistent with OAR 581-022-0615, school districts and public charter schools must adopt a policy whether to allow ELL students to demonstrate proficiency in the Essential Skill of "Apply mathematics in a variety of settings" in the students' language of origin for those ELL students who by the end of high school:

(a) Are on track to meet all other graduation requirements; and

(b) Are unable to demonstrate proficiency in the Essential Skills in English.

(3) Consistent with OAR 581-022-0615, school districts and public charter schools must adopt a policy whether to allow ELL students to demonstrate proficiency in Essential Skills other than "Apply mathematics in a variety of settings" in the students' language of origin for those ELL students who by the end of high school:

(a) Meet the criteria in Section 2(a)–(b) of this rule;

(b) Have been enrolled in a U.S. school for five (5) years or less; and

(c) Have demonstrated sufficient English language skills using an English language proficiency assessment option that is approved by the State Board of Education. ODE will issue final notice of the State Board of Education's adoption of English language proficiency assessment in the Essential Skills and Local Performance Assessment Manual.

(4) If a school district or public charter school adopts a policy allowing ELL students to

demonstrate proficiency in the Essential skills in the students' language of origin under Sections 2 and 3 of this rule, that policy must include the following:

(a) Development of a procedure to provide assessment options as described in the Essential Skills and Local Performance Assessment Manual in the ELL students' language of origin for those ELL students who meet the criteria in Section 2(a)–(b) of this rule.

(b) Development of a procedure to ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.

Stat. Auth.: ORS 326.051 & 329.075

Stats. Implemented: ORS 329.045, 329.075 & 329.485

Hist.: ODE 18-2010, f. & cert. ef. 12-17-10; ODE 22-2016, f. & cert. ef. 3-22-16

## **581-022-0620**

### **Test Development**

(1) Definitions. As used in this rule:

(a) "Assessment item" means test items, stimuli, graphics, reading passages, writing prompts, answer keys, and scoring rubrics developed for use on an Oregon Statewide Assessment.

(b) "Oregon statewide assessment" means:

(A) The English Language Proficiency Assessment (ELPA);

(B) The Oregon Assessment of Knowledge and Skills (OAKS) in:

(i) Reading/Literature;

(ii) Mathematics;

(iii) Science;

(iv) Social Sciences which may include history, geography, economics and civics;

(v) Writing Performance; and

(C) The OAKS Extended Assessment in:

(i) Reading/Literature;

(ii) Mathematics;

(iii) Science;

(iv) Writing Performance.

(2) ODE shall provide translated OAKS assessments as practicable for languages which are the language of origin for at least 9 percent of Oregon's student population for grades K-12 within 3 years after the school year in which the language first exceeds the 9 percent threshold.

(3) ODE shall maintain advisory groups to advise ODE on the development of assessment items and policies relating to the Oregon statewide assessment system. These advisory groups shall include Oregon educators and other persons. At a minimum, ODE shall maintain the following advisory groups:

(a) A National Technical Assessment Committee consisting of state and national experts to provide recommendations regarding:

(A) Test design for the Oregon statewide assessments;

(B) Best practices in assessment and accountability;

(C) National trends in assessment and accountability; and

(D) Federal compliance with assessment and accountability laws, rules, and regulations.

(b) A separate Content and Assessment Panel for each Oregon statewide assessment. Each Content and Assessment Panel consists of educators and other persons from throughout the state and provides recommendations regarding:

(A) The quality, appropriateness, and accuracy of assessment items; and

(B) The alignment of assessment items to the academic content standards adopted by the State Board of Education.

(c) A Sensitivity Panel consisting of educators and other persons representing diverse perspectives from throughout the state to:

(A) Develop sensitivity criteria to ensure that assessment items are free of bias and stereotyping and are accessible to all Oregon students; and

(B) Review OAKS and ELPA assessment items for compliance with the sensitivity criteria developed under Section 3(e)(A) of this rule.

Stat. Auth.: ORS 326.051 & 329.075

Stats. Implemented: ORS 329.045, 329.075 & 329.485

Hist.: ODE 5-2010, f. & cert. ef. 3-18-10

## **Support Programs**

### **581-022-0705**

#### **Health Services**

(1) The school district shall maintain a prevention oriented health services program for all students which provides:

(a) Health care and space that is appropriately supervised and adequately equipped for providing first aid, and isolates the sick or injured child from the student body;

(b) Communicable disease control, as provided in Oregon Revised Statutes;

(c) Health screening information, including required immunizations and TB certificates, when required by ORS 433.260 and 431.110 and OAR 333-019-0405;

(d) Services for students who are medically fragile or have special health care needs;

(e) Integration of school health services with school health education programs and coordination with health and social service agencies, public and private;

(f) Vision and hearing screening;

(g) Compliance with OR-OSHA Bloodborne Pathogens Standards for all persons who are assigned to job tasks which may put them at risk for exposure to body fluids (ORS 1910-1030); and

(h) Policy and procedures for medications, as per ORS 339.870.

(2) School districts shall adopt policies and procedures which consider admission, placement and supervision of students with communicable diseases, including but not limited to Hepatitis B (HBV), Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) (OAR 333-019-0015).

(3) School districts which employ nurses to provide health services shall employ persons currently licensed to practice as Registered Nurses or Nurse Practitioners in Oregon:

(a) School districts may employ Licensed Practical Nurses, providing that their practice is supervised by a Registered Nurse or Nurse Practitioner with the above stated qualifications;

(b) Job descriptions shall reflect assignments complying with the Oregon State Board of Nursing (OSBN) Scope of Practice Administrative Rules for all levels of licensed providers, OAR 851-450-0000 to 0010 and 851-050-0000 and 0005; and

(c) If school districts employ Registered Nurses or Nurse Practitioners who are not licensed by Teacher Standards and Practices Commission as school nurses, the district shall not designate such personnel as "school nurse" by job title as per ORS 342.475 and 342.495.

(4) Each school shall have, at a minimum, at least one staff member with a current first aid card for every 60 students enrolled, or an emergency response team per building consisting of no less than six persons who hold current first aid/CPR cards and who are trained annually in the district and building emergency plans.

(5) The school district shall have policies and/or administrative procedures concerning employees with communicable diseases, including but not limited to Hepatitis B (HBV), Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS).

(6) Each school building must have a written plan for response to medical emergencies; such plan should be articulated with general emergency plans for buildings and districts as required by OAR 581-022-1420.

Stat. Auth.: ORS 326 & ORS 342

Stats. Implemented: ORS 326.051

Hist.: 1EB 19-1980, f. 6-17-80, ef. 9-1-80; 1EB 16-1981 (Temp), f. & ef. 11-3-81; 1EB 12-1982, f. & ef. 3-24-82; EB 21-1988, f. & cert. ef. 4-26-88; EB 17-1996, f. & cert. ef. 11-1-96

## **581-022-0711**

### **Policies on Reporting of Child Abuse**

(1) Each school board shall adopt policies applicable to all school district employees, specifying that child abuse by school employees is not tolerated and that all school employees report suspected child abuse to a law enforcement agency, the Department of Human Services or a designee of the department as required by ORS 419B.010 and 419B.015 and report suspected child abuse to the employees' supervisors or other persons designated by the school board.

(2) The policy must:

(a) Designate a person to receive reports of suspected child abuse by school employees and specify the procedures to be followed by that person upon receipt of a report;

(b) Require the posting in each school building of the name and contact information for the person designated for the school building to receive reports of suspected child abuse by school employees and the procedures the person will follow upon receipt of a report;

(c) Specify that the initiation of a report in good faith about suspected child abuse may not adversely affect any terms or conditions of employment or the work environment of the complainant;

(d) Specify that the school board or any school employee will not discipline a student for the initiation of a report in good faith about suspected child abuse by a school employee;

(e) Require notification by the school district to the person who initiated the report about actions taken by the school district based on the report;

(f) Require a written procedure for the reporting of child abuse by school employees in accordance with ORS 339.375; and

(g) Require a written procedure for providing annual training for:

(A) School employees each school year on the prevention and identification of child abuse and on the obligations of school employees under ORS 419B.005 to 419B.050 and under policies adopted by the school board to report child abuse;

(B) Parents and legal guardians of children who attend a school operated by the school board. The training shall be on the prevention and identification of child abuse and on the obligations of school employees under ORS 419B.005 to 419B.050. The training shall be provided separately from the training provided to school employees under paragraph (A) of this subsection.

(C) Children who attend a school operated by the education provider. The training shall be designed to prevent child abuse.

(3)(a) The school district shall maintain records of each reported incident of child abuse, action taken by the school district and any findings as a result of the report.

(b) A supervisor or other person designated by the school board in its policy who receives a report, shall follow the procedures required by the policy adopted by the school board under ORS 339.372 and this rule.

(c) Except as provided in paragraph (d) of this section, when a school district receives a report of suspected child abuse by one of its employees, and the school district determines that there is reasonable cause to support the report, the school district shall place the school employee on paid administrative leave until either:

(A) The Department of Human Services or a law enforcement agency determines that the report is unfounded or that the report will not be pursued; or

(B) The Department of Human Services or a law enforcement agency determines that the

report is founded and the school district takes the appropriate disciplinary action against the school employee.

(d) If the Department of Human Services or a law enforcement agency is unable to determine, based on a report of suspected child abuse, whether child abuse occurred, an education provider may reinstate a school employee placed on paid administrative leave under paragraph (c) of this subsection or may take the appropriate disciplinary action against the employee.

(e)(A) Upon request from a law enforcement agency, the Department of Human Services or the Teacher Standards and Practices Commission, a school district shall provide the records of investigations of suspected child abuse by a school employee or former school employee.

(B) The disciplinary records of a school employee or former school employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under 192.501 or 192.502. If a school employee is convicted of a crime listed in 342.143, the school district that is the employer of the employee shall disclose the disciplinary records of the employee to any person upon request. If a former school employee is convicted of a crime listed in 342.143, the education provider that was the employer of the former employee when the crime was committed shall disclose the disciplinary records of the former employee to any person upon request.

(C) Prior to disclosure of a disciplinary record under this paragraph, the school district shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a school employee or former school employee who is not the subject of the disciplinary record.

Stat. Auth. ORS 326.051

Stat. Implemented: ORS 339.370, 339.372, 339.375, 339.377

Hist.: ODE 31-2008, f. 12-16-08, cert. ef. 12-19-08

## **Administration**

### **581-022-0807**

#### **Standardization**

(1) A school district, to be standard, must provide acceptable educational opportunities for all Oregon students who reside in the district regardless of where they live in the district.

(2) Local school districts shall cooperate with procedures to verify compliance with state standards, to collect information about schools, to identify exemplary performance, and to promote school improvement.

(3) Methods of verifying compliance and identifying practices or conditions needing improvement shall include:

(a) Assurances of the district school board designated chief administrative officer;

(b) Review of district materials through Department of Education desk audit;

(c) On-site review of practices or conditions; and

(d) Other methods selected by the Superintendent of Public Instruction.

(3) The Superintendent or a designee of the superintendent shall declare a school district as “Nonstandard” as defined in OAR 581-022-0102, after verification through the methods described in section (2) of this rule.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051 & 327.103

Hist.: 1EB 3-1985, f. 1-4-85, ef. 1-7-85; ODE 25-2008, f. & cert. ef. 9-26-08

### **581-022-1020**

#### **State Goals for Elementary and Secondary Education**

State Goals for Elementary and Secondary Education Oregon's system of K-12 education plays a key role in preparing students to function effectively in a rapidly changing world. To successfully prepare students for the futures they choose to pursue, the State Board of Education identifies the following goals for Oregon's K-12 educational system:

(1) To insure that all Oregon students, regardless of linguistic background, culture, race, gender, capability, or geographic location, have access to a quality education in a safe,

motivating environment;

(2) To provide an environment that motivates students to pursue serious scholarship and to have experience in applying knowledge and skills and demonstrating achievement;

(3) To encourage parental and community involvement in their student's education;

(4) To provide Oregon students the skills necessary to pursue learning throughout their lives in an ever changing world;

(5) To develop in Oregon students the core ethical values that our diverse society shares and holds important, including but not limited to, respect, responsibility, caring, trustworthiness, justice and fairness, and civic virtue and citizenship; and

(6) To equip Oregon students with the academic and career skills and information necessary to pursue the future of their choice through a program of rigorous academic preparation and career readiness; and

(7) To prepare students for successful transitions to the next phase of their educational development.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.011, 329.015, 329.025 & 336.067

Hist.: EB 9-1997, f. & cert. ef. 6-26-97; ODE 25-2008, f. & cert. ef. 9-26-08

### **581-022-1030**

#### **Local District Goals**

Each school district shall maintain a coordinated K–12 program designed to improve student achievement, based on district goals adopted by the district school board and consistent with the goals adopted by the State Board in OAR 581-022-1020. To acknowledge their mutual responsibilities for the education of all students, local district goals should be developed and revised cooperatively by the school district and the community.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 329.045

Hist.: EB 7-1997, f. & cert. ef. 6-9-97

### **581-022-1060**

#### **School and District Performance Report Criteria**

(1) The Superintendent of Public Instruction will annually collect data and produce annual school district and school performance reports to provide information to parents and to improve schools.

(2) The Superintendent will notify the public and the media by December 15 of each year that school and district performance reports are available at each school and school district and at the Department of Education website and office.

(3) Each school and school district report shall contain the information required by this rule. By January 15 of each year, school districts shall make a copy of the state provided school and school district performance report available to the parent(s) or guardian(s) of each child enrolled in a public school in the school district by doing one or more of the following:

(a) Mailing a copy;

(b) Electronically sending a copy; or

(c) Providing a link to a state or district web site containing the reports and also making copies available in local schools, libraries, parents centers, community centers, or other public locations easily accessible to parents and others.

(4) School performance reports will include ratings assigned by the Superintendent School ratings shall be reported in terms of five levels.

(5) The school rating system will be based upon the following indicators:

(a) Achievement in reading and mathematics.

(b) Growth in reading and mathematics.

(c) Growth for underserved subgroups of students.

(d) Student participation rates in reading and mathematics.

(6) In addition to the indicators listed in subsection (5) of this section, for schools that are high schools or that offer grades 9, 10, 11 or 12 as part of the schools the rating system will also include the following indicators:

(a) Graduation rates for all students.

(b) Graduation rate for underserved subgroups.

(7) School performance reports may include information other than that listed in ORS 329.105 or sections (4), (5) and (6) of this rule. Such information will not be part of the calculation of the school rating.

(8) School district performance reports will be developed and must include the overall rating of each school in the district. The district performance report may include information other than that listed in ORS 329.105 or section (4) or this rule.

(9) School and school districts may include information in addition to that listed in ORS 329.105 or sections (4) and (5) of this rule in their locally prepared and distributed school and school district performance reports.

(10) School and school district performance reports, in conjunction with electronic supplements of the performance reports, will serve as the means by which the state meets the report card requirements of section 1111 of the Elementary and Secondary Education Act of 1965 (ESEA).

(11) The Superintendent shall produce a Policy and Technical Manual to provide school districts and schools with details of the data elements and calculations used the district and school performance reports. The Superintendent shall make the manual available to districts and schools.

Stat. Auth.: ORS 326.051 & 329.075

Stats. Implemented: ORS 329.105

Hist.: ODE 36-1999, f. 12-13-99, cert. ef. 12-14-99; ODE 5-2007, f. & cert. ef. 2-21-07; ODE 25-2008, f. & cert. ef. 9-26-08; ODE 4-2009, f. & cert. ef. 6-29-09; ODE 17-2011, f. 12-15-11, cert. ef. 1-1-12; ODE 13-2013, f. & cert. ef. 7-11-13

## **581-022-1130**

### **Diploma Requirements**

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

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

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

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

(B) Mathematics — 2;

(C) Science — 2;

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

(E) Health Education — 1;

(F) Physical Education — 1;

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

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

(c) A district school board or public charter school may increase the number of units required in specific areas, and may increase or decrease the number of elective units; however, the



total units of credit required for graduation shall not be less than 22;

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

(e) Course syllabi shall be written for courses in grades 9 through 12 and shall be available to students, staff, parents, the district school board and other interested individuals.

(3) Except as provided in section (4) of this rule, Unit of Credit Requirements for students graduating on or after July 1, 2009 and who were first enrolled in grade 9 prior to the 2008–2009 school year:

(a) Each student shall earn a minimum of 24 units of credit to include at least:

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

(B) Mathematics — 3;

(C) Science — 2;

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

(E) Health Education — 1;

(F) Physical Education — 1;

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

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

(c) A district school board or public charter school may increase the number of units required in specific areas, and may increase or decrease the number of elective units; however, the total units of credit required for graduation shall not be less than 24;

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

(e) Course syllabi shall be written for courses in grades 9 through 12 and shall be available to students, staff, parents, the district school board and other interested individuals.

