



THE OREGON STATE BOARD OF EDUCATION

Provide leadership and vision for Oregon’s Public Schools and districts by enacting equitable policies and promoting educational practices that lead directly to the educational and life success of students.

AGENDA
Regular Meeting
Public Service Building 251 A/B
255 Capitol Street NE
Salem, OR 97310
Thursday, March 16, 2023

State Board of Education meetings comply with open meeting laws and accessibility requirements. Requests for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be given to [Corey Rosenberg](#) at 503-947-5740, at least 48 hours before the meeting. You can access all board materials on our [Boardbook](#) page. Staff respectfully request that you submit email copies of written materials before or after your testimony.

Please note: all times are approximate.

1. **Call to Order**
 - A. **Roll Call**
Time: 8:00 AM
 - B. **Recruitment Update**
Time: 8:05 AM
 - C. **Break**
Time: 8:55 AM
 - D. **Board Member Reports**
Time: 9:05 AM
 - E. **Break**
Time: 10:05 AM
 - F. **Director's Report** **3**
Time: 10:10 AM
2. **Public Comment**
Time: 10:40 AM
 - A. The State Board of Education will accept up to 30 minutes of virtual public comment. Individuals must register to provide virtual comment. Written public comment received will be posted to BoardBook. **12**
3. **Consent Agenda**
Time: 11:10 AM
 - A. Instructional Materials List Update - New Edition of Amplify Education's Core Knowledge Language Arts (CKLA) **31**
 - B. Transportation Supplemental Plan: Grants Pass School District **36**
4. **First Readings**
 - A. School Sports Pre-Participation Examination Form: OAR 581-021-0041 **59**
Time: 11:15 AM



Provide leadership and vision for Oregon’s Public Schools and districts by enacting equitable policies and promoting educational practices that lead directly to the educational and life success of students.

Emily Nazarov, Office of the Director, Peter Weber, Oregon School Activities Association (OSAA), and Dr. Michael Koester, OSAA Sports Medicine Advisory Committee Chair and Chief Medical Advisor

B. Variance Requests for Pupil Transportation Vehicles: OAR 581-053-0070 73

Time: 11:30 AM

Brock Dittus, Pupil Transportation and Fingerprinting

5. Adoptions

A. Senate Bills 13 and 16 Implementation: Special Education Evaluation and Eligibility Updates 80

Time: 11:35 AM

Kara Nystrom Boulahanis and Tenneal Wetherell, Office on Enhancing Student Opportunities

6. Break for Lunch

Time: 12:00 PM

7. First Readings (continued)

A. Charter School Renewal Request: Cottonwood School for Civics and Science 138

Time: 1:00 PM

Kate Pattison, Office of the Director, and Amanda McAdoo, Cottonwood School for Civics and Science

B. Complaints and Appeals Procedures Improvement Process: OAR 581-002-0001, 581-002-0009, and 581-002-0023 304

Time: 1:30 PM

Stacey Guise and Mark Mayer, Office of the Director

8. Adjourn

Time: 2:15 PM



Oregon State Board of Education

Update

March 16, 2022

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Today...

- Celebrations...
- 2023 Legislative Session
-



Oregon School for the Deaf Student, [Kari Morgan](#), named Oregon's 2023 Poetry Out Loud Champion. Kari will be traveling to Washington DC to represent Oregon and OSD at the POL Nationals in May.



Last week ODE had the honor of hosting students from Oregon's Sister Prefecture, Toyama. We discussed many facets of education, including curriculum, school rules, social activities, and more. We are grateful for the bridges built between our communities in Oregon and Toyama over the last 40 years, and look forward to continued collaboration in the future



Regional OBOB Tournaments were held over the last few weekends. OBOB, or Oregon Battle of the Books, is a statewide voluntary reading motivation and comprehension program sponsored by the Oregon Association of School Libraries in conjunction with a Library Services and Technology Act grant. The OBOB state tournament is scheduled for Saturday, April 15, 2023, at Chemeketa Community College in Salem.

2023 Legislative Session

- **1/17: 2023 Legislative Session Began**
- **2/1: Governor's Recommended Budget**
- **2/22: March Revenue Forecast**
- **4/4: First Chamber Work Session Deadline**
 - This is the last day for policy committees to move measures introduced in their chamber (i.e. Senate bills in the Senate, House bills in the House) out of committee. ⁸
The deadline does not apply to Ways & Means, Revenue, Rules, and other joint committees.
- **5/17: June Revenue Forecast**
- **5/19: Second Chamber Work Session Deadline**
 - This is the last day for policy committees to move measures introduced in their chamber (i.e. Senate bills in the Senate, House bills in the House) out of committee.
The deadline does not apply to Ways & Means, Revenue, Rules, and other joint committees.
- **6/25: Constitutional Sine Die**

ODE LCs, Pending Governor-Elect Approval

- **HB 2280: Definition of Consent for School Policies**
- **HB 2281: District Appointed Civil Rights Coordinator**
- **SB 215: Technical Fix Bill**
- **HB 2275: Grant Consolidation Work**
- **SB 421: Racial Equity & Youth Justice Collaborative - HB 4099 (2022) - Sen. Dembrow**
- **HB 3144: PI/NH Student Success Plan - Rep. Nguyen & Gov. Kotek**
- **SB 1050: Professional Learning for Ethnic Studies and Holocaust/Genocide - Gov. Kotek**
- **SB 1002: Supporting Districts with School Safety & Emergency Management - Gov. Kotek**
- **SB 3454 & 3198: Early Literacy - Gov. Kotek & Rep. Kropf**
- **SB 1045: Secretary of State Systemic Risk Report Response - Gov. Kotek**
- **LC 463: High School Success Updates - Gov. Kotek**
- **LC 454: Refugee & Immigrant Student Success Plan - Gov. Kotek**

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Other Education Legislation Likely to Be Discussed...

- School funding
- TSPC moving to ODE (SB 275)
- School accountability: Local vs. state authority
- Regulation of online schools
- Data collection: Homeschool and private school enrollment
- Early learning expansion
- School board member training
- Mental health supports
- Universal meal provisions
- Greater support and accountability for serving students with disability
- Educator workforce supports
- State support for capital improvements
- Student & staff safety

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Questions?



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ODE Board of Education Meeting
16 March 2023

Public Testimony re: Item 5.A

Greetings Chair Martinez Zapata, Vice Chair Scurlock, and members of the Board.

I am writing to express my concerns about two very specific aspects of the Special Education Evaluation and Eligibility Updates for the implementation of SB13 and SB16. I am currently a special education administrator in Eugene School District 4J and a long-time school psychologist with over 25 years of experience conducting special education evaluations. Also, as a member of the Board of Directors of the National Association of School Psychologists, I am highly knowledgeable about evaluation ethics and standards.

Today I am speaking from my perspective as a school district administrator who oversees psychological services and legal compliance for special education. My first concern is about the unnecessary addition of the following item to each disability OAR:

“(2) Comprehensive Evaluation: If a child is suspected of having [this disability], a comprehensive evaluation must be conducted for Early Childhood or School Age Special Education services...”

While this is not new information for evaluation professionals, non-evaluators, such as teachers, administrators, or parents, may inappropriately interpret a “comprehensive evaluation” to be something additional or separate from the special education evaluations that evaluators currently conduct. It may also lead to misunderstanding about the definition of “comprehensive,” which could create unnecessary tension at Evaluation Planning or Eligibility meetings.

For sake of clarity, and to avoid unnecessary confusion around special education evaluation procedures, please either eliminate this phrase from each disability section or, at least, add “*as defined by OAR 581-015-2110*” into the statement. This existing OAR makes it quite clear what a comprehensive evaluation must entail.

My second concern is specific to the disability known as Other Health Impairment (OAR 581-015-2165). While the proposed changes offered for adoption include the *removal* of a medical examination requirement for several disabilities, such as Autism, Emotional Behavior Disability, and Intellectual Disability, the documentation of a medical examination requirement *remains* in the Other Health Impairment (OHI) category. The many good reasons for eliminating a medical examination in the other categories, including reducing barriers for historically marginalized and underserved populations, also apply to this category as well.

Furthermore, the most common condition for which the OHI eligibility is used is ADHD (Attention Deficit/ Hyperactivity Disorder). In the private sector, ADHD is most commonly diagnosed by Licensed Psychologists or Licensed Clinical Social Workers; and, in many states, an educationally-licensed School Psychologist is permitted to identify ADHD for the purpose of OHI eligibility. However, none of those highly-trained professionals are among the medical professionals defined in SB16 as capable of providing a medical examination for the purposes of OHI eligibility.

As such, and in light of the fact that neither IDEA nor the federal regulations associated with it required a medical examination for Other Health Impairment, I request that the medical examination requirement be removed from the OHI disability requirements in OAR 581-015-2165.

Thank you for your time and consideration. Please feel to contact me with any questions or for more information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karen Apgar', written in a cursive style.

Dr. Karen Apgar, NCSP
Student Services Administrator for
Psychological Services & Legal Compliance
Eugene School District 4J
541-790-7820
apgar_k@4j.lane.edu

Dear Chair Martinez Zapata, Vice Chair Scurlock, and ODE board members and advisors,

My name is Justin Potts, I'm a practicing school psychologist, a past president of the Oregon School Psychologist Association and wear a handful of other hats.

I have been in front of you before on this topic, so I won't belabor the point. I would encourage the board to reject all changes to special education eligibility rules that are not specifically aligned with the technical changes to Oregon statutes made in 2019. That is because the additional content is unnecessary, creates confusion, significant duplication and inappropriate complication to an already complex set of rules that we operate by. In the last 5 or so years, I have seen more proposed and implemented rule changes by the department to our already significantly prescriptive special education rules compared to any other state in our region, than I witnessed resulting from the federal rule changes going all the way back to 1999 and 2006 combined. The department should be encouraged to not exceed their statutory authority or take unilateral actions that reinterpret federal law. It is one thing to be an innovator in the public education space, but another to be out over one's skis.

I'm coming to you today specifically regarding the extent of the proposed changes and the timeline for districts to comply with the changes by August 15th. I have a long history in Oregon with our technology systems used to manage the many mandatory paperwork requirements and state reporting. In the early 2000s I helped Portland Public transition from their own proprietary IEP and special education NCR handwritten paper forms, to utilizing an electronic student information system that was eventually put in place by the majority of districts in the state. I supported that work in two more districts in the following decade. I both participated in and then led the state consortium involved in providing specifications to the vendor to update those special education systems as procedures and documentation changed. For the last decade, I again returned to facilitating that group and helped develop the specifications used in the current system, in close collaboration with the department at the time, now representing about 2/3rds of the special education students in the state. Vendors have remarked this workgroup has been a model for other states in keeping changes consistent and aligned within a state, and providing clarity for the developers so there are fewer surprises in this complex work. For my part, that has been done on a volunteer basis, effectively subsidized through my time in my districts but on top of my regular role and assignment. That is all to say I have a great deal of history and experience in this domain, in this state.

The department has had 3 years to make the required rule changes. The first time they chose to unilaterally propose nearly 100 pages of rule changes instead. This time, the proposal before you is still 45 pages long. They have stated they will not have their own sample forms, often adopted by many of the other smaller vendors throughout the state, finished until the end of June. If you approve all of the significant changes that are before you today, including those not required by statute, and you require it by the stated August 15 deadline, I will have no choice but to step down from my coordination of the state workgroup advising our vendor. The amount of work that goes into just creating the specifications, particularly when these changes will be impacting such a significant number of documents and districts, is substantial. These aren't like a word document that you just hit find and replace on, yet ODE's own staff say it will take them the next 3 months to do just that for their own documents. Between this set of changes, and what is likely coming down on us for abbreviated school day legislation, I do not want to be seen as either responsible for or involved in the challenges that will likely arise in meeting the requirements and untenable deadlines imposed by the department. I do

hope that someday the department returns to its willingness to collaborate and engage meaningfully with expertise outside of its walls who are actually in schools, in person, doing this work every day.

Thank you again for your time,

-Justin Potts

Abbreviated Division 22 process timeline from a TAG perspective

1994:

Salem parents file first **Salem** TAG complaint

1996

Department of Education finds **Salem** out of compliance and issues compliance order. District issues plan of correction.

Department states it will conduct another investigation in a year to make sure the changes have brought the district into compliance.

1997

Portland TAG appeal submitted to State Superintendent of Public Instruction.

Findings on **Columbia** TAG complaint issued by State Superintendent of Public Instruction.

Findings on **Reynolds** TAG complaint issued State Superintendent of Public Instruction.

1998

Findings on **Newburg** complaint issued by State Superintendent of Public Instruction.

Feb. 13: State findings report that **Portland** Public Schools (PPS) is not meeting standards in identification, parent notification, assessment of level/rate of learning or teaching at assessed level and rate.

"... Oregon Department of Education staff is available for technical assistance in any of the identified areas. Corrective actions must be completed prior to the beginning of the 1998-99 school year. *The Department will conduct a follow up visit to verify completion of plan of correction in October 1998*

Department then gives PPS a one-year extension.

Follow-up **Portland** investigation postponed to 2000

Department rejects a section of the complaint that Portland has not followed its own written complaint procedures because "policies and procedures regarding communication and timelines for resolution of complaints are matters of district policy and are not mandated by state law."

2000

August: Department follow-up investigation again finds **Portland** out of compliance. Department issues Amended Order. Orders that "Corrective actions must be completed prior to the beginning of the 2001-2002 school year. *The Department will conduct a follow-up visit to verify completion of the plan of correction by June 1, 2001*"

March 2001 Department amends **Portland** order again. State postpones follow-up investigation until June 1, 2002

2002

State again postpones follow-up **Portland** investigation. Report now due June 1, 2003

A new **Portland** complaint is submitted by parents in the ACCESS program—this is also later upheld

2003

November 3: **Portland** Appellants write ODE asking why it has not acted.

November 4: Secretary of State issues “auditor’s letter” that describes problems with implementation of the TAG OARs as a [legal] risk to the Department of Education;

“School districts may not properly identify and provide appropriate services to talented and gifted students. State law requires school districts to identify and provide services to all talented and gifted (TAG) students. Information we obtained indicates that, in general, schools’ efforts in this regard have not been adequate. In addition, the department has devoted little in the way of resources to monitoring TAG programs. Department management agreed that this continues to be a significant risk.

Potential Mitigating Actions:

· Increase monitoring efforts to ensure that TAG students are identified and provided appropriate programs and services.”

November 12, 2003: Nancy Latini replies to appellants on behalf of the Department that: “The Department cannot explain the delay in the follow up activities. I agree with your frustrations about timelines, lack of funding and final reporting. . . “

2004

April-May: ODE holds statewide TAG “input sessions” that reveal many problems with implementation throughout the state.

April 19: ODE submits “issue brief” that concludes “Public reports from across Oregon indicated concerns for the TAG program in several areas including lack of funding, *lack of Department leadership and direction*, and inadequate and inconsistent program services.”

May 7, ODE state issues the **Portland** report that was due June 1, 2003. Finds Portland in compliance.

August 5: **Portland** parents file petition against ODE in Circuit Court

2005

May: Judge rules for **Portland** parents from bench

August: Judge signs court order for summary judgement.

"in order to provide and analyze data for the preparation and reissuance of the Final Order ... the Superintendent of Public Instruction or Oregon Department of Education shall *conduct an independent investigation*, using an employee with training and experience in gifted education, or hire a consultant that is mutually agreed upon.... *The ... Superintendent of Public Instruction or Oregon Department of Education may not rely on an investigation if the data produced from that investigation is not objective and quantifiable. Any finding of improvements of compliance must be based on a significant improvement in that data.*" (italics added)

Thus, the court found that the ODE must investigate on the ground for itself and must find objective evidence that a district had actually made substantial improvements in its TAG services before releasing the district from a compliance order.

After confusion in the court filing deadline for compliance is extended to January 5, 2006

Findings on **Sisters** complaint issued by State Superintendent of Public Instruction on October 28

2006

January: ODE requests emergency stay, which is granted

April 25: Mediation agrees on new investigation of PPS

May 23: **Salem** parents file a second complaint with their school district about a lack of TAG services. They had received the final determination that the School Board would not consider their appeal on December 6, 2006.

2007

April 6: ODE issues letter stating it will investigate **Salem** complaint, but its investigation will be limited to allegations that the district is not implementing Division 22 standards. It will not consider the failure of the district to follow the procedures and services outlined in *The Salem-Keizer Schools Talented and Gifted Standards* and the *TAG Parent Handbook* that were created in response to the 1996 ruling against the district. Department tells parents that "We encourage you to work collaboratively with the school district to resolve these issues or seek other legal assistance."

June: In response to testimony concerning breakdowns and unacceptable delays in the district complaint process, Oregon legislature passes SB 779 which orders the ODE to develop rules that require school districts to respond to Division 22 complaints in a timely manner at each administrative level and permitting an appeal to the ODE after 90 days have elapsed since the complaint was first submitted. Previous law had stated that complainants might appeal after 45 days or local procedures were "exhausted."

November: ODE holds TAG forum in Salem to discuss parent complaint first filed in 2006.

December: ODE issues draft final findings for **Portland**

2008

February: ODE finds **Salem** out of compliance

ODE issues final findings and compliance order stating that **Portland** is not in compliance with the Oregon TAG mandate. Findings include a ten-point correction order.

May 28: **Salem** submits a compliance plan

2008-9

Portland drafts a Plan of Correction and ODE requires quarterly reports in its implementation. Many of these reports are delayed

2009

May 18: ODE finds that **Portland** has made progress toward compliance but "due to PPS's plan to disperse the current TAG office personnel and restructure its TAG program, it is not possible for ODE to determine compliance for all areas of the corrective action plan at this time"

June 17: ODE finds **Salem** is back in compliance

November 12: ODE issues letter to **Portland** stating that it will make on-site visits to confirm compliance. Letter is not given to appellants until January 4, 2010.

Findings in **St. Helens** complaint issued by State Superintendent of Public Instruction December 9, 2009

2010

Portland parents send a letter to the ODE stating concern about lack of action and on-site visits

March 24: ODE says it will arrange on-site visits

June 17th. ODE finds **Portland** still out of compliance

August 20th. ODE writes parents saying it has given PPS more time to comply with its corrective actions

2011

Findings on first **Eugene** complaint issued by State Superintendent of Public Instruction on May 11

July 1 ODE sends a letter to **Portland Public Schools** releasing it from the compliance order but does not notify appellants.

August 3: In response to a question from Rob Manning of Oregon Public Broadcasting, ODE states that it released Portland on July 1. Department notifies parents on August 4

Nov. 28: ODE waives all Division 22 compliance assurances for 2011-12 in Memorandum 004-2011-12

2012

February ongoing: SB 1581 requires the Oregon Education Investment Board to direct the ODE to waive Division 22 reports for one year.

February 23: Rebecca Blocher, TAG specialist, writing for the department states that “As part of the mandate relief effort last year, ODE waived the requirement of completed Division 22 assurance forms... This provision keeps the mandate relief operational. ...any failure to comply with a Division 22 requirement ... will continue to be enforceable by filing an appeal to the State Superintendent of Public Instruction. This is how these Division 22 Rules and related statutes are currently enforced. The reports that districts file are not used for enforcement purposes. Enforcement is complaint-driven...”

2012-13

More than one thousand **Portland** TAG parents respond to a survey conducted by the TAG office. The overwhelming majority (80%) believe their children were not receiving appropriate learning opportunities. Larger majorities thought services were inconsistent and TAG services were not affecting their children's academic progress.

2014

July 27: Responding to an appeal relating to instructional hours, ODE issues findings that the **Portland** complaint process is inadequate and confusing. Parents were advised to use a complaint website that didn't work and report problems to an ombudsman's office that had been eliminated. Deputy Superintendent Rob Saxton comments that the process “is difficult to follow based on its complexity and may present a barrier to access.”

October 20th. ODE states that it will only require district Division 22 reports every three years “because of the reporting burden on the district” even though districts were still required to provide the same reports to their communities.

November: **Portland** Public Schools adopts a new complaint process

2015

Portland Public Schools submits a new TAG compliance plan to the ODE. It is never approved by the school board or implemented

2016

September 19: ODE says that **Portland** submitted its (partial) Division 22 Assurances from 2015-6 and that districts will report on compliance with all Division 22 standards for the current school year.

In response to concerns with TAG implementation raised by the PPS TAG advisory council, **Portland** unchecks the box on the Division 22 form indicating compliance with the “rate and level” OAR for TAG in its report to the community but asserts that despite this action, it is in compliance with the OAR. ODE says there is no requirement that a superintendent sign this assertion.

First **Ashland** TAG complaint filed

2017

January 5: **Portland** Public Schools submits its full Division 22 compliance form to PPS School Board. It acknowledges that it is not in compliance with the standard on Programs and Services for Talented and Gifted Students. Currently, PPS “Does not have a comprehensive, standardized understanding nor the complete tools to say that PPS is currently in compliance with meeting TAG students’ rate and level needs.” PPS sends this report to the ODE as part of its Division 22 assurances and claims it is currently developing a “complete k-12 TAG continuum of Program[s] and Services.” PPS takes no subsequent action Neither does the ODE.

March 20, 2017: Department of Education finds **Ashland** out of compliance and tell parents that they will return to verify implementation of compliance plan and write fresh order if problems haven’t been fixed.

May 21, 2017: OATAG prepares testimony concerning proposed revisions to OARs with a list of documents supporting the testimony and illustrating the breakdown in complaint procedures and copies Emily Nazarov. It notes that we have been concerned about the failure of the ODE to act on parent complaints and to follow up with non-compliant districts once it has signed off on the compliance process. “Parents should not have to file repeated complaints and then go to court merely to ensure that Oregon schools are obeying state laws and rules.”

Ms. Nazarov replies on May 24 that she will share this testimony at the state board “at tomorrow’s meeting”. It appears this did not happen.

June 2017: OATAG re-sends the testimony to Jessica Nguyen-Ventura for the June 20th. State Board meeting.

September 14: OATAG submits testimony concerning proposed changes to the Division 22 standards reporting and requesting a resumption of annual submission to the department. It includes three community concerns that have not been addressed:

1. Districts are failing to implement state school standards
2. Department fails to ensure that districts maintain and follow a complaint procedure when districts violate standards
3. Department refuses to oversee district compliance although such oversight is required by the administrative rules.

September 21: I write to Ms. Nguyen Ventura pointing out that the State Board’s agenda lists my name as a witness but attaches testimony from April concerning ESSA (the Every Student Succeeds Act) instead of the testimony OATAG actually submitted.

September 28: first reading of rule amendment requiring districts to report on compliance at a public hearing of their school boards and post it on a district webpage by February 1 of each school year. “We welcome your comments.”

October: **Portland** parents note that the TAG OARs are misprinted in the online compilation with the result that the OAR concerning programs and services was replaced by a reprint of the OAR concerning identification. Requests for corrections are made in October, in November and in December before the misprint is finally corrected.

October 20: Public hearing on proposed amendment includes testimony from OATAG.

October 26: Oregon Department of Education issues a statement that it will resume annual collection of full Division 22 reports.

November: Emily Nazarov at ODE tells **Ashland** complainants that the correction process is complete when the district has completed the tasks on their correction plan and the department will not verify that the actual problems have been corrected as had been done in the past. She states that OAR 581-022-1940 Appeal Procedure, section 11, states: "(11) *If a deficiency is not corrected, the provisions of ORS 327.103 will apply.*"

ODE asserts that a deficiency is corrected once a district has completed the corrective actions and its job is only to verify that district has completed its corrective actions, not that it has actually fixed the deficiencies found in the Final Order. If the underlying problems haven't been fixed complaints must either file a new complaint at the building level and restart the process or run for School Board themselves.

2018

Portland again certifies that it was not in compliance with the TAG standard.

April 3: Department accepts a second appeal from **Ashland**

June 12: In light of numerous complaints by PPS parents and community members that its complaint process is dysfunctional, the Portland School Board adopts a new complaint procedure. (See <https://pamplinmedia.com/pt/9-news/392383-284472-district-takes-another-crack-at-resolving-complaints>, <https://pamplinmedia.com/pt/9-news/352046-231233-portland-public-schools-complaint-process-baffles-frustrates> and <https://katu.com/news/local/report-portland-public-schools-ignored-complaints-of-sexual-misconduct-of-teacher>)

June 22 State Board meeting first reading of a proposal by staff to “clarify” the Division 22 reporting process by moving the reporting date earlier in the year and stating that the report would give assurances of compliance for the *previous year*.

A long discussion by the members of the board ensues. The board does not reach any conclusion, but the consensus is that reports should be contemporaneous and not retrospective. Many written letters about this were sent to the board protesting the planned change. Charles Martinez, chair of the Board states that “the goal is to provide as close to accurate real-time information as we can in the disclosure and assurance process.” The Board Book, minutes, and testimony for that meeting are missing but the tape of the hearing is at https://www.youtube.com/watch?v=n_n1UTgT4Ew&feature=youtube

August 20 Public hearing on proposed Division 22 reporting change. OATAG objects.

August 31: Division 22 reporting stakeholders meeting. OATAG is included. No consensus is reached on the date for submitting reports.

September 20. State Board again discusses proposed changes to Division 22 reporting schedule. Reaches no conclusion and postpones discussion to next meeting. At this meeting the Board also revised the OAR concerning instructional hours to make it easier for districts to waive requirements for high school students.

October 18 State Board meeting agenda omits the proposed Division 22 reporting change

December 18. Public hearing on proposed changes to Division 22 Appeals and Procedures: 581-002-1000, 581-002-1002, 581-002-1004, 581-002-1006, 581-002-1008, 581-002-1010, 581-002-1012, 581-002-1014

The new rules omit ss. 6 of the existing OAR 581-002-0040 which states: "*Upon receipt of the district's report, the Deputy Superintendent WILL conduct an investigation to determine whether there is substantial evidence of a violation.... The investigation will include a review of the written materials submitted by the complainant and school district AND MAY ALSO include actions such as INTERVIEWS, ON-SITE INVESTIGATION, SURVEYS, AND DOCUMENT REVIEW*"

When OATAG submits testimony objecting to this, the staff claims that this omission was “inadvertent.” They also assert that OATAG was not informed or included among the “stakeholders” for this comprehensive revision because they were unaware that OATAG might be a stakeholder—despite the fact that three of the administrative rules being revised concerned TAG services and OATAG had submitted testimony about the Division 22 process.

2019

January (?) Oregon Department of Education website states:

“Division 22 Assurance of Compliance

On February 1 of each year, school district superintendents are to report to their local school board the districts standing with respect to all Standards for Public Elementary and Secondary Schools as set forth in [Oregon Administrative Rules 581-022-2305](#). Districts are to post the report to their websites by February 1, 2019. Following that report, districts will complete and submit to the Oregon Department of Education (ODE) the annual Elementary and Secondary Schools Assurance Form by February 15, 2019.

For the 2019 Assurances, school districts should be reporting on the preceding school year. In other words, you are reporting whether your district met the compliance standards during the 2017-18 school year. . . .”

The state board never approved that declaration.

January: **Portland** Public Schools again notifies the school board that it is not in compliance with the Oregon TAG mandate and submits a new draft plan for TAG services. The plan envisages a roll-out of compliance activities over multiple years although state law permits just one year. The plan focuses on staff development, without any mechanism to ensure that students receive rate and level instruction—the OAR that PPS admitted it was not implementing. ODE takes no action.

February 27 After the release of the disturbing audit of **Portland** Public Schools, the Governor announced that she planned a meeting with the State Board of Education. This took place on February 27.

Among the recommendations in the audit was:

"Work with the State Board and stakeholders to evaluate Division 22 district standards for clarity and enforceability and ensure that ODE has adequate resources to review compliance and enforce standards when districts fall short."

Following that meeting, the Department initiates a process to re-evaluate the Division 22 standards (still ongoing). (In 2020, ODE creates one FTE position to review compliance and enforce standards.)

April 29: Twenty-seven **Portland** parents file another TAG complaint with the District alleging a pervasive, long-term district-wide problem. The complaint, with ~200 pages of supporting documents alleges that throughout every grade level, Portland Public School (PPS) is currently, and has been for years, in violation of the administrative rules concerning rate and level instruction and parent participation, has failed to meet the basic academic needs of gifted and talented students, and has further failed to implement its own compliance plans or to provide the "ongoing effort" recommended by the Oregon Department of Education when it last released PPS from its compliance order in 2011.

In response, **Portland** Public Schools acknowledges that there is no system-wide approach to instructional practices for TAG students and states that during the next school year it will again report non-compliance with state TAG laws—for the fourth consecutive year.

August 21

Oregon Department of Education notifies **Portland** parents that it is accepting their appeal and plans to investigate. Department sets a deadline of **May 2020** for completion of the investigation. Department later extends that deadline to **January 2021**.

No report is issued. Timeline for a decision is postponed to August 2021

2020

Schools are closed at various times due to COVID-19 pandemic. Governor orders a statewide shutdown in March, 2020.

September, 2020: **Portland** schools are closed at the start of the 2020-21 school year and remain closed all school year. Oregon Administrative Rule requiring districts to identify TAG students is suspended for 2020-21 under a temporary rule.

2021

March State Board again considers a proposal to postpone district compliance reports to the year following the year when they are supposed to be implemented.

May 20

State Board approves the March proposal.

August 31 Department issues a letter postponing the deadline for the issuance of findings and order in the **Portland** TAG complaint until January 6, 2022.

2022

January 6, Department issues Preliminary Findings stating that **Portland** Public Schools is not in compliance with the Oregon TAG rules in several areas

June 13

Portland Public School District and Parents reach five-year conciliation agreement concerning **2019** complaint that states that District will take steps to return to compliance with state laws and rules by **2027**

Notes:

dates are approximate. Some documents are undated

*Prepared by Margaret DeLacy
1/6/2022*

Margaret DeLacy, President
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Box 1703, Beaverton OR 97075

Testimony concerning revisions to Complaints and Appeals Procedures: OAR 581-002-0001, 581-002-0009, and 581-002-0023

Oregon State Board of Education, March 16, 2023

Dear members of the State Board of Education:

Three Oregon Administrative Rules (OARs) in Division 22 concern identification, programs and services for Talented and Gifted (TAG) students, communication about TAG, and the rights of TAG students and parents to an education that is adapted to their individual needs. Since the Oregon TAG mandate passed in 1987, many districts have struggled to carry out the requirements of these rules and many gifted students have not received the education they were promised under state law.

Following the “dot com” collapse in 2001 and the resulting cuts to state budgets in 2002, state grants-in-aid for TAG services were eliminated and have never been restored. Moreover, the simultaneous passage of the No Child Left Behind Act (NCLB) increased Federal reporting burdens on districts even as the provisions within the NCLB emphasized ensuring that all students met a single standard for performance. This led overburdened districts to focus on students who were not meeting standards at the expense of students who had already met standards.

For about fifteen years, there was an effort to minimize accountability measures and compliance with state standards. Numerous documents, audits, and reports have since pointed to failures by districts to implement the state standards that ensure the health, safety and learning of every Oregon student.

TAG students were disproportionately affected. Today, more than half of all Oregon districts (105 out of 197) report that either they are not spending anything on TAG services or that they have identified no students. Our educators and administrators have not received the training necessary to implement state TAG rules.

This situation has resulted in appeals to the Oregon Department of Education (the Department) alleging a failure to provide services to TAG students. OATAG is not a party to these appeals, but we do provide links to state laws and rules upon request, and we follow the decisions of the Department of Education because these decisions clarify policies that may apply to all TAG students.

Given the number of times that TAG parents have attended hearings concerning district services, the many reports and audits noting problems with implementation, and the frequency of OATAG’s own testimony concerning the Division 22 Standards at legislative, Departmental, and State Board hearings, we were surprised that the Department staff did not invite us to comment on proposed changes to the appeal OARs even though this neglect has become a habit. An earlier opportunity to participate might have forestalled the need for detailed testimony.

Since Director Gill first became Deputy Superintendent of Public Instruction, we have seen real improvements in state oversight including the adoption of several steps that we recommended to him and to you. We would like to take this opportunity to thank him for his many years of service and his consistent interest in the welfare of all Oregon students.

Nevertheless, major flaws in Oregon’s rules about complaints and appeals remain. These flaws include:

- Confusing and ambiguous rules
- Excessive timelines
- A lack of authority or reluctance on the part of the Department of Education to correct district violations of the intent of state standards.
- No way to ensure that a district remains in compliance once it is released from a compliance order.

The amendments before you are an improvement but do not adequately address these problems:

Confusing and ambiguous rules

The OARs are extremely difficult to read and understand because two or three different issues with different remedies have been shoehorned into a single set of rules even when these issues have different timelines and outcomes. This means that every rule depends on conditions specified elsewhere and cross-references several other rules. The rules should be separated so that each sort of potential violation has a single, clearly expressed procedure. A person concerned about a particular problem could then reference the steps to resolve that problem instead of trying to parse the entire process and pull out the portions that apply to them. Division 22 appeals should again be separated from those regarding discrimination, restraint and seclusion, retaliation or religious entanglement.

“Days” is undefined when it appears in time limits. These may be calendar days, business days, or school days and may or may not include vacation days. This ambiguity confuses appellants—especially when investigations extend into the summer break.

Section 8 of OAR 581-002-0023 (amended) states that “As part of any corrective action taken pursuant to subsection (2)(b) of this rule, the complainant and district must waive their right to seek judicial review of the corrective action under ORS 183.484.” I was unable to find a relevant passage in subsection(2)(b) in OAR 581-002-0023.

The definition of “complaint” in OAR 581-002-0001 includes an outline of alternative procedures for filing complaints. The definition itself should be separate from the process for submitting a complaint to reduce confusion.

Excessive timelines amounting to a denial of services

We support the elimination of the “conciliation” process from all Division 22 complaints, but we would like to see more ways to ensure a timely resolution.

Attached is a timeline for TAG appeals to the Department of Education. Most alleged a district-wide failure to provide adequate and appropriate instruction. It illustrates how some complaints have dragged on. Most notably, the first TAG complaint against Portland Public Schools was filed in 1997 and discharged in 2011—after all the students involved had graduated or left the district.

According to the timelines in the rules, the steps are:

1. Send the complaint to the district
2. Exhaust all district procedures90 days
3. Department accepts complaint14 days (may be extended)
4. District replies.....30 days (may be extended)
5. Investigation and Preliminary order90 days (may be extended)
6. Mandatory conciliation opportunity.....30 days (may be extended)
7. Optional reconsideration and judicial review.....<60 to 120 days + time needed to schedule a court hearing if one was not waived under 581-002-0023 sect 8>

At this point, the district has been in violation and/or the student has been without appropriate services for up to 254 days or more, even if no extensions have been allowed. Extensions are common. Moreover, few complaints are lodged until a student has been in school for some time and the resident has already made preliminary attempts to resolve the problem in the classroom. It is likely that after 134 days have elapsed it is impossible to investigate the original issue because schools are closed for the summer. At that point, the student(s) will have moved to different classrooms.

The “conciliation” process inserts more delay into the process, Depending on the timeline within the agreement, a district may postpone compliance and remain in violation indefinitely. We believe the Board should consider eliminating conciliation entirely. If a district is interested in negotiating a resolution, that could and should take place during the 90-day interval before an appeal to the state.

- There is no timeline for the completion of a conciliation agreement. Instead of receiving a final order from the state requiring it to come into compliance by the start of the next school year, a district can postpone a final order indefinitely
- There is no process for the state to step in if a district fails to make a good faith effort to carry out the agreement until the date the agreement ends.
- There is no process for the state to follow up to ensure that the agreed remedies remain in place. The day following the issuance of the final order a district may jettison the agreement, leaving appellants to start the entire process over from the beginning (another 284 days).

Lack (or relinquishing) of Department Authority

The Department has long maintained that it lacks the power to enforce district rules and procedures even when these are required by state law. The Department has written,

“Importantly, when investigating whether a school district’s written plan violates [an OAR], the department is limited to examining whether the plan complies with the rule. ... If a school district wrote a plan that contains those elements, the department’s investigation ends. The department ... does not review the ... school district’s implementation ... Those matters fall under the oversight of the school district’s locally elected school board.” (Department of Education, preliminary final order to Portland Public Schools, January 6, 2022)

In other words, if an OAR requires a district to do something, the Department of Education will accept an appeal. But if an OAR merely requires the district to have a rule, plan, or procedure stating that it will do that same thing, the Department will not investigate whether the district is carrying out its own written plan, even if the steps in the plan are required by state law.

For example, even when a district has a written complaint procedure with timelines for each step, the Department only requires completion of the entire process within the statutory 90 days. Appellants have no recourse if a district ignores the steps in its written complaint procedure. Similarly, an OAR requires a district to submit its written TAG plan to the Department, but if a district chooses to ignore its plan, a parent cannot appeal to the state.

The Department has also held that it lacks the authority to proactively investigate a district in the absence of a complaint even when the district has submitted a Division 22 report that admits non-compliance with a state standard. Although this procedure has recently been strengthened it is still insufficient. The new procedure was explained in a letter dated August 17, 2021 from Jennifer Patterson, Assistant Superintendent, to District Superintendent:

“If the school district did not meet a given standard, the school district must describe why the school district is out of compliance and explain the school district’s proposed plan to come into compliance with the rule(s) by the beginning of the 2022-23 school year. ODE will review the school district’s submission, and . . . consider the school district’s proposed plan to come into compliance and provide guidance and technical assistance.... In this process, school districts and ODE work together to ensure full compliance with the Division 22 Standards to maintain full eligibility for state school funding.”

This says the Department may “review,....consider....provide guidance.” Once a district has asserted that it is back in compliance, there is no process to verify this assertion.

If residents believe the district has not returned to compliance, their only option appears to be to initiate the appeal process from the beginning and wait several more months. They may not even have this option if a district merely ignores the plan it has just written and submitted. Nothing prevents this plan from being a work of fiction.

OAR 581-022-2300, “Standardization,” specifically permits “*on site review* [by the Superintendent of Public Instruction of District] practices or conditions; *and other methods* selected by the Superintendent of Public Instruction.” The Department should use its legal authority.

Finally, the State Board’s 2021 decision to postpone the reporting of Division 22 compliance until the year *following* the discovery of a deficiency allows districts to wait to correct it until the very end of that second year. Moreover, they may then obtain a further year’s extension.

Lack of follow through after discharge

Once the Department has concluded that a district has carried out the terms of its compliance order, it makes no effort to ensure that the steps in the order actually succeeded in ensuring compliance. Nor does it follow up to see if the district continues to implement these steps or remains in compliance. In the Portland appeal in 1998, the Department planned follow-up visits to verify continued compliance but did not follow-through promptly. In 2017, we flagged this problem again in testimony submitted to Ms. Nazarov for the state board stating our concern about a lack of follow up with non-compliant districts once the Department signed off. “Parents should not have to file repeated complaints and then go to court merely to ensure that Oregon schools are obeying state laws and rules.”

In 2016, the Department told Ashland appellants that the compliance process ended once the district completed the tasks on their correction plan and the department would not verify that the actual problems have been corrected. If the parents were not satisfied, they were advised to run for the school board themselves.

The Department asserted that its job was only to verify that district had completed its corrective actions, not that it had actually fixed the deficiencies noted in its Order. If the complainants believed that the underlying problems had not been fixed, they were advised to initiate a new complaint at the building level and restart the entire process or run for School Board themselves.

Portland public schools, which was non-compliant with the Oregon TAG mandate for most of the period from 1997 until 2011, admitted annually from 2016 to 2019 that it was out of compliance again. When parents finally initiated a new complaint and then appealed to the state in 2019, the investigation found that the district was indeed failing to provide appropriate instruction. The investigation was completed before the COVID shutdown, but the findings and order were not issued until 2022. A conciliation agreement reached last July (2022) creates a five-year plan that will permit the district to stall until 2027.

Meanwhile, the district has just announced it will dismiss all its TAG staff except for a part-time TAG administrator who was appointed halfway through the year.

There appears to be no state-level procedure for addressing this violation of good faith. Like Portland TAG students in 1997, the students of 2019 are unlikely ever to receive the instruction promised to them by state law.



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September 22, 2022

Aujalee Moore
Prog. Analyst & Instructional Materials Coordinator
Oregon Department of Education
Office of Teaching Learning & Assessment
Standards and Instructional Support
aujalee.moore@ode.oregon.gov

RE: Amplify CKLA, Research Units Sub. Request

Dear Ms. Moore:

Amplify has created additional resources in the form of research units within our CKLA curriculum to address some of the requests for further diversity in the program and Amplify would like to make these resources available in Oregon classrooms.

The new Research Units are used in conjunction with the core adopted curriculum and focused on research and inquiry. Amplify recommends that these units be implemented at the end of year due to the pedagogical synthesis and application of skills inherent to the research and inquiry process and the writing or multimodal culminating tasks expected across Grades K-5. However, the units can also be implemented for extended core instruction during flex periods, district designated pausing points, or enrichment periods.

These Research Units incorporate culturally relevant topics and instruction. The diverse set of materials provide students with windows and mirrors as they build knowledge through a lens of multiple perspectives. For example, Grade 3 students will learn about the vibrant music, poetry, and culture of the Jazz Age in the United States. They will learn about famous writers and musicians like Langston Hughes, Louis Armstrong, Billie Holiday, Melba Liston, Tito Puente, and Miles Davis. In the Adventure Stories Unit, Grade 1 students will study the careers of real-world explorers Dr. Eugenie Clark and Sophia Danenberg while thinking critically about how teamwork and collaboration can make greater adventures possible.

Each new Research Unit includes a high-interest authentic tradebook collection that will spark student curiosity and inquiry. In Grade 2, students will soar to new heights through stories of early aviators including the Tuskegee Airmen, Louis Blériot, Aida de Acosta, Alberto Santos-Dumont, and Amelia Earhart. Grade 5 students will listen to and analyze authentic trade books in the Beyond Juneteenth unit including books written by President Barack Obama and Coretta Scott King Award winning author, Angela Johnson.

Amplify CKLA, with the addition of the newly developed Research Units, is compatible with the version of CKLA previously adopted in Oregon. The Research Units have no impact on the prior adopted materials in pagination, illustration, or content. CKLA has created these additional units, in each grade K-5, with materials and instruction focused on research and inquiry. At all grades, these Research Units are supported with a Teacher Guide, student Activity Books, Image Cards, and a collection of authentic Trade Books. This new version of CKLA includes the following new units in addition to the adopted edition:

- Grade K: Art and the World Around Us
- Grade 1: Adventure Stories: Tales from the Edge of the World
- Grade 2: Up, Up, and Away: The Age of Aviation
- Grade 3: All That Jazz
- Grade 4: Energy: Past, Present, and Future
- Grade 5: Beyond Juneteenth: 1865 to Present

These resources will be provided at no additional charge with the purchase of adopted classroom kits. All content reviewed and approved as part of the state adoption will remain available and there will be no change in the cost of the complete program as a result of this substitution.

Amplify is glad to provide digital review access for the new research units upon request and to answer any questions. Thanks for your partnership and consideration of this substitution request.

