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CHAPTER 581

OREGON DEPARTMENT OF EDUCATION

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RULES:

581-015-2900, 581-015-2905, 581-015-2910, 581-022-2115, 581-022-2515

AMEND: 581-015-2900

RULE TITLE: Personnel Standards

NOTICE FILED DATE: 03/29/2023

RULE SUMMARY: This rule is the personnel standards for special education.

RULE TEXT:

(1) Personnel employed to provide EI or ECSE services include:

(a) Supervisors;

(b) EI and ECSE specialists;

(c) Related services personnel; and

(d) EI and ECSE assistants.

(2) Supervisors must meet the following criteria:

(a) Possess a minimum of a masters degree in early childhood, special education or a related field, and have three years experience with infants, toddlers, young children, and families.

(b) Hold a TSPC administrative endorsement or, within 12 months of employment, complete authorization as an Early Childhood Supervisor under OAR 581-015-2910; and

(c) Have a professional development plan based on the content of the EI/ECSE standards.

(3) EI and ECSE specialists must meet the following criteria:

(a) Possess a minimum of a baccalaureate degree in early childhood, special education or a related field;

(b) Have a professional development plan based on the content of the EI/ECSE standards; and

(c) Hold one of the following credentials:

(A) TSPC licensure or endorsement in EI/ECSE;

(B) TSPC licensure or endorsement in related field; or

(C) Within 12 months of employment, authorization as an Early Childhood Specialist under OAR 581-015-2905.

(4) Related services personnel must possess a minimum of a baccalaureate degree and a valid license necessary to

practice in Oregon. Related services personnel who also provide service coordination as outlined in OAR 581-015-2840 must have:

(a) TSPC licensure in their area of discipline; or

(b) State licensure in their area of discipline; and

(c) A professional development plan based on the content of the EI/ECSE standards.

(5) EI and ECSE assistants must be at least 18 years old, have a high school diploma or equivalent, experience working with young children. EI/ECSE assistants must have a professional development plan based on the content of the EI/ECSE standards.

STATUTORY/OTHER AUTHORITY: ORS 343.055, 343.475

STATUTES/OTHER IMPLEMENTED: ORS 343.055, 343.475

AMEND: 581-015-2905

RULE TITLE: Authorization of Early Childhood Specialist

NOTICE FILED DATE: 03/29/2023

RULE SUMMARY: This rule establishes an alternative to Teacher Standards and Practices Commission (TSPC) licensure or endorsements for individuals to serve as Early Childhood Specialists for Programs.

RULE TEXT:

(1) This rule establishes an alternative to Teacher Standards and Practices Commission (TSPC) licensure or endorsements for individuals to serve as Early Childhood Specialists for Programs. Individuals with TSPC issued endorsements in EI/ECSE or a related field are not covered by sections (4)-(12).

(2) Responsibilities of the Early Childhood Specialist may include but are not limited to:

- (a) Coordination of EI/ECSE services to children and their families;
- (b) Assessment of children in EI/ECSE programs;
- (c) Development and implementation of IFSP;
- (d) Development and implementation of data collection systems;
- (e) Provision of consultation and support, as necessary, to families and staff;
- (f) Training of EI/ECSE assistants;
- (g) Compliance with procedural safeguards; and
- (h) Provision of specialized instruction.

(3) Early Childhood Specialists must possess a minimum of a bachelor degree in early childhood education, special education or a related field.

(4) Individuals without a TSPC endorsement in EI/ECSE or a related field must successfully demonstrate competency at the specialist level in the following areas, which are described in the document, "Standards for Professionals Working in EI/ECSE in Oregon":

- (a) Child Development and Early Learning;
- (b) Partnering with Families;
- (c) Collaboration and Teaming;
- (d) Assessment Processes;
- (e) Application of Curriculum Frameworks in the Planning of Meaningful Learning Experience;
- (f) Using Responsive and Reciprocal Interactions, Interventions, and Instruction;
- (g) Professional and Ethical Practice.

(5) Candidates for the Early Childhood Specialist authorization must complete an application and portfolio that documents their mastery level of each component within the standard areas listed in section (4) of this rule.

(6) The candidate must submit the application and portfolio to the Oregon Department of Education for review.

Specialist employed on or after October 1, 1998, must complete the authorization within 12 months of employment.

The Office of Special Education will convene a panel at least two times per year to review the candidate's portfolio. The panel will consist of a minimum of three professionals representing the Oregon Department of Education, higher education, and EI/ECSE service providers. The panel will recommend approval or non-approval of the Early Childhood Specialist authorization for the candidate to the State Superintendent of Public Instruction.

