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DIVISION 1

PROCEDURAL RULES

705-001-0000

Notice of Proposed Rule

(1) Before permanently adopting, amending or repealing any rule, the Oregon Education Investment Board shall give notice of the proposed adoption, amendment or repeal:

(a) In the Secretary of State’s Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date of the rule to be adopted;

(b) By mailing or e-mailing, at least 28 days before the effective date of the rule, a copy of the notice to persons on the Board’s mailing list established pursuant to ORS 183.335(8);

(c) By mailing or e-mailing a copy of the notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective day of the rule; and,

(d) By mailing or e-mailing a copy of the notice to persons, organizations and publications identified by the Board and established educational, student and parent organizations that have submitted mailing or e-mailing addresses to the Board.

(2) Persons who wish to be placed on the Oregon Education Investment Board’s mailing or e-mailing list may request in writing or by e-mail that the Board send to the person copies of its notice of proposed rulemaking.

(3) The Board may update the mailing and e-mailing lists described in this rule annually by requesting persons to confirm that they wish to remain on the lists. If a person does not respond to a request for confirmation within 28 days of the date the Board sends the request, the Board will remove the person from the

mailing and e-mailing lists. Any person removed from the mailing or e-mailing lists will be returned to the mailing or e-mailing list upon request, provided that the person provides a mailing address or e-mailing address to which notice may be sent.

Stat. Auth.: ORS 183.335 & 183.341(4)

Stats. Implemented: ORS 183.335

Hist.: OEIB 1-2012(Temp), f. & cert. ef. 3-28-12 thru 9-24-12; OEIB 3-2012, f. & cert. ef. 9-20-12

705-001-0005

Model Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Oregon Education Investment Board adopts the Attorney General’s Model Rules of Procedure under the Administrative Procedure Act in effect on January 1, 2012.

[ED. NOTE: The full text of the Attorney General’s Model Rules of Procedure is available from the office of the Attorney General or the Oregon Education Investment Board.]

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OEIB 1-2012(Temp), f. & cert. ef. 3-28-12 thru 9-24-12; OEIB 3-2012, f. & cert. ef. 9-20-12

705-001-0010

Establishing Fees for Public Records

(1) The Oregon Education Investment Board may charge a fee of 25 cents per page for supplying copies of public records on request.

(2) The Board may charge an additional fee reasonably calculated to provide reimbursement for actual costs incurred in summarizing, compiling, or tailoring the public records to make them available for inspection, and for costs of conveying such records to the requester. Employee time required for such purposes shall be billed at a rate not to exceed cost of employee time to the Board. The Board may include the cost for time spent by an attorney for the Board in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records.

(3) No additional fee will be charged for providing records in an alternative format to individuals with vision or hearing impairments when required by the Americans with Disabilities Act.

(4) The Chief Education Officer or designee, or, in the event of a vacancy in the Chief Education Officer position, a person designated by the chair of the Board, may reduce or waive fees when:

(a) The time spent making the records available was negligible;

(b) Supplying the requested records is within the normal scope of Board activity; or,

(c) Supplying the public records is in the public interest because making the record available primarily benefits the general public.

Stat. Auth.: 2011 OL Ch. 519 Sec. 1 & ORS 192.440

Stats. Implemented: ORS 192.440

Hist.: OEIB 1-2012(Temp), f. & cert. ef. 3-28-12 thru 9-24-12; OEIB 3-2012, f. & cert. ef. 9-20-12

DIVISION 10

ACHIEVEMENT COMPACTS

705-010-0005

Definitions

The following definitions apply to Oregon Administrative Rules, 705-010-0005 to 705-010-0060, unless otherwise indicated by the context:

(1) “Board” means Oregon Education Investment Board established under section 1, chapter 519, Oregon Laws 2011 (Enrolled Senate Bill 909).

(2) “Chief Education Officer” means the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011 (Enrolled Senate Bill 909) by the Board, or, in the event of a vacancy in the Chief Education Officer position, the Chair of the Board or the Chair’s designee.

(3) “Education entity” means:

(a) A school district, as defined in ORS 332.002;

(b) An education service district operated under ORS chapter 334;

(c) A community college district or community college service district operated under ORS chapter 341;

(d) The Oregon University System established by ORS 351.011;

(e) A public university of the Oregon University System, as listed in ORS 352.002; and

(f) The health professions and graduate science programs of the Oregon Health and Science University (OHSU) operated under ORS chapter 353.