Sincerely,

Florence Cordovano
Amplify Adoptions Director

Oregon State Board of Education

February 16, 2022

AGENDA ITEM: Instructional Materials List Update - New Edition of Amplify Education’s Core Knowledge Language Arts (CKLA), OAR 581-011-0086

<p>SUBJECT: Instructional Materials List Update - New Edition of Amplify Education’s Core Knowledge Language Arts (CKLA), OAR 581-011-0086</p> <p>STAFF NAME & OFFICE:</p> <p>The publisher Amplify Education has requested to update the 2017 version of Core Knowledge Language Arts (CKLA) materials, adopted by the State Board of Education in 2021, to the updated version of Core Knowledge Language Arts (CKLA). Substituted materials will be supplied to Oregon schools at the contract price of the originally adopted edition unless the price for the substituted version’s price is lower than the 2021 contract price. The updated materials have been reviewed by OTLA’s language arts education specialist, Tina Roberts , who has confirmed the change to be an appropriate update.</p> <p><input type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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BACKGROUND

The State Board of Education adopted Amplify Education’s Core Knowledge Language Arts (CKLA) 2017 edition as a recommended instructional resource for English Language Arts in October 2021. In 2022, the publisher Amplidy Education published an updated edition of CKLA. The updated version meets the ELA adoption criteria set by the State Board of Education in 2020. The updated edition of CKLA includes minor changes that increase the cultural responsiveness of the materials.

Tina Roberts, ODE’s Language Arts Education Specialist, has completed a review of the materials to confirm that they are an appropriate update. Additionally, Northwest Textbook Depository was engaged to confirm that the update was appropriate and would not negatively affect districts currently using the 2017 edition of CKLA. Districts would now be able to purchase the updated version of CKLA for a contract price through Northwest Textbook Depository without conducting a formal independent adoption.

The State Board of Education has the discretion to approve the update to CKLA or decline Amplify Education’s request to update the materials from the 2017 edition to the 2022 edition. We are asking the State Board of Education to approve adding the new edition of CKLA to the list of recommended ELA instructional materials.

SUMMARY OF PREVIOUS BOARD ACTION

The ELA instructional materials list was adopted by the State Board of Education in October 2021. The request to update Amplify Education’s CKLA material from the 2017 edition to the 2022

Oregon State Board of Education

February 16, 2022

AGENDA ITEM: Instructional Materials List Update - New Edition of Amplify Education’s Core Knowledge Language Arts (CKLA), OAR 581-011-0086

edition was brought before the Board for a first read in February.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn’t been before board
- No; same as last month
- Yes – As follows:

POLICY ISSUE OR CONCERNS

The impact of this approval is that districts will be allowed to purchase the updated edition of CKLA for a stable contract price, guaranteed through January 2028, without conducting a formal independent adoption. Independent adoptions require districts to invest resources (time, labor, funds) in order to purchase and implement the materials. Since ODE has already reviewed the materials and confirmed they are appropriate for recommendation, districts who choose to use CKLA 2022 will be positively impacted. The update to the ELA adopted materials list will allow access to updated materials while maintaining the current contract price. ODE has considered all unintended consequences, and we recommend the approval of this addition to the ELA Instructional Materials list.

EQUITY IMPACT ANALYSIS

Districts who serve historically underserved populations will now have access to updated ELA materials for the same price as the currently recommended 2017 edition. The updates to CKLA are intended to increase the cultural responsiveness of the materials. Theoretically, districts who implement updated materials could see an increase in ELA achievement based on increased engagement and connectedness to the instructional content.

FISCAL ANALYSIS

The proposed update to CKLA is fiscally beneficial to districts. Allowing the material to be officially updated gives districts the opportunity to purchase the 2022 edition of CKLA for the contract price of the 2017 edition of CKLA. This will ultimately lead to cost savings for districts.

EFFECT OF A “YES” OR “NO” VOTE

A “YES” vote would allow ODE to substitute the 2022 edition of CKLA to the ELA instructional materials list for the remainder of the contract period (through January 2028).

A “NO” vote would deny the publisher’s request to substitute the 2022 edition of CKLA to the adopted ELA instructional materials list.

Oregon State Board of Education

February 16, 2022

AGENDA ITEM: Instructional Materials List Update - New Edition of Amplify Education's Core Knowledge Language Arts (CKLA), OAR 581-011-0086

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time
Prompted by: State law changes Federal law changes other

ATTACHMENTS

Attachment 1: OR CKLA Substitution Request

Oregon State Board of Education

March 16, 2023

AGENDA ITEM: 3.B.

<p>SUBJECT: Grants Pass SD Supplemental Plan STAFF NAME & OFFICE: Brock Dittus, Pupil Transportation & Fingerprinting</p> <p>Grants Pass School District has submitted a new supplemental plan for board approval. This will change the areas in which transportation will be provided / required for students who live within the statutory minimum for transportation.</p> <p><input type="checkbox"/> New Rule <input type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> No Presentation</p>
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BACKGROUND

In 1991 the Oregon Legislature added a mandate, and funding, to provide transportation to school students who live a certain distance from their elementary or secondary school, where previously districts elected to provide transportation as they saw fit. The distances established coincide to the previous limit at which students were required to attend school prior to Oregon’s Compulsory School Law.

The legislature also recognized that students who live closer than these prescribed limits may also require transportation due to health or safety reasons, so ORS 327.043 allows for a “supplemental plan” that must be approved by the State Board of Education.

Other than the legislative guidance that the transportation must be for “health or safety” reasons, the State Board has traditionally allowed local school districts to determine areas within their district that require transportation within the distance limits.

In 1992, many districts submitted supplemental plans for approval from the State Board, and all were adopted. Having an approved supplemental plan does two things:

1. It allows a school district to be reimbursed as part of the transportation grant of the state school fund; and
2. It requires transportation to be provided by the district. In other words, the district can’t stop providing this transportation without the approval of a new plan.

The State Board does have the discretion to approve or not approve supplemental plans. The Pupil Transportation Unit does ensure that plans presented to the board present a health or safety reason for the plan.

A supplemental plan must be approved by the local school board prior to presentation to the State Board for approval. The Grants Pass School District Board approved this supplemental plan at their meeting on October 11, 2022 and submitted the plan to ODE for approval thereafter.

Oregon State Board of Education

March 16, 2023

AGENDA ITEM: 3.B.

The supplemental plan submitted by Grants Pass School District accounts for attendance boundary changes within the no-transport area, and at this time will affect approximately 274 students. Proponents and opponents of the submitted plan had the opportunity to be heard at the local level. This amendment replaces the previously approved version of the plan.

SUMMARY OF PREVIOUS BOARD ACTION

The State Board approved Grants Pass School District’s original supplemental plan in 2007, with no revisions on record since that time.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn’t been before board
- No; same as last month
- Yes – As follows:

POLICY ISSUE OR CONCERNS

The Grants Pass School District submitted this supplemental plan for State Board approval after the local school board adopted it during a session open to the public. ODE does not engage with stakeholders regarding these plan revisions separate from the district’s public process.

In this case, Grants Pass School District is updating their plan to account for 274 students who would otherwise be required to walk in dangerous conditions due to speed and/or volume of vehicle traffic, width and condition of street, lack of shoulders or sidewalks suitable to walking, poor visibility, and dangerous crossings or intersections.

EQUITY IMPACT ANALYSIS

ODE does not conduct a separate analysis of a supplemental plan adopted by a local school board except to verify that the supplemental plan is being submitted for health or safety reasons as required by statute.

FISCAL ANALYSIS

There is no fiscal analysis because supplemental plans do not usually have a significant impact on agency funds. There is no requirement for ODE to act as a result of this action. There may be a very small change in impact to the State School Fund Transportation Grant as a result of providing this transportation; however, in most cases the buses / routes that will be transporting these students will pick them up on their way in from other mandated transportation areas around the district.

Oregon State Board of Education

March 16, 2023

AGENDA ITEM: 3.B.

Adoption of this plan for Grants Pass School District will not have an effect on any other school district, and will allow Grants Pass School District to be reimbursed at their current rate for the transportation of these students as part of their transportation grant.

EFFECT OF A "YES" OR "NO" VOTE

A yes vote approves Grants Pass School Districts Supplemental Plan, and allows for additional students to be transported and reimbursed using state funds. A no vote would deny the plan, and require the Board to explain how the request does not meet health or safety reasons, and how a district could resubmit. In the interim, the district would not be able to use state funds to transport the students identified by the plan.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time
Prompted by: State law changes Federal law changes other

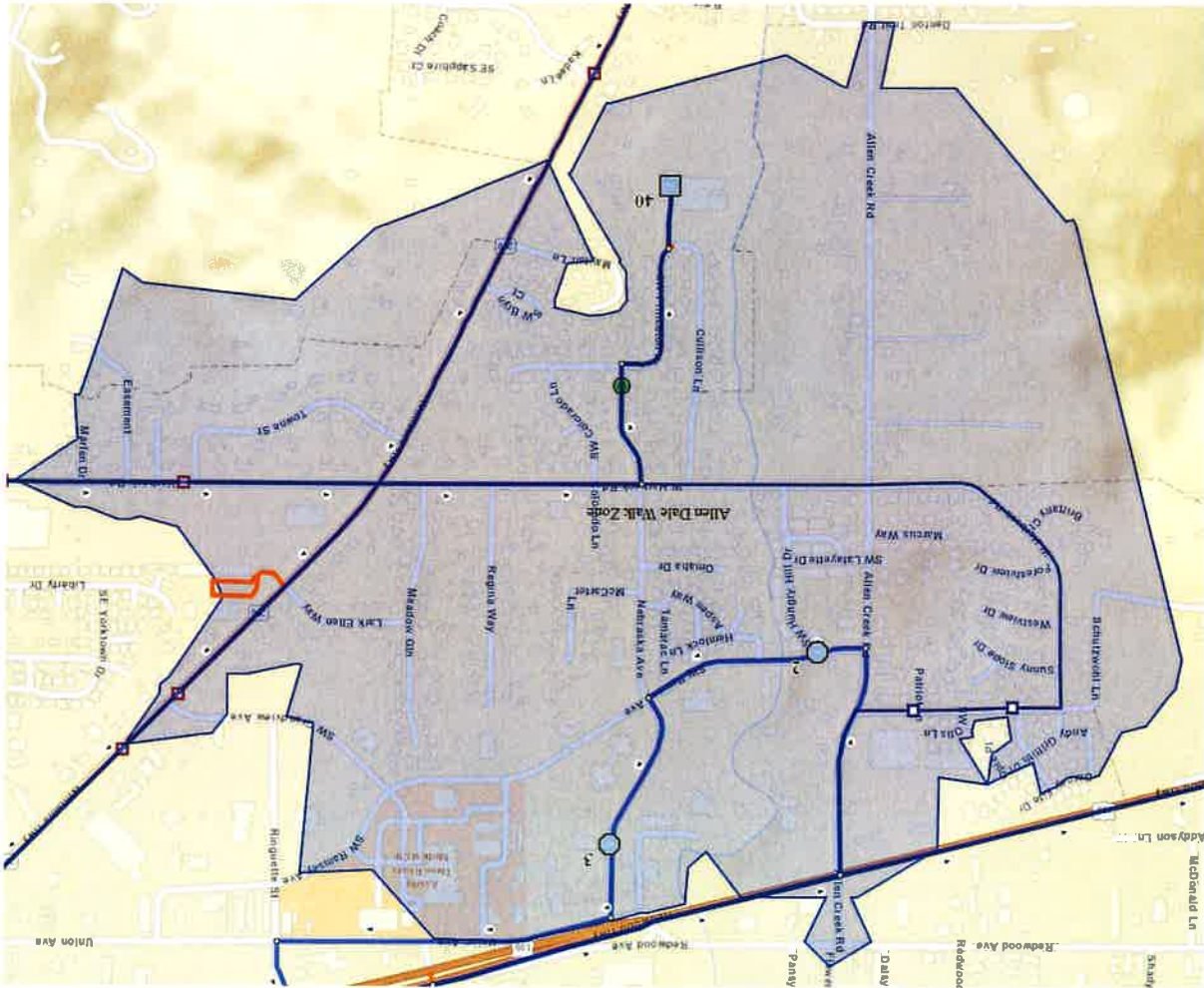
ATTACHMENTS

- Attachment 1: Grants Pass School District board-approved supplemental plan, 2023 revision
- Attachment 3: Grants Pass School District board-approved supplemental plan, 2023 revision with student counts
- Attachment 2: Grants Pass School District Board Minutes

Bus	Address	Elem	Mid	Kids	Bus	Address	Elem	Mid	Kids	Bus	Address	Elem	Mid	HS	Kids
LINCOLN															
96	820 NE "D" st	x		4	118	SW Ramsey Ave & Hungry Hill	x		6	113	Sinclar DR & NW Orchard			x	0
96	926 NE D St.	x	10	10	118	1701 Nebraska Ave	x		1	113	125 NW Orchard			x	2
96	1131 NE D St.	x	2	2	119	1777 Williams Hwy	x		0		Total Students				2
99	443 NE Baker	x	4	4	119	577 W Harbeck Rd	x		5						
99	507 NE 8th St.	x	4	4	121	Schutzwohl LN & Patriot Ln	x		1						
99	816 NE 8th St.	x	10	10	121	Schutzwohl LN & Aunt Bea	x		7	109	NE Beacon & Savage			x	2
99	1854 NE Beacon	x	5	5		Total Students			20	109	NE Beacon & Jennifer Way			x	3
99	1698 NE Beacon	x	1	1						109	1609 NW Crescent			x	1
99	1440 NE Beacon	x	7	7						109	1401 SW G St			x	5
99	NE Beacon & Talboff	x	4	4	91	Waterstone & Mistybrook	x		3	109	47 SW Eastern			x	6
99	NE Beacon & Sherman	x	0	0	91	1515 Kokanee LN	x		1	109	540 SW Foundry			x	0
99	Beacon & Duane	x	1	1	91	1473 George Weed Blvd	x		8		Total Students				17
99	801 NE Oregon	x	6	6	91	Angler Ln & Sturgeon	x		8						
99	816 NE Piedmont	x	3	3	91	Angler Ln & Trout Cir	x		7						
99	453 NE 12th st	x	4	4	91	Kokanee & Sockeye	x		14						
99	715 NE 12th st	x	1	1	91	1446 Kokanee	x		12						
	Total Students		66	66	112	Leonard & Parkhill	x		3						
					112	2369 Leonard Rd	x		5						
					112	2447 Leonard Rd	x		2						
PARKSIDE															
122	787 SW Burgess	x	3	3	112	937 Schroeder Ln	x		5						
123	1205 SW Jordan St	x	9	9	112	761 Schoreder Ln	x		2						
123	416 SW Oak	x	7	7	112	2544 Leonard Rd	x		7						
123	610 SW Oak	x	3	3	114	Hubbard Ln & Elmer Nelson	x		6						
123	1020 SW I St	x	6	6	114	Hubbard Ln & Ravenwood	x		4						
123	229 SW High St.	x	9	9	114	Willow Ln & Sister Wy	x		8						
	Total Students		37	37	114	Willow Ln & Pintail	x		1						
					115	3313 Redwood Ave.	x		1						
					115	3253 Redwood Ave	x		0						
HIGHLAND															
104	1402 NW LawnrIDGE	x	5	5	115	Leonard & Buena Vista	x		0						
104	1025 NW Prospect	x	10	10	115	811 Coutant Ln	x		0						
111	2265 Scoville Rd	x	2	2	115	Coutant Ln & S River Rd	x		0						
111	125 NW Orchard	x	4	4	115	2821 S River Rd	x		5						
111	1003 NW Bellevue	x	1	1	115	3080 S River Rd	x		1						
	Total Students		22	22	115	3347 S River Rd	x		2						
					115	S River Rd & Solitude	x		0						
					115	S River Rd & Rogue Ridge	x		0						
					115	3595 S River Rd	x		2						
					115	Leonard & Westwood	x		2						
					115	3900 Leonard Rd	x		1						
					115	4118 Leonard Rd	x		0						
						Total Students			110						

Grants Pass School District

Allen Dale Elementary Map



Hazardous Conditions

Highway/Expressway-
 Williams Hwy (4 lanes), New Hope Rd, Allen
 Creek Rd, Harbeck Rd, Nebraska Ave,
 Ramsey Ave, Union Ave, GI Ln,
 Curtis Dr.
 Limited Sidewalks, Crosswalks or
 shoulders on roadways Allen Creek R
 Allen Creek Rd. – Speeds 35-45 MPH-
 Heavy Truck and commuter traffic-

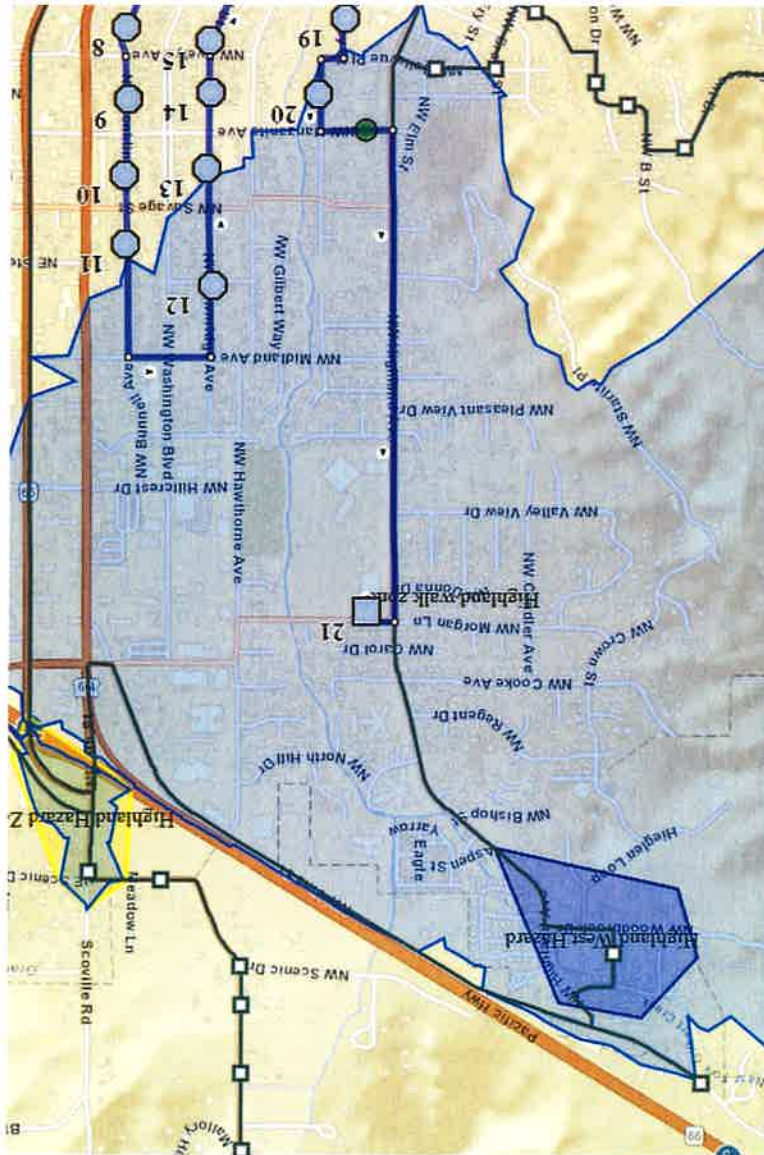
General Area

(K-5)-20

Approx. # of Students

Grants Pass School District

Highland Elementary Map



General Area

Highland Ave, Dimmick St, "A" St,
 "B" St, Midland Ave, Savage St,
 Prospect Ave, Scoville Rd, Scenic
 Dr, Granite Hill Rd.

Hazardous Conditions

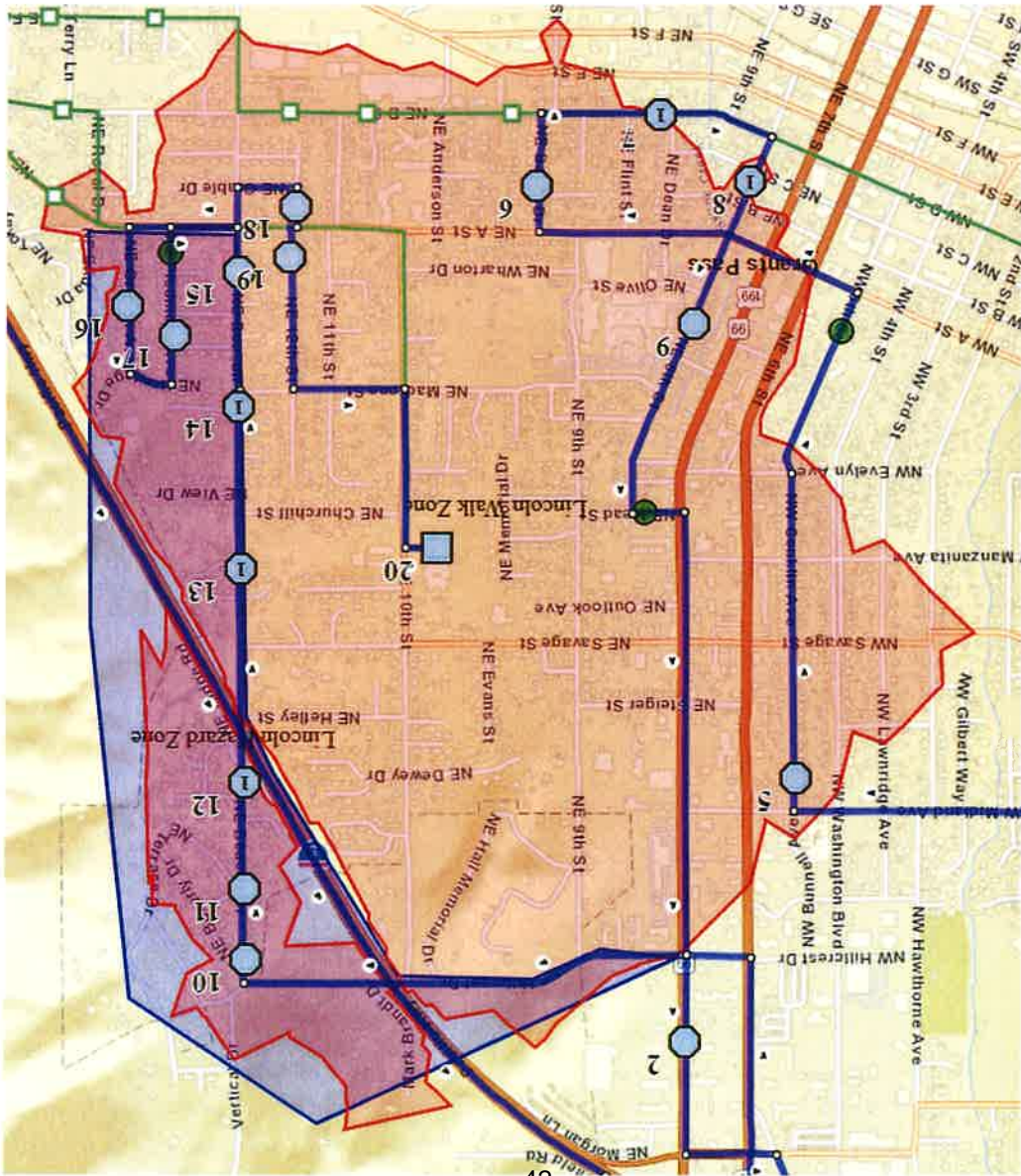
Highland Ave, 6th & 7th St, "A" St,
 Dimmick St, Heavy commuter traffic-
 No Sidewalks, crosswalks or
 shoulders on roadways- Freeway
 underpass

Approx. # of Students

(K-5)-22

Grants Pass School District

Lincoln Elementary Map



Approx. # of Students

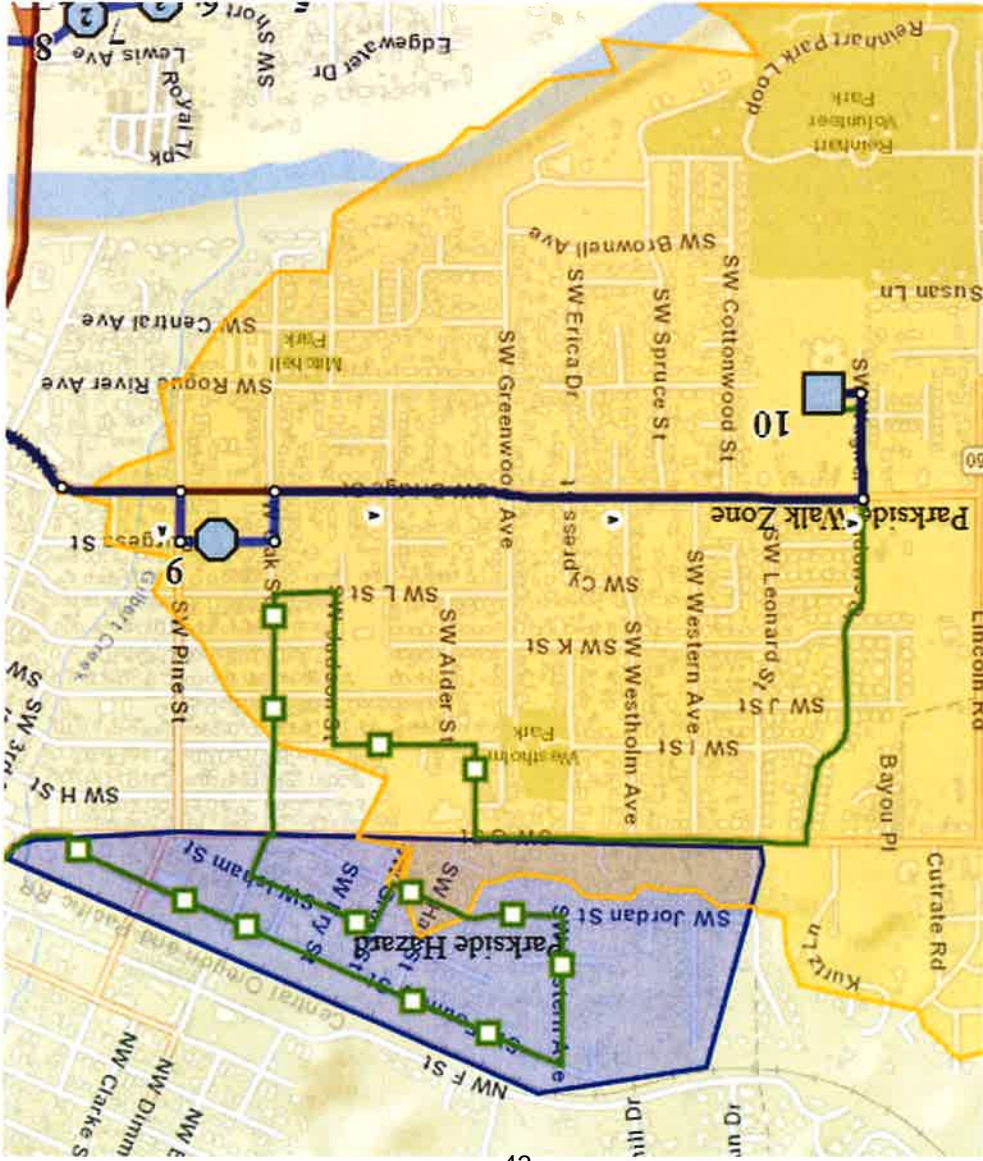
(K-5)-66

General Area
 10th St, 9th St, 8th St, 7th St, 6th St,
 "A" St, "D" St, Savage St, Beacon
 Dr, Hillcrest Dr, Scoville Rd, Scenic
 Dr.

Hazardous Conditions
 7th and 6th St. (3 lanes), "A" St, Heavy
 truck and commuter traffic- Heavy
 congested cross streets- No
 sidewalks, crosswalks or shoulders
 on roadways- Freeway underpass

Grants Pass School District

Parkside Elementary Map



Hazardous Conditions

Highway/Espressway-6th St. (3 lanes), Bridge St., "G" St., Heavy truck and commuter traffic- Heavy congested cross streets- No sidewalks, crosswalks or shoulders on roadways- Rivers, creeks, canals

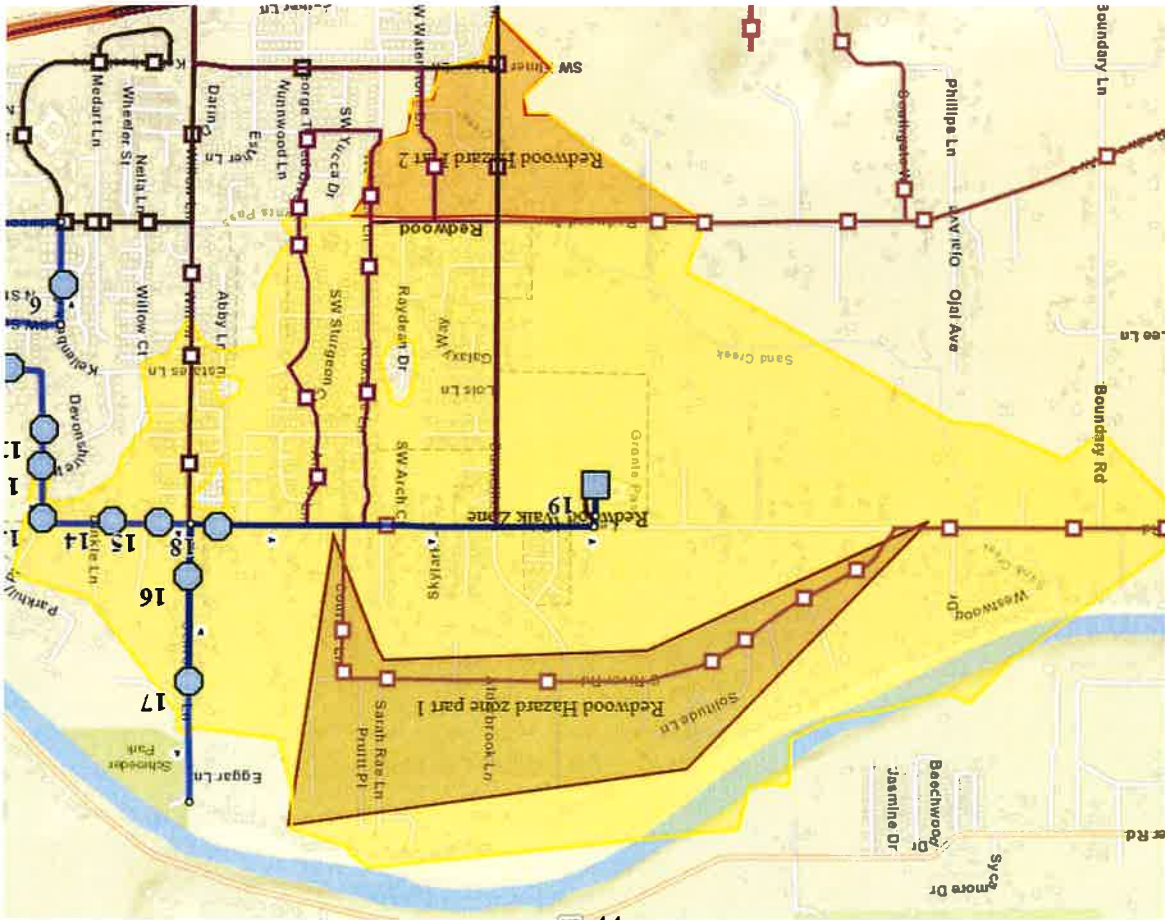
General Area
Bridge St., "G" St., 6th St., Redwood Hwy., Pine St., 4th St., West Park St., Oak St., Rogue River Ave., "I" St., Hall St., Jordan St., Foundry St., Eastern St., Isham St., Pedestrian Bridge @ All Sports Park

Approx. # of Students

(K-5)-37

Grants Pass School District

Redwood Elementary Map



Hazardous Conditions

Highway/ Expressway- Redwood Hwy, Redwood Ave., Leonard Rd., Willow Ln, Speeds 35-45 MPH, Heavy Truck and commuter traffic- Heavy congested cross streets, No sidewalks, crosswalk or shoulders on roadways

General Area

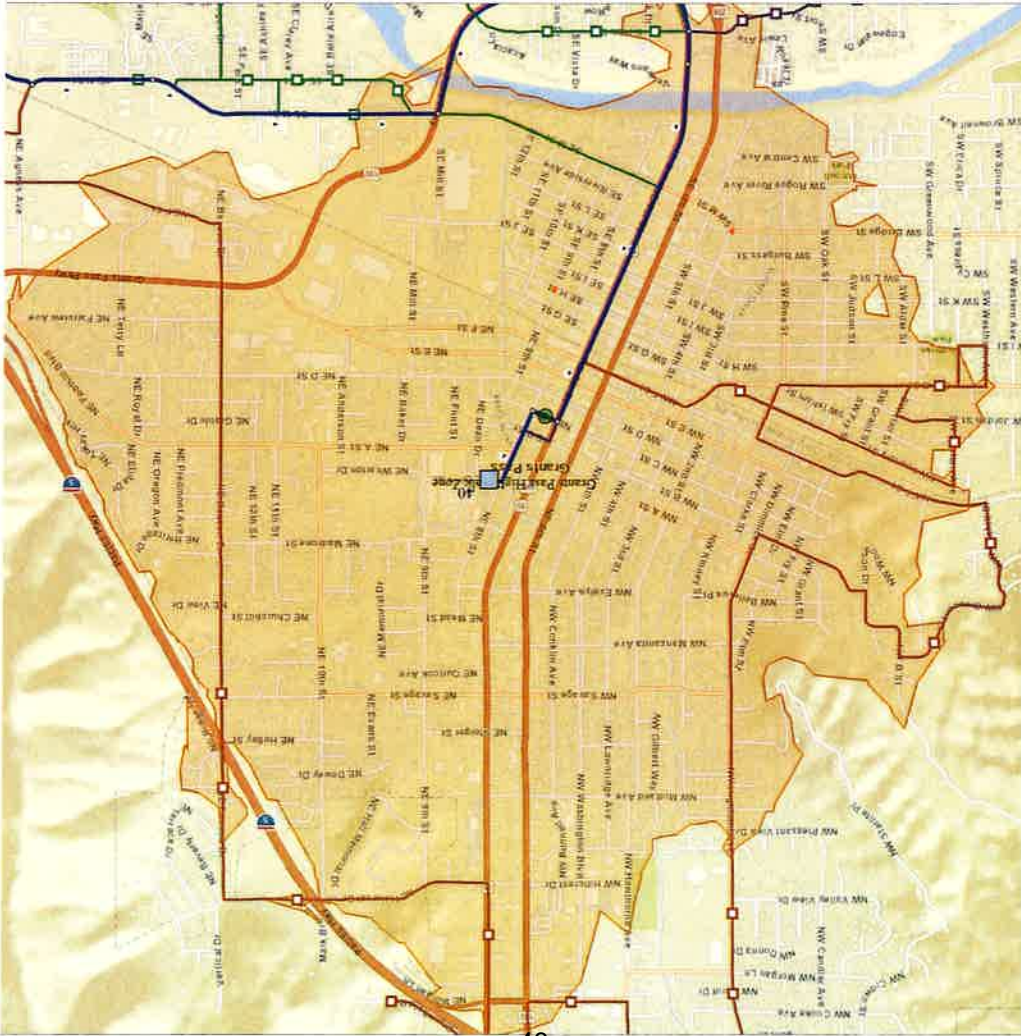
Redwood Hwy, Redwood Ave., Leonard Rd., Hubbard Ln., Kokanee Ln., Willow Ln., Angler Ln., George Tweed Blvd.

(K-5)-110

Approx. # of Students

Grants Pass School District

Grants Pass High School Map



Hazardous Conditions

Highway/Expressway-6th St. (3 lanes), "A" St., Grants Pass Parkway, Speeds 35-45 MPH- Heavy truck and commuter traffic- Heavy congested cross streets- No sidewalks, crosswalks or shoulders on roadways- Freeway Underpass, Railroad Tracks and Rivers

General Area

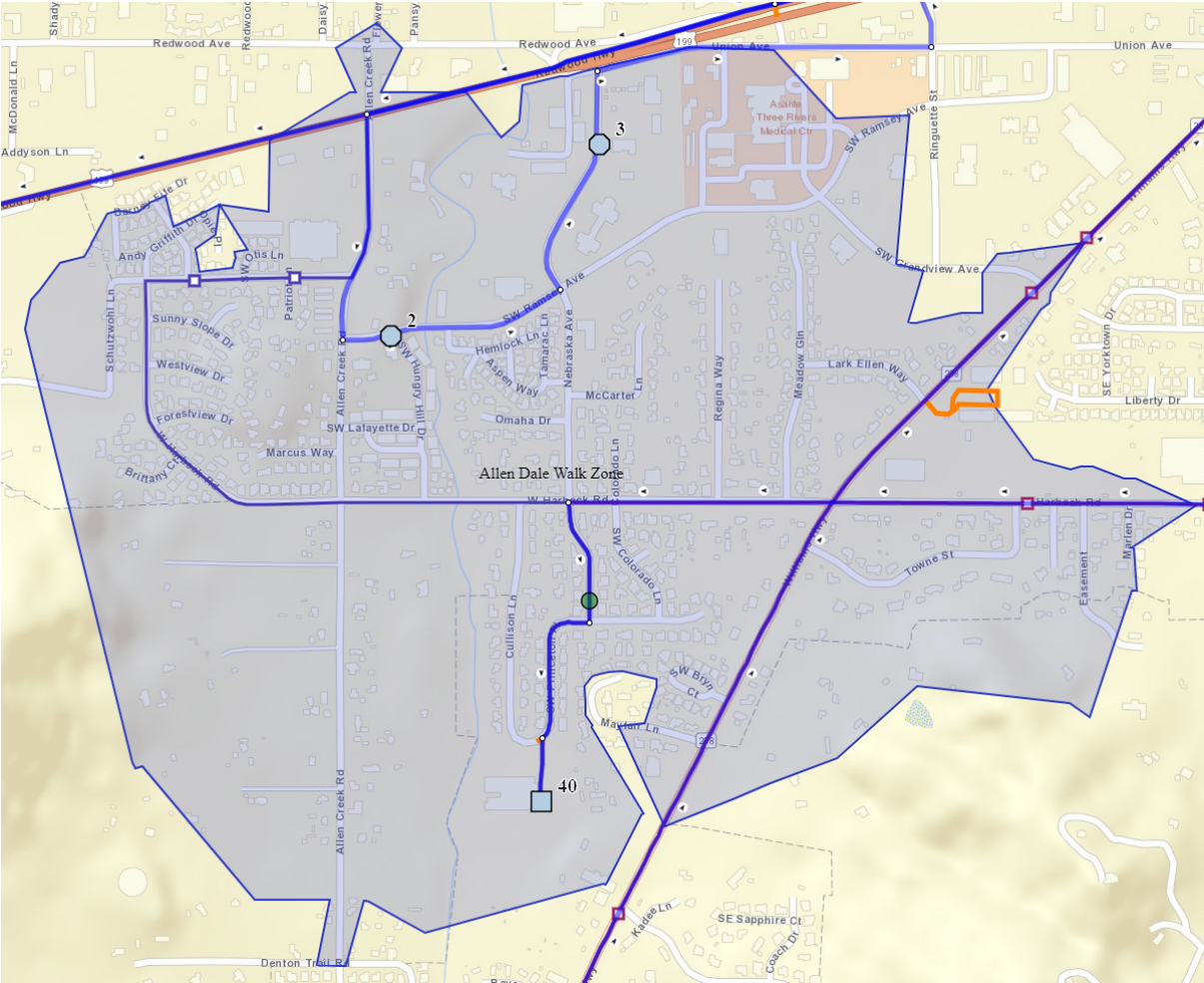
9th St., 7th St., 6th St., 4th St., 3rd St., "A" St., "B" St., "F" St., "G" St., Booth St., Crescent Dr., Sunhill Dr., Mill St., Savage St., Beacon Dr., Hillcrest Dr., Scoville Rd., Scenic Dr., Grants Pass Parkway, "M" St., "N" St., Parkdale Dr.

Approx. # of Students

(9-12)-17

Grants Pass School District

Allen Dale Elementary Map



Hazardous Conditions

Highway/Expressway- Williams Hwy (4 lanes), New Hope Rd., Heavy Congested cross streets Limited Sidewalks, Crosswalks or shoulders on roadways Allen Creek R Allen Creek Rd. – Speeds 35-45 MPH- Heavy Truck and commuter traffic-

Key:

Blue area is 1 mile non transport zone; Blue lines are path of travel; squares and circles are stops within boundary

General Area

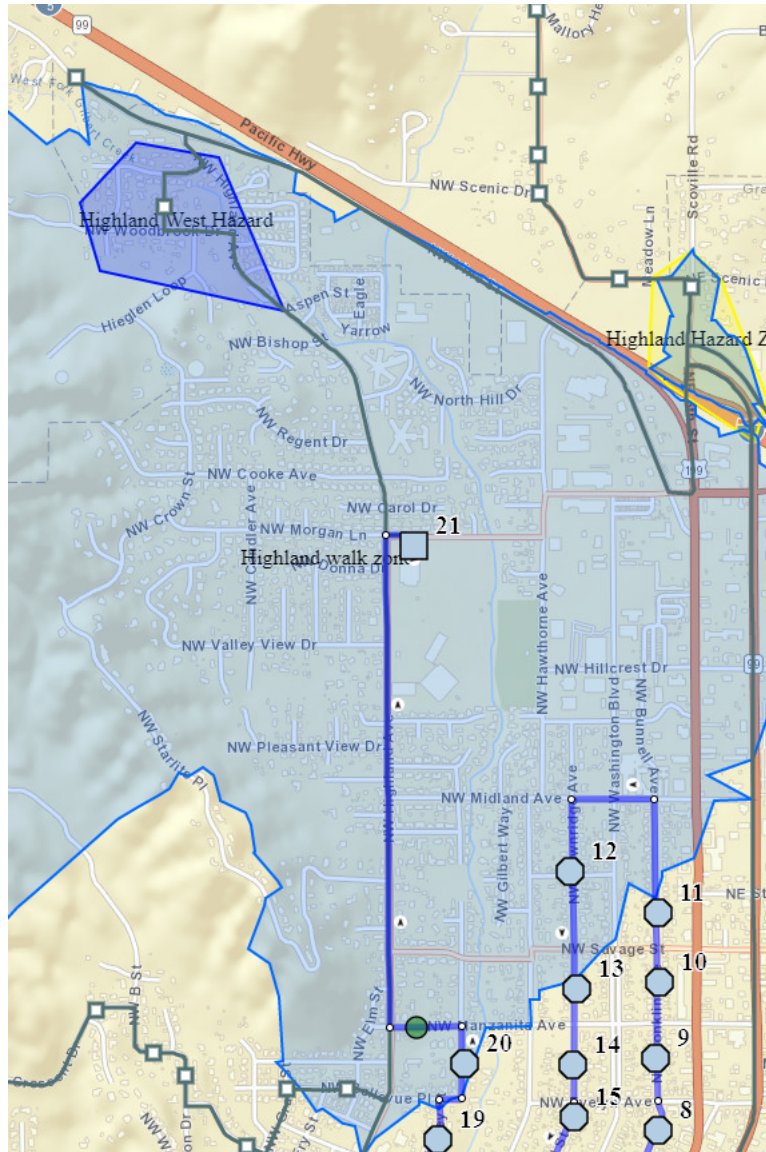
Williams Hwy, New Hope Rd, Allen Creek Rd, Harbeck Rd, Nebraska Ave, Ramsey Ave., Union Ave., GI Ln, Curtis Dr.

Approx. # of Students

(K-5)-20

Grants Pass School District

Highland Elementary Map



Hazardous Conditions

Highland Ave., 6th & 7th ST., "A" St.,
 Dimmick St., Heavy commuter traffic-
 No Sidewalks, crosswalks or
 shoulders on roadways- Freeway
 underpass

General Area

Highland Ave., Dimmick St., "A" St.,
 "B" St., Midland Ave., Savage St.,
 Prospect Ave., Scoville Rd., Scenic
 Dr., Granite Hill Rd.