(7) The Superintendent will approve or deny the candidate's application considering the recommendation of the panel:

- (a) Each approved candidate will receive authorization from the Department as an Early Childhood Specialist;
- (b) Each nonapproved candidate will receive notice from the Department. The notice will include the reasons for denial and the right of appeal to the State Board of Education.

(8) If a candidate is unable to complete the authorization process within a 12-month period, the EI/ECSE contractor may request a waiver from the Oregon Department of Education for up to one year to allow for the candidate's completion of the authorization process.

(9) Initial authorization is valid for a period of three years. Subsequent authorization is valid for a period of five years.

- (10) Applicant renewal of the Early Childhood Specialist authorization must include the following:
- (a) For initial renewal, a minimum of two years experience between issuance of initial authorization and renewal application;
 - (b) For subsequent renewal, a minimum of three years experience between previous renewal and current application.
 - (c) Written verification by the applicant's supervisor documenting:
 - (A) Completion of a minimum of 75 Professional Development Units for initial reauthorization or a minimum of 125 Professional Development Units for subsequent reauthorization;
 - (B) Completion of a Professional Development Plan developed with the applicant's supervisor; and
 - (C) Development of a new Professional Development Plan developed with the applicant's supervisor.
- (11) The Department will deny or revoke authorization of an Early Childhood Specialist under any of the following conditions:
- (a) The individual has been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number;
or
 - (b) The individual has made a false statement as to the conviction of a crime.
- (12) The Department may deny or revoke authorization for an Early Childhood Specialist if the individual is charged with a breach of professional responsibilities, which is verified by his/her immediate supervisor.
- (13) Individual whose authorization has been revoked will receive notice from the Department. The notice will include the reasons for denial and the right of appeal to the State Board of Education.
- (14) All specialists employed by EI/ECSE contractors or subcontractors must have a professional development plan based on the content of the EI/ECSE standards as listed in section (4) of this rule.
- (15) A temporary waiver may be requested by the EI/ECSE contractor when an emergency arises due to a misassignment or unsuccessful recruitment efforts. The request for the waiver must be submitted to the Oregon Department of Education and must include:
- (a) Documentation of efforts to employ personnel who meet the required standards;
 - (b) The name, position, and qualifications of the employed personnel;
 - (c) A copy of the professional development plan as described in section (13) of this rule; and
 - (d) Assurances that the plan will be implemented.

STATUTORY/OTHER AUTHORITY: ORS 343.055, 343.475

STATUTES/OTHER IMPLEMENTED: ORS 343.055, 343.475

AMEND: 581-015-2910

RULE TITLE: Authorization of Early Childhood Supervisor

NOTICE FILED DATE: 03/29/2023

RULE SUMMARY: This rule establishes an alternative to a Teacher Standards and Practices Commission (TSPC) administrative license for individuals to serve as Early Childhood Supervisors for Programs.

RULE TEXT:

(1) This rule establishes an alternative to a Teacher Standards and Practices Commission (TSPC) administrative license for individuals to serve as Early Childhood Supervisors for Programs. Individuals with a TSPC issued administrative license and who hold a masters degree in early childhood education, special education or a related field with three years of experience working with infants, toddlers, young children and families are not covered by sections (4) through (12) of this rule.

(2) Responsibilities of the Early Childhood Supervisor may include but are not limited to:

- (a) Oversight of EI/ECSE services;
- (b) Supervision and training of personnel in EI/ECSE programs;
- (c) Serving as administrative representative at IFSP meetings;
- (d) Facilitating meetings with personnel and families; and
- (e) Facilitating interagency collaboration.

(3) Early Childhood Supervisors must possess a minimum of a master's degree in early childhood education, special education or a related field.

(4) Individuals without a TSPC administrative license must successfully demonstrate competency at the supervisor level in the following areas, which are described in the document, "Standards for Professionals Working in EI/ECSE in Oregon":

- (a) Vision, Mission, & Direction Setting;
- (b) Implementation of Policy, Legal, & Ethical Practices for Special Education Programs & Services;
- (c) Organizational Leadership & Management for Special Education;
- (d) Program Oversight, Improvement, & Instructional Leadership for Special Education;
- (e) Human & Fiscal Resource Management of Special Education Programs & Services;
- (f) Collaboration & Communication with Special Education Stakeholders;
- (g) Equity & Cultural Responsiveness;

(5) Candidates for the Early Childhood supervisor authorization must complete an application and portfolio that documents their mastery level of each component within the standard areas listed in section (4) of this rule.

