

Oregon Department of Education

Chapter 581

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 component of a district's comprehensive school counseling program for grades K-8 (or any configuration thereof).

- (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 school 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, social/emotional 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 581-022-2030, 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) "Language Arts": Reading, writing and other communications in any language, including English, as defined in ORS 329.007.

(34) "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.

(35) "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.

(36) "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).

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

(38) "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 581-022-2030) and, where appropriate, graduation competence assigned to the course for verification.

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

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

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

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

(43) "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.

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

(45) "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.

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

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

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

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

(50) "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).

(51) "World Language": Sign language, heritage language and languages other than a student's primary language, as defined in ORS 329.007.

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

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 326.011

History:

[ODE 15-2022, amend filed 03/24/2022, effective 03/24/2022](#)

[ODE 38-2018, minor correction filed 11/21/2018, effective 11/21/2018](#)

[ODE 18-2018, amend filed 06/05/2018, effective 06/06/2018](#)

ODE 21-2015, f. & cert. ef. 12-18-15

ODE 4-2015, f. 1-30-15, cert. ef. 7-1-15

ODE 25-2008, f. & cert. ef. 9-26-08

ODE 4-2003, f. & cert. ef. 3-14-03

ODE 12-2002, f. & cert. ef. 4-15-02

ODE 7-1999, f. & cert. ef. 1-15-99

EB 6-1995, f. & cert. ef. 1-24-95

EB 8-1989, f. & cert. ef. 1-27-89

1EB 4-1986, f. 1-23-86, ef. 2-1-86

1EB 19-1980, f. 6-17-80, ef. 7-1-80

581-022-0103

State Standards for the 2019-20 School Year

(1) Applicability

(a) This rule sets forth the state standards for school districts and public charter schools for the 2019-2020 school year.

(b) The definitions set forth in OAR 581-022-0102, 581-022-2010(1), 581-022-2015(1), and 581-022-2020(1) apply to this rule.

(c) Unless specifically referenced herein, all other rules in this division are waived for the duration of this rule unless specifically added back by the Director through order.

(2) Diploma requirements

(a) Each school district board and public charter school with jurisdiction over high school programs must award diplomas, modified diplomas, extended diplomas, or alternative certificates to students who were first enrolled in ninth grade in the 2016-17 school year or earlier or were first enrolled in ninth grade in the 2017-18 school year and had an early graduation plan approved before March 17, 2020, and fulfill the state requirements as described in this rule.

(b) Regular diploma

(A) To receive a regular diploma, students must earn a minimum of 24 credits to include at least:

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

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

(iii) Science — 3;

- (iv) Social Sciences 3 — (including history, civics, geography and economics (including personal finance));
- (v) Health Education — 1;
- (vi) Physical Education — 1;
- (vii) Career and Technical Education, The Arts or World Languages — 3 (units must 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 school district or public charter school must accept any credits earned by students qualified for the additional district credit requirements waiver in another school district or public charter school and must apply them toward the 24 Units of Credit Requirements for the diploma.

(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.

(c) Modified diploma

(A) School districts and charter schools 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 meets the eligibility criteria in OAR 581-022-2010(3).

(B) School districts and public charter schools must comply with OAR 581-022-2010(4).

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

- (i) English Language Arts — 3;
- (ii) Mathematics — 2;
- (iii) Science — 2;
- (iv) Social Sciences (which may include history, civics, geography and economics (including personal finance)) — 2;
- (v) Health Education — 1;
- (vi) Physical Education — 1; and
- (vii) Career Technical Education, The Arts or World Languages (units may be earned in any one or a combination) — 1.
- (viii) Any combination of credits 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, including additional core credits, professional technical education, electives, and career development — 12.

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

(E) 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.

(F) 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.

(G) 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.

(H) A school district or public charter school shall award a regular diploma under OAR 581-022-2000 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.

(I) 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.

(J) 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.

(K) 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.

(L) 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.

(M) 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.

(d) Extended diploma

(A) 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 but who fulfill all state requirements as described in this rule and meet the eligibility criteria in OAR 581-022-2015(5)(b).

(B) 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 as required by OAR 581-022-2015(4).

(C) To receive an extended diploma, students must, 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:

(i) Two credits of mathematics;

(ii) Two credits of English;

(iii) Two credits of Science;

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

(v) One credit of health;

(vi) One Credit of physical education; and

(vii) One credit of arts or a second language.

(D)(i) A student shall have the opportunity to meet the requirements of an extended diploma by the later of four years after starting grade nine or 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.

(ii) A student may complete the requirements for an extended diploma in less than four years if the parent/guardian or adult student gives consent. 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. A copy of all consents must be sent to the district superintendent. Each school district must annually provide the number of consents obtained to the State Superintendent of Public Instruction. The consent may not be used to allow a student to satisfy the requirements for an extended diploma in less than three years.

(E) 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.

(F) 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.

(e) Alternative certificate

(A) 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.

(B) 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.

(C)(i) A student shall have the opportunity to meet the requirements of an alternative certificate by the later of four years after starting grade nine or 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.

(ii) A student may complete the requirements for an alternative certificate in less than four years if the parent/guardian or adult student gives consent as required under OAR 581-022-2020(4)(c).

(D) 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.

(E) 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.

(3) Credit options

(a) A school district or public charter school must grant required and elective credit towards the diploma or modified diploma provided the student earns the credit by meeting the requirements of one or more of the options described in this rule.

(b) 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 581-022-2030;

(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);

(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.); or

(c) Notwithstanding subsection (2) of this rule, for courses offered in the second semester or third trimester of the 2019-20 school year, a school district must grant credit to a student if:

(A) The student was first enrolled in ninth grade in the 2016-17 school year or earlier or was first enrolled in ninth grade in the 2017-18 school year and had an early graduation plan approved before March 17, 2020; and

(B) As of March 16, 2020, was maintaining a passing grade.

(4) Distance learning for all. School districts and public charter schools must develop and implement a distance learning for all plan that aligns with the Distance Learning for All Guidance issued by the Oregon Department of Education.

(5) Special education for children with disabilities. School districts and public charter schools must provide services for students who experience disability in accordance with IDEA and applicable Oregon Administrative Rules.

(6) Emergent bilinguals. School districts and public charter schools must provide students identified as English learners English language development and grade-level content area instruction.

(7) Talented and gifted. School districts must serve students identified as talented and gifted by accommodating assessed levels of learning and accelerated rates of learning.

(8) Alternative education programs. School districts must comply with OAR 581-022-2505(3)(b) and (5).

(9) Equal educational opportunities. School districts and public charter schools must provide equity, opportunity and access for all students as required by OAR 581-021-0045 and 581-021-0046.

(10) School counseling. School districts and public charter schools must provide school counseling services to all students. Counseling services must align to the guidance issued by the American School Counseling Association: The School Counselor and Virtual School Counseling (Adopted 2017).

(11) Student safety

(a) School districts and public charter schools must create systems or processes for reporting child abuse pursuant to ORS 419B.010 that take into account the unique situation of distance learning. School districts and public charter schools must make those systems or processes accessible to any district personnel who meet the definition of “public or private official” in ORS 419B.005(6).

(b) School districts and public charter schools must review and if necessary revise policies and procedures relating to appropriate electronic communication with students. School districts and charter schools must make guidance based on those policies and procedures available to all school district or charter school personnel.

(12) Personnel

(a) 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.

(b) Any school district employing teacher aides must follow applicable Oregon Administrative Rules.

(13) Fingerprinting of subject individuals in positions not requiring licensure as teachers, administrators, personnel specialists, school nurses. All public school districts must comply with the requirements for Fingerprinting of subject individuals as defined in and in compliance with OAR 581-021-0500.

(14) Individual student assessment and reporting. School districts and public charter schools must assess and record each individual student’s progress and achievement:

(a) For the fall terms, in all subject areas of instruction and to academic content standards consistent with ORS 329.045 and OAR 581-022-2030; and

(b) For the spring terms, under the school district’s distance learning plan.

(15) Student education records. School districts and public charter schools must maintain education records of students according to the provisions of OARs 581-021-0210 through 581-021-0440.

(16) Record and reports. School districts and public charter schools must provide all records and reports required by the Oregon Department of Education.

(17) Complaint procedures. School districts must maintain a process for the prompt resolution of a complaint as required by OAR 581-022-2370.

(18) Assurances. School districts must report compliance with the standards set forth in this rule for the 2019-20 school year:

(a) By November 1, 2020, to the school board of the school district in a public meeting and by posting a report on compliance to the school district’s web page. The school board must acknowledge receipt of the report prior to February 15, 2021;

(b) By November 15, 2020, to the Oregon Department of Education on a form to be provided by the Department.

Statutory/Other Authority: ORS 326.051, ORS 329.451, 659.850, 343.409, 327.103 & 336.625

Statutes/Other Implemented: ORS 329.451, 659.850, 343.409, 327.103 & 336.625

History:

[ODE 31-2020, adopt filed 06/24/2020, effective 06/24/2020](#)

[ODE 19-2020, temporary adopt filed 04/23/2020, effective 04/23/2020 through 10/19/2020](#)

581-022-0104

State Standards for the 2020-21 School Year

(1) Applicability.

(a) This rule sets forth the state standards for the 2020-20201 school year.

(b) The definitions set forth in OAR 581-022-0102, 581-022-2010(1), 581-022-2015(1), and 581-022-2020(1) apply to this rule.

(2) **State Standards for the 2020-21 School Year.** All Division 22 standards are in effect for the 2020-21 school year except as specifically waived or modified by this rule.

(3) **Waivers.** The following standards are waived for the 2020-21 school year:

(a) **Diploma.** School districts and public charter schools must comply with all requirements set out in OAR 581-022-2000 except sections (7), (8), (9), (10), and (11).

(b) **Modified Diploma.** School districts and public charter schools must comply with all requirements set out in OAR 581-022-2010 except sections (9) and (12).

(c) **Essential Skills and Local Performance Assessments.** The Essential Skills graduation requirement and local performance assessment requirement for grades 3 - 8 and high school set out in OAR 581-022-2115 are waived.

(d) **Health Services.** School districts and public charter schools must comply with all requirements set out in OAR 581-022-2220 except section (1)(f).

