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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 581
OREGON DEPARTMENT OF EDUCATION

FILED: 10/20/2026 8:31 AM
ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Implementing SB 141 (2025): Complaint Process for Alleged Violations of Divisions 22 and 24 Standards

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/10/2026 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: 11/17/2026
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):

Section 29 of SB 141 (2025) required the Oregon Department of Education (ODE) to contract with an entity to receive recommendations on developing a complaint process. Section 31 required a complaint process for standards codified in OAR Chapter 581, Division 22. Section 32 required a complaint process for standards codified in OAR Chapter 581, Division 24. Section 33 required complaint processes to (a) be adopted by rule by December 31, 2026 and (b) take into account the entity's recommendations.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

SB 141 (2025) can be found on the Oregon Legislative Information System. You will also find written materials, public comment, and a recorded presentation on this rulemaking topic on the State Board of Education's Boardbook website. Learn more about the State Board of Education on the Oregon Department of Education's website.

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

Using the Division 22 complaint process for alleged violations of Division 24 standards creates a uniform and familiar process for both families and education service districts (ESDs).

FISCAL AND ECONOMIC IMPACT:

Although the proposed rule does not require Education Service Districts (ESDs) to have a local complaint process, ESDs that do not have a local complaint process may choose to create one. If ESDs elect to create a local complaint process, that would mean more administrative-related work for ESDs.

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).

Although the proposed rule does not require Education Service Districts (ESDs) to have a local complaint process, ESDs that do not have a local complaint process may choose to create one. If ESDs elect to create a local complaint process, that would mean more administrative-related work for ESDs.

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. These rules only directly impact school districts.

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 the meeting recordings on the State Board of Education’s Boardbook website. The State Board of Education has more information on the Oregon Department of Education website.

RULES PROPOSED:
581-075-0200, 581-075-0205

AMEND: 581-075-0200

RULE SUMMARY: Although the Oregon Department of Education (ODE) currently has a complaint process for standards codified in OAR Chapter 581, Division 22, ODE currently has no complaint process for standards codified in OAR Chapter 581, Division 24. The existing complaint process already meets most of the recommendations of the entity (the entity with which ODE contracted is the Northwest Comp Center).

CHANGES TO RULE:

581-075-0200
Investigations of Potential Violations of Division 22 Standards or Rules Codified in Division 24
(1) For purposes of OAR 581-075-0205 and this rule:¶
(a) "Department" means the Oregon Department of Education.¶
(b) "District" means a school district, education service district, public charter school, or other education entity to which a rule codified in Oregon Administrative Rules Chapter 581, Division 22 or Division 24, applies.¶
(c) "Public charter school" means an elementary or secondary charter school offering a comprehensive instructional program under a written agreement entered into between a sponsor and an applicant pursuant to ORS chapter 338.¶
(d) "Sponsor" means:¶
(A) The board of the school district or the union high school district that has developed a written charter to create a public charter school; and¶
(B) The State Board of Education pursuant to ORS 338.075.¶
(2) OAR 581-075-0205 and this rule apply to potential violations of rules codified in Oregon Administrative Rules Chapter 581, Division 22 or Division 24.¶
(3) The department will investigate a potential violation of a rule codified in Oregon Administrative Rules Chapter 581, Division 22 or Division 24, if a complainant files an appeal of a complaint initially filed with a district in accordance with OAR 581-075-0205.¶
(4) Before conducting an investigation under this rule, the department must give written notice to the district that it is going to conduct the investigation. In the notice, the department may order the district to provide the department, in a time and manner ordered by the department, with a written explanation of any action that the district took or did not take with respect to the potential violation.¶
(5) For purposes of conducting an investigation under this rule, the department may order a district to provide the department with documents and other information necessary to investigate the potential violation.¶
(6)(a) If the department determines that a violation occurred, the department must issue a final order. If the department determines that a violation did not occur, the department must issue a final order or notice of compliance.¶
(b) A final order issued under this subsection must contain the facts upon which the department is basing its conclusions, an explanation of the department's conclusions, and if the department determines that a violation occurred, an order directing the district to complete a corrective action plan. If the district is a school district, the corrective action plan must be prepared and completed in accordance with ORS 327.158. If the district is an education service district, the corrective action plan must be prepared and completed in accordance with ORS 334.217. If the district is a public charter school or other type of education entity, the corrective action plan must be prepared in a time and manner prescribed by the department.¶
(c) Notice of compliance issued under this subsection must contain a summary of the allegations made against the district and a summary of the department's conclusions.¶
(7) The department must issue a final order or notice of compliance as described in subsection (6) of this rule not later than 210 calendar days after the date on which the department gave notice under subsection (4) of this rule unless the Director of the Oregon Department of Education or the director's designee extends the time by which the department must issue the order or notice for good cause. ¶
(8) If a district does not prepare or complete a corrective action plan, the department may impose any penalty allowed under the laws of this state, including withholding all or part of any distribution authorized under the laws of this state from the State School Fund. ¶
(9) On any date preceding the date on which the department issues a final order or notice of compliance under this rule, the district that is the subject of the investigation may request to prepare a corrective action plan in the same manner that the district would prepare a corrective action plan under subsection (6) of this rule if the department found that the district committed the potential violation. Upon request, the department will assist the district in understanding what corrective action would be appropriate.
Statutory/Other Authority: ORS 326.051, ORS 327.158, ORS 338.115, ORS 334.217
Statutes/Other Implemented: ORS 326.051, ORS 327.158, ORS 338.115, ORS 334.217