(4) Notwithstanding sections (2) and (3) of this rule, for students who began grade 9 during the 2005–2006 school year and who attended school during the 2006–2007, 2007–2008 and 2008–2009 school years, the unit of credits required for graduating is as described in section (2) of this rule if the student graduates prior to July 1, 2010.

(5) Unit of Credit Requirements for students who were first enrolled in grade 9 during the 2008–2009 or 2009–2010 school year:

(a) Each student shall earn a minimum of 24 units of credit to include at least:

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

(B) Mathematics — 3;

(C) Science — 3;

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

(E) Health Education — 1;

(F) Physical Education — 1;

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

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

(c) A district school board or public charter school may increase the number of units required in specific areas, and may increase or decrease the number of elective units; however, the total units of credit required for graduation shall not be less than 24;

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

(e) Course syllabi shall be written for courses in grades 9 through 12 and shall be available to students, staff, parents, the district school board and other interested individuals.

(6) Unit of Credit Requirements for students who were first enrolled in grade 9 during the 2010–2011 school year or first enrolled in grade 9 in any subsequent school year:

(a) Each student shall earn a minimum of 24 units of credit to include at least:

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

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

(C) Science — 3;

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

(E) Health Education — 1;

(F) Physical Education — 1;

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

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

(c) A district school board or public charter school may increase the number of units required in specific areas, and may increase or decrease the number of elective units; however, the total units of credit required for graduation shall not be less than 24;

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

(e) Course syllabi shall be written for courses in grades 9 through 12 and shall be available to students, staff, parents, the district school board and other interested individuals.

(7) Each student shall demonstrate proficiency in essential skills adopted by the State Board of Education as provided in OAR 581-022-0615;

(8) School districts shall develop a process that provides each student the opportunity to develop an education plan and build an education profile in grades 7 through 12 with adult guidance. The plan and profile shall be reviewed and updated periodically (at least annually) and be supported by a Comprehensive Guidance Program as defined in OAR 581-022-1510.

(9) Each student shall develop an education plan and build an education profile.

(a) Each student shall develop an education plan that:

(A) Identifies personal and career interests;

(B) Identifies tentative educational and career goals and post high school next steps (i.e. college, workforce, military, apprenticeship, other);

(C) Sets goals to prepare for transitions to next steps identified in section (7)(b);

(D) Designs, monitors and adjusts a course of study that meets the interest and goals of the student as described in subsection (a) (A), (B) and (C) of this rule that includes but is not

limited to:

- (i) Appropriate coursework and learning experiences;
- (ii) Identified career-related learning experiences; and
- (iii) Identified extended application opportunities.

(b) Through the education profile each student shall:

(A) Monitor progress and achievement toward standards including:

- (i) Content standards;
- (ii) Essential skills;
- (iii) Extended application standard; and
- (iv) Other standards where appropriate (e.g. industry standards).

(B) Document other personal accomplishments determined by the student or school district.

(C) Review progress and achievement in subsection (b)(A) and (B) of this subsection at least annually.

(10) Each student shall build a collection of evidence, or include evidence in existing collections(s), to demonstrate extended application (as defined in OAR 581-022-0102);

(11) Each student shall participate in career-related learning experiences outlined in the education plan (as defined in OAR 581-022-0102);

(12) Notwithstanding sections (1) to (11) of this rule, each district school board or public charter school governing board with jurisdiction over high school programs shall award a modified diploma to those students who have demonstrated the inability to meet the full set of academic content standards even with reasonable modifications and accommodations and who fulfill all requirements as described in OAR 581-022-1134.

(13) Notwithstanding sections (1) to (11) of this rule, each district school board or public charter school governing board with jurisdiction over high school programs shall award an extended diploma to those students who have demonstrated the inability to meet the full set of academic content standards even with reasonable modifications and accommodations and who fulfill all requirements as described in OAR 581-022-1133.

(14) Notwithstanding sections (1) to (11) of this rule and as provided in OAR 581-022-1135, schools districts and public charter schools shall make an alternative certificate available to students as an alternative for students who do not obtain the regular diploma, modified diploma or extended diploma.

(15) Attendance Requirements:

(a) Twelve school years shall be required beginning with grade 1, except when the school district adopts policies providing for early or delayed completion of all state and school district credit and performance requirements;

(b) Notwithstanding subsection (a) of this section, a student may satisfy the requirements of sections (2)(6) of this rule in less than four years. If the school district or public charter school has the consent of the student's parent or guardian, a school district or public charter school shall award a diploma to a student upon request from the student, if the student satisfies the requirements for the diploma that apply to the student based on the date of graduation of the student or the school year when the student first enrolled in grade 9, as applicable.

(c) If a school district or public charter school has the consent of a student's parent or guardian, the school district or public charter school may advance the student to the next grade level if the student has satisfied the requirements for the student's current grade level.

(d) The requirement for obtaining the consent of a student's parent or guardian under subsections (b) and (c) of this section does not apply to a student who is:

(A) Emancipated pursuant to ORS 419B.550 to 419B.558; or

(B) 18 years of age or older.

(e) The district school board may adopt policies for alternative learning experiences, such as credit by examination and credit for off-campus experiences;

(f) With any modification of the attendance requirements for graduation, school district and public charter school staff shall consider age and maturity of students, access to alternative learning experiences, performance levels, school district or public charter school guidelines and the wishes of parents and guardians.

(16) A school district or public charter school shall ensure that students have access to the appropriate resources to achieve a diploma at each high school in the school district or at the public charter school.

Stat. Auth.: ORS 326.051 & 329.451

Stats. Implemented: ORS 326.051, 329.451 & 339.280

Hist.: EB 2-1997, f. 3-27-97, cert. ef. 9-1-97; ODE 12-2002, f. & cert. ef. 4-15-02; ODE 18-2006, f. 12-11-06, cert. ef. 12-12-06; ODE 18-2007, f. & cert. ef. 9-10-07; ODE 18-2008, f. & cert. ef. 6-27-08; ODE 5-2009(Temp), f. 6-29-09, cert. ef. 6-30-09 thru 12-22-09; ODE 20-2009, f. & cert. ef. 12-10-09; ODE 45-2014, f. & cert. ef. 12-17-14

## **581-022-1131**

### **Credit Options**

(1) A school district or public charter school shall grant required and elective credit towards the diploma or a modified diploma, provided the method for accruing such credit is described in the student's personal education plan and the student earns the credit by meeting the requirements of one or more of the options described in this rule.

(2) A school district or charter school may grant credit to a student if the student demonstrates defined levels of proficiency or mastery of recognized standards (e.g., state academic content standards and essential skills, industry-based or other national or international standards) by any one or more of the following options:

(a) Successfully completing classroom or equivalent work (e.g., supervised independent study, career-related learning experiences, project based learning), which meets Common Curriculum Goals and academic content standards required by OAR 581-022-1210;

(b) Successfully completing classroom or equivalent work designed to measure proficiency or mastery of identified standards (knowledge and skills) in class or out of class, where hours of instruction may vary;

(c) Successfully passing an appropriate exam designed to measure proficiency or mastery of identified standards (knowledge and skills);

(d) Providing a collection of work or other assessment evidence which demonstrates proficiency or mastery of identified standards (knowledge and skills); or

(e) Providing documentation of prior learning activities or experiences which demonstrates proficiency or mastery of identified standards (knowledge and skills) (e.g., certification of training, letters, diplomas, awards, etc.).

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Hist.: ODE 4-2003, f. & cert. ef. 3-14-03; ODE 2-2009, f. & cert. ef. 4-23-09; ODE 3-2015, f. 1-30-15, cert. ef. 7-1-15

## **581-022-1133**

### **Extended Diploma**

(1) Definitions.

(a) “Other services” for the purposes of this rule means:

(A) Those services paid for or provided by another agency, such as Vocational Rehabilitation or Brokerages, which may be considered in the calculation of the total number of hours that equals at least the total number of instructional hours that is required to be provided to students who are attending public high school. These “other services” are not to be considered educational services and are not provided by or through the school district or public charter school.

(B) Those services identified in OAR 581-022-1620(4), such as school assemblies, student orientations, testing, etc., which may be considered in the calculation of the total number of hours that equals at least the total number of instructional hours that is required to be provided to students who are attending public high school. These services are provided by the school district or public charter school.

(2) A school district or public charter school shall award an extended diploma to a student who satisfies the requirements of this rule.

(3) A school district or public charter school shall award an extended diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations.

(4) A school district or public charter school may award an extended diploma to a student only upon the consent of the parent or guardian of the student, or upon the consent of the adult student or emancipated minor student. A district or school must receive the consent in writing and during the school year in which the extended diploma is awarded.

(a) If student is under 18, consent must be received from the parent or guardian.

(b) If the student is under age 18 and emancipated, consent must be received from the student.

(c) If the adult student is 18 or older, consent must be received from the student.

(d) If the student is under guardianship from the courts, consent must come from the court-appointed authority.

(5) To be eligible for an extended diploma, a student must:

(a) Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers or have a documented history of a medical condition that creates a barrier to achievement; and

(b)(A) Participate in an alternate assessment beginning no later than grade six and lasting for two or more assessment cycles; or

(B) Have a serious illness or injury that occurs after grade eight, that changes the student's ability to participate in grade level activities and that results in the student participating in alternate assessments.

(c) While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits earned in a self-contained special education classroom and shall include:

(A) Two credits of mathematics;

(B) Two credits of English;

(C) Two credits of science;

(D) Three credits of history, geography, economics or civics;

(E) One credit of health;

(F) One credit of physical education; and

(G) One credit of the arts or a world language;

(6)(a) A student shall have the opportunity to meet the requirements of an extended diploma by the later of:

(A) Four years after starting grade nine; or

(B) The student reaching the age of 21 years, if the student is entitled to a public education until the age of 21 years under state or federal law.

(b) A student may complete the requirements for an extended diploma in less than four years if the parent/guardian or adult student gives consent.

(A) The consent must be written and must clearly state that the parent/guardian or adult student is waiving the 4 years to complete the requirements for an extended diploma.

(B) A copy of all consents must be sent to the district superintendent.

(C) Each school district must annually provide the number of consents obtained to the State Superintendent of Public Instruction

(D) The consent may not be used to allow a student to satisfy the requirements for an extended diploma in less than three years.

(7) A school district or public charter school shall:

(a) Ensure that students have on-site access to the appropriate resources to achieve an extended diploma at each high school in the school district or at the public charter school.

(b) Beginning in grade five, annually provide information to the parents or guardians of a student taking an alternate assessment of the availability of an extended diploma and the requirements for the extended diploma.

(c) A school district or public charter school may not deny a student who has the documented history described in subsection (1)(a) of this section the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason that the student has the documented history.

(8)(a) A student who receives an extended diploma shall have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student.

(b) When added together, the school district or public charter school will provide a total number of hours of instruction and services to the student that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school.

(c) The total number of hours that are appropriate for a student shall be determined by the individualized education program (IEP) team if the student is eligible for special education.

(d) Based on the student's needs and performance level, the student's IEP team may decide that the student will not access the total number of hours of instruction and services required to be provided to students who are attending a public high school.

(e) The school district or public charter school may not unilaterally decrease the total number of hours of instruction and services to which the student has access regardless of the age of the student.

(f) If a student's IEP team decides that the student will not access the total number of hours of instruction and services to which the student has access the school district or public charter school shall annually:

(A) Provide the following information in writing to the adult student, parent or guardian of the student:

(i) The school district's or public charter school's duty to comply with the requirements to provide the total number of hours of instruction and services to the student; and

(ii) The prohibition against a school district's or public charter school's unilaterally decreasing the total number of hours of instruction and services to which the student has access.

(B) Obtain a signed acknowledgment from the adult student, parent or guardian of the student that the adult student, parent or guardian received the information.

(C) Include in the IEP for the student a written statement that explains the reasons the student is not accessing the total number of hours of instruction and services to which the student has access.

(g) Transition services and other services designed to meet the unique needs of the student may be provided to the student through an interagency agreement entered into by the school district if the individualized education program developed for the student indicates that the services may be provided by another agency. The school district or public charter school retains the responsibility for ensuring that the student has access to the number of service hours required to be provided to the student.

(h) An agency is not required to change any eligibility criteria or enrollment standards prior to entering into an interagency agreement with the school district.

(9) School districts and public charter schools shall make extended diplomas as required by ORS 329.451 and this rule first available to students during the 2009-2010 school year.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 329.451

Hist.: ODE 21-2009, f. & cert. ef. 12-10-09; ODE 3-2012, f. 2-1-12, cert. ef. 2-3-12; ODE 44-2014, f. & cert. ef. 12-17-14; ODE 45-2014, f. & cert. ef. 12-17-14

## Modified Diploma

(1) Definitions. As used in this rule:

(a) “Documented history” means evidence in the cumulative record and education plans of a student that demonstrates the inability over time to maintain grade level achievement even with appropriate modifications and accommodations.

(b) “Instructional barrier” means a significant physical, cognitive or emotional barrier that impairs a student’s ability to maintain grade level achievement.

(c) “Modified course” means a course that has been systematically changed or altered for a student only after reasonable alternative instructional strategies (e.g. accommodations, remediation) are exhausted.

(d) “Other services” for the purposes of this rule means:

(A) Those services paid for or provided by another agency, such as Vocational Rehabilitation or Brokerages, which may be considered in the calculation of the total number of hours that equals at least the total number of instructional hours that is required to be provided to students who are attending public high school. These “other services” are not to be considered educational services and are not provided by or through the school district or public charter school.

(B) Those services identified in OAR 581-022-1620(4), such as school assemblies, student orientations, testing, etc, which may be considered in the calculation of the total number of hours that equals at least the total number of instructional hours that is required to be provided to students who are attending public high school. These services are provided by the school district or public charter school.

(2) On or after July 1, 2009, each district school board or public charter school governing board with jurisdiction over high school programs shall award a modified diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma even with reasonable modifications and accommodations but who fulfill all state requirements as described in this rule and all applicable local school district requirements as described in district school board policies or public charter school requirements as described in school policies. In addition, on or after July 1, 2009, a district school board or public charter school governing board may only award a modified diploma to a student who meets the eligibility criteria specified in section 3 of this rule.

(3)(a) Except as provided in paragraph (c) or (d) of this section, a school district or public charter school shall grant eligibility for a modified diploma to a student who has:

(A) A documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or

(B) A documented history of a medical condition that creates a barrier to achievement.

(b) A student shall have the opportunity to meet the requirements of a modified diploma by the later of:

(A) Four years after starting grade nine; or

(B) The student reaching the age of 21 years, if the student is entitled to a public education until the age of 21 years under state or federal law.

(c) A student may complete the requirements for a modified diploma in less than four years if the parent/guardian or adult student gives consent.

(A) The consent must be written and must clearly state that the parent/guardian or adult student is waiving the 4 years to complete the requirements for a modified diploma.

(B) A copy of all consents must be sent to the district superintendent.

(C) Each school district must annually provide the number of consents obtained to the State Superintendent of Public Instruction.

(D) The consent may not be used to allow a student to satisfy the requirements for a modified diploma in less than three years.

(d) A school district or public charter school may not deny a student who has the documented history described in paragraph (a) of this subsection the opportunity to pursue a diploma with more stringent requirements than a modified diploma for the sole reason that the student has

the documented history.

(e) Students currently engaged in the use of illegal drugs are not eligible for a modified diploma if the significant learning and instructional barriers are due to the use of illegal drugs.

(f) Students currently engaged in the illegal use of alcohol are not eligible for a modified diploma if the significant learning and instructional barriers are due to the alcohol abuse, regardless of whether that student is disabled under Section 504 on the basis of alcoholism.

(g) Notwithstanding paragraph (c) and (d) of this section, a school district or public charter school may grant eligibility for a modified diploma to a student who is no longer engaging in illegal use of drugs or alcohol if the student:

(A) Has successfully completed a supervised drug or alcohol rehabilitation program and are no longer engaged in the illegal use of drugs or alcohol; or

(B) Has been rehabilitated successfully and is no longer engaged in the illegal use of drugs or alcohol; or

(C) Is participating in a supervised rehabilitation program and is no longer engaging in the illegal use of drugs or alcohol.

(4)(a) A school district or public charter school shall determine which school teams shall decide if a student will work toward obtaining a modified diploma. A student's school team must include an adult student, parent/ guardian of the student.