(6) The candidate must submit the application and portfolio to the Oregon Department of Education for review.

Supervisors employed on or after October 1, 1998, must complete the authorization within 12 months of employment. The Office of Special Education will convene a panel at least two times per year to review candidate portfolios. The panel will consist of a minimum of three professionals representing the Oregon Department of Education, higher education, and EI/ECSE service providers. The panel will recommend approval or non-approval of the Early Childhood Supervisor authorization for the candidate to the State Superintendent of Public Instruction.

(7) The Superintendent will approve or deny the candidate's application considering the recommendation of the panel:

- (a) Each approved candidate will receive authorization from the Department as an Early Childhood Supervisor;
- (b) Each non-approved candidate will receive notice from the Department. The notice will include the reasons for denial and the right of appeal to the State Board of Education.

(8) Initial authorization is valid for a period of three years. Subsequent authorization is valid for a period of five years.

(9) Applicants renewal of the Early Childhood Supervisor authorization must include the following:

- (a) For initial renewal, a minimum of two years experience between issuance of initial authorization and renewal application;
- (b) For subsequent renewal, a minimum of three years experience between previous renewal and current application.

(c) Written verification by the applicant's supervisor documenting:

(A) Completion of a minimum of 75 Professional Development Units for initial reauthorization or a minimum of 125 Professional Development Units for subsequent reauthorization;

(B) Completion of a Professional Development Plan developed with the applicant's supervisor; and

(C) Development of a new Professional Development Plan developed with the applicant's supervisor.

(10) The Department will deny or revoke authorization of an Early Childhood Supervisor under any of the following conditions:

(a) The individual has been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number;
or

(b) The individual has made a false statement as to the conviction of a crime.

(11) The Department may deny or revoke authorization for an Early Childhood Supervisor if the individual is charged with a breach of professional responsibilities, which is verified by his/her immediate supervisor.

(12) Individuals whose authorization has been revoked will receive notice from the Department. The notice will include the reasons for denial and the right of appeal to the State Board of Education.

(13) All supervisors employed by EI/ECSE contractors or subcontractors must have a professional plan based on the content of the EI/ECSE standards as listed in section (4) of this rule.

(14) A temporary waiver may be requested by the EI/ECSE contractor when an emergency arises due to a misassignment or unsuccessful recruitment efforts. The request for the waiver must be submitted to the Oregon Department of Education and must include:

(a) Documentation of efforts to employ personnel who meet the required competencies;

(b) The name, position, and qualifications of the employed personnel;

(c) A copy of the professional development plan as described in section (13) of this rule; and

(d) Assurances that the plan will be implemented.

STATUTORY/OTHER AUTHORITY: ORS 343.055, 343.475

STATUTES/OTHER IMPLEMENTED: ORS 343.055, 343.475

AMEND: 581-022-2115

RULE TITLE: Assessment of Essential Skills

NOTICE FILED DATE: 05/31/2023

RULE SUMMARY: This rule sets the requirements around essential skills needed for students to graduate high school. Requirements for essential skills to graduate high school are suspended until the 2027-28 school year.

RULE TEXT:

(1) Definitions. As used in this rule:

(a) "Assessment option" means an assessment approved to assess proficiency in the Essential Skills for the purpose of earning a high school diploma or a modified diploma.

(b) "Essential Skills" means 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.

(c) "Local performance assessment" means a standardized measure (e.g., activity, exercise, problem, or work sample scored using an official state scoring guide), embedded in the school districts' and public charter schools' curriculum that evaluates the application of students' knowledge and skills.

(d) "Official state scoring guide" means an evaluation tool designed for scoring student work that includes specific, consistent assessment criteria for student performance and a 1-6 point scale to help rate student work. It is used by Oregon teachers to evaluate student work samples.

(e) "Student-initiated test impropriety" means student conduct that:

(A) Is inconsistent with:

(i) The Test Administration Manual; or

(ii) Accompanying guidelines; or

(B) Results in a score that is invalid.

(f) "Work sample" means a representative sample of individual student work (e.g., research papers, statistical experiments, speaking presentations, theatrical performances, work experience) that may cover one or more content areas and therefore may be scored using one or more official state scoring guide(s). At the high school level, a work sample can be used to fulfill both the local performance assessment requirement described in Section 2 of this rule and the Essential Skills requirement described in Section 3 of this rule.