(e) **Physical Education Requirements.** School districts and public charter schools must comply with the requirement in OAR 581-022-2263(2)(a) to ensure that each public school student in kindergarten through grade eight will receive physical education throughout the entire school year. All other requirements in OAR 581-022-2263 are waived for the 2020-21 school year.

(f) **Identification of Academically Talented and Intellectually Gifted Students.** The identification of talented and gifted students as required in OAR 581-022-2325 is waived.

(4) **Nationally Normed College Entrance Practice Assessment.** The requirement established in ORS 329.488 that school districts must make a nationally-normed college entrance practice assessment available to all students in grade 10 who are enrolled in a public school is waived for the 2020-21 school year.

(5) **Ready School, Safe Learners Guidance.** School districts and public charter schools must comply with the Ready School, Safe Learners Guidance issued by the Oregon Department of Education.

(6) **Instructional Time.** School districts and public charter schools may include in the calculation of required instructional time of up to an additional 60 hours for staff professional development and up to an additional 60 hours for parent teacher communication to facilitate student learning, including parent teacher conferences, training, and support for distance learning. This allowance is in addition to the 30 hours allowed under OAR 581-022-2320(6)(d) and (e), respectively.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 326.051

History:

[ODE 33-2021, amend filed 10/22/2021, effective 10/22/2021](#)

[ODE 7-2021, temporary amend filed 03/24/2021, effective 03/24/2021 through 09/18/2021](#)

[ODE 2-2021, adopt filed 01/28/2021, effective 01/28/2021](#)

[ODE 38-2020, temporary adopt filed 09/18/2020, effective 09/18/2020 through 03/16/2021](#)

581-022-0106

State Standards for the 2021-22 School Year

(1) **Applicability.**

(a) This rule sets forth the rules in Oregon Administrative Rules Chapter 581, Division 22 that are in effect for the 2021-22 school year.

(b) The definitions set forth in OAR 581-022-0102, 581-022-2010(1), 581-022-2015(1), and 581-022-2020(1) apply to this rule.

(2) **State Standards for the 2021-22 School Year.** All rules set forth in Oregon Administrative Rules Chapter 581, Division 22 are in effect for the 2021-22 school year except as specifically waived or modified by this rule.

(3) **Waiver – Essential Skills for class of 2022.** OAR 581-022-2000(4) is waived for Students first enrolled in ninth grade in the 2018-19 school year or earlier or were first enrolled in ninth grade in the 2019-2020 and have an approved early graduation plan.

Note: the State Board has previously waived the essential skills requirements in OAR 581-022-2115(3), (4) and (5) for the class of 2022. That waiver, adopted in April 2021, is set out in the OAR 581-022-2115(22).

(4) Operational Plans. School districts and public charter schools must periodically submit to the Department a plan for operation during the 2021-22 school year. The plan must be submitted on a timeline to be determined by the Department and on a form provided by the Department.

Statutory/Other Authority: ORS 326.051, 327.006 & 329.451

Statutes/Other Implemented: ORS 326.051, 327.006 & 329.451

History:

ODE 43-2022, minor correction filed 08/25/2022, effective 08/25/2022

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ODE 24-2021, temporary adopt filed 06/22/2021, effective 06/22/2021 through 12/18/2021

581-022-0107

Operational Plans for the 2022-23 School Year

School districts and public charter schools must periodically submit to the Department a plan for operation during the 2022-23 school year. The plan must be submitted on a form and on a timeline to be determined by the Department.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 326.051

History:

ODE 34-2022, adopt filed 06/23/2022, effective 06/23/2022

581-022-2000

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 (8) 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 who were first enrolled in grade 9 during the 2010–2011 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 district school board or public charter school must waive any additional district requirements if students are or, were at any time from grade 9-12:

(A) A foster child, a child receiving 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition if the foster care facility is licensed and

payments are made by the State, Tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made;

(B) Homeless, a child who lacks a fixed, regular, and adequate nighttime residence; a child who is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; is living in emergency or transitional shelters; or is abandoned in hospitals; a child whose primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; a child who is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; an unaccompanied youth not in physical custody of a parent or guardian;

(C) A runaway, an unmarried child under 18 years of age who, without consent of the parent or other person having legal custody of that child, leaves and stays away from the home or other dwelling place provided for the child by that person;

(D) A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;

(E) A child of a migrant worker, a worker that moved as a migratory agricultural worker or migratory fisher due to economic necessity from one residence to another residence, and from one school district to another; or

(F) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

(e) A school district or public charter school must accept any credits earned by students qualified for the additional district credit requirements waiver in another school district or public charter school and must apply them toward the 24 Units of Credit Requirements for the diploma.

(f) 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;

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

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

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

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

(C) Science — 3;

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

(E) Health Education — 1;

(F) Physical Education — 1;

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

(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 district school board or public charter school must waive any additional district requirements if students are or, were at any time from grade 9-12:

(A) A foster child, a child receiving 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition if the foster care facility is licensed and payments are made by the State, Tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made;

(B) Homeless, a child who lacks a fixed, regular, and adequate nighttime residence; a child who is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; is living in emergency or transitional shelters; or is abandoned in hospitals; a child whose primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; a child who is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; an unaccompanied youth not in physical custody of a parent or guardian;

(C) A runaway, an unmarried child under 18 years of age who, without consent of the parent or other person having legal custody of that child, leaves and stays away from the home or other dwelling place provided for the child by that person;

(D) A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;

(E) A child of a migrant worker, a worker that moved as a migratory agricultural worker or migratory fisher due to economic necessity from one residence to another residence, and from one school district to another; or

(F) Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

(e) A school district or public charter school must accept any credits earned by students qualified for the additional district credit requirements waiver in another school district or public charter school and must apply them toward the 24 Units of Credit Requirements for the diploma.

(f) 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;

(g) 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) Each student shall demonstrate proficiency in essential skills adopted by the State Board of Education as provided in OAR 581-022-2115;

(5) 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 581-022-2060.

(6) 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.
- (7) 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);
- (8) Each student shall participate in career-related learning experiences outlined in the education plan (as defined in OAR 581-022-0102);
- (9) Notwithstanding sections (1) to (8) 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 581-022-2010.
- (10) Notwithstanding sections (1) to (8) 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 581-022-2015.
- (11) Notwithstanding sections (1) to (8) of this rule and as provided in OAR 581-022-2020, 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.
- (12) 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.
- (13) 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.

Statutory/Other Authority: ORS 326.051 & 329.451

Statutes/Other Implemented: ORS 326.051, 329.451 & 339.280

History:

[ODE 42-2022, minor correction filed 08/25/2022, effective 08/25/2022](#)

[ODE 22-2022, amend filed 04/26/2022, effective 04/26/2022](#)

[ODE 15-2022, amend filed 03/24/2022, effective 03/24/2022](#)

[ODE 21-2018, amend filed 06/05/2018, effective 06/06/2018](#)

[ODE 3-2018, amend filed 01/30/2018, effective 01/30/2018](#)

Renumbered from 581-022-1130 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 45-2014, f. & cert. ef. 12-17-14

ODE 20-2009, f. & cert. ef. 12-10-09

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

581-022-2005

Veterans Diploma

(1) Notwithstanding sections (1) to (11) and (15) of OAR 581-022-2000, school districts and public charter schools shall, upon request, award a diploma to veterans of the Armed Forces of the United States, alive or deceased, that meet the following requirements:

- (a) The veteran resides within the boundaries of the school district or is a resident of the State of Oregon and attended a high school of the school district.
- (b) The veteran attended a high school, but did not complete a high school diploma, before serving in the Armed Forces of the United States.
- (c) The veteran was discharged or released under honorable conditions from the Armed Forces of the United States.
- (d) The veteran served in Armed Forces of the United States during:
 - (A) World War I;
 - (B) World War II;
 - (C) The Korean Conflict;
 - (D) The Vietnam War;
 - (E) Operation Urgent Fury (Grenada);
 - (F) Operation Just Cause (Panama);
 - (G) Operation Desert Shield/Desert Storm (the Persian Gulf War);
 - (H) Operation Restore Hope (Somalia);
 - (I) Operation Enduring Freedom (Afghanistan); or
 - (J) Operation Iraqi Freedom (Iraq); or
 - (K) Served in the Armed Forces of the United States in an area designated as a combat zone by the President of the United States.

(2) Requests for a diploma shall be made by the veteran or, if deceased, a representative of the veteran.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 332.114

History:

ODE 7-2018, adopt filed 02/22/2018, effective 02/22/2018

581-022-2010

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 581-022-2320(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) 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 581-022-2000 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 581-022-2000.
- (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.

Statutory/Other Authority: ORS 329.451

Statutes/Other Implemented: ORS 329.451

History:

[ODE 15-2022, amend filed 03/24/2022, effective 03/24/2022](#)

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ODE 45-2014, f. & cert. ef. 12-17-14

ODE 4-2012, f. 2-1-12, cert. ef. 2-3-12

ODE 22-2009, f. & cert. ef. 12-10-09

ODE 15-2008, f. & cert. ef. 5-23-08

581-022-2015

Extended Diploma

(1) Definitions: "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) 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 language arts;
- (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 arts or a world language; and;
- (b) Have a documented history of:
- (A) An inability to maintain grade level achievement due to significant learning and instructional barriers;
- (B) A medical condition that creates a barrier to achievement; or
- (C) A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.
- (D) 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. 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. A copy of all consents must be sent to the district superintendent. Each school district must annually provide the number of consents obtained to the State Superintendent of Public Instruction. 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 or beginning after a documented history described in section (5)(b) above has been established, annually provide to the parents or guardians of a student who has the documented history, described above, information about the availability of an extended diploma and the requirements for the extended diploma.
- (b) 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; or,
- (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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 329.451

History:

[ODE 15-2022, amend filed 03/24/2022, effective 03/24/2022](#)

[ODE 37-2018, amend filed 11/21/2018, effective 11/23/2018](#)

Renumbered from 581-022-1133 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 43-2016, f. & cert. ef. 9-6-16

ODE 29-2016, f. & cert. ef. 4-28-16

ODE 45-2014, f. & cert. ef. 12-17-14

ODE 44-2014, f. & cert. ef. 12-17-14

ODE 3-2012, f. 2-1-12, cert. ef. 2-3-12

ODE 21-2009, f. & cert. ef. 12-10-09

581-022-2020

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 581-022-2320(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.