(4) "Governing body of an education entity" means:

(a) For a school district, the school district board;

(b) For an education service district, the board of directors of the education servicedistrict;

(c) For a community college district or a community college service district, the board of education of the community college district;

(d) For the Oregon University System, the State Board of Higher Education;

(e) For a public university of the Oregon University System, the president of the university; and

(f) For the Oregon Health and Science University, the Oregon Health and Science University Board of Directors.

(5) "Achievement compact" means an agreement entered into between the Oregon Education Investment Board and the governing body of an education entity.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0010

Parties to Achievement Compacts

Prior to the beginning of each fiscal year, the governing body of each education entity must enter into an achievement compact with the Oregon Education Investment Board for the fiscal year.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0015

Terms of Achievement Compacts

(1) The Board shall establish the terms for achievement compacts, which may include:

(a) A description of goals for outcomes that are consistent with the high school and college completion goals identified as the mission of education in ORS 351.009 and the educational goals expressed in ORS 329.015 and 351.003.

(b) A description of the outcomes and measures of progress that will allow each education entity to quantify:

(A) Completion rates for:

(i) Critical stages of learning and programs of study;

(ii) The attainment of diplomas, certificates and degrees; and

(iii) Achieving the high school and post-secondary education goals established in ORS 351.009 and a projection of the progress needed to achieve those goals by 2025;

(B) Validations of the quality of knowledge and skills acquired by students of the education entity; and

(C) The relevance of the knowledge and skills acquired by the students of the education entity and the means by which those skills and knowledge will contribute to the workforce, the economy and society as described in state policy.

(c) Local priorities as provided by OAR 705-010-0020.

(2) Notwithstanding the terms listed in subsection (1) of this rule, the achievement compact for Oregon Health and Science University shall be limited to the enrollment of, and attainment of degrees by, Oregon residents in programs for which the state provides funding.

(3) For school districts, the Board shall provide to each school district a number quantifying the district's estimated level of funding for the next fiscal year compared to the determination of

funding needed to ensure that the state's system of kindergarten through grade 12 public education meets the quality goals specified under ORS 327.506. This number shall be included within the achievement compacts for school districts.

(4) For education entities other than school districts, the Board shall provide a number quantifying the entity's estimated level of state and local funding for the next fiscal year.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0020

Optional Local Priorities

(1) The governing body of an education entity may include in its achievement compact local priorities that include outcome measures that the education entity chooses to use to inform its goals for educational achievement if those priorities meet the requirements of this rule and are approved by the Board.

(2) Education entities must provide to the Board a research-based rationale for their use of local priorities and a description of what the education entity projects to be accomplished by the use of these priorities.

(3) The Board shall provide guidance and examples to education entities of local priorities that would be acceptable to the Board.

(4) The Board shall act on the approval of local priorities within thirty days of receipt of an education entity's completed achievement compact.

(5) The Board delegates to the Chief Education Officer the authority to approve local priorities.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0025

Guidance

(1) The Board shall provide guidance to all education entities on the definitions and methodologies to be used in setting targets for outcome measures when the Board distributes the achievement compacts.

(2) The guidance shall include:

(a) A calculation of the progress needed to achieve the high school and post-secondary education goals established in ORS 351.009 and a projection of the progress needed to achieve those goals by 2025;

(b) Definitions and explanations of the outcomes to be measured and the methodologies for calculating such measures;

(c) An explanation of the Board's expectations for local priorities and examples of such priorities that would be acceptable to the Board, pursuant to OAR 705-010-0020;

(d) The determination of a sufficient number of students to require the inclusion of numbers and percentages for groups of students identified in OAR 705-010-0040; and,

(e) Any other provision that the Board or Chief Education Officer determines is relevant to the completion of achievement compacts.

(3) For school districts and education service districts, the Board's guidance shall include:

(a) Direction to include in the calculation of high school completion students who:

(A) Were awarded a high school diploma in four or fewer years;

(B) Were awarded a high school diploma in five years;

(C) Were awarded a modified diploma;

(D) Were awarded an extended diploma; and

(E) Earned a General Educational Development (GED) certificate.

(b) Data for the categories of high school completion identified in subsection (3)(a) herein for the most recent year for which such data are available.

(4) The Board may provide and collect data on other categories of students to be tracked separately, including those who:

- (a) Were awarded an alternative certificate;
- (b) Left school without receiving a diploma or certificate prior to age 21; and,
- (c) Were no longer qualified to be offered a free appropriate public education by a school district under ORS 339.115 and did not receive a diploma or certificate.

(5) The Board shall provide guidance to education entities regarding the progress needed to close the achievement gap between disadvantaged groups of students and other students when setting targets for disadvantaged groups of students.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
 Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
 Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0030

Distribution of Compacts to Education Entities

(1) The Board shall distribute achievement compacts to all education entities no later than 120 days prior to the date by which the achievement compact must be completed as set forth in 705-010-0035.