(2) School districts and public charter schools that offer grades 3 through 8 or high school shall administer local performance assessments for students in grades 3 through 8 and at least once in high school. For each skill area listed in section (17) of this rule, the assessments shall consist of:

(a) One work sample per grade scored using official state scoring guides; or

(b) Comparable measures adopted by the district.

(3) School districts and public charter schools shall require high school students to demonstrate proficiency in the Essential Skills using assessment options that are approved by the State Board of Education for the purpose of student eligibility for:

(a) The high school diploma as established in OAR 581-022-2000; or

(b) The modified diploma as established in OAR 581-022-2010.

(4) Pursuant to ORS 339.115 and 339.505, school districts and public charter schools shall provide any eligible student with instruction in and multiple assessment opportunities to demonstrate proficiency in the Essential Skills for the purpose of achieving the high school diploma or the modified diploma.

(5) To be eligible to receive a high school diploma or a modified diploma:

(a) For students first enrolled in grade 9 during the 2008-2009 school year, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skill listed in section (16)(a) of this rule: Read and comprehend a variety of text.

(b) For students first enrolled in grade 9 during the 2009-2010 school year, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skills listed in sections (16)(a)-(b) of this rule:

- (A) Read and comprehend a variety of text; and
- (B) Write clearly and accurately.
- (c) For students first enrolled in grade 9 during the 2010-2011 school year, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skills listed in section (16)(a)–(c) of this rule:
 - (A) Read and comprehend a variety of text;
 - (B) Write clearly and accurately; and
 - (C) Apply mathematics in a variety of settings.
- (d) For students first enrolled in grade 9 during the 2011-2012 school year or first enrolled in grade 9 in any subsequent school year, school districts and public charter schools shall require students to demonstrate proficiency in the Essential Skills listed in Section 16(a)–(c) of this rule and any additional Essential Skills for which:
 - (A) The State Board of Education has adopted the determination to phase in for inclusion in the high school diploma and modified diploma requirements; and
 - (B) The State Board of Education has adopted assessment options by March 1 of the student’s 8th grade year.
- (e) School districts and public charter schools may require students to demonstrate proficiency in additional Essential Skills beyond the minimum requirements described in section (5)(a)-(d) of this rule.
- (6) The Superintendent of Public Instruction shall establish an Assessment of Essential Skills Review Panel (AESRP) to make recommendations on:
 - (a) The phasing in of Essential Skills for inclusion in the high school diploma and the modified diploma requirements;
 - (b) The adoption of assessment options to measure students’ proficiency in the approved Essential Skills for the purpose of the high school diploma or the modified diploma; and
 - (c) The achievement standards used to determine student eligibility for the high school diploma or the modified diploma.
- (7) The AESRP shall work toward the goal of a system with a high degree of technical adequacy and equivalent rigor between assessment options as practicable.
- (8) The AESRP shall base its recommendations on evidence provided by:
 - (a) School districts;
 - (b) Research organizations; and
 - (c) Other experts.
- (9) The AESRP shall consist of assessment experts from:
 - (a) School districts, including but not limited to:
 - (A) Superintendents;
 - (B) Principals;
 - (C) Curriculum Directors;
 - (D) Educators;
 - (E) Special education educators; and
 - (F) English Language Learners (ELL) educators;
 - (b) Post-secondary education institutions; and
 - (c) Business partners who have expertise in:
 - (A) Assessment design;
 - (B) Assessment administration; or
 - (C) Use of assessments.
- (10) The State Board of Education shall make the determination to adopt the AESRP’s recommended assessment options, and achievement standards for the purpose of conferring high school diplomas and modified diplomas. The determination of the State Board of Education will be final and not subject to appeal.
- (11) The ODE shall issue the State Board of Education’s intentions regarding the AESRP’s recommendations by December 15 of each year and formal notice of the State Board of Education’s final determination regarding the AESRP’s recommendations by March 1 of each year as an addendum to the Test Administration Manual, which the ODE shall issue by August 1 of each year.

(12) School districts and public charter schools shall adhere to the requirements set forth in the Test Administration Manual to:

(a) Administer;

(b) Score;

(c) Manage; and

(d) Document the district and school assessments of students' proficiency in the Essential Skills required to receive a high school diploma or a modified diploma.

(13) School districts and public charter schools shall establish conduct and discipline policies addressing student-initiated test impropriety.