Statutory/Other Authority: ORS 329.451

Statutes/Other Implemented: ORS 329.451

History:

Renumbered from 581-022-1135 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 5-2012, f. 2-1-12, cert. ef. 2-3-12

ODE 23-2009, f. & cert. ef. 12-10-09

ODE 15-2008, f. & cert. ef. 5-23-08

581-022-2025

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 581-022-2030;

(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.).

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 326.051

History:

Renumbered from 581-022-1131 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 3-2015, f. 1-30-15, cert. ef. 7-1-15

ODE 2-2009, f. & cert. ef. 4-23-09

ODE 4-2003, f. & cert. ef. 3-14-03

581-022-2030

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 adopted by the State Board of Education to include:

- (A) Language Arts;
 - (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; and
 - (I) Comprehensive School Counseling.
- (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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 329.045

History:

[ODE 15-2022, amend filed 03/24/2022, effective 03/24/2022](#)

[ODE 17-2018, amend filed 06/05/2018, effective 06/06/2018](#)

Renumbered from 581-022-1210 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 5-2017, f. & cert. ef. 5-2-17

ODE 45-2014, f. & cert. ef. 12-17-14

ODE 25-2008, f. & cert. ef. 9-26-08

ODE 19-2007, f. & cert. ef. 9-10-07

ODE 5-2006, f. & cert. ef. 2-14-06

Reverted to EB 6-1997, f. & cert. ef. 6-9-97

ODE 7-2005(Temp), f. & cert. ef. 3-15-05 thru 9-1-05

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

581-022-2045

Prevention Education 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.

Statutory/Other Authority: ORS 326.051 & 336.235

Statutes/Other Implemented: ORS 336.067 & 336.222

History:

Renumbered from 581-022-0413 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 14-2008, f. & cert. ef. 5-23-08

EB 30-1989, f. & cert. ef. 10-24-89

581-022-2050

Human Sexuality Education

(1) The following definitions apply to Oregon Administrative Rule 581-022-2050:

(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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 336.455 & 336.455

History:

Renumbered from 581-022-1440 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 16-2016, f. & cert. ef. 3-22-16

ODE 10-2013, f. & cert. ef. 4-10-13

ODE 25-2009, f. & cert. ef. 12-10-09

ODE 15-2007, f. & cert. ef. 7-6-07

ODE 25-2002, f. & cert. ef. 11-15-02

EB 2-1997, f. & cert. ef. 3-27-97

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

581-022-2055

Career Education

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

Statutory/Other Authority: ORS 326.051 & 329.275

Statutes/Other Implemented: ORS 326.051

History:

ODE 22-2018, amend filed 06/05/2018, effective 06/06/2018

Renumbered from 581-022-0405 by ODE 16-2017, f. & cert. ef. 7-5-17

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

581-022-2060

Comprehensive School Counseling

(1)(a) District Comprehensive School Counseling. Each school district shall provide a coordinated comprehensive school counseling program to support the academic, career, social-emotional, and community involvement development of each and every student. The district shall:

(b) Adopt comprehensive school 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 Counseling. Each school shall provide a comprehensive counseling program that serves students grades K-12, based upon the Oregon Department of Education's Framework for Comprehensive School Counseling Programs which:

- (a) Identifies staff responsibilities to plan, design and deliver a comprehensive school counseling program that meets the unique needs of their students and community;
- (b) Aligns with the district's school improvement plans;
- (c) Assigns counseling responsibilities to the appropriate personnel;
- (d) Expects all school staff to participate in implementing the comprehensive school counseling program; and
- (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.

(3) Counseling Staff Assignments. Each school district shall maintain a licensed staff and promote effective counseling and advising practices consistent with the district's expected comprehensive school counseling program outcomes.

(a) A coordinated comprehensive school counseling program may be designed, delivered, or otherwise implemented by:

- (A) A person who is licensed by the Teacher Standards and Practices Commission as a school counselor;
- (B) A person who is licensed by the Teacher Standards and Practices Commission as a school social worker; or
- (C) A team consisting of a combination of staff who include one or more professionals licensed by the Teacher Standards and Practices Commission and the members of the team as a whole have professional training or experience in the following areas:

(i) Oregon's Framework for Comprehensive School Counseling Programs;

(ii) Counseling methodologies;

(iii) Social-emotional learning;

(iv) Mental and behavioral health supports;

(v) Trauma-sensitive practices;

(vi) Culturally responsive and sustaining practices;

(vii) Curriculum, instruction and assessment; and

(viii) Career development.

(b) In determining staffing for the program, the following shall be considered:

(A) Alignment with the American School Counselor Association and School Social Work Association recommended ratio of 1:250 students; and

(B) The number of aides or clerical staff assigned to support the implementation of the comprehensive school counseling program.

(c) Nothing in this section may be construed to allow a person:

(A) Who is licensed by the Teacher Standards and Practices Commission to practice outside of the scope of the person's license; or

(B) To practice within the scope of a license not held by that person.

(4) The department shall conduct a review of annual comprehensive school counseling program assessments of any district or school as part of the program evaluation and improvement process.

Statutory/Other Authority: ORS 326.051, 329.275 & ORS 329.603

Statutes/Other Implemented: ORS 326.051 & ORS 329.603

History:

ODE 18-2020, amend filed 04/23/2020, effective 04/23/2020

ODE 39-2018, amend filed 11/28/2018, effective 11/28/2018

ODE 20-2018, amend filed 06/05/2018, effective 06/06/2018

Renumbered from 581-022-1510, ODE 16-2017, f. & cert. ef. 7-5-17

ODE 19-2008, f. & cert. ef. 6-27-08

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

581-022-2100

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, volcanic 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 581-022-2270 and 581-022-2250 and as a method to evaluate compliance with 581-022-2030.

(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.

Statutory/Other Authority: ORS 326.051 & 329.075

Statutes/Other Implemented: ORS 329.075 & 329.485

History:

Renumbered from 581-022-0610 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 26-2015, f. & cert. ef. 12-21-15

ODE 34-2014, f. & cert. ef. 6-24-14

ODE 7-2011, f. & cert. ef. 7-1-11

ODE 7-2010, f. & cert. ef. 5-27-10

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

ODE 30-2008, f. 12-16-08, cert. ef. 12-19-08

ODE 16-2002, f. & cert. ef. 6-10-02

ODE 6-2002(Temp), f. & cert. ef. 2-15-02 thru 6-30-02

Reverted to 1EB 2-1985, f. 1-4-85, ef. 1-7-85

EB 14-1990(Temp), f. & cert. ef. 3-5-90

1EB 2-1985, f. 1-4-85, ef. 1-7-85

581-022-2110

Exception of Students with Disabilities from State Assessments

(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.

Statutory/Other Authority: ORS 326.051 & 343.045

Statutes/Other Implemented: ORS 329.485 & 659.850

History:

Renumbered from 581-022-0612 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 25-2008, f. & cert. ef. 9-26-08

ODE 14-2002, f. & cert. ef. 5-15-02

ODE 3-2002(Temp), f. & cert. ef. 1-25-02 thru 6-30-02

581-022-2115**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 581-022-2000; or

(b) The modified diploma as established in OAR 581-022-2010.

(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 581-022-2100 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 581-022-2100, school districts and public charter schools may not implement modifications for statewide assessments for students who are not on an IEP or 504 Plan.

(22) The Essential Skills graduation requirements established by Sections 3, 4, and 5 of this rule are waived for students graduating in the 2021-2022, 2022-2023, and 2023-2024 school years.

Statutory/Other Authority: ORS 329.451, 338.025, 339.115 & 339.505

Statutes/Other Implemented: ORS 329.045, 329.075, 329.451, 329.485 & 338.115

History:

[ODE 16-2022, amend filed 03/24/2022, effective 03/24/2022](#)

[ODE 12-2021, amend filed 04/21/2021, effective 04/21/2021](#)

Renumbered from 581-022-0615 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 8-2011, f. & cert. ef. 7-1-11

ODE 19-2009, f. & cert. ef. 12-10-09

ODE 10-2009(Temp), f. & cert. ef. 9-1-09 thru 2-28-10

ODE 17-2008, f. & cert. ef. 6-27-08

581-022-2120**Essential Skill Assessments 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 581-022-2115, school districts and public charter schools must adopt a policy whether to allow ELL students to demonstrate proficiency in all required Essential Skills in the students’ language of origin.

(3) 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 Test Administration Manual in participating ELL students’ language of origin.
- (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.

Statutory/Other Authority: 329.075 & ORS 326.051

Statutes/Other Implemented: ORS 329.045, 329.075 & 329.485

History:

[ODE 18-2019, amend filed 05/17/2019, effective 05/17/2019](#)

[ODE 10-2018, amend filed 04/03/2018, effective 04/03/2018](#)

Renumbered from 581-022-0617 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 22-2016, f. & cert. ef. 3-22-16

ODE 18-2010, f. & cert. ef. 12-17-10

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.

(a) All school districts shall administer the kindergarten assessment to students who are enrolled in kindergarten.

(b) Notwithstanding subsection (a) of this rule, the kindergarten assessment is suspended and shall not be administered for the 2021-2022 school year.

(3) The Department shall include the results of the kindergarten assessment in the statewide longitudinal data system.

Statutory/Other Authority: ORS 326.051 & 329.485

Statutes/Other Implemented: ORS 329.485 & 2013 OL Ch. 37 & Sec. 14 (Enrolled HB 4165)

History:

[ODE 12-2021, amend filed 04/21/2021, effective 04/21/2021](#)

ODE 24-2020, temporary amend filed 05/28/2020, effective 05/28/2020 through 11/23/2020

ODE 34-2016, f. & cert. ef. 5-17-16

ODE 8-2013, f. & cert. ef. 4-5-13

581-022-2205

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 339.388; 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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 339.370, 339.372, 339.388 & 339.377

History:

ODE 26-2018, minor correction filed 09/19/2018, effective 09/19/2018

Renumbered from 581-022-0711 by ODE 16-2017, f. & cert. ef. 7-5-17

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

581-022-2210

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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 342.721 & 342.726

History:

Renumbered from 581-022-0416 by ODE 16-2017, f. & cert. ef. 7-5-17

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

581-022-2215**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 healthcare 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 healthcare 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.