Approx. # of Students

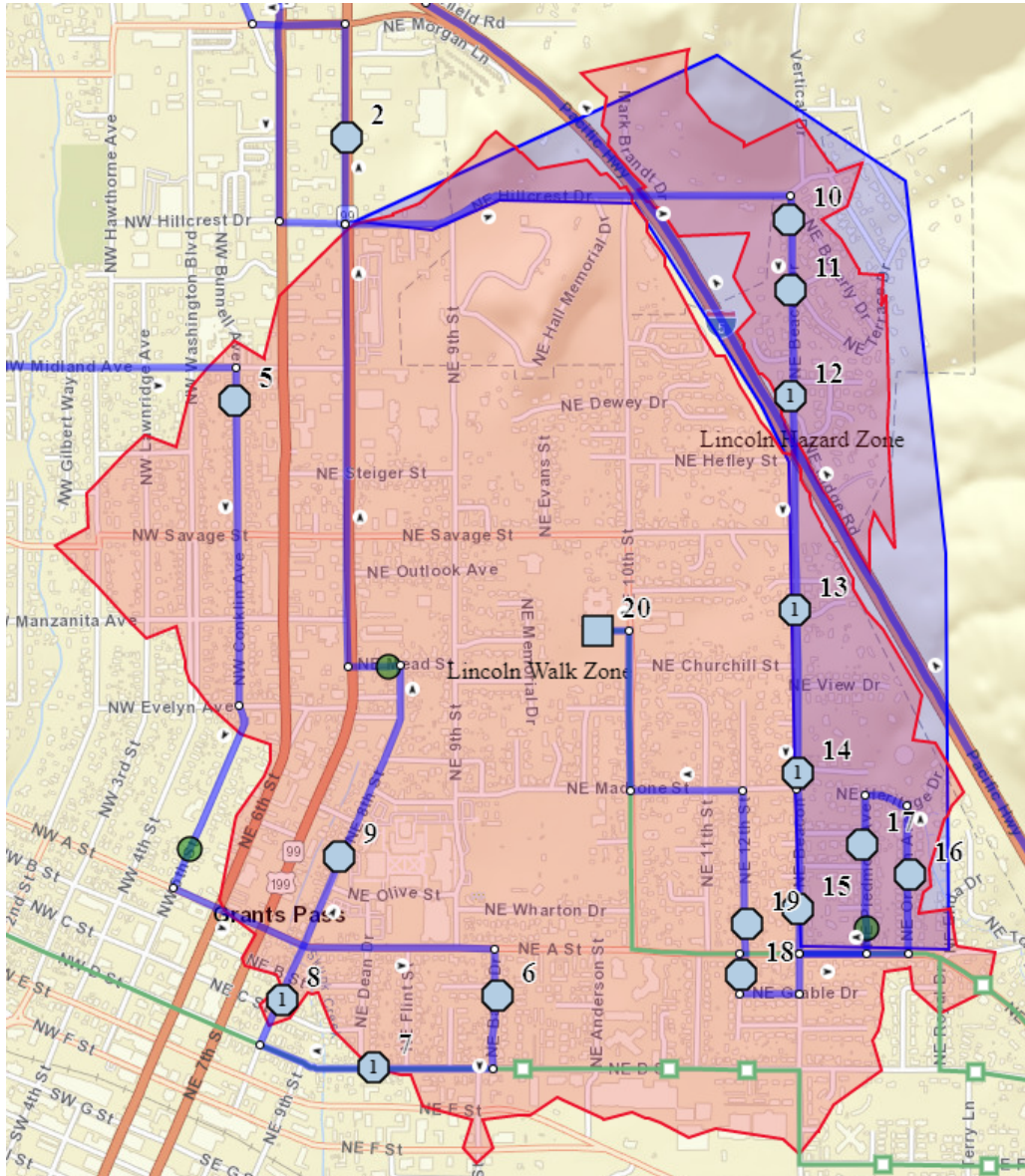
(K-5)-22

Key:

Light Blue zone is non transport 1
 mile; Dark blue and yellow colors are
 hazard areas; Blue and gray lines
 with squares and circles are stops
 within boundary

Grants Pass School District

Lincoln Elementary Map



Hazardous Conditions

7th and 6th St. (3 lanes), "A" St., Heavy truck and commuter traffic- Heavy congested cross streets- No sidewalks, crosswalks or shoulders on roadways- Freeway underpass

General Area

10th St., 9th St., 8th St., 7th St., 6th St., "A" St., "D" St., Savage St., Beacon Dr., Hillcrest Dr., Scoville Rd., Scenic Dr.

Approx. # of Students

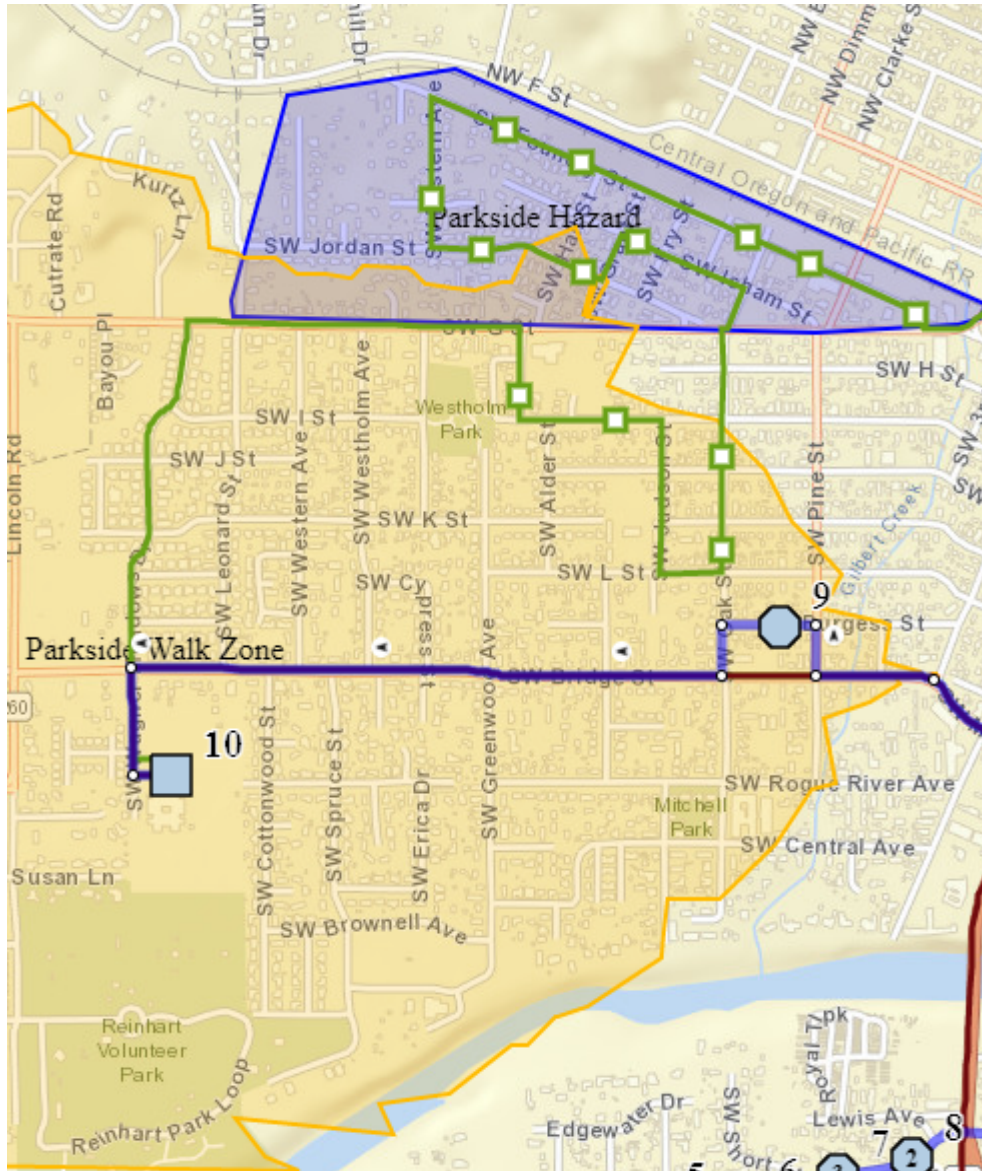
(K-5)-66

Key:

Red zone is non transport 1 mile; Blue shape is hazard area; Blue and Green lines with squares and circles are stops within boundary.

Grants Pass School District

Parkside Elementary Map



Hazardous Conditions

Highway/ Espressway- 6th St. (3 lanes), Bridge St., "G" St., Heavy truck and commuter traffic- Heavy congested cross streets- No sidewalks, crosswalks or shoulders on roadways- Rivers, creeks, canals

Key:

Yellow zone is non transport 1 mile; Blue shape is hazard area; Blue and Green lines with squares and circles are stops within boundary.

General Area

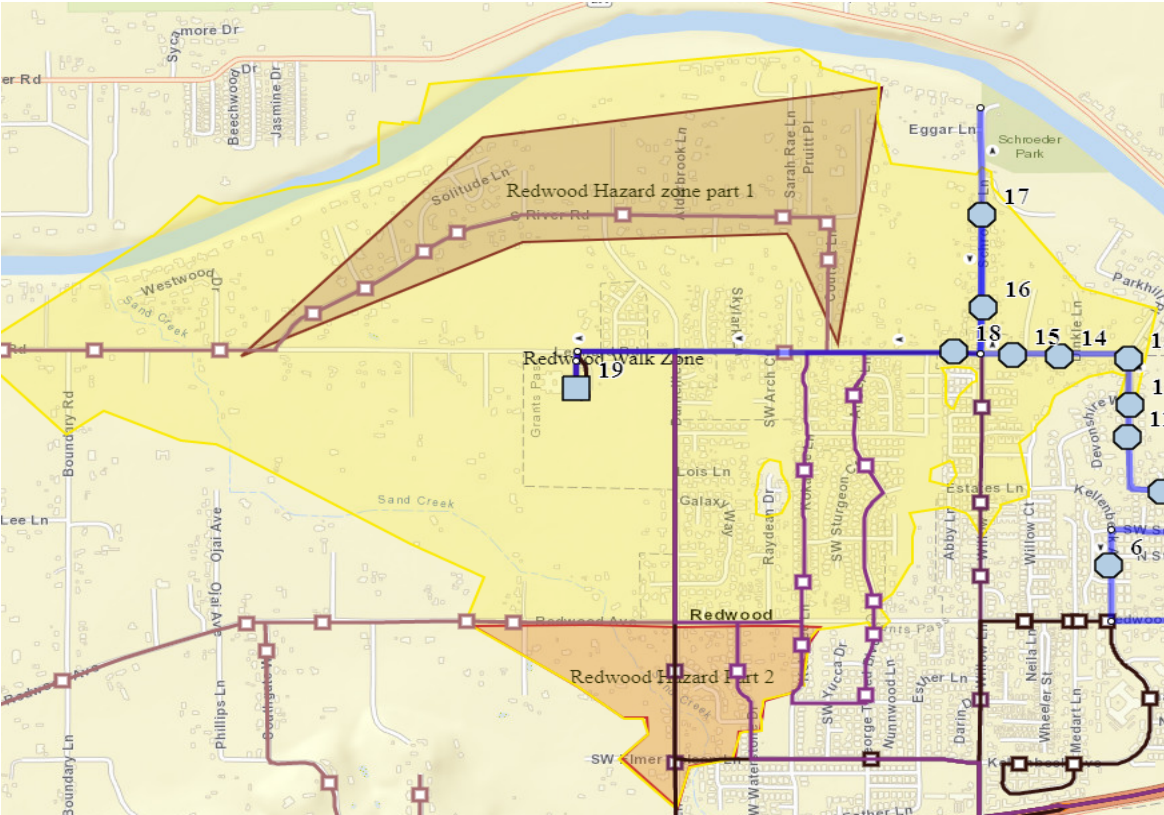
Bridge St., "G" St., 6th St., Redwood Hwy., Pine St., 4th St., West Park St., Oak St., Rogue River Ave., "I" St., Hall St., Jordan St., Foundry St., Eastern St., Isham St., Pedestrian Bridge @ All Sports Park

Approx. # of Students

(K-5)-37

Grants Pass School District

Redwood Elementary Map



Hazardous Conditions

Highway/ Expressway- Redwood Hwy., Redwood Ave., Leonard Rd., Willow Ln.,
 Speeds 35-45 MPH, Heavy Truck and commuter traffic- Heavy congested cross

streets, No sidewalks, crosswalk or shoulders on roadways

General Area

Redwood Hwy, Redwood Ave., Leonard Rd., Hubbard Ln., Kokanee Ln., Willow Ln., Angler Ln., George Tweed Blvd.

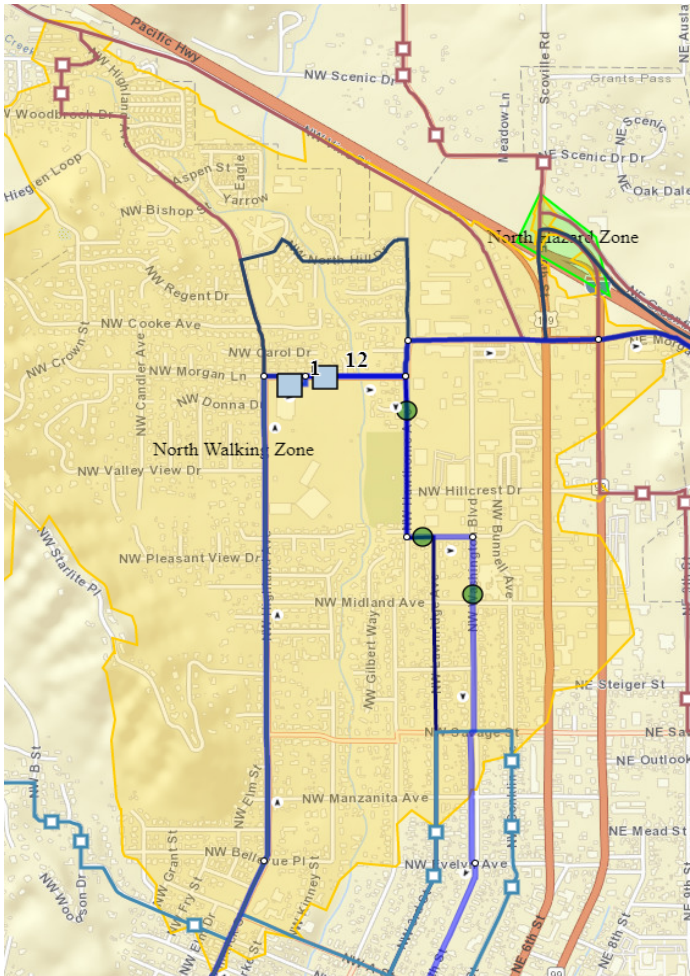
Approx. # of Students

(K-5)-110

Key: Yellow zone is non transport 1 mile; Red shapes are hazard areas; Purple, tan, brown, and green lines with squares and circles are stops within boundary.

Grants Pass School District

North Middle School Map



Hazardous Conditions

Highland Ave., 6th & 7th ST., “A” St.,
 Dimmick St., Heavy commuter traffic-
 No Sidewalks, crosswalks or
 shoulders on roadways- Freeway
 underpass

General Area

Highland Ave., Dimmick St., “A” St.,
 “B” St., Midland Ave., Savage St.,
 Prospect Ave., Scoville Rd., Scenic
 Dr., Granite Hill Rd.

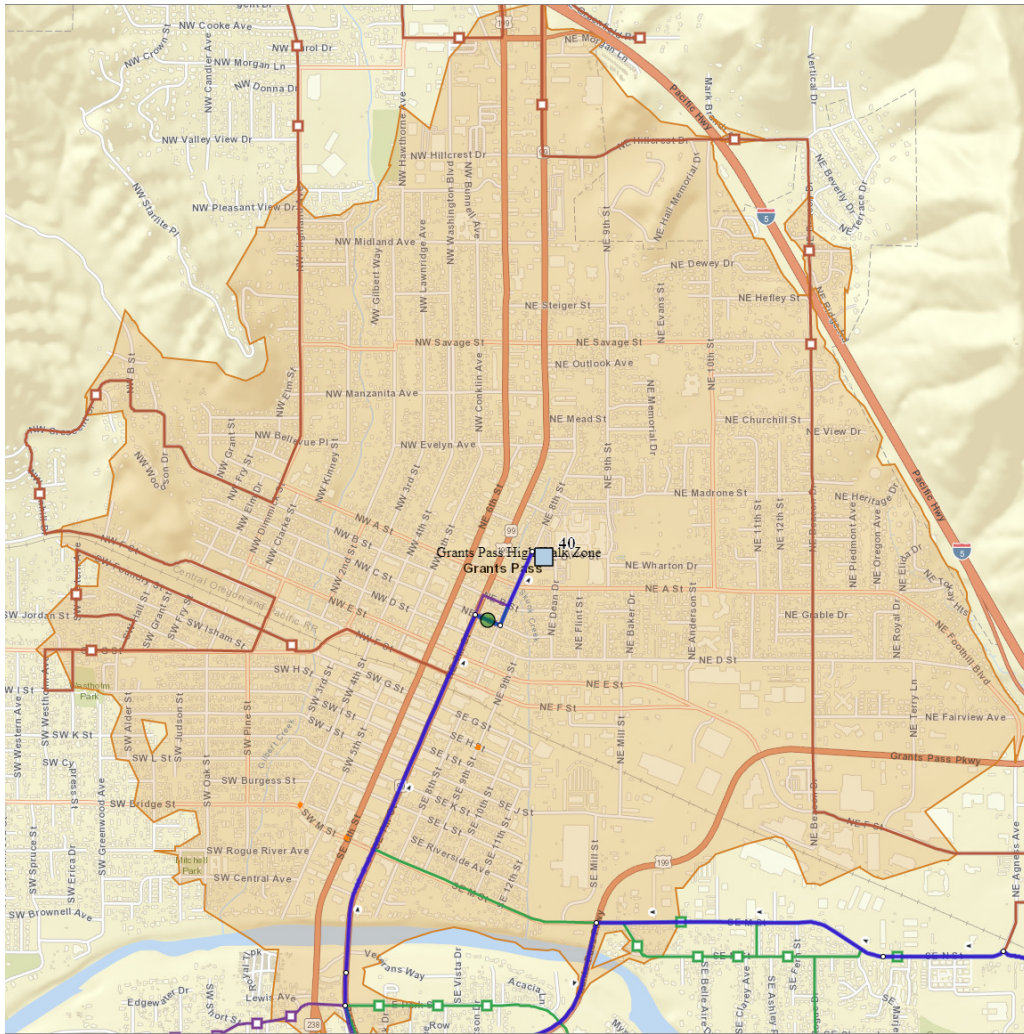
Approx. # of Students

(6-8)-2

Key: Yellow zone is non transport 1 mile; Green shape is hazard area; teal, tan, blue, and gray lines with squares and circles are stops within boundary.

Grants Pass School District

Grants Pass High School Map



Hazardous Conditions

Highway/ Expressway- 6th St. (3 lanes), "A" St., Grants Pass Parkway, Speeds 35-45 MPH- Heavy truck and commuter traffic- Heavy congested cross streets- No sidewalks, crosswalks or shoulders on roadways- Freeway Underpass, Railroad Tracks and Rivers

General Area

9th St., 7th St., 6th St., 4th St., 3rd St., "A" St., "B" St., "F" St., "G" St., Booth St., Crescent Dr., Sunhill Dr., Mill St., Savage St., Beacon Dr., Hillcrest Dr., Scoville Rd., Scenic Dr., Grants Pass Parkway, "M" St., "N" St., Parkdale Dr.





Approx. # of Students

(9-12)-17

Key: Orange zone is non transport 1 mile; Green, tan, and blue lines with squares and circles are stops within boundary.

**Grants Pass School District No. 7
Board Minutes
October 11, 2022**

Date and Place of Meeting	The regular meeting of the Grants Pass School District No. 7 Board of Education was held at the GPSD7 District Office and virtually through Zoom, October 11, 2022. Recordings of the meeting can be found on our district web page 48 hours from completion of meeting.
Attendance	Present: Board Chair Wilkins Member Richardson Member Brownell Member Kuhlman Member Aguilera (Absent) Member DeLaGrange Member Nelson Superintendent Sweeney Director Evens (Absent) Director Zottola Director Jones Director Kantola Director Sparks
General Session Called to Order	Board Chair Wilkins called the meeting to order at 5:10 PM and asked those in attendance to stand and participate in the Pledge of Allegiance.
Communications and Items of Information	<p>Board Chair Wilkins informed the public that if any member would like to comment on an agenda item, to fill out one of the blue cards located at the entrance of the Board Room. If attending through Zoom, comments can be made through the Chat Feature. Individuals will be called upon for comment after the agenda item has been presented and discussed by the Board. Comments are limited to three minutes per individual. Current policy allows for any item on the agenda to be open for comment.</p> <p>Director Sparks commented that the increase to both the revenue and expenditures was due to the debt service. Because money was moved into the debt service it had to be reflected as revenue. The 2022.2023 Budget allocated \$4M of ESSER funds to be paid towards the HVAC Debt Service. So we show a 4M increase to revenue (ESSER money in) and a 4M increase to Expenditures where the \$ was used to pay into the Debt Service.</p> <p>Superintendent Sweeney shared the current enrollment of 5762 which is comparable to September 2020 which had 5744. The budget is in good shape since it was built on an enrollment of 5600.</p>
Consent Agenda	<p>Board Chair Wilkins presented the Consent Agenda and explained all items on the Consent Agenda may be approved by a single motion unless a member of the Board or the Superintendent requests an item be removed and voted upon separately. Board Chair Wilkins asked if there were any changes or additions to the October 11, 2022 Board Agenda or Draft Minutes of the September 13, 2022 Board Meeting.</p> <p>Member Richardson motioned to approve the Consent Agenda with the exception of removing item 7.2.5 Policy CB-Superintendent. Member Kuhlman seconded the motion. The board asked for clarification as to why the removal of 7.2.5, Member Richardson asked that the policy committee review it once again. A roll call vote was taken and passed unanimously.</p>
Reports High School Math	Fawn Perry, teacher and math department chair at GPHS, presented on Math at GPHS. Oregon is moving to the 2+1 model. This means that there's two core credits, one full credit of algebra, ½ credit of geometry and ½ credit of data science. After this there are pathways for college and career math opportunities, calculus, data science and quantitative. The reason for the change is to better align with the Oregon educational goals.

 FOCUS	Provide students with the skills necessary to pursue learning throughout their lives in an ever-changing world. (ORS 329.015(2)(a))
 ENGAGEMENT	Provide an environment that motivates students to have experience in applying knowledge and skills and demonstrating achievement. (ORS 329.015(2)(b))
 PATHWAYS	Equip students with the academic and career skills and information necessary to pursue the future of their choice . (ORS 329.015(2)(a))
 BELONGING	Provide an environment that motivates students to pursue serious scholarship . (ORS 329.015(2)(b))

Member Richardson asked if these new math pathways align up with the Naviance program so that students have a clear pathway for the Oregon transfer module or are able to complete an associate's degree in some field. If we offer too much it's hard to pick the right path for the student. Ms. Perry responded that currently we do not have the staff to branch out to much. The three pathways outlined tonight is reasonable and a good place to start.

Supplemental Transportation Plan

Last Fall, October 2021, the transportation department was audited by ODE. A key point from the audit was updating the supplemental plan that outlines the one-mile zone where students are not eligible for bus services. Beyond that line we are not reimbursed for student transportation. The district can submit a supplemental plan if there are hazardous streets or other hazardous issues that would require us to transport students for their safety. Jeremy and his crew updated the plan that would include areas that are no longer hazardous and include areas that are. Hazardous means that its better that the student be picked up than walk. Board Chair Wilkins asked if this coincides with safe routes to schools. Director Kantola responded that hopefully the safe routes to schools takes away some of the hazards so that more kids can walk to school and promote exercise. Member DeLaGrange asked for clarification on what the 70% reimbursement to transport student's covers. The reimbursement covers fuel, maintenance, staffing, and bus depreciation. Member Brownell was surprised at the amount of stops for Lincoln Elementary since they have the most sidewalks. The Transportation Supervisor said that 10th street has sidewalks up the western side but lacks on the eastern side so many of those bus stops were kept.

Surplus Bus Option

Director Kantola said that HB2007 states that we cannot have busses prior to 2007 in our fleet. Board Policy DN requires approval from the Board to declare five buses that will not meet the 2025 standards for use in a public school district. We do not know how much a bus may go for at an auction but because they have the potential to sell for more than \$5,000, we are requesting Board approval.

Surplus Buses	Mileage	Year	Make	# of passengers
Bus 80	181,350	1993	Bluebird	78
Bus 86	184,432	1996	Bluebird	78
Bus 89	170,818	1997	Bluebird	78
Bus 91	153,745	1997	Bluebird	78
Bus 106	268,655	2009	Bluebird	78

Member Brownell asked what the typical life span of a bus was. Supervisor Carnes said roughly 25 years. Member Richardson commented that we should look at the policy DN and adjust the amount we are willing to sell a bus for. Member Brownell asked how many more busses would need replacing. The answer was approximately 7 more will need replacing next year. The district just received 7 new propane busses.

Energy Savings Update

The district recently met with Ameresco regarding a number of items. One item was asking for an update on the energy audit and energy savings. Below is a summary of what was reported and a recommendation not to continue the monitoring for a second year.

A. Phase 1 Energy savings guarantee

- a. We included an energy savings guarantee on the district wide lighting portion of our contract
 - i. The full report will be finished in the next couple of weeks and we will set up a separate meeting with Nate and others at GPSD as desired
 - ii. Preliminary report
 1. contract estimate 918,000 kWh savings / 90% guarantee = 826,000 kWh
 2. Updated report 925,000 kWh savings – guarantee amount exceeded
- b. Option to continue M&V
 - i. Due to the scope of work on lighting (pretty straightforward based on light specs) we recommend not continuing the M&V yearly exercise guarantee (at \$7,850.00 per year) and instead budgeting future dollars for commissioning services to keep your buildings up to date and aligned with original design outcomes.

Member Richardson feels it is a good idea to continue paying the fee for monitoring while Member Nelson thinks that money would be better spent elsewhere. To monitor for the sake of monitoring is not the best use of money.

Superintendent Reports Division 22

Superintendent Sweeney reported that GPSD7 completed the Division 22 report and the district is in compliance with all measures set forth by the state of Oregon.

Deletion or Upgrades to AR's

Superintendent Sweeney updated the board on adjustments made to JEA-AR – Compulsory Attendance and Citations and the recommendation to delete EFA-AR Local Wellness Program since we have redone the wellness policy.

Board Reports and Special Concerns

Member Brownell recognized National Go To School Lunch week by going to Parkside Elementary for lunch! She enjoyed her meal of breadsticks with cheese in them, salad, and green beans. She also said that students were enjoying their meals.

Member Richardson shared that he had heard some good things about Principal Jaroslow meeting with every family who has students in GPFLEX to see what the needs of the student was and whether they should be in GPFLEX. Member Richardson thanked Principal Shunk of Gladiola HS and his work with students giving them Hope. Member Richardson wants them to know he appreciates them and the good they are doing for students.

**Superintendent
Report's
Continued**

Superintendent Sweeney asked to circle back to his reports, as he wanted to share about what is happening in the Food Service Department. FS serves over 8,200 meal a day between breakfast and lunch. Food Service has been working with our IT department and ODE to obtain our CEP, Community Eligibility Program, which gives all our students free lunch and breakfast for another five years. Three of our elementary schools, for the past decade, have been part of a free fresh fruits and vegetable program which provides snacks during the day and exposes students to fruits and vegetable they may have never tried. The other three elementary schools have been approved for that program as well. On October 25th I will meet with Food Service along with three school Principals, Riverside, Highland and Gladiola HS. We will be discussing the piloting an after school supper program.

At the November 15th TIDE meeting the district will be share multiple data points about the district; 9th Grade Success, Reading, Math, Assessments, etc. This will be open to the community and give them an opportunity to ask questions.

**Action
Items**

Member Brownell motioned to approve the Second and Final Reading of Amended Policies

- 7.1.1 CCG – Evaluation of Administrators
- 7.1.2 ECACA – Radio Frequency Identification Device – Required
- 7.1.3 ACB – Every Student Belongs – Required
- 7.1.4 IGBB – Talented and Gifted Program and/or Services – Required

Member Kuhlman seconded the motion. Board Chair Wilkins asked for all those in favor say “yes”. The board voted unanimously yes.

Member Richardson motioned to approve the First Reading of Amended Policies 7.2.1 thru 7.2.10 but removing 7.2.5.

- 7.2.1 EFA – Local Wellness - Required
- 7.2.2 GBEA – Workplace Harassment - Required
- 7.2.3 IGBAF – Special Education – IEP - Required
- 7.2.4 IGDJ – Interscholastic Activities - Required
- ~~7.2.5 CB – Superintendent – Highly Recommended~~
- 7.2.6 IGAI – Human Sexuality, AIDS/HIV..... – Highly Recommended
- 7.2.7 IK – Academic Achievement - Required
- 7.2.8 JEA – Compulsory Attendance – Highly Recommended
- 7.2.9 IMB – District Improvement Program – Highly Recommended
- 7.2.10 GBL – Personnel Records – Required

Member Kuhlman seconded the motion. Board Chair Wilkins asked for all those in favor say “yes”. The board voted unanimously yes.

Member DeLaGrange asked that moving forward could voting on policy be a roll call vote. The response was yes.

Member DeLaGrange motioned to approve 7.3.1-deleting policy GBLA as this policy is covered in GBL. Member Kuhlman seconded the motion. A roll call vote was taken and passed unanimously.

Member Nelson motioned to approve 7.4- Surplus Bus Proposal. Member Kuhlman seconded the motion. Board Chair Wilkins asked for all those in favor say “yes”. The board voted unanimously yes.

Member Brownell motioned to approve 7.5 Approval of Resolution 2223-02 – Budget Adoption for 2022-2023. Member Kuhlman seconded the motion. Board Chair Wilkins asked for all those in favor say “yes”. The board voted unanimously yes.

Member Brownell wanted to clarify that the only change from what was passed in June and the current Resolution 2223-02 is that the bus replacement fund is split into Support Services and Other Uses as per Salem’s request.

BUS REPLACEMENT FUND
 2000 Support Services
 5000 Other Uses
Total Appropriations

\$	685,000
\$	2,000,000
\$	2,685,000

Future Meeting Dates

Future Meetings Dates and Suggested Agenda Items

- 8.1 Facilities Advisory Committee to the Superintendent – Monday, October 24, 2022 @ 9:00 am – 12:00 PM
- 8.2 Policy Advisory Committee to the Superintendent – Tuesday, October 25, 2022 @ 5:00 PM
- 8.3 Strategic Planning Advisory Committee – Tuesday, November 8, 2022 @ 3:00 PM
- 8.4 Board Meeting – Tuesday, November 8, 2022 @ 5:00 PM
- 8.5 OSBA Convention – November 11th – 13th (travel up on the 10th)

Adjourn Meeting

Board Chair Wilkins adjourned the meeting at 5:57 PM.

Executive Session

Board Chair Wilkins called Executive Session to order at 6:12 PM under ORS 192.660(2)(d), ORS 192.660(2)(d), ORS 192.660(2)(f).

Adjourn Executive Session

Board Chair Wilkins adjourned Executive Session at 6:46 PM.

General Session

Board Chair Wilkins reconvened the General Session at 6:49 PM

Member Nelson motioned to approve 10.2.1 GPEA SMILE MOU and 10.2.2 GPEA Middle School Band Support. Member Richardson seconded the motion. Board Chair Wilkins asked for all those in favor say “yes”. The board voted unanimously yes.

Board Chair Wilkins adjourned the meeting at 6:50 PM.

Board Chair

Date

Superintendent

Dare

**Minutes Approved at the
November 8, 2022
Board Meeting**

Oregon State Board of Education

March 16, 2023

AGENDA ITEM: 4.A.

<p>SUBJECT: School Sports Pre-Participation Examination Form: OAR 581-021-0041 Form and Protocol for School Sports Examinations</p> <p>STAFF NAME & OFFICE: Emily Nazarov, ODE Director’s Office; Peter Weber, Oregon School Activities Association, and Dr. Michael Koester</p> <p>In OAR 581-021-0041, the State Board has adopted the form entitled "School Sports Pre-Participation Examination." The form establishes the protocol for school sports physicals for grades 7-12 and is used to document the required physical examination. The Oregon School Activities Association has updated the form. The OAR must be updated to adopt by reference the updated form.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> First Reading <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

ORS 336.479 states that school districts must require students who participate in extracurricular sports in grades 7 through 12 to have a physical examination prior to participation. The statute also states that the State Board of Education must by rule prescribe the form and protocol for the required examination.

In OAR 581-021-0041 Form and Protocol for School Sports Examinations, the State Board has adopted the form entitled "School Sports Pre-Participation Examination," which is developed by the Oregon Schools Activities Association (OSAA). The form establishes the protocol for school sports physicals for grades 7-12 and is used to document the required physical examination.

The OSAA, is a non-profit, board-governed organization comprised of 295 member high schools, both private and public. The OSAA is dedicated to ensuring equitable competition for Oregon high school students through OSAA-sponsored events. OSAA standardized rules of eligibility and competition, and put in place a standard of education regarding participation in interscholastic activities. Administered equally and fairly, OSAA policies strive to allow no one school to outweigh its brethren. A member of the National Federation of State High School Associations, the OSAA annually sponsors 113 team and 426 individual event state championships for students competing in 19 interscholastic sports and activities.

The OSAA’s Sports Medicine Advisory Committee’s (SMAC) primary purpose is to ensure the health and safety of student-athletes who participate in OSAA-sponsored activities. The SMAC includes physicians from various fields of practice, athletic trainers, affiliated organizations and OSAA staff. SMAC membership is listed in Attachment 6. The group convenes as necessary to address concerns and make recommendations to the OSAA Executive Board.

The entire OSAA SMAC met three separate times over the past six months to review the pre-participation physical exam form and suggest changes. A sub-committee of the SMAC met more often

Oregon State Board of Education

March 16, 2023

AGENDA ITEM: 4.A.

to thoroughly review the suggested changes and align with best practices in this area. The sub-committee also worked directly with OHA to gather mental-health related resources in one spot on the OSAA's website (www.osaa.org/resources).

The proposed form and rule revisions will be presented to the ODE Rules Advisory Committee for feedback in April.

SUMMARY OF PREVIOUS BOARD ACTION

This rule was revised by the Board in 2017 in order to adopt by reference the current School Sports Pre-Participation Examination form.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
- No; same as last month
- Yes – As follows:

POLICY ISSUE OR CONCERNS

Historically the State Board has allowed a grace period of one year where providers could use either form while transitioning from old to new. OSAA and ODE propose that be allowed during this period of transition as well.

OSAA SMAC is requesting a "Point of Emphasis" statement, stating that the School Sports Pre-Participation Evaluation form is part of the student's educational record and must be treated with the utmost confidentiality as are all other student records under FERPA guidelines. ODE will work with OSAA to determine the best way to include this statement either on the form itself or as guidance released to districts.

OSAA SMAC has requested that the form be made available in multiple languages once finalized. ODE will provide translated copies of the form to be made available on the OSAA website.

EQUITY IMPACT ANALYSIS

The mission of the OSAA is to serve member schools by providing leadership and state coordination for the conduct of interscholastic activities, which will enrich the educational experiences of high school students. The OSAA will work to promote interschool activities that provide equitable participation opportunities, positive recognition and learning experiences to students, while enhancing the achievement of educational goals.

OSAA SMAC has requested that the form be made available in multiple languages once finalized. ODE will provide translated copies of the form to be made available on the OSAA website.

FISCAL ANALYSIS

Oregon State Board of Education

March 16, 2023

AGENDA ITEM: 4.A.

The proposed rules do not create a fiscal impact for school districts. OSAA makes the form available on its website. ODE will be working with OSAA to provide translated versions of the form once it is finalized.

EFFECT OF A "YES" OR "NO" VOTE

If the Board votes yes, the updated form will be made available for use. If the Board votes no, students and medical providers will be required to continue using the current form dated May 2017.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time
Prompted by: State law changes Federal law changes other

ATTACHMENTS

- Attachment 1: Proposed revisions to OAR 581-021-0041 draft dated 3-10-2023
- Attachment 2: School Sports Pre-Participation Examination Form dated May 2017 (current form)
- Attachment 3: School Sports Pre-Participation Examination Form dated April 2023 (proposed form)
- Attachment 4: Proposed Substantive Changes to Pre-Participation Physical Form
- Attachment 5: Mental Health Resources
- Attachment 6: OSAA Sports Medicine Advisory Committee Roster 2022-2023

581-021-0041

Form and Protocol for Sports Physical Examinations

(1) The State Board of Education adopts by reference the form entitled "School Sports Pre-Participation Examination" dated ~~May, 2017~~ April, 2023. The form sets out the protocol for conducting the physical examination required for students who participate in extracurricular sports in grades 7 through 12 and that must be used to document the physical examination ~~and sets out the protocol for conducting the physical examination~~. The form may be used in either a hard copy or electronic format.

(2)(a) Medical providers conducting physicals of students who participate in extracurricular sports in grades 7 through 12 must use the School Sports Pre-Participation Form.

(b) Medical providers may use their electronic health records systems to produce the electronic form. ~~Medical providers conducting physicals of students who participate in extracurricular activities in grades 7 through 12 must use the form.~~

(2) ~~If the form is produced from an electronic medical record, t~~he form must contain the following statement above the medical provider's signature line:

This form is an exact duplicate of the current form required by the State Board of Education containing the same history questions and physical examination findings. I have also reviewed the "Suggested Exam Protocol".

(3) The completed forms must be returned to the school district following the examination.

~~(3) Medical providers conducting physicals on or after April 30, 2011 and prior to May 1, 2017 must use the form dated May 2010.~~

~~(4) Medical providers conducting physicals on or after May 1, 2017 and prior to May 1, 2018 may use either the form dated May 2010 or the form dated May, 2017.~~

(5) Medical providers conducting physicals on or after May 1, 2018 and prior to May 1, 2023 must use the form dated May, 2017.

(5) Medical providers conducting physicals on or after May 1, 2023 and prior to May 1, 2024 may use either the form dated May 2017 or the form dated April 2023.

(6) Medical providers conducting physicals on or after May 1, 2024 must use the form dated April 2023.

NOTE: The form can be found on the Oregon School Activities Association (OSAA) website:
www.osaa.org

Statutory/Other Authority: ORS 326.051

Statutes/Other Implemented: ORS 336.479

HISTORY FORM

(Note: This form is to be filled out by the patient and parent prior to seeing the provider. The provider should keep this form in the medical record.)

Date of Exam: _____

Name: _____

Date of birth: _____

Sex: _____ Age: _____ Grade: _____ School: _____

Sport(s): _____

Medicines and Allergies: Please list all of the prescription and over-the-counter medicines and supplements (herbal and nutritional) that you are currently taking.

Do you have any allergies? Yes No If yes, please identify specific allergy below.

Medicines Pollens Foods Stinging Insects

Explain "Yes" answers below. Circle questions you do not know the answers to.

GENERAL QUESTIONS		
1. When was the student's last complete physical or "checkup?" Date: Month/Year ____/____/____ (Ideally, every 12 months)	YES	NO
2. Has a doctor or other health professional ever denied or restricted your participation in sports for any reason?		
3. Do you have any ongoing medical conditions? If so, please identify below.		
4. Have you ever had surgery?		
HEART HEALTH QUESTIONS ABOUT YOU		
5. Have you ever passed out or nearly passed out DURING or AFTER exercise?		
6. Have you ever had discomfort, pain, tightness or pressure in your chest during exercise?		
7. Does your heart ever race or skip beats (irregular beats) during exercise?		
8. Has a doctor ever told you that you have any heart problems? If so, check all that apply: <input type="checkbox"/> High blood pressure <input type="checkbox"/> A heart murmur <input type="checkbox"/> High cholesterol <input type="checkbox"/> A heart infection <input type="checkbox"/> Kawasaki disease <input type="checkbox"/> Other: _____		
9. Has a doctor ever ordered a test for your heart? (For example, ECG/EKG, echocardiogram)		
10. Do you get lightheaded or feel more short of breath than expected, or get tired more quickly than your friends or classmates during exercise?		
11. Have you ever had a seizure?		
HEART HEALTH QUESTIONS ABOUT YOUR FAMILY		
12. Has any family member or relative died of heart problems or had an unexpected sudden death before age 50 (including drowning, unexplained car accident or sudden infant death syndrome)?		
13. Does anyone in your family have a pacemaker, an implanted defibrillator, or heart problems like hypertrophic cardiomyopathy, Marfan syndrome, arrhythmogenic right ventricular cardiomyopathy, long QT syndrome, short QT syndrome, Brugada syndrome or catecholaminergic polymorphic ventricular tachycardia?		

BONE AND JOINT QUESTIONS	YES	NO
14. Have you ever had an injury to a bone, muscle, ligament or tendon that caused you to miss a practice, game or an event?		
15. Do you have a bone, muscle or joint problem that bothers you?		
MEDICAL QUESTIONS		
16. Do you cough, wheeze or have difficulty breathing during or after exercise?	YES	NO
17. Have you ever used an inhaler or taken asthma medicine?		
18. Are you missing a kidney, an eye, a testicle (males), your spleen or any other organ?		
19. Do you have any rashes, pressure sores, or other skin problems such as herpes or MRSA skin infection?		
20. Have you ever had a head injury or concussion?		
21. Have you ever had numbness, tingling, or weakness, or been unable to move your arms or legs after being hit or falling?		
22. Have you ever become ill while exercising in the heat?		
23. Do you or someone in your family have sickle cell trait or disease?		
24. Have you, or do you have any problems with your eyes or vision?		
25. Do you worry about your weight?		
26. Are you trying to or has anyone recommended that you gain or lose weight?		
27. Are you on a special diet or do you avoid certain types of food?		
28. Have you ever had an eating disorder?		
29. Do you have any concerns that you would like to discuss today?		
FEMALES ONLY		
30. Have you ever had a menstrual period?	YES	NO
31. How old were you when you had your first menstrual period? _____		
32. How many periods have you had in the last 12 months? _____		

Explain "yes" answers here: _____

I hereby state that, to the best of my knowledge, my answers to the above questions are complete and correct.

Signature of athlete _____ Signature of parent/guardian _____ Date _____

ORS 336.479, Section 1 (3) "A school district shall require students who continue to participate in extracurricular sports in grades 7 through 12 to have a physical examination once every two years." Section 1(5) "Any physical examination required by this section shall be conducted by a (a) physician possessing an unrestricted license to practice medicine; (b) licensed naturopathic physician; (c) licensed physician assistant; (d) certified nurse practitioner; or a (e) licensed chiropractic physician who has clinical training and experience in detecting cardiopulmonary diseases and defects."

Form adapted from ©2010 American Academy of Family Physicians, American Academy of Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine.

