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RULES:

581-002-0200, 581-021-0200, 581-021-0580, 581-022-0102, 581-022-2000, 581-022-2010, 581-022-2015, 581-022-2030, 581-026-0300

AMEND: 581-002-0200

RULE TITLE: Class Size Collection

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: ORS 329.901 requires public education programs submit to the Department the total number of students in the classes and the total number of licensed or registered teachers regularly assigned to the students for students in kindergarten through grade 12 classes. Pursuant to HB 2056 (2021), the proposed rule amendment updates terminology of "Language Arts" for the purposes of high school credit accrual and K-12 instruction.

RULE TEXT:

(1) As used in this rule:

(a) "Class" means a setting in which organized instruction of academic course content is provided to one or more students (including cross-age groupings) for a given period of time. A course may be offered to more than one class. Class instruction, provided by one or more teachers or other staff members, may be delivered in person or via a different medium.

(b) "Regular assignment of a teacher" means a teacher who consistently teaches a group of students in an elementary self-contained classroom or group(s) of students in a secondary classroom in academic subject area(s) over a given period of time.

(2) Beginning with the 2014–2015 school year, the Department of Education shall require public education programs to submit information as required by ORS 329.901 and this rule for the following categories of classes as identified based on the grade levels of the school:

(a) Elementary schools (any combination of grades Kindergarten through 8): Homeroom (Self-Contained)

(b) Secondary schools (any combination of grades 6 through 12) by academic subject area:

(A) Language Arts (including Reading, Writing, and Literature);

(B) Mathematics;

(C) Science;

(D) Social Studies (Civics, History, Government, Economics, Geography);

(E) World Language and Literature; and

(F) Fine and Performing Arts.

(3) The Department shall utilize existing institution, staff and student data collections to collect the information required by ORS 329.901 and this rule.

(4) The Department shall provide a technical manual to public education programs that will be used to determine class size.

STATUTORY/OTHER AUTHORITY: ORS 329.901

STATUTES/OTHER IMPLEMENTED: ORS 329.901

AMEND: 581-021-0200

RULE TITLE: Standard Education for Oregon Students

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: The rule outlines a standard education for Oregon students. Pursuant to HB 2056 (2021), the proposed rule amendment updates terminology of "Language Arts" for the purposes of high school credit accrual and K-12 instruction.

RULE TEXT:

A Standard Education for Oregon Students is comprised of:

(1) Common Curriculum Goals. The Common Curriculum Goals consist of:

(a) Essential Learning Skills. The Essential Learning Skills are those skills essential to learning and necessary for understanding in the subject matter areas. The skills are: Reading, writing, speaking, listening, mathematics, reasoning and study skills;

(b) Common Knowledge and Skills. The Common Knowledge and Skills consists of facts, concepts, principles, rules, procedures and methods of inquiry associated with the following subject matter areas:

(A) Language Arts;

(B) Mathematics;

(C) Health Education;

(D) Science Education;

(E) Physical Education;

(F) Social Studies;

(G) Music;

(H) Art;

(I) Personal Finance;

(J) Second Language and Culture (proposed);

(K) Career Education.

(2) Professional — Technical Education. Occupational preparation which blends the interests and aptitudes of students with the skills and experience needed to become employed, sustain economic independence and enter advanced education and training.

(3) Education Programs Mandated by State or Federal Law and Selected Other State Requirements Presently Constituted:

(a) The approximately 30 programs mandated by state statutes are in two categories, instruction and support. They include a diverse range of requirements such as protection of trees and shrubs, commemorating women in history, providing free textbooks, programs for talented and gifted students, transportation and properly maintained buildings and grounds;

(b) The three federally mandated programs are: The Asbestos Hazard Emergency Act of 1986, as amended; The Individuals With Disabilities Act, PL 101-476, that all children with disabilities have an opportunity for a free appropriate public education; The Family Education Rights and Privacy Act, PL 93-380, as amended by PL 93-568, that imposes certain requirements and restrictions on the release of student records;

(c) The following state requirements contained in OAR chapter 581, division 022:

(A) Goals for Elementary and Secondary Education;

(B) Graduation Requirements;

(C) Education of Talented and Gifted;

(D) Required Days of Instruction;

(E) Required Instructional Time;

(F) Kindergarten Programs;

(G) Standardization;