Statutory/Other Authority: ORS 336.485

Statutes/Other Implemented: ORS 336.485

History:

Renumbered from 581-022-0421 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 29-2015, f. & cert. ef. 12-22-15

ODE 2-2011, f. 1-31-11, cert. ef. 2-1-11

ODE 13-2010, f. & cert. ef. 6-30-10

581-022-2220

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 581-022-2225.

Statutory/Other Authority: ORS 326 & 342

Statutes/Other Implemented: ORS 326.051

History:

Renumbered from 581-022-0705 by ODE 16-2017, f. & cert. ef. 7-5-17

EB 17-1996, f. & cert. ef. 11-1-96

EB 21-1988, f. & cert. ef. 4-26-88

1EB 12-1982, f. & cert. ef. 3-24-82

1EB 16-1981 (Temp), f. & cert. ef. 11-3-81

1EB 19-1980, f. 6-17-80, cert. ef. 9-1-80

581-022-2223

Healthy and Safe Schools Plan

(1) The following definitions apply to this rule:

(a) "Department" means the Oregon Department of Education;

(b) "District" or "School District" means school districts as defined by ORS Chapter 332;

(c) "Education Service District" or "ESD" means an education service district as defined by ORS Chapter 334;

(d) "Electronic Communications Program" means a program or service that allows a School District, Public Charter School or Education Service District to send out electronic communications and email to multiple recipients at once;

(e) "Facilities" means all buildings or properties owned or leased by a District, ESD, or Charter School that are required to be included in the HASS Plan;

(f) "Final Test Results" means final test results for any test required as part of the Healthy and Safe Schools Plan that contains the results from the appropriate laboratory as well as enough additional information to contextualize and explain the laboratory results;

(g) "Healthy and Safe Schools Plan" or "HASS Plan" means a plan that complies with all requirements in ORS 332.331;

(h) "OHA" means the Oregon Health Authority;

(i) "Public Charter School" or "Charter School" means a charter school as defined by ORS Chapter 338;

(j) "Required Fixtures" means fixtures required to be tested for elevated levels of lead per OAR 333-061-0400; and

(k) "Testing Cycle" means a six year cycle, as required per OAR 333-061-0400 in which School Districts, Education Service Districts and Public Charter Schools test all Required Fixtures in all Facilities for elevated levels of lead.

(2) The Department shall publish on its website, and send out via electronic means, a copy of model HASS Plans to Districts, ESDs, and Charter Schools by January 1, 2019.

(3) The model HASS Plan shall:

(a) Contain language that Districts, ESDs, and Charter Schools may adopt in creating their HASS Plans;

(b) Contain all elements required under ORS 332.331; and

(c) Contain instructions to enable Districts, ESDs, and Charter Schools to complete their HASS Plans according to the model plan.

(4) Districts, ESDs, and Charter Schools shall submit an electronic copy of a draft HASS Plan to the Department by April 1, 2019.

(5) The draft HASS Plan submitted by Districts, ESDs, and Charter Schools, shall:

(a) Contain all requirements listed in ORS 332.331; and

(b) Provide a schedule of when the District, ESD, or Charter School will test Required Fixtures for each Facility based on the schedule set forth in this rule.

- (6) The Department shall review draft model plans and report their results back to Districts, ESDs, and Charter Schools.
- (7) The governing body of a District, ESD, or Charter School shall adopt the final HASS Plan by July 1, 2019.
- (8) Districts, ESDs, and Charter Schools must submit an electronic copy of their adopted HASS Plan to the Department by July 15, 2019.
- (9) If a District, ESD, or Charter School has a change in Facilities, personnel, policies and procedures, or any other change, which requires updating their HASS Plan, the District, ESD, or Charter School shall submit an electronic copy of the revised HASS Plan to the Department by June 1 of the school year in which the revisions occurred.
- (10) By January 1, 2019, the Department shall publish on its website and distribute an electronic copy of a model annual statement required by ORS 332.334 to Districts, ESDs, and Charter Schools.
- (11) By June 1 of each year, Districts, ESDs, and Charter Schools shall submit an electronic copy of their annual statement to the Department and all others required by ORS 332.334.
- (12) Districts, ESDs, and Charter Schools that have email addresses for parents of minor students and students over 18 years of age may email them the annual certification.
- (13) Districts, ESDs, and Charter Schools that use an electronic communications program, in place of an email list, to send regular communications to members of their community may use that program to provide Final Test Results as part of a regular communication to members of the community.
- (14) If the electronic communication programs allow the District, ESD or Charter School to specify which community members receive an email communication, then school districts, education service districts, or public charter schools may limit who receives the communication of Final Test results of a specific building so long everyone connected with that building receives the required notice.
- (15) The Department shall reimburse Districts, ESDs, and Charter Schools that complete initial testing between July 1, 2019 and June 30, 2020 for testing costs as stated in subsections (17)(a) through (c) of this rule plus an additional ten dollars.
- (16) All Districts, ESDs, and Charter Schools must test all Required Fixtures for elevated levels of lead every 6 years starting July 1, 2020 per OAR 333-061-0400.
- (17) The Department shall reimburse districts for the following costs:
- (a) Actual testing of water samples for elevated levels of lead, as evidenced by invoices from an OHA accredited lab;
 - (b) Shipping costs to send samples to an OHA accredited lab;
 - (c) Costs of supplies needed to collect samples; and
 - (d) An additional amount to be determined by the Department that:
 - (A) Provides as practical as possible an equal amount per sample across all tests; and
 - (B) Help districts offset some of the costs of collecting the samples and associated administrative costs.
- (18) The Department may reimburse Districts, ESDs, and Charter Schools for testing done on fixtures in addition to the testing done on Required Fixtures. The additional reimbursement shall be at the discretion of the Department and the Department shall consider:
- (a) Total available funds for reimbursement; and
 - (b) Total additional tests done.
- (19) Districts and ESDs shall use the following schedule for testing through the Testing Cycle:
- (a) Districts with 1-3 schools within their district will test all Required Fixtures in the first year of the Testing Cycle;
 - (b) Districts with 4-6 schools within their district will test all Required Fixtures in the second year of the Testing Cycle;
 - (c) ESDs will test all Required Fixtures in the third year of the Testing Cycle;
 - (d) Districts with 7-8 schools within their district will test all Required Fixtures in the third and fourth years of the Testing Cycle;
 - (e) Districts with 9-10 schools within their district will test all Required Fixtures in the fifth and sixth years of the Testing Cycle;

- (f) Districts with 11-12 schools within their district will test all Required Fixtures in the fourth, fifth, and sixth years of the Testing Cycle;
- (g) Districts with 13-15 schools within their district will test all Required Fixtures in the fourth, fifth, and sixth years of the Testing Cycle;
- (h) Districts with 16-20 schools within their district will test all Required Fixtures in the third, fourth, fifth, and sixth years of the Testing Cycle;
- (i) Districts with over 20 schools within their district will test a portion of all Required Fixtures in each year of the Testing Cycle;
- (20) Charter Schools will test all Required Fixtures according to the testing schedule for the district in which they are located.
- (21) Districts and Charter Schools that have multiple years to test all Required Fixtures shall report in their HASS Plans when each Facility will be tested.
- (22) The Department shall approve District, ESD, and Charter School schedules.
- (23) If the Department does not approve a schedule, the District, ESD, or Charter School shall resubmit their schedule.
- (24) The Department may determine a schedule for when Districts, ESDs, and Charter Schools must submit their reimbursement requests.
- (25) The Department may require Districts, ESDs, and Charter Schools to report data using reimbursement templates and forms developed by the Department for this purpose.

Statutory/Other Authority: ORS 326.051, ORS 332.331 & 332.334

Statutes/Other Implemented: ORS 332.331 & 332.334

History:

ODE 12-2019, amend filed 04/22/2019, effective 04/22/2019

ODE 32-2018, amend filed 10/19/2018, effective 10/21/2018

ODE 42-2016, f. & cert. ef. 8-19-16

581-022-2225

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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 336.071

History:

Renumbered from 581-022-1420 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 28-2015, f. & cert. ef. 12-22-15

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

581-022-2230

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.

Statutory/Other Authority: ORS 363 & PL 100.368

Statutes/Other Implemented: 40 CFR Part 763

History:

Renumbered from 581-022-1430 by ODE 16-2017, f. & cert. ef. 7-5-17

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

581-022-2250

District Improvement Plans

(1) For the purposes of OAR 581-022-2250 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 four 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 four years unless there are substantial changes.

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

(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.

Statutory/Other Authority: ORS 326.051 & 329.095

Statutes/Other Implemented: ORS 326.051 & 329.095

History:

[ODE 23-2022, amend filed 04/27/2022, effective 04/27/2022](#)

Renumbered from 581-022-0606 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 38-2013, f. & cert. ef. 12-18-13

ODE 25-2008, f. & cert. ef. 9-26-08

EB 15-1996, f. & cert. ef. 9-26-96

EB 38-1990, f. & cert. ef. 7-10-90

1EB 21-1986, f. & cert. ef. 7-2-86

1EB 26-1980, f. 11-7-80, cert. ef. 9-1-81

1EB 19-1980, f. 6-17-80, cert. ef. 7-1-80

581-022-2255

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.

Statutory/Other Authority: ORS 326.051 & 329.075

Statutes/Other Implemented: ORS 329.105

History:

Renumbered from 581-022-1060 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 13-2013, f. & cert. ef. 7-11-13

ODE 17-2011, f. 12-15-11, cert. ef. 1-1-12

ODE 4-2009, f. & cert. ef. 6-29-09

ODE 25-2008, f. & cert. ef. 9-26-08

ODE 5-2007, f. & cert. ef. 2-21-07

ODE 36-1999, f. 12-13-99, cert. ef. 12-14-99

581-022-2260

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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 334.125(9)

History:

Renumbered from 581-022-1660 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 3-1999, f. & cert. ef. 1-12-99

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

581-022-2263

Physical Education Requirements

(1) For purposes of this section, "district" means a school district, education service district, or public charter school.

(2)(a) Districts shall ensure that each public school student in kindergarten through grade eight will receive physical education throughout the entire school year.

(b)(A) Except as provided in subparagraph (C) of this paragraph, districts shall ensure that each public student in kindergarten through grade five will receive:

(i) For the 2019-2020 school year, at least 120 minutes of physical education each school week if the school on average holds classes five days a week over the course of the school year, or at least 100 minutes of physical education each school week if the school on average holds classes four days a week over the course of the school year.