(b) A school district or public charter school may award a modified diploma to a student only upon the consent of the parent or guardian of the student or upon the consent of the adult student or emancipated minor student. A district or school must receive the consent in writing and during the school year in which the modified diploma is awarded.

(A) If student is under 18, consent must be received from the parent or guardian.

(B) If the student is under age 18 and emancipated, consent must be received from the student.

(C) If the adult student is 18 or older, consent must be received from the student or guardian.

(D) If the student is under guardianship from the courts, consent must come from the court-appointed authority.

(c) Except as provided in subsection (e) of this section, a student's school team shall decide that a student should work toward a modified diploma no earlier than the end of the 6th grade and no later than 2 years before the student's anticipated exit from high school.

(d) Beginning in grade five, school district and public charter schools shall annually provide information to the parents or guardians of a student taking an alternate assessment of the availability of a modified diploma and the requirements for the modified diploma.

(e) A student's school team may formally decide to revise a modified diploma decision.

(f) A student's school team may decide that a student who was not previously working towards a modified diploma should work toward a modified diploma when a student is less than 2 years from anticipated exit from high school if the documented history of the student described in section (3) of this rule has changed.

(5) Unit of credit requirements for students graduating with a modified diploma:

(a) To receive a modified diploma a student must earn 24 units of credit, between grade 9 and the end of their high school career with at least 12 of those credits to include:

(A) English Language Arts — 3;

(B) Mathematics — 2;

(C) Science — 2;

(D) Social Sciences (which may include history, civics, geography and economics (including personal finance)) — 2;

(E) Health Education — 1;

(F) Physical Education — 1; and



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

(b) School districts and public charter schools shall be flexible in awarding the remaining 12 units of credit. These credits must be awarded to meet the needs of the individual student as specified in the education plan of the student with the expectations and standards aligned to the appropriate grade level academic content standards. These credits may include:

(A) Additional core credits described in paragraph (a) of this section;

(B) Professional technical education;

(C) Electives; and

(D) Career development.

(c) Students may earn units of credit through regular education with or without accommodations or modifications and through modified courses.

(d) Students shall have the option to earn credit for demonstrating proficiency. A student may be given credit for successful demonstration of knowledge and skills that meets or exceeds defined levels of performance. Students may demonstrate proficiency through classroom work or documentation of learning experiences outside of school, or through a combination of these means.

(e) School districts and public charter schools shall ensure that students have access to needed courses, modifications and supports to pursue a modified diploma and to progress in the general education curriculum.

(f) A school district or public charter school may not require a student to earn more than 24 units of credit to receive a modified diploma.

(6) A school district or public charter school shall grant credit toward a modified diploma only for courses that contain substantial academic content. A school district or public charter school shall grant credit for a modified diploma through a continuum of instruction beginning at basic skills and progressing through high level skills.

(7) A school district or public charter school shall award a regular diploma under OAR 581-022-1130 if all requirements for a regular diploma are met. Completion of one or more modified courses shall not prohibit a student from earning a regular diploma; however, required core courses taken under modified conditions must be retaken under standard conditions to be counted toward a regular diploma.

(8) A school district or public charter school shall grant credit toward a modified diploma according to individual student needs across academic content areas including applied, consumer, academic, or knowledge and skill development.

(9) Each student shall develop an education plan and build an education profile as provided under OAR 581-022-1130.

(10) A school district or public charter school shall inform the student and parent or guardian of the student if the courses in grades 9-12 have been modified for an individual student.

(11) A school district or public charter school shall provide transcripts which clearly identify modified courses that do not count toward the regular diploma but that do count toward a modified diploma.

(12) Each student shall build a collection of evidence, or include evidence in existing collections, to demonstrate extended application of the standards as defined in OAR 581-022-0102;

(13) Each student receiving a modified diploma shall have the option of participating in the high school graduation ceremony with the members of their class receiving a high school diploma.

(14)(a) A student who receives a modified diploma shall have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student.

(b) When added together, the school district or public charter school will provide a total number of hours of instruction and services to the student that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school.

(c) The total number of hours that are appropriate for a student shall be determined by the individualized education program (IEP) team if the student is eligible for special education.

(d) Based on the student's needs and performance level, the student's IEP team may decide that the student will not access the total number of hours of instruction and services required to be provided to students who are attending a public high school.

(e) The school district or public charter school may not unilaterally decrease the total number of hours of instruction and services to which the student has access regardless of the age of the student.

(f) If a student's IEP team or school team, decides that the student will not access the total number of hours of instruction and services to which the student has access the school district or public charter school shall annually:

(A) Provide the following information in writing to the adult student, parent or guardian of the student:

(i) The school district's or public charter school's duty to comply with the requirements to provide the total number of hours of instruction and services to the student; and

(ii) The prohibition against a school district's or public charter school's unilaterally decreasing the total number of hours of instruction and services to which the student has access.

(B) Obtain a signed acknowledgment from the adult student, parent or guardian of the student that the adult student, parent or guardian received the information.

(C) Include in the IEP for the student a written statement that explains the reasons the student is not accessing the total number of hours of instruction and services to which the student has access.

(g) Transition services and other services designed to meet the unique needs of the student may be provided to the student through an interagency agreement entered into by the school district if the individualized education program developed for the student indicates that the services may be provided by another agency. The school district or public charter school retains the responsibility for ensuring that the student has access to the number of service hours required to be provided to the student.

(h) An agency is not required to change any eligibility criteria or enrollment standards prior to entering into an interagency agreement with the school district.

(i) School districts and public charter schools shall ensure that students have on-site access to the appropriate resources to achieve a modified diploma at each high school in the school district or at the public charter school.

(15)(a) The unit of credit requirements in section (5) of this rule for a modified diploma apply to all students who enter 9th grade on or after July 1, 2007.

(b) If a student entered 9th grade prior to July 1, 2007, the student's team shall decide whether the student must meet the unit of credit requirements in section (5) of this rule to receive a modified diploma or the unit of credit requirements specified by the school district or public charter school for a modified diploma when the student entered 9th grade. If a student's team decides that a student may receive a modified diploma by meeting the unit of credit requirements required by the district or school when the student entered 9th grade, a school district or public charter school may award a student who entered 9th grade prior to July 1, 2007 a modified diploma if the student meets the unit of credit requirements for a modified diploma specified by the district or school when the student entered 9th grade.

Stat. Auth.: ORS 329.451

Stats. Implemented: ORS 329.451

Hist.: ODE 15-2008, f. & cert. ef. 5-23-08; ODE 22-2009, f. & cert. ef. 12-10-09; ODE 4-2012, f. 2-1-12, cert. ef. 2-3-12; ODE 45-2014, f. & cert. ef. 12-17-14

## **581-022-1135**

### **Alternative Certificate**

(1) Definitions.

(a) "Other services" for the purposes of this rule means:

(A) Those services paid for or provided by another agency, such as Vocational Rehabilitation or Brokerages, which may be considered in the calculation of the total number of hours that

equals at least the total number of instructional hours that is required to be provided to students who are attending public high school. These “other services” are not to be considered educational services and are not provided by or through the school district or public charter school.

(B) Those services identified in OAR 581-022-1620(4), such as school assemblies, student orientations, testing, etc, which may be considered in the calculation of the total number of hours that equals at least the total number of instructional hours that is required to be provided to students who are attending public high school. These services are provided by the school district or public charter school.

(2) A School district or public charter school shall award an alternative certificate to a student who does not satisfy the requirements for a high school diploma, a modified diploma or an extended diploma.

(3)(a) Each district school board or public charter school governing board with jurisdiction over high school programs shall define criteria for an alternative certificate and shall award an alternative certificate to those students who have met the criteria requirements as described in district school board policies.

(4) A student shall have the opportunity to meet the requirements of an alternative certificate by the later of:

(a) Four years after starting grade nine; or

(b) The student reaching the age of 21 years, if the student is entitled to a public education until the age of 21 years under state or federal law.

(c) A student may complete the requirements for an alternative certificate in less than four years if the parent/guardian or adult student gives consent.

(A) The consent must be written and must clearly state that the parent/guardian or adult student is waiving the 4 years to complete the requirements for an alternative certificate.

(B) A copy of all consents must be sent to the district superintendent.

(C) Each school district must annually provide the number of consents obtained to the State Superintendent of Public Instruction

(D) The consent may not be used to allow a student to satisfy the requirements for an alternative certificate in less than three years.

(5) A school district or public charter school shall:

(a) Ensure that students have on-site access to the appropriate resources to achieve an alternative certificate at each high school in the school district or at the public charter school.

(b) Beginning grade five, annually provide information to the parents or guardians of a student taking an alternate assessment of the availability of an alternative certificate and the requirements for the certificate.

(6) Each student receiving an alternative certificate shall have the option of participating in the high school graduation ceremony with the members of their class receiving a high school diploma.

(7)(a) A student who receives an alternative certificate shall have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student.

(b) When added together, the school district or public charter school will provide a total number of hours of instruction and services to the student that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school.

(c) The total number of hours that are appropriate for a student shall be determined by the individualized education program (IEP) team if the student is eligible for special education.

(d) Based on the student’s needs and performance level, the student’s IEP team may decide that the student will not access the total number of hours of instruction and services required to be provided to students who are attending a public high school.

(e) The school district or public charter school may not unilaterally decrease the total number of hours of instruction and services to which the student has access regardless of the age of

the student.

(f) If a student's IEP team, decides that the student will not access the total number of hours of instruction and services to which the student has access the school district or public charter school shall annually:

(A) Provide the following information in writing to the adult student parent or guardian of the student:

(i) The school district's or public charter school's duty to comply with the requirements to provide the total number of hours of instruction and services to the student; and

(ii) The prohibition against a school district's or public charter school's unilaterally decreasing the total number of hours of instruction and services to which the student has access.

(B) Obtain a signed acknowledgment from the adult student, parent or guardian of the student that the adult student, parent or guardian received the information.

(C) Include in the IEP for the student a written statement that explains the reasons the student is not accessing the total number of hours of instruction and services to which the student has access.

(g) Transition services or other services designed to meet the unique needs of the student may be provided to the student through an interagency agreement entered into by the school district if the individualized education program developed for the student indicates that the services may be provided by another agency. The school district or public charter school retains the responsibility for ensuring that the student has access to the number of service hours required to be provided to the student.

(h) An agency is not required to change any eligibility criteria or enrollment standards prior to entering into an interagency agreement with the school district.

Stat. Auth.: ORS 329.451

Stats. Implemented: ORS 329.451

Hist.: ODE 15-2008, f. & cert. ef. 5-23-08; ODE 23-2009, f. & cert. ef. 12-10-09; ODE 5-2012, f. 2-1-12, cert. ef. 2-3-12

## **581-022-1140**

### **Equal Educational Opportunities**

(1) Each district school board shall adopt written policies, and the school district shall implement in each school, programs which assure equity, opportunity and access for all students as provided in OAR 581-021-0045 and 581-021-0046.

(2) Each district school board shall adopt a policy in accordance with ORS 339.356 prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 659.150 & 339.356

Hist.: EB 1-1997, f. & cert. ef. 3-12-97; ODE 25-2008, f. & cert. ef. 9-26-08

## **581-022-1210**

### **District Curriculum**

(1) Each school district shall provide a planned K–12 instructional program.

(2) The planned K–12 instructional program shall include the following:

(a) Common Curriculum Goals and academic content standards to include:

(A) English;

(B) Mathematics;

(C) Science;

(D) Social Science (including history, geography, economics and civics);

(E) The Arts;

(F) World Languages;

(G) Health Education; and

(H) Physical Education.

(b) Additional Common Curriculum Goals for technology.

(c) Essential Learning Skills, as contained in the Common Curriculum Goals and academic content standards;

(d) Career-related learning standards, as contained in the Common Curriculum Goals and academic content standards; and

(e) Career education which may include career and technical education.

(3) The school district shall also provide instruction in other areas identified in chapter 581, division 22 of the Oregon Administrative Rules, including:

(a) Infectious diseases, including AIDS/HIV and Hepatitis B;

(b) Prevention education in drugs and alcohol; and

(c) Emergency plans and safety programs.

(4) The school district is also accountable to provide instruction in compliance with requirements set forth in ORS Chapter 336, Conduct of Schools Generally.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 329.045

Hist.: EB 6-1997, f. & cert. ef. 6-9-97; ODE 7-2005(Temp), f. & cert. ef. 3-15-05 thru 9-1-05; Administrative correction 9-21-05; ODE 5-2006, f. & cert. ef. 2-14-06; ODE 19-2007, f. & cert. ef. 9-10-07; ODE 25-2008, f. & cert. ef. 9-26-08; ODE 45-2014, f. & cert. ef. 12-17-14

## **581-022-1215**

### **Literacy Instruction**

School districts and public charter schools shall provide age appropriate and developmentally appropriate literacy instruction to all students until graduation. For purposes of this rule, a student is considered to be graduated when the student receives a diploma, modified diploma, extended diploma or alternative certificate. A district or school may choose to provide literacy instruction after graduation to students who continue to attend school. The determination to provide literacy instruction after graduation to a student may be made by the student's IEP team or other school team.

Stat. Auth: ORS 326.051

Stats. Implemented: ORS 329.451

Hist.: ODE 24-2009, f. & cert. ef. 12-10-09

## **581-022-1310**

### **Identification of Academically Talented and Intellectually Gifted Students**

(1) Each school district shall have local district policies and procedures for the identification of talented and gifted students as defined in ORS 343.395 who demonstrate outstanding ability or potential in one or more of the following areas:

(a) General intellectual ability as commonly measured by measures of intelligence and aptitude.

(b) Unusual academic ability in one or more academic areas.

(2) The policies and procedures must meet the following requirements:

(a) Districts shall use research based best practices to identify students from under-represented populations including: ethnic minorities, students with disabilities, students who are culturally and/or linguistically diverse, or economically disadvantaged.

(b) A team shall make the final decisions on the identification of students using the information collected under paragraphs (c) and (d) of this section. No single test, measure or score shall be the sole criterion. A record of the team's decision, and the data used by the team to make the decision, shall become part of the education record for each student considered.

(c) Districts shall collect behavioral, learning and performance information and include the information in all procedures for the identification of students.

(d) The following measures and criteria for identifying the intellectually gifted and the academically talented shall be used by the team:

(A) Intellectually gifted students shall score at or above the 97th percentile on a nationally standardized test of mental ability; and

(B) Academically talented students shall score at or above the 97th percentile on a test of total reading or a test of total mathematics from a nationally standardized test battery, a nationally standardized test of reading or mathematics, or a test of total English Language Arts/Literacy or total mathematics on the Smarter Balanced Assessment.

(e) Despite a student's failure to qualify under paragraphs (d) (A) and (B) of this subsection, districts, by local policies and procedures, shall identify students who demonstrate the potential to perform at the 97th percentile.

(3) School districts may identify additional students who are talented and gifted as defined in ORS 343.395, as determined by local district policies and procedures, 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.

Stat. Auth.: ORS 343.391 - 343.413

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 6-2009, f. & cert. ef. 6-29-09; ODE 23-2016, f. & cert. ef. 4-7-16

## **581-022-1320**

### **Rights of Parents of Talented and Gifted Students**

In carrying out the requirements of OAR 581-022-1310 and OAR 581-022-1330, the school district shall:

(1) Inform parents at the time of the identification of the child and the programs and services available.

(2) Provide an opportunity for the parents to provide input to and discuss with the district the programs and services to be received by their child.

(3) The parents may, at any time, request the withdrawal of their child from programs and services provided under OAR 581-022-1320. The school district shall notify parents of identified students of this right.

(4) Parents shall be informed of their right to file a complaint under OAR 581-022-1940.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 343.391 - ORS 343.413

Hist.: EB 18-1996, f. & cert. ef. 11-1-96

## **581-022-1330**

### **Programs and Services for Talented and Gifted Students**

(1) Each school district shall have a written plan for programs and services beyond those normally provided by the regular school program in order to realize the contribution of talented and gifted children to self and society.

(2) The written plan for programs and services for talented and gifted children shall be submitted to the Oregon Department of Education on a date and in a format provided in guidance documents provided by the Oregon Department of Education.

(3) The written plan shall include, but is not limited to:

(a) A statement of school district policy on the education of talented and gifted children;

(b) An assessment of current special programs and services provided by the district for

talented and gifted children;

(c) A statement of district goals for providing comprehensive special programs and services and over what span of time the goals will be achieved;

(d) A description of the nature of the special programs and services which will be provided to accomplish the goals; and

(e) A plan for evaluating progress on the district plan including each component program and service.

(4) The instruction provided to identified students shall be designed to accommodate their assessed levels of learning and accelerated rates of learning.