- (H) Alternative Education Program;
 - (I) Special Education Program;
 - (J) Library Media Skills Instruction.
- (4) Character Education. Character Education is the process of helping students develop and practice the core ethical values that our diverse society shares and holds important. These values include, but are not limited to, respect, responsibility, caring, trustworthiness, justice and fairness, and civic virtue and citizenship.
- (5) Student Activities under the auspices of the secondary schools, which include the following:
- (a) Student Government;
 - (b) Preparation of School Publications; e.g., newspaper, yearbook, literary magazine;
 - (c) Drama;
 - (d) Performing Music/Dance Groups;
 - (e) Interscholastic Athletics;
 - (f) Intramurals;
 - (g) Rally Squad/Dance Team/Flag Line;
 - (h) Competitive Speech and Debate;
 - (i) Instruction program-related clubs or organizations; e.g., Distributive Education Club of America, Future Business Leaders of America, Future Farmers of America, Home Economics Related Occupations, Vocational Industrial Clubs of America.
- (6) International Understanding. International Understanding represents the knowledge, skills and attitudes needed to live effectively in a world possessing limited natural resources and characterized by ethnic diversity, cultural pluralism and an increased interdependence. Such knowledge, skills and attitudes are developed through broad exposure to international content in all subject areas and through learning a second language.
- (7) Support Services Necessary to Provide a Standard Education for Oregon Students:
- (a) Student Services:
 - (A) Improving attendance;
 - (B) Counseling;
 - (C) Providing health services;
 - (D) Treating students with speech and hearing disabilities;
 - (E) Providing library, audio/video, television and computer learning.
 - (b) Staff Services:
 - (A) Measuring student achievement;
 - (B) Developing curriculum and training staff.
 - (c) Administrative Services:
 - (A) Administering the district and individual schools;
 - (B) Planning, research, processing of data.
 - (d) Business Services:
 - (A) Budgeting, payroll, inventory, internal audit;
 - (B) Buying and storing of supplies;
 - (C) Printing.
 - (e) Transportation Services:
 - (A) Providing home-to-school transportation for both students with and students without disabilities;
 - (B) Transporting students to co-curricular activities.
 - (f) Food Services: Offering students nutritional lunches and breakfasts;
 - (g) Operation and Maintenance Services: Keeping buildings, equipment and grounds safe, working and in good condition.

STATUTORY/OTHER AUTHORITY: ORS 326.400, 326.410, 336.067

STATUTES/OTHER IMPLEMENTED: ORS 336.067

AMEND: 581-021-0580

RULE TITLE: Definitions

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: Pursuant to HB 2056 (2021), the proposed rule amendment updates the definition of "World Language" for the purposes of high school credit accrual and K-12 instruction.

RULE TEXT:

The following definitions apply to OAR 581-021-0580 to 581-0021-0584:

- (1) "Assessment" means any of the measurements identified by the Department of Education and used to determine target language proficiency.
- (2) "Biliteracy" means the ability to demonstrate a high level of proficiency in reading, writing, listening, and speaking in English and one or more world languages.
- (3) "Oregon State Seal of Biliteracy" means a seal issued by the Superintendent of Public Instruction that certifies a student is biliterate in English and one or more world languages.
- (4) "Portfolio of evidence" means the body of work collected to demonstrate a high level of Biliteracy proficiency
- (5) "World language" is defined in ORS 329.007 and means sign language, heritage language and languages other than a student's primary language.

STATUTORY/OTHER AUTHORITY: ORS 326.051

STATUTES/OTHER IMPLEMENTED: ORS 326.051

AMEND: 581-022-0102

RULE TITLE: Definitions

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: Pursuant to HB 2056 (2021), the proposed rule amendments include the definition of "Language Arts" and "World Language" for the purposes of high school credit accrual and K-12 instruction.

RULE TEXT:

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

AMEND: 581-022-2000

RULE TITLE: Diploma Requirements

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: ORS 329.451 outlines the requirements of when a school district or or public charter school shall award a high school diploma, modified diploma, extended diploma, and alternative certificate. Pursuant to HB 2056 (2021), the proposed rule amendments updates "Language Arts" for the purposes of high school credit accrual and the high school diploma.

RULE TEXT:

(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 (11) 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 graduating before July 1, 2009:

(a) Each student shall earn a minimum of 22 units of credit to include at least:

(A) English Language Arts — 3 (shall include the equivalent of one unit in Written Composition);

(B) Mathematics — 2;

(C) Science — 2;

(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 — 1 (one unit 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 22;

(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;

(e) 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) Except as provided in section (4) of this rule, Unit of Credit Requirements for students graduating on or after July 1, 2009 and who were first enrolled in grade 9 prior to the 2008–2009 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;

(C) Science — 2;

(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 — 1 (one unit 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 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;

(e) 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) Notwithstanding sections (2) and (3) of this rule, for students who began grade 9 during the 2005–2006 school year and who attended school during the 2006–2007, 2007–2008 and 2008–2009 school years, the unit of credits required for graduating is as described in section (2) of this rule if the student graduates prior to July 1, 2010.