(2) Distribution may be done by electronic means.
 Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
 Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
 Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12; OEIB 2-2013, f. & cert. ef. 10-11-13

705-010-0035

Completion and Execution of Achievement Compacts

(1) The governing body of each education entity must complete and execute its achievement compact with the Board annually by the following dates:

- (a) For school districts and education service districts, by October 15.
- (b) For community colleges, public universities and the Oregon Health and Science University, by June 30.

(2) Completion means that the governing body shall identify a target number and percentage of students for achievement of the outcomes, measures of progress and goals specified in the achievement compact for the fiscal year, as directed by the Board. The Board may waive the requirement to identify both a target number and percentage of students and require either a number or percentage for specific outcome measures, depending on the specifications of the compacts it approves.

(3) Education entities may provide a range of target numbers and percentages, but the Board shall use the lowest figure of any range provided.

(4) Education entities may provide target numbers and percentages for years beyond the next year.

(5) Execution of an achievement compact requires the signature of the chair or president of the governing board or that of its chief executive officer and its submission to the Board. Electronic signature is permitted.

(6) Community colleges, public universities and the Oregon Health Sciences Universities may submit executed achievement compacts by electronic means. School districts and education service districts must complete achievement compacts through the Oregon Department of Education's secure web-based portal designated for that purpose.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
 Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
 Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12; OEIB 2-2013, f. & cert. ef. 10-11-13

705-010-0040

Data for Student Groups

(1) In addition to the target numbers and percentages of all students that are identified in achievement compacts for the outcome measures specified in OAR 705-010-0015 and 705-010-0020, education entities must include in their achievement compacts for each outcome measure a target number and percentage for the

combined total of all students in disadvantaged groups specified in subsections (2) and (4) of this rule.

(2) The governing body of school districts and education service districts must set targets for all outcome measures in their achievement compacts for students in each of the following groups:

- (a) Economically disadvantaged students;
- (b) Limited English proficient students;
- (c) Students with disabilities;
- (d) Black students (not of Hispanic origin);
- (e) Hispanic/Latino students;
- (f) American Indian or Alaska Native students; and
- (g) Pacific Islander students.

(3) In addition to the groups of students identified in subsections (2) of this rule, school districts and education service districts shall also set targets for all outcome measures for students in each of the following groups:

- (a) Talented and gifted students; and,
- (b) Asian students.

(4) The governing body of post-secondary education entities must set targets for all outcome measures in their achievement compacts for students in each of the following groups:

- (a) African American students;
- (b) Hispanic/Latino students;
- (c) Native American or Alaska native students;
- (d) Pacific Islander students;
- (e) Multi-racial or multi-ethnic students;
- (f) Economically disadvantaged students based on Pell Grant eligibility.

(5) An education entity is not required to include a target number or percentage under this section if the district does not have a sufficient number of the students in that group to ensure that individual students are not personally identifiable. The Chief Education Officer will identify a minimum number of students necessary in each subgroup to ensure that an individual student's information is not personally identifiable.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
 Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
 Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0045

Communications

As part of the process of entering into an achievement compact, the governing body of an education entity shall ensure that open communications are provided to parents, students, teachers or faculty, employees, exclusive bargaining representatives and community representatives for the purposes of explaining and discussing the outcomes, measures of progress, goals and targets specified in the achievement compact for the fiscal year.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
 Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
 Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12; OEIB 2-2013, f. & cert. ef. 10-11-13

705-010-0050

Modification of Achievement Compacts

(1) After submission and acceptance of an achievement compact, an education entity may modify its target numbers and percentages in its achievement compact in the event of unexpected circumstances that the Chief Education Officer determines constitute a compelling reason to warrant such modification.

(2) The Board may provide guidance on what constitutes a compelling reason to warrant the modification of an education entity's target numbers and percentages pursuant to this rule.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
 Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
 Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0055

Receipt and Acceptance of Achievement Compacts

(1) The Chief Education Officer shall acknowledge receipt of each achievement compact and shall inform the education entity of

the Board's acceptance of any local priorities within 30 days of receipt of the achievement compact.