PHYSICAL EXAMINATION FORM

Date of Exam: _____

Name: _____

Date of birth: _____

Sex: _____ Age: _____ Grade: _____ School: _____

Sport(s): _____

EXAMINATION		
Height:	Weight:	BMI:
BP: / (/)	Pulse:	Vision R 20/ L 20/ Corrected <input type="checkbox"/> YES <input type="checkbox"/> NO
MEDICAL	NORMAL	ABNORMAL FINDINGS
Appearance		
Eyes/ears/nose/throat		
Lymph nodes		
Heart •Murmurs (auscultation standing, supine, with and without Valsalva)		
Pulses		
Lungs		
Abdomen		
Skin		
Neurologic		
MUSCULOSKELETAL		
Neck		
Back		
Shoulder/arm		
Elbow/forearm		
Wrist/hand/fingers		
Hip/thigh		
Knee		
Leg/ankle		
Foot/toes		

- Cleared for all sports without restriction
 - Cleared for all sports without restriction with recommendations for further evaluation or treatment for:
 - Not cleared
 - Pending further evaluation
 - For any sports
 - For certain sports: _____
 - Reason: _____
- Recommendations: _____
- _____
- _____
- _____

I have examined the above-named student and completed the preparticipation physical evaluation. The athlete does not present apparent clinical contraindications to practice and participate in the sport(s) as outlined above. A copy of the physical exam is on record in my office and can be made available to the school at the request of the parents. If conditions arise after the athlete has been cleared for participation, the provider may rescind the clearance until the problem is resolved and the potential consequences are completely explained to the athlete (and parents/guardians). This form is an exact duplicate of the current form required by the State Board of Education containing the same history questions and physical examination findings. I have also reviewed the "Suggested Exam Protocol".

Name of provider (print/type): _____

Date: _____

Address: _____

Phone: _____

Signature of provider: _____

ORS 336.479, Section 1 (3) "A school district shall require students who continue to participate in extracurricular sports in grades 7 through 12 to have a physical examination once every two years." Section 1(5) "Any physical examination required by this section shall be conducted by a (a) physician possessing an unrestricted license to practice medicine; (b) licensed naturopathic physician; (c) licensed physician assistant; (d) certified nurse practitioner; or a (e) licensed chiropractic physician who has clinical training and experience in detecting cardiopulmonary diseases and defects."

Form adapted from ©2010 American Academy of Family Physicians, American Academy of Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine.

MUSCULOSKELETAL

Have patient:

1. Stand facing examiner
2. Look at ceiling, floor, over shoulders, touch ears to shoulders
3. Shrug shoulders (against resistance)
4. Abduct shoulders 90 degrees, hold against resistance
5. Externally rotate arms fully
6. Flex and extend elbows
7. Arms at sides, elbows 90 degrees flexed, pronate/supinate wrists
8. Spread fingers, make fist
9. Contract quadriceps, relax quadriceps
10. "Duck walk" 4 steps away from examiner
11. Stand with back to examiner
12. Knees straight, touch toes
13. Rise up on heels, then toes

To check for:

- AC joints, general habitus
- Cervical spine motion
- Trapezius strength
- Deltoid strength
- Shoulder motion
- Elbow motion
- Elbow and wrist motion
- Hand and finger motion, deformities
- Symmetry and knee/ankle effusion
- Hip, knee and ankle motion
- Shoulder symmetry, scoliosis
- Scoliosis, hip motion, hamstrings
- Calf symmetry, leg strength

MURMUR EVALUATION – Auscultation should be performed sitting, supine and squatting in a quiet room using the diaphragm and bell of a stethoscope.

Auscultation finding of:

1. S1 heard easily; not holosystolic, soft, low-pitched
2. Normal S2
3. No ejection or mid-systolic click
4. Continuous diastolic murmur absent
5. No early diastolic murmur
6. Normal femoral pulses
(Equivalent to brachial pulses in strength and arrival)

Rules out:

- VSD and mitral regurgitation
- Tetralogy, ASD and pulmonary hypertension
- Aortic stenosis and pulmonary stenosis
- Patent ductus arteriosus
- Aortic insufficiency
- Coarctation

MARFAN'S SCREEN – Screen all men over 6'0" and all women over 5'10" in height with echocardiogram and slit lamp exam when any two of the following are found:

1. Family history of Marfan's syndrome (this finding alone should prompt further investigation)
2. Cardiac murmur or mid-systolic click
3. Kyphoscoliosis
4. Anterior thoracic deformity
5. Arm span greater than height
6. Upper to lower body ratio more than 1 standard deviation below mean
7. Myopia
8. Ectopic lens

CONCUSSION -- When can an athlete return to play after a concussion?

After suffering a concussion, no athlete should return to play or practice on the same day. Previously, athletes were allowed to return to play if their symptoms resolved within 15 minutes of the injury. Studies have shown that the young brain does not recover that quickly, thus the Oregon Legislature has established a rule that no player shall return to play following a concussion on that same day and the athlete must be cleared by an appropriate health care professional before they are allowed to return to play or practice.

Once an athlete is cleared to return to play, they should proceed with activity in a stepwise fashion to allow their brain to readjust to exertion. The athlete may complete a new step each day. The return to play schedule should proceed as below following medical clearance:

- Step 1: Light exercise, including walking or riding an exercise bike. No weightlifting.
- Step 2: Running in the gym or on the field. No helmet or other equipment.
- Step 3: Non-contact training drills in full equipment. Weight training can begin. Step 4: Full contact practice or training.
- Step 5: Game play.

If symptoms occur at any step, the athlete should cease activity and be re-evaluated by a health care provider.

581-021-0041 Form and Protocol for Sports Physical Examinations

1. The State Board of Education adopts by reference the form entitled "School Sports Pre-Participation Examination " dated May, 2017 that must be used to document the physical examination and sets out the protocol for conducting the physical examination. The form may be used in either a hard copy or electronic format. Medical providers may use their electronic health records systems to produce the electronic form. Medical providers conducting physicals of students who participate in extracurricular activities in grades 7 through 12 must use the form.
2. The form must contain the following statement above the medical provider's signature line:
This form is an exact duplicate of the current form required by the State Board of Education containing the same history questions and physical examination findings. I have also reviewed the "Suggested Exam Protocol".
3. Medical providers conducting physicals on or after April 30, 2011 and prior to May 1, 2017 must use the form dated May 2010.
4. Medical providers conducting physicals on or after May 1, 2017 and prior to May 1, 2018 may use either the form dated May 2010 or the form dated May, 2017.
5. Medical providers conducting physicals on or after May 1, 2018 must use the form dated May, 2017.

NOTE: The form can be found on the Oregon School Activities Association (OSAA) website: <http://www.osaa.org>

Stat. Auth.: ORS 326.051 Stats.

Implemented: ORS 336.479

School Sports Pre-Participation Examination – Part 1: Student or Parent Completes

Revised April 2023

HISTORY FORM

(Note: This form is to be filled out by the patient and parent prior to seeing the provider. The provider should keep a copy of this form in the medical record.)



Please scan QR code for updated mental health-related resources.

Name: _____ Date of birth: _____

Sex: _____ Age: _____ Grade: _____ School: _____ Sport(s): _____

Medicines and Allergies: Please list all of the prescription and over-the-counter medicines and supplements (herbal and nutritional) that you are currently taking.

Do you have any allergies? Yes No If yes, please identify specific allergy below.

Medicines Pollens Foods Stinging Insects

Over the last two weeks, how often have you been bothered by any of the following problems?
Give answers as 0 to 3, using this scale: 0 = Not at all; 1 = Several days; 2 = More than half the days; 3 = Nearly every day

Little interest or pleasure in doing things: 0 1 2 3	Feeling down, depressed, or hopeless: 0 1 2 3
--	---

Note to Providers: If combined score is 3 or greater, the student should be further evaluated with the PHQ-9 to determine whether they meet criteria for a depressive disorder.

Explain "Yes" answers below. Circle questions you do not know the answers to.

GENERAL QUESTIONS	YES	NO
1. Do you have any concerns you would like to discuss with your provider?		
2. Has a doctor or other healthcare professional ever denied or restricted your participation in sports for any reason?		
3. Do you have any ongoing medical issues or recent illness?		
4. Have you had a COVID-19 infection that required hospitalization?		
THESE QUESTIONS LET US KNOW ABOUT THE HEALTH OF YOUR HEART	YES	NO
5. Have you ever passed out or nearly passed out during or after exercise?		
6. Have you ever had discomfort, pain, tightness or pressure in your chest during exercise?		
7. Does your heart ever race, flutter in your chest, or skip beats (irregular beats) during exercise?		
8. Has a doctor ever told you that you have any heart problems? If so, check all that apply: <input type="checkbox"/> High blood pressure <input type="checkbox"/> A heart murmur <input type="checkbox"/> High cholesterol <input type="checkbox"/> A heart infection <input type="checkbox"/> Kawasaki disease Other: _____		
9. Has a doctor ever ordered a test for your heart? For example, electrocardiography (ECG) or echocardiography.		
10. Do you get lightheaded or feel shorter of breath than your friends during exercise?		
11. Have you ever had a seizure?		
THESE QUESTIONS LET US KNOW ABOUT HEART HEALTH IN YOUR FAMILY. PLEASE ANSWER AS BEST YOU CAN.	YES	NO
12. Has any family member or relative died of heart problems or had an unexpected sudden death before age 35 years (including drowning or unexplained car accident)?		
13. Does anyone in your family have a genetic heart problem such as hypertrophic cardiomyopathy (HCM), Marfan syndrome, arrhythmogenic right ventricular cardiomyopathy (ARVC), long QT syndrome (LQTS), short QT syndrome (SQTs), Brugada syndrome or catecholaminergic polymorphic ventricular tachycardia (CPVT)?		
14. Has anyone in your family had a pacemaker or an implanted defibrillator before age 35?		

THESE QUESTIONS LET US KNOW ABOUT ANY BONE OR JOINT PROBLEMS THAT COULD LIMIT YOUR ABILITY TO PHYSICALLY ACTIVE.	YES	NO
15. Have you ever had a stress fracture or an injury to a bone, muscle, ligament, joint or tendon that caused you to miss a practice or game?		
16. Do you have a bone, muscle, ligament, or joint injury that bothers you?		
THESE QUESTIONS LET US KNOW ABOUT ANY CURRENT OR PAST MEDICAL ISSUES	YES	NO
17. Do you cough, wheeze, or have difficulty breathing during/after exercise?		
18. Are you missing a kidney, an eye, a testicle (males), your spleen, or any other organ?		
19. Do you have groin or testicle pain or a painful bulge or hernia in the groin area?		
20. Do you have any recurring skin rashes, or rashes that come and go, including herpes or methicillin-resistant Staphylococcus aureus (MRSA)?		
21. Have you had a concussion or head injury that caused confusion, a prolonged headache, or memory problems?		
22. Have you ever had numbness, had tingling, had weakness in your arms or legs or been unable to move your arms or legs after being hit or falling?		
23. Have you ever become ill while exercising in the heat?		
24. Do you or does someone in your family have sickle cell trait or disease?		
25. Have you ever had, or do you have any problems with your eyes or vision?		
THESE QUESTIONS LET US KNOW IF YOU ARE PROVIDING YOUR BODY WITH ENOUGH ENERGY (FUEL) WHEN YOU ARE PHYSICALLY ACTIVE	YES	NO
26. Do you worry about your weight?		
27. Are you trying to or has anyone recommended that you gain/lose weight?		
28. Are you on a special diet or do you avoid certain types of food or food groups?		
29. Have you ever had an eating disorder?		
30. Have you ever had a menstrual period? (If yes, please answer the following questions.)		
31. How old were you when you had your first menstrual period? _____		
32. When was your most recent menstrual period? _____		
33. How many periods have you had in the last 12 months? _____		

Explain "yes" answers here: _____

I hereby state that, to the best of my knowledge, my answers to the above questions are complete and correct.

Signature of Athlete _____ Signature of Parent/Guardian _____ Date _____

ORS 336.479, Section 1 (3) "A school district shall require students who continue to participate in extracurricular sports in grades 7 through 12 to have a physical examination once every two years." Section 1(5) "Any physical examination required by this section shall be conducted by a (a) physician possessing an unrestricted license to practice medicine; (b) licensed naturopathic physician; (c) licensed physician assistant; (d) certified nurse practitioner; or a (e) licensed chiropractic physician who has clinical training and experience in detecting cardiopulmonary diseases and defects."

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PHYSICAL EXAMINATION FORM



Please scan QR code for updated mental health-related resources.

Date of Exam: _____

Name: _____ Date of birth: _____

Sex: _____ Age: _____ Grade: _____ School: _____ Sport(s): _____

EXAMINATION		
Height:	Weight:	BMI %:
BP: / (/)	Pulse:	Vision R 20/ L 20/ Corrected <input type="checkbox"/> YES <input type="checkbox"/> NO
MEDICAL	NORMAL	ABNORMAL FINDINGS
Appearance		
Eyes/ears/nose/throat		
Lymph nodes		
Heart •Murmurs (auscultation standing, supine, with and without Valsalva)		
Pulses		
Lungs		
Abdomen		
Skin		
Neurologic		
MUSCULOSKELETAL		
Neck		
Back		
Shoulder/arm		
Elbow/forearm		
Wrist/hand/fingers		
Hip/thigh		
Knee		
Leg/ankle		
Foot/toes		

- Cleared for all sports without restriction
 - Cleared for all sports without restriction with recommendations for further evaluation or treatment for:
 - Not cleared
 - Pending further evaluation
 - For any sports
 - For certain sports: _____
 - Reason: _____
- Recommendations: _____
- _____
- _____
- _____

I have examined the above-named student and completed the preparticipation physical evaluation. The athlete does not present apparent clinical contraindications to practice and participate in the sport(s) as outlined above. A copy of the physical exam is on record in my office and can be made available to the school at the request of the parents. If conditions arise after the athlete has been cleared for participation, the provider may rescind the clearance until the problem is resolved and the potential consequences are completely explained to the athlete (and parents/guardians). This form is an exact duplicate of the current form required by the State Board of Education containing the same history questions and physical examination findings. I have also reviewed the "Suggested Exam Protocol".

Name of Provider (print/type): _____ Date: _____

Address: _____ Phone: _____

Signature of Provider: _____

ORS 336.479, Section 1 (3) "A school district shall require students who continue to participate in extracurricular sports in grades 7 through 12 to have a physical examination once every two years." Section 1(5) "Any physical examination required by this section shall be conducted by a (a) physician possessing an unrestricted license to practice medicine; (b) licensed naturopathic physician; (c) licensed physician assistant; (d) certified nurse practitioner; or a (e) licensed chiropractic physician who has clinical training and experience in detecting cardiopulmonary diseases and defects."

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MUSCULOSKELETAL

Have patient:

1. Stand facing examiner
2. Look at ceiling, floor, over shoulders, touch ears to shoulders
3. Shrug shoulders (against resistance)
4. Abduct shoulders 90 degrees, hold against resistance
5. Externally rotate arms fully
6. Flex and extend elbows
7. Arms at sides, elbows 90 degrees flexed, pronate/supinate wrists
8. Spread fingers, make fist
9. Contract quadriceps, relax quadriceps
10. "Duck walk" 4 steps away from examiner
11. Stand with back to examiner
12. Knees straight, touch toes
13. Rise up on heels, then toes

To check for:

- AC joints, general habitus
- Cervical spine motion
- Trapezius strength
- Deltoid strength
- Shoulder motion
- Elbow motion
- Elbow and wrist motion
- Hand and finger motion, deformities
- Symmetry and knee/ankle effusion
- Hip, knee and ankle motion
- Shoulder symmetry, scoliosis
- Scoliosis, hip motion, hamstrings
- Calf symmetry, leg strength

MURMUR EVALUATION – Auscultation should be performed sitting, supine and squatting in a quiet room using the diaphragm and bell of a stethoscope.

Auscultation finding of:

1. S1 heard easily; not holosystolic, soft, low-pitched
2. Normal S2
3. No ejection or mid-systolic click
4. Continuous diastolic murmur absent
5. No early diastolic murmur
6. Normal femoral pulses
(Equivalent to brachial pulses in strength and arrival)

Rules out:

- VSD and mitral regurgitation
- Tetralogy, ASD and pulmonary hypertension
- Aortic stenosis and pulmonary stenosis
- Patent ductus arteriosus
- Aortic insufficiency
- Coarctation

CONCUSSION -- When can an athlete return to play after a concussion?

After suffering a concussion, no athlete should return to play or practice on the same day. Previously, athletes were allowed to return to play if their symptoms resolved within 15 minutes of the injury. Studies have shown that the young brain does not recover that quickly, thus the Oregon Legislature has established a rule that no player shall return to play following a concussion on that same day and the athlete must be cleared by an appropriate health care professional before they are allowed to return to play or practice.

Graduated, Step-wise Return-to-Participation Progression: A medical release is required by [ORS 336.485](#), [ORS 417.875](#) before returning to participation.

1. **Symptom-Limited Activity:** Relative rest up to 48-72 hours. Allow low intensity physical and cognitive activity. May include staying home or limiting school hours and/or homework. Gradually reintroduce very light activity while limiting symptoms.
2. **Light Aerobic Exercise:** Walking or stationary bike at low to moderate intensity; no contact, resistance or weight training.
3. **Sport Specific Exercise:** Sprinting, dribbling basketball or soccer; no helmet or equipment, no head impact activities.
4. **Non-Contact Training:** More complex drills in full equipment. Weight training or resistance training may begin.

--- **Before moving to the next stage, the athlete must be fully recovered, medically cleared, and in school full-time without accommodations. ---

5. **Full-Contact Practice:** Participate in normal full-contact training activities.
6. **Unrestricted Return-to-Participation / Full Competition:** Game play against opposing team.

The athlete should spend a minimum of one day at each step. If symptoms re-occur, the athlete must stop the activity and contact their athletic trainer or other health care professional. Depending upon the specific type and severity of the symptoms, the athlete may be told to rest for 24 hours and then resume activity one-step below the level when the symptoms occurred. Graduated progression applies to all activities including sports and PE classes.

581-021-0041 Form and Protocol for Sports Physical Examinations

1. The State Board of Education adopts by reference the form entitled "School Sports Pre-Participation Examination " dated April 2023 that must be used to document the physical examination and sets out the protocol for conducting the physical examination. The form may be used in either a hard copy or electronic format. Medical providers may use their electronic health records systems to produce the electronic form. Medical providers conducting physicals of students who participate in extracurricular activities in grades 7 through 12 must use the form.
2. If the form is produced from an electronic medical record, it must contain the following statement above the medical provider’s signature line:
This form is an exact duplicate of the current form required by the State Board of Education containing the same history questions and physical examination findings. I have also reviewed the "Suggested Exam Protocol".
3. Medical providers conducting physicals on or after May 1, 2018 and prior to May 1, 2023 must use the form dated May 2017.
4. Medical providers conducting physicals on or after May 1, 2023 and prior to May 1, 2024 may use either the form dated May 2017 or the form dated April 2023.
5. Medical providers conducting physicals on or after May 1, 2024 must use the form dated April 2023.

NOTE: The form can be found on the Oregon School Activities Association (OSAA) website: <https://www.osaa.org/health-safety>
Statutory/Other Authority: ORS 326.051
Statutes/Other Implemented: ORS 336.479



Oregon School Activities Association

25200 SW Parkway Avenue, Suite 1

Wilsonville, OR 97070

503.682.6722 <https://www.osaa.org>



Proposed Substantive Changes to Pre-Participation Physical Form

- Added PHQ-2 to screen for depression. Provides examiner the opportunity to further discuss mental health issues
- Added QR code to allow students, parents, and providers updated mental health-related resources through OHA
- Added question on past COVID infection
- Added headers to subsets of history questions that help inform the student why the questions are being asked
- Updated cardiac-related questions regarding age of onset for family history
- Instead of BMI, we have changed to BMI percentile to allow providers to more easily identify risk factors
- Marfan syndrome screening protocol removed as it no longer reflects recommended clinical guidelines for screening
- Concussion Return-to-Participation (RTP) guidelines have been updated

OSAA Resources

OHA Mental Health Resources



Safe + Strong Campaign



The **Safe + Strong Campaign** was developed to support communities in their recovery from COVID-19. The Campaign's Mental and Emotional Health website includes several community and culturally/linguistically responsive care navigation resources, self-care resources, and helplines – including supports for youth and families. » <https://www.safestrongoregon.org/mental-and-emotional-health>

Oregon YouthLine



YouthLine is a free teen-to-teen crisis support and help line. YouthLine is confidential to a point- while we will never share conversations had on the lines, we are mandatory reporters. If a young person is unable to agree to safety for themselves or another person, or if abuse is occurring, YouthLine contacts other agencies to ensure the best support and safety for the young person in crisis. » <https://www.theyouthline.org/>

988 Suicide and Crisis Lifeline



The 988 Suicide & Crisis Lifeline is available 24/7. The Lifeline is for people in any type of behavioral health crisis, such as mental health-related distress, thoughts of suicide or self-harm, or substance use crisis. People can get help by: calling 988, texting 988, or chatting online. » 988lifeline.org

County-based Crisis Lines

» <https://www.oregon.gov/oha/ph/preventionwellness/safeliving/suicideprevention/pages/crisislines.aspx>

Oregon School-Based Health Centers

Oregon SBHCs are in schools or on school grounds and provide medical care, behavioral health services and, often, dental services. Because of these easily accessible services, school-aged youth have an equal opportunity to learn, grow and thrive. » [List of School-Based Health Center sites](#)

Oregon School-Based Mental Health Program

SBMH providers employed to provide services under this program are master's level therapists or qualified mental health professionals and licensed under state law to serve school-age children. Since 2014, legislative funding has allowed Oregon Health Authority (OHA) the opportunity to expand critically needed mental health services to 74 schools across 17 counties. » <https://www.oregon.gov/oha/HSD/BH-Child-Family/Pages/Schools.aspx>

OHA Call to Action for Schools

Equip your coaches, athletic directors, and adult advisors for extra-curricular activities in suicide prevention as student athletes return to play. » [Call to Action - Equipment for Coaches](#)



Oregon School Activities Association

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503.682.6722 <https://www.osaa.org>



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Oregon Department of Education

Chapter 581

Division 53

SCHOOL BUS DRIVER TRAINING, LICENSING, AND SCHOOL BUS STANDARDS

581-053-0070

School Bus and School Activity Vehicle Acquisition, Maintenance and Inspection

(1) Upon entry into Oregon, all school buses and school activity vehicles shall conform to the Oregon minimum standards currently in force as they apply to each vehicle and to the Federal Motor Vehicle Safety Standards in place at time of manufacture, prior to transporting students.

(2) Transportation entities shall not transport students in any school bus or school activity vehicle until:

(a) The school bus or school activity vehicle license approval form has been received by ODE certifying that the vehicle meets all applicable minimum standards; and

(b) The transportation entity has received approval from ODE.

(3) Any additions of vehicle equipment or alterations in the vehicle construction that are not provided for in the applicable minimum standards for Oregon school buses or school activity vehicles are prohibited without first receiving prior approval from ODE.

(4) School buses and school activity vehicles used for transportation of students with disabilities or for specific educational purposes that do not meet all current Oregon Minimum Standards for School Buses must be approved by ODE.

(5) Appeal for Variance:

(a) A transportation entity or contractor desiring to purchase or use a pupil transporting vehicle that cannot meet all required minimum construction standards for school buses or school activity vehicles as applicable in Oregon must forward an "Appeal for Variance" request to the State Superintendent of Public Instruction Director of Pupil Transportation. This appeal must be made by the highest ranking official with the local operation and contain at least the following information:

(A) The need for such a vehicle;

(B) Why a standard school bus or school activity vehicle will not suffice;

(C) List of items which will not meet applicable standards; and

(D) Passenger capacity of vehicle.

(b) This variance provision is designed for unique changes or alterations necessary to accommodate special equipment or conditions.

(6) School buses and school activity vehicles shall be maintained in safe operating condition and shall meet or exceed the minimum standards in effect at the time of purchase, as well as any subsequently adopted standards that are applicable to the vehicle.

(7) The transportation entity shall keep vehicle maintenance records for each vehicle used to transport students. These records shall be available to ODE upon request. Records shall be kept for every service, adjustment or repair of the following items and shall include date and mileage:

(a) Chassis lubrications;

(b) Engine oil and filter changes;

(c) Major engine tune-ups and repairs;

(d) All adjustment, service and repair of brake system;

(e) All adjustment, service and repair of steering mechanism and other related parts;

(f) Tires; and

(g) Drive train components.

(8) Notwithstanding OAR 581-053-0120, under the direction of a certified inspector, repair items listed below may be done by uncertified personnel:

(a) Belts and hoses;

(b) Body and paint repair;

(c) Camera systems;

(d) Electrical systems;

(e) Exhaust systems;

(f) Fluid changes;

(g) Glass repair;

(h) Lights;

(i) Seat repairs;

(j) Tires;

(k) Tune-ups.

(9) Transportation entities or contractors planning to rebuild a school bus or school activity vehicle that has been totaled shall first secure written approval from ODE. (This does not apply to repair of damage.) All rebuilt school buses must meet current Oregon Minimum Standards for School Buses and applicable U.S. Department of Transportation regulations in affect at the time of approval.

(10) The transportation entity shall ensure the following is inspected daily:

- (a) Windshield and wipers;
- (b) All lights;
- (c) Service door;
- (d) Tires and wheel lug nuts;
- (e) Battery, belts, oil and coolant level;
- (f) Horns;
- (g) Brakes;
- (h) Steering;
- (i) Exhaust system;
- (j) See that lights, windshield, mirrors, and warning sign is clean;
- (k) Emergency equipment;
- (l) Emergency exits and audible warning devices;
- (m) Suspension;
- (n) Seats; and
- (o) Gauges

(11) Transporting entities shall have all vehicles used in transporting pupils inspected annually by inspectors holding current school bus inspection certification, and certify to ODE that all deficiencies have been corrected before September 1 each year. ODE shall furnish forms for the inspection and for the certification reports.

(12) ODE personnel may inspect school buses and school activity vehicles at any time or upon request of transportation entities. ODE may investigate accidents and examine school buses and school activity vehicles involved in accidents as ODE considers necessary.

(13) Upon inspection of school buses or school activity vehicles by ODE personnel, the vehicle owner shall be notified in writing of deficiencies. Such deficiencies shall be corrected within 30 days. If the vehicle owner is unable to correct the deficiency within 30 days, the transportation entity may submit a written request for an extension of time to ODE. Such request may be granted, provided the deficiency does not affect the safety of students or public, and is not contrary to Oregon Motor Vehicle Laws.

(14) ODE personnel may issue a written order that a vehicle is unsafe and shall not be used to transport students when there is reason to believe that a deficiency is such that continued operation of the vehicle may jeopardize the safety of students or public.

(15) The transportation entity or vehicle owner shall notify ODE in writing that the deficiency is corrected before transporting students in a vehicle that has been declared unsafe in section (14) of this rule.

Statutory/Other Authority: ORS 327.013 & 820.100 - 820.120

Statutes/Other Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120

History:

ODE 19-2012, f. & cert. ef. 6-14-12

Oregon State Board of Education

March 16, 2023

AGENDA ITEM: 4.B.

<p>SUBJECT: Variance Requests for Pupil Transportation Vehicles/OAR 581-053-0070 School Bus and School Activity Vehicle Acquisition, Maintenance and Inspection STAFF NAME & OFFICE: Brock Dittus, Pupil Transportation & Fingerprinting</p> <p>In the interest of timely response to school districts with a legitimate need for variance requests, this rule change suggests a change in rule to require requests for variance to be addressed to the Director of Pupil Transportation rather than to the State Superintendent of Public Instruction.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> First Reading <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

Oregon Department of Education has established a pupil transportation program to regulate and oversee the operation of school buses and school activity vehicles within the state at all K-12 entities, both public and private. Oregon Administrative Rules Chapter 581, Division 53 entail a high standard of safety that has resulted in a longstanding safety record for Oregon’s pupil transportation industry.

Oregon has established specific standards for school buses as laid out in OAR 581-053-0240 Minimum Standards for School Buses. This exclusionary standard ensures that all vehicles in service to school districts, including those of contracted transportation company partners, will include the elements of design that make vehicles built to school bus construction standards the safest method for transporting students to and from school, or for school-related activities. Activity vehicles that are not school buses are built to the same standards with key exceptions to account for their purposes that maintain the same safety standards.

Certain needs in specific locations may occasionally raise the question as to whether a vehicle would be approved though it does not meet all specifications of OAR 581-053-0240. Examples of this include air filtration systems, for which a variance was granted early in the COVID pandemic, or installation of special equipment related to a student’s special need. In general, in the interest of maintaining a high standard of safety, requests are viewed from the perspective of how this would affect the safety of the student. For this reason, requests unrelated to a safety improvement are generally denied.

OAR 581-053-0070 School Bus and School Activity Vehicle Acquisition, Maintenance and Inspection outlines the requirements for submission and consideration of a variance request:

(5) Appeal for Variance:

(a) A transportation entity or contractor desiring to purchase a pupil transporting vehicle that cannot meet all required minimum construction standards for school buses or school activity vehicles as applicable in Oregon must forward an "Appeal for Variance" request to the State

Oregon State Board of Education

March 16, 2023

AGENDA ITEM: 4.B.

Superintendent of Public Instruction. This appeal must be made by the highest ranking official with the local operation and contain at least the following information:

(A) The need for such a vehicle;

(B) Why a standard school bus or school activity vehicle will not suffice;

(C) List of items which will not meet applicable standards; and

(D) Passenger capacity of vehicle.

(b) This variance provision is designed for unique changes or alterations necessary to accommodate special equipment or conditions.

In Oregon, the State Superintendent of Public Instruction has been a title taken on by the Governor themselves. The suggested rule change would identify the Director of Pupil Transportation as the designated recipient of requests for variance, allowing for more reasonable and timely review and response to such requests.

SUMMARY OF PREVIOUS BOARD ACTION

1. This is the first time this matter has been presented to the board.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
 No; same as last month
 Yes – As follows:

POLICY ISSUE OR CONCERNS

No concerns have been identified regarding this proposed rule change.

EQUITY IMPACT ANALYSIS

No equity impacts have been identified regarding this proposed rule change.

FISCAL ANALYSIS

No fiscal impacts have been identified regarding this proposed rule change.

Oregon State Board of Education

March 16, 2023

AGENDA ITEM: 4.B.

EFFECT OF A "YES" OR "NO" VOTE

A "Yes" vote would identify ODE's Director of Pupil Transportation as the recipient of requests for variance from established vehicle construction standards, allowing for efficient and timely responses regarding such requests.

A "No" vote would retain the existing language, requiring variance requests to be submitted to the State Superintendent of Public Instruction, a title currently held by the Governor with responsibilities delegated to the Deputy Superintendent of Public Instruction.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time
Prompted by: State law changes Federal law changes other

ATTACHMENTS

Attachment 1: Revision of OAR 581-053-0070

OAR Rule Hearing Sign-In Sheet – Special Education OARs

Date: February 7, 2023
 Time: 10:00 AM
 Location: Virtual only; no in-person option

Rules:

- Special Education Evaluation & Eligibility OAR Updates
 - Proposed rules to be amended: 581-015-2000; 581-015-2127; 581-015-2130; 581-015-2135; 581-015-2140; 581-015-2145; 581-015-2150; 581-015-2155; 581-015-2160; 581-015-2165; 581-015-2170; 581-015-2175; and 581-015-2180

From OAR Hearing:

Name	Organization	Email	Written Comment (Y/N)	Public Testimony (Y/N) ⁰
Kim Hosford	School Psychologist, Ashland SD	Kim.hosford@ashland.k12.or.us	N	Y

From ODE RuleTestimony Inbox:

Name	Organization	Email	Written Comment (Y/N)	Public Testimony (Y/N)
Ana Lia Olivia	Oregon Speech-Language & Hearing Association	OSHAOregon@gmail.com	Y	N

Special Education Evaluation & Eligibility OAR Updates– Proposed rules to be amended: 581-015-2000; 581-015-2127; 581-015-2130; 581-015-2135; 581-015-2140; 581-015-2145; 581-015-2150; 581-015-2155; 581-015-2160; 581-015-2165; 581-015-2170; 581-015-2175; and 581-015-2180

TESTIMONY

Kim Hosford

- Amending the special education eligibility to “emotional behavior disability” from “emotional disturbance disability” is a good idea and in support of the term change. Removing medical statement as eligibility for EBD is an excellent idea as it is difficult to support families to obtain a medical statement. Physicians are confused on what to say and what information is needed to provide on statement since EBD is not clear and removing the medical statement is helpful.

581-015-2000

Definitions

The definitions below apply to OARs 581-015-2000–581-015-2999, unless the context indicates otherwise.

(1) "Adult student" is a student for whom special education procedural safeguard rights have transferred as described in OAR 581-015-2325.

(2) "Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.

(3) "Assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

(a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

(f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.

(4) "Audiological assessment" means an assessment given by an audiologist licensed under ORS chapter 681 or by the appropriate authority in another state.

(5654)(a) "Children with disabilities" or "students with disabilities" means children or students evaluated in accordance with OAR 581-015-2100 through 581-015-2180 as having autism spectrum disorder; communication disordersspeech or language impairment; deafblindness; developmental delay; emotional disturbancebehavior disability; hearing impairment, including deafnessdeaf or hard of hearing; intellectual disability; orthopedic impairment; other health impairment; specific learning disability; traumatic brain injury; or visual impairment, including blindness, and who, by reason thereof, need special education and related services.

(A) If it is determined through an appropriate evaluation in accordance with OAR 581-015-2100 through 581-015-2180, that a child has one of the disabilities identified in section (4) above, but only needs a related service and not special education, the student is not a student with a disability under this OAR.

(B) If, consistent with OAR 581-015-2000 (29), the related service required by the child is considered special education rather than a related service, the child would be determined to be a child with a disability under this OAR.

(b) The terms used in the definition of a child with a disability are defined as follows:

(A) "Autism Spectrum Disorder" means a developmental disability that includes persistent deficits in social communication and social interaction across multiple contexts; and restricted, repetitive patterns of behavior, interests, or activities. Characteristics are generally evident before age three but may not become fully evident until social demands exceed limited capacities, or may be masked by learned strategies. Characteristics cause educationally and developmentally significant impairment in social, occupational, or other important areas of current functioning. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbancebehavior disability. However, a child who qualifies for special education under the category of autism spectrum disorder may also have an emotional disturbancebehavior disability as a secondary disability if the child meets the criteria under emotional disturbancebehavior disability. The term "Autism Spectrum Disorder" is equivalent to the term "autism" used ~~in ORS 343.035 and~~ in 34 CFR § 300.8.

~~(B) "Communication DisorderSpeech or Language Impairment" means the impairment of speech articulation, voice, fluency, or the impairment or deviant development of language comprehension and/or expression, or the impairment of the use of a spoken or other symbol system that adversely affects educational performance. The language impairment may be manifested by one or more of the following components of language: morphology, syntax, semantics, phonology, and pragmatics.~~

(C) "Deaf or Hard of Hearing" means an impairment in hearing, whether permanent or fluctuating, that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification.

(i) For early intervention: This impairment in hearing must currently affect or have the potential to significantly affect an infant or toddler's developmental progress. The infant or toddler's hearing level does not need to be presently affecting their development for the infant or toddler to be eligible for early intervention services.

(ii) For early childhood and school age special education: This impairment in hearing must adversely affect the child's developmental progress (age 3 through 5) or educational performance (age 5 through 21).

(DC) "Deafblindness" means having both hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems needs that the child cannot be accommodated in special education programs designed solely for students who are deaf or hard of hearing or ~~having hearing or children with a~~ visual impairments.

(ED) "Developmental Delay" means:

(i) For early intervention, 2 standard deviations or more below the mean in one or more of the developmental areas, or 1.5 standard deviations below the mean in two or more of the developmental areas;

(ii) For early childhood and school age special education, 1.5 standard deviations or more below the mean in two or more of the developmental areas; that:

(A) For age 3 to kindergarten, adversely affects the child's developmental progress;

(B) For kindergarten to age 9, adversely affects the student's educational performance.

(iii) For the purposes of this definition, the developmental areas are: ceognitive development, physical development, communication development, social or emotional development, and addaptive development.

means 1.5 standard deviations or more below the mean in two or more of the following developmental areas for Early Childhood special education and school-aged special education (ages 3-9), that adversely affects a child's developmental progress when the child is three to kindergarten and the student's educational performance when the student is kindergarten through age nine:

- (i) Cognitive development;
- (ii) Physical development;
- (iii) Communication development;
- (iv) Social or emotional development; and
- (v) Adaptive development.

(FE) "~~Emotional Disturbance~~Behavior Disability" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- (i) An inability to learn that cannot be explained by intellectual, sensory, or health factors;
- (ii) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- (iii) Inappropriate types of behavior or feelings under normal circumstances;
- (iv) A general pervasive mood of unhappiness or depression; or
- (v) A tendency to develop physical symptoms or fears associated with personal or school problems;
- (vi) The term includes schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional behavior disability~~disturbance~~.

~~(F) "Hearing Impairment" means an impairment in hearing, whether permanent or fluctuating, that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification.~~

~~(i) For early intervention: This impairment in hearing must currently affect or have the potential to significantly affect an infant or toddler's developmental progress. The infant or toddler's hearing level does not need to be presently affecting their development for the infant or toddler to be eligible for early intervention services.~~

~~(ii) For early childhood and school age special education: This impairment in hearing must adversely affect the child's developmental progress (age 3 through 5) or educational performance (age 5 through 21). a hearing condition, whether permanent or fluctuating, that adversely affects a child's educational performance. The term includes those children who are hard of hearing or deaf.~~

(G) "Intellectual Disability" means significantly subaverage general intellectual functioning, and includes a student whose intelligence test score is two or more standard deviations below the norm on a standardized individual intelligence test, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, and that adversely affects a child's educational performance. means significantly sub-average general intellectual functioning, and includes a student whose intelligence test score is two or more standard

~~deviations below the norm on a standardized individual intelligence test, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, and that adversely affects a child's educational performance.~~

(H) "Orthopedic Impairment" ~~means a motor disability that adversely affects the infant or toddler's development or a child's educational performance. The term includes impairments caused by an anomaly, disease or other conditions (e.g., cerebral palsy, spina bifida, muscular dystrophy or traumatic injury).~~ means a motor disability that adversely affects the child's educational performance. The term includes impairments caused by an anomaly, disease or other conditions (e.g., cerebral palsy, spinal bifida, muscular dystrophy or traumatic injury).

(I) "Other Health Impairment" means limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that:

(i) Is due to chronic or acute health problems (e.g., a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, attention deficit disorder, attention deficit hyperactivity disorder, leukemia, Tourette's syndrome, or diabetes); and

(ii) Adversely affects a child's educational performance.

(J) "Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, ~~which that~~ may manifest itself in ~~an the~~ imperfect ability to listen, think, speak, read, write, spell, or ~~to~~ do mathematical calculations. Specific learning disability includes conditions such as perceptual disabilities, brain injury, ~~dyslexia~~, minimal brain dysfunction, ~~dyslexia~~, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, intellectual disability, emotional ~~disturbance~~ behavior disability, or ~~of~~ environmental, cultural, or economic disadvantage.

(K) "Speech or Language Impairment" means the impairment of speech articulation, voice, fluency, or the impairment or deviant development of language comprehension and/or expression, or the impairment of the use of a spoken or other symbol system that adversely affects educational performance. The language impairment may be manifested by one or more of the following components of language: morphology, syntax, semantics, phonology, and pragmatics.

(L) "Traumatic Brain Injury" means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, ~~that adversely affects a child's educational performance.~~ The term includes open or closed head injuries resulting in impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem-solving; sensory, perceptual, and motor abilities, psychosocial behavior, physical functions, information processing, and speech. ~~The term does not include brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma. Students with brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma, are not eligible under the category of traumatic brain injury but may be eligible under a different category.~~

(i) For early intervention: The infant or toddler's disability does not need to be presently affecting their development for the infant or toddler to be eligible for early intervention services.

(ii) For early childhood and school age: The acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's developmental progress (age 3 to 5) or educational performance (age 5 to 21).

(M4) "Visual Impairment" means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term visual impairment includes low vision, total blindness, limited visual acuity after correction, restricted visual field, and progressive eye conditions.

(765) "Consent" means that:

(a) The parent or adult student has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication;

(b) The parent or adult student understands and agrees in writing to the carrying out of the activity for which consent is sought; and the consent describes that activity and lists any records that will be released and to whom; and

(c) The parent or adult student understands that the granting of consent is voluntary and may be revoked at any time in accordance with OAR 581-015-2090(4) or 581-015-2735.

(76) "Day" means calendar day unless otherwise indicated as:

(a) "Business day," which means Mondays through Fridays, other than holidays; or as

(b) "School day," which means any day, including partial days that children are in attendance at school for instructional purposes. The term "school day" has the same meaning for all children in school, including those with and without disabilities.

(87) "Department" means the Oregon Department of Education.

(98) "Developmental History" means gathering information regarding the following: the child's prenatal and birth history, including prenatal exposure to alcohol, prescription and non-prescription medications, or other drugs; meeting of developmental milestones; socialization and behavioral patterns; health and physical/medical history; family and environmental factors; home and educational performance; trauma or significant stress experienced by the child; and the display of characteristics of any additional learning or behavioral problems.

(109) "EI/ECSE" means early intervention/early childhood special education and refers to services or programs for infants, toddlers, and preschool children with disabilities.

(110) "Elementary or secondary school or facility" means a school or facility with any combination of grades K through 12.

(124) "Evaluation" means procedures used to determine whether the child has a disability, and the nature and extent of the special education and related services that the child needs.

(132) "General education curriculum" means the same curriculum as for children without disabilities ~~(children without disabilities)~~. For preschool children with disabilities, the term means age-appropriate activities.

~~(13) "Health assessment statement" means a written statement issued by a nurse practitioner licensed by a State Board of Nursing specially certified as a nurse practitioner, or by a physician~~

~~assistant licensed by a State Board of Medical Examiners. Both a nurse practitioner and a physician assistant must be practicing within his or her area of specialty.~~

(14) "Homeless children" (or "homeless youth") has the same meaning as in section 725 of the McKinney-Vento Act, 42 USC § 11434a (2).

(15) "Identification" means the process of determining a child's disability and eligibility for special education and related services.

(16) "Individualized Education Program" (IEP) means a written statement of an educational program which is developed, reviewed, revised and implemented for a school-aged child with a disability.

(17) "Individualized Family Service Plan" (IFSP) is defined in OAR 581-051-2700.

(18) "Limited English proficient" has the same meaning as in the Elementary and Secondary Education Act, 20 USC § 9101(25).

(19) "Mediation" means a voluntary process in which an impartial mediator assists and facilitates two or more parties to a controversy in reaching a mutually acceptable resolution of the controversy and includes all contacts between a mediator and any party or agent of a party, until such a time as a resolution is agreed to by the parties or the mediation process is terminated.

(20) "Medical ~~statement~~Examination" means an examination conducted by:

(i) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;

(ii) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;

(iii) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state; or

(iv) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state.

~~a written statement issued by a physician licensed by a State Board of Medical Examiners.~~

(21) "Native language", when used with respect to a person who is limited English proficient, means the language normally used by that person or, in the case of a child, the language normally used by the parent of the child. For an individual ~~with deafness~~who is deaf or hard of hearing, with blindness, with deafblindness or with no written language, the term means the mode of communication normally used by the person (such as sign language, Braille, or oral communication). In direct contact with a child, the term means the language normally used by the child.

