2019

December

The State Board of Education will hear the following rule proposals as first reads on Dec. 12, 2019 at 255 Capitol St NE, Salem, OR. If you would like to submit public comment, [please email it to us](mailto:ODE.RuleTestimony@state.or.us) by Dec. 12, 2019. The Oregon Department of Education will accept public comment for these administrative rules until January 16, 2019. If you would like to request a public hearing, please do so by emailing [Administrative Rules Coordinator Cody Sibley](mailto:cody.sibley@state.or.us).

[Comprehensive School Counseling](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/Comprehensive%20School%20Counseling.pdf)

Amend: 581-022-2060

The 2019 Oregon Legislature passed HB 2876, creating a new law that specifies TSPC licensed school social workers and counselors, or any combination of persons qualified as determined by rules adopted by the State Board of Education, are those who can design, deliver, or otherwise implement a coordinated comprehensive school counseling program. The current Oregon Administrative Rule (OAR) 581-022-2060 Comprehensive School Counseling is being revised to reflect this new law.

[Minimum Standards for Electric School Buses](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/Minimum%20Standards%20for%20Electric%20School%20Buses.pdf)

Adopt: 581-053-0650

Amend: 581-053-0003

These rules establish standards for districts wishing to use electric buses. Districts need these rules to ensure safety standards exist regardless of the buses districts choose to use.

[Suicide Prevention Plan](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/Suicide%20Prevention%20Plan.pdf)

Adopt: 581-022-2510

In 2019, the Oregon Legislature passed SB 52, which requires districts to create a suicide prevention plan. This rule helps to implement that bill.

[Administration of Medication Revisions to Implement SB 665](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/Administration%20of%20Medication%20Revisions%20to%20Implement%20SB%20665.pdf)

Amend: 581-021-0037

SB 665 directs the state board of education to adopt rules for the administration of Nalaxone or any similar medication that is designed to rapidly reverse opiod overdose. The proposed revisions add Nalaxone to the current rule relating to the administration for medication in the school setting.

November

The State Board of Education will hear the following rule proposals as first reads on Nov. 21, 2019 at 255 Capitol St NE, Salem, OR. If you would like to submit public comment, [please submit via email](mailto:ODE.RuleTestimony@state.or.us). Unless otherwise stated, the department will accept public comment by Dec. 12, 2019. The Oregon Department of Education will conduct a public hearing for these Administrative Rules on Dec. 3, 2019 from 11:30 a.m. to 12:30 p.m. at the Public Service Building, 225 Capitol Street NE, in Room 400A.

[Student Success Act Summer Program Grant](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Summer%20Program%20Grant.pdf)

Adopt: 581-017-0620, -0623, -0626, -0629, -0632, & -0635

In 2019, the Oregon legislature passed HB 3427, the Student Success Act. The bill directs some of the money from the Student Success Act to go toward summer programs. These administrative rules establish the criteria under which districts may apply for the Summer Program Grant as described in HB 3427. Note: The department will accept public comment for these rules until January 23, 2020.

[Definitions for Student Investment Account: Third Grade Reading Proficiency](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Third%20Grade%20Reading%20Proficiency%20rules.pdf)

Adopt: 581-014-9999

In 2019, the Oregon legislature passed HB 3427, the Student Success Act, which directed the State Board of Education to adopt a definition for third-grade reading proficiency for the purposes of developing growth targets for the Student Investment Account. This administrative rule established a definition for third grade reading proficiency.

October

Unless otherwise specified, the State Board of Education will hear the following rule proposals as first reads on Oct. 17, 2019 at 255 Capitol St NE, Salem, OR. If you would like to submit public comment, [please submit via email](mailto:ODE.RuleTestimony@state.or.us) by Dec. 12, 2019 unless otherwise specified. You may request a hearing on these rule proposals by [emailing the Rules Coordinator, Cody Sibley](mailto:cody.sibley@state.or.us). Please request a public hearing by Dec. 2, 2019 unless otherwise specified.

[Future Farmers of America Summer Duty Extended Contract Grant](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/FFA%20OARs.pdf)

Adopt: 581-017-0601, -0604, -0607, -0610, -0613, & -0616

Note: The Oregon Department of Education will accept public comment for these administrative rules until Dec. 12, 2019 at 9 a.m. ODE will accept requests for public hearings for these administrative rules from Oct. 15 until Dec. 10, 2019.

In 2019, the Oregon legislature passed HB 2444, which appropriates $600,000 for teachers and their FFA summer duty contract / extended duty contracts. The intent HB 2444 is to improve graduation rates, college preparation and career placement for students enrolled within an ODE approved CTE - Agriculture Science and Technology Program of Study. These rules help to achieve the intent of HB 2444.

NOTE: The State Board of Education heard a first read on these rules on Sept. 19, 2019. They will go before the Board for a final adoption on Dec. 12, 2019.