(5) Assessments for the development of an appropriate academic instructional program shall include the information used by the team for identification purposes and also may include one or more of the following:

(a) An academic history which may include grades, portfolio assessment records or other progress records and achievement information that demonstrates the student's level of learning and rate of learning;

(b) Other evaluation methods such as formal tests or informal assessment methods designed by teachers to determine the student's instructional level and rate of learning related to specific academic programs;

(c) Student interest, style, and learning preferences information from inventories or interviews; and

(d) Other measures determined by the school district to be relevant to the appropriate academic instructional program for the student.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 343.391 - 343.413

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 6-2009, f. & cert. ef. 6-29-09; ODE 20-2011, f. & cert. ef. 12-15-11

## **581-022-1340**

### **Special Education for Children with Disabilities**

Each school district shall provide an educational program for all resident children with a disability who are eligible under ORS Chapter 343. The program shall be carried out in accordance with all applicable Oregon Administrative Rules.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 343.041

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 25-2008, f. & cert. ef. 9-26-08

## **581-022-1350**

### **Alternative Education Programs**

(1) Sections (2)-(9) of this rule apply to each public or private alternative education program approved by a school district board on or after July 1, 2007. For the purposes of this rule, the term "program" includes "school."

(2) In order to provide innovative and more flexible ways of educating children, school districts may establish alternative education options within the public school system.

(3) School districts must adopt policies and procedures for the approval and at least annual evaluation of public and private alternative education programs under ORS 336.615-336.665 (Alternative Education Programs) that receive public funds. Those policies and procedures must provide that:

(a) The district's approval and at least annual evaluation must require that a public alternative program complies with all state statutes, rules and federal law applicable to public schools;

(b) Before contracting with or distributing any public school funds to a private alternative education program, the district must document that:

(A) The program is registered with the Oregon Department of Education (ODE) under the provisions of OAR 581-021-0072 by receiving a copy of the Department's written notice that the program's registration is approved for the current school year;

(B) The ODE has assigned the private alternative program an institution identification number;

(C) Before contracting with or distributing any public school funds to any private alternative education program for special education services identified in a child's IEP, the program is approved by the Department in compliance with OAR 581-015-2270;

(D) The program complies with the individual education plan for each student who is eligible to receive special education services;

(E) An education plan and education profile that meet the requirements of OAR 581-022-1130 are designed and implemented with each student in the program;

(F) The education plan includes criteria for determining if, when, where, and how the student may transition from the alternative program;

(G) A transportation plan is in place ensuring that the program is accessible to each student approved for placement in the program;

(H) The program assists the district in meeting its comprehensive K-12 instructional program in compliance with OAR 581-022-1210;

(I) The program assures that it provides an instruction based on academic content standards adopted by the State Board of Education and that students participate in district and state assessments of achievement for the grade level(s) the program serves;

(J) The program assists students in earning diploma credits consistent with OAR 581-022-1130, 581-022-1134 and 581-022-1135;

(K) The program collects and reports to the district each student's local and state assessment, attendance, behavior, graduation, dropout, and other data required by the district and the state;

(L) Student data is included in the district's at least annual evaluation of the program;

(M) The program complies with federal law; and

(N) If applicable, the private alternative education program is in compliance with its existing district contract.

(4) The contract between a school district and a private alternative education program must state that non-compliance with a rule or statute under this rule (OAR 581-022-1350) will result in the termination of the contract, and suspension or revocation of registration by the Department will terminate the district's contract with the private alternative program and that the private alternative education program's annual statement of expenditures is reviewed in the districts' evaluation in accordance with ORS 336.635(2).

(5) School districts shall adopt policies and procedures to approve placing students in district approved public alternative education programs and district approved private alternative education programs. Such policies and procedures must ensure that:

(a) Students placed in alternative education programs are those whose educational needs and interests are best served by participation in such programs and will include:

(A) Students identified pursuant to ORS 339.250:

(i) Who are being considered for suspension or expulsion pursuant to ORS 339.250;

(ii) Who have been suspended or expelled pursuant to ORS 339.250;

(iii) Whose attendance patterns have been found to be so erratic that the students are not benefiting from the regular educational program; or

(iv) Who have had a second or subsequent occurrence within any three-year period of a severe disciplinary problem;

(B) Students identified pursuant to ORS 329.485 and OAR 581-022-1110(5) who do not meet the standards or who exceed all of the standards at any benchmark level;

(C) Students admitted to the district pursuant to ORS 339.115 who have not yet turned 21 prior to the start of the school year and who need additional instruction to earn a diploma in compliance with OAR 581-022-1130;

(D) Students whose parents or legal guardians apply for the student's exemption from



compulsory attendance on a semiannual basis as provided in ORS 339.030 and OAR 581-021-0076; and

(E) Others who are individually approved for placement consistent with the district's board policies regarding the placement;

(b) Placement of a student in a public or private alternative education program may be made only if:

(A) The student is a resident of the district and the district has legal responsibility for the student's education consistent with ORS 327.006(7);

(B) After assessing the student's needs and interests and consulting with the parent or guardian, the district determines that the student is not benefiting, has not benefited, or will not benefit from attendance in other district schools or programs;

(C) The alternative program is determined by the district to best serve the student within local and state academic standards; and

(D) Placement in the program is made consistent with the student's education plan pursuant to OAR 581-022-1120(3)(a) and (b) and 581-022-1130(3) and with district policies and procedures;

(c) Placement in a public or private alternative education program must be made with the approval of the student's resident school district and attending school district; and

(d) Payment to private alternative education providers must be the actual cost of the program or an amount at least equivalent to 80 percent of the district's estimated current year's average per student net operating expenditure, whichever is less.

(6) A school district must adopt policies and procedures for notification of students, parents or guardians of students of:

(a) The law regarding alternative education programs;

(b) The availability of existing alternative education programs; and

(c) The procedures for students, parents, or guardians of students residing in the district to request the establishment of new alternative education programs.

(7) School districts must include opportunities for participation by educators, community members, and parents or guardians in the development of policies and procedures under this rule.

(8) School districts must have policies and procedures in place to ensure that, for the purposes of making claims for state school funds;

(a) Students enrolled in a public school district and receiving instruction in the district's comprehensive planned K–12 curriculum consistent with OAR 581-022-1210 and who are individually placed by the school district in an alternative education programs are accounted consistent with 581-023-0006(7);

(b) Students supplementing home or private schooling by attending part-time and receiving less than comprehensive education from the district are accounted consistent with OAR 581-023-0006(6)(a);

(c) Students receiving online instruction are accounted consistent with reporting guidelines published in the Oregon Student Personnel Accounting Manual, and

(d) Activities claimed for state school funds and credits awarded in the alternative education program consistent with OAR 581-023-0008 are approved by the district and by the contract between a private alternative program and the district.

(9) School districts must have policies and procedures in place to ensure that data for each student in public and private alternative education programs are included in district reporting as required by ODE.

Stat. Auth.: ORS 326.051, 327.125, 336.625 & 336.645

Stats. Implemented: ORS 327.006, 329.485, 336.615 - 336.665, 329.485, 339.115, 339.030 & 339.250

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 2-1998, f. & cert. ef. 2-27-98; ODE 4-2003, f. & cert. ef. 3-14-03; ODE 12-2007, f. & cert. ef. 4-25-07; ODE 20-2007, f. & cert. ef. 9-10-07; ODE 25-2008, f. & cert. ef. 9-26-08

**Expanded Options Annual Notice**

(1) Prior to February 1 of each year, beginning with the 2005-06 school year, each school district must notify all high school students and the students' parents or guardians of the Expanded Options Program. The notification process must:

(a) Ensure that all at-risk students and their parents are notified about the Expanded Options Program; and

(b) Identify high school students who have dropped out of school and provide those students with information about the Expanded Options Program by sending information about the program to the last known address of the family of the student.

(2) The notice must include, but is not limited to the following:

(a) Definitions of "eligible student," "eligible post-secondary institution," and "eligible post-secondary course;"

(b) Purposes of the Expanded Options Program;

(c) Financial arrangements for tuition, textbooks, equipment and materials;

(d) Available transportation services;

(e) Effects of enrolling in the Expanded Options Program on the eligible student's ability to complete the required high school graduation requirements;

(f) Consequences of not maintaining satisfactory academic progress as defined by the eligible post-secondary institution, such as by failing or not completing an eligible post-secondary course;

(g) Participation in the Expanded Options Program is contingent on acceptance by an eligible post-secondary institution;

(h) Eligible students may not enroll in eligible post-secondary courses for more than the equivalent of two academic years, and eligible students who first enroll in grade 12 may not enroll in eligible post-secondary courses for more than the equivalent of one academic year;

(i) A student who has graduated from high school may not participate in Expanded Options Program;

(j) An eligible student who has completed course requirements for graduation but has not received a diploma may participate;

(k) Notice(s) of any other program(s), agreements(s) or plan(s) in effect that provides access for public high school students to post-secondary courses;

(l) The district's responsibility for providing any required special education and related services to the student;

(m) The number of quarter credit hours that may be awarded each school year to eligible students by the resident high school;

(n) The district board's process for selecting eligible students to participate in the Expanded Options Program if the school district has not chosen to exceed the credit hour cap and has more eligible students who wish to participate than are allowed by the cap;

(o) Information about program participation priority for at-risk students;

(p) Exclusion of duplicate courses as determined by the resident school district;

(q) The process for a student to appeal the district's duplicate course determination to the Superintendent of Public Instruction or the Superintendent's designee;

(r) Exclusion of post-secondary courses in which a student is enrolled if the student is also enrolled full time in the resident secondary school; and

(s) Exclusion of foreign exchange students enrolled in a school under a cultural exchange program.

## **581-022-1362**

### **Expanded Options — Purpose**

The purpose of the program created by ORS Chapter 340 otherwise known as Expanded Options is to:

- (1) Create a seamless education system for students enrolled in grades 11 and 12 to:
  - (a) Have additional options to continue or complete their education;
  - (b) Earn concurrent high school and college credits; and
  - (c) Gain early entry into post-secondary education.
- (2) Promote and support existing accelerated college credit programs, and support the development of new programs that are unique to a community's secondary and postsecondary relationships and resources.
- (3) Allow eligible students who participate in the Expanded Options Program to enroll full-time or part-time in an eligible post-secondary institution.
- (4) Provide public funding to the eligible post-secondary institutions for educational services to eligible students to offset the cost of tuition, fees, textbooks, equipment and materials for students who participate in the Expanded Options Program.

Stat. Auth.: ORS 340.574

Stats. Implemented: ORS 340.574

Hist.: ODE 12-2006, f. & cert. ef. 5-24-06; ODE 25-2007, f. & cert. ef. 10-26-07

## **581-022-1363**

### **Expanded Options — Definitions**

Definitions to be used in carrying out the components of OAR 581-022-1362 through 581-022-1372:

- (1) "Expanded Options Program" means The program created in ORS Chapter 340.
- (2) "Accelerated college credit program" means a program, agreement or plan that is intended to provide access for public high school students to a post-secondary course, including, but not limited to:
  - (a) Dual credit technical preparation programs, such as two-plus-two;
  - (b) Advanced placement; and
  - (c) International Baccalaureate.
- (3) "Adverse Financial Impact" means a decline in financial resources that would substantially impact the educational program the district offers to all students.
- (4) "At-risk student" means:
  - (a) A student who qualifies for a free or reduced lunch program; or
  - (b) A student who meets state or federal thresholds for poverty as indicated by eligibility for services under any or all of the following title sections of the No Child Left Behind Act of 2001; PL 107-110:
    - (A) Title IA Improving Academic Achievement of the Disadvantaged;
    - (B) Title IC Education of Migratory Children;
    - (C) Title ID Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk;
    - (D) Title III Language Instruction of Limited English Proficient and Immigrant Students;
    - (E) Title X Education of Homeless Children and Youth Program.
- (5) "Duplicate course" means a course with a scope that is identical to the scope of another course.

(6) “Eligible post-secondary course” means

(a) Any nonsectarian course or program offered through an eligible post-secondary institution if the course or program may lead to high school completion, a certificate, professional certification, associate degree or baccalaureate degree.

(b) “Eligible post-secondary course” does not include a duplicate course offered at the student’s resident school.

(c) “Eligible post-secondary course” includes:

(A) Academic and professional technical courses; and

(B) Distance education courses.

(d) The provisions of Section 5 “Eligible post secondary course”, subsections (a) through (c), do not apply to any post-secondary courses in which a student is enrolled in addition to being enrolled full-time in the student’s resident school district. For purposes of the Expanded Options Program, a student is considered full-time if the student attends classes for credit in the secondary school for all available hours of instruction.

(7) “Eligible post-secondary institution” means:

(a) A community college;

(b) Institutions in the Oregon University System (University of Oregon, Oregon State University, Portland State University, Oregon Institute of Technology, Western Oregon University, Southern Oregon University, Eastern Oregon University); and

(c) The Oregon Health and Sciences University.

(8) “Eligible student” means

(a) A student who is enrolled in an Oregon public school and who:

(A) Is 16 years of age or older at the time of enrollment in a course under the Expanded Options Program, and;

(B) Is in grade 11 or 12, or

(i) Is not in grade 11 or 12, because the student has not completed the required number of credits, but who has been allowed by the school district to participate in the program; and

(C) Has developed an educational learning plan consistent with OAR 581-022-1130(3), Diploma Requirements; and

(D) Has not successfully completed the requirements for a high school diploma as established by ORS 329.451, the State Board of Education, and the local school district board.

(b) “Eligible student” does not include a foreign exchange student enrolled in a school under a cultural exchange program.

(9) “Good Faith Negotiations” refers to the manner in which the parties meet and carry on business at reasonable times with willingness to reach agreement through conference, discussion, and compromise.

(10) “Individualized education program” means a written statement of an educational program for a child with a disability as described in OAR 581-015-0068, Special Education — Content of IEP.

(11) “Related Services” includes transportation and such developmental, corrective and other supportive services as are required to assist a student with a disability to benefit from special education and is consistent with OAR 581-015-0005, Special Education — Definitions.

(12) “Scope” means depth and breadth of course content as evidenced through a planned course statement including content outline, applicable state content standards where appropriate, course goals and student outcomes.

(13) “Special Education” means specially designed instruction consistent with OAR 581-015-0005, Special Education -- Definitions, to meet the unique needs of a student with a disability by adapting, as appropriate, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student’s disability and to ensure access of the student to the general curriculum.

## **581-022-1364**

### **Expanded Options — Requirements for Oregon Public School Districts**

Each school district shall:

(1) Prior to February 15 of each year, notify all high school students and the students' parents or guardians of the Expanded Options Program as described in OAR 581-022-1365, Expanded Options — Annual Notice, for the following school year.

(2) Establish a process to identify dropouts as described in OAR 581-022-1365, Expanded Options - Annual Notice.

(3) Include in the enrollment materials for all students transferring into the district from another district, and for all students returning to high school after dropping out, notification to the student and student's parent or guardian of the Expanded Options Program as described in OAR 581-022-1365, Expanded Options — Annual Notice, if said students enroll in a district school after the district has issued its annual program notice.

(4) Notify a high school student who has officially expressed an intent to participate in the Expanded Options Program, and the student's parent or guardian, of the student's eligibility status within 20 business days after the student as officially expressed intent.

(5) Negotiate in good faith a financial agreement with any eligible post-secondary institution consistent with OAR 581-022-1368 State School Fund, Expenditures, Good Faith Negotiations.

(6) Enter into an agreement with an eligible post-secondary institution that accepts a student for enrollment in an eligible post-secondary course that is a non-tuition course or noncredit course pursuant to ORS 640.030 for the payment of the actual associated instructional costs.

(7) Review with the student and the student's parent or guardian the student's current status toward meeting all state and school district graduation requirements and the applicability of the proposed eligible post-secondary course with respect to fulfilling the student's remaining graduation requirements.

(8) Establish a process adopted by the local school district board to determine duplicate course status consistent with 581-022-1363, Definitions.

(a) A school district shall notify an eligible student and the student's parent or guardian of any course the student wishes to take that the district determines is a duplicate course, within 20 business days after the student has submitted a list of intended courses.

(b) A student may appeal a duplicate course determination to the school district board based on evidence of the scope of the course.

(c) The school district board or the board's designee shall issue a decision on the appeal within 30 business days of receipt of the appeal.

(9) Prior to an eligible student's beginning an eligible post-secondary course, notify the student of the number and type of credits the student will be granted upon successful completion of the course.

(a) School district boards shall have policies and procedures to award diploma credits to eligible students for eligible post-secondary courses completed under the Expanded Options Program. Those policies and procedures shall be consistent with OAR 581-022-1131, Credit Options.