AMEND: 581-075-0205

RULE SUMMARY: Although the Oregon Department of Education (ODE) currently has a complaint process for standards codified in OAR Chapter 581, Division 22, ODE currently has no complaint process for standards codified in OAR Chapter 581, Division 24. The existing complaint process already meets most of the recommendations of the entity (the entity with which ODE contracted is the Northwest Comp Center).

CHANGES TO RULE:

581-075-0205
Appeals of Potential Violations of Division 22 Standards or Rules Codified in Division 24
(1) The department will investigate a potential violation of a rule codified in Oregon Administrative Rules Chapter 581, Division 22 or Division 24, if a complainant files an appeal of a complaint initially filed with a district and the appeal meets the criteria set forth in this rule.¶
(2) The appeal must be ripe. An appeal is ripe when:¶
(a) If the district has a complaint process, the district has issued a final written decision to the complainant in accordance with the district's complaint process or the district has failed to resolve the complaint within 90 calendar days of the initial submission of the complaint, unless the district and complainant have agreed in writing to a different time period for resolving the complaint.¶
(b) If the district does not have a complaint process, the complainant has received any written response from the district or the district has failed to resolve the complaint within 90 calendar days of the initial submission of the complaint, unless the district and complainant have agreed in writing to a different time period for resolving the complaint.¶
(3) The complaint on which the appeal is based must have been initially filed with the district not later than two calendar years after the date on which the alleged violation occurred or the complainant discovered the alleged violation. For purposes of this subsection, if the alleged violation is of a continuing nature, the date on which the alleged violation occurred is the most recent date on which the alleged violation occurred.¶
(4) The appeal must be received by the department not later than one calendar year after the date on which the department could have first accepted the appeal under subsection (2) of this section.¶
(5) The appeal must:¶
(a) Be in writing; ¶
(b) Be submitted in person, by mail, or electronically; and ¶
(c) Contain:¶
(A) The name of the person filing the appeal;¶
(B) If the person filing the appeal has a phone number, address, or email address, the person's phone number, address, or email address;¶
(C) A statement of facts upon which the appeal is based; and ¶
(D) Any other information requested by the department.¶
(6) The Director of the Oregon Department of Education or the director's designee may for good cause waive one or more of the requirements described in subsection (5) of this rule.
Statutory/Other Authority: ORS 326.051, ORS 327.158, ORS 338.115, ORS 334.217
Statutes/Other Implemented: ORS 326.051, ORS 327.158, ORS 338.115, ORS 334.217