(22) "Parent" means:

(a) One or more of the following persons:

(A) A biological or adoptive parent of the child;

(B) A foster parent of the child;~~;~~

(C) A legal guardian, other than a state agency;

(D) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or

(E) A surrogate parent who has been appointed in accordance with OAR 581-015-2320, for school-age children, or 581-015-2760 for preschool children.

(b) Except as provided in subsection (c), if more than one party is qualified under subsection (a) to act as a parent and the biological or adoptive parent is attempting to act as the parent, the biological or adoptive parent is presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

(c) If a judicial decree or order identifies a specific person under subsection (a) to act as the parent of a child or to make educational decisions on behalf of a child, then that person will be the parent for special education purposes.

(23) "Participating agency" means a state or local agency, other than the school district responsible for a student's education that is financially and legally responsible for providing transition services to the student.

(24) "Personally identifiable information" means information as defined in the Family Educational Rights and Privacy Act (FERPA), found at 34 CFR 99.3, which includes, but is not limited to:

(a) The name of the child, the child's parent, or other family member;

(b) The address of the child or the child's family;

(c) A personal identifier, such as the child's social security number or student number, or biometric record; and

(d) Other indirect identifiers, such as the child's date of birth, place of birth, and mother's maiden name;

(e) Other information that alone or in combination is linked or linkable to a specific child that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the child with reasonable certainty; or

(f) Other information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

(25) "Placement" means educational placement, not social service placement by a state agency.

(26) "Preschool child" means "preschool child with a disability" as defined under OAR 581-015-2700.

(27) "Private school" means an educational institution or agency not operated by a public agency.

(28) "Public agency" means a school district, an education service district, a state agency or institution, EI/ECSE contractor or subcontractor, responsible for early intervention, early childhood special education or special education.

(29) "Related services" includes transportation and such developmental, corrective and other supportive services as are required to assist a child with a disability to benefit from special education, and includes orientation and mobility services, speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation including therapeutic recreation, school health services and school nurse services, counseling services, including rehabilitation counseling services, social work services in schools, parent counseling and training, school health services and medical services for diagnostic or evaluation purposes, and includes early identification and assessment of disabling conditions in children. This definition incorporates the exception for services for children with surgically implanted devices, including cochlear implants, in 34 CFR § 300.34(b) and the definitions for individual related services in 34 CFR § 300.34(c).

(30) "School age child or children" means a child or children who have reached 5 years of age but have not reached 21 years of age on or before September 1 of the current school year.

(31) "Scientifically Based Research" is defined in section 9101(37) of the Elementary and Secondary Education Act of 1965, as amended ESEA.

(32) "School district" means the public education agency (school district, ESD, or state agency) that is responsible by statute, rule or contract for providing education to children with disabilities.

(33) "Services plan" is defined in OAR 581-015-2450.

(34) "Sheltered Workshop" is a facility in which individuals with disabilities, including intellectual or developmental disabilities, are congregated for the purpose of receiving employment services and performing work tasks for pay at the facility. A Sheltered Workshop primarily employs these individuals with the exception of service support staff. A Sheltered Workshop is a fixed site that is owned, operated, or controlled by a provider, where an individual has few or no opportunities to interact with nondisabled individuals, except paid support staff. A Sheltered Workshop is not Small Group Employment in an Integrated Employment Setting as defined in Executive Order 15-01, and is not otherwise an Integrated Employment Setting as defined in Executive Order 15-01.

(35) "Short term objectives" means measurable intermediate performance steps that will enable parents, students and educators to gauge, at intermediate times during the year, how well the child is progressing toward the annual goals by either:

(a) Breaking down the skills described in the goal into discrete components, or

(b) Describing the amount of progress the child is expected to make within specified segments of the year.

(36) "Special education" means specially designed instruction that is provided at no cost to parents to meet the unique needs of a child with a disability. "Special education" includes instruction that:

(a) May be conducted in the classroom, the home, a hospital, an institution, a special school or another setting; and

(b) May involve physical education services, speech-language services, transition services or other related services designated by rule to be services to meet the unique needs of a child with a disability.

(37) "Specially designed instruction" means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction:

(a) To address the unique needs of the child that result from the child's disability; and

(b) To ensure access of the child to the general curriculum, so that ~~he or she~~ the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

(38) "Supplementary aids and services" means aids, services and other supports that are provided in regular education classes or other education-related settings and in extracurricular and nonacademic settings to enable children with disabilities to be educated with children without disabilities to the maximum extent appropriate.

(39) "Superintendent" means the State Superintendent of Public Instruction or the designee of the State Superintendent of Public Instruction.

(40) "Surrogate parent" means an individual appointed under OAR 581-015-2320 for school age children or 581-015-2760 for preschool children who acts in place of a biological or adoptive parent in safeguarding a child's rights in the special education decision-making process.

(41) "Transition services" means a coordinated set of activities for a student with a disability that:

(a) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student to facilitate the student's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(b) Is based on the individual student's needs, taking into account the student's preferences and interests; and

(c) Includes:

(A) Instruction;

(B) Related services;

(C) Community experiences;

(D) The development of employment and other post-school adult living objectives; and

(E) If appropriate, acquisition of daily living skills and functional vocational evaluation; and

(d) May be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

(42) "Vision examination" means an examination conducted by;

(a) A person licensed to practice optometry under ORS chapter 683 or by the appropriate authority in another state; or

(b) A physician who specializes in ophthalmology and who is licensed under ORS chapter 677 or by the appropriate authority in another state.

~~(43)~~ "Ward of the state" means child who is in the temporary or permanent custody of, or committed to, the Department of Human Services or Oregon Youth Authority through the action of the juvenile court.

581-015-2127

Developmental Delay

(1) If a child is suspected of having a developmental delay, the following evaluation must be conducted:

(1) Definition of "Developmental Delay". "Developmental Delay" means,

(a) For early intervention, 2 standard deviations or more below the mean in one or more of the developmental areas or 1.5 standard deviations below the mean in two or more of the developmental areas;

(b) For early childhood and school age special education, 1.5 standard deviations or more below the mean in two or more of the developmental areas that:

(A) For age 3 to kindergarten, adversely affects the child's developmental progress;

(B) For kindergarten to age 9, adversely affects the student's educational performance.

(c) For the purposes of this rule, the developmental areas are: cognitive development, physical development, communication development, social or emotional development, and adaptive development.

(2) Comprehensive Evaluation: If a child is suspected of having a developmental delay, a comprehensive evaluation must be conducted for early intervention, early childhood special education or school age special education services, including the following:

(a) For early intervention:

(A) At least one norm-referenced, standardized test addressing the infant or toddler's level of functioning in each of the developmental areas;

(B) At least one additional procedure to confirm the infant or toddler's level of functioning in each area of suspected delay listed in this rule;

(C) At least one 20-minute observation of the infant or toddler;

(D) All evaluations and assessments of an infant or toddler must be conducted in the native language of the child, unless it is clearly not feasible to do so.

(b) For early childhood and school age special education:

(Aa) Developmental ~~h~~History as defined in OAR 581-015-2000~~(8)~~;

(Bb) At least one norm referenced, standardized test in each area of suspected delay;

~~(Cε)~~ At least one additional procedure to confirm the child's level of functioning in each area of suspected delay;

~~(Dδ)~~ At least one 20-minute observation of the child;

~~(e) Review of previous testing, medical data, and parent reports;~~

~~(Eφ)~~ Any additional assessments necessary to determine the impact of the suspected disability:

~~(iA) On the child's developmental progress for birth to 5~~
~~On the child's educational performance for a school-age child;~~ or

~~(iiB) On the child's educational performance for 5 to 21~~
~~On the child's developmental progress for a preschool child.;~~ and

~~(g) Other evaluative information as necessary to determine eligibility.~~

~~(c) For early intervention, early childhood special education, and school age special education:~~

~~(A) A review of previous testing, medical data, and parent reports; and~~

~~(B) Any other evaluative information as necessary to determine eligibility.~~

~~**(3) Eligibility Criteria:** To be eligible for services as a child with a developmental delay,~~

~~(a) For early intervention, the infant or toddler must meet one of the following minimum criteria.~~

~~(A) 2 or more standard deviations below the mean in one or more of the developmental areas;~~
~~or~~

~~(B) 1.5 or more standard deviations below the mean in two or more of the developmental areas; or~~

~~(C) Medical examination as defined in OAR 581-015-2000. Documentation of a medical examination which includes a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.~~

~~(b) For early childhood and school age special education, the child must meet the following minimum criteria:~~

~~(A) 1.5 or more standard deviations below the mean in two or more of the developmental areas;~~

~~(2) To be eligible for special education services as a child with a developmental delay, the child must meet all of the following minimum criteria. 1.5 or more standard deviations below the mean in two or more of the developmental areas:~~

~~(a) Cognitive development;~~

- ~~(b) Physical development;~~
- ~~(c) Communication development;~~
- ~~(d) Social or emotional development;~~
- ~~(e) Adaptive development.~~

(4) Eligibility Determination: To be eligible for special education services as a child with a developmental delay for early intervention, early childhood special education, or school age special education services, the eligibility team must also determine that:

(A) The child has a developmental delay as defined in this rule; and

(B) By reason thereof, the child requires early intervention (OAR 581-015-2780), early childhood special education (OAR 581-015-2795), or school age special education (OAR 581-015-2120) services.

~~(3) To be eligible for special education services as a child with a developmental delay, the eligibility team must also determine that:~~

~~(a) For a child age 3 to 5, the child's disability has an adverse impact on the child's developmental progress; or~~

~~(b) For a child age 5 through 9, the student's disability has an adverse impact on the student's educational performance.~~

~~(c) The child needs special education services as a result of the delay.~~

~~(d) The team has considered the child's special education eligibility, and determined that the eligibility is not due to a lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, phonics, vocabulary development; reading fluency/oral reading skills; and reading comprehension strategies); and is not due to a lack of appropriate instruction in math; and is not due to limited English proficiency; and is not due to another disability.~~

Autism Spectrum Disorder

(1) Definition of “Autism Spectrum Disorder”: For early intervention, early childhood special education, and school age special education, “Autism Spectrum Disorder” means a developmental disability that includes persistent deficits in social communication and social interaction across multiple contexts; and restricted, repetitive patterns of behavior, interests, or activities. Characteristics are generally evident before age three but may not become fully evident until social demands exceed limited capacities, or may be masked by learned strategies. Characteristics cause educationally and developmentally significant impairment in social, occupational, or other important areas of current functioning. The term does not apply if a child’s educational performance is adversely affected primarily because the child has an emotional behavior disability. However, a child who qualifies for special education under autism spectrum disorder may also have an emotional behavior disability as a secondary disability if the child meets the criteria under emotional behavior disability. The term “Autism Spectrum Disorder” is equivalent to the term “autism” used in 34 CFR § 300.8.

(2) Comprehensive Evaluation: If a child is suspected of having autism spectrum disorder, a comprehensive evaluation must be conducted for early intervention, early childhood special education or school age special education services, including the following:

~~(1) If a child is suspected of having an autism spectrum disorder, the following evaluations must be conducted:~~

(a) Developmental hHistory as defined in OAR 581-015-2000~~(8)~~.

(b) Information from parents and other knowledgeable individuals regarding the child’s historical and current characteristics that are associated with an autism spectrum disorder, including:

(A) Deficits in social communication and social interaction across multiple contexts as manifested by deficits in social-emotional reciprocity, nonverbal communicative behaviors used for social interaction, and developing, maintaining, and understanding relationships; and

(B) Restricted, repetitive patterns of behavior, interests, or activities, as manifested by stereotyped or repetitive motor movements, use of objects, or speech; insistence on sameness, inflexible adherence to routines, or ritualized patterns of verbal or nonverbal behavior; highly restricted, fixated interests that are abnormal in intensity or focus; hyper- or hypo-reactivity to sensory input or unusual interest in sensory aspects of the environment.

(c) Observations. Three observations of the child’s behavior; at least one of which involves direct interactions with the child, and at least one of which involves direct observation or video of the child’s interactions with one or more peers in an unstructured environment when possible, or with a familiar adult. The observations must occur in multiple environments, on at least two different days, and be completed by one or more licensed professionals knowledgeable about the behavioral characteristics of autism spectrum disorder.

(d) Social Communication Assessment. Assessments conducted by a speech and language pathologist licensed by the State Board of Examiners for Speech-Language Pathology and Audiology or the Teacher Standards and Practices Commission, in reference to developmental

expectations and that address the characteristics of autism spectrum disorder to develop a profile of:

(A) Functional receptive and expressive communication, encompassing both verbal (level of spoken language) and nonverbal skills;

(B) Pragmatics across natural contexts; and

(C) Social understanding and behavior, including social-emotional reciprocity.

(e) Standardized Autism Identification Tool. One or more valid and reliable standardized rating scales, observation schedules, or other assessments that identify core characteristics of autism spectrum disorder.

(f) ~~Medical Examination or Health Assessment.~~ Documentation of a medical examination ~~or health assessment~~ shall be completed for children age birth to five for initial eligibility determinations, and may be completed for children above age five, as determined necessary by the team. The purpose of a medical examination ~~or health assessment~~ is to ensure consideration of other health and/or physical factors that ~~, for a child age birth to 5,~~ may impact the child's developmental performance ~~for a child age 3-5 or, for a child age 5 to 21, may impact~~ the child's educational performance ~~for a child age 5-21.~~ A medical diagnosis of autism spectrum disorder is not required to determine eligibility.

(g) Vision and Hearing Screening. Review existing screening, ~~or, if none,~~ conduct a new screening.

(h) Other.

(A) Any additional assessments that may include, measures of cognitive, adaptive, academic, behavioral-emotional, executive function/self-regulation, or sensory processing necessary to determine the impact of the suspected disability:

(i) On the child's developmental progress for a child age ~~3~~ birth to 5; or

(ii) On the child's educational performance for a child age 5 to 21.

(B) Any additional evaluations or assessments necessary to identify the child's educational needs.

(3) Eligibility Criteria: ~~(2)~~ To be eligible as a child with ~~an~~ autism spectrum disorder for early intervention, early childhood special education, or school age special education services, the child must meet all of the following minimum criteria:

(a) The team must have documented evidence that the child demonstrates a pattern of characteristics defined as all three social communication deficits, and at least two of the four restricted, repetitive patterns of behavior, interests, or activities contained in this section:

(A) Child demonstrates persistent deficits in social communication and social interaction across multiple contexts, as evidenced by the all of the following, currently or by history (examples are illustrative, not exhaustive):

(i) Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions;

(ii) Deficits in nonverbal communicative behaviors used for social interaction, ranging, for example, from poorly integrated verbal and nonverbal communication; to abnormalities in eye contact and body language or deficits in understanding and use of gestures; to a total lack of facial expressions and nonverbal communication; and

(iii) Deficits in developing, maintaining, and understanding relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts; to difficulties in sharing imaginative play or in making friends; to absence of interest in peers.

(B) Restricted, repetitive patterns of behavior, interests, or activities, as evidenced by at least two of the following, currently or by history (examples are illustrative, not exhaustive):

(i) Stereotyped or repetitive motor movements, use of objects, or speech (e.g., simple motor stereotypes, lining up toys or flipping objects, echolalia, idiosyncratic phrases);

(ii) Insistence on sameness, inflexible adherence to routines, or ritualized patterns of verbal or nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to take the same route or eat the same food every day);

(iii) Highly restricted, fixated interests that are abnormal in intensity or focus (e.g., strong attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interests); or

(iv) Hyper- or hypo-reactivity to sensory input or unusual interest in sensory aspects of the environment (e.g., apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement).

(b) Characteristics are generally evident before age three, but may not have become fully evident until social demands exceed limited capacities, or may be masked by learned strategies.

(c) The characteristics of autism spectrum disorder are not better described by another established or suspected eligibility for special education services. A child may not be eligible for special education services on the basis of an autism spectrum disorder if the child's primary disability is an emotional [disturbance-behavior disability](#) under OAR 581-015-2145. However, a child with autism spectrum disorder as a primary disability may also have an emotional [disturbance-behavior disability](#) as a secondary disability.

(4) Eligibility Determination: ~~(3)~~ To be eligible for ~~special education~~ services as a child with ~~an~~ autism spectrum disorder, the eligibility team must also determine that:

[\(a\) The child has autism spectrum disorder as defined in this rule; and](#)

[\(b\) By reason thereof, the child requires early intervention \(OAR 581-015-2780\), early childhood special education \(OAR 581-015-2795\), or school age special education \(OAR 581-015-2120\) services.](#)

[\(a\) For a child age 3 to 5, the child's disability has an adverse impact on the child's developmental progress; or](#)

[\(b\) For a child age 5 to 21, the student's disability has an adverse impact on the student's educational performance.](#)

[\(c\) The child needs special education services as a result of the disability.](#)

[\(d\) The team has considered the child's special education eligibility, and determined that the eligibility is not due to a lack of appropriate instruction in reading, including the essential components of reading instruction \(phonemic awareness, phonics, vocabulary development;](#)

reading fluency/oral reading skills; and reading comprehension strategies); and is not due to a lack of appropriate instruction in math; and is not due to limited English proficiency.

Communication Disorder Speech or Language Impairment

(1) Definition of "Speech or Language Impairment": For early childhood and school age special education, "Speech or Language Impairment" means the impairment of speech articulation, voice, fluency, or the impairment or deviant development of language comprehension and/or expression, or the impairment of the use of a spoken or other symbol system that adversely affects educational performance. The language impairment may be manifested by one or more of the following components of language: morphology, syntax, semantics, phonology, and pragmatics.

(2) Comprehensive Evaluation: If a child is suspected of having a speech or language impairment, a comprehensive evaluation for early childhood or school age special education services must be conducted, including the following: ~~(1) If a child is suspected of having a communication disorder, the following evaluation must be conducted:~~

(a) Speech-language assessment. A speech and language assessment administered by a speech and language pathologist licensed by a State Board of Examiners for Speech-Language Pathology and Audiology or the Teacher Standards and Practices Commission, including:

(A) When evaluating syntax, morphology, semantics or pragmatics, a representative language sample and comprehensive standardized tests that assess expression and comprehension;

(B) When a voice disorder is suspected, a voice assessment scale; and

(C) When a fluency disorder is suspected, an observation in at least two settings;

(b) ~~Medical or health assessment statement.~~ For a child suspected of having a voice disorder, documentation of a medical statement examination by an otolaryngologist licensed by a State Board of Medical Examiners. For other than a voice disorder, if a medical ~~or health diagnosis information~~ is needed, documentation of a medical examination as defined in OAR 581-015-2000 a medical statement or health assessment statement describing relevant medical issues;

(c) Hearing evaluation or screening. An evaluation or screening of the child's hearing acuity and, if needed, a measure of middle ear functioning;

(d) Other.

(A) An evaluation of the child's oral mechanism, if needed;

(B) Any additional assessments necessary to determine the impact of the suspected disability:

(i) On the child's educational performance for a school-age child; or

(ii) On the child's developmental progress for a preschool child; and

(C) Any additional evaluations or assessments necessary to identify the child's educational needs.

(3) Eligibility Criteria: To be eligible as a child with a specific speech or language impairment for early childhood or school age special education services, the child must meet the following criteria: ~~(2) To be eligible as a child with a specific communication disorder, the child must meet the following minimum criteria:~~

(a) Voice disorder:

(A) The child demonstrates chronic vocal characteristics that deviate in at least one of the areas of pitch, quality, intensity or resonance;

(B) The child's voice disorder impairs communication or intelligibility; and

(C) The child's voice disorder is rated as moderate to severe on a voice assessment scale.

(b) Fluency disorder:

(A) The child demonstrates an interruption in the rhythm or rate of speech that is characterized by hesitations, repetitions, or prolongations of sounds, syllables, words or phrases;

(B) The child has a fluency disorder that interferes with communication and calls attention to itself across two or more settings; and

(C) The child demonstrates moderate to severe vocal dysfluencies or the child evidences associated secondary behaviors, such as struggling or avoidance as measured by a standardized measure.

(c) Phonological or articulation disorder:

(A) The child's phonology or articulation is rated significantly discrepant as measured by a standardized test; and

(B) The disorder is substantiated by a language sample or other evaluation(s).

(d) Syntax, morphology, pragmatic or semantic disorder:

(A) The child's language in the area of syntax, morphology, semantics or pragmatics is significantly discrepant as measured by standardized test(s) or other evaluation data; and

(B) The disorder is substantiated by a language sample or other evaluation(s).

(C) For a child to be eligible with a syntax, morphology, pragmatic or semantic disorder, the disorder is not the result of another disability.

(4) Eligibility Determination: For a child to be eligible for early childhood or school age special education services as a child with a speech or language impairment, the eligibility team must also determine that:

(a) The child has a speech or language impairment as defined in this rule; and

(b) By reason thereof, the child requires early intervention (OAR 581-015-2780), early childhood special education (OAR 581-015-2795), or school age special education (OAR 581-015-2120) services.~~(3) For a child to be eligible for special education services as a child with a communication disorder, the eligibility team must also determine that:~~

~~(a) The child's disability has an adverse impact on the child's educational performance; and~~

~~(b) The child needs special education services as a result of the disability.~~

(1) Definition of “Deafblindness”: For early intervention, early childhood special education, and school age special education, “Deafblindness” means having impairments in both hearing and vision, the combination of which causes such severe communication and other developmental and educational needs that the child cannot be accommodated in special education programs designed solely for students who are deaf or are hard of hearing or have a visual impairment.

(2) Comprehensive Evaluation: If a child is suspected of having deafblindness, a comprehensive evaluation must be conducted for early intervention, early childhood special education, or school age special education services, including the following: ~~(1) If a child is suspected of having deafblindness, the following evaluation must be conducted:~~

(a) The minimum evaluation procedures for ~~hearing impairment~~deaf or hard of hearing and vision impairment under OAR 581-015-2150 and 581-015-2180, respectively;

(b) If the child demonstrates inconsistent or inconclusive responses in an assessment of one sensory area, a functional assessment must be administered by a state licensed educator of the visually impaired, a state licensed educator of the ~~hearing impaired~~deaf or hard of hearing or an audiologist licensed by the State Board of Examiners for Speech-Language Pathology and Audiology.

(3) Eligibility Criteria: To be eligible as a child with deafblindness for early intervention, early childhood special education, or school age special education services, the child must meet one or more of the following minimum criteria: ~~(2) To be eligible as a child with deafblindness, the child must meet one or more of the following minimum criteria:~~

(a) The child meets the minimum criteria for both vision impairment and deaf or hard of hearing ~~hearing impairment~~ under OAR 581-015-2150 and 581-015-2180, respectively; or

(b) The child meets the minimum criteria for either vision impairment or deaf or hard of hearing ~~hearing impairment~~ and demonstrates inconsistent or inconclusive responses in an assessment of the other sensory area; or

(c) The child meets the minimum criteria for either vision impairment or deaf or hard of hearing ~~hearing impairment~~ and has a degenerative disease or pathology that affects the acuity of the other sensory area.

(4) Eligibility Determination: To be eligible for services as a child with deafblindness for early intervention, early childhood special education, or school age special education services, the eligibility team must also determine that:

(a) The child has deafblindness as defined in this rule; and

(b) By reason thereof, the child requires early intervention (OAR 581-015-2780), early childhood special education (OAR 581-015-2795), or school age special education (OAR 581-015-2120) services.

~~(3) For a child to be eligible for special education services as a child having deafblindness, the eligibility team must also determine that:~~

~~(a) The child's disability has an adverse impact on the child's educational performance; and~~

~~(b) The child needs special education services as a result of the disability.~~

(1) Definition of "Emotional Behavior Disability": For early childhood and school age special education, "Emotional Behavior Disability" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

(a) An inability to learn that cannot be explained by intellectual, sensory, or health factors;

(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(c) Inappropriate types of behavior or feelings under normal circumstances;

(d) A general pervasive mood of unhappiness or depression; or

(e) A tendency to develop physical symptoms or fears associated with personal or school problems;

(f) The term includes schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional behavior disability.

(2) Comprehensive Evaluation: If a child is suspected of having an emotional behavior disability, a comprehensive evaluation must be conducted for early childhood or school age special education services, including the following: ~~(1) If a child is suspected of having an emotional disturbance, the following evaluation must be conducted:~~

(a) Social-emotional evaluation. An evaluation of the child's emotional and behavioral status, including a developmental or social history, when appropriate.

(b) ~~Medical or health assessment statement examination.~~ If medical information is needed, documentation of a medical ~~statement or a health assessment statement examination~~ indicating whether there are any physical factors that may be affecting the child's educational performance;

(c) Behavior rating scales. The completion of at least two behavior-rating scales, at least one of which is a standardized behavior measurement instrument;

(d) Observation. An observation in the classroom and in at least one other setting by someone other than the child's regular teacher;

(e) Other:

(A) Any additional assessments necessary to determine the impact of the suspected disability:

(i) On the child's educational performance for a school-age child; or

(ii) On the child's developmental progress for a preschool child; and

(B) Any additional evaluations or assessments necessary to identify the child's educational needs.

(3) Eligibility Criteria: To be eligible as a child with an emotional behavior disability for early childhood or school age special education services, the child must exhibit one or more of the following characteristics over a long period of time and to a marked degree: (2)(a) To be eligible as a child with an emotional disturbance, the child must meet the following minimum criteria:

~~_(b) The child exhibits one or more of the following characteristics over a long period of time and to a marked degree:~~

(aA) An inability to learn that cannot be explained by intellectual, sensory, or health factors;

(bB) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(cC) Inappropriate types of behavior or feelings under normal circumstances;

(dD) A general pervasive mood of unhappiness or depression; or

(eE) A tendency to develop physical symptoms, or fears associated with personal, or school problems.

(4) Eligibility Determination: For a child to be eligible for early childhood or school age special education services as a child with an emotional behavior disability, the eligibility team must also determine that:

(a) The child has an emotional behavior disability as defined in this rule; and

(b) By reason thereof, the child requires early childhood special education (OAR 581-015-2795) or school age special education (OAR 581-015-2120) services; and

(c) A child who is socially maladjusted may not be identified as having an emotional behavior disability unless the child also meets the minimum criteria under this rule.

~~_(3) For a child to be eligible for special education services as a child with an emotional disturbance, the eligibility team must also determine that:~~

~~(a) The child's disability has an adverse impact on the child's educational performance; and~~

~~(b) The child needs special education services as a result of the disability;~~

~~(4) A child who is socially maladjusted may not be identified as having an emotional disturbance unless the child also meets the minimum criteria under this rule.~~

581-015-2150

Deaf or Hard of Hearing

(1) Definition of "Deaf or Hard of Hearing": (1) Early Intervention (birth through two in accordance with OAR 581-015-2700(10)); "Deaf or hard of hearing" means an impairment in hearing, whether permanent or fluctuating, that is so severe that the infant or toddler child is impaired in processing linguistic information through hearing, with or without amplification.

(a) For early intervention: this impairment in hearing must, currently affecting or hasve the potential to significantly affect an infant or toddler's developmental progress. ~~The~~ infant or toddler's hearing level does not need to be presently affecting their development for the infant or toddler to be eligible for eEarly intervention services.

b) For early childhood and school age special education: this impairment in hearing must adversely affect the child's developmental progress (age 3 to 5) or educational performance (age 5 to 21).

(2) Comprehensive Evaluation: If a child is suspected of being deaf or hard of hearing, a comprehensive evaluation for early intervention, early childhood special education, or school age special education services must be conducted, including the following: (2) Early Intervention: If an infant or toddler is suspected of being deaf or hard of hearing, a comprehensive evaluation must be conducted, including the following:

(a) Documentation of A an audiological assessment given by an audiologist licensed under ORS chapter 681 or by the appropriate authority in another state as defined in OAR 581-015-2000;

(A) The audiological assessment must indicate whether the hearing loss is conductive hearing loss or sensorineural hearing loss.

(B) For conductive hearing loss, a medical examination as defined in OAR 581-015-2000 that documents whether the hearing loss is treatable.

(b) For conductive hearing loss, a medical examination indicating the hearing loss identified by an audiologist licensed under ORS chapter 681 or by the appropriate authority in another state and determined to be untreatable by:

(A) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;

(B) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state;

(C) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state; or

(D) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;

~~(c) For sensorineural hearing loss, documentation indicating the hearing loss identified by an audiologist licensed by an appropriate state authority under ORS chapter 681 or by the appropriate authority in another state is determined to be sensorineural; and~~

~~(bd) For early intervention, a~~Any additional evaluations or assessments necessary to identify the infant or toddler's needs.

~~(c) For early childhood and school age special education: Any additional assessments necessary to determine the impact of the suspected disability:~~

~~(A) On the child's developmental progress for a preschool child (age 3 through 5); or~~

~~(B) On the child's educational performance for a school-age child (age 5 through 21); and~~

~~(C) Any additional evaluations or assessments necessary to identify the child's developmental or educational needs.~~

~~(3) Early Intervention Eligibility Criteria:~~ To be eligible as an infant or toddler who is deaf or hard of hearing for early intervention, early childhood special education, or school age special education, the infant or toddler child must meet the following criteria

~~(a) The infant or toddler child~~ must have hearing thresholds in at least one ear of 25 dBHL or greater at two or more consecutive frequencies at 500 Hz, 1000 Hz, 2000 Hz, 4000 Hz, 6000 Hz and 8000 Hz; or

~~(b) The hearing loss is due to auditory neuropathy spectrum disorder (ANSO) or aural microtia/atresia, as determined by documentation of:~~

~~(A) An audiological assessment as defined by OAR 581-015-2000. given by an audiologist licensed under ORS chapter 681 or by the appropriate authority in another state;~~

~~(B) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;~~

~~(C) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state;~~

~~(D) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state; or~~

~~(E) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state.~~

~~(4) Eligibility Determination~~ Early Intervention: For an infant or toddler child to be eligible for Early intervention, early childhood special education, or school age special education services as a child n ~~infant or toddler~~ who is deaf or hard of hearing, the eligibility team must determine that:

(a) The ~~infant or toddler~~child is deaf or hard of hearing as defined in this rule; and

(b) ~~By reason thereof, the child requires early intervention (OAR 581-015-2780), early childhood special education (OAR 581-015-2795), or school age special education (OAR 581-015-2120) services. The infant or toddler is eligible for Early Intervention services in accordance with OAR 581-015-2780.~~

~~(5) Early Childhood Special Education (age 3 through 5) and School Age (age 5 through 21); "Deaf or hard of hearing" means an impairment in hearing, whether permanent or fluctuating, that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's developmental progress (age 3 through 5) or educational performance (age 5 through 21).~~

~~(6) Early Childhood Special Education and School Age: If a child is suspected of being deaf or hard of hearing, a comprehensive evaluation must be conducted, including the following:~~

~~(a) An audiological assessment given by an audiologist licensed under ORS chapter 681 or by the appropriate authority in another state;~~

~~(b) For conductive hearing loss, a medical examination indicating the hearing loss identified by an audiologist licensed under ORS chapter 681 or by the appropriate authority in another state and determined to be untreatable by:~~

~~(A) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;~~

~~(B) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state;~~

~~(C) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state; or~~

~~(D) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;~~

~~(c) For sensorineural hearing loss, documentation indicating the hearing loss identified by an audiologist licensed by an appropriate state authority under ORS chapter 681 or by the appropriate authority in another state is determined to be sensorineural; and~~

~~(d) Other:~~

~~(A) Any additional assessments necessary to determine the impact of the suspected disability:~~

~~(i) On the child's developmental progress for a preschool child (age 3 through 5); or~~

~~(ii) On the child's educational performance for a school-age child (age 5 through 21); and~~

~~(B) Any additional evaluations or assessments necessary to identify the child's developmental or educational needs.~~

~~(7) Early Childhood Special Education and School Age: To be eligible as a child who is deaf or hard of hearing, the child must meet one of the following criteria:~~

~~(a) The child must have hearing thresholds in at least one ear of 25 dBHL or greater at two or more consecutive frequencies at 500 HZ, 1000 HZ, 2000 HZ, 4000 HZ, 6000 HZ and 8000 HZ; or~~

~~(b) The hearing loss is due to auditory neuropathy spectrum disorder (ANSD) or aural microtia/atresia, as determined by:~~

~~(A) An audiological assessment given by an audiologist licensed under ORS chapter 681 or by the appropriate authority in another state;~~

~~(B) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;~~

~~(C) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state;~~

~~(D) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state; or~~

~~(E) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state.~~

~~(8) For a child to be eligible for special education services as a child who is deaf or hard of hearing, the eligibility team must determine that:~~

~~(a) The child is deaf or hard of hearing as defined in this rule; and~~

~~(b) The child is eligible for special education services in accordance with OAR 581-015-2795 and/or OAR 581-015-2120.~~

(1) Definition of Intellectual Disability: For early childhood and school age special education, “Intellectual Disability” means significantly subaverage general intellectual functioning, and includes a student whose intelligence test score is two or more standard deviations below the norm on a standardized individual intelligence test, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, and that adversely affects a child's educational performance.

(2) Comprehensive Evaluation: If a child is suspected of having an intellectual disability, a comprehensive evaluation for early childhood or school age special education services must be conducted, including the following: ~~(1) If a child is suspected of having an intellectual disability, the following evaluation must be conducted:~~

(a) Intelligence test. An individually administered standardized intelligence test meeting the reliability and validity standards of the American Psychological Association and administered by a licensed school psychologist, a psychologist licensed by the State Board of Psychological Examiners, or other individual assigned by a school district who has the training and experience to administer and interpret individually administered intelligence tests;

(b) Adaptive behavior scale. The administration of a valid adaptive behavior scale;

~~(c) Medical or health assessment statement examination. If medical information is needed, documentation of a medical examination as defined in OAR 581-015-2000 describing relevant medical issues or A medical statement or a health assessment statement indicating whether there are any sensory or physical factors that may be affecting the child's educational performance;~~

~~(d) Developmental history as defined in OAR 581-015-2000. A developmental history of the child;~~

(e) Other:

(A) Any additional assessments necessary to determine the impact of the suspected disability:

(i) On the child's educational performance for a ~~school-age~~ child age 5 to 21; or

(ii) On the child's developmental progress for a ~~preschool~~ child age birth to 5; and

(B) Any additional evaluations or assessments necessary to identify the child's educational needs.

(3) Eligibility Criteria: To be eligible as a child with an intellectual disability for early childhood or school age special education services, the child must meet all of the following minimum criteria: ~~(2) To be eligible as a child with an intellectual disability, the child must meet all of the following minimum criteria:~~

- (a) The child's intelligence test score is 2 or more standard deviations below the mean;
- (b) The child has deficits in adaptive behavior coexistent with the child's impairment in intellectual functioning;
- (c) The child's developmental level or educational achievement is significantly below age or grade norms; and
- (d) The child's developmental or educational problems are not primarily the result of sensory disabilities or other physical factors.

(4) Eligibility Determination: For a child to be eligible for early childhood or school age special education services as a child with an intellectual disability, the eligibility team must also determine that:

- (a) The child has an intellectual disability as defined in this rule; and
 - (b) By reason thereof, the child requires early childhood special education (OAR 581-015-2795) or school age special education (OAR 581-015-2120) services.
- ~~3) For a child to be eligible for special education services as a child with an intellectual disability, the eligibility team must also determine that:~~
- ~~(a) The child's disability has an adverse impact on the child's educational performance; and~~
 - ~~(b) The child needs special education services as a result of the disability.~~

581-015-2160

Orthopedic Impairment

(1) Definition of "Orthopedic Impairment": For early intervention, early childhood special education, and school age special education, "Orthopedic Impairment" means a motor disability that adversely affects an infant or toddler's development or a child's educational performance. The term includes impairments caused by an anomaly, disease or other conditions (e.g., cerebral palsy, spina bifida, muscular dystrophy or traumatic injury).

(2) Comprehensive Evaluation: If a child is suspected of having an orthopedic impairment, a comprehensive evaluation must be conducted for early intervention, early childhood special education, or school age special education services, including the following: ~~(1) If a child is suspected of having an orthopedic impairment, the following evaluation must be conducted:~~

(a) ~~Medical or health assessment statement examination.~~ A Documentation of a medical statement or a health assessment statement examination as defined OAR 581-015-2000 indicating a diagnosis of an orthopedic or neuromotor impairment or a description of the motor impairment;

(b) Motor assessment. A standardized motor assessment, including the areas of fine motor, gross motor and self-help, when appropriate, by a specialist knowledgeable about orthopedic or neuromotor development;

(c) Other:

(A) Any additional assessments necessary to determine the impact of the suspected disability:

(i) On the child's educational performance for a ~~school-age~~ child age 3 to 21; or

(ii) On the child's developmental progress for a ~~preschool~~ child age birth to 5; and

(d) Any additional evaluations or assessments necessary to identify the child's educational needs.

(3) Eligibility Criteria: To be eligible as a child with an orthopedic impairment for early intervention, early childhood special education, or school age special education services, the child must meet all of the following minimum criteria: ~~(2) To be eligible as a child with an orthopedic impairment, the child must meet all of the following minimum criteria:~~

(a) The child has a motor impairment that results in deficits in the quality, speed or accuracy of movement. These deficits must be documented by a score of two or more standard deviations below the mean in fine motor skills, gross motor skills, or self-help skills, or functional deficits in at least two of these three motor areas; and

(b) The child's condition is permanent or is expected to last for more than 60 calendar days.

(4) Eligibility Determination: To be eligible for services as a child with an orthopedic impairment for early intervention, early childhood special education, or school age special education services, the eligibility team must also determine that:

(a) The child has an orthopedic impairment as defined in this rule; and

(b) By reason thereof, the child requires early intervention (OAR 581-015-2780), early childhood special education (OAR 581-015-2795), or school age special education (OAR 581-015-2120) services.

~~(3) For a child to be eligible for special education services as a child with an orthopedic impairment, the eligibility team must also determine that:~~

~~(a) The child's disability has an adverse impact on the child's educational performance; and~~

~~(b) The child needs special education services as a result of the disability.~~

581-015-2165

Other Health Impairment

(1) Definition of "Other Health Impairment": For early childhood and school age special education, "Other Health Impairment" means limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that:

(a) Is due to chronic or acute health problems (e.g. a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, attention deficit disorder, attention deficit hyperactivity disorder, leukemia, Tourette's syndrome or diabetes); and

(b) Adversely affects a child's educational performance.

(2) Comprehensive Evaluation: If a child is suspected of having an other health impairment, a comprehensive evaluation must be conducted for early childhood or school age special education services, including the following: ~~(1) If a child is suspected of having an other health impairment, the following evaluation must be conducted:~~

~~(a) Medical examination. Documentation of a or health assessment statement. A medical statement or a health assessment statement examination as defined in OAR 581-015-2000, indicating a diagnosis of a health impairment or a description of the impairment, and a statement that the child's condition is permanent or is expected to last for more than 60 calendar days;~~

~~(b) Other:~~

~~(A) Any additional assessments necessary to determine the impact of the suspected disability:~~

~~(i) On the child's educational performance for a school-age child age 5 to 21; or~~

~~(ii) On the child's developmental progress for a preschool child age 3 to 5; and~~

~~(B) Any additional evaluations or assessments necessary to identify the child's educational needs.~~

(3) Eligibility Criteria:~~(2)~~b -To be eligible as a child with an other health impairment for early childhood or school age special education services, the child must meet all of the minimum criteria:

(a) The child exhibits limited strength, vitality or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment;

(b) The child's limited strength, vitality or alertness is due to a chronic or acute health problem; and

(c) The child's condition is permanent or expected to last for more than 60 calendar days.

(4) Eligibility Determination: For a child to be eligible for early childhood or school age special education services as a child with an other health impairment, the eligibility team must also determine that:

(a) The child has an other health impairment as defined in this rule; and

(b) By reason thereof, the child requires early childhood special education (OAR 581-015-2795) or school age special education (OAR 581-015-2120) services.

~~(3) For a child to be eligible for special education services as a child with an other health impairment, the eligibility team must also determine that:~~

~~(a) The child's disability has an adverse impact on the child's educational performance; and~~

~~(b) The child needs special education services as a result of the disability.~~

(1) Definition of “Specific Learning Disability”: For early childhood and school age special education, “Specific Learning Disability” means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. Specific learning disability includes conditions such as perceptual disabilities, brain injury, dyslexia, minimal brain dysfunction, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, intellectual disability, emotional behavior disability, or environmental, cultural, or economic disadvantage.

(2) Comprehensive Evaluation: If a child is suspected of having a specific learning disability, a comprehensive evaluation must be conducted for early childhood or school age special education services, including the following: ~~(1) If a child is suspected of having a specific learning disability, the following evaluation must be conducted:~~

(a) Academic assessment. An assessment of the child's academic achievement toward Oregon grade-level standards;

(b) Review. A review of cumulative records, previous IEPs or IFSPs and teacher collected work samples;

(c) Observation. An observation of the child in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty, which must consist of:

(A) Information from an observation by a qualified professional in routine classroom instruction and monitoring of the child's performance before the child was referred for an evaluation; or

(B) An observation conducted by a qualified professional (who is a member of the evaluation team) of the child's academic performance in a regular classroom after the child has been referred for an evaluation and parent consent obtained; or

(C) For a child who is less than school age or out of school, an observation in an age-appropriate environment.

(d) Progress monitoring data, including:

(A) Data that demonstrate that before, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and

(B) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress that is directly linked to instruction.

(e) For a student evaluated using a response to intervention model as part of a comprehensive evaluation process to determine if the child has a specific learning disability, the evaluation must include documentation of:

(A) The type, intensity, and duration of scientific, research-based instructional intervention(s) provided in accordance with the district's response to intervention model;

(B) The student's rate of progress during the instructional intervention(s);

(C) A comparison of the student's rate of progress to expected rates of progress.

(D) Progress monitoring on a schedule that:

(i) Allows a comparison of the student's progress to the performance of peers;

(ii) Is appropriate to the student's age and grade placement;

(iii) Is appropriate to the content monitored; and

(iv) Allows for interpretation of the effectiveness of intervention.

(f) For a student evaluated using a model that is based on the student's strengths and weaknesses, the evaluation must include an assessment of the student's strengths and weaknesses in classroom performance and academic achievement, relative to age, Oregon grade-level standards, or intellectual development.

(g) Other:

(A) If needed, a developmental history;

(B) If needed, an assessment of cognition, fine motor, perceptual motor, communication, social or emotional, and perception or memory if the child exhibits impairment in one or more these areas;

(C) If needed, a medical statement or health assessment indicating whether there are any physical factors that may be affecting the child's educational performance; and

(D) Any other assessments required to determine the impact of the suspected disability:

(i) On the child's educational performance for a school-age child; or

(ii) On the child's developmental progress for a preschool child.

(3) Eligibility Team: ~~(2)~~ For consideration of eligibility in the area of specific learning disabilities, the eligibility team must include:

(a) A group of qualified professionals and the parent;

(b) The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of his or her age, or, for a child of less than school age, a preschool teacher; and

(c) A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or other qualified professional.

(4) Eligibility Criteria: To be eligible as a child with a specific learning disability for early childhood or school age special education services, the child must meet all of the minimum criteria: ~~(3) To be eligible as a child with a specific learning disability, the child must meet the following minimum criteria:~~

(a) The child does not achieve adequately for the child's age or to meet Oregon grade-level standards in one or more of the following areas when provided with learning experiences and instruction appropriate for the child's age or Oregon grade-level standards:

(A) Basic reading skills:

(B) Reading fluency skills;

(C) Reading comprehension;

(D) Mathematics calculation;

(E) Mathematics problem-solving;

(F) Written Expression;

(G) Oral expression; or

(H) Listening comprehension.