(ii) For each school year subsequent to the 2019-2020 school year, at least 150 minutes of physical education each school week if the school on average holds classes five days a week over the course of the school year, or at least 120 minutes of physical education each school week if the school on average holds classes four days a week over the course of the school year.

(B) Except as provided in subparagraph (C) of this paragraph, districts shall provide each public student in grade six through grade eight with:

(i) For the 2021-2022 school year, at least 180 minutes of physical education each school week if the school on average holds classes five days a week over the course of the school year, or at least 144 minutes of physical education each school week if the school on average holds classes four days a week over the course of the school year.

(ii) For each school year subsequent to the 2022 school year, at least 225 minutes of physical education each school week if the school on average holds classes five days a week over the course of the school year, or at least 180 minutes of physical education each school week if the school on average holds classes four days a week over the course of the school year.

(C) Districts shall provide each public student in grade six with the number of physical education minutes required by subparagraph (A) of this paragraph if the student attends a public school teaching students in kindergarten through grade six.

(c) Notwithstanding the time requirements of paragraph (b) of this subsection, for weeks during which the number of minutes that a public school provides instruction is less than the number of minutes that the school provides instruction during a week where the school provides instruction for every usual school hour, the time requirements specified in paragraph (b) of this subsection may be reduced by the percentage of the time requirements specified in paragraph (b) of this subsection that correlates to the percentage of minutes that the school did not provide instruction. For purposes of this paragraph, "provide instruction" means "provide instruction during usual school hours."

(d) Notwithstanding the time requirements of paragraph (b) of this subsection, if a district receives a waiver pursuant to OAR 581-022-1920 of the requirement to teach 900 hours of instructional time for kindergarten through grade eight, the time requirements of paragraph (b) of this subsection may be reduced by the percentage of the time requirements specified in paragraph (b) of this subsection that correlates to the percentage of instructional time for which the district receives the waiver.

(3)(a) Districts are not required to comply with the time requirements established by subsection (1)(b) of this rule for school years during the biennium in which the total amounts appropriated or allocated to the State School Fund and available for distribution to districts are less than the amounts determined to be needed to be distributed to districts from the State School Fund under the tentative budget prepared pursuant to ORS 291.210. After the beginning of the biennium, a district may cease to comply with the time requirements established by subsection (1)(b) of this rule if the amounts appropriated or allocated to the State School Fund and available for distribution to districts are less than the amounts determined to be needed to be distributed to districts from the State School Fund, as calculated under ORS 291.210.

(b) In any biennia in which the total amounts appropriated or allocated to the State School Fund and available for distribution to districts are less than the amounts determined to be needed to be distributed to districts from the State School Fund under the tentative budget prepared pursuant to ORS 291.210, the Oregon Department of Education shall provide notice to each district as soon as practicable after making the determination that they are not required to comply with the time requirements established by subsection (1)(b) of this rule.

(4) Nothing in this rule affects the duties described in OAR 581-022-2265.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 329.496 & 2017 OL Ch. 301 Sec. 2

History:

ODE 16-2019, adopted filed 05/17/2019, effective 05/17/2019

581-022-2265**Report on PE 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-numbered year, the Department shall report to the Legislative Assembly on the data collected under this rule for the prior two school years.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 329.498

History:

Renumbered from 581-022-1661 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 42-2014, f. & cert. ef. 12-4-14

ODE 30-2007, f. & cert. ef. 12-12-07

581-022-2267**Annual Report on use of Restraint and Seclusion**

(1) Each entity that has jurisdiction over a public education program must prepare and submit an annual report detailing the use of restraint and seclusion for the preceding school year to the Oregon Department of Education. The annual report shall include, at a minimum:

(a) The total number of incidents involving restraint;

(b) The total number of students placed in restraint;

(c) The total number of incidents involving seclusion;

(d) The total number of students placed in seclusion;

(e) The total number of seclusions in a locked room;

(f) The total number of seclusion rooms available, including a description of the dimensions and design of the rooms;

(g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of restraint or seclusion;

(h) The number of students who were placed in restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of restraint and seclusion

for each student;

(i) The number of incidents in which the personnel of the public education program administering restraint or seclusion were not trained; and

(j) The demographic characteristics of all students upon whom restraint or seclusion was imposed, including race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

(2)(a) Each entity that has jurisdiction over a public education program shall make its annual report about restraint and seclusion available to:

(A) The public at the entity's main office and the website of the entity;

(B) The school board or governing body overseeing the entity;

(C) If the entity is an education service district, the component school districts of the education service district; and

(D) If the entity is a public charter school, the sponsor of the public charter school.

(b) Parents and guardians of students in a public education program shall be advised at least once each school year about how to access the report.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 339.285 - 339.303

History:

[ODE 145-2019, adopt filed 10/24/2019, effective 10/24/2019](#)

581-022-2270

Individual Student Assessment, Recordkeeping 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 581-022-2030:

(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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 326.051

History:

Renumbered from 581-022-1670 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 7-2013, f. & cert. ef. 2-20-13

ODE 25-2008, f. & cert. ef. 9-26-08

ODE 18-2002, f. & cert. ef. 6-10-02

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

581-022-2300

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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 326.051 & 327.103

History:

Renumbered from 581-022-0807 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 25-2008, f. & cert. ef. 9-26-08

1EB 3-1985, f. 1-4-85, ef. 1-7-85

581-022-2305

District Assurances of Compliance with Public School Standards

- (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 for the preceding school year with all state standards set forth in OAR chapter 581, division 22:
 - (a) To the community on or before November 1, by presenting the report to the school board of the district in an oral presentation at an open public meeting, allowing for public comment, and by posting the report on the district's webpage. Districts must use the report form provided by the Department; and
 - (b) To the Department of Education on or before November 15 on a form to be provided by the Department.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 326.051

History:

[ODE 17-2021, amend filed 05/25/2021, effective 05/25/2021](#)

[ODE 22-2017, amend filed 11/29/2017, effective 11/30/2017](#)

Renumbered from 581-022-1610 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 46-2014, f. & cert. ef. 12-17-14

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

581-022-2307

Educational Equity Advisory Committees

- (1) The following definitions apply to Oregon Administrative Rule 581-022-2307:
 - (a) "Parent" means one or more of the following persons:
 - (A) A biological or adoptive parent of a student;
 - (B) A foster parent of a student,
 - (C) A legal guardian, other than a state agency;
 - (D) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom a student lives, or an individual who is legally responsible for a child's welfare; or
 - (E) A surrogate parent who has been appointed in accordance with OAR 581-015-2320, for school-age children, or 581-015-2760 for preschool children.
 - (b) "Student" means a school-aged individual.
 - (c) "Community Member" means:
 - (A) a representative of a community-based organization that serves the local community;
 - (B) a representative of a culturally specific organization that serves the local community;
 - (C) a representative of an organization that regularly partners with the school district to network resources and assist students in meeting state and local standards, and prepare students for post high school transitions; or
 - (D) a resident of the local community capable of representing underserved community voices
 - (d) "Underrepresented" refers to communities, groups, families and students that due to systemic barriers and intersectional oppression have been excluded and limited proportionate access to the dominant or mainstream educational system despite efforts to participate. This includes students of color, tribal students, English language learners, LGBTQ2SIA+ students, students experiencing and surviving poverty and homelessness, students with disabilities, women/girls, and students from rural communities.
 - (e) "Underserved" refers to communities, groups, families and students that the dominant or mainstream educational system has historically and currently excluded, impacted, marginalized, underserved and/or refused service due to institutionalized and intersectional racism and systemic oppression. This includes students of color, tribal students, English language learners, LGBTQ2SIA+ students, students experiencing and surviving poverty and homelessness, students with disabilities, women/girls, and students from rural communities.
- (2) There shall be established at each school district an educational equity advisory committee.

- (a) For school districts with an average daily membership of 10,000 or more, the school district is required to first convene an educational equity advisory committee by September 15, 2022.
- (b) For school districts with an average daily membership of 10,000 or less, the school district is required to first convene an educational equity advisory committee by September 15, 2025.
- (3)(a) An educational equity advisory committee shall be selected by the school district board and school district superintendent and must be composed of parents, employees, students and community members from the school district.
- (b) The school district superintendent is responsible for coordinating the member nomination process and proposing finalists to the school district board.
- (c) The school district board is responsible for appointing members from those proposed by the superintendent, and ensuring that membership is primarily representative of underserved student groups.
- (d) For the purpose of selecting members, the school district board and school district superintendent:
- (A) May not deny members based on language;
- (B) May not deny members based on immigration status;
- (C) May not deny members based on protected class, including age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, or gender identity;
- (D) May not appoint a voting member of the school board or the school district superintendent to an educational equity advisory committee; and
- (E) Must ensure that the composition of an educational equity advisory committee elevates underrepresented parent, employee, student, and community member voices.
- (e) The school district board and school district superintendent, in consultation with the educational equity advisory committee, shall fill vacancies on the committee in the same manner as original appointments.
- (f) The school district board, in consultation with the educational equity advisory committee, must select at least one member of the educational equity advisory committee to serve on the school district budget committee. A budget committee is not required to include a member of the educational equity advisory committee of the school district until a vacancy on the budget committee occurs by a member who is not also a member of the school district board.
- (g) Each school district, in consultation with the educational equity advisory committee, is required to provide sufficient support to educational equity advisory committee members to participate in meetings, including, but not limited to, access to district-managed emails, translation and interpretation services, and relevant public meeting and security trainings.
- (4) The duties of an educational equity advisory committee shall include:
- (a) Advising the school district board and the school district superintendent about the educational equity impacts of policy decisions; and
- (b) Informing the school district board and school district superintendent of the larger district-wide climate and the experiences of underserved student groups, and advising the board and superintendent on how best to support.
- (A) Informing the school district board and school district superintendent when a situation arises in a school of the school district that negatively impacts underrepresented students, and advising the board and superintendent on how best to handle that situation.
- (B) Informing the school district board and school district superintendent when a situation arises in a school of the school district that positively impacts underrepresented students, and advising the board and superintendent on how best to replicate within the district.
- (C) Considering whether such situations are unique to the school or indicative of a district-wide trend, and advising on how best to handle that trend.
- (5)(a) An educational equity advisory committee may consider topics that the educational equity advisory committee deems critical to its ability to represent and elevate educational equity impacts to student experience in the district.
- (b) An educational equity advisory committee may consider topics submitted by the school district board and school district superintendent.