(5) Unit of Credit Requirements for students who were first enrolled in grade 9 during the 2008–2009 or 2009–2010 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;

(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 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;

(e) 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.

(6) Unit of Credit Requirements for students who were first enrolled in grade 9 during the 2010–2011 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 to include at least:

(A) 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 an 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.
- (7) Each student shall demonstrate proficiency in essential skills adopted by the State Board of Education as provided in OAR 581-022-2115;
- (8) 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 581-021-0435.
- (9) 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.
- (10) 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);
- (11) Each student shall participate in career-related learning experiences outlined in the education plan (as defined in OAR 581-022-0102);
- (12) Notwithstanding sections (1) to (11) 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.
- (13) Notwithstanding sections (1) to (11) 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.
- (14) Notwithstanding sections (1) to (11) 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.
- (15) 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.
- (16) 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

AMEND: 581-022-2010

RULE TITLE: Modified Diploma

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: ORS 329.451 outlines the requirements of when a school district or or public charter school shall award a high school diploma, modified diploma, extended diploma, and alternative certificate. Pursuant to HB 2056 (2021), the proposed rule amendments updates "Language Arts" for the purposes of high school credit accrual and the modified diploma.

RULE TEXT:

(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

AMEND: 581-022-2015

RULE TITLE: Extended Diploma

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: ORS 329.451 outlines the requirements of when a school district or or public charter school shall award a high school diploma, modified diploma, extended diploma, and alternative certificate. Pursuant to HB 2056 (2021), the proposed rule amendments includes the definition of "Language Arts" and "World Language" for the purposes of high school credit accrual and K-12 instruction for the extended diploma.

RULE TEXT:

(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

AMEND: 581-022-2030

RULE TITLE: District Curriculum

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: ORS 329.045 requires the State Board of Education to regularly and periodically review and revise its Common Curriculum Goals, performance indicators and diploma requirements. This rule outlines the requires a planned K-12 instructional program. Pursuant to HB 2056 (2021), the proposed rule amendment updates terminology of "Language Arts" for the purposes of high school credit accrual and K-12 instruction.

RULE TEXT:

- (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

AMEND: 581-026-0300

RULE TITLE: Virtual Public Charter Schools

NOTICE FILED DATE: 10/26/2021

RULE SUMMARY: This rule outlines the requirements of virtual public charter schools. Pursuant to HB 2056 (2021), the proposed rule amendments updates "Language Arts" for the purposes of credit accrual and instruction.

RULE TEXT:

(1) All statutes and rules that apply to public charter schools also apply to virtual public charter schools. In addition, virtual public charter schools must also meet additional statutory requirements found in ORS Chapter 338.

(2) As used in ORS Chapter 338 and the rules of the State Board of Education, "virtual charter school" means a public charter school that provides online courses. An online course is a course in which:

(a) Instruction and content are delivered primarily on a computer using the internet other electronic network or other technology such as CDs or DVDs;

(b) The student and teacher are in different physical locations for a majority of the student's instructional period while participating in the course;

(c) The online instructional activities are integral to the academic program of the school as described in its charter; and

(d) The student is not required to be located at the physical location of a school while participating in the course.

(3) Notwithstanding subsection (2) of this rule, "virtual public charter school" does not include a public charter school that primarily serves students in a physical location. A charter school is not a virtual public charter school if the schools meet all of the following requirements:

(a) More than 50 percent of the core courses offered by the school are offered at a physical location and are not online courses:

(b) More than 50 percent of the total number of students attending the school are receiving instructional services at a physical location and not in an online course; and

(c) More than 50 percent of the minimum number of instructional hours required to be provided to students by the school under OAR 581-022-0102 and OAR 581-022-2320 during a school year are provided at a physical location and not through an online course.

(4) As used in this rule:

(a) "Core course" means:

(A) Language arts including reading and writing;

(B) Mathematics;

(C) Science;

(D) Social sciences including history, civics, geography and economics

(E) Physical education;

(F) Health

(G) The arts;

(H) World languages and

(I) Career and technical education

(b) "Physical location" means a facility that is owned, leased or otherwise used by a school to deliver educational services. "Physical location" includes, but is not limited to, a school, library, public building or other physical space utilized by the school. "Physical location" does not include a student's home.

(c) "Public charter school" has the meaning given that term in ORS 338.005.

(5) This rule does not apply to programs or courses offered by school districts, education service districts, alternative education programs or the Oregon Virtual School District.

STATUTORY/OTHER AUTHORITY: ORS 338.025

STATUTES/OTHER IMPLEMENTED: ORS 338.005