(b) For a student evaluated using a response to intervention model, in relation to one or more of the areas in subsection (3)(a), the student does not make sufficient progress to meet age or Oregon grade-level standards based on the student's response to scientific, research-based intervention.

(c) For a student evaluated using a model that is based on the student's strengths and weaknesses, in relation to one or more of the areas in subsection (3)(a), the student exhibits a pattern of strengths and weaknesses in classroom performance, academic achievement, or both, relative to age, Oregon grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability.

(d) The child's rate of progress in subsection (3)(b) or pattern of strengths and weaknesses in subsection (3)(c) is not primarily the result of:

(A) A visual, hearing, or motor impairment; intellectual disability or emotional disturbance;

(B) Cultural factors;

- (C) Environmental or economic disadvantage; or
- (D) Limited English proficiency.

(5) Eligibility Determination: For a child to be eligible for early childhood or school age special education services as a child with a specific learning disability, the eligibility team must also determine that:

- (a) The child has a specific learning disability as defined in this rule; and
- (b) By reason thereof, the child requires early childhood special education (OAR 581-015-2795) or school age special education (OAR 581-015-2120) services. ~~(4) For a child to be eligible for special education services as a child with a specific learning disability, the eligibility team must also determine that:~~

- ~~(a) The child's disability has an adverse impact on the child's educational performance; and~~
- ~~(b) The child needs special education services as a result of the disability.~~

(6) Eligibility Report: ~~(5)~~ The eligibility team must prepare an evaluation report and written statement of eligibility documenting its findings, including:

- (a) The evaluation data considered in determining the child's eligibility;
- (b) A determination of whether the child meets the minimum criteria for a specific learning disability;
- (c) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;
- (d) The educationally relevant medical findings, if any;
- (e) If the child participated in a response to intervention process, documentation that the parents were notified in a timely manner about: the state's policies regarding the amount and nature of student performance data that would be collected, and the general education services that would be provided, as part of the response to intervention process; strategies for increasing the child's rate of learning; and the parent's right to request an evaluation.
- (f) The determination of the team concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level; and
- (g) A determination of whether the primary basis for the suspected disability is:
 - (A) A lack of appropriate instruction in reading or math; or
 - (B) Limited English proficiency;

(h) A determination of whether the child's disability has an adverse impact on the child's educational performance;

(i) A determination of whether, as a result of the disability, the child needs special education services; and

(j) The signature of each member of the team indicating agreement or disagreement with the eligibility determination.

(1) Definition of Traumatic Brain Injury: For early intervention, early childhood special education, and school age special education, **(1) Early Intervention (birth through two in accordance with OAR 581-015-2700(10)):** "Traumatic Brain Injury" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech ~~currently affecting or has the potential to significantly affect an infant or toddler's developmental progress. The infant or toddler's disability does not need to be presently affecting their development for the infant or toddler to be eligible for Early Intervention services.~~ Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma. Students with brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma, are not eligible under the category of traumatic brain injury but may be eligible under a different category.

(a) For early intervention: The impairments should currently affecting or haves the potential to significantly affect an infant or toddler's developmental progress. The infant or toddler's disability does not need to be presently affecting their development for the infant or toddler to be eligible for eEarly iIntervention services.

(b) For early childhood and school age special education: The acquired injury to the brain must adversely affects a child's developmental progress (age 3 to 5) or educational performance (age 5 to 21).

(2) Early Intervention Comprehensive Evaluation: ~~If an infant or toddler a child~~ is suspected of having a traumatic brain injury, a comprehensive evaluation must be conducted, including the following:

(a) A medical examination as defined in OAR 581-015-2000 or, with documentation of sufficient efforts by the Local Education Agency to obtain appropriate medical information through a medical examination and evidence that such information cannot be obtained, guided credible history interview process indicating that an event may have resulted in a traumatic brain injury ~~as defined in subsections (1) and (3);~~

~~(A) A medical examination must be conducted by:~~

~~(i) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;~~

~~(ii) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;~~

~~(iii) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state; or~~

~~(iv) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state.~~

(bB) The guided credible history interview process is an interview facilitated by an individual familiar with the symptoms of a traumatic brain injury to thoroughly explore a family's report of a possible traumatic brain injury. The guided credible history interview process must:

- (Ai) Document one or more traumatic brain injuries,
- (iiB) Be reported by a reliable and credible source, and
- (iiiC) Be corroborated by more than one reporter.

(bc) A psychological assessment. A comprehensive psychological assessment using a battery of instruments intended to identify deficits associated with a traumatic brain injury administered and interpreted by a school psychologist licensed by Oregon Teacher Standards and Practices Commission (TSPC), a psychologist or a psychologist associate licensed under Chapter 675 by the Oregon Board of Psychological Examiners (OBPE), or in the case of a student from another state an individual similarly credentialed in another state;

(de) A developmental history as defined in OAR 581-015-2000~~(9)~~; and

(ed) Other:

(A) Other assessments including, but not limited to, motor assessments if the ~~infant or toddler~~child exhibits motor impairments; communication assessments if the ~~infant or toddler~~child exhibits communication disorders; and psychosocial assessments if the ~~infant or toddler~~child exhibits changed behavior. These assessments must be completed by qualified personnel knowledgeable in the specific area being assessed;

(B) Other information related to the ~~infant or toddler's~~child's suspected disability, including pre-injury performance and a current measure of adaptive ability;

(C) An observation in at least two different settings;

(i) For early childhood and school age special education: an observation in the classroom and in at least one other setting;

(D) Any additional assessments necessary to determine the impact of the suspected disability.

(i) On the child's developmental progress for a child age birth to 5; or

(ii) On the child's educational performance for a child age 5 to 21.

(3) Eligibility Criteria: ~~(3) Early Intervention:~~ To be eligible as an ~~infant or toddler~~child with a traumatic brain injury for early intervention, early childhood special education, or school age special education services, the ~~infant or toddler~~child must meet all of the following criteria:

(a) The ~~infant or toddler~~child has an acquired injury to the brain caused by an external physical force;

(b) The ~~infant or toddler's~~child's condition is permanent or expected to last for more than 60 calendar days; and

(c) The ~~infant or toddler's~~child's injury results in an impairment of one or more of the following areas:

(A) Communication;

(B) Behavior;

(C) Cognition, memory, attention, abstract thinking, judgment, problem-solving, reasoning, and/or information processing; or

(D) Sensory, perceptual, motor, and/or physical abilities.

~~(4) Eligibility Determination:~~**(4) Early Intervention:** For an ~~infant or toddler~~ a child to be eligible for early intervention, early childhood special education, or school age special education services~~Early Intervention services~~, as a child ~~n~~ ~~infant or toddler~~ with a traumatic brain injury, the eligibility team must determine that:

(a) The ~~infant or toddler~~child has a traumatic brain injury as defined in this rule; and

(b) By reason thereof, the child requires early intervention (OAR 581-015-2780), early childhood special education (OAR 581-015-2795), or school age special education (OAR 581-015-2120) services.~~The infant or toddler is eligible for Early Intervention services in accordance with OAR 581-015-2780.~~

~~(5) Early Intervention:~~ Students with brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma, are not eligible under the category of traumatic brain injury but may be eligible under a different category.

~~(6) Early Childhood Special Education (age 3 through 5) and School Age (age 5 through 21):~~ "Traumatic Brain Injury" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's developmental progress (age 3 through 5) or educational performance (age 5 through 21). Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

~~(7) **Early Childhood Special Education and School Age:** If a child is suspected of having a traumatic brain injury, a comprehensive evaluation must be conducted, including the following:~~

~~(a) A medical examination or, with documentation of sufficient efforts by the Local Education Agency to obtain appropriate medical information through a medical examination and evidence that such information cannot be obtained, guided credible history interview process indicating that an event may have resulted in a traumatic brain injury as defined in subsections (6) and (8);~~

~~(A) Medical examinations must be conducted by:~~

~~(i) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;~~

~~(ii) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;~~

~~(iii) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state; or~~

~~(iv) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state.~~

~~(B) The guided credible history interview process is an interview facilitated by an individual familiar with the symptoms of a traumatic brain injury to thoroughly explore a family's report of a possible traumatic brain injury. The guided credible history interview process must:~~

~~_____ (i) Document one or more traumatic brain injuries;~~

~~_____ (ii) Be reported by a reliable and credible source, and~~

~~_____ (iii) Be corroborated by more than one reporter.~~

~~(b) A psychological assessment. A comprehensive psychological assessment using a battery of instruments intended to identify deficits associated with a traumatic brain injury administered and interpreted by a school psychologist licensed by Oregon Teacher Standards and Practices Commission (TSPC), a psychologist or a psychologist associate licensed under Chapter 675 by the Oregon Board of Psychological Examiners (OBPE), or in the case of a student from another state an individual similarly credentialed in another state;~~

~~(c) A developmental history as defined in OAR 581-015-2000(9); and~~

~~(d) Other:~~

~~(A) Other assessments including, but not limited to, motor assessments if the child exhibits motor impairments; communication assessments if the child exhibits communication disorders; and psychosocial assessments if the child exhibits changed behavior. These assessments must be completed by educators knowledgeable in the specific area being assessed;~~

~~(B) Other information related to the child's suspected disability, including pre-injury performance and a current measure of adaptive ability;~~

~~(C) An observation in the classroom and in at least one other setting;~~

~~(D) Any additional assessments necessary to determine the impact of the suspected disability:~~

~~(i) On the child's developmental progress for a preschool child (age 3 through 5); or~~

~~(ii) On the child's educational performance for a school-age child (age 3 through 5); and~~

~~(E) Any additional evaluations or assessments necessary to identify the child's educational needs.~~

~~(8) **Early Childhood Special Education and School Age:** To be eligible as a child with a traumatic brain injury, the child must meet all of the following criteria:~~

~~(a) The child has an acquired injury to the brain caused by an external physical force;~~

~~(b) The child's condition is permanent or expected to last for more than 60 calendar days; and~~

~~(c) The child's injury results in an impairment of one or more of the following areas:~~

~~(A) Communication;~~

~~(B) Behavior;~~

~~(C) Cognition, memory, attention, abstract thinking, judgment, problem-solving, reasoning, and/or information processing; or~~

~~(D) Sensory, perceptual, motor and/or physical abilities.~~

~~(9) **Early Childhood Special Education and School Age:** For a child to be eligible for special education services as a child with a traumatic brain injury, the eligibility team must determine that:~~

~~(a) The child has a traumatic brain injury as defined in this rule; and~~

~~(b) The child is eligible for special education services in accordance with OAR 581-015-2795 and/or OAR 581-015-2120.~~

~~(10) **Early Childhood Special Education and School Age:** Students with brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma, are not eligible under the category of traumatic brain injury but may be eligible under a different category.~~

-

(1) Definition of Visual Impairment: For early intervention, early childhood special education, and school age special education, “Visual Impairment” means an impairment in vision that, even with correction, adversely affects an infant or toddler’s development or a child’s educational performance. The term visual impairment includes low vision, total blindness, limited visual acuity after correction, restricted visual field, and progressive eye conditions.

(2) Comprehensive Evaluation: If a child is suspected of having a visual impairment, a comprehensive evaluation must be conducted for early intervention, early childhood special education, or school age special education services, including the following: ~~(1) If a child is suspected of having a visual impairment, the following evaluation must be conducted:~~

~~(a) Documentation of Aa vision examination examination by a person licensed to practice optometry under ORS chapter 683 or by the appropriate authority in another state or a physician who specializes in ophthalmology and who is licensed under ORS 677 or by the appropriate authority in another state as defined in OAR 581-015-2000.~~ The vision examination should indicate whether:

(A) The child has a vision impairment that is uncorrectable by medical treatment, therapy or lenses; or

(B) The vision examination results are inconclusive, and the child demonstrates inadequate use of residual vision;

(b) A functional vision assessment conducted by a teacher of the visually impaired to identify the child's educational and compensatory needs, including a functional assessment of the child's residual visual acuity or field of vision; and

(c) Any additional assessments determined by the evaluation team to be necessary to determine the impact of the suspected disability:

(A) On the child's educational performance for a ~~school-age~~ child age 5 to 21; or

(B) On the child's developmental progress for a ~~preschool~~ child age birth to 5.

(3) Eligibility Criteria & Determination: For a child to be eligible for services as a child with a visual impairment, the eligibility team must determine that:

(a) The child has a visual impairment as defined in this rule; and

(b) By reason thereof, the child requires early intervention (OAR 581-015-2780), early childhood special education (OAR 581-015-2795), or school age special education (OAR 581-015-2120) services.

~~(2) For a child to be eligible for special education services as a child with visual impairment, the eligibility team must determine that:~~

~~(a) The child's visual impairment, even with corrections, has an adverse impact on the child's educational performance; and~~

~~(b) The child needs special education services as a result of the disability.~~

Speech or Language Impairment

(1) Speech or language impairment as defined under OAR 581-015-2000(4)(b)(B).

(2) If a child is suspected of having a speech or language impairment, an evaluation consistent with OAR 581-015-2110 must be conducted.

(a) The comprehensive evaluation must include the following components:

(A) A speech and/or language evaluation administered by a speech-language pathologist licensed by the Board of Examiners for Speech-Language Pathology and Audiology under ORS 681 or in the case of a student transferring in from another state, by a speech language pathologist licensed or appropriately certified in that state;

(B) A variety of least biased assessment tools and strategies to gather relevant functional, developmental, and academic information about the child;

(C) Information provided by the parent or guardian;

(D) Technically sound instruments, which may include standardized tests, functional measures, speech and language samples, functional communication checklists, criterion-referenced assessments, oral motor examination, classroom observation, classroom performance measures, dynamic assessments, reference to developmental norms, competency checklists and/or curriculum-based assessments;

(E) Medical examination.

(i) For communication disorders other than voice, such as language, speech, and/or fluency, a medical examination is not required, but may be completed if the evaluation team determines that it is necessary. Any medical examination must be conducted in accordance with OAR 581-015-2000(20).

(ii) For a child suspected of having a voice disorder, a medical examination is required to be completed by an otolaryngologist licensed under ORS chapter 677 or by the appropriate authority in another state;

(F) Information regarding hearing and vision. The child must be assessed in all areas related to the suspected disability, including, if appropriate, vision and/or audiological evaluations based on screening results; and/or

(G) Other:

(i) Any additional assessments necessary to determine the impact of the suspected disability:

(I) On the child's developmental progress for a preschool child (age 3 through 5);
or

(II) On the child's educational performance for a school-age child (age 5 through 21); and

(ii) Any additional evaluations or assessments necessary to identify the child's developmental or educational needs.

(3) For a child to be eligible for special education services as a child with a speech or language impairment, the eligibility team must determine that the child meets the following criteria:

(a) Presents with a communication disorder in areas such language, speech sound production, fluency, or voice, based on the evaluation components described in 581-015-2135(2); and

(b) Adversely affects a child's developmental progress (age 3 through 5) and/or educational performance (age 5 through 21) based on the evaluation components described in 581-015-2135(2). Adverse impact is determined on a case-by-case basis, depending on the unique needs of a particular child and not based only on discrepancies in age or grade performance in academic subject areas; and

(c) Needs special education or related services for the speech or language impairment in order to participate in the general education curriculum.

(4) For a child to be eligible for special education services as a child with a speech or language impairment, the eligibility team must determine that:

(a) The child has a speech or language impairment as defined in this rule; and

(b) The child is eligible for special education services in accordance with OAR 581-015-2795 and/or OAR 581-015-2120.

Statutory/Other Authority: ORS 343.035(1), 343.045, 343.146 & 343.157;

Statutes/Other Implemented: ORS 343.035(1), 343.045, 343.146, 343.157, 34 CFR 300.8, 300.304 & 300.306

History:

Renumbered from 581-015-0051, ODE 10-2007, f. & cert. ef. 4-25-07

ODE 2-2003, f. & cert. ef. 3-10-03

ODE 8-2001, f. & cert. ef. 1-29-01

ODE 11-2000, f. 5-3-00, cert. ef. 7-1-00

EB 22-1995, f. & cert. ef. 9-15-95

EB 16-1992, f. & cert. ef. 5-13-92

EB 25-1991(Temp), f. & cert. ef. 11-29-91

1EB 7-1986, f. & ef. 2-24-86

Reverted to 1EB 29-1978, f. & ef. 7-20-78

1EB 18-1983(Temp), f. & ef. 12-20-83

1EB 29-1978, f. & ef. 7-20-78

Changes discussed and rejected:

1) **Adding language to qualify the severity of the delay/disorder with a term such as “significantly discrepant.”** “Significantly discrepant” was applied to specific learning disability (not Communication Disorders) in IDEA and was intentionally removed in 2004. If language is added to specify degree of severity, it naturally needs a measure by which to determine that, which leads to an inappropriate reliance on standardized tests.

2) **Defining scores for eligibility criteria to create more consistent eligibility determination across the state.** Many communication disorders (i.e., voice, dysarthria) cannot be measured by standardized tests. For many populations (i.e., cultural and racial diverse populations, multilingual students, children with hearing loss), administering standardized tests and reporting scores as valid violates norms. Adding scores would only further encourage use of violating appropriate use of standardized tests and encourage unethical misapplication of flawed scores. SLPs reported currently

feeling “hampered in” to using standardized tests rather than using evaluation best practices. Furthermore, ASHA states “As mandated by the Individuals with Disabilities Education Improvement Act (IDEA, 2004), SLPs should avoid applying a priori (theory-based) criteria (e.g., discrepancies between cognitive abilities and communication functioning, chronological age, or diagnosis) in making decisions on eligibility for services in the schools.”

(https://www.asha.org/PRPSpecificTopic.aspx?folderid=8589934980§ion=Assessment#Eligibility_for_Services_in_Schools)

3) **Specifying a specific test battery/procedure for each disorder.** SLPs shared experiences where they were pressured into using inappropriate assessment tools or using invalid scores to determine eligibility with the rules as they currently stand. This is particularly true for SLPs who serve culturally and linguistically diverse students and children with complex communication needs. Emphasizing standardized testing puts undue pressure on SLPs to use them, even if it is a misuse for a particular student. For example, “the child’s phonology or articulation is rated significantly discrepant as measured by a standardized test” meant that for students with errors in connected speech but not at the word level, SLPs were inappropriately using standardized articulation tests.

4) **Concerns regarding inclusion of the word “delay.”** SLPs that work with students K-21 struggled with the inclusion of this term and preferred disorder, until they heard input from SLPs (particularly evaluators) who work in EI/ECSE. Once we had dialogue, we were able to see how each term (disorder and delay) was needed in different settings. This points to education regarding why the term “delay” was included as the solution, not elimination of the word “delay” from the draft.

5) **Rewording (1) to eliminate repetition of impairment & disorder.** We found repetition of “disorder” and defining an impairment as a disorder unhelpful and redundant. Initially we suggested language that was cleaner and easier to interpret, but instead found a reference to the definition in OAR 581-015-2000(4)(b)(B) better than having differing definitions in the OARs. Having said that, it is evident that OAR 581-015-2000(4)(b)(B) needs significant revision in order to align with IDEA (i.e., “Communication Disorder”), current terminology (i.e., “deviant development”), and best practice (i.e., “speech sound disorder”).

6) **Restating evaluation in section (2)(a) instead of referring to [OAR 581-015-2110](#).** Decreasing redundancy is recommended over restating the information in another part of this rule.

OSHA advocates for the following:

1) ODE guidance for specifying eligibility considerations, evaluation procedures, RTI, and other technical aspects regarding SLI evaluation and eligibility, rather than codifying it in this OAR. Some excellent examples of this include:

a) Colorado: http://www.cde.state.co.us/cdesped/sli_guidelines

b) Connecticut: https://portal.ct.gov/-/media/SDE/Special-Education/speech_language_2008.pdf?la=en

c) Kansas: http://www.ksha.org/docs/Guidelines_for_School-Based_SLPs_Rev_2017.pdf

OSHA stands ready to partner with ODE to develop guidelines.

2) Use of more appropriate, comprehensive, and effective mechanisms for bringing about equity and best practice, such as discussion groups, continuing education, and position statements. There was enthusiastic support for these actions and OSHA stands ready to partner with ODE in these efforts.

3) Rewording the “Communication Disorder” and the definition in [OAR 581-015-2110](#), as well as updating wording in this section to reflect current best practices for culturally and linguistically diverse children.

4) “Information regarding hearing and vision” in (F) rather than indicating a vision and hearing screening must be conducted given that more detailed information may already exist that has been considered (i.e., recent audiological evaluation) which would negate the need for a screening.

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AGENDA ITEM: 5.A.

<p>SUBJECT: Special Education Evaluation & Eligibility OAR Revision pursuant to Senate Bills 13 (2019) & 16 (2019)</p> <p>STAFF NAME & OFFICE: Kara Nystrom Boulahanis & Tenneal Wetherell, Office of Enhancing Student Opportunities</p> <p>These rule amendments would update 13 OARs related to evaluation & eligibility for special education. Specifically, these revisions address the requirements of Senate Bill 13 (2019) to update the names of certain eligibility categories and the requirements of Senate Bill 16 (2019) to update the requirements for vision and audiology assessments. Additionally, these revisions ensure a consistent format and inclusion of early intervention and early childhood special education requirements in all appropriate categories.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input type="checkbox"/> First Reading <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p> <p><input checked="" type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

Include the following points for new OARs, OAR updates or changes.

1. History:
 - a. What prompted the rule (why do we have it?) State law? Federal law? Incident? Why are changes/amendments being proposed?
 - b. What is the current requirement in rule or statute?
 - c. Why is this rule being brought forward right now?

In the 2019 legislative session, the Oregon legislature [revised the terms under the definition of “child with a disability”](#) in Oregon Revised Statute (ORS) 343.035 and updated [the requirements for medical, health, audiological, and vision assessment statements](#) in ORS 343.146. Those changes must be incorporated into rules adopted by the State Board of Education as authorized by ORS.

During the 2019-20 school year, ODE led a community engagement process to guide rule development based on the legislative requirements and requested updates. This process targeted a limited array of stakeholders and resulted in a broad slate of recommended changes. In addition to the required changes, the updates incorporated existing early intervention (EI) and early childhood special education (ECSE) requirements into the school age eligibility and evaluation OARs.

Based on this process, two OARs were revised in March 2020:

- OAR 581-015-2150: Deaf or Hard of Hearing
- OAR 581-015-2175: Traumatic Brain Injury

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Prior to making any further updates, the State Board of Education requested that ODE conduct additional engagement opportunities. This occurrence was concurrent with the state's response to COVID-19, which significantly shifted ODE's focus throughout the 2019-20, 2020-21, and 2021-22 school years.

In Summer 2022, ODE determined it was necessary to complete the updates required by SBs 13 & 16, resumed the OAR revision project, conducted additional community engagement activities, and is prepared to bring proposed revisions to the State Board of Education.

2. Purpose
 - a. What function does the current rule hold?
 - b. How long has the rule been in place?

The OARs being updated define the evaluation and eligibility process for each of Oregon's 12 special education eligibility categories as delineated by the Individuals with Disabilities Education Act (IDEA) (2004). Note that, while the IDEA allows for states to use an additional disability category of multiple disabilities, Oregon does not use that eligibility category. Updates are also proposed to the definitions for the division (OAR 581-015-2000 Definitions). These OARs have been in place since the initial implementation of the IDEA in the 1970s, with varied updates to align with reauthorizations and revisions to the implementing regulations at the Federal level. The last reauthorization of the IDEA was in 2004, generally resulting in the most significant recent substantive changes to these rules between 2006 and 2010.

3. Does the board have any areas of discretion or is this strictly mirroring statute?
 - a. If the board does have discretion, those areas should be called out here or in the next section.

ODE is recommending revisions in three domains:

- **Domain 1 (Required): Updates to eligibility category names**
- **Domain 2 : Medical examinations**
 - **Domain 2A (Required): Updates the list of professionals who can complete medical, health, audiological, and vision assessments**
 - **Domain 2B (At the Board's Discretion): Reduces the number of eligibility categories that require a medical, health, audiological, and vision assessments**
- **Domain 3 (At the Board's Discretion): Eligibility requirements for EI/ECSE and school age populations**

Changes associated with Domain 1 and Domain 2A are not within the Board's discretion as these simply reflect changes required by statute. Changes from Domain 1 reflect updated disability category names that are already included in ORS, but have not been updated in associated OARs (i.e., speech or language impairment in place of communication disorder, emotional behavior disability in place of emotional disturbance). Changes in Domain 2A expand the list of professionals who can complete medical examinations, vision examinations, and audiological assessments as part of an initial evaluation or reevaluation.

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Changes in Domain 2B and Domain 3 are within the Board's discretion as they are not explicitly required by statutory changes. Domain 2B removes the requirement for a medical examination for the following five disability categories (but a team can still choose to obtain this medical examination when they determine it necessary for an individual child): Developmental Delay, Autism Spectrum Disorder, Speech or Language Impairment, Emotional Behavior Disability, and Specific Learning Disability. ODE has heard from multiple partners that the medical statement requirement is not always needed and presents a significant barrier for some students and families. Domain 3 integrates EI/ECSE and school age eligibility requirements to support understanding of eligibility requirements across a child's entire educational career. Integrating these requirements in one rule decreases the need for people to review multiple OARs to find information about one disability category.

4. Stakeholder voice/input (individual and collective i.e., groups)
 - a. Who was involved in bringing this to the Board?
 - b. What did engagement in this process entail?
 - c. Who may be affected by this?
 - d. Whose voice is missing?
 - e. What additional information does the Board need prior to moving forward?

SB 13, which required updates to the category names, came about due to community advocacy. SB 13 emerged from *We the Deaf People*, a 2017 campaign to move to Deaf or Hard of Hearing instead of Hearing Impaired. The legislature included terminology changes in SB 13 as passed that were beyond the original campaign.

SB 16 emerged from an ODE legislative concept to address concerns repeatedly shared from the field associated with Medical Statement/Health Assessment Statements in the special education evaluation and eligibility process. This need emerged due to the lack of access many Oregonians, especially in rural areas, have to the limited medical providers who were previously able to complete these assessments.

For these proposed rules, three engagement sessions were held for anyone to attend (after work hours, during lunch hours, and before work hours) and a survey was shared for additional input. The outreach focused on special education directors, school based special education evaluation staff, special and general educators, education partners, as well as families and students who experience special education. Over 125+ people attended across all three sessions and provided incredibly helpful feedback and suggestions on our draft rules. A survey with the draft language was also distributed widely, including to attendees of the engagement sessions, requesting feedback on the proposed changes. These changes were also presented to the Rules Advisory Committee on January 5th, 2023.

[Updates Following the January 2023 Board Meeting:](#)

Following the community engagement sessions held in December, ODE reached out to all attendees to provide revised draft language and request their input on the updates made in response to community engagement. This survey remained open until 2/1/23 and the feedback provided was positive or neutral (correcting specific wording or grammatical errors).

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ODE also attended an Oregon Educators Association (OEA) special education committee session on February 4th, 2023. The committee had no concerns with the language presented but provided much valuable additional information on supports that would be useful.

On February 7th, 2023, ODE also hosted a public hearing for additional public comment on the rules. The feedback from that session is attached to this docket. The feedback received was in support of the current rules, with some requestors asking for additional, further updates.

SUMMARY OF PREVIOUS BOARD ACTION

1. Has this been before the board before? If so, what action did the board take?

Yes, similar updates were before the board in March 2020 and were adopted.

These rules were before the Board in January 2023 for a first reading.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
- No; same as last month
- Yes – As follows:
 - **Minor grammar and formatting errors have been removed from the rules.**

POLICY ISSUE OR CONCERNS

These policy issues or concerns could be from the field, stakeholder groups, statements submitted during the comment period, or discussions among ODE staff. Consider the following questions:

1. Stakeholders
 - a. How have you intentionally involved stakeholders who are also members of communities affected by this rule?
 - b. Who are the historically underserved groups affected?
 - c. Has there been consultation or collaboration with tribes in this rule change or policy decision?
 - d. How has the Oregon Department of Education modified or enhanced the rule change or policy decision to address the needs of historically underserved communities?

We have utilized all methods at our disposal to connect with relevant stakeholders including direct outreach to district special education directors and our state parent advocacy organization for families of students experiencing disability, FACT Oregon, in order to ensure our outreach engaged the groups most likely to be impacted by these updates. In addition, we designed our engagement strategy to offer multiple methods and times for feedback, to allow individuals with differing schedules and

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differing access needs to provide feedback in the way that best worked for them. This included offering translation services, closed captioning, and other accessibility supports at each of our virtual engagement sessions.

Students experiencing disability as a whole are a historically excluded and underserved group, but within that there are other marginalized populations as well who experience the compounded impacts of ableism and other forms of systemic oppression, including racism.

These rules have been updated to decrease the number of special education eligibility types that require a medical statement in order to establish eligibility for services. Removing the requirement to obtain a medical statement when it is not necessary is designed to reduce barriers to accessing eligibility for historically marginalized groups, including BIPOC youth, youth who experience houselessness, and rural youth, all of whom are more likely to experience challenges in accessing medical care.

2. Negative/Positive Effects
 - a. What is the impact on the population most affected by this rule that the board should consider?
 - b. What possible opportunities, assets or access could this rule provide?
 - c. What is the impact on eliminating the opportunity or achievement gap?
 - d. Have all the potential unintended consequences been considered?
 - e. Does this rule advance the ESSA goals?

In particular, these updates are designed to make evaluation and eligibility for special education services more equitable and accessible by removing terms that have been considered pejorative as well as expanding access by honoring the medical providers students are already seeing and not requiring additional medical documentation unless the team determines it is necessary for that specific child.

Additionally, these updates will support students transitioning between early intervention, early childhood special education, and school age special education by clearly laying out the requirements to be eligible for service at each of those age ranges. Further, these updates may prevent unnecessary, additional reevaluations at the kindergarten transition for students graduating for early childhood services leaving additional staff time for other student support uses.

An unintended consequence of this rule may be to make it more challenging for districts to bill Medicaid for special education services without a medical diagnosis. However, other practitioners who are able to identify and diagnose medical disorders within the scope of their practice, such as Speech Language Pathologists and Occupational Therapists, would continue to be able to bill Medicaid.

3. What are the barriers to more equitable outcomes, either:
 - a. State or federally mandated?
 - b. Political?
 - c. Emotional?

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- d. Financial?
- e. Programmatic?
- f. Language?
- g. Geography?
- h. Size?

The IDEA was most recently reauthorized in 2004 and is long overdue to be reauthorized. In the almost 20 years since it was last approved, there have been significant changes in language use (e.g., while emotional disturbance is the Federal category, it is no longer preferred language in many states). Additional requirements in OAR based on the IDEA (e.g., evaluation and eligibility requirements) would similarly benefit from being further updated, but timing should be carefully considered to align to needed reauthorizations.

EQUITY IMPACT ANALYSIS

The following questions are designed to examine how the proposed rule, policy or action systematically affect historically underserved students and/or communities.

1. How are historically underserved populations impacted by this docket item?
 - a. Demonstrate how the rule changes, policy, or action could produce other unintended consequences not listed in the docket.
 - b. Refer to *Policy Issue or Concerns* and identify the historically underserved populations affected. Conduct a reflection and examination, which will and should answer 1a.

BIPOC students are disproportionately likely to be identified as “emotionally disturbed” in order to access special education services. While this update will not directly impact the inappropriate identification of students, it will address the harmful impacts of the label “emotional disturbance.”

Students who are houseless and students in rural communities are more likely to have challenges accessing medical care, particularly medical care from a physician as opposed to a nurse practitioner or other provider. This update will increase access to special education eligibility for those students by removing the unnecessary barrier of a medical examination from certain categories.

2. Examine the impact of the rule changes, policy, or action on historically underserved populations in Oregon. Describe this ongoing and/or foreseeable impact, using as much detail as possible.

Please see above.

3. Explain how the rule change, policy or action works toward improving achievement, opportunities and a sense of worthiness for underserved students?

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By providing increased access to special education services for the students who need it, we expected to see growth in their achievement, the opportunities available to them, as well as to their own sense of worthiness, by providing them the individualized education program that they need in order to meet their life goals.

FISCAL ANALYSIS

What is the fiscal impact of the proposed rule changes to the Department of Education, school districts, education service districts or schools? Use the following suggestions as a guide:

1. How does the proposed rule fit within the budget of the agency?
 - a. Which units/divisions/offices will be impacted and how?
2. How does the proposed rule change impact school districts and ESDs?
3. How does the proposed rule change impact schools and other educational institutions?
4. Does the proposed rule change impact other stakeholders?

This rule change will not have an impact on the agency budget. Districts will need to update their Student Information Systems/IEP software to reflect the updated category names and revised medical statement requirements, however since these changes are prompted by rule changes they will be completed by most providers at no cost.

There may be a small business impact on one or more of the smaller businesses that provide the technological infrastructure for implementing special education paperwork.

EFFECT OF A "YES" OR "NO" VOTE

If the board does not approve these OARs, they will continue to be out of compliance with SB 13 (2019) and SB 16 (2019). There will not be clear, explicitly stated requirements for Early Intervention or Early Childhood Special Education evaluation and eligibility. Students are less likely to access appropriate services due to ongoing concerns with the need for a medical statement.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time

Prompted by: State law changes Federal law changes other

ATTACHMENTS

[Attachment 1: Hearing Testimony](#)

[Attachment 2: OSHA Position Statement & Attachment](#)

January 4, 2023

We are reaching out to provide input regarding OSHA's position and continued engagement in partnership with ODE and statewide workgroups to improve equitable access to SLP services in educational settings. As noted in the letter and attachments sent to ODE on 12-19-22 (see attached), OSHA is dedicated to moving this work forward to implement the recommended revisions to support a timely process.

As outlined by ODE, OSHA facilitated an all-volunteer Speech-Language workgroup and town halls with SLPs across the state spanning many dedicated hours to provide meaningful input. OSHA also obtained feedback from various stakeholders in community and higher education settings to ensure the eligibility revision recommendations were calibrated with the US Department of Education-IDEA (2004) in line with the SLP practice Code of Ethics and aligning with culturally responsive best practices.

As a result of our changing statewide demographics and need for equitable and culturally responsive initiatives, the impact on children, families, and professionals is significant. The documented feedback provided during the previous workgroup sessions will provide the foundational input for moving forward in a timely manner with this process. Aligning system processes and structures with an equity lens and culturally responsive practices resonate with the current ODE vision relating to OAR revisions.

OSHA established a collaborative relationship through the work with Linda Brown and acknowledges the transition impacts of new stakeholders engaged in leading and facilitating this process. Moving forward OSHA continues to advocate for continued engagement and collaboration in order to provide guidance for specifying eligibility considerations, evaluation procedures, and other technical aspects regarding SLI evaluation and eligibility.

As noted in the referenced 12-19-22 OSHA letter, we stand ready to partner with ODE to support timely progress with the alignment of the SLI eligibility to promote and support equitable educational outcomes for children-students, families, and the broader community at large. The documented comprehensive revisions (see attached) presented to ODE - Linda Brown in 2020 continues to be the revisions that OSHA supports for final consideration to be in compliance with Senate Bills 13 & 16 to the Rules Advisory Committee and the State Board in January 2023.

Sincerely,

Ana Lia Oliva, Ed.D., MA, CCC-SLP
OSHA President



THE COTTONWOOD SCHOOL
— OF CIVICS AND SCIENCE —

Charter Renewal Application

Submitted to

Oregon Department of Education

by the Board of Directors and Executive Director

The Cottonwood School of Civics & Science

Portland, Oregon

January 1, 2023

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I. Executive Summary

The Cottonwood School of Civics and Science is a small, public charter school, serving kindergarten through eighth-grade students in the Portland area. We are located in the South Waterfront district, near the banks of the Willamette River. We are currently in our sixteenth year of operation and are running at near capacity. Eight of our nine classroom teachers hold master degrees in education.

The mission of the Cottonwoods School is to promote place-based education. The guiding principles include knowing our history and our environment through long-term community partnerships, community service and field work. The Cottonwood School believes that healthy communities are created by engaged, informed, and compassionate citizens committed to service. Through service-learning, integrated curriculum, and experiential learning in authentic settings, the school provides opportunities to build relationships locally. This process allows students to find real world connections and inspire them to be catalysts of change in their own lives and the lives of others.

There is an ethic that runs under place-based learning. As humans, we cannot love what we do not know. At the Cottonwood School we are trying to grow children into adults who care about the place where they live. To do that we must show them how their city works, what it needs to grow and thrive, and how to tackle problems in their community. For the past 16 years the vision to look beyond classroom walls has remained true. With every curriculum or partnership project the mission remains at the center of the stages of planning.

Building strong community partnerships is at the core of the place-based approach. Over the past several years we have created lasting relationships with local organizations, agencies, and individuals. Through these partnerships, students have gained greater access to authentic curricular content, career knowledge, and audiences for their culminating projects. Students have also been able to provide services such as creating educational materials and collecting data for partners. Some of our strongest partnerships include Portland Parks and Recreation, Mirabella Retirement Community, Andersen Construction, the Portland Bureau of Environmental Services, and Tryon Creek State Park.

Our school is led by an executive director who is overseen by a board of five volunteer community members. The Board's oversight is defined in its bylaws. The board meets monthly and members work on initiatives through five committees: Finance, Fundraising, Governance, Mission, and Facilities. Other members of the leadership team include an academic director, a fieldwork and place-based education coordinator, diversity equity inclusion and belonging coordinator, behavior coach and an office manager.

CURRENT YEAR ENROLLMENT & DEMOGRAPHIC INFORMATION	
Total Enrollment	
Grades Served	K-8
# of Students Enrolled	206
# of Students on Waiting List	74
Gender	
# Non-binary	3
# Male	117
# Female	86
Ethnicity/Race	
# Hispanic	27
# Asian	10
# Black/African American	10
# White	136
# Two or more	23
Special Populations	
# Students with Disabilities	63
# English Language Learners	1
# Homeless Students	0
# Eligible for Free and Reduced Lunch	n/a
PROJECTED ENROLLMENT & GRADES SERVED	
Total Enrollment	
Projected Grades Served	K-8
Maximum Projected Enrollment	288

II. Looking Back: The Record of Performance

A. Academic Performance

A1. and A2. Evaluating Academic Progress using State Testing data has been challenging the past few years due to Covid and cancellation of state testing for the 2020 and 2021 testing years. We will share some steps we have taken in the past few years specifically to improve the performance of our students in math. We will also share data from last year which is the first year we've had reliable data for an entire school year since the 2018-2019 school year.

Math

In the 2018-2019 school year our school was targeted for improvement in math, particularly mixed race students, who underperformed compared to white students. We qualified for additional funding from the state and put our Continuous Improvement Plan into place for the 2019-2020 school year, only to see many of our efforts thwarted by the pandemic.

Nevertheless, we were able to provide teachers with 10 hours of math professional development during the 2019-2020 school year and 12 hours during the summer of 2020. We offered an additional 10 hours during the summer of 2021. In the Spring of 2021 we hired a .5 math intervention teacher to work with students in grades 4-8. We continued this .5 math support for the 2021-2022 school year, which decreased in February due to staffing issues and needing them to take over for a classroom teacher.

Beginning in the fall of 2021 we adopted I-Ready as our new math curriculum as our students headed back to the first fully in-person school year since the spring of 2020. This curriculum provided us with a more robust ability to collect data on a regular basis to improve teaching and learning- one of the recommendations from our 2018-2019 annual review. Like many schools we discovered that our students were returning to school with significant gaps in their learning. In the fall of 2021 only 22% of our students were at or above grade level. By the end of the year this percentage had increased to 49%.

Whole School- I-Ready Math (184 out of 188 assessed- '21-'22)

	Close to or above grade level	One year below grade level	More than one year below grade level
October 2021	22%	55%	23%
May 2022	49%	38%	13%

Breaking down the data by race and comparing two or more race students to white students(including hispanic/latino), we can see that both groups performed similarly showing large gains in students who were close to or at grade level. Students who were more than one year below grade level decreased by half for white/hispanic students, while that number increased from 20% to 35% for mixed race students. This is an area for improvement moving forward.

Whole School- I-Ready (by Race- White-including Hispanic/Latino- 148/151)

	Close to or above grade level	One year below grade level	More than one year below grade level
October	22%	57%	21%
May	50%	40%	10%

Whole School- I-Ready (by Race- Two or More- 20/20 students assessed)

	Close to or above grade level	One year below grade level	More than one year below grade level
October	15%	65%	20%
May	40%	25%	35%

On the SBAC in the 2020-2021 school year, the percentage of students who met or exceeded the standards was higher than the state average at all grades.

Grade	Met or Exceeded the Standards
3rd	45% (State-40%)
4th	45% (State-37%)
5th	50% (State-30%)
6th	30% (State-28%)
7th	62% (State-30%)
8th	43% (State-27%)

ELA

Our students showed very good performance on the 2021 statewide testing performing well above average compared to the state.

Grade	Met or Exceeded the Standards
3rd	71% (State-40%)
4th	81% (State-43%)
5th	68% (State-48%)
6th	80% (State-42%)
7th	75% (State-48%)
8th	76% (State-46%)

Our K-2 students struggled the most returning to in person learning after two years of being at home. Looking at our internal assessment data(EasyCbm), 29% and 50% respectively of our kindergarteners and first graders were able to read enough words in one minute to be at or above the 50th percentile. In 2nd

grade 64% of students were reading enough words in one minute to be at or above the 50th percentile. Last year we hired a .5 reading intervention teacher who is providing tier 3 support to students in grades K-3 to help alleviate some of the losses from the pandemic. We are reviewing schoolwide literacy data at least 3 times per year to determine if students need additional interventions.

The most recent academic performance recommendations come from the '18-'19 school year:

1. Continue alignment of Place-based Education to CCSS and integrating Math into PBE.
2. Continued professional development with Singapore Math to improve teaching and learning.
3. Review student, classroom and school wide data with staff on a regular basis to improve teaching and learning.
4. Review identification processes and supports for EL students.

The school administration and faculty have taken the following actions to address this feedback:

1) The Cottonwood School of Science and Civics continues to align Place-based education curriculum with the Common Core State Standards through the planning documents developed by our staff to document all place-based units at each grade level. This process experienced some interruption due to the pandemic, but teachers were guided to align their teaching with the priority standards identified by AchieveTheCore.ORG.

2. Our school adopted the I-Ready Math curriculum during the 21-22 school year. Teachers participated in professional development twice per year to develop their skills with this new curriculum. We do not yet have enough data to determine the effectiveness of this curriculum, but we did see big growth from the beginning of the year to the end of the year last year as noted above in the Academic Performance section. An area of future focus will be integrating math more closely with our place-based units- a task that was put on the back burner due to the pandemic.

3. Our educators continue to conduct research-based reading assessments(easyCBM.com) 3 times per year with all students and provide evidence-based interventions to struggling readers. We hired a .5 reading intervention teacher last year who is working primarily with students in grades K-3. She is helping to complete the easyCBM assessments, reviews data with teachers and provides tier 3 intervention support to students at highest risk.

Our new math curriculum(I-Ready Math), implemented last year, administers a diagnostic test 3 times per year that provides teachers with detailed information about student progress toward grade level standards. At least one professional development each year is geared towards reviewing this data in

depth to improve teaching and learning. We also have hired a math interventionist who works with grades 3-6 approximately 15 hours per week.