(c) An educational equity advisory committee may select a single member to serve as an advisor to the school district board, for the purpose of providing updates and acting as a liaison between the educational equity advisory committee and the school district board and school district superintendent.

(d) An educational equity advisory committee may prepare an annual report that:

(A) Includes, but is not limited to the following information:

(i) The successes and challenges the school district has experienced in meeting the educational equity needs of students in the school district; and

(ii) Recommendations the committee made to the school district board and school district superintendent, and the actions that were taken in response to those recommendations;

(B) Is made available by being:

(i) Distributed to the parents of the students of the school district;

(ii) Posted on the school district's website;

(iii) Presented to the school district board in an open meeting with adequate opportunity for public comment; and

(iv) Sent to the State Board of Education.

(e) The Oregon Department of Education shall review all submitted reports and annually prepare a summary for the State Board of Education. Members of the State Board of Education shall have access to all submitted reports.

Statutory/Other Authority: ORS 329.711

Statutes/Other Implemented: ORS 329.711

History:

[ODE 39-2022, adopt filed 06/24/2022, effective 06/24/2022](#)

581-022-2308

Agreements Entered Into with Voluntary Organizations

(1) For purposes of this rule:

(a) "Discrimination" means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, or gender identity;

(b) "District" means:

(A) A school district, an education service district, a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243; and

(B) Any educational agency, program, or service under contract or the jurisdiction of an entity described in subparagraph (A) of this paragraph.

(c) "National origin" includes:

(A) An individual's or individual's parent's or guardian's place of origin;

(B) Latinx and other protected class ethnicities;

(C) An individual's religious or cultural ancestry that the individual associates with their personal identity;

(D) Physical characteristics that are historically associated with a place of origin, protected class ethnicity, or religious or cultural ancestry, including but not limited to individuals who identify as Syrian, Muslim, Middle Eastern, Arab, Sikh, and Jewish; and

(E) An individual whose first spoken language is not English or who is not proficient in speaking English, or who is under the custody of a parent or guardian whose first spoken language is not English or who is not proficient in speaking English.

(d) "Protective hairstyle" means a hairstyle, hair color, or manner of wearing hair that includes, but is not limited to, locs, twists, and braids, regardless of whether the braids are created with extensions or styled with adornments.

(e) "Race" includes:

(A) Black, African American, American Indian, Alaska Native, Asian, Native Hawaiian, Pacific Islander, other protected class races, and multiracial individuals; and

(B) Physical characteristics that are historically associated with race, that includes, but is not limited to, any natural hair, hair texture, hair type, or protective hairstyle associated with race.

(f) "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, or bisexuality.

(g) "Gender identity" means an individual's gender-related identity, appearance, expression or behavior, regardless of whether the identity, appearance, expression or behavior differs from that associated with the gender assigned to the individual at birth.

(2) A district shall adopt, and adhere to, a policy under which it may be a member of and pay fees, if any, to a voluntary organization that administers interscholastic activities or that facilitates the scheduling and programming of interscholastic activities only if the organization:

(a) Implements and adheres to equity focused policies that:

(A) Address the use of derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule that occurs at an interscholastic activity, including by spectators of the interscholastic activity;

(B) Prohibit discrimination;

(C) Permit a student to wear religious clothing in accordance with the student's sincerely held religious belief and consistent with any safety and health requirements; and

(D) Balance the health, safety, and reasonable accommodation needs of participants on an activity-by-activity basis;

(b) Maintains a transparent complaint process that:

(A) Has a reporting system to allow participants of interscholastic activities or members of the public to make complaints about student, coach, or spectator behavior;

(B) Responds to a complaint made under subparagraph (b)(A) of this paragraph within 48 hours of the complaint being received; and

(C) Resolves a complaint received under subparagraph (b) of this paragraph within 30 days of the complaint being received unless the organization determines that there is good cause to extend the timeline for resolving the complaint;

(c) Develops and implements a system of sanctions against schools, students, coaches, and spectators if a complaint made under paragraph (b) of this subsection is verified; and

(d) Performs an annual survey of students and their parents to understand and respond to potential violations of equity focused policies adopted under this rule or violations of OAR 581-021-0045, 581-021-0046, or 581-021-0047.

(3) Subsection (2)(a)(A) of this rule only applies to school districts and any educational agency, program, or service under contract or the jurisdiction of a school district unless the inappropriate name, insult, verbal assault, profanity, or ridicule is directed toward an individual because of the individual's age, disability, national origin, race, color, marital status, religion, sex, or sexual orientation.

Statutory/Other Authority: ORS 326 & 659.855

Statutes/Other Implemented: ORS 332.075 & 659.850

History:

[ODE 25-2022, minor correction filed 05/20/2022, effective 05/20/2022](#)

[ODE 39-2021, adopt filed 12/29/2021, effective 12/29/2021](#)

581-022-2310

Equal Education 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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 659.150 & 339.356

History:

Renumbered from 581-022-1140 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 25-2008, f. & cert. ef. 9-26-08

EB 1-1997, f. & cert. ef. 3-12-97

581-022-2312

Every Student Belongs

(1) It is the policy of the State Board of Education that all students, employees, and visitors in public schools are entitled to learn, work, and participate in an environment that is safe and free from discrimination, harassment, and intimidation.

(2) Definitions. For purposes of this rule:

(a)(A) "Bias Incident" means a person's hostile expression of animus toward another person, relating to the other person's perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate.

(B) "Bias Incident" may include derogatory language or behavior.

(b) "Education program" means any program, service, school or activity sponsored by an education provider.

(c) "Education Provider" means

(A) A school district;

(B) A public charter school;

(C) The Oregon School for the Deaf;

(D) An education service district;

(E) An educational program under the Youth Corrections Education Program or the Juvenile Detention Program, as those terms are defined in ORS 326/695; or

(F) a program that receives money pursuant to ORS 343.243.

(d) "Symbol of Hate" means nooses, symbols of neo-Nazi ideology or the battle flag of the Confederacy.

(e) "School property" means any property under the control of an education provider.

(3)(a) To comply with the prohibition on discrimination required by ORS 659.850, an education provider must prohibit the display of symbols of hate on school property or in any education program.

(b) The prohibition required or allowed by this subsection does not apply to displays that align with and are used in conjunction with state standards of education for public schools.

(4) To comply with the prohibition on discrimination required by ORS 659.850, each education provider must adopt a policy to address bias incidents and displays of symbols of hate. The policy must:

(a) Affirm that all students are entitled to a high quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin;

(b) Affirm that all employees of education providers are entitled to work in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin;

(c) Affirm that all visitors of an education provider are entitled to participate in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin;

(d) Prohibit the display of symbols of hate on school property or in an education program; and

(e) Establishes procedures for addressing bias incidents and displays of symbols of hate. The procedures must:

(A) Apply broadly to include persons directly targeted by an act, as well as the community of students as a whole who are likely to be impacted by the act.

- (B) Require the education provider to prioritize the safety and well-being of all persons impacted by the act.
- (C) Require the education provider to recognize the experience of all persons impacted by the act, acknowledge the impact, commit to taking immediate action and prevent further harm against those persons impacted.
- (D) Include educational components that:
- (i) Address the history and impact of hate;
 - (ii) Advance the safety and healing of those impacted by bias and hate; and
 - (iii) Promote accountability and transformation for people who cause harm as well as transformation of the conditions that perpetuated the harm.
- (E) Include communication protocols that provide all persons impacted by the act with information relating to the investigation and outcome of the investigation
- (i) The information provided to the persons directly targeted by an act and the person who committed the act must include notice that an investigation has been initiated, notice when an investigation has been completed, findings of the investigation and the final determination based on those findings, actions taken to remedy a person's behavior and prevent reoccurrence, and, when applicable, the legal citation to any law prohibiting the disclosure of any of the information described in this subparagraph and an explanation of how that law applies to the current situation.
 - (ii) The information provided to the community of students as a whole who are likely to be impacted by the act must include notice that an investigation has been initiated and actions taken to prevent reoccurrence.
- (F) Direct the education provider to consider whether the act implicates other civil rights laws and, if so, to respond accordingly. The nature of the conduct must determine:
- (i) The process used to respond to the act;
 - (ii) The rights and protections available to the person impacted by the act; and
 - (iii) The right to appeal to the Oregon Department of Education or the United States Department of Education.
- (G) Require the education provider to develop and implement instructional materials to make this policy and related practices, including reporting procedures, educational processes and possible consequences, known to all school employees and students of the education provider.

Statutory/Other Authority: ORS 326.051 & ORS 659.850

Statutes/Other Implemented: ORS 659.850

History:

ODE 35-2021, amend filed 10/26/2021, effective 10/26/2021

ODE 6-2021, adopt filed 02/19/2021, effective 02/19/2021

ODE 36-2020, temporary adopt filed 09/18/2020, effective 09/18/2020 through 03/16/2021

581-022-2315

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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 343.041

History:

Renumbered from 581-022-1340 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 25-2008, f. & cert. ef. 9-26-08

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

581-022-2320

Required Instructional Time

(1)(a) Except as allowed under subsections (2) and (4), 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.

(b) A student who is 18 years of age or older or an emancipated minor or the person in parental relationship to a minor student may request to annually receive the minimum hours of instructional time. The school district must honor the request except as specifically provided for by rule or law.

(2)(a) Notwithstanding the requirements of subsection (1), with the annual approval of the local school board after a public hearing, the following students are exempted from the instructional time requirement and are not included in the district's calculation of instructional time under subsection (1):

(A) Students who have fulfilled all state requirements for graduation under OAR 581-022-2000;

(B) Students who at the start of their senior year are on track to exceed all state requirements for graduation under OAR 581-022-2000 as determined by the number and type of credits earned by the student; and

(C) Students who are earning credits toward a diploma through accelerated learning classes, such as Advanced Placement, International Baccalaureate, or classes at a post-secondary institution, internship, work-based learning, or credits by proficiency.

(b) Each year, the school district must report to the local school board the total number of students disaggregated by relevant sociodemographic group that have been exempted from the instructional time requirements under this subsection.

(3) Nothing in this rule may be construed to affect the right of a person to be admitted to the school district in which they reside under ORS 339.115.