(2) The Board shall make available on its website the achievement compacts received and summary reports of the information contained in the achievement compacts.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12; OEIB 2-2013, f. & cert. ef. 10-11-13

**705-010-0060
Authority of Chief Education Officer Relating to Achievement Compacts**

(1) In addition to the authorities specified in these rules, the Chief Education Officer may:

(a) Communicate with the governing boards of education entities on behalf of the board about the implementation of and response to the achievement compacts; and

(b) Waive any timelines specified in the rules, policies and guidelines adopted by the Board, to the extent permitted by section 14, chapter 36, Oregon Laws 2012 (Enrolled Senate Bill 1581),

(2) The Chief Education Officer may settle any disputes relating to the achievement compacts. Any decision of the Chief Education Officer shall be considered a final decision.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

**705-010-0065
End-of-Year Reports**

(1) For terms of achievement compacts that are carried forward in identical form from one fiscal year to the next, an education entity's report of results in a subsequent year's achievement compact shall represent its report of final results for a given fiscal year.

(2) For terms of achievement compacts that are not carried forward in identical form from one fiscal year to the next, the education entity shall report its results in conjunction with its data reports for the Oregon Report Card or in separate reports within 120 days after the close of the fiscal year.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Hist.: OEIB 4-2012, f. & cert. ef. 9-21-12; OEIB 2-2013, f. & cert. ef. 10-11-13

**705-010-0070
Achievement Compact Advisory Committees**

(1) Each school district, as defined in ORS 332.022, and each education service district operated under ORS Chapter 334 shall form an achievement compact advisory.

(2) An achievement compact advisory committee shall be responsible for ensuring that achievement compacts are developed annually for each school year with input from educators, parents, community and staff of the district.

(3) An achievement compact advisory committee shall:

(a) Develop plans for achieving the district's outcomes, measures of progress, goals and targets expressed in an achievement compact, including methods of assessing and reporting progress toward the achievement of goals and targets; and

(b) Recommend outcomes, measures of progress, goals and targets to be contained in the district's achievement compact for the next fiscal year.

(4) Each achievement compact advisory committee shall present its recommendations in a report to the governing board of the district no later than May 1 of each year. An achievement compact advisory committee's report and recommendations shall be considered by the governing board of the district when entering into an achievement compact for the next fiscal year. The governing board shall file the achievement compact advisory committee's report with each achievement compact it adopts and forwards to the Board.

(5) Parent engagement is an important component in the advancement of Achievement Compacts. Each district needs to

ensure that they have a process for allowing a diverse group of parents to share their perspectives and their recommendations about:

(a) District services that contribute to student success and instructional program quality;

(b) Student, school, and district progress toward the state's 40-40-20 educational goals; and

(c) The type of academic program they believe will help students in their district succeed and support the state in reaching the 40-40-20 goal.

(6) School districts and education service districts shall make all materials, not containing confidential student information, available to the Achievement Compact committee shall be available to parent and community members. The narrative that will accompany the district compact should include a brief description of the parent engagement strategy and a summary of the recommendations they received from parents and the community.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Hist.: OEIB 4-2012, f. & cert. ef. 9-21-12; OEIB 5-2012(Temp), f. & cert. ef. 10-11-12 thru 4-9-13; Administrative correction, 4-22-13; OEIB 1-2013, f. & cert. ef. 5-2-13; OEIB 2-2013, f. & cert. ef. 10-11-13

**705-010-0072
Achievement Compact Advisory Committees for Community College Districts and Public Universities**

(1) Each community college district shall form an achievement compact advisory committee that meets the requirements of Section 202b, Chapter____, Oregon Laws 2013 (Enrolled House Bill 3120).

(2) An achievement compact advisory committee shall be responsible for ensuring that the college's or university's achievement compact is implemented for the 2013-14 fiscal year and subsequent fiscal years.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Hist.: OEIB 2-2013, f. & cert. ef. 10-11-13

**705-010-0075
Recommendations from State Associations**

(1) State associations representing educators, administrators and governing board members of school districts and education service districts may develop and recommend to the Board collaborative models and resources, including professional development opportunities, that may be used by districts and achievement compact advisory committees for the achievement of student success.

(2) State associations, organizations and employee organizations representing educators, administrators, students and governing board members of community colleges and universities may develop and recommend to the Oregon Education Investment Board processes for collaboration in the development of achievement compacts for their institutions, including professional development opportunities, for the achievement of student success.

(3) The entities described in subsections (1) and (2) of this section must make any recommendations to the Chief Education Officer on behalf of the Board no later than September 30, 2012. Such recommendations may be submitted by electronic means.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Hist.: OEIB 4-2012, f. & cert. ef. 9-21-12

DIVISION 50

CHIEF EDUCATION OFFICER

**705-050-0010
Appointment of Technical Advisory Committees and Work Groups**

(1) With the exception of subcommittees and work groups of the Board appointed by the Chair of the Board, the Chief Education Officer shall have the authority to appoint:

(a) Advisory committees for the purpose of advising the Board on the adoption of Board rules; and