(10) Establish an appeals process adopted by the local school district board to resolve disputes by the eligible students regarding number or type of credits the school district will grant or has granted for a particular eligible post-secondary course. The appeals process adopted by the school district board shall be consistent with OAR 581-022-1940, Appeals and Complaints.

(11) Be responsible for providing any special education and related services to participating students following state and federal law, and consistent with OAR 581-015-0005, Special Education.

(a) The resident school district of an eligible student participating in the Expanded Options

Program shall be responsible for providing any required special education and related services to the student.

(b) A student who requires special education and related services shall be considered, for school purposes, a resident in the school district pursuant to ORS 339.133 and 339.134.

(12) Each school year, award no more than 330 quarter credit hours to eligible students per enrollment of 1,000 students or proportional credit hours as established in OAR 581-022-1366, Annual Credit Hour Cap; or elect to exceed this quarter hour cap following the stipulations indicated in 581-022-1366, Annual Credit Hour Cap.

(13) Apply credits granted to an eligible student to be counted toward high school graduation requirements and subject area requirements of the state and local school district consistent with OAR 581-022-1130, Diploma Requirements.

(14) Include in the student's education record evidence of successful completion of each eligible post-secondary course and credits granted.

(15) Include in the student's education record that the credits were earned at an eligible post-secondary institution.

(16) Provide the following data to the Department of Education on an annual basis in the format and timeline as determined by the Department of Education:

(a) Types of accelerated college credit programs offered;

(b) Number of high school credits earned under the Expanded Options Program;

(c) Number of college credits earned under the Expanded Options Program;

(d) Estimated college tuition cost savings for participating students;

(e) Number of students who had dropped out of high school but returned to high school to participate in the Expanded Options Program and earned a diploma;

(f) Number of participating students categorized by ethnicity and financial status;

(g) Number of participating talented and gifted students;

(h) Rural school district designation;

(i) If the individual district is classified as a small school district, the number of eligible students who wish to participate than are allowed under the respective credit hour caps established in OAR 581-022-1366, Annual Credit Hour Cap. Each school district may.

(17) Provide transportation services to eligible students who attend eligible post-secondary institutions within the boundaries of which the school district is a component school district.

(a) Any transportation costs incurred by a school district under this section shall be considered approved transportation costs for purposes of ORS 327.013(9).

(18) Appeal to the Department of Education for determination of good faith negotiations as described in 581-022-1368 State School Fund, Expenditures, Good Faith Negotiations.

(19) Request a waiver from the Department of Education of the requirements of participation in the Expanded Options Program created in ORS Chapter 340 if the school district meets the conditions as described in 581-022-1372, Request for Program Waiver.

Stat. Auth.: ORS 340.574

Stats. Implemented: ORS 340.574

Hist.: ODE 12-2006, f. & cert. ef. 5-24-06; ODE 25-2007, f. & cert. ef. 10-26-07

## **581-022-1365**

### **Expanded Options -- Annual Notice**

(1) Prior to February 15 of each year, beginning with the 2005-06 school year, each school district must notify all high school students and the students' parents or guardians of the Expanded Options Program for the following school year. The notification process must:

(a) Ensure that all at-risk students and their parents are notified about the Expanded Options Program; and

(b) Identify high school students who have dropped out of school and provide those students

with information about the Expanded Options Program by sending information about the program to the last known address of the family of the student. It shall be a priority for school districts to provide information about the Expanded Options Program to high school students who have dropped out of school.

(2) The notice must include, but is not be limited to, the following:

(a) Definitions of "eligible student," "eligible post-secondary institution," and "eligible post-secondary course;"

(b) Purposes of the Expanded Options Program;

(c) Financial arrangements for tuition, textbooks, equipment and materials;

(d) Available transportation services;

(e) Effects of enrolling in the Expanded Options Program on the eligible student's ability to complete the required high school graduation requirements;

(f) Consequences of not maintaining satisfactory academic progress as defined by the eligible post-secondary institution, such as by failing or not completing an eligible post-secondary course;

(g) Participation in the Expanded Options Program is contingent on acceptance by an eligible post-secondary institution;

(h) School district timelines affecting student eligibility and duplicate course determinations consistent with ORS 340.015, 340.025, and 340.030.

(i) Eligible students may not enroll in eligible post-secondary courses for more than the equivalent of two academic years, and eligible students who first enroll in grade 12 may not enroll in eligible post-secondary courses for more than the equivalent of one academic year;

(j) A student who has graduated from high school may not participate in the Expanded Options Program;

(k) Notice(s) of any other program(s), agreement(s) or plan(s) in effect that provide access for public high school students to post-secondary courses;

(l) The district's responsibility for providing any required special education and related services to the student;

(m) The number of quarter credit hours that may be awarded each school year to eligible students by the resident high school;

(n) The district board's process for selecting eligible students to participate in the Expanded Options Program if the school district has not chosen to exceed the credit hour cap and has more eligible students who wish to participate than are allowed by the cap;

(o) Information about program participation priority for at-risk students;

(p) Exclusion of duplicate courses as determined by the resident school district;

(q) The process for a student to appeal the district's duplicate course determination to the local school district board, and if the local appeal is denied, to the Superintendent of Public Instruction or the Superintendent's designee;

(r) Exclusion of post-secondary courses in which a student is enrolled if the student is also enrolled full time in the resident secondary school; and

(s) Exclusion of foreign exchange students enrolled in a school under a cultural exchange program.

Stat. Auth.: ORS 340.574

Stats. Implemented: ORS 340.574

Hist.: ODE 12-2006, f. & cert. ef. 5-24-06; ODE 25-2007, f. & cert. ef. 10-26-07

## **581-022-1366**

### **Expanded Options -- Annual Credit Hour Cap**

(1) The number of quarter credit hours that may be awarded by a high school under the Expanded Options Program is limited to an amount equal to the number of students in grades 9 through 12 enrolled in the high school multiplied by a factor of 0.33. For example, the cap

for a high school with 450 students in grades 9 through 12 would be 148.5 (450 x 0.33 = 148.5).

(2) For districts with more than one high school, the caps must be established separately for each high school.

(3) School districts may choose to exceed both the individual high school level cap(s) and the aggregate district level cap established under this rule.

(4) School districts choosing not to exceed the cap(s) established under this rule are required to establish a process for selecting eligible students for participation in the program. The process must give priority for participation to students who are "at risk" as defined in OAR 581-022-1363 Expanded Options -- Definitions.

Stat. Auth.: ORS 340.574

Stats. Implemented: ORS 340.574

Hist.: ODE 12-2006, f. & cert. ef. 5-24-06; ODE 25-2007, f. & cert. ef. 10-26-07

## **581-022-1367**

### **Expanded Options -- Responsibilities of Eligible Students**

Each eligible student shall:

(1) Maintain satisfactory academic progress as defined by the eligible post-secondary institution.

(2) By May 15 of each year, notify the resident school district of intent to enroll in eligible post-secondary courses during the following school year.

(a) If a student is an incoming transfer student or returning dropout, notify the school district of interest in Expanded Options Program participation within 20 business days of enrollment.

(3) In cooperation with an advisory support team (may include the student, student's parent or guardian and a teacher or a counselor), develop an educational learning plan consistent with OAR 581-022-1130, Section (3) Diploma Requirements, which may include:

(a) Short-term and long-term learning goals and proposed activities,

(b) Relationship of the eligible post-secondary courses proposed under the Expanded Options Program and the student's learning goals.

(4) Acknowledge that participation in the Expanded Options Program is contingent on acceptance by an eligible post-secondary institution.

(5) Provide the school district with authorization to obtain a copy of grades in from each post-secondary institution for each eligible post-secondary course taken for credit or non credit that may lead to high school completion, a certificate, professional certification, associate degree or baccalaureate degree under the Expanded Options Program.

(6) Acknowledge that all textbooks, fees, equipment and materials provided and paid for under Expanded Options Program are the property of the resident school district.

(7) Be ineligible for any state student financial aid under ORS 348.040 to 348.280 and 348.505 to 348.695.

(8) Not enroll for more than the equivalent of two academic years.

(a) If first enrolled in grade 12, may not enroll in post-secondary courses for more than the equivalent of one academic year.

(b) If first enrolled in the middle of the school year, the time of participation shall be reduced proportionately.

(c) If enrolled in a year-round program and begins each grade in the summer session, summer sessions are not counted against the time of participation. Each eligible student may:

(9) Apply to an eligible post-secondary institution to enroll in eligible post-secondary courses offered by the eligible post-secondary institution.

(10) Apply to the resident school district for reimbursement for any textbooks, fees, equipment or materials purchased by the student that are required for an eligible post-secondary course.



(11) Appeal to the local school board a duplicate course designation and, if said appeal is denied, appeal to the Superintendent of Public Instruction or the superintendent's designee a duplicate course designation by the resident school district.

(a) The school district board or the board's designee shall issue a decision on the appeal within 30 business days of receipt of the appeal.

(b) The superintendent or the superintendent's designee shall issue a decision on the appeal within 30 business days of receipt of the appeal.

(c) If the superintendent or the superintendent's designee fails to issue a decision within 30 days of receipt of the appeal, the course shall be deemed to not be a duplicate course.

(A) The student may then enroll in the course under the Expanded Options Program, if the course and the student meet all other eligibility requirements.

Stat. Auth.: ORS 340.574

Stats. Implemented: ORS 340.574

Hist.: ODE 12-2006, f. & cert. ef. 5-24-06; ODE 25-2007, f. & cert. ef. 10-26-07

## **581-022-1368**

### **Expanded Options -- State School Fund, Expenditures, Request for Waiver**

(1) An eligible student enrolled in an eligible post-secondary course at an eligible post-secondary institution shall continue to be considered a resident pupil of the student's school district for purposes of calculation of the State School Fund grant under ORS 327.006 to 327.133 and 327.731.

(2) The amount of each school district's general purpose grant per extended ADMw as calculated under ORS 327.013 shall be determined each fiscal year by the Department of Education and made available to all school districts and, upon request, to any eligible post-secondary institution.

(3) A school district shall negotiate in good faith a financial agreement with any eligible post-secondary institution that accepts a student for enrollment in an eligible post-secondary course for the payment of actual instructional costs associated with the enrollment of the eligible student in eligible post-secondary courses, including tuition, fees, textbooks, equipment, and materials.

(a) As a part of the negotiated financial agreement, an eligible post-secondary institution shall provide the school district with the published refund policy for eligible students who do not complete eligible post-secondary courses in which the students enroll and do not earn credit.

(b) If after participating in good faith negotiations, a school district and an eligible post-secondary institution are unable to agree on the payment of actual instructional costs as described in Section (3), either entity may appeal to the Department of Education for a determination of whether the negotiations were conducted in good faith.

(4) The department shall develop a process and criteria to use for appeal.

(a) If the department determines that the negotiations were not conducted in good faith by either the school district or the eligible post-secondary institution, the department shall order the school district and the eligible post-secondary institution to conduct the negotiations again.

(b) If the department determines that the negotiations were conducted in good faith by the school district and the eligible post-secondary institution, the department shall grant the school district a waiver consistent with OAR 581-022-1372 Request for Program Waiver from participating in the Expanded Options Program with the eligible post-secondary institution with which the school district was negotiating.

(c) The decision of the department shall be binding on the school district and the eligible post-secondary institution.

(5) In addition to any good faith financial agreement entered into under Section (3), the resident school district of the eligible student shall enter into an agreement with an eligible post-secondary institution that accepts a student for enrollment in an eligible post-secondary course that is a non-tuition course or noncredit course for the payment of the actual instructional costs associated with the student's attending the eligible post-secondary course at the institution.

(6) Nothing in this section shall prohibit an eligible post-secondary institution from receiving

Stat. Auth.: ORS 340.574

Stats. Implemented: ORS 340.574

Hist.: ODE 12-2006, f. & cert. ef. 5-24-06; ODE 25-2007, f. & cert. ef. 10-26-07

## **581-022-1370**

### **Expanded Options -- Alternative Programs**

(1) Notwithstanding ORS Chapter 340, any program, agreement or plan in effect on January 1, 2006, that provides access for public high school students to a post-secondary course is not affected by this chapter and may be continued or renewed at the discretion of the parties to the program, agreement or plan.

(2) Any new program, agreement or plan that is developed after January 1, 2006, and that is intended to provide access for public high school students to a post-secondary course may be initiated at the discretion of a school district and a post-secondary institution.

Stat. Auth.: ORS 340.574

Stats. Implemented: ORS 340.574

Hist.: ODE 12-2006, f. & cert. ef. 5-24-06; ODE 25-2007, f. & cert. ef. 10-26-07

## **581-022-1371**

### **Expanded Options -- Charter School Participation**

(1) A public charter school may elect to participate in the Expanded Options Program by amending its charter under ORS 338.065.

(2) Actual instructional costs associated with participating eligible students shall be negotiated and paid directly to the eligible post-secondary institution by the public charter school.

(3) The participating public charter school may not require funding from the sponsor of the school for payment of Expanded Options Program costs that is in addition to funding that has already been contractually established pursuant to ORS 338.155(2)(b) or (3)(b) or 338.165(3)(b).

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 340.005 - 340.090

Hist.: ODE 25-2007, f. & cert. ef. 10-26-07

## **581-022-1372**

### **Expanded Options — Request for Program Waiver**

(1) A school district may request a waiver from the Department of Education of the requirements of participation in the Expanded Options Program as established in ORS Chapter 340. The department shall grant the waiver if:

(a) Compliance with the requirements of the Expanded Options Program would adversely impact the finances of the school district; or

(b) The school district offers dual credit technical preparation programs, such as two-plus-two programs, advanced placement or International Baccalaureate programs and other accelerated college credit programs.

(2) The duration of a waiver granted based on Subsection (1)(a) shall be no more than two school years.

(3) The duration of a waiver granted under Subsection (1)(b) shall be the length of the program that was the basis for the waiver.

(4) There is no limit on the number of times a school district may apply for and be granted a waiver under this section.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 340.005 - 340.090

Hist.: ODE 25-2007, f. & cert. ef. 10-26-07

## **581-022-1420**

### **Emergency Plans and Safety Programs**

The school district shall maintain a comprehensive safety program for all employees and students which shall:

- (1) Include plans for responding to emergency situations.
- (2) Specify general safety and accident prevention procedures with specific instruction for each type of classroom and laboratory.
- (3) Provide instruction in basic emergency procedures for each laboratory, shop and studio, including identification of common physical, chemical, and electrical hazards.
- (4) Require necessary safety devices and instruction for their use.
- (5) Require that an accident prevention in service program for all employees be conducted periodically and documented.
- (6) Provide assurance that each student has received appropriate safety instruction.
- (7) Provide for regularly scheduled and documented safety inspections which will assure that facilities and programs are maintained and operated in a manner which protects the safety of all students and employees.
- (8) Require reports of accidents involving school district property, or involving employees, students or visiting public, as well as prompt investigation of all accidents, application of appropriate corrective measures, and monthly and annual analyses of accident data and trends.
- (9) In schools operated by the district that are occupied by students, the district must ensure that all students are instructed and have drills on emergency procedures in compliance with ORS 336.071. The emergency procedures shall include drills and instruction on:
  - (a) Fires;
  - (b) Earthquakes, which shall include tsunami drills and instruction in schools in a tsunami hazard zone; and
  - (c) Safety threats including procedures related to lockdown, lockout, shelter in place and evacuation and other appropriate actions to take when there is a threat to safety.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 336.071

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 28-2015, f. & cert. ef. 12-22-15

## **581-022-1430**

### **Asbestos Management Plans**

- (1) The statutory authority for this rule is the Asbestos Hazard Emergency Response Act of 1986 as amended by Public Law 100.368 and subsequent rule published in the Friday, October 30, 1987, Federal Register (40 CFR Part 763).
- (2) Any public and private school that acquires or leases a school building after October 12, 1988 shall submit an Asbestos Management Plan to the Department of Education prior to occupancy.
- (3) The Management Plan shall include all the elements contained in 40 CFR §763.93(e).
- (4) General local education agency responsibilities (as stated in 40 CFR §763.84). Each local education agency shall:
  - (a) Ensure that the activities of any persons who perform inspections, reinspections, and periodic surveillance, develop and update management plans, and develop and implement response actions, including operations and maintenance, are carried out in accordance with Subpart E (40 CFR 763);
  - (b) Ensure that all custodial and maintenance employees are properly trained as required by Subpart E (40 CFR 763) and other applicable federal and/or state regulations (e.g., the Occupational Safety and Health Administration asbestos standard for construction, the EPA worker protection rule);
  - (c) Ensure that workers and building occupants, or their legal guardians, are informed at least once each school year about inspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress; or

(d) Ensure that short-term workers (e.g., telephone repair workers, utility workers, or exterminators) who may come in contact with asbestos in a school are provided information regarding the locations of Asbestos Containing Building Material (ACBM) and suspected ACBM assumed to be Asbestos Containing Material (ACM);

(e) Ensure that warning labels are posted in accordance with §763.95;

(f) Ensure that management plans are available for inspection and notification of such availability has been provided as specified in the management plan under §763.93(g);

(g)(A) Designate a person to ensure that requirements of this section are properly implemented; and

(B) Ensure that the designated person receives adequate training to perform duties assigned under this section. Such training shall provide, as necessary, basic knowledge of:

(i) Health effects of asbestos;

(ii) Detection, identification, and assessment of ACM;

(iii) Options of controlling ACBM;

(iv) Asbestos management programs;

(v) Relevant federal and state regulations concerning asbestos, including those in Subpart E (40 CFR 763) and those of the Occupational Safety and Health Administration, U. S. Department of Labor, the U. S. Department of Transportation and the U. S. Environmental Protection Agency.