(4) A school district may request permission to exempt an alternative education program as defined in ORS 336.615 from the requirement in subsection (1). The request must be made in writing to the Deputy Superintendent of Public Instruction. The Deputy Superintendent is authorized to grant permission under this section without obtaining approval from the State Board of Education. Permission will be granted where:

(a) The request is made with the approval of the school district's governing school board;

(b) The school district is using an evidence-based strategy that includes flexible time options; and

(c) The school district has implemented a system to assess students prior to placement to determine whether placement in an alternative education program is appropriate.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

Statutory/Other Authority: ORS 326.011 & 326.051

Statutes/Other Implemented: ORS 326.051

History:

[ODE 29-2018, amend filed 09/26/2018, effective 09/26/2018](#)

Renumbered from 581-022-1620 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 2-2015, f. 1-30-15, cert. ef. 7-1-15

ODE 25-2008, f. & cert. ef. 9-26-08

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

581-022-2325

Identification of Academically Talented and Intellectually Gifted Students

(1) Each school district shall have policies and procedures for the identification of talented and gifted students as defined in ORS 343.395.

(a) This population of students demonstrates exceptional performance when compared to applicable developmental or learning progressions, with consideration given for variations in student's opportunity to learn and to culturally relevant indicators of ability.

(b) Students identified as talented and gifted require differentiated instructional services and/or programs designed to address their strengths and needs.

(2) In the identification of talented and gifted students, district policies and procedures shall:

(a) Provide professional development for those responsible for identification of students who are talented and gifted;

(b) Use evidence-based practices that include a variety of tools and procedures to determine if a student demonstrates a pattern of exceptional performance and/or achievement that is relevant to the identification of talented and gifted students under ORS 343.395.

(c) Collect and use multiple modes and methods of qualitative and quantitative evidence to allow appropriate members of a student's identification team to make a determination about the identification and eligibility of the students for talented and gifted services, supports, and/or programs; with no single test or piece of evidence eliminating a student from eligibility.

(d) Use methods and practices that minimize or seek to eliminate the effects of bias in assessment and identification of students from historically underrepresented populations including, but not limited to:

(A) Students who are racially/ethnically diverse;

(B) Students experiencing disability;

(C) Students who are culturally and/or linguistically diverse;

(D) Students experiencing poverty; and

(E) Students experiencing high mobility.

(e) Incorporate assessments, tools, and procedures, that will inform the development of an appropriate plan of instruction for students who are identified as talented and gifted and describe how information from the assessments, tools and procedures

used in the identification for talented and gifted students will be used to support development of the plan of instruction.

(f) Identify how the educational record under ORS 326.565 of the student being considered will document and reflect the record of the team's decision and the procedures and data used by the team to make the decision.

(3) The following sources of evidence may be used by the identification team to provide students with multiple opportunities to demonstrate a pattern or preponderance of evidence of talent or giftedness:

(a) Local Performance Assessment data, as defined in OAR 581-022-2115, using local norms (building or district),

(b) National and/or state standardized assessment data using national and/or local norms (building or district),

(c) Evidence of rapid language acquisition, accelerated learning, and advanced vocabulary in any language,

(d) Research-based rating scales,

(e) Research-based comprehensive observational instruments, or

(f) Learning progressions, performance tasks, work samples, and other measures provided by the Department of Education.

(4) Academic evidence reviewed shall align to the full depth, breadth, and complexity of Oregon's content standards and benchmarks. Standardized assessments used for academic/achievement-based identification shall include technical documentation demonstrating alignment or documentation of intended use for the purpose of talented and gifted identification.

(5) Standardized assessments used for intellectually gifted identification shall include technical documentation demonstrating alignment to research-based best practices inclusive of students from underrepresented populations.

(6) School districts may identify additional students who are talented and gifted as defined in ORS 343.395, as determined by local district policies and provisions, if the students demonstrate outstanding ability or potential in one or more of the following areas:

(a) Creative ability in using original or nontraditional methods in thinking and producing.

(b) Leadership ability in motivating the performance of others either in educational or non-educational settings.

(c) Ability in the visual or performing arts, such as dance, music or art.

Statutory/Other Authority: ORS 343.391 - 343.413

Statutes/Other Implemented: ORS 326.051

History:

[ODE 18-2022, amend filed 03/28/2022, effective 03/28/2022](#)

Renumbered from 581-022-1310 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 23-2016, f. & cert. ef. 4-7-16

ODE 6-2009, f. & cert. ef. 6-29-09

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

581-022-2330

Rights of Parents of TAG Students

In carrying out the requirements of OAR 581-022-2325 and OAR 581-022-2500, 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 581-022-2330. 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 581-002-0001 to OAR 581-002-0023.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 343.391 - 343.413

History:

[ODE 11-2019, amend filed 03/25/2019, effective 03/25/2019](#)

[ODE 36-2018, minor correction filed 11/14/2018, effective 11/14/2018](#)

Renumbered from 581-022-1320 by ODE 16-2017, f. & cert. ef. 7-5-17
EB 18-1996, f. & cert. ef. 11-1-96

581-022-2335

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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 326.051

History:

Renumbered from 581-022-1630 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 25-2008, f. & cert. ef. 9-26-08

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

581-022-2340

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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 326.051

History:

Renumbered from 581-022-1520 by ODE 16-2017, f. & cert. ef. 7-5-17

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

581-022-2345

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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 326.051

History:

Renumbered from 581-022-1530 by ODE 16-2017, f. & cert. ef. 7-5-17

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

581-022-2350

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. 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.

Statutory/Other Authority: ORS 337.050(2) & 337.141

Statutes/Other Implemented: ORS 337.120 & 337.141

History:

Renumbered from 581-022-1622 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 22-2012, f. & cert. ef. 8-1-12

ODE 3-2009, f. & cert. ef. 6-29-09
 Renumbered from 581-011-0085, ODE 25-2008, f. & cert. ef. 9-26-08
 ODE 10-2001, f. & cert. ef. 5-15-01
 EB 30-1991, f. & cert. ef. 12-18-91
 EB 21-1991(Temp), f. 10-30-91, cert. ef. 11-1-91
 EB 2-1991, f. & cert. ef. 2-28-91
 1EB 19-1982, f. & ef. 11-23-82
 1EB 245, f. & ef. 9-23-76
 1EB 215, f. 1-29-76, ef. 2-25-76

581-022-2355

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 581-022-2350 and 581-022-2360.

(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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 337.150

History:

Renumbered from 581-022-1640 by ODE 16-2017, f. & cert. ef. 7-5-17
 ODE 3-2009, f. & cert. ef. 6-29-09
 ODE 13-2007, f. 4-25-07, cert. ef. 4-27-07
 ODE 11-1998, f. & cert. ef. 6-23-98
 EB 18-1996, f. & cert. ef. 11-1-96

581-022-2360

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.

Statutory/Other Authority: ORS 337.120

Statutes/Other Implemented: ORS 337.120

History:

Renumbered from 581-022-1650 by ODE 16-2017, f. & cert. ef. 7-5-17
 ODE 3-2009, f. & cert. ef. 6-29-09
 EB 18-1996, f. & cert. ef. 11-1-96

581-022-2370**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.
- (2) A school district's complaint procedure must:
- (a) Be in writing available at the main administrative office and, if the school district has a website, in a form available on the home page of the school district's website;
 - (b) Include the name of the person, position, or office within the school district with the responsibility for responding to the complaint; and
 - (c) 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 complaint procedure.
- (3) A school district's complaint procedure may:
- (a) Distinguish between those complaints that may be appealed under OAR 581-002-0040 OAR 581-002-0001 to OAR 581-002-0023, and other complaints;
 - (b) Offer mediation or other alternative dispute resolution processes as an option available if all parties to the complaint agree in writing to participate;
 - (c) Impose a time limitation for filing a complaint that is the later of either:
 - (A) Two years after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident. For incidents that are continuing in nature, the time limitation must run from the date of the most recent incident; or
 - (B) One year after the affected student has graduated from, moved away from, or otherwise left the school district.
 - (d) Include more than one but no more than four steps for addressing the complaint.
- (4) The procedure for hearing and acting on complaints alleging violation of the Oregon Administrative Rules, chapter 581, division 22 (division 22 Standards), ORS 339.285 to 330.303 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion), ORS 659.850 or OAR 581-021-0045, 581-021-046, 581-021-047 (Discrimination); or ORS 659.852 (Retaliation) must include the following:
- (a) The point at which the district's decision is final; and
 - (b) A final decision in written or electronic form that addresses each allegation in the complaint and contains reasons for the district's decision and notifies the complainant that the district's decision may be appealed to the Deputy Superintendent of Public Instruction under OAR 581-002-0001 to OAR 581-002-0023.
- (5) This rule applies to appeals filed with a school district on or after January 1, 2018.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 327.103 & 326.051

History:

ODE 11-2019, amend filed 03/25/2019, effective 03/25/2019

ODE 2-2019, minor correction filed 01/08/2019, effective 01/08/2019

Renumbered from 581-022-1650 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 9-2017, f. 6-29-17, cert. ef. 7-1-17, Renumbered from 581-022-1941

ODE 31-2007, f. & cert. ef. 12-12-07

581-022-2400**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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 326.051

History:

Renumbered from 581-022-1710 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 25-2008, f. & cert. ef. 9-26-08

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

581-022-2405

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.

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 326.051

History:

Renumbered from 581-022-1720 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 21-2011, f. & cert. ef. 12-15-11

ODE 25-2008, f. & cert. ef. 9-26-08

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

581-022-2410

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 and be separately developed for teachers and administrators.

(2) Local evaluation and support systems established by school districts for teachers and administrators must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems, including:

(a) Four performance level ratings of effectiveness;

(b) For teachers, classroom-level student learning and growth goals set collaboratively between teachers and evaluators.

(c) Consideration of multiple measures of teacher and administrator practice and responsibility which may include, but are not limited to:

- (A) Classroom-based assessments including observations, lesson plans and assignments;
- (B) Portfolios of evidence;
- (C) Supervisor reports; and
- (D) Self-reflections and assessments.

(d) Consideration of evidence of student academic growth and learning based on multiple measures of student progress, including performance data of students, schools, and school districts that is both formative and summative. Evidence may also include other indicators of student success;

(e) A summative evaluation method for considering multiple measures of professional practice, professional responsibilities and student learning and growth to determine the educator's professional growth path.

