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**Date:** September 25, 2023

**To:** School Board

**From:** Dr. Cheryl Proctor, Deputy Superintendent  
Dr. Jon Franco, Chief of Schools  
Dr. Kimberlee Armstrong, Chief Academic Officer

**Subject:** Division 22 Community Report for the 2022-23 School Year

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### **Background**

By November 1 of each year, school district superintendents are required by OAR 581-022-2305: District Assurances of Compliance with Public School Standards to report to their community on the district's status with respect to all of the Standards for Public Elementary and Secondary Schools. The Standards are adopted by the State Board of Education and set out in Oregon Administrative Rules Chapter 581, Division 22.

### **Timeline**

- By November 1, 2023: School district superintendents report to their local School Board the district's compliance with all Division 22 Standards in effect for the 2022-23 school year.
- By November 1, 2023: School districts post the report to their websites.
- By November 15, 2023: School districts complete and submit the annual Division 22 Assurance Form.

### **PPS Progress toward Division 22 Compliance**

PPS is committed to compliance with Division 22 Standards for public education. While PPS fell out of compliance in the following areas, over the past seven years, we have worked to become compliant with the following OARS:

- 581-022-2100 Administration of State Assessments and 581-022-2110 Exception of Students with Disabilities from State Assessments (came into compliance in 2021-22)
- 581-022-2440: Teacher Training Related to Dyslexia (came into compliance in 2019-20)
- 581-022-2340: Media Programs (came into compliance in 2019-20)
- 581-022-2045: Prevention Education in Drugs and Alcohol (came into compliance in 2018-19)
- 581-022-2050: Human Sexuality Education (came into compliance in 2018-19)
- 581-022-2370: Complaint Procedure (came into compliance in 2017-18)

### **Compliance in 2021-22 and 2022-23 Exceptions & Corrective Action Plans**

For the 2021-22 and 2022-23 school years, Portland Public Schools was in compliance with all of the Division 22 Standards **except** the following Standards:

- 581-022-2355: Instructional Materials Adoption
  - The Bond investment has enabled PPS to create an Instructional Materials Action Plan, attached to this memorandum, with support from the Oregon Department of Education to demonstrate our path to compliance with this OAR.
    - The plan carefully sequences different adoptions over the next five years to put us in compliance. The sequencing of adoptions importantly allows our system to effectively implement each adoption.
    - The Instructional Materials Action Plan was formally approved by ODE in the fall of 2021
    - Due to shifts in the Social Science Adoptions, the Instructional Materials Action Plan was resubmitted and reapproved by ODE, Summer 2023
  
- 581-022-2500: Programs and Services for TAG Students
  - During the 2022-23 school year, the district was unable to verify that every TAG student in every PPS classroom had their rate and level of learning addressed.
    - As is done every year, building administrators and site based TAG facilitators led a rate and level PD during a staff meeting. Additionally, an asynchronous course was provided to educators through our online learning platform Pepper.
    - Attached to this memorandum is the PPS TAG Conciliation Plan for how we address programs and services for TAG students.
  - 581-022-2330 Rights of Parents of TAG Students, and 581-022-2325 Identification of Academically Talented and Intellectually Gifted Students
    - PPS is bound to the Conciliation Agreement, attached to this memorandum, for how we address programs and services for TAG students including these two OARs.
  
- 581-022-2263 Physical Education Requirements.
  - Under 581-022-2263 Physical Education Requirements, Districts are required to provide students with 150 minutes/week in grades K-5 & 180 minutes/week in grades 6-8.
  - For the 2022-23 school year, K-5 students were staffed to receive 90 minutes/week plus 15 minutes of structured movement for a total of 105 minutes of PE out of the 150 minutes required. Students in grades 6-8 all received a minimum of 1 quarter of PE. The expectation was for students to receive PE all year in the middle grades.
  - PPS has submitted an extension to our corrective action plan that has been approved by the Oregon Department of Education. The extension is attached to this memorandum.
    - In the corrective action plan, PPS will be in compliance with PE minutes for the 2023-24 school year. Students will receive 90 minutes of PE from a PE teacher and 60 minutes of structured movement by the homeroom teacher during morning circle time.
    - For grades 6-8, the State has amended the PE requirement. For PPS, that means we will have offer all students in grades 6-8 receive 3 quarters of PE each year as opposed to 4 quarters of PE. To get there, PPS has a glide path plan to be in compliance by 2025-26. In 2023-24, students in

the middle grades will at least receive 1 quarter of PE with some schools offering 2 or 3 quarters. In 2024-25, student in the middle grades will at least receive 2 quarters of PE with some schools offering more. Then in 2025-26 all students will receive 3 quarters of PE.

- To increase PE from 1 quarter to 3 quarters across the systems in grades 6-8, we will be working with principals to identify alternative spaces. To offer 3 quarters of PE may not be possible only using the gymnasium in all schools. Alternative spaces include converting a classroom into a studio space or using the cafeteria or other space outside of meal times.
- 581-022-2115 Assessment of Essential Skills (Local Performance Assessment)
  - For the 2021-22 school year, PPS did not implement the plan to conduct local performance assessments as called for in this OAR.
  - For the 2022-23 school year, PPS pushed out recommended assessments that were used by some that would have counted with the local performance assessment.
  - For the 2023-24 school year, the District will be ensuring that students in grades 3-8 and one time in high school conduct the local performance assessment in writing, speaking, mathematical problem-solving, and scientific inquiry.

### **New/Revised Rules & Requirements for 2023-24**

- OAR 581-022-2263 Physical Education Requirements
  - [HB 3199](#), which reduces the total number of physical education instructional minutes required in grades 6-8, was passed just before the close of the 2023 legislative session. The bill revises ORS 329.496 to include two significant changes:
    - The weekly time requirement was reduced from 225 minutes every week of the year.
    - The new weekly minimum of 150 minutes is calculated as an average over the duration of the school year.
    - This provision went into effect on July 1, 2023
- OAR 581-022-2220 Health Services
  - Last revised in 1996, much of the rule's language has been updated to reflect learning from the last three years of school operations and to bring the rule into alignment with current statutes and rules.
  - The revised rule will be in effect for the 2023-2024 academic year. Districts will first report on their compliance with the revised rule as part of Division 22 Standards annual assurances in November of 2024.

The following changes are being considered by the State Board of Education and may be adopted at the October meeting:

- **Assessment of Essential Skills graduation requirement:** proposed extension of the suspension of this requirement through the 2027-28 school year
- **Menstrual Dignity for Students:** links requirements of the Menstrual Dignity for Students rules (OAR 581-021-0587 through OAR 581-021-0596) to Division 22