(h) Consider whether any conflict of interest may arise from the interrelationships among accredited personnel and whether that should influence the selection of accredited personnel to perform activities under this subpart.

Stat. Auth.: ORS 363 & PL 100.368

Stats. Implemented: 40 CFR Part 763

Hist.: EB 18-1996, f. & cert. ef. 11-1-96

## **581-022-1440**

### **Human Sexuality Education**

(1) The following definitions apply to Oregon Administrative Rule 581-022-1440:

(a) "Age-appropriate" means curricula designed to teach concepts, information, and skills based on the social, cognitive, emotional, experience and developmental level of students;

(b) "Balanced" means instruction that provides information with the understanding of, and strength of the preponderance of evidence;

(c) "Best practice" means a practice/curriculum that is based in proven theory and practices, and has some evidence of effectiveness, but has not specifically gone through a randomized controlled trial that is needed to become an evidence-based practice;

(d) "Comprehensive plan of instruction" (as defined by Oregon education statutes) means k–12 programs that emphasize abstinence, but not to the exclusion of condom and contraceptive skills-based education. The human sexuality information provided is complete, balanced, and medically accurate. Opportunities are provided for young people to develop and understand their values, attitudes, beliefs and decisions about sexuality as a means of helping young people exercise responsibility regarding sexual relationships and sexual health decisions as further defined by subsections (2) and (3);

(e) "Consensual" means the presence of a "yes" when "no" is a viable option;

(f) "Culturally inclusive" means using materials and instruction strategies that respond to culturally diverse individuals, families, and communities in a respectful and effective manner;

(g) "Gender expression" means how people express their gender based on mannerisms, dress, etc. A person's gender expression/presentation may not always match their gender identity;

(h) Gender identity" means a person's internal sense of being male, female or some other gender, regardless of whether the individual's appearance, expression or behavior differs from that traditionally associated with the individual's sex assigned at birth;

(i) “Gender role” means the socially determined sets of behaviors assigned to people based on their biological sex;

(j) “Gender sensitive” means using materials and instruction strategies that are sensitive to individual’s similarities and differences regarding gender role, gender identity and/or sexual orientation;

(k) “Healthy relationship” means one in which both people feel a healthy sense of “self”. Each person feels comfortable and safe when spending time with the other person. Two individuals try to meet each other’s needs, and each can ask for help and support, within and outside of the relationship without fear of criticism or harm;

(l) “Medically accurate” means information that is established through the use of the ‘scientific method.’ Results can be measured, quantified, and replicated to confirm accuracy, and are reported or recognized in peer-reviewed journals or other authoritative publications;

(m) “Non-consensual sexual behavior” means any sexual act that is inflicted upon a person who is unable to grant consent or that is unwanted and compelled through the use of physical force, manipulation, threats, or intimidation;

(n) “Research-based” means intervention is based on theoretical approaches that have been shown through scientific evaluation to be effective in achieving the intended outcomes. Evaluation based on studies using scientifically based designs; results published in recognized, peer-reviewed journals;

(o) “Sexual intercourse” means a type of sexual contact or activity involving one of the following:

(A) Vaginal sex;

(B) Oral sex; or

(C) Anal sex;

(p) “Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or other romantic and/or sexual attraction;

(q) “Shame or fear based” means terminology, activities, scenarios, context, language, and/or visual illustrations that are used to devalue, ignore, and/or disgrace students who have had or are having sexual relationships. Not all curricula or activities that describe risks of sexual activities can be considered “fear-based;”

(r) “Skills-based” means instructional strategy that has students practice the desired skill; and

(s) “Student bystander behavior” means behaviors in which students who witness or learn about a peer’s harmful behaviors or attitudes intervene when it is safe to do so.

(2) Each school district shall provide an age-appropriate, comprehensive plan of instruction focusing on human sexuality education, HIV/AIDS and sexually transmitted infections and disease prevention in elementary and secondary schools as an integral part of health education and other subjects. Course material and instruction for all human sexuality education courses that discuss human sexuality in public elementary and secondary schools shall enhance students’ understanding of sexuality as a normal and healthy aspect of human development. As part of the comprehensive plan of human sexuality instruction, each school district board shall adopt a child sexual abuse prevention instructional program for students in kindergarten through grade 12 as defined in subsection (9). In addition, the HIV/AIDS and sexually transmitted infections and disease prevention education and the human sexuality education comprehensive plan shall provide adequate instruction at least annually, for all students’ grades 6-8 and at least twice during grades 9–12.

(3) Parents, teachers, school administrators, local health department staff, other community representatives, and persons from the medical community who are knowledgeable of the latest scientific information and effective education strategies shall develop the plan of instruction required by this rule, and in alignment with the Oregon Health Education Standards and Benchmarks, cooperatively.

(4) Local school boards shall approve the plan of instruction and require that it be reviewed and updated biennially in accordance with new scientific information and effective education strategies.

(5) Any parent may request that his/her child be excused from that portion of the instructional program required by this rule under the procedures set forth in ORS 336.035(2).

(6) The comprehensive plan of instruction shall include information that:

(a) Promotes abstinence for school-age youth and mutually monogamous relationships with an uninfected partner for adults as the safest and mostly responsible sexual behavior to reduce the risk of unintended pregnancy and exposure to HIV, Hepatitis B/C and other sexually transmitted infectious diseases;

(b) Allays those fears concerning HIV that are scientifically groundless;

(c) Is balanced and medically accurate;

(d) Provides balanced, accurate information, and skills-based instruction on the risks and benefits of contraceptives, condoms and other disease reduction measures which reduce the risk of unintended pregnancy, exposure to HIV, hepatitis B/C and other sexually transmitted infections and diseases;

(e) Discusses responsible sexual behaviors and hygienic practices which may reduce or eliminate unintended pregnancy, exposure to HIV, hepatitis B/C and other sexually transmitted infections and diseases;

(f) Stresses the risks of contracting HIV, hepatitis B and C and other infectious diseases through sharing of needles or syringes for injecting illegal drugs and controlled substances;

(g) Discusses the characteristics of the emotional, physical and psychological aspects of a healthy relationship;

(h) Discusses the benefits of delaying pregnancy beyond the adolescent years as a means to better ensure a healthy future for parents and their children. Students shall be provided with statistics based on the latest medical information regarding both the health benefits and the possible side effects of all forms of contraceptives, including the success and failure rates for prevention of pregnancy, sexually transmitted infections and diseases;

(i) Stresses that HIV/STDs and hepatitis B/C can be possible hazards of sexual contact;

(j) Provides students with information about Oregon laws that address young people's rights and responsibilities relating to childbearing and parenting, and prevention of the spread of STDs, STIs, including testing for STDs, STIs, HIV and pregnancy;

(k) Advises pupils of the circumstances in which it is unlawful under ORS 163.435 and 163.445 for persons 18 years of age or older to have sexual relations with persons younger than 18 years of age to whom they are not married;

(l) Encourages positive family communication and involvement and helps students learn to make responsible, respectful and healthy decisions;

(m) Teaches that no form of sexual expression, or behavior is acceptable when it physically or emotionally harms oneself or others and that it is wrong to take advantage of or exploit another person;

(n) Teaches that consent is an essential component of healthy sexual behavior. Course material shall promote positive attitudes and behaviors related to healthy relationships and sexuality, and encourage active student bystander behavior;

(o) Teaches students how to identify and respond to attitudes and behaviors which contribute to sexual violence;

(p) Validates through course material and instruction the importance of honesty with oneself and others, respect for each person's dignity and well-being, and responsibility for one's actions;

(q) Uses inclusive materials, language, and strategies that recognizes different sexual orientations, gender identities and gender expression;

(r) Includes information about relevant community resources, how to access these resources, and the laws that protect the rights of minors to anonymously access these resources; and

(s) Is culturally inclusive.

(7) The comprehensive plan of instruction shall emphasize skills-based instruction that:

(a) Assists students to develop and practice effective communication skills, the development of self-esteem and the ability to resist peer and partner pressure;

(b) Provides students with the opportunity to learn about and personalize peer, media,

technology and community influences that both positively and negatively impact their attitudes and decisions related to healthy sexuality, relationships, and sexual behaviors, including decisions to abstain from sexual intercourse;

(c) Enhances students' ability to access valid health information and resources related to their sexual health;

(d) Teaches how to develop and communicate relational, sexual and reproductive boundaries;

(e) Is research-based, evidence-based and/or best practice; and

(f) Aligns with the Oregon Health Education Content Standards and Benchmarks.

(8) All human sexuality education programs shall emphasize that abstinence from sexual intercourse, when practiced consistently and correctly, is the only method that is 100 percent effective against unintended pregnancy, HIV infection (when transmitted sexually), hepatitis B/C infection, and other sexually transmitted infections and diseases. Abstinence is to be stressed, but not to the exclusion of contraceptives and condoms for preventing unintended pregnancy, HIV infection, sexually transmitted infections and diseases, and hepatitis B/C. Such courses are to acknowledge the value of abstinence while not devaluing, ignoring or stigmatizing those students who have had or are having sexual relationships. Further, sexuality education materials, instructional strategies, and activities must not, in any way, use shame or fear based tactics.

(9) As part of the comprehensive plan of human sexuality instruction, each school district shall provide child sexual abuse prevention instruction from kindergarten through grade 12. School Districts must provide a minimum of four instructional sessions per year. One instructional session is equal to one standard class period.

(10) Materials and information shall be presented in a manner sensitive to the fact that there are students who have experienced, perpetrated, or witnessed sexual abuse and relationship violence.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 336.455 & 336.455

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; EB 2-1997, f. & cert. ef. 3-27-97; ODE 25-2002, f. & cert. ef. 11-15-02; ODE 15-2007, f. & cert. ef. 7-6-07; ODE 25-2009, f. & cert. ef. 12-10-09; ODE 10-2013, f. & cert. ef. 4-10-13; ODE 16-2016, f. & cert. ef. 3-22-16

## **581-022-1510**

### **Comprehensive Guidance and Counseling**

(1)(a) District Comprehensive Guidance and Counseling. Each school district shall provide a coordinated comprehensive guidance and counseling program to support the academic, career, personal/social, and community involvement development of each and every student. The district shall:

(b) Adopt comprehensive guidance and counseling program goals that assist students to:

(A) Understand and utilize the educational opportunities and alternatives available to them;

(B) Meet academic standards;

(C) Establish tentative career and educational goals;

(D) Create and maintain an education plan and education portfolio;

(E) Demonstrate the ability to utilize personal qualities, education and training, in the world of work;

(F) Develop decision-making skills;

(G) Obtain information about self;

(H) Accept increasing responsibility for their own actions, including the development of self-advocacy skills;

(I) Develop skills in interpersonal relations, including the use of affective and receptive communication;

(J) Utilize school and community resources.

(K) Demonstrate and discuss personal contributions to the larger community; and



(L) Know where and how to utilize personal skills in making contributions to the community.

(2) School Comprehensive Guidance and Counseling. Each school shall provide a comprehensive guidance and counseling program that serves students K through 12, based upon the Oregon Department of Education's "Framework for Comprehensive Guidance and Counseling Programs for Pre-Kindergarten through Twelfth Grade" which:

(a) Identifies staff responsibilities to plan, design and deliver a comprehensive guidance and counseling program that meets the unique needs of their students and community;

(b) Aligns with the district's school improvement plans;

(c) Assigns guidance and counseling responsibilities to the appropriate personnel;

(d) Expects all school staff to participate in implementing the comprehensive guidance and counseling program;

(e) Assists each student to develop, and annually review, an educational plan (a formalized plan and process in which students establish their education, career and life goals, identify learning goals and connect them to activities that will help them achieve their goals) in grades 7-12. and

(3) Guidance Staff Assignments. Each school district shall maintain a licensed staff and promote effective guidance practices consistent with the district's expected comprehensive guidance and counseling program outcomes. In determining staffing for the program, the following shall be considered:

(a) Alignment with the American School Counselor Association recommended student to counselor ratio of 250:1;

(b) The number of aides or clerical staff assigned to support the implementation of the comprehensive guidance and counseling program.

Stat. Auth.: ORS 326.051 & 329.275

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 19-2008, f. & cert. ef. 6-27-08

## **581-022-1512**

### **Child Development Specialist Programs**

(1) A Child Development Specialist program is an optional elementary (grades K-8 or any configuration thereof) component of a district's comprehensive guidance and counseling program for grades K-12, based on the Oregon Department of Education's "Framework for Comprehensive Guidance and Counseling Programs for Pre-Kindergarten through Twelfth Grade" under OAR 581-022-1510.

(2) The district school board of every school district operating elementary schools may make the services of a Child Development Specialist available to the children and their families residing in attendance areas of the schools. A Child Development Specialist may serve as guidance staff to help implement the comprehensive guidance and counseling program.

(3) If a district school board chooses to establish a child development specialist program, the school district must meet the following requirements:

(a) The school district shall submit a written plan describing the program to the Department of Education and the program must be approved by the department.

(b) Upon department approval of a district's plan, a school district may submit a child development specialist candidate application for department approval.

(c) The school district shall conduct an annual review of the program and submit an updated plan to the department for reauthorization of the program.

(d) Each Child Development Specialist employed by a school district shall complete an annual evaluation of the specialist's child development plan to be included with the school district's updated plan.

(4) The department will:

(a) Conduct an annual program review of any district that has established or chooses to establish a Child Development Specialist Program as an elementary, grades K-8, component of the district's K-12 comprehensive guidance and counseling program.



(b) Conduct an annual review of each Child Development Specialist's Summary of Activities as part of the reauthorization process.

(c) Up-date and post all child development specialist forms needed for program approval and CDS authorization/reauthorization on the Oregon Department of Education web page annually.

(d) Maintain a Child Development Specialist Advisory Committee to hear appeals by districts or Child Development Specialist, or to serve when requested by the department for input.

Stat. Auth.: ORS 326.051 & 329.275

Stats. Implemented: ORS 329.255, 329.265 & 329.385

Hist.: 1EB 199, f. 7-1-75, ef. 9-1-75; 1EB 18-1981, f. & ef. 12-23-81; EB 11-1992, f. & cert. ef. 4-7-92; Renumbered from 581-022-1512, ODE 19-2008, f. & cert. ef. 6-27-08

## **581-022-1520**

### **Media Programs**

(1) School District Media Services: The school district shall provide a coordinated media program. The district shall:

(a) Adopt Program goals for:

(A) Media instruction for all grade levels; and

(B) Support services.

(b) Provide appropriate instructional facilities, materials, equipment, and services which support the school district, program and course goals;

(c) Assign responsibilities to certificated media specialists and other personnel for the development, implementation, maintenance, and supervision of media services;

(d) Organize media services and materials required for the achievement of district and building media program goals; and

(e) Evaluate district and school media programs.

(2) School Media Services: The school district shall provide in each school a media program consistent with district, program and course goals which:

(a) Provides an organized media center with materials, equipment and services supervised by appropriate certificated personnel;

(b) Identifies instructional activities designed to achieve media skills goals; and

(c) Includes instruction that addresses the ability of each student to:

(A) Locate and retrieve organized print and nonprint media;

(B) Use media to record and express ideas and knowledge; and

(C) Listen to, view, interpret and analyze media materials.