[Tribal Attendance Promising Practices](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Tribal%20Attendance%20Promising%20Practices.pdf)

Amend: 581-017-0365, -0367, -0369, -0371, -0373, -0375 5

These rules establish the funding and reporting aspects of the Tribal Attendance Promising Practices grant. These OARs are being revised to reflect the change in name from the Tribal Attendance Pilot Program grant to the Tribal Attendance Promising Practices grant.

[Distribution of Assets of a Terminated or Dissolved Public Charter School](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Distribution%20of%20Assets%20of%20a%20Terminated%20or%20Dissolved%20Public%20Charter%20School.pdf)

Amend: 581-026-0515

This amendment will delegate the administrative function of distributing assets of closing public charter schools to other public schools and districts in the state. This will save the State Board of Education time annually or as public charter schools close.

[Oregon Connecting Schools Fund](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Connecting%20Oregon%20Schools%20Fund.pdf)

Amend: 581-028-0005, -0010, & -0015

The Oregon Connecting Schools Fund was designed to leverage the federal government’s E-Rate Program to provide funding to districts to help them build networks to access high-speed internet. In 2019, the legislature passed HB 2173 to allow more education entities to access the state matching funds. ODE needs to revise the rules that administer the Oregon Connecting Schools Fund program so that not only school districts, but also ESDs, charter schools, or a consortium of any of these three entities can qualify for the matching federal funds to build broadband internet infrastructure. This revision also includes updating the priority list calculations for the other entities.

[School Finance Updates](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/School%20Finance%20Updates.pdf)

Amend: 581-023-0040 & -0104

These OAR amendments update the definition of Patron in Transportation Grant to include OSU Outdoor school, update non-reimbursable mileage rate for Transportation Grant for AY'21, and remove references to Medicaid billing in High Cost Disability Grant requirements in an attempt to remove disincentives for districts to pursue Medicaid reimbursements.

September

Public Comments will be accepted until Aug. 15, 2019, at 9:00 a.m. and may be [submitted to ODE via email](mailto:ODE.RuleTestimony@state.or.us). You may request a hearing on these rule proposals by emailing Rules Coordinator [Cody Sibley](mailto:cody.sibley@state.or.us). If you would like to request a public hearing on these rule proposals, please do so by Aug. 9, 2019. If you cannot attend a hearing, you may call in at (503) 947-0333. Please email ahead of time if you plan to call in for the hearing.

[Restraint and Seclusion](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Restraint%20and%20Seclusion.pdf)

Amend: 581-021-0550, -021-0553, -021-0556, -021-0563, -021-0566  
Repeal: 581-021-0559  
Adopt: 581-022-2267

Senate Bill 963 was signed into law by the governor with an effective date is July 1, 2019. This legislation changes the restraint and seclusion laws in Oregon public education programs. Rulemaking is necessary to update the restraint and seclusion rules to make them consistent with the new restraint and seclusion law and to further clarify some of the changes made to restraint and seclusion via SB 963.

[Educator Advancement Fund](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Educator%20Advancement%20Fund.pdf)

Adopt: 581-012-0001, -0003, -0005, -0007, -0009, -0011, -0013, -0015, -0017, -0019

At the May 2019 SBE meeting, temporary rules were approved on behalf of the EAC; those rules are scheduled to expire in November 2019. In consultation with ODE's Government & Legal Affairs Manager, the EAC has made adjustment to the temporary rules, and requests SBE undertake permanent rulemaking on their behalf. Once approved, the EAC will begin robust stakeholder outreach for public comment.

[Rules Cleanup](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Clean%20up%20rules.pdf)

Repeal: 581-021-0059  
Amend: 581-021-0570

The Oregon Department of Education is undergoing a holistic overview of its current administrative rules. OAR 581-021-0059 refers to district pilot programs that are no longer in place, so this rule needs to be repealed. OAR 581-021-0570 refers to complaint procedures and incorrectly references who a complainant may final an appeal with, so this rule needs to be amended.

Removal of Chief Education Office References from [Division 17](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/Division%2017%20Chief%20Ed%20Rule%20Revisions.pdf) and [Division 18](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/Division18%20Chief%20Ed%20Revisions%206-11-18.pdf)

Amend: 581-017-0010; 581-017-0020; 581-017-0215; 581-017-0312; 581-017-0315; 581-017-0318; 581-017-0330; 581-017-0333; 581-017-0335; 581-017-0347; 581-018-0010; 581-018-0020; 581-018-0125; 581-018-0265; 581-018-0325; 581-018-0336; 581-018-0509; 581-018-0529; 581-018-0575; 581-018-0590

In 2015, the legislature passed SB 215, which eliminated the Oregon Education Investment Board and established the Chief Education Office with a sunset date of June 30, 2019. Now that the office is about to sunset, ODE needs to delete references to the Chief Education Office found throughout its rules.

April

Public Comments will be accepted until May 16, 2019 at 9:00 a.m. and [may be submitted to ODE via email](mailto:ODE.RuleTestimony@state.or.us).

Hearings will be held in Room 400A of the Public Service Building at 255 Capitol St NE, Salem, OR. If you cannot attend the hearing, you may call in at (503)-947-0333. Please email ahead of time if you plan to call in for the hearing.