The Cottonwood school has implemented an earlier dismissal on Fridays to allow for extra staff planning time with focused time to review academic and behavioral interventions on a regular basis throughout the school year.

In addition to these ways the data is reviewed on an ongoing basis, we also set aside time for two staff retreats each year, dedicating three consecutive days toward the betterment of their practice, student achievement, and school culture.

4. The Cottonwood School finalized a comprehensive EL Plan, last school year and implemented an identification process to identify EL students in need of extra support. Our reading intervention teacher is conducting the screening assessments and will be administering the summative assessments in the Spring as needed. Currently, the Cottonwood School has one EL student identified.

A3. Provide evidence of outcomes related to any mission-specific academic goals and measures established in the charter contract.

The Cottonwood School believes that hands-on, experiential learning better connects our kids to their environment while also strengthening their scientific understanding of how the world works. The Next Generation Science Standards support the place-based approach by encouraging students to “do science.” In spite of the challenges of distance learning during Spring of 2020 through Spring of 2021, our school provided at-home learning kits with hands-on activities related to our place-based units including things such as rock and mineral kits for 3rd graders, animal dissection kits for 6th graders, electrical component kits for 7th/8th graders, salt dough ingredients for creating watershed models at 4/5, and art materials for creating pollinators at 1st/2nd grade. We do not have enough performance data on the OAKS Science test due to the lack of data for 2020 and 2021 and the completely revised test that was first administered in 2022. In the past, our science test scores have been much higher than the state or surrounding district.

The Cottonwood School was the recipient of a Gray Family Foundation Grant for three of the years during our renewal period. This grant aligns closely with our mission of place-based education. It supported geography education through integrating the indigenous perspective into place-based units at each grade level. This 3 year project included significantly revising our curriculum map in grades 3-8 to reflect the indigenous perspective through both historical events and the natural world. During the 3rd year of the grant, we worked with an indigenous advisory board to review the changes we had made to our place-based curriculum and advise on ways to strengthen the indigenous perspective. Learning kits were created at each grade level that included materials, books, videos and supplemental materials that reflected Indigenous perspective. The kits were designed with the Critical Orientation for Indigenous Studies as guiding essential understandings. Our staff also participated in a variety of professional

development opportunities including field trips, guest speakers and full day retreats to build our understanding of the 9 Essential Understandings developed in partnership with tribes and ODE.

Student Engagement

One commonly suggested component of the achievement gap is school's lack of relevancy for many students (National Education Association 2017, McNulty and Quaglia 2017, Bridgeland, Dilulio, and Morison. 2006, 4)¹ Through research conducted by the Place-Based Education Evaluation Collaborative, students reported being more engaged in place-based projects versus traditional classroom projects. (Place-based Education Evaluation Collaborative 2010)² Helping students to see a direct connection between their lives, their school, and their future can keep students interested, which makes them want to come to school.

Student Surveys

At the end of every school year, our students participate in an on-line survey to learn more about how they view the school. In the open-response section, students are asked, "What do you like about this school?" Each year we receive many responses from students who report how much they enjoy the fieldwork. Some students refer to place-based education specifically. Here are a few direct quotes from the 2021 survey:

"I think the projects are more engaging ... like life skills classes, expert teaching and Project Citizen."

"Racial topics, protesting, history."

"Fieldwork is more engaging than other times."

"The roller coaster/physics unit, the community action project, the immigration unit and ecology in science were all very enjoyable for me this year! These projects made a bigger impact on me and educated me."

¹ McNulty, Raymond J. and Russell J. Quaglia. 2017. *Rigor, Relevance and Relationships: Three Passwords That Unlock the Door for Engaged High School Students to Learn at Appropriate Levels*. Accessed February 18. <http://www.aasa.org/SchoolAdministratorArticle.aspx?id=6534>

National Education Association. 2017. *Identifying Factors That Contribute to Achievement Gaps*. Accessed February 18. <http://www.nea.org/home/17413.htm>

Bridgeland, John M., John J. Dilulio, and Karen Burke Morison. 2006. *The Silent Epidemic: Perspectives of High School Dropouts*. A report by Civic Enterprises in association with Peter D. Hart Research Associates for the Bill & Melinda Gates Foundation
www.ignitelearning.com/pdf/TheSilentEpidemic3-06FINAL.pdf

² Place-based Education Evaluation Collaborative. 2010. *The Benefits of Place-based Education: A Report from the Place-based Education Evaluation Collaborative* (Second Edition). Retrieved May 27, 2017 from <http://tinyurl.com/PEECBrochure>.

“All the fieldwork and learning about the indigenous/native people, Celilo Falls and making the tribe’s flags for our fence.”

It is clear that our place-based mission is helping kids stay engaged, an essential step in increasing academic performance and high-school graduation rates.

B. Financial Performance

1. See the **Appendix A** for the A/P Aging schedule that shows current accounts payable of \$28,800 as of 11/1/22. The majority of this balance is the October PERS obligation, a regular monthly charge that is drawn automatically from our bank account by PERS. **Appendix B** shows that our PERS statement shows a \$0 balance as of 10/25/2022. **Appendix C** is our Balance Sheet that shows payroll tax liabilities of approximately \$30,000, which is our typical monthly obligation and is paid in full the following month, each month of the year. The school does maintain a business credit card account and that balance is paid in full each month. The school does not have any other debt obligations.
2. **See the appendix D** for copies of the school’s 2020-2021 audited financial statements, audit letters, and internal financial statements.

C. Organizational Performance

1. During the 2021-2022 assessment year, the school was found to meet all standards in the Organizational Performance areas that were applicable.
2. Below are highlights of organizational Improvement Plan goals over the last 5 years and the measurable progress made against those goals:

Enrollment: Full enrollment in our current location has been a goal since 2012-2013. We are pleased that we have been able to maintain this through the pandemic, with 206/208 positions filled for the 2022.23 school year.

Diversify Students, Families and Staff: With the passage of SB 2954, The Cottonwood School implemented a weighted lottery for the 22.23 school year to give enrollment preference to historically underserved students.

- 21.22 school year Cottonwood had 30% students of color, 70% white
- 22.23 school year Cottonwood has 34% students of color, 66% white

Staff: In 2022-2023, we took measures to improve support of staff, students and families with the addition of the diversity, equity, inclusion and belonging coordinator, behavior coach and expanded school counselor positions. Notable benefits were realized immediately, including implementation of monthly BIPOC affinity groups, expansion of the breadth and depth of student SEL, and an increase in the quality and consistency of our behavior supports. Increased teacher support as a result of these positions, as approved by the board, has been one factor in retaining teachers. During the very difficult past few years, CSCS only experienced teacher turn-over in two positions for the 22.23 school year. The board has also made greater efforts to support and recognize staff, which strengthens the relationship between teachers and board members and leads to a feeling of mutual support and understanding.

Facilities upgrades: Incremental improvements have been occurring each year to improve the school environment and include: HVAC Enhancement in all rooms (9 classrooms, all offices, basement & Great Room) with portable high-efficiency particulate air (HEPA) room ventilators, a designated outdoor PE area leased from PBOT, new carpeting in all of our classrooms and new flexible seating to better serve the students at each grade level.

III. Looking Forward: Plans for the Next Charter Term

A. Education Program

Equity, Diversity, and Inclusion

We've made significant progress towards our Diversity, Equity, and Inclusion goals since 2018. From 2018-2022, we have continued to receive consistent training and guidance from contracted equity consultants. A DEI committee, composed of staff, teachers, and parents, was formed in 2020 to develop our Equity Lens, address equity issues before and as they arise, and create space to build community and foster learning. See **Appendix E** for our equity lens.

Our enrollment process was one of the equity concerns. With work from our DEI committee, the support of our board and the passage of SB 2954 in 2021, Cottonwood implemented a weighted lottery for the 2022.23 school year to give enrollment preference to historically underserved students.

With SIA funding we moved to hire a diversity, equity, inclusion, and belonging coordinator (DEIB). The DEIB coordinator will primarily focus on the retention of historically marginalized students and families,

while also co-creating a plan to expand community outreach. By cooperating with administrators and school leaders, the DEIB coordinator will apply racial equity tools, awareness, and expertise to professional development, strategic planning, and policy development. This includes participation in hiring teams, collaboration with CSCS staff in cultural event planning, and partnering with the fieldwork coordinator for outreach and curricular connections. As part of our mission, the DEIB coordinator also provides support and advocacy for students and families to build community and cultivate a sense of belonging for all students at Cottonwood. The DEIB coordinator and two of our classroom aides facilitate a BIPOC Affinity Club after school once a month. This affinity group exists to foster kinship; provide students of color a place to celebrate their uniqueness, gifts, and roles in our school community; and to affirm, protect, and nurture the identities of our students. This is the second school year hosting the BIPOC affinity space and we are working on having more affinity spaces in the near future.

Over the coming years, we would like to continue to diversify our student body and our faculty. In addition, we intend to continue to educate and train our teachers about how to create culturally responsive classrooms that are inclusive and promote success for all students. We look forward to more affinity spaces for our students and staff to participate in. We will continue to build diversity into our curriculum. We will continue to develop, use and strengthen our equity lens. A focus will be on providing more resources and support for LGBTQ+ students.

Plant Teachings

We began our new Plant Teachings program initiative last year at Cottonwood. When we were looking to replace our “character traits” program with something more in line with place based and indigenous studies curriculum, our Indigenous Educator Advisory group recommended we connect with GRuB, an organization which teaches social emotional skills through Pacific Northwest native plants.

We have slowly adopted this curriculum, focusing on just the Cottonwood tree last year. We started having quarterly staff trainings with GRuB to support our staff to build their own relationship with plants. This year we started learning about one plant per month. We learn facts about each plant and have infographic posters about the plant posted in each room. We also visit each plant and bring the plant inside our school and classrooms so we can start knowing and learning from the plants. There are social/emotional skills connected to each plant so we do activities related to that skill as well.

To give an example of what this looks like, our November plant is Douglas Fir. Students visited Douglas Fir trees and learned to identify them. We brought in branches and pine cones, our students used the needles as fidgets, we had fir spray for students to smell. The social emotional skill is Adapt, so we talked about how the Douglas Fir adapts and how we adapt too. Students set intentions about how they want to continue to grow and adapt. We have posters around the school reinforcing the concepts to students and families. We share recipes to make teas or other ways to use the plant. One of our 4th and 5th grade classes performed a play about Douglas Fir and co-wrote a song that they performed. Next month we will have another class lead an activity or create a plant-themed gift for the school. Each class is the keeper of one plant where they dig a little deeper, teach the rest of the school, and co-write the plant song that month with one of our musician teachers.

We have many plants in our native plant garden, which helps support a year round connection with and awareness of these plants. We also are encouraging families to learn with us through parent nights and newsletter blurbs. We want them to be able to reinforce this plant connection at home and enjoy the same benefits as their kids through an increased awareness of place and these plants in our community. We want to continue to build this garden as we build the program.

The plant teachings program offers us many additional opportunities to pursue in the future. We are now in a position to mentor other schools in the region who want to bring plant teachings into their curriculum. Springwater Environmental School has already expressed interest in such a partnership. We also may work more with GRuB in the future to disseminate information on how to bring the teachings into a school setting through presentations at conferences or other professional development settings. We recently were awarded a 3-year geography grant with the Gray Family Foundation focused on place-based education training and dissemination, and plan to center our plant teachings in this work. As part of this grant project, we plan to record and “release” a music album written and performed by our students based on our monthly plant teachings.

In general, our plan is to continue to deepen our relationship with plant teachers and recognize them as a vital part of our community. Native plants have lived in reciprocity with humans in this place for thousands of years and we see it as our responsibility to heal and nurture this relationship. Part of this commitment will mean finding ways to spend more time outside to be with and learn from our plant teachers.

Behavior Coach

We returned to in person learning with many students needing a higher level of support to participate in the rigor of an in-person school day. Therefore, this year we have a new position at Cottonwood, our behavior coach. The behavior coach provides daily behavioral support of students and professional development, oversight, and collaboration for the staff. This support is provided in coordination with our school counselor and diversity, equity, inclusion and belonging coordinator.

The Cottonwood School serves the whole child. When a student's behaviors are disruptive we wrap around the student to identify individual needs and find unique ways to support those needs. Our behavior coach and school counselor are developing a trauma-informed behavior vision and are working to develop a system of implementation for these practices in the classroom and school. The behavior coach provides daily services to students to support social and emotional wellness and academic success through promoting engagement and a sense of belonging in the school community. In alignment with our culturally responsive action items, the behavioral coach updates action plans with student/ family feedback, social-emotional supports, therapeutic interventions, and advocacy to improve educational outcomes for all students.

Our behavior coach is currently funded with ESSER funds and is a crucial part of the team that is identifying and working closely with students who need an intervention plan. We believe this new position will have a positive impact on everyone in our building from students to staff and are eager to watch it unfold. We hope to find funding to continue with this work and go deeper over the next few years by working more closely with families; providing parenting classes, affinity and support groups.

B. Financial Plans

1. See **Appendix F** for the 5-year projected budget. Key assumptions include: enrollment projected at 205 students annually (school current max is 210 students); the per student funding rate will increase at 3% annually; the charter adjustment to the student funding rate would remain at 90%; the poverty addition and capture rate would remain at the current rates of 8% and 25%, respectively; fundraising income will start at \$42,000 in FY 2024 and grow at \$2,500 per year; staff salaries will increase at 3% annually; PERS expense will be 20% of wages annually based on historical experience; insurance costs will grow at 8% annually; and general expenses will grow at 3% annually. Additionally, the school currently has a

building lease that runs through June 30, 2031 with a monthly rental rate of \$18,000 per month plus CAM charges. We assume that the monthly rent/CAM charge will increase to \$23,700 per month over the next 5 years.

2. We are prepared for the end of the ESSER III funding program and will reduce expenses as funding ends, primarily through a reduction in staffing.

C. Organizational Plan

1. There are no anticipated changes coming to the governance of the school. The bylaws for the school were amended in the spring of 2022 to reflect our current and preferred board composition and governance structure including 5-9 board members with co-chairs instead of a single chair. The committees are reviewed annually at our board retreat and modified or created as necessary to match the goals for the year.
2. We don't anticipate any major changes to the school's leadership or staffing model in the coming years. We continue to look for supplemental grant support to enable counseling, field-based activities, and equity-related activities and staffing. We currently do not contract with any Education Service Providers and don't anticipate doing so in the future.

The school's facilities are in good condition and are currently serving the school well. Our location in the South Waterfront of Portland, next to the river and adjacent to the streetcar line and downtown Portland, aligns well with the place-based mission of the school. Our lease runs until 2031. We continue to do annual upgrades and maintenance to the facility via our summer work day each year as well as a facility evaluation twice a year.

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The Cottonwood School of Civics and Science

A/P Aging Summary

As of November 1, 2022

	CURRENT	1 - 30	31 - 60	61 - 90	91 AND OVER	TOTAL
Garden Raised Bounty	1,500.00					\$1,500.00
Laura Bracke(Reimb)	143.35					\$143.35
PERS	21,067.91					\$21,067.91
Ricoh USA Inc	723.13					\$723.13
Shannon (Aviva) McClure dba Our Turn	5,355.00					\$5,355.00
Southwest Charter School					0.00	\$0.00
TOTAL	\$28,789.39	\$0.00	\$0.00	\$0.00	\$0.00	\$28,789.39

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Remittance Statement

The Statement at a Glance

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Employer 04409 - THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
 Statement Period 10/06/2022 - 10/20/2022
 Remittance Due Date 10/27/2022

Type	Previous Balance	Current Period Activity	Ending Balance	Amount Due
IAP	\$4,085.39	(\$4,085.39)	\$0.00	\$0.00
Pension	\$16,150.88	(\$16,150.88)	\$0.00	\$0.00
RHIA	(\$155.92)	\$0.00	(\$155.92)	\$0.00

Total Amount Due \$0.00

If current period activity is zero or less, no amount will be charged to the employer. Any credits will be applied to the next statement.

For assistance, contact the Employer Service Center at 888-320-7377 or PERS.EDX.Support@pers.oregon.gov.

IAP

IAP Beginning Balance

\$4,085.39

Deposits

Date Posted	Deposit Date	Payment Method	Description	Amount
10/13/2022	10/12/2022	ACH Debit (Pull)	Employer IAP Remittances (\$4,085.39)	

Deposit Total

(\$4,085.39)

Invoices

Date Posted	Invoice	Description	Amount
10/10/2022	1531196	Contributions Pension	\$237.50
10/10/2022	1531197	Contributions Pension	\$237.50

Invoice Total

\$0.00

IAP Ending Balance \$0.00

Pension

Pension Beginning Balance

\$16,150.88

Deposits

Date Posted	Deposit Date	Payment Method	Description	Amount
10/13/2022	10/12/2022	ACH Debit (Pull)	Employer Pension Remittances (\$16,150.88)	

Deposit Total

(\$16,150.88)

Invoices

Date Posted	Invoice	Description	Amount
10/10/2022	1531196	Contributions Pension	\$314.29

10/10/2022	1531197	Contributions Pension (\$314.29)	
10/10/2022	1531198	UAL Contributions \$624.63	
10/10/2022	1531199	UAL Contributions (\$624.63)	
			158

Invoice Total \$0.00

Pension Ending Balance \$0.00

RHIA

RHIA Beginning Balance (\$155.92)

Deposits

Date Posted	Deposit Date	Payment Method	Description	Amount
-------------	--------------	----------------	-------------	--------

There are no RHIA deposits found for the given period.

Deposit Total \$0.00

Invoices

Date Posted	Invoice Description	Amount
-------------	---------------------	--------

There are no RHIA invoices found for the given period.

Invoice Total \$0.00

RHIA Ending Balance (\$155.92)

Tell Me More

- IAP: Includes 6% Individual Account Program (IAP) contributions and voluntary contributions, if applicable, for active members.
 - Post 2004 IAP Prior Year Earnings (PYE) invoices do not have hyperlinks. These invoices are mailed to each employer.
- Pension: Includes normal cost and Unfunded Actuarial Liability (UAL) for active and retired members, plus side account credits, if applicable.
 - Pre 2004 Prior Year Earnings (PYE) invoices will display under the Pension section with a hyperlink to view invoice details.
 - The Social Security invoice is an annual fee. The fee is based on the number of employees with social security wages.
- RHIA: Includes normal cost (PERS only) and UAL rate, if applicable, for all active and retired members.
- RHIPA: Includes normal cost (PERS only) and UAL rate for state agencies and judiciary.

The Cottonwood School of Civics and Science

Statement of Financial Position

As of October 31, 2022

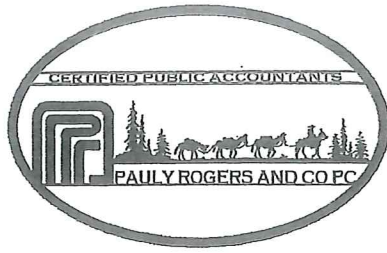
	TOTAL				
	AS OF OCT 31, 2022	AS OF SEP 30, 2022 (PP)	CHANGE	AS OF OCT 31, 2021 (PY)	CHANGE
ASSETS					
Current Assets					
Bank Accounts					
1000 Cash and Investments	0.00	0.00	0.00	0.00	0.00
1001 Heritage Gen Oper. Acct 175	693,995.64	756,467.03	-62,471.39	349,601.81	344,393.83
1002 Heritage Funding Acct 191	-30,423.09	139,813.18	-170,236.27	330,197.84	-360,620.93
2021 surplus	228,708.75	228,708.75	0.00	228,708.75	0.00
Total 1002 Heritage Funding Acct 191	198,285.66	368,521.93	-170,236.27	558,906.59	-360,620.93
1003 Heritage Reserves Acct 208	527,840.81	527,645.81	195.00	518,644.56	9,196.25
1010 Petty Cash	100.00	100.00	0.00	100.00	0.00
Total 1000 Cash and Investments	1,420,222.11	1,652,734.77	-232,512.66	1,427,252.96	-7,030.85
Total Bank Accounts	\$1,420,222.11	\$1,652,734.77	\$ -232,512.66	\$1,427,252.96	\$ -7,030.85
Accounts Receivable					
1200 Accounts receivable	38,377.33	30,237.00	8,140.33	197,666.77	-159,289.44
Total Accounts Receivable	\$38,377.33	\$30,237.00	\$8,140.33	\$197,666.77	\$ -159,289.44
Other Current Assets					
1300 Prepaid Expenses	0.00	0.00	0.00	0.00	0.00
Prepaid Auction	0.00	0.00	0.00	300.00	-300.00
Prepaid Insurance	0.00	0.00	0.00	0.00	0.00
Prepaid Misc	0.00	0.00	0.00	0.00	0.00
Prepaid School supplies	0.00	0.00	0.00	0.00	0.00
Total 1300 Prepaid Expenses	0.00	0.00	0.00	300.00	-300.00
1400 Undeposited Funds	2,639.45	175.00	2,464.45	1,875.00	764.45
1900 Payroll Asset	0.00	0.00	0.00	0.00	0.00
Employee Advance	1,500.00	1,500.00	0.00	0.00	1,500.00
accidental credit card charge	0.00	0.00	0.00	0.00	0.00
Total Employee Advance	1,500.00	1,500.00	0.00	0.00	1,500.00
xx Scrip Inventory	0.00	0.00	0.00	0.00	0.00
Total Other Current Assets	\$4,139.45	\$1,675.00	\$2,464.45	\$2,175.00	\$1,964.45
Total Current Assets	\$1,462,738.89	\$1,684,646.77	\$ -221,907.88	\$1,627,094.73	\$ -164,355.84
Fixed Assets					
1500 Fixed Assets					
Accum Dep-Fixed Asset	0.00	0.00	0.00	0.00	0.00
Furniture & Fixtures					
2022 Outdoor Eating Tent	11,351.42	11,351.42	0.00	11,351.42	0.00
Total Furniture & Fixtures	11,351.42	11,351.42	0.00	11,351.42	0.00
Leasehold Improvements					
Leasehold Improvements	61,535.15	61,535.15	0.00	61,535.15	0.00
Leasehold - Accum Depr	-37,221.25	-37,221.25	0.00	-31,306.25	-5,915.00
Total Leasehold Improvements	24,313.90	24,313.90	0.00	30,228.90	-5,915.00
Machinery and Equipment					
Computers & Computer Hardware	1,458.85	1,458.85	0.00	1,458.85	0.00
Computers - Accum Depr	-1,458.85	-1,458.85	0.00	-1,458.85	0.00

The Cottonwood School of Civics and Science

Statement of Financial Position

As of October 31, 2022

	TOTAL				
	AS OF OCT 31, 2022	AS OF SEP 30, 2022 (PP)	CHANGE	AS OF OCT 31, 2021 (PY)	CHANGE
Total Computers & Computer Hardware	0.00	0.00	0.00	0.00	0.00
Office Equipment	33,448.11	33,448.11	0.00	33,448.11	0.00
Office Equipment - Accum Depr	-33,448.11	-33,448.11	0.00	-33,448.11	0.00
Total Office Equipment	0.00	0.00	0.00	0.00	0.00
Playground Fixtures & Equipment	41,298.00	41,298.00	0.00	41,298.00	0.00
Playground - Accumulated Depreciation	-40,776.00	-40,776.00	0.00	-38,022.00	-2,754.00
Total Playground Fixtures & Equipment	522.00	522.00	0.00	3,276.00	-2,754.00
Total Machinery and Equipment	522.00	522.00	0.00	3,276.00	-2,754.00
Total 1500 Fixed Assets	36,187.32	36,187.32	0.00	44,856.32	-8,669.00
Total Fixed Assets	\$36,187.32	\$36,187.32	\$0.00	\$44,856.32	\$ -8,669.00
Other Assets					160
1600 Deposits	17,500.00	17,500.00	0.00	18,213.75	-713.75
Total Other Assets	\$17,500.00	\$17,500.00	\$0.00	\$18,213.75	\$ -713.75
TOTAL ASSETS	\$1,516,426.21	\$1,738,334.09	\$ -221,907.88	\$1,690,164.80	\$ -173,738.59
LIABILITIES AND EQUITY					
Liabilities					
Current Liabilities					
Accounts Payable					
2000 Accounts payable	5,831.74	33,127.43	-27,295.69	31,345.73	-25,513.99
Total Accounts Payable	\$5,831.74	\$33,127.43	\$ -27,295.69	\$31,345.73	\$ -25,513.99
Credit Cards					
2100 Credit Cards	0.00	0.00	0.00	0.00	0.00
9253 Heritage CC 9253 Amanda McAdoo	443.78	6,403.22	-5,959.44	2,709.00	-2,265.22
9261 Heritage CC 9261 Sarah Anderson	576.50	1,469.03	-892.53	426.99	149.51
Total 2100 Credit Cards	1,020.28	7,872.25	-6,851.97	3,135.99	-2,115.71
Total Credit Cards	\$1,020.28	\$7,872.25	\$ -6,851.97	\$3,135.99	\$ -2,115.71
Other Current Liabilities					
2200 Unearned Revenue	0.00	0.00	0.00	0.00	0.00
McKenzie School Unearned Rev	2,597.12	2,597.12	0.00	2,597.12	0.00
Portland ARTS Tax	0.00	0.00	0.00	0.00	0.00
SIA Funds Unearned Rev	0.00	0.00	0.00	1,348.70	-1,348.70
Total 2200 Unearned Revenue	2,597.12	2,597.12	0.00	3,945.82	-1,348.70
2300 Special Operating Funds					
ASE Club Teacher's Fund	0.00	0.00	0.00	0.00	0.00
FOCSCS Operating Funds	3,000.00	3,000.00	0.00	3,000.00	0.00
Scholarship Fund	2,815.93	2,815.93	0.00	2,815.93	0.00
Student Council Funds	81.00	81.00	0.00	81.00	0.00
Student Plays	8,523.21	8,523.21	0.00	8,523.21	0.00



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INDEPENDENT AUDITORS' REPORT

To the Board of Directors
 The Cottonwood School of Civics and Science
 Portland, Oregon

June 29, 2022

Report on the Financial Statements

We have audited the accompanying basic financial statements of the governmental activities and major fund of The Cottonwood School of Civics and Science, (the School) as of and for the year ended June 30, 2021, and the related notes to the basic financial statements, which collectively comprise the basic financial statements as listed in the table of contents.

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Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these basic financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of basic financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these basic financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the basic financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the basic financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the preparation and fair presentation of the basic financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the basic financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the basic financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and major fund of The Cottonwood School of Civics and Science, as of June 30, 2021, and the respective changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the required supplementary information, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the Schedules of Net Pension Liability and Contributions for PERS, or the schedules of Net OPEB Asset/(Liability) for RHIA, or the Management's Discussion and Analysis because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance on them.

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Other Information

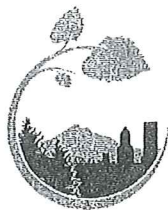
Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The listing of board members, located before the table of contents, and the other information, as listed in the table of contents, are not a required part of the basic financial statements and have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

Report on Other Legal and Regulatory Requirements

In accordance with Minimum Standards for Audits of Oregon Municipal Corporations, we have issued our report dated June 29, 2022 on our consideration of compliance with certain provisions of laws and regulations, including the provisions of Oregon Revised Statutes as specified in Oregon Administrative Rules. The purpose of that report is to describe the scope of our testing of compliance and the results of that testing and not to provide an opinion on compliance.



ROY R. ROGERS, CPA
PAULY, ROGERS AND CO., P.C.



THE COTTONWOOD SCHOOL
— OF CIVICS AND SCIENCE —

MANAGEMENT'S DISCUSSION AND ANALYSIS
For the year ended June 30, 2021

As management of The Cottonwood School of Civics and Science (CSCS), we offer the following narrative overview and analysis of CSCS's basic financial statements for the year ending June 30, 2021. It is management's goal, in preparing this discussion, to assist users of these financial statements in interpreting key data found in the pages that follow, and to analyze the results of this fiscal year. Because the information contained in this discussion is a brief overview, it should be read and interpreted only in conjunction with those financial statements. 163

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to CSCS's basic financial statements which consist of the following:

- Government-wide financial statements
- Fund financial statements
- Notes to the basic financial statements

Government-wide financial statements are designed to provide an overview of CSCS's financial operations, in a manner similar to a private sector business. All activities are presented on the full accrual basis of accounting, in which they are reported as soon as the event occurs, regardless of the timing of associated cash flows.

- The *Statement of Net Position* presents information regarding all assets and liabilities, with the difference being reported as net position. Changes in net position may serve as a useful indicator of whether or not the overall financial position of CSCS is improving or deteriorating.
- The *Statement of Activities* presents how CSCS's net position increased or decreased during the year under audit.

Governmental Fund financial statements.

The fund financial statements are presented focusing on near-term inflows and outflows of available resources, as well as balances of available resources at the end of the year. Balance Sheet – Governmental Funds; Reconciliation of the Governmental Fund Balance Sheet to the Statement of Net Position; Statement of Revenues, Expenditures and Changes in Fund Balance –Governmental Funds; and Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balance of Governmental Funds to the Statement of Activities and Changes in Net Position together provide a support and reconciliation between *government-wide financial statements* and *government fund financial statements*.

Notes to basic financial statements. The notes provide additional information that is essential to a complete understanding of the data provided in the government-wide and funds financial statements.

Required Supplementary Information. The information in this section is required by the Governmental Accounting Standards Board (GASB). It consists of the Management’s Discussion and Analysis (MD&A) and required pension information.

Government-wide financial analysis. A comparison of current year to prior year government wide financial statements is shown in the Table 1 (Revenue & Expense Comparison) and Table 2 (Assets & Liabilities Comparison) below.

Table 1 – Revenue & Expense Comparison – 2021 vs 2020

	<u>2021</u>	<u>2020</u>	<u>% Change</u>
Revenues			
Charges for services	\$ 31,241	\$ 10,958	185.1%
Operating contributions	238,357	97,564	144.3%
General revenues	<u>1,718,227</u>	<u>1,711,068</u>	<u>0.4%</u>
Total Revenues	<u>1,987,825</u>	<u>1,819,590</u>	<u>9.2%</u>
Expenses			
Instruction	1,170,414	743,331	57.5%
Support services	<u>835,274</u>	<u>552,377</u>	<u>51.2%</u>
Total Expenses	<u>2,005,688</u>	<u>1,295,708</u>	<u>54.8%</u>
Change in Net Position	(17,863)	523,882	-103.4%
Beginning Net Position	<u>366,872</u>	<u>(157,010)</u>	<u>333.7%</u>
Ending Net Position	<u>\$ 349,009</u>	<u>\$ 366,872</u>	<u>-4.9%</u>

Table 2 – Assets & Liabilities Comparison – 2021 vs 2020

	2021	2020	% Change
Assets			
Current and other assets	\$ 1,675,674	\$ 1,095,544	53.0%
Net OPEB Asset - RHIA	7,402	11,911	-37.9%
Capital assets (net)	35,949	43,399	-17.2%
Total Assets	1,719,025	1,150,854	49.4%
Deferred Outflows of Resources			
Pension related deferrals - PERS	1,610,720	417,584	285.7%
Pension related deferrals - RHIA	3,404	-	-%
Total Outflows of Resources	1,614,124	417,584	286.5%
Liabilities			
Current and other liabilities	456,072	207,125	120.2%
Net pension liability - PERS	1,919,350	179,132	971.5%
Total Liabilities	2,375,422	386,257	515.0%
Deferred Inflows of Resources			
Pension related deferrals - PERS	607,532	812,895	-25.3%
Pension related deferrals - RHIA	1,186	2,414	-50.9%
Total Inflows of Resources	608,718	815,309	-25.3%
Net Position			
Net investment in capital assets	35,949	43,399	-17.2%
Restricted for Net OPEB Asset -RHIA	7,402	11,911	-37.9%
Restricted – Portland Arts Tax program	-	16,638	-100.0%
Unrestricted	305,658	294,924	-3.6%
Total Net Position	\$ 349,009	\$ 366,872	4.9%

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Analysis of the government-wide financial statements (including Tables 1 and 2) shows the overall financial position of the school did not improve during the audit year, reflecting an increase in operating expenses.

- Total revenues increased over nine percent from the prior year audited financial statements, driven primarily by an increase in operating contributions. The primary driver behind the operating contributions increase was due to increases in grant activities and state funding.
- Total expenses increased 55 percent from the prior year audited financial statements due to increases in operating costs resulting from instructional and support services added to support return to school and COVID-19 related management.

Analysis of the general fund balances shows an increase over the prior year balances due to the increases in grant activities, including ESSER funding, and state funding.

Analysis of general fund budgetary variations.

- Revenues were approximately 26% over budget for the year (\$420,411). The drivers for this increase were new and increased federal grant funding through increased grant activities and increased state funding due to rate increases.
- Expenses were approximately 3% over budget (\$49,469). The drivers for this increase were an increase in salaries and supplies and materials resulting from changes to school operations due to COVID-19 offset by a decrease in payroll costs and employee benefits as well as purchased services.

Description of capital asset and long-term debt activity.

- Cottonwood did not purchase any capital assets nor did it incur long-term debt during the year. Enrollment for the 2020-21 school year averaged 205, consistent with the prior year.

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The financial report is designed to provide a general overview of finances for those with an interest in CSCS's finances. Questions concerning any of the information provided in this report, or request for additional financial information should be addressed to: Board President, 640 S. Bancroft Street, Portland, OR 97239.



Nels Hesseldahl
Board President, The Cottonwood School



Nicki Phelps
Board Treasurer, The Cottonwood School



Amanda McAdoo
Executive Director, The Cottonwood School

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

BASIC FINANCIAL STATEMENTS

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

STATEMENT OF NET POSITION
 June 30, 2021

ASSETS:	
Current Assets:	
Cash	\$ 1,559,477
Accounts receivable	97,608
Prepaid expenses	<u>1,089</u>
Total Current Assets	<u>1,658,174</u>
Noncurrent Assets:	
Deposits	17,500
Net OPEB Asset - RHIA	7,402
Capital assets, net of depreciation	<u>35,949</u>
Total Long-Term Assets	<u>60,851</u>
Total Assets:	1,719,025
DEFERRED OUTFLOWS OF RESOURCES:	
Pension related deferrals - PERS	1,610,720
OPEB related deferrals - RHIA	<u>3,404</u>
Total Deferred Outflows of Resources	<u>1,614,124</u>
TOTAL ASSETS AND DEFERRED OUTFLOWS OF RESOURCES	<u>3,333,149</u>
LIABILITIES:	
Current Liabilities:	
Accounts payable	\$ 32,674
Unearned Revenue	32,574
Payroll liabilities	104,478
Other liabilities	57,637
PPP Loan	<u>228,709</u>
Total Current Liabilities	<u>456,072</u>
Noncurrent Liabilities:	
Net pension liability - PERS	<u>1,919,350</u>
Total Long-Term Liabilities	<u>1,919,350</u>
Total Liabilities:	2,375,422
DEFERRED INFLOWS OF RESOURCES:	
Pension related deferrals - PERS	607,532
OPEB related deferrals - RHIA	<u>1,186</u>
Total Deferred Inflows of Resources	<u>608,718</u>
TOTAL LIABILITIES AND DEFERRED INFLOWS OF RESOURCES	<u>2,984,140</u>
NET POSITION:	
Net Investment in Capital Assets	35,949
Restricted for Net OPEB Asset - RHIA	7,402
Unrestricted	<u>305,658</u>
TOTAL NET POSITION	<u>\$ 349,009</u>

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See accompanying notes to the basic financial statements.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

STATEMENT OF ACTIVITIES
for the Year Ended June 30, 2021

FUNCTIONS	EXPENSES	PROGRAM REVENUES		NET (EXPENSE) REVENUE AND CHANGES IN NET POSITION
		CHARGES FOR SERVICES	OPERATING GRANTS AND CONTRIBUTIONS	
Instruction	\$ 1,170,414	\$ 31,241	\$ 237,607	\$ (901,566)
Support Services	835,274	-	750	(834,524)
Total Governmental Activities	<u>\$ 2,005,688</u>	<u>\$ 31,241</u>	<u>\$ 238,357</u>	<u>(1,736,090)¹⁶⁹</u>

General Revenues	
State School Fund	1,702,350
Arts Tax	15,204
Miscellaneous	673
Total General Revenues	<u>1,718,227</u>
Changes in Net Position	(17,863)
Net Position - Beginning	<u>366,872</u>
Net Position - Ending	<u>\$ 349,009</u>

See accompanying notes to the basic financial statements.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

BALANCE SHEET - GOVERNMENTAL FUNDS
June 30, 2021

ASSETS:

Cash	\$	1,559,477
Accounts receivable		97,608
Prepaid expenses		1,089
		<hr/>
Total Assets	\$	1,658,174
		<hr/> <hr/>

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LIABILITIES:

Accounts payable	\$	32,674
Payroll liabilities		104,478
Unearned Revenue		32,574
		<hr/>
Total Liabilities		169,726
		<hr/>

FUND BALANCES:

Nonspendable		1,089
Assigned		14,450
Unassigned		1,472,909
		<hr/>
Total Fund Balance		1,488,448
		<hr/>
Total Liabilities and Fund Balance	\$	1,658,174
		<hr/> <hr/>

See accompanying notes to the basic financial statements.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

RECONCILIATION OF THE GOVERNMENTAL FUND
 BALANCE SHEET TO THE STATEMENT OF NET POSITION
 June 30, 2021

Total Fund Balances - Governmental Fund		\$	1,488,448
<p>The net pension asset (liability) is the difference between the total pension liability and the assets set aside to pay benefits earned to past and current employees and beneficiaries.</p>			
PERS		\$ (1,919,350)	
RHIA		<u>7,402</u>	(1,911,948)
<p>Deferred inflows and outflows of resources related to the pension plan include differences between expected and actual experience, changes of assumptions, differences between projects and actual earnings, and contributions subsequent to the measurement date.</p>			
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Deferred Inflows of Resources - PERS		(607,532)	
Deferred Outflows of Resources - PERS		1,610,720	
Deferred Inflows of Resources - RHIA		(1,186)	
Deferred Outflows of Resources - RHIA		<u>3,404</u>	1,005,406
<p>The cost of capital assets (leasehold improvements and equipment) purchased or constructed is reported as an expenditure in the governmental fund. The Statement of Net Position includes those capital assets among the assets of the School as a whole.</p>			
Capital assets, net of depreciation			35,949
<p>Refundable rental deposits paid on a long-term lease contract, not receivable in the current period, are reported as an expenditure in the governmental fund. The Statement of Net Position includes those deposits among the assets of the School as a whole.</p>			
Deposit			17,500
<p>Long-term liabilities applicable to the School's governmental activities are not due and payable in the current period and accordingly are not reported as fund liabilities. All liabilities, both current and long term, are reported in the Statement of Net Position.</p>			
PPP Loan payable			(228,709)
Other Liabilites			<u>(57,637)</u>
Net Position		\$	<u><u>349,009</u></u>

See accompanying notes to the basic financial statements.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
GOVERNMENTAL FUND
for the Year Ended June 30, 2021

	2021
REVENUES:	
State aid	\$ 1,717,972
Federal aid	141,901
Other grants	51,337
Fees and charges	31,241
Contributions	36,295
In-Kind Contributions	750
Fundraising	50,088
Miscellaneous	674
City art tax	15,204
	2,045,462
Total Revenues	2,045,462
EXPENDITURES:	
Current:	
Instruction	
Salaries	537,502
Payroll costs and employee benefits	247,640
Purchased services	43,328
Supplies and materials	113,706
Total Instruction	942,176
Support Services	
Salaries	242,920
Payroll costs and employee benefits	112,038
Purchased services	330,342
Supplies and materials	14,470
Other objects	25,624
Total Support Services	725,394
Total Expenditures	1,667,570
Other Financing Sources/(Uses)	
Proceeds from the issuance of debt	228,709
Total Other Financing Sources/(Uses)	228,709
Net Change in Fund Balance	606,601
Beginning Fund Balance	881,847
Ending Fund Balance	\$ 1,488,448

See accompanying notes to the basic financial statements.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

RECONCILIATION OF THE GOVERNMENTAL FUND
 STATEMENT OF REVENUES, EXPENDITURES
 TO THE STATEMENT OF ACTIVITIES
 for the Year Ended June 30, 2021

Total Net Changes in Fund Balances - Governmental Funds \$ 606,601

The PERS pension expense represents the changes in net pension asset (liability) from year to year due to changes in total pension liability and the fair value of pension plan net position available to pay pension benefits.

PERS	\$ (341,719)	
RHIA	<u>123</u>	(341,596)
		173

Capital outlays are reported in the governmental fund as expenditures. However, in the Statement of Activities, the cost of those assets is capitalized and allocated over their estimated useful lives as depreciation expense. This is the amount by which capital outlay exceeds depreciation.

Depreciation expense, net of adjustments (7,450)

Governmental funds report payments on deferred lease liability and payments on capital leases as expenditures, whereas these amounts are a reduction of long-term debt on the Statement of Net Position. Governmental funds report lease payments as an expense regardless of abated months or increasing annual rates, whereas the Statement of Net Position recognizes the difference between the lease payment and lease expense as a liability.

Deferred lease expense 10,928

Long-term debt proceeds are reported as other financing sources in governmental funds. In the Statement of Net Position, however, issuing long-term debt increases liabilities not revenue.

Other Liabilities		(57,637)
Debt Principal Issuance (PPP)		<u>(228,709)</u>

Change in Net Position of Governmental Activities \$ (17,863)

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

NOTES TO THE BASIC FINANCIAL STATEMENTS

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

NOTES TO THE BASIC FINANCIAL STATEMENTS

I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The basic financial statements have been prepared in conformity with accounting principles generally accepted in the United States of America (GAAP) as applied to government units as required by Oregon law. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The more significant of the accounting policies are described below.

A. THE FINANCIAL REPORTING ENTITY

The Cottonwood School of Civics and Science (the School) is a non-profit corporation organized under provisions of Oregon Revised Statutes Chapter 338 for the purpose of operating a charter school, which provides youth education and activities for students in the greater Portland area. It is governed by a board of directors. Support comes from local school districts, government and private grantors, and program fees.¹⁷⁵

Generally accepted accounting principles require that these basic financial statements present The Cottonwood School of Civics and Science and all component units, if any. Component units, as established by the Governmental Accounting Standards Board (GASB) Statement 61, are separate entities which are included in the School's reporting because of the significance of their operational or financial relationships with the School. All significant activities and entities with which the School exercises oversight responsibility have been considered for inclusion in the basic financial statements. There are no component units.

The School operates under a charter granted by the Oregon Department of Education. Its continuation is contingent upon compliance with various requirements as specified in both the charter and Chapter 338 of the Oregon Revised Statutes (ORS). The School is not a component unit of any school district as it is sponsored by the Oregon Department of Education.

B. MEASUREMENT FOCUS, BASIS OF ACCOUNTING AND BASIS OF PRESENTATION

GOVERNMENT-WIDE FINANCIAL STATEMENTS (GWFS)

The Statement of Net Position and Statement of Activities display information about the School as a whole.

The Statement of Net Position and the Statement of Activities were prepared using the economic resources measurement focus and the accrual basis of accounting. Revenues, expenses, gains, losses, assets, and liabilities resulting from exchange and exchange-like transactions are recognized when the exchange takes place. Revenues, expenses, gains, losses, assets, and liabilities resulting from non-exchange transactions are recognized in accordance with the requirements of GASB Statement No. 33 "Accounting and Financial Reporting for Non-Exchange Transactions".