(3) In determining whether the assignment of certificated media and other staff is appropriate, the following shall be considered:

(a) The district, program and course goals of the media services program;

(b) The number of schools, students and staff to be served;

(c) The access students and staff have to media services defined in the media program;

(d) The number, certification and training of personnel assigned to media program responsibilities including specialists, teachers and aides;

(e) The extent to which staffing patterns vary from general statewide practice; and

(f) The extent to which the media program enables students to attain instructional goals.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96

**Auxiliary Services**

- (1) Pupil Transportation Services: Pupil transportation provided by the school district shall comply with all applicable Oregon Revised Statutes and Oregon Administrative Rules.
- (2) School Food Services: A school district operating a reimbursed student food service program shall comply with State Board of Education and State Health Division rules.
- (3) Custodial Services: The school district shall maintain buildings and grounds to provide conditions conducive to health and safety of all persons and in accordance with all applicable Oregon Revised Statutes and Oregon Administrative Rules.
- (4) Facilities: The school district shall provide physical facilities which are appropriate to instructional and support program activities.
- (5) Equipment and Materials: The school district shall provide furniture, equipment and materials appropriate to instructional and support program activities.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96

**581-022-1610****Operating Policies and Procedures**

- (1) Districts must comply with the state standards set forth in OAR chapter 581, division 22.
- (2) Districts must maintain evidence of compliance with the state standards and make such evidence available upon request.
- (3) Districts must report compliance with state standards:
  - (a) To the community by January 15 of each school year; and
  - (b) To the Department of Education, annually, on a form to be provided by the Department of Education.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 46-2014, f. & cert. ef. 12-17-14

**581-022-1620****Required Instructional Time**

- (1) Each school district shall ensure that at least 92% of all students in the district and at least 80% of all students at each school operated by the district are scheduled to receive annually the following minimum hours of instructional time:
  - (a) Grade 12 — 966 hours;
  - (b) Grades 9–11 — 990 hours; and
  - (c) Grades K–8 — 900 hours.
- (2) If a school district chooses to offer less than 900 hours of instructional time for kindergarten students, the kindergarten program shall be considered a half-day program for purposes of ORS 327.006(1) and the school district shall ensure that every kindergarten student is scheduled to receive a minimum of 450 hours of instructional time per year.
- (3) Upon approval by the local school board, a district may include in its calculation of instructional time required by subsection (1) of this rule the following:
  - (a) For kindergarten programs offering 900 hours or more of instructional time, up to 60 hours of recess;
  - (b) For kindergarten programs offering less than 900 hours of instructional time, up to 30 hours of recess;
  - (c) For grades 1–3, up to 60 hours of recess;

- (d) Up to 30 hours for staff professional development;
  - (e) Up to 30 hours for parent teacher conferences; and
  - (f) For the 2015–16 school year, up to 14 hours for emergency school closures due to adverse weather conditions and facilities failure.
- (4) For students participating in online instruction:
- (a) Instructional time includes online instruction supported by a licensed or registered teacher through electronic means.
  - (b) For online instruction, up to one hour per course per day may be counted as instructional time where the following criteria are met:
    - (A) Every student has access to a licensed or registered teacher through in-person, telephone, or electronic means for each course taken; and
    - (B) Every student has regular contact with school personnel for the purpose of attendance and progress monitoring as outlined in the policies maintained by the Oregon Department of Education.
  - (c) Instructional time may not be claimed for weekends or holidays, per ORS 336.010 and 187.010, or any other day during which a licensed or registered teacher is not available to students.
- (5) There shall be no fewer than 265 consecutive calendar days between the first and last instructional day of each school year at each grade level.
- (6) No student shall be required to exceed the following number of instructional hours per day:
- (a) Grades 9–12 — 8.5 hours;
  - (b) Grades K–8 — 8 hours.
- (7) The minimum instructional hours requirement set forth in subsection (1) of this rule shall first apply to the 2015–16 school year but full compliance shall be phased in over a period of four school years. A school district will be in compliance with the requirements of subsection (1) of this rule if the following benchmarks are met:
- (a) For the 2015–16 school year, at least 80% of all students in the district must be scheduled to receive the minimum hours of instructional time set forth in subsection (1) of this rule.
  - (b) For the 2016–17 school year, at least 85% of all students in the district must be scheduled to receive the minimum hours of instructional time set forth in subsection (1) of this rule.
  - (c) For the 2017–18 school year, at least 90% of all students in the district must be scheduled to receive the minimum hours of instructional time set forth in subsection (1) of this rule.
  - (d) For the 2018–19 school year, at least 92% of all students in the district and at least 80% of all students at each school operated by the district must be scheduled to receive the minimum hours of instructional time set forth in subsection (1) of this rule.
- (8) The State Board of Education shall conduct a public hearing and board discussion relating to instructional time at the 2016, 2017 and 2018 January board meetings. The purpose of the public hearing will be to receive information about and consider the implementation and potential financial concerns relating to required instructional time, OAR 581-022-0102 (definition of instructional time) and 581-022-1131 (credit options).

Stat. Auth.: ORS 326.011 & 326.051

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 25-2008, f. & cert. ef. 9-26-08; ODE 2-2015, f. 1-30-15, cert. ef. 7-1-15

## **581-022-1622**

### **Independent Adoptions of Instructional Materials**

Without prior notice to the State Board of Education, the district school board of any school district, with the assistance of teachers and administrators of the district, may adopt independently instructional materials for use in place of or in addition to those adopted by the Board, provided they meet the guidelines and criteria established by the Board. The district school board shall involve parents and citizens in the process. Such district adoptions shall

be known as independent adoptions. (2) In order to give proper notification that an independent adoption is being made, the administrative head of the district must provide the district school board, prior to placing the instructional materials into use in the local schools, the following information:

- (1) The subject, category, and grade level(s) in which the instructional materials will be used;
- (2) The title of the instructional materials;
- (3) The publisher of the instructional materials;
- (4) The copyright date of the instructional materials;
- (5) The date on which the district intends to install the instructional materials for use in the school system; and
- (6) A statement that a completed criteria checklist showing the degree to which the instructional materials meet the criteria established by the State Board of Education is on file in the district office. (Criteria checklists for the specific subject/category are available from the Department of Education.)
- (7) A statement of assurance that the independently adopted instructional materials will comply with the most current National Instructional Materials Accessibility Standard (NIMAS) specifications regarding accessible instructional materials.

Stat. Auth.: ORS 337.050(2) & 337.141

Stats. Implemented: ORS 337.120 & 337.141

Hist.: 1EB 215, f. 1-29-76, ef. 2-25-76; 1EB 245, f. & ef. 9-23-76; 1EB 19-1982, f. & ef. 11-23-82; EB 2-1991, f. & cert. ef. 2-28-91; EB 21-1991(Temp), f. 10-30-91, cert. ef. 11-1-91; EB 30-1991, f. & cert. ef. 12-18-91; ODE 10-2001, f. & cert. ef. 5-15-01; Renumbered from 581-011-0085, ODE 25-2008, f. & cert. ef. 9-26-08; ODE 3-2009, f. & cert. ef. 6-29-09; ODE 22-2012, f. & cert. ef. 8-1-12

## **581-022-1630**

### **Daily Class Size**

A school district shall maintain class sizes and teacher assignments which promote effective practices consistent with the outcomes expected of each instructional program.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 25-2008, f. & cert. ef. 9-26-08

## **581-022-1640**

### **Instructional Materials Adoption**

(1) For each program and course in grades K-12, each school district, on a cycle established by the State Board of Education, shall select and provide students with free appropriate instructional and resource materials produced in accordance with the National Instructional Materials Accessibility Standard (NIMAS). These materials shall contribute to the attainment of district, program, and course or grade level goals and reflect recent knowledge, trends, and technology in the field. The school district process for selecting and adopting instructional materials shall include opportunities for citizen and parent involvement.

(2) The school district process must identify whether the district coordinates with the National Instructional Materials Access Center (NIMAC) when purchasing print materials under OAR 581-022-1622 and 581-022-1650.

(3) Districts that do not coordinate with NIMAC must provide instructional materials to persons who are blind and persons with print disabilities in accessible formats under 581-015-2060.

(4) Sufficient quantities, including those produced in alternate formats and those that cannot be produced from NIMAS files, shall be available in a timely manner to accommodate the number of students who will be using them at any one time. A timely manner means the materials are available at the same time materials are available for students who do not need materials in alternate formats.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 337.150

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 11-1998, f. & cert. ef. 6-23-98; ODE 13-2007, f.

## **581-022-1650**

### **Postponement of Purchase of State-Adopted Instructional Materials**

If a district seeks to postpone regular purchase of state-adopted materials as required by ORS 337.120, it shall submit an application to the Department which shall include:

- (1) The reason for seeking postponement;
- (2) The subjects or categories for which postponement is sought;
- (3) The projected dates for purchase and implementation of new instructional materials which shall not be later than two years from the beginning of the school year following the state adoption;
- (4) Identification of the instructional materials to be used during the postponement;
- (5) Assurance that the postponement will not delay future purchases in other subject areas; and
- (6) Local school board approval of the application and the date of such approval.

Stat. Auth.: ORS 337.120

Stats. Implemented: ORS 337.120

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 3-2009, f. & cert. ef. 6-29-09

## **581-022-1660**

### **Records and Reports**

- (1) Required Records and Reports: The school district shall provide all records and reports required by the Oregon Department of Education.
- (2) Student Activity Funds: The school district shall prescribe the purposes for which student activity funds may be obtained and used and the role of students in management and expenditure of funds.
- (3) Education Records of Students: The school district shall maintain education records of students according to the provisions of OARs 581-021-0210 through 581-021-0440.
- (4) ESD Annual Report: Pursuant to the requirements and review schedule as set out in OAR 581-024-0228 and ORS 334.125 (9), all school districts shall cooperate with their education service district in:
  - (a) Annually reviewing specific school district operations for purposes of achieving economies and efficiencies; and
  - (b) Preparing and submitting an annual report concerning the results of the annual review to the State Board of Education.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 334.125 (9)

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 3-1999, f. & cert. ef. 1-12-99

## **581-022-1661**

### **Report on Physical Education Data**

- (1) The following definitions apply to this rule:
  - (a) "Additional facilities" means the added space to the school needed to provide the minimum number of minutes of physical education instruction per week.
  - (b) "Number of minutes" means the number of minutes of physical education instruction that is actually provided to all students kindergarten through grade 8 each school week.
  - (c) "Physical capacity" means the space, indoors and out, available at the school to provide the prescribed number of minutes per at a class size that promotes effective practices consistent with the outcomes expected of the instructional programs.
- (2) The Department of Education shall collect from school districts:

(a) The number of minutes of physical education that are provided to students in kindergarten through grade 8 each school week in each public school within the district;

(b) The physical capacity of public schools to provide students in kindergarten through grade 5 with at least 150 minutes of physical education during each school week and to provide students in grades 6 through 8 with at least 225 minutes of physical education during each school week; and

(c) The additional facilities required by public schools to provide physical education to students for the minimum number of minutes as described in paragraph (b) of this subsection.

(3) The department shall collect the data described in paragraph (2) of this section:

(a) Annually, for data described in paragraph (2)(a) of this section.

(b) Whenever a public school increases or decreases the school's physical capacity to provide students with physical education, for data described in paragraph (2)(b) and (c) of this paragraph.

(4) Prior to February 1 of each odd-number year, the Department shall report to the Legislative Assembly on the data collected under this rule for the prior two school years.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 329.498

Hist.: ODE 30-2007, f. & cert. ef. 12-12-07; ODE 42-2014, f. & cert. ef. 12-4-14

## **581-022-1670**

### **Individual Student Assessment, Recordkeeping, Grading, and Reporting**

(1) As used in this rule:

(a) "Continuum of knowledge and skills" means the Oregon Academic Content Standards.

(b) "Proficiency" means demonstrated knowledge and skills which meet or exceed defined levels of performance.

(2) Each school district shall assess and record each student's progress and achievement in all subject areas of instruction and to academic content standards consistent with ORS 329.045 and OAR 581-022-1210:

(a) At a minimum, provide all teachers of reading/language arts and mathematics in grades in which the State administers assessments in those subjects with student performance data, including growth data on their current students and students they taught in the previous year in a manner that is timely and informs instructional programs.

(b) Instruments and/or strategies used to determine student progress may assess multiple standards;

(c) Results from the assessment instruments and/or strategies may be used as a record of achievement level; and

(d) Records of student performance may be kept in teacher grade books, student folders, portfolios, or similar devices.

(3) Each school district shall assist teachers in adapting instruction and curriculum to meet the needs and learning rates of all students in achieving proficiency in the academic content standards. Districts must:

(a) Provide multiple opportunities for students to demonstrate mastery of academic content standards through sufficient and appropriate assessment evidence.

(b) Continue to provide opportunities for students who have met standards to advance their learning.

(c) Provide students who have not met or have exceeded the academic content standards with access to additional services and other public school or alternative educational options.

(4) Each school district shall annually report progress towards completion of diploma requirements to parents of students in grades 9–12, including credits earned, demonstration of extended application, and demonstration of the Essential Skills.

(5) Each school district shall adopt a grading system based on the local district board adopted course content aligned to the academic content standards consistent with Section (2) of this

rule. The grading system shall:

(a) Clearly show the student and parents whether the student is achieving course requirements at the student's current grade level;

(b) Be based on the student's progress toward becoming proficient in a continuum of knowledge and skills; and

(c) Assure that the student's academic grade reflects his/her academic performance consistent with OAR 581-021-0022; behavioral performance shall be reported separately.

(6) Each school district shall report at least annually on student progress to meeting or exceeding grade-level academic content standards to parents or guardians of all students in grades K-12 including, but not limited to, the following:

(a) Information on progress in each subject area (e.g., grades, checklists, folders, etc.) including major goals used to determine such information;

(b) Upon request from a parent or guardian, specific evidence of student progress on the continuum of knowledge and skills (academic content standards) of a subject area and

(c) Student scores on all state and local assessments indicating any of the requirements that have been waived for the school district or the individual and the time periods for the waiver.

(7) Each school district shall maintain student records under the student's legal name and SSID or establish a cross-reference system to locate the student's records by use of the student's legal name, for time periods consistent with state archive rules as outlined in OAR 166-400-0060.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 18-2002, f. & cert. ef. 6-10-02; ODE 25-2008, f. & cert. ef. 9-26-08; ODE 7-2013, f. & cert. ef. 2-20-13

## **581-022-1710**

### **Personnel**

(1) All teachers, specialists, and administrators employed by school districts must hold valid Oregon licenses and be assigned in accordance with the individual license district policies, program goals and applicable statutes and administrative rules.

(2) Any school district employing teacher aides shall follow applicable Oregon Administrative Rules.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 25-2008, f. & cert. ef. 9-26-08

## **581-022-1720**

### **Personnel Policies**

(1) The school district shall adopt and implement personnel policies which address:

(a) Affirmative action;

(b) Staff development;

(c) Equal employment opportunity;

(d) Evaluation procedures; and

(e) Employee communication system.

(f) The requirement for releasing to Teacher Standards and Practices Commission, another district or any person upon request the disciplinary records of an employee or former school employee if the employee was convicted of one or more of the list of crimes addressed in ORS 342.143.

(2) Personnel policies shall be accessible to any school employee and notice of their availability to the general public shall be published:

(a) A current copy shall be accessible in each school office and library; and

(b) Any organization which represents employees of the district shall be furnished a copy and revisions as they are made.

(3) Bonded Employees: All employees responsible for funds, fees or cash collections shall be bonded in compliance with Oregon Revised Statutes and Oregon Administrative Rules.

(4) Employees for whom a teaching certificate is not required: The school district shall give to each such employee an individual written notice of reasonable assurance of continued employment as required by ORS 332.554.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 25-2008, f. & cert. ef. 9-26-08; ODE 21-2011, f. & cert. ef. 12-15-11

## **581-022-1723**

### **Teacher and Administrator Evaluation and Support**

(1) A school district board shall include the core teaching standards and administrator standards adopted by the State Board for all evaluations of teachers and administrators of the school district occurring on or after July 1, 2013. The standards shall be customized based on the collaborative efforts of the teachers and administrators of the school district and the exclusive bargaining representative of the employees of the school district.

(2) The core teaching standards and administrator standards must:

(a) Take into consideration multiple measures of teacher and administrator effectiveness that encompass a range of appropriate teaching and administrative behaviors that use multiple evaluation methods that use multiple measures to evaluate teacher and administrator performance which may include, but are not limited to:

(A) Student performance;

(B) Student assessments;

(C) Classroom-based assessments including observations, lesson plans and assignments;

(D) Portfolios of evidence;

(E) Supervisor reports; and

(F) Self-reflections and assessments.