(14) School districts and public charter schools shall allow students to use assessment options and achievement standards adopted by the State Board of Education in a student's ninth through twelfth grade years as follows:

(a) Students may demonstrate proficiency in the Essential Skills using assessment options adopted in their ninth through twelfth grade years.

(b) Students may use achievement standards adopted in their 9th through 12th grade years that are equal to or lower than the achievement standards approved as of March 1 of the students' 8th grade year.

(15) Districts may develop and administer a local assessment option for students to demonstrate proficiency in the Essential Skills, using established professional and technical standards in place of the assessment options adopted by the State Board of Education as described in section 14 of this rule. Districts that choose this option are required to publish:

(a) A communication strategy to ensure stakeholders are notified of the district's approach to the local assessment option; and

(b) Materials written in plain language that contain descriptions of the

(A) Purpose of the assessment;

(B) Scoring methodology;

(C) Method by which students and parents will receive results from the assessment;

(D) Criteria for determining student proficiency using the assessment; and

(E) Criteria for determining which students will have access to the assessment.

(16) The ODE shall publish the subset of Essential Skills assessment options and the associated performance levels which may be used by each of Oregon's post-secondary institutions as defined by those institutions' policies provided to the ODE by October 15 of each year.

(17) The Essential Skills identified by the State Board of Education as of July 1, 2008 are as follows:

(a) Read and comprehend a variety of text;

(b) Write clearly and accurately;

(c) Apply mathematics in a variety of settings;

(d) Listen actively and speak clearly and coherently;

(e) Think critically and analytically;

(f) Use technology to learn, live, and work;

(g) Demonstrate civic and community engagement;

(h) Demonstrate global literacy; and

(i) Demonstrate personal management and teamwork skills.

(18) School districts and public charter schools shall include one or more local performance assessments for grades 3 through 8 and for high school for each of the following skill areas:

(a) Writing;

(b) Speaking;

(c) Mathematical problem-solving; and

(d) Scientific inquiry.

(19) School districts and public charter schools may include one social science analysis work sample that is administered

in accordance with school district or public charter school policies as a local performance assessment for grades 3 through 8 and for high school.

(20) For students on an Individualized Education Plan (IEP) or 504 Plan, if a student's IEP or 504 Team determines that the nature of a student's disability prevents the student from demonstrating proficiency in an Essential Skill using any of the approved assessment options listed in the Test Administration Manual, the student's IEP Team may exempt the student from the requirement as listed in the Test Administration Manual and determine an appropriate replacement assessment option for the student to use that addresses the Essential Skill in a manner that is consistent with:

(a) The student's instructional plan; and

(b) The state assessment criteria adopted by the State Board of Education.

(21) For students seeking a modified diploma, school districts and public charter schools may modify the assessment options adopted by the State Board of Education when the following conditions are met:

(a) For students on IEP or 504 Plans:

(A) School districts and public charter schools must comply with all requirements established by the student's IEP or 504 Plan when implementing modifications for work samples;

(B) School districts and public charter schools must comply with OAR 581-022-2100 section (4)(d) when implementing modifications for a statewide assessment.

(b) For students not on IEP or 504 Plans:

(A) School districts and public charter schools may only implement modifications for work samples that are consistent with the modifications the student has received during instruction in the content area to be assessed in the year in which the work sample is administered.

(B) School districts and public charter schools must obtain approval from the school team responsible for monitoring the student's progress toward the modified diploma before implementing modifications for work samples.

(C) Consistent with OAR 581-022-2100, school districts and public charter schools may not implement modifications for statewide assessments for students who are not on an IEP or 504 Plan.

(22) The Essential Skills graduation requirements established by Sections 3, 4, and 5 of this rule are waived for students graduating through the 2027-28 school year.

STATUTORY/OTHER AUTHORITY: ORS 329.451, 338.025, 339.115, 339.505

STATUTES/OTHER IMPLEMENTED: ORS 329.045, 329.075, 329.451, 329.485, 338.115

ADOPT: 581-022-2515

RULE TITLE: Menstrual Dignity for Students

NOTICE FILED DATE: 02/27/2023

RULE SUMMARY: This rule is filed in respect to the Menstrual Dignity Act.

RULE TEXT:

All public school districts and charter schools must comply with the requirements imposed upon education providers in ORS 329.545, OAR 581-021-0590, and OAR 581-021-0593.

STATUTORY/OTHER AUTHORITY: ORS 326.545

STATUTES/OTHER IMPLEMENTED: ORS 326.545