[Early Intervention](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Early%20Intervention%20Amendment%20Filings.pdf)

Hearing: April 16, 2019 from 11:00 a.m. - 1:00 p.m.  
Amend: OAR 581-015-2730, OAR 581-015-2774

Currently, public agencies must obtain parental consent before conducting initial evaluations or reevaluations for Early Intervention. These rules are being amended to require public agencies to obtain parental consent for screenings for Early Intervention.

[Division 27 Rule Amendments](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Division%2027%20Rules%20Amendments.pdf)

Hearing: April 16, 2019 from 11:00 a.m. - 1:00 p.m.  
Amend: OAR 581-027-0005, -0010, -0015, -0020, -0023, -0025, -0030, -0035, -0040, -0045, -0050

Division 27 rules govern ODE’s School Construction Matching Programs such as the Oregon School Capital Improvement Matching Program and the Technical Assistance Grant Program. These rules are being amended based on stakeholder input to:

1. Adjust how the Department calculates the grant award amounts
2. Allow school districts more time to apply for some of the matching grant programs
3. Expand the assessment requirements for these grants
4. Tailor the long-range facility plan requirement to meet individual districts’ needs
5. Strengthen the requirements for becoming certified assessors

[Essential Skill Assessment for English Language Learners](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Essential%20Skill%20Assessment%20for%20English%20Language%20Learners.pdf)

Hearing: April 16, 2019 from 11:00 a.m. - 1:00 p.m.  
Amend: OAR 581-022-2120

This rule establishes essential skill assessments for English language learners. It sets standards for a historically underrepresented population in Oregon, and these amendments are needed to broaden the assessment for English language learners.

[Fund Administration](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Fund%20Administration%20Rule%20Amendments.pdf)

Hearing: April 17, 2019 from 10:00 a.m. - 10:30 a.m.  
Amend: OAR 581-013-0015

The current rule states that funds that are apportioned to a school district or charter school for a given biennium must be used by the school district, charter school, or ESD in that biennium. Some school districts would like to use some of their funds to support summer programing. The proposed revision will allow districts to request permission from ODE to use a portion of their funds for summer programing when that summer straddles two biennia.

March

Public Comments will be accepted until May 16, 2019 at 9:00 a.m. and may be submitted to ODE.RuleTestimony@state.or.us.

Hearings will be held in room 400A in the Public Service Building at 255 Capitol St NE, Salem, OR. If you cannot attend the hearing, you may call in at (503)-947-0333.

[Developmental Delay](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Proposed%20OAR%20language%20related%20to%20Developmental%20Delay_Feb2019.pdf)

Hearing: March 20, 2019 from 10:45-11:45 AM  
Amend: OAR 581-015-2000, OAR 581-015-2700, OAR 581-015-2790, OAR 581-015-2805  
Adopt: OAR 581-015-2126

In 2018, the legislature passed HB 4067, which expanded eligibility criteria for school-aged children to be under the classification of Developmental Delay. These rules were amended and proposed to comply with legislative changes.

[Visual Impairment](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Visual%20Impairment%20Amendments.pdf)

Hearing: March 26, 2019 from 10:30 AM to 11:30 AM  
Amend: OAR 581-015-2000, OAR 581-015-2180

The federal Office of Special Education Programs recently released guidance regarding eligibility guidelines for visual impairment. ODE is proposing the revisions to align with the federal guidance.

[Fingerprinting and Background Checks](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Fingerprinting%20Revisions.pdf)

Hearing: March 28, 2019 from 10 AM to 11 AM  
Adopt: OAR 581-021-0510, OAR 581-021-0511, OAR 581-021-0512, OAR 581-045-0584, OAR 581-045-0587  
Amend: OAR 581-045-0586  
Repeal: OAR 581-021-0500, OAR 581-021-0501, OAR 581-021-0503

As currently written, ODE’s fingerprinting rules lead to background checks that do not accurately reflect an individual's record. Specifically, issues with individuals receiving pardons by executive orders were still classified as convicted. These rules are being reformed to correct issues identified with pardons.

February

Public Comments will be accepted until March 21, 2019 at 9:00 a.m. and may be [submitted to ODE via email](mailto:ODE.RuleTestimony@state.or.us). Hearing will be held February 19, 2019, from 11 a.m. to 12 p.m. in Room 400A of the Public Service Building at 255 Capitol St NE, Salem, OR. If you cannot attend the hearing, you can call in at (503)-947-0333.

[Noncompetitive Farm-to-School Grant](https://www.oregon.gov/ode/rules-and-policies/StateRules/Documents/State%20Board%20Proposed%20OAR/Noncompetitive%20Farm%20to%20School%20Grant%20OAR.pdf)

OAR 581-017-0430

Under ORS 336.431, noncompetitive farm-to-school program grants are prohibited unless those foods met certain criteria established by the State Board of Education. This rule establishes criteria for schools and school districts to use noncompetitive farm-to-school program grants for purchases of certain foods.