(b) Take into consideration evidence of student academic growth and learning based on multiple measures of student progress, including performance data of students, schools, and school districts;

(c) Be research-based;

(d) Be separately developed for teachers and administrators; and

(e) Be customized for each school district, which may include individualized weighting and application of standards.

(3) Evaluations using the core teaching and administrator standards must attempt to:

(a) Strengthen the knowledge, skills, disposition and classroom and administrative practices of teachers and administrators in public schools;

(b) Refine the support, assistance and professional growth opportunities offered to a teacher or an administrator, based on the individual needs of the teacher and administrator and the needs of the students, the school and the school district;

(c) Allow each teacher or administrator to establish a set of classroom or administrative practices and student learning objectives that are based on the individual circumstances of the teacher or administrator, including the classroom or other assignments of the teacher or administrator;

(d) Establish a formative growth process for each teacher and administrator that supports professional learning and collaboration with other teachers and administrators; and

(e) Use evaluation methods and professional development, support and other activities that are based on curricular standards and that are targeted to the needs of each teacher and



administrator.

(4) Local evaluation and support systems established by school districts for teachers and administrators must be:

(a) Designed with four performance level ratings of effectiveness as defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems;

(b) Based on significant consideration of student learning which may include but is not limited to:

(A) School-wide academic growth, as determined by the statewide assessment system implemented by the Department of Education under ORS 329.485;

(B) Formative and summative assessments; and

(C) For teachers, classroom-level student learning goals set collaboratively between teachers and evaluators.

(5) Local evaluation and support systems established by school districts must evaluate teachers and administrators on a regular cycle.

(6) District superintendents shall regularly report to their governing boards on implementation of their local evaluation and support systems and educator effectiveness.

Stat. Auth: ORS 342.805 - 342.937

Stats. Implemented: 2011 OL Ch. 729 Sec. 2 (Enrolled SB 290)

Hist.: ODE 21-2011, f. & cert. ef. 12-15-11; ODE 23-2012, f. & cert. ef. 8-1-12; ODE 11-2015(Temp), f. & cert. ef. 7-15-15 thru 1-10-16; Administrative correction, 1-22-16

## **581-022-1724**

### **Core Teaching Standards**

School districts shall use the core teaching standards to evaluate teacher effectiveness outlined in OAR 581-022-1723. Performances, essential knowledge and critical dispositions for each standard are contained within the Interstate Teacher Assessment and Support Consortium (InTASC) core teaching standards published at: [http://www.ccsso.org/Documents/2011/InTASC\\_Std MS\\_Word\\_version\\_4\\_24\\_11.doc](http://www.ccsso.org/Documents/2011/InTASC_Std MS_Word_version_4_24_11.doc). The core teaching standards are the same standards adopted by the Teacher Standards and Practices Commission (TSPC) for initial and advanced teacher preparation. The standards include:

#### **(1) The Learner and Learning**

(a) Learner Development: The teacher understands how learners grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional, and physical areas, and designs and implements developmentally appropriate and challenging learning experiences. [InTASC Standard #1]

(b) Learning Differences: The teacher uses understanding of individual differences and diverse cultures and communities to ensure inclusive learning environments that enable each learner to meet high standards. [InTASC Standard #2]

(c) Learning Environments: The teacher works with others to create environments that support individual and collaborative learning, and that encourage positive social interaction, active engagement in learning, and self motivation. [InTASC Standard #3]

#### **(2) Content**

(a) Content Knowledge: The teacher understands the central concepts, tools of inquiry, and structures of the discipline(s) he or she teaches and creates learning experiences that make these aspects of the discipline accessible and meaningful for learners to assure mastery of the content. [InTASC Standard # 4]

(b) Application of Content: The teacher understands how to connect concepts and use differing perspectives to engage learners in critical thinking, creativity, and collaborative problem solving related to authentic local and global issues. [InTASC Standard #5]

#### **(3) Instructional Practice**

(a) Assessment: The teacher understands and uses multiple methods of assessment to engage learners in their own growth, to monitor learner progress, and to guide the teacher's and learner's decision making. [InTASC Standard #6]

(b) Planning for Instruction: The teacher plans instruction that supports every student in meeting rigorous learning goals by drawing upon knowledge of content areas, curriculum, cross-disciplinary skills, and pedagogy, as well as knowledge of learners and the community context. [InTASC Standard #7]

(c) Instructional Strategies: The teacher understands and uses a variety of instructional strategies to encourage learners to develop deep understanding of content areas and their connections, and to build skills to apply knowledge in meaningful ways. [InTASC Standard #8]

#### (4) Professional Responsibility

(a) Professional Learning and Ethical Practice: The teacher engages in ongoing professional learning and uses evidence to continually evaluate his/her practice, particularly the effects of his/her choices and actions on others (learners, families, other professionals, and the community), and adapts practice to meet the needs of each learner. [InTASC Standard #9]

(b) Leadership and Collaboration: The teacher seeks appropriate leadership roles and opportunities to take responsibility for student learning, to collaborate with learners, families, colleagues, other school professionals, and community members to ensure learner growth, and to advance the profession. [InTASC Standard #10]

Stat. Auth: ORS 342.805–342.937

Stats. Implemented: OL 2011 § 2, Ch 729 (SB 290)

Hist.: ODE 21-2011, f. & cert. ef. 12-15-11

### 581-022-1725

#### Educational Leadership — Administrator Standards

School districts shall use the educational leadership–administrator standards to evaluate administrator effectiveness outlined in OAR 581-022-1723. These standards align with the Educational Leadership Constituents Council (ELCC) standards for Educational Leadership published at:

<http://www.ncate.org/Standards/ProgramStandardsandReportForms/tabid/676/Default.aspx#ELCC>

The knowledge and skill abilities required for each program standard are found within the full document of the standards. These standards are aligned with the Interstate School Leaders Licensure Consortium (ISLLC) published at:

[http://www.ccsso.org/Documents/2008/Educational\\_Leadership\\_Policy\\_Standards\\_2008.pdf](http://www.ccsso.org/Documents/2008/Educational_Leadership_Policy_Standards_2008.pdf).

The educational leadership-administrator standards are the same standards adopted by the Teacher Standards and Practices Commission (TSPC) for administrator licensure. The standards include:

(1) Visionary Leadership: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by stakeholders. [ISLLC Standard 1]

(2) Instructional Improvement: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by sustaining a positive school culture and instructional program conducive to student learning and staff professional growth. [ISLLC Standard 2]

(3) Effective Management: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by ensuring management of the organization, operation, and resources for a safe, efficient, and effective learning environment. [ISLLC Standard 3]

(4) Inclusive Practice: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by collaborating with faculty and community members, responding to diverse community interests and needs, and mobilizing community resources in order to demonstrate and promote ethical standards of democracy, equity, diversity, and excellence, and to promote communication among diverse groups. [ISLLC Standard 4]

(5) Ethical Leadership: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by acting with integrity, fairness, and in an ethical manner. [ISLLC Standard 5]

(6) Socio-Political Context: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context. [ISLLC Standard 6]

## **581-022-1730**

### **Fingerprinting of Subject Individuals in Positions Not Requiring Licensure as Teachers, Administrators, Personnel Specialists, School Nurses**

All public school districts shall comply with the requirements for Fingerprinting of subject individuals as defined in and in compliance with OAR 581-021-0500.

Stat. Auth.: ORS 326.603

Stats. Implemented: ORS 326.603

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 12-1998(Temp), f. & cert. ef. 6-23-98 thru 12-19-98; ODE 4-1999, f. & cert. ef. 1-12-99; ODE 29-1999, f. 12-13-99, cert. ef. 12-14-99; ODE 13-2003(Temp), f. & cert. ef. 7-1-03 thru 12-15-03; ODE 3-2004, f. & cert. ef. 1-15-04; ODE 9-2006, f. & cert. ef. 2-21-06; ODE 25-2008, f. & cert. ef. 9-26-08

## **581-022-1910**

### **Exemptions**

(1) The school district may excuse students from a state required program or learning activity, where necessary, to accommodate students' disabilities or religious beliefs:

(a) Approval of the exemption shall be based upon and shall include:

(A) A written request from the student's parent or guardian or the student, if the student is 18 years of age or older or a legally emancipated minor, listing the reasons for the request and a proposed alternative for an individualized learning activity which substitutes for the period of time exempt from the program and meets the goals of the learning activity or course being exempt;

(B) An evaluation of the request and approval by appropriate school personnel (the alternative should be consistent with the student's educational progress and career goals as described in OARs 581-022-1670 and 581-022-1510).

(b) Following approval by the district school board, and upon completion of the alternative, credit shall be granted to the student.

(2) The school district may approve and grant credit to a student for the alternative to a state required program or learning activity if the procedures in section (1) of this rule are followed.

(3) Subsections (1) and (2) of this rule do not apply to exemption from participating in Oregon's statewide summative assessments, which are defined as statewide assessments used to meet both participation and performance requirements for state and federal systems accountability. Exemption from Oregon's statewide summative assessments is instead governed by Section 2, chapter 519, Oregon Laws 2015 (Enrolled House Bill 2655). ODE will annually publish notice about Oregon's statewide summative assessments and an opt-out form as required under by Section 2, chapter 519, Oregon Laws 2015 (Enrolled House Bill 2655).

(4) Subsection (3) of this rule will sunset as of July 1, 2021.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 23-2015, f. & cert. ef. 12-18-15

## **581-022-1920**

### **Waivers**

School districts may request two types of waivers as follows:

(1) Waiver of a specific standard: To address an immediate concern or need, a school district may petition the State Superintendent of Public Instruction for a waiver of a specific standard. A petition shall specify the reason(s) the district is seeking the waiver and other relevant information. If it is determined that the request conforms with the intent of the standards, the State Superintendent shall recommend the waiver to the State Board. Waivers under this provision may be granted for up to one year.

(2) Educational Flexibility Partnership Demonstration Act (Ed-Flex) Waiver:

(a) This federal Act allows school districts to request a waiver of statutory or regulatory requirements under the following federal programs or Acts:

(A) Elementary and Secondary Education Act (ESEA) Title I, Helping Disadvantaged Children Meet High Standards;

(B) ESEA Title II, Teacher Quality;

(C) ESEA Title IV, Safe Drug Free Schools;

(D) ESEA Title V, Innovative Education Program Strategies;

(E) ESEA Title VII, Part C -- Emergency Immigrant Education;

(F) Carl D. Perkins Vocational and Applied Technology Education Act.

(b) The application must demonstrate that the school district, if the waiver is granted, will still meet the underlying purposes of the federal statutory requirements. The request of an Ed-Flex Waiver must be made on the appropriate application form available from the Department of Education. Waivers under this provision may be granted for periods not to exceed five years.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051, 329.077 & 329.555

Hist.: EB 2-1997, f. & cert. ef. 3-27-97; ODE 11-2002, f. & cert. ef. 4-12-02; ODE 25-2008, f. & cert. ef. 9-26-08

## **581-022-1940**

### **Appeal Procedure**

(1) A complainant may direct an appeal of a final decision by a school district to the State Superintendent of Public Instruction if:

(a) The complaint alleges a violation of standards of the Oregon Administrative Rules, chapter 581, division 022; or

(b) A violation of other statutory or administrative rule requirements for which the State Superintendent has appeal responsibilities.

(2) The appeal must be in writing and contain:

(a) The name and address of the person bringing the appeal, and the district in which that person resides;

(b) The name and address of the district which is alleged to have violated standards; and

(c) A brief statement indicating each standard the district is alleged to have violated and how the district is alleged to have violated it.

(3) A decision is deemed final if:

(a) The district has failed to comply with the procedural time limits in its written complaint process;

(b) In a multi-step district complaint process, the district fails to render a written decision within 30 days of the submission of the complaint at each step; or

(c) The district fails to resolve a complaint within 90 days of the initial filing of a written complaint, regardless of the number of steps in the district complaint process.

(4) Upon receipt of the appeal the State Superintendent will determine whether a violation of standards has been properly alleged and the requirements of section (2) of this rule have been satisfied.

(a) If the State Superintendent determines that the facts of complaint, if true, would be a violation of a standard, the appeal will be accepted and the procedures listed in this rule in the following sections will be applied;

(b) If the State Superintendent determines that the complaint, even if true, would not violate a standard, the appeal will not be accepted. In either case, the State Superintendent will give notice of the determination to the complainant and the school district.

(5) Within 30 days of receipt of notice of the State Superintendent's acceptance of the appeal,

the district shall submit a written report with the State Superintendent which shall include:

- (a) A statement of facts;
  - (b) A statement of district action, if any, taken in response to the complaint, or if none was taken, the reason(s) therefore;
  - (c) A stipulation, if one was reached, of the settlement of the complaint; and
  - (d) A list of any complaints filed with another agency by the party, concerning the subject of the appeal.
- (6) The State Superintendent may for good cause extend the time for the filing of a report by the district.
- (7) Upon receipt of the district's report, the State Superintendent will investigate the allegations of the complaint to the extent necessary including but not limited to:
- (a) Authorizing an on-site investigation; and
  - (b) Conducting interviews, meetings and surveys and reviewing documents, data and district procedures.
- (8) The State Superintendent will issue a written decision within 60 days of receiving the district's report that addresses each allegation in the complaint and contains reasons for the State Superintendent's decision as to whether or not the district is deficient. If the schools of the district are not open during the 60-day period due to summer vacation, the decision shall be issued within 60 days after the beginning of the school year.
- (9) Notwithstanding section (8) of this rule, the State Superintendent may extend the time period for issuing a written decision on a complaint to a time period that is more than 60 days if the State Superintendent has the consent of the complainant and the allegation concerns a comprehensive or widespread deficiency and more extensive investigation is needed than may be reasonably completed within 60 days. The State Superintendent shall prepare a timeline and plan for investigation and provide copies to the complainant and district within two weeks of receiving the district's report.
- (10) If a deficiency is found, the State Superintendent's written decision will include any necessary corrective action to be undertaken by the district as well as any documentation to be supplied to ensure that the corrective action has occurred.
- (11) If a deficiency is not corrected, the provisions of ORS 327.103 will apply.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 327.103 & 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 31-2007, f. & cert. ef. 12-12-07

## **581-022-1941**

### **Complaint Procedures**

- (1) Each school district must establish a process for the prompt resolution of a complaint by a person who resides in the district or by any parent or guardian of a student who attends school in the school district. The process must be in writing and state clearly who within the school district has the responsibility for responding to the complaint.
- (2) A school district's complaint procedure must specify the time period during which the complaint will be addressed and a final decision issued. If the complaint procedure has multiple steps, the procedure must establish the time period for each step as well as the overall time period for completing the procedure.
- (3) A school district's complaint procedure may distinguish between those complaints that may be appealed under OAR 581-022-1940 and other complaints.
- (4) A school district's complaint procedure may include mediation or other alternative dispute resolution processes.
- (5) The procedure for hearing and acting on complaints that may be appealed under OAR 581-022-1940 must include the following:
  - (a) A point at which the decision is final;
  - (b) A provision for the complainant receive written notice that the district's decision may be appealed to the State Superintendent of Public Instruction under OAR 581-022-1940; and

(c) A written decision that clearly establishes the legal basis for the decision, findings of fact and conclusions of law.

Stat. Auth.: ORS 326.051  
Stats. Implemented: ORS 327.103 & 326.051  
Hist.: ODE 31-2007, f. & cert. ef. 12-12-07

581-022-2130

Kindergarten Assessment

- (1) The Department of Education shall implement a kindergarten assessment as part of the statewide assessment system implemented pursuant to ORS 329.485. The kindergarten assessment shall allow for the assessment of children to determine their readiness for kindergarten.
- (2) The Department shall work jointly with the Early Learning Council to adopt a tool to be used for the kindergarten assessment. The kindergarten assessment shall measure areas of school readiness, which may include physical and social-emotional development, early literacy, language, cognitive (including mathematics), and logic and reasoning. The tool selected will be appropriate for all children including children with high needs and English language learners, and will align with Oregon’s early learning and development standards as well as the adopted Common Core State Standards.
- (3) Prior to November 1, 2013 the department shall make the kindergarten assessment available to school districts.
- (4) Beginning with the 2013–2014 school year, all school districts shall administer the kindergarten assessment to students who are enrolled in kindergarten.
- (5) The Department shall include the results of the kindergarten assessment in the statewide longitudinal data system and shall provide the results of the kindergarten assessment to the Oregon Education Investment Board for inclusion in school districts’ achievement compacts.

Stat. Auth. ORS 326.051 & 329.485  
Stat. Implemented: ORS 329.485 & 2013 OL Ch. 37, Sec. 14 (Enrolled HB 4165)  
Hist.: ODE 8-2013, f. & cert. ef. 4-5-13

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