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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 581
OREGON DEPARTMENT OF EDUCATION

FILED: 07/28/2026 3:57 PM
ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Annual Manuals Update for the Administration of State Assessments

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/17/2026 9:00 AM
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Haedon Brunelle
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/18/2026
TIME: 3:00 PM - 3:30 PM
OFFICER: Haedon Brunelle

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 669-254-5252
CONFERENCE ID: 1653682773

NEED FOR THE RULE(S):

This rule needs to be updated every year to grant assessment manuals enforceability. These manuals have been updated to further serve school districts.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

You may find the recorded State Board of Education presentation on this rule here:
https://meetings.boardbook.org/Meeting/Supplementals/2146?meeting=750583

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

No impact on racial equity.

FISCAL AND ECONOMIC IMPACT:

There is not an anticipated fiscal impact. School districts expect updates on these manuals annually.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There is no cost of compliance as school districts expect these updates annually.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules as this will not impact small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

An administrative rule advisory committee was not consulted. The Oregon Department of Education (ODE) identifies those who may be impacted by these rule updates and hosts direct engagements with them. In addition, ODE staff present their rule updates to a broader group of education partners ranging from non-profits, education service districts, school districts, student rule advisors, and more, prior to approaching the State Board of Education for further consideration and a vote. The State Board of Education holds public meetings and recordings for all rules. You can find all of their meetings here on boardbook: https://meetings.boardbook.org/Public/Organization/2146.

NOTE: Additional PDF filed with this filing is attached to this document. You may view the attachment filingAttachment.pdf from the Attachments panel. Alternately, you may view the attachment at the following link: https://secure.sos.state.or.us/oard/viewFilingAttachment.action?filingRsn=63033

AMEND: 581-022-2100

RULE SUMMARY: This rule is being updated with new, updated manuals for district use.

CHANGES TO RULE:

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 who need them, allowing these students to show what they know and can do. Accommodations are available only to students with a documented Individualized Education Program (IEP) or Section 504 (Plan).¶
(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 a team of educators with parent/guardian and student.¶
(c) "District test coordinator" (DTC) means district personnel who ensure secure administration of components of the Oregon Statewide Assessment System 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 components of the Oregon Statewide Assessment System in a manner not in compliance with the Test Administration Manual, Oregon Revised Statute, or this rule.¶
(f) "Invalidation" means the act of omitting information (e.g. test results and student responses) from ODE systems, including but not limited to testing, reporting, and accountability, for a given event. The student may not retest or reenter information.¶
(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)(A) "Oregon Statewide Assessment System" means:¶
(B) Statewide assessment components, including formative resources, interim tests, summative tests (general and alternate versions), and surveys, in: ¶
(i) Science;¶
(ii) Mathematics;¶
(iii) English Language Arts (ELA);¶
(iv) English Language Proficiency (ELP);¶
(v) The Student Educational Equity Development (SEED) Survey as required by ORS 329.078; and¶
(vi) The information gathering process at kindergarten as required in OAR 581-022-2130.¶
(j) "Reset" means the removal of student responses for a given assessment event. The student may retest or reenter information.¶
(k) "School building" means facilities owned, leased, or rented by a school district, educational service district, public charter school, private school, or private alternative program.¶
(l) "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.¶
(m) "School test coordinator" (STC) means school personnel who provide comprehensive training to test administrators and monitor the testing process.¶
(n) "Test Administration Manual", "Oregon Accessibility Manual", and "SEED Survey Administration Manual" refer to manuals published annually by ODE that include descriptions of the specific policies and procedures that school districts are required to follow when administering components of the Oregon Statewide Assessment System. References to these manuals refer to the edition ~~published on August 1, 2025 and~~ approved by the State Board of Education on ~~March~~September 17, 2026 and published on October ~~19~~, 2026.¶
(o) "Test administrator" (TA) means an individual trained to administer the Oregon Statewide Assessments in accordance with the Test Administration Manual.¶
(p) "Test Schedule" means the Test Schedule published annually by ODE that includes the windows in which school districts must offer their students components of the Oregon Statewide Assessment System.¶
(q) "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.¶
(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 components of the Oregon Statewide Assessment System in accordance with the Test Administration Manual, SEED Survey 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, OAR 581-022-2250, and ORS 329.078 and as a method to evaluate compliance with OAR 581-022-2030.¶
(4)(a) Components of the Oregon Statewide Assessment System must be administered in an environment that satisfies conditions defined in the manuals, rules, and statutes pertaining to that assessment.¶
(b) 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.¶
(5) School districts must decide whether to provide accommodations during administration of components of the Oregon Statewide Assessment System on an individual student basis, and separately for each content area assessed, using the following criteria:¶
(a) For students with an Individualized Education Program (IEP) or Section 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;¶
(b) 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;¶
(6) 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.¶
(7) School districts must abide by ODE decisions regarding student assessment records, whether due to a test impropriety or any other circumstance bearing upon the validity of assessment results.¶
(8) School districts may only assess students using the alternate version of a statewide summative test if the student has an IEP indicating that the student requires alternate assessment.¶
(9) School districts must administer the state-adopted ELP summative test annually to all students eligible for English language development (ELD) services under the Elementary and Secondary Education Act (ESEA), regardless of whether an eligible student actually receives ELD services.¶
(10) Per federal requirements, administering institutions must administer a state-adopted ELP screener upon enrollment to students who would potentially meet the federal definition of an English Language Learner.¶
(11) The information gathering process at kindergarten is governed by OAR 581-022-2130.
Statutory/Other Authority: ORS 326.051, ORS 329.075, ORS 329.078
Statutes/Other Implemented: ORS 329.075, ORS 329.485, ORS 329.078

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

NOTE: Attachments referenced are attached to this document. You may view the attachment 581-022-2100.pdf from the Attachments panel. Alternately, you may view the attachments at the following link:
https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=338197