(f) Customization 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; and

(f) Address ways to help all educators strengthen their culturally responsive practices.

(4) Local evaluation and support systems established by school districts must evaluate teachers and administrators on a regular cycle.

(5) District superintendents shall regularly report to their governing boards on implementation of their local evaluation and support systems and educator effectiveness.

Statutory/Other Authority: ORS 342.805 - 342.937

Statutes/Other Implemented: 2011 OL Ch. 729 Sec. 2 (Enrolled SB 290)

History:

ODE 13-2017, f. & cert. ef. 7-5-17

Renumbered from 581-022-1723 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 33-2016, f. & cert. ef. 5-5-16

Reverted to ODE 23-2012, f. & cert. ef. 8-1-12

ODE 11-2015(Temp), f. & cert. ef. 7-15-15 thru 1-10-16

ODE 23-2012, f. & cert. ef. 8-1-12

ODE 21-2011, f. & cert. ef. 12-15-11

581-022-2415

Core Teaching Standards

School districts shall use the core teaching standards to evaluate teacher effectiveness outlined in OAR 581-022-2410. 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_Stds_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]

Statutory/Other Authority: ORS 342.805–342.937

Statutes/Other Implemented: OL 2011 § 2 & Ch 729 (SB 290)

History:

Renumbered from 581-022-1723 by ODE 16-2017, f. & cert. ef. 7-5-17
ODE 21-2011, f. & cert. ef. 12-15-11

581-022-2420**Educational Leadership — Administrator Standards**

School districts shall use the educational leadership–administrator standards to evaluate administrator effectiveness outlined in OAR 581-022-2410. 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. 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]

Statutory/Other Authority: ORS 342.805 - 342.937

Statutes/Other Implemented: 2011 OL Ch. 729 Sec. 2 (Enrolled SB 290)

History:

Renumbered from 581-022-1725 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 23-2012, f. & cert. ef. 8-1-12

ODE 21-2011, f. & cert. ef. 12-15-11

581-022-2430

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.

Statutory/Other Authority: ORS 326.603

Statutes/Other Implemented: ORS 326.603

History:

Renumbered from 581-022-1730 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 25-2008, f. & cert. ef. 9-26-08

ODE 9-2006, f. & cert. ef. 2-21-06

ODE 3-2004, f. & cert. ef. 1-15-04

Reverted to 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 29-1999, f. 12-13-99, cert. ef. 12-14-99

ODE 4-1999, f. & cert. ef. 1-12-99

Reverted to EB 18-1996, f. & cert. ef. 11-1-96

ODE 12-1998(Temp), f. & cert. ef. 6-23-98 thru 12-19-98

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

581-022-2440

Teacher Training Related to Dyslexia

(1) School districts must ensure that at least one kindergarten through grade five teacher in each kindergarten through grade five school has received training related to dyslexia. The training must be from the Department approved list referenced in 581-002-1805 and must include all of the content requirements in subsection (2)(b) of 581-002-1805.

(2) A teacher who has completed previous training on using evidence-based practices to teach the foundational skills in reading may demonstrate knowledge of that content through receiving a passing score on a certification exam that is directly aligned with the knowledge and practice standards of an international organization on dyslexia and be exempt from that area

of the training requirements as stated in (2)(b) of 581-002-1805. The teacher will still be required to complete training as outlined in 581-002-1805 (2)(a) and (c).

(3) The teacher who completes the dyslexia-related training must be a licensed or registered teacher serving in a position teaching students in any configuration of grades kindergarten through fifth grade and assigned to the school building at least .50 FTE. The position may include, but is not limited to, that of classroom teacher, reading specialist, special educator or English language learner teacher.

(4) The definitions of terms outlined in OAR 581-002-1800 apply to this rule.

(5) This rule is effective July 1, 2018.

Statutory/Other Authority: ORS 326.726

Statutes/Other Implemented: ORS 326.726

History:

[ODE 2-2018, amend filed 01/26/2018, effective 01/27/2018](#)

ODE 1-2017, f. & cert. ef. 2-1-17

581-022-2445

Universal Screenings for Risk Factors of Dyslexia

(1) School districts must universally screen for risk factors of dyslexia in kindergarten using a screening test that is on the Department's approved list referenced in 581-002-1820 and administering the measures in each area in 581-002-1820(2)(b) with fidelity as per guidelines of the test developers.

(2) If a student first enrolls in a public school in Oregon for first grade, school districts must screen the student in first grade using a screening test that is on the Department's approved list referenced in 581-002-1820 and administer the measures in each area in 581-002-1820(2)(c) with fidelity as per guidelines of the test developers.

(3) A school district may petition the Superintendent of Public Instruction or their designee to request selection of a screening test that is not included on the Department's approved list. The written petition must specify the screening test the district proposes to use along with evidence that all of the criteria referenced in 581-002-1820 are met by the test. If it is determined that the test meets the criteria, the Superintendent of Public Instruction shall approve the request.

(4) If a student shows risk factors for reading difficulties, including dyslexia, school districts must screen for a family history of difficulty in learning to read.

(a) A student is determined to show risk factors for reading difficulty, including dyslexia, if:

(A) Based on test developer guidelines, the student shows risk on the universal screening test; and

(B) The student does not make adequate progress, as indicated by the progress monitoring measures aligned with the universal screener, as the result of evidence-based reading intervention provided in addition to regular core instruction.

(b) The screening for family history:

(A) Must be completed no later than the next universal screening period according to test developer guidelines if a child continues to show risk on the universal screening test. Students who first enroll in a public school in kindergarten or grade one at the final universal screening period of the school year and show risk on the universal screening test will be screened for family history of reading difficulties immediately following the universal screening;

(B) May be conducted verbally or in a written format;

(C) Will consist of asking a parent or guardian if an immediate biological family member has experienced difficulty in learning to read, write or spell;

(D) Will include questions related to the student's developmental history; and

(E) Will be completed and documented by the classroom teacher, data-review team member, or designee of the team.

(5) School districts must include students who are English learners in the universal screening for risk factors of dyslexia.

(a) School districts will screen students who are English learners:

(A) In the student's native language, if the language of literacy instruction is in the student's native language;

(B) In English, if the language of literacy instruction is English; or

(C) In the student's dominant language, if the student is in a dual immersion program.

(b) School districts may screen students who are English learners in English if a district does not have access to screeners in the student's native language.

(6) If a student enrolls in kindergarten or first grade in a public school in this state midyear, a school district must begin screening for risk factors of dyslexia no later than 30 school days following enrollment.

(7) This rule is effective in the 2018-2019 school year.

Statutory/Other Authority: ORS 326.726

Statutes/Other Implemented: ORS 326.726

History:

ODE 31-2018, adopt filed 10/19/2018, effective 10/21/2018

581-022-2500

Programs and Services for Talented and Gifted Students

(1) Each school district shall submit to the Oregon Department of Education a written plan of instruction for talented and gifted children on a date and in a format provided in guidance documents provided by the Oregon Department of Education. The plan shall include, but not be 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 school district for talented and gifted children;

(c) A statement of school 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 requirement that each talented and gifted child and the child's parents have the opportunity to discuss with the school district the programs and services available to the child and to provide input on the programs and services to be made available to the child;

(f) A plan for evaluating progress on the school district plan, including each component program and service;

(g) The name and contact information for the school district's coordinator of special educational services and programs for talented and gifted children.

(2)(a) For a plan described in subsection (1) of this section, a school district shall:

(A) Provide the plan when requested at any of the schools of the school district or at the school district's main office; and

(B) Provide the plan on the school district's website.

(b) A school district must provide the name and contact information for the school district's coordinator of special educational services and programs for talented and gifted children:

(A) To the Department of Education annually; and

(B) On the school district's website in the manner prescribed by the department.

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

(4) 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.

Statutory/Other Authority: ORS 343.391 - 343.413

Statutes/Other Implemented: ORS 326.051

History:

ODE 10-2022, amend filed 01/27/2022, effective 01/27/2022

Renumbered from 581-022-1330 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 20-2011, f. & cert. ef. 12-15-11

ODE 6-2009, f. & cert. ef. 6-29-09

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

581-022-2505

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 581-022-2000 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 581-022-2030;

(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 581-022-2000, 581-022-2010 and 581-022-2020;

(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 581-022-2505) 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 district's 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 581-022-2000;

(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 581-022-2000(5) 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 581-022-2030 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.

Statutory/Other Authority: ORS 326.051, 327.125, 336.625 & 336.645

Statutes/Other Implemented: ORS 327.006, 329.485, 336.615 - 336.665, 329.485, 339.115, 339.030 & 339.250

History:

[ODE 31-2022, minor correction filed 06/01/2022, effective 06/01/2022](#)

Renumbered from 581-022-1350 by ODE 16-2017, f. & cert. ef. 7-5-17

ODE 25-2008, f. & cert. ef. 9-26-08

ODE 20-2007, f. & cert. ef. 9-10-07

ODE 12-2007, f. & cert. ef. 4-25-07

ODE 4-2003, f. & cert. ef. 3-14-03

ODE 2-1998, f. & cert. ef. 2-27-98

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

581-022-2510

Suicide Prevention Plan

(1) For purposes of this rule, “behavioral health crisis” means a disruption in an individual’s mental or emotional stability or functioning resulting in an urgent need for immediate treatment to prevent a serious deterioration in the individual’s mental or physical health.

(2) Each district school board shall adopt a policy requiring plan on student suicide prevention for students in kindergarten through grade 12.

(3) A plan required under this rule must include:

(a) All requirements set out in ORS 339.343;

(b) Supports that are culturally and linguistically responsive to the needs of students who are at higher risk of suicide and suicide ideation, including lesbian, gay, bisexual, transgender, queer and other minority gender identity and sexual orientation, Native American, Black, Latinx, and Asian students;

(c) Procedures for reentry into the school environment following a hospitalization or behavioral health crisis; and

(d) A process for designating staff to be trained in an evidence based suicide prevention program. The Department of Education will provide a list of available programs.

Statutory/Other Authority: 2019 OL Ch. 172 (Enrolled SB 52) & ORS 339.343

Statutes/Other Implemented: 2019 OL Ch. 172 (Enrolled SB 52) & ORS 339.343

History:

[ODE 13-2020, adopted filed 04/23/2020, effective 04/23/2020](#)