All direct expenses are reported by function in the Statement of Activities. Direct expenses are those that are clearly identifiable with a function.

FUND FINANCIAL STATEMENTS

The accounts are organized and operated on the basis of funds. A fund is an independent fiscal and accounting entity with a self-balancing set of accounts. Fund accounting segregates funds according to their intended purpose and is used to aid management in demonstrating compliance with finance-related legal and contractual provisions. The minimum number of funds is maintained consistent with legal and managerial requirements.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

NOTES TO THE BASIC FINANCIAL STATEMENTS

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

B. MEASUREMENT FOCUS, BASIS OF ACCOUNTING AND BASIS OF PRESENTATION
(CONTINUED)

GOVERNMENTAL FUND TYPES

Governmental funds are used to account for the general government activities. Governmental fund types use the flow of current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recognized when susceptible to accrual (i.e., when they are “measurable and available”). “Measurable” means the amount of the transaction can be determined and “available” means collectible within the current period or soon enough thereafter to pay liabilities of the current period, which is 60 days. Grant revenue is not considered available and, therefore, is not recognized until received. Expenditures are recorded when the liability is incurred. Capital assets and the related depreciation expense and accumulated depreciation are not reported in the governmental funds.

Revenues susceptible to accrual are federal, state and local shared revenue.

There is the following major governmental fund:

GENERAL FUND

This fund accounts for all financial resources and expenditures, except those required to be accounted for in another fund (there are no other funds). The principal revenue sources are payments of state school support from the state, federal grants, program fees, fundraising and donations.

GRANTS

Unreimbursed expenditures due from grantor agencies are reflected in the government-wide financial statements as receivables and revenues. Grant revenues are recorded at the time eligible expenditures are incurred. Cash received from grantor agencies in excess of related grant expenditures is recorded as a liability in the balance sheet and statement of net position.

NET POSITION

Net position is comprised of the various net earnings from operations, non-operating revenues, expenses and contributions of capital. Net position is classified in the following categories:

Restricted – consists of external constraints placed on assets use by creditors, grantors, contributors, or laws or regulations of other governments or constraints imposed by law through constitutional provisions or enabling legislation. There was restricted net position at June 30, 2021 representing the Net OPEB Asset – RHIA.

Net investment in capital assets – consists of assets that are invested in equipment and other capital assets net of depreciation and any related debt.

Unrestricted – consists of all other assets that are not included in the other categories previously mentioned.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

NOTES TO THE BASIC FINANCIAL STATEMENTS

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

C. BUDGET

A budget is prepared for the General Fund on the modified accrual basis of accounting in the main program categories as listed below. Modified accrual basis differs from accrual in the fact that no depreciation expense is recognized, pension costs are not recorded until paid, rent related to future periods is not deferred, capital leases are not recognized, debt principal is expensed when paid and capital assets are expensed when purchased.

Expenditures are made at the following levels for the fund:

LEVEL OF CONTROL

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- Salaries
- Payroll costs and employee benefits
- Purchased services
- Supplies and materials
- Other objects

A budgetary schedule is shown on page 30 of this report.

D. RECEIVABLES

Revenues earned during the year but not received by the end of the year are reported on the Statement of Net Position or the Balance Sheet as receivables. Such receivables are kept on the books until either received or written-off as uncollectible. Accounts receivable are all current and considered by management to be fully collectible; therefore, no provision for uncollectible accounts has been made.

E. CAPITAL ASSETS

Capital assets, which include leasehold improvements and equipment, are reported on the government-wide financial statements. Capital assets are defined as assets with an initial cost of more than \$5,000 and estimated useful lives in excess of one year. Purchased assets are recorded at historical cost or estimated historical cost. Donated capital assets are recorded at their estimated fair market value on the day donated. The costs of normal maintenance and repairs that do not add function to the asset or materially extend the useful life of the asset are expensed as incurred. Capital assets are depreciated on the straight line method over their estimated useful life. Equipment is depreciated over 3 to 5 years and leasehold improvements are depreciated over 10 to 20 years.

F. RETIREMENT PLANS

Substantially all of the School's employees are participants in the State of Oregon Public Employees Retirement System (PERS). For the purpose of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about fiduciary net position of PERS and additions to/deductions from PERS's fiduciary net position have been determined on the same basis as they are reported by PERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
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NOTES TO THE BASIC FINANCIAL STATEMENTS

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, (CONTINUED)

G. DEFERRED OUTFLOWS / INFLOWS OF RESOURCES

In addition to assets, the basic financial statements will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense / expenditure) until then. At June 30, 2021, there were deferred outflows representing PERS pension related deferrals and PERS OPEB-RHIA related deferrals reported in the Statement of Net Position.

In addition to liabilities, the basic financial statements will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. At June 30, 2021, there were deferred inflows representing PERS pension related deferrals and PERS OPEB-RHIA related deferrals reported in the Statement of Net Position.

H. STATE SCHOOL FUND

Pursuant to ORS 338.155, students of a public charter school are considered to be residents of the school district in which the public charter school is located. The number of full-time equivalent students and related data is reported to the Oregon Department of Education and Portland Public Schools (PPS). A representative from the Oregon Department of Education reviews the data received. The charter school agreement between the Oregon Department of Education and The Cottonwood School of Civics and Science determines the percentage of funding received for full-time equivalent students. The monthly enrollment data is released to Portland Public Schools at the same time it is provided to the Oregon Department of Education. Portland Public Schools reviews the data and calculates the value due. PPS notifies The Cottonwood School of Civics and Science of the calculated value via email and then, per agreement, transmits the funds electronically within 10 days of receipt of funding from the State of Oregon.

I. FUNDRAISING

Various fundraising activities supplement the resources available for school programs. The proceeds of fundraising activities, net of related fundraising costs, are reported as part of operating revenue and contributions in the Statement of Activities.

J. ESTIMATES

The preparation of the basic financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the basic financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

K. SUPPLY INVENTORY

Detailed supply inventory records are not maintained. Inventories are not considered by management to be material at year end.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
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NOTES TO THE BASIC FINANCIAL STATEMENTS

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, (CONTINUED)

L. PREPAID EXPENSES

Prepaid expenses are reported for purchases of services paid for during the year but not used until next year. Prepaid expenses at June 30, 2021 include parking, down payment for events, and other miscellaneous expenses paid in advance.

M. DONATED MATERIALS AND SERVICES

Contributions of noncash assets are recorded at their fair values in the period received. Contributions of donated services that create or enhance nonfinancial assets or require specialized skills, are provided by individuals possessing those skills, and would typically need to be purchased if not provided by donation. Contributions of donated services are recorded at their fair values in the period received. There were no material donated noncash assets or material donated services for the year ending June 30, 2021.

N. FUND BALANCES

GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund-type Definitions*, is followed. The objective of this statement is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing governmental fund-type definitions. This statement establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints imposed on the use of the resources reported in governmental funds. Under this standard, the fund balance classifications are non-spendable, restricted, committed, assigned, and unassigned.

- Non-spendable fund balance represents amounts that are not in a spendable form. The non-spendable fund balance represents prepaid expenses.
- Restricted fund balance represents amounts that are legally restricted by outside parties for a specific purpose (such as debt covenants, grant requirements, donor requirements, or other governments) or are restricted by law (constitutionally or by enabling legislation).
- Committed fund balance represents funds formally set aside by the governing body for a particular purpose. The use of committed funds would be approved by resolution.
- Assigned fund balance represents amounts that are constrained by the expressed intent to use resources for specific purposes that do not meet the criteria to be classified as restricted or committed. Intent can be stipulated by the governing body. The Board has authorized the Business Officer to assign funds.
- Unassigned fund balance is the residual classification of the General Fund. Only the General Fund may report a positive unassigned fund balance. Other governmental funds would report any negative residual fund balance as assigned.

The following order of spending is used regarding fund balance categories: Restricted resources are spent first when both restricted and unrestricted (committed, assigned or unassigned) resources are available for expenditures. When unrestricted resources are spent, the order of spending is committed (if applicable), assigned (if applicable) and unassigned.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
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NOTES TO THE BASIC FINANCIAL STATEMENTS

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, (CONTINUED)

N. FUND BALANCE (CONTINUED)

At June 30, 2021, total assigned balances were \$14,450 of which \$3,000 was assigned for Friends of SWCS, \$2,846 was assigned for scholarship fund, \$81 was assigned for student council, and \$8,523 was assigned for student plays.

There was no committed or restricted fund balance at year end.

O. DEPOSITS

A refundable security deposit is held by WPC Bancroft, LLC for property rental (see Note 9).

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P. FAIR VALUE INPUTS, METHODOLOGIES AND HIERARCHY

Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Observable inputs are developed based on market data obtained from sources independent of the reporting entity. Unobservable inputs are developed based on the best information available about the assumptions market participants would use in pricing the asset. The classification of securities within the fair value hierarchy is based upon the activity level in the market for the security type and the inputs used to determine their fair value, as follows:

Level 1 – unadjusted price quotations in active markets/exchanges for identical assets or liabilities that each Fund has the ability to access

Level 2 – other observable inputs (including, but not limited to, quoted prices for similar assets or liabilities in markets that are active, quoted prices for identical or similar assets or liabilities in markets that are not active, inputs other than quoted prices that are observable for the assets or liabilities (such as interest rates, yield curves, volatilities, loss severities, credit risks and default rates) or other market-corroborated inputs

Level 3 – unobservable inputs based on the best information available in the circumstances, to the extent observable inputs are not available (including each Fund's own assumptions used in determining the fair value of investments)

The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (Level 1 measurements) and the lowest priority to unobservable inputs (Level 3 measurements). Accordingly, the degree of judgment exercised in determining fair value is greatest for instruments categorized in Level 3. The inputs used to measure fair value may fall into different levels of the fair value hierarchy. In such cases, for disclosure purposes, the fair value hierarchy classification is determined based on the lowest level input that is significant to the fair value measurement in its entirety.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
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NOTES TO THE BASIC FINANCIAL STATEMENTS

2. CASH AND INVESTMENTS

DEPOSITS

Deposits with financial institutions include bank demand deposits. Oregon Revised Statutes require deposits to be adequately covered by federal depository insurance or deposited at an approved depository as identified by the Treasury. The total bank balances per the bank statements as of June 30, 2021 was \$1,569,765 of which \$250,000 was covered by federal depository insurance and the remainder was collateralized by the Oregon Public Funds Collateralization Program (PFCP).

Cash at June 30, 2021 consisted of:

Bank demand deposits	\$ 1,559,377
Petty cash	<u>100</u>
	<u>\$ 1,559,477</u>

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CUSTODIAL CREDIT RISK – DEPOSITS

In the case of deposits, there is the risk that in the event of a bank failure, the deposits may not be returned. There is no deposit policy for custodial credit risk. As of June 30, 2021, none of the bank balances were exposed to custodial credit risk.

INTEREST RATE RISK-INVESTMENTS

Oregon Revised Statutes require investments to not exceed a maturity of 18 months, except when the local government has adopted a written investment policy that was submitted to and reviewed by the OSTFB. There were no investments.

INVESTMENTS

Policy is to follow state statutes governing cash management. Statutes authorize investing in banker's acceptances, repurchase agreements, obligations of the United States and its agencies and instrumentalities.

CREDIT RISK – INVESTMENTS

Oregon Revised Statutes do not limit investments as to credit rating for securities purchased from US Government Agencies or USGSE.

CONCENTRATION OF CREDIT RISK - INVESTMENTS

There were no investments at June 30, 2021.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
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NOTES TO THE BASIC FINANCIAL STATEMENTS

3. CAPITAL ASSETS

Changes in capital assets for the year ended June 30, 2021 are as follows:

	Balance July 1, 2020	Additions	Deletions	Balance June 30, 2021
Capital Assets				
Leasehold Improvements	\$ 61,535	\$ -	\$ -	\$ 61,535
Equipment	76,205	-	-	76,205
Total	137,740	-	-	137,740
Accumulated Depreciation				
Leasehold Improvements	27,023	3,230	-	30,253
Equipment	67,318	4,220	-	71,538
Total	94,341	7,450	-	101,791
Total Net Capital Assets	\$ 43,399			\$ 35,949

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Depreciation expense for the year is allocated as follows:

Instruction	\$ 3,241
Support	4,209
	\$ 7,450

4. TAX STATUS

The School is qualified pursuant to Section 501(c)(3) of the Internal Revenue Code, and, accordingly, the School's net investment income is exempt from income taxes. The School has obtained a favorable determination letter from the Internal Revenue Service and the Board of Directors believe that the School continues to qualify and to operate in accordance with applicable provisions of the Internal Revenue Code.

U.S. Generally Accepted Accounting Principles require The Cottonwood School's management to evaluate tax positions taken and recognize a tax liability (or asset) if the School has taken an uncertain position that more likely than not would not be sustained upon examination by the Internal Revenue Service. The School is subject to routine audits by taxing jurisdictions; however, there are currently no audits for any tax periods in progress. Management believes it is no longer subject to income tax examinations for years prior to 2017.

5. RISK MANAGEMENT

There is exposure to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. Commercial insurance is purchased to minimize exposure to these risks. Settled claims have not exceeded this commercial coverage for the last three fiscal years.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
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NOTES TO THE BASIC FINANCIAL STATEMENTS

6. DEFINED BENEFIT PENSION PLAN

Plan Description – The Oregon Public Employees Retirement System (PERS) consists of a single cost-sharing multiple-employer defined benefit plan. All benefits of the system are established by the legislature pursuant to Oregon Revised Statute (ORS) Chapters 238 and 238A. Oregon PERS produces an independently audited Comprehensive Annual Financial Report which can be found at:

<https://www.oregon.gov/pers/Documents/Financials/CAFR/2020-CAFR.pdf>

If the link is expired please contact Oregon PERS for this information.

- a. **PERS Pension (Chapter 238).** The ORS Chapter 238 Defined Benefit Plan is closed to new members hired on or after August 29, 2003.
 - i. **Pension Benefits.** The PERS retirement allowance is payable monthly for life. It may be selected from 13 retirement benefit options. These options include survivorship benefits and lump-sum refunds. The basic benefit is based on years of service and final average salary. A percentage (2.0 percent for police and fire employees, and 1.67 percent for general service employees) is multiplied by the number of years of service and the final average salary. Benefits may also be calculated under either a formula plus annuity (for members who were contributing before August 21, 1981) or a money match computation if a greater benefits results.

A member is considered vested and will be eligible at minimum retirement age for a service retirement allowance if he or she has had a contribution in each of five calendar years or has reached at least 50 years of age before ceasing employment with a participating employer (age 45 for police and fire members). General service employees may retire after reaching age 55. Police and fire members are eligible after reaching age 50. Tier 1 general service employee benefits are reduced if retirement occurs prior to age 58 with fewer than 30 years of service. Police and fire member benefits are reduced if retirement occurs prior to age 55 with fewer than 25 years of service. Tier 2 members are eligible for full benefits at age 60. The ORS Chapter 238 Defined Benefit Pension Plan is closed to new members hired on or after August 29, 2003.
 - ii. **Death Benefits.** Upon the death of a non-retired member, the beneficiary receives a lump-sum refund of the member's account balance (accumulated contributions and interest). In addition, the beneficiary will receive a lump-sum payment from employer funds equal to the account balance, provided one or more of the following contributions are met:
 - member was employed by PERS employer at the time of death,
 - member died within 120 days after termination of PERS covered employment,
 - member died as a result of injury sustained while employed in a PERS-covered job, or
 - member was on an official leave of absence from a PERS-covered job at the time of death.
 - iii. **Disability Benefits.** A member with 10 or more years of creditable service who becomes disabled from other than duty-connected causes may receive a non-duty disability benefit. A disability resulting from a job-incurred injury or illness qualifies a member (including PERS judge members) for disability benefits regardless of the length of PERS-covered service. Upon qualifying for either a non-duty or duty disability, service time is computed to age 58 (55 for police and fire members) when determining the monthly benefit.
 - iv. **Benefit Changes After Retirement.** Members may choose to continue participation in their variable account after retiring and may experience annual benefit fluctuations due to changes in the fair value of the underlying global equity investments of that account. Under ORS 238.360 monthly benefits are adjusted annually through cost-of-living changes (COLA). The COLA is capped at 2.0 percent.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
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NOTES TO THE BASIC FINANCIAL STATEMENTS

6. DEFINED BENEFIT PENSION PLAN (CONTINUED)

b. **OPSRP Pension Program (OPSRP DB).** The ORS Chapter 238A Defined Benefit Pension Program provides benefits to members hired on or after August 29, 2003.

i. **Pension Benefits.** This portion of OPSRP provides a life pension funded by employer contributions. Benefits are calculated with the following formula for members who attain normal retirement age:

Police and fire: 1.8 percent is multiplied by the number of years of service and the final average salary. Normal retirement age for police and fire members is age 60 or age 53 with 25 years of retirement credit. To be classified as a police and fire member, the individual must have been employed continuously as a police and fire member for at least five years immediately preceding retirement.

General service: 1.5 percent is multiplied by the number of years of service and the final average salary. Normal retirement age for general service members is age 65, or age 58 with 30 years of retirement credit.

A member of the pension program becomes vested on the earliest of the following dates: the date the member completes 600 hours of service in each of five calendar years, the date the member reaches normal retirement age, and, if the pension program is terminated, the date on which termination becomes effective.

ii. **Death Benefits.** Upon the death of a non-retired member, the spouse or other person who is constitutionally required to be treated in the same manner as the spouse, receives for life 50 percent of the pension that would otherwise have been paid to the deceased member. The surviving spouse may elect to delay payment of the death benefit, but payment must commence no later than December 31 of the calendar year in which the member would have reached 70½ years.

iii. **Disability Benefits.** A member who has accrued 10 or more years of retirement credits before the member becomes disabled or a member who becomes disabled due to job-related injury shall receive a disability benefit of 45 percent of the member's salary determined as of the last full month of employment before the disability occurred.

Contributions – PERS funding policy provides for monthly employer contributions at actuarially determined rates. These contributions, expressed as a percentage of covered payroll, are intended to accumulate sufficient assets to pay benefits when due. The funding policy applies to the PERS Defined Benefit Plan and the Other Postemployment Benefit Plans. Employer contribution rates during the period were based on the December 31, 2017 actuarial valuation, which became effective July 1, 2019. The state of Oregon and certain schools, community colleges, and political subdivision have made unfunded actuarial liability payments and their rates have been reduced. Effective January 1, 2020, Senate Bill 1049 requires employees to pay contributions on re-employed PERS retirees' salaries as if they were an active member, excluding IAP (6%) contributions. Employer contributions for the year ended June 30, 2021 were \$161,190, excluding amounts to fund employer specific liabilities.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
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NOTES TO THE BASIC FINANCIAL STATEMENTS

6. DEFINED BENEFIT PENSION PLAN (CONTINUED)

Pension Asset or Liability – At June 30, 2021, the School reported a net pension liability of \$1,919,350 for its proportionate share of the net pension liability. The pension liability was measured as of June 30, 2020, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation dated December 31, 2018. The School’s proportion of the net pension liability was based on a projection of the School’s long-term share of contributions to the pension plan relative to the projected contributions of all participating employers, actuarially determined. As of the measurement date of June 30, 2020 and 2019, the School’s proportion was .009 percent and .001 percent, respectively. Pension expense for the year ended June 30, 2021 was \$341,719.

The rates in effect for the year ended June 30, 2021 were:

- (1) Tier 1/ Tier 2 – 32.03%
- (2) OPSRP general services – 26.58%

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	Deferred Outflow of Resources	Deferred Inflow of Resources
Difference between expected and actual experience	\$ 84,475	\$ -
Changes in assumptions	103,005	3,609
Net difference between projected and actual earnings on pension plan investments	225,691	-
Changes in proportionate share	939,183	591,796
Difference between School contributions and proportionate share of contributions	97,176	12,127
Subtotal - amortized deferrals below	1,449,530	607,532
School contributions subsequent to measurement date	161,190	-
Deferred outflow (inflow) of resources	\$ 1,610,720	\$ 607,532

The amount of contributions subsequent to the measurement date will be included as a reduction of the net pension liability in the fiscal year ended June 30, 2022.

Subtotal amounts related to pension as deferred outflows of resources, \$1,449,530, and deferred inflows of resources, (\$607,532), net to \$841,998 and will be recognized in pension expense as follows:

Year ending June 30,	Amount
2022	162,780
2023	183,734
2024	172,053
2025	258,874
2026	64,557
Total	\$ 841,998

All assumptions, methods and plan provisions used in these calculations are described in the Oregon PERS system-wide GASB 68 reporting summary dated March 12, 2021. Oregon PERS produces an independently audited CAFR which can be found at:

<https://www.oregon.gov/pers/Documents/Financials/CAFR/2020-CAFR.pdf>

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
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NOTES TO THE BASIC FINANCIAL STATEMENTS

6. DEFINED BENEFIT PENSION PLAN (CONTINUED)

Actuarial Valuations – The employer contribution rates effective July 1, 2019 through June 30, 2021, were set using the entry age normal actuarial cost method. For the Tier One/Tier Two component of the PERS Defined Benefit Plan, this method produced an employer contribution rate consisting of (1) an amount for normal cost (estimated amount necessary to finance benefits earned by employees during the current service year), (2) an amount for the amortization unfunded actuarial accrued liabilities, which are being amortized over a fixed period with new unfunded actuarial liabilities being amortized over 20 years.

For the OPSRP Pension Program component of the PERS Defined Benefit Plan, this method produced an employer rate consisting of (a) an amount for normal cost (the estimated amount necessary to finance benefits earned by the employees during the current service year), (b) an actuarially determined amount for funding a disability benefit component, and (c) an amount for the amortization of unfunded actuarial accrued liabilities, which are being amortized over a fixed period with new unfunded actuarial accrued liabilities being amortized over 16 years.

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Actuarial Methods and Assumptions:

Valuation date	December 31, 2018
Experience Study Report	2018, Published July 24, 2019
Actuarial cost method	Entry Age Normal
Amortization method	Level percentage of payroll
Asset valuation method	Market value of assets
Inflation rate	2.50 percent
Investment rate of return	7.20 percent
Discount rate	7.20 percent
Projected salary increase	3.50 percent
Cost of Living Adjustment	Blend of 2% COLA and graded COLA (1.25%/0.15%) in accordance with <i>Moro</i> decision, blend based on service
Mortality	Healthy retirees and beneficiaries: Pub-2010 Healthy Retiree, sex distinct, generational with Unisex, Social Security Data Scale, with job category adjustments and set-backs as described in the valuation. Active members: Pub-2010 Employee, sex distinct, generational with Unisex, Social Security Data Scale, with job category adjustments and set-backs as described in the valuation. Disabled retirees: Pub-2010 Disabled Retiree, sex distinct, generational with Unisex, Social Security Data Scale, with job category adjustments and set-backs as described in the valuation.

Actuarial valuations of an ongoing plan involve estimates of value of reported amounts and assumptions about the probability of events far into the future. Actuarially determined amounts are subject to continual revision as actual results are compared to past expectations and new estimates are made about the future. Experience studies are performed as of December 31 of even numbered years. The method and assumptions shown are based on the 2018 Experience Study which is reviewed for the four-year period ending December 31, 2018.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
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NOTES TO THE BASIC FINANCIAL STATEMENTS

6. DEFINED BENEFIT PENSION PLAN (CONTINUED)

Assumed Asset Allocation:

Asset Class/Strategy	Low Range	High Range	OIC Target
Debt Securities	15.0%	25.0%	20.0%
Public Equity	27.5%	37.5%	32.5%
Real Estate	9.5%	15.5%	12.5%
Private Equity	14.0%	21.0%	17.5%
Alternative Investments	7.5%	17.5%	15.0%
Opportunity Portfolio	0.0%	3.0%	0.0%
Risk Parity	0.0%	2.5%	2.5%
Total			100.0%

(Source: June 30, 2020 PERS CAFR; p. 102)

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Long-Term Expected Rate of Return:

To develop an analytical basis for the selection of the long-term expected rate of return assumption, in May 2019 the PERS Board reviewed long-term assumptions developed by both Milliman's capital market assumptions team and the Oregon Investment Council's (OIC) investment advisors. The table below shows Milliman's assumptions for each of the asset classes in which the plan was invested at that time based on the OIC long-term target asset allocation. The OIC's description of each asset class was used to map the target allocation to the asset classes shown below. Each asset class assumption is based on a consistent set of underlying assumptions, and includes adjustment for the inflation assumption. These assumptions are not based on historical returns, but instead are based on a forward-looking capital market economic model.

Asset Class	Target Allocation	Compound Annual (Geometric) Return
Core Fixed Income	9.60%	4.07%
Short-Term Bonds	9.60%	3.68%
Bank/Leveraged Loans	3.60%	5.19%
High Yield Bonds	1.20%	5.74%
Large/Mid Cap US Equities	16.17%	6.30%
Small Cap US Equities	1.35%	6.68%
Micro Cap US Equities	1.35%	6.79%
Developed Foreign Equities	13.48%	6.91%
Emerging Market Equities	4.24%	7.69%
Non-US Small Cap Equities	1.93%	7.25%
Private Equity	17.50%	8.33%
Real Estate (Property)	10.00%	5.55%
Real Estate (REITS)	2.50%	6.69%
Hedge Fund of Funds - Diversified	1.50%	4.06%
Hedge Fund - Event-driven	0.38%	5.59%
Timber	1.13%	5.61%
Farmland	1.13%	6.12%
Infrastructure	2.25%	6.67%
Commodities	1.13%	3.79%
Assumed Inflation - Mean		2.50%

(Source: June 30, 2020 PERS CAFR; p. 74)

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

NOTES TO THE BASIC FINANCIAL STATEMENTS

6. DEFINED BENEFIT PENSION PLAN (CONTINUED)

Discount Rate – The discount rate used to measure the total pension liability as of the measurement dates of June 30, 2020 and 2019 was 7.20 percent for both years for the Defined Benefit Pension Plan. The projection of cash flows used to determine the discount rate assumed that contributions from the plan members and those of the contributing employers are made at the contractually required rates, as actuarially determined. Based on those assumptions, the pension plan’s fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments for the Defined Benefit Pension Plan was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the School’s proportionate share of the net pension liability to changes in the discount rate – The following presents the School’s proportionate share of the net pension liability calculated using the discount rate of 7.20 percent, as well as what the School’s proportionate share of the net pension liability would be if it were calculated using a discount rate that is one percent lower (6.20 percent) or one percent higher (8.20 percent) than the current rate.

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	1% Decrease (6.20%)	Discount Rate (7.20%)	1% Increase (8.20%)
School's proportionate share of the net pension liability	\$ 2,850,076	\$ 1,919,350	\$ 1,138,893

Changes Subsequent to the Measurement Date

As described above, GASB 67 and GASB 68 require the Total Pension Liability to be determined based on the benefit terms in effect at the Measurement Date. Any changes to benefit terms that occurs after that date are reflected in amounts reported for the subsequent Measurement Date. However, Paragraph 80f of GASB 68 requires employers to briefly describe any changes between the Measurement Date and the employer’s reporting date that are expected to have a significant effect on the employer’s share of the collective Net Pension Liability, along with an estimate of the resulting change, if available. There are no changes subsequent to the June 30, 2020 Measurement Date that meet this requirement.

OPSRP Individual Account Program (OPSRP IAP)

Plan Description:

Employees of the School are provided with pensions through OPERS. All the benefits of OPERS are established by the Oregon legislature pursuant to Oregon Revised Statute (ORS) Chapters 238 and 238A. Chapter 238 Defined Benefit Pension Plan is closed to new members hired on or after August 29, 2003. Chapter 238A created the Oregon Public Service Retirement Plan (OPSRP), which consists of the Defined Benefit Pension Program and the Individual Account Program (IAP). Membership includes public employees hired on or after August 29, 2003. PERS members retain their existing defined benefit plan accounts, but member contributions are deposited into the member’s IAP account. OPSRP is part of OPERS, and is administered by the OPERS Board.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

NOTES TO THE BASIC FINANCIAL STATEMENTS

6. DEFINED BENEFIT PENSION PLAN (CONTINUED)

Pension Benefits:

Participants in OPERS defined benefit pension plans also participate in their defined contribution plan. An IAP member becomes vested on the date the employee account is established or on the date the rollover account was established. If the employer makes optional employer contributions for a member, the member becomes vested on the earliest of the following dates: the date the member completes 600 hours of service in each of five calendar years, the date the member reaches normal retirement age, the date the IAP is terminated, the date the active member becomes disabled, or the date the active member dies. Upon retirement, a member of the OPSRP IAP may receive the amounts in his or her employee account, rollover account, and vested employer account as a lump-sum payment or in equal installments over a 5-, 10-, 15-, 20-year period or an anticipated life span option. Each distribution option has a \$200 minimum distribution limit.

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Death Benefits:

Upon the death of a non-retired member, the beneficiary receives in a lump sum the member's account balance, rollover account balance, and vested employer optional contribution account balance. If a retired member dies before the installment payments are completed, the beneficiary may receive the remaining installment payments or choose a lump-sum payment.

Contributions:

Employees of the School pay six (6) percent of their covered payroll. Effective July 1, 2020, currently employed Tier 1/Tier 2 and OPSERP members earning \$2,500 or more per month will have a portion of their 6 percent monthly IAP contributions redirected to an Employee Pension Stability Account. The Employee Pension Stability Account will be used to pay part of the member's future benefit. Of the 6 percent monthly IAP contribution, Tier 1/Tier 2 will have 2.5 percent redirected to the Employee Pension Stability Account and OPSERP will have 0.75 percent redirected to the Employee Pension Stability Account, with the remaining going to the member's existing IAP account. Members may voluntarily choose to make additional after-tax contributions into their IAP account to make a full 6 percent contribution to the IAP. The School did not make any optional contributions to member IAP accounts for the year ended June 30, 2021.

Additional disclosures related to Oregon PERS not applicable to specific employers are available online, or by contacting PERS at the following address: PO Box 23700 Tigard, OR 97281-3700.

<http://www.oregon.gov/pers/EMP/Pages/GASB.aspx>

7. OTHER POST-EMPLOYMENT BENEFIT PLAN – (RHIA)

Plan Description:

As a member of Oregon Public Employees Retirement System (OPERS) the School contributes to the Retirement Health Insurance Account (RHIA) for each of its eligible employees. RHIA is a cost-sharing multiple-employer defined benefit other postemployment benefit plan administered by OPERS. RHIA pays a monthly contribution toward the cost of Medicare companion health insurance premiums of eligible retirees. Oregon Revised Statute (ORS) 238.420 established this trust fund. Authority to establish and amend the benefit provisions of RHIA reside with the Oregon Legislature. The plan is closed to new entrants after January 1, 2004. OPERS issues a publicly available financial report that includes financial statements and required supplementary information. That report may be obtained by writing to Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281-3700.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

NOTES TO THE BASIC FINANCIAL STATEMENTS

7. OTHER POST-EMPLOYMENT BENEFIT PLAN – (RHIA) – (CONTINUED)

Funding Policy:

Because RHIA was created by enabling legislation (ORS 238.420), contribution requirements of the plan members and the participating employers were established and may be amended only by the Oregon Legislature. ORS require that an amount equal to \$60 dollars or the total monthly cost of Medicare companion health insurance premiums coverage, whichever is less, shall be paid from the Retirement Health Insurance Account established by the employer, and any monthly cost in excess of \$60 dollars shall be paid by the eligible retired member in the manner provided in ORS 238.410. To be eligible to receive this monthly payment toward the premium cost the member must: (1) have eight years or more of qualifying service in OPERS at the time of retirement or receive a disability allowance as if the member had eight years or more of creditable service in OPERS, (2) receive both Medicare Parts A and B coverage, and (3) enroll in an OPERS-sponsored health plan. A surviving spouse or dependent of a deceased OPERS retiree who was eligible to receive the subsidy is eligible to receive the subsidy if he or she (1) is receiving a retirement benefit or allowance from OPERS or (2) was insured at the time the member died and the member retired before May 1, 1991.

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Participating employers are contractually required to contribute to RHIA at a rate assessed each year by OPERS, and the School currently contributes 0.06% of annual covered OPERF payroll and 0.00% of OPSRP payroll under a contractual requirement in effect until June 30, 2021. Consistent with GASB Statement 75, the OPERS Board of Trustees sets the employer contribution rates as a measure of the proportionate relationship of the employer to all employers consistent with the manner in which contributions to the OPEB plan are determined. The basis for the employer's portion is determined by comparing the employer's actual, legally required contributions made during the fiscal year to the plan with the total actual contributions made in the fiscal year of all employers. The School's contributions to RHIA are included in PERS contributions for all reporting years and equaled the required contributions each year.

At June 30, 2021, the School reported a net OPEB liability/(asset) of (\$7,402) for its proportionate share of the net OPEB liability/(asset). The OPEB liability/(asset) was measured as of June 30, 2020, and the total OPEB liability/(asset) used to calculate the net OPEB liability/(asset) was determined by an actuarial valuation as of December 31, 2018. Consistent with GASB Statement No. 75, paragraph 59(a), the School's proportion of the net OPEB liability/(asset) is determined by comparing the employer's actual, legally required contributions made during the fiscal year to the Plan with the total actual contributions made in the fiscal year of all employers. As of the measurement dates of June 30, 2020 and 2019, the School's proportion was .004 percent and .006 percent, respectively. OPEB expense/(income) for the year ended June 30, 2021 was \$123.

Components of OPEB Expense/(Income):

Components of OPEB Expense/(Income):

Employer's proportionate share of collective system OPEB Expense/(Income)	\$	(1,191)
Net amortization of employer-specific deferred amounts from:		
- Changes in proportionate share (per paragraph 64 of GASB 75)		1,298
- Differences between employer contributions and employer's proportionate share of system contributions (per paragraph 65 of GASB 75)		-
Employer's Total OPEB Expense/(Income)	\$	107

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

NOTES TO THE BASIC FINANCIAL STATEMENTS

7. OTHER POST-EMPLOYMENT BENEFIT PLAN – (RHIA) – (CONTINUED)

Components of Deferred Outflows/Inflows of Resources:

	Deferred Outflow of Resources	Deferred Inflow of Resources
Difference between expected and actual experience	\$ -	\$ 757
Changes in assumptions	-	393
Net difference between projected and actual earnings on pension plan investments	823	-
Net changes in proportionate share	2,581	36
Difference between School contributions and proportionate share of contributions	-	191
Subtotal - Amortized deferrals (below)	3,404	1,186
School contributions subsequent to measurement date	-	-
Net deferred outflow (inflow) of resources	\$ 3,404	\$ 1,186

The amount of contributions subsequent to the measurement date will be included as a reduction of the net OPEB liability/(asset) in the fiscal year ended June 30, 2022.

Subtotal amounts related to OPEB as deferred outflows of resources, \$3,404, and deferred inflows of resources, (\$1,186), net to \$2,218 and will be recognized in OPEB expense as follows:

Year ending June 30,	Amount
2022	\$ 586
2023	1,068
2024	304
2025	260
Total	\$ 2,218

All assumptions, methods and plan provisions used in these calculations are described in the Oregon PERS Retirement Health Insurance Account Cost-Sharing Multiple-Employer Other Postemployment Benefit (OPEB) Plan Schedules of Employer Allocations and OPEB Amounts by Employer report, as of and for the Year Ended June 30, 2021. That independently audited report was dated March 12, 2021 and can be found at:

https://www.oregon.gov/pers/EMP/Documents/GASB/2020/GASB_75_FYE_6.30.2020.pdf

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

NOTES TO THE BASIC FINANCIAL STATEMENTS

7. OTHER POST-EMPLOYMENT BENEFIT PLAN – (RHIA) – (CONTINUED)

Actuarial Methods and Assumptions:

Valuation Date	December 31, 2018
Experience Study Report	2018, Published July 24, 2019
Actuarial cost method	Entry Age Normal
Inflation rate	2.50 percent
Investment rate of return	7.20 percent
Discount rate	7.20 percent
Projected salary increase	3.50 percent
Retiree healthcare participation	Healthy retirees: 32%; Disabled retirees: 20%
Mortality	Healthy retirees and beneficiaries: Pub-2010 Healthy Retiree, sex distinct, generational with Unisex, Social Security Data Scale, with job category adjustments and set-backs as described in the valuation. Active members: Pub-2010 Employee, sex distinct, generational with Unisex, Social Security Data Scale, with job category adjustments and set-backs as described in the valuation. Disabled retirees: Pub-2010 Disabled Retiree, sex distinct, generational with Unisex, Social Security Data Scale, with job category adjustments and set-backs as described in the valuation.

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Actuarial valuations of an ongoing plan involve estimates of value of reported amounts and assumptions about the probability of events far into the future. Actuarially determined amounts are subject to continual revision as actual results are compared to past expectations and new estimates are made about the future. Experience studies are performed as of December 31 of even numbered years. The method and assumptions shown are based on the 2018 Experience Study which is reviewed for the four-year period ending December 31, 2018.

Discount Rate:

The discount rate used to measure the total OPEB liability as of the measurement dates of June 30, 2020 and 2019 was 7.20 and 7.20 percent, respectively. The projection of cash flows used to determine the discount rate assumed that contributions from contributing employers are made at the contractually required rates, as actuarially determined. Based on those assumptions, the RHIA plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on OPEB plan investments for the RHIA plan was applied to all periods of projected benefit payments to determine the total OPEB liability.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

NOTES TO THE BASIC FINANCIAL STATEMENTS

7. OTHER POST-EMPLOYMENT BENEFIT PLAN – (RHIA) – (CONTINUED)

Long-Term Expected Rate of Return:

To develop an analytical basis for the selection of the long-term expected rate of return assumption, in May 2019 the PERS Board reviewed long-term assumptions developed by both Milliman’s capital market assumptions team and the Oregon Investment Council’s (OIC) investment advisors. The table below shows Milliman’s assumptions for each of the asset classes in which the plan was invested at that time based on the OIC long-term target asset allocation. The OIC’s description of each asset class was used to map the target allocation to the asset classes shown below. Each asset class assumption is based on a consistent set of underlying assumptions, and includes adjustment for the inflation assumption. These assumptions are not based on historical returns, but instead are based on a forward-looking capital market economic model.

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Asset Class	Target Allocation	Compound Annual (Geometric) Return
Core Fixed Income	9.60%	4.07%
Short-Term Bonds	9.60%	3.68%
Bank/Leveraged Loans	3.60%	5.19%
High Yield Bonds	1.20%	5.74%
Large/Mid Cap US Equities	16.17%	6.30%
Small Cap US Equities	1.35%	6.68%
Micro Cap US Equities	1.35%	6.79%
Developed Foreign Equities	13.48%	6.91%
Emerging Market Equities	4.24%	7.69%
Non-US Small Cap Equities	1.93%	7.25%
Private Equity	17.50%	8.33%
Real Estate (Property)	10.00%	5.55%
Real Estate (REITS)	2.50%	6.69%
Hedge Fund of Funds - Diversified	1.50%	4.06%
Hedge Fund - Event-driven	38.00%	5.59%
Timber	1.13%	5.61%
Farmland	1.13%	6.12%
Infrastructure	2.25%	6.67%
Commodities	1.13%	3.79%
<i>Assumed Inflation - Mean</i>		2.50%

(Source: June 30, 2020 PERS CAFR; p. 74)

Sensitivity of the School’s proportionate share of the net OPEB liability/(asset) to changes in the discount rate – The following presents the School’s proportionate share of the net OPEB liability/(asset) calculated using the discount rate of 7.20 percent, as well as what the School’s proportionate share of the net pension liability would be if it were calculated using a discount rate that is one percent lower (6.20 percent) or one percent higher (8.20 percent) than the current rate.

	1% Decrease (6.20%)	Discount Rate (7.20%)	1% Increase (8.20%)
District's proportionate share of the net pension liability	\$ (5,976)	\$ (7,402)	\$ (8,622)

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

NOTES TO THE BASIC FINANCIAL STATEMENTS

7. OTHER POST-EMPLOYMENT BENEFIT PLAN – (RHIA) – (CONTINUED)

Changes Subsequent to the Measurement Date

There are no changes subsequent to the June 30, 2020 Measurement Date that meet this requirement and thus would require a brief description under the GASB standard.

8. CAPITAL LEASE

There were no new capital lease obligations entered into by the School during 2020-21.

9. OPERATING LEASES EXPENSE

There is a lease with WPC Bancroft LLC for premises located at 0680 SW Bancroft Ave. Portland, Oregon 97239. The lease term is effective from January 1, 2011 to June 30, 2030. Lease payments include \$17,500 of base rent and an additional \$3,406 of operating costs per month. For the year ended June 30, 2021, the School recorded \$238,145 for this building lease, which included \$40,872 in maintenance fees. The operating costs are reviewed each December with the new amount provided in January with documents supporting the increase. For fiscal years 2022 through 2023 the lease payments include \$18,025 of base rent and an additional \$3,406 of operating costs per month. For fiscal years 2024 through 2030, the School and landlord shall agree upon a new base rent.

Future minimum lease payments are as follows:

Fiscal Year Ended:	<u>Bancroft Lease</u>
June 30, 2022	\$ 257,172
June 30, 2023	257,172
June 30, 2024	257,172
June 30, 2025	257,172
June 30, 2026	257,172
June 30, 2027-2031	1,285,860
Total Future Obligation	<u>\$ 2,571,720</u>

10. REVENUE

There was a month-to-month, sublease agreement with Waterfront Foursquare Church (sublessee) for the use of 0640 SW Bancroft Street, Portland, Oregon. The lease amount was \$2,000 per month and required a 90 day notification requirement to cancel the agreement; however, the lease was inactivated during 2019-20 due to the pandemic, and the future status of the sublease is uncertain as of the issuance date of these basic financial statements. For the year ended June 30, 2021 The Cottonwood School of Civics and Science received no rent income from Waterfront Foursquare Church.

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

NOTES TO THE BASIC FINANCIAL STATEMENTS

11. DEFERRED LEASE EXPENDITURES

In conjunction with the lease entered into with WPC Bancroft LLC as described in Note 9 above, the lessor has agreed to allow the school to defer a portion of its rental payments until later years. These deferments are amortized using a straight-line basis over the life of the loan. Deferred lease expense for the year ended June 30, 2021 was \$10,928. As of the year ended June 30, 2021 there was no remaining deferred lease liability balance.

12. COMMITMENTS AND CONTINGENCIES

A substantial portion of operating funding is State Basic School Support received from Portland Public Schools. State funding is determined through state wide revenue projections that are paid to individual school districts based on pupil counts and other factors in the state school fund revenue formula. Since these projections and pupil counts fluctuate they can cause increases or decreases in revenue. Due to these future uncertainties at the state level, the future effect on operations cannot be determined.

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The School operates under authority of the Oregon Department of Education who grants a charter to the School and exercises some oversight as required by Oregon law. The effect of non-renewal of the charter has not been determined.

Amounts received or receivable from grantor agencies are subject to audit and adjustment by grantor agencies, principally the federal and state governments. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable funds. The amount, if any, of expenditures which may be disallowed by the grantor agencies cannot be determined at this time, although the management expects such amounts, if any, to be immaterial.

The COVID-19 outbreak worldwide has resulted in government mandated closures that have caused disruption in the School's ability to deliver-in-person education. The outbreak has affected local and global economies. The ultimate impact on the School's finances is not determinable at this time.

13. LOANS

On March 24, 2021, the School received \$228,709 in a direct borrowing under the Paycheck Protection Program with 1% interest from Heritage NW Bank. The School may apply for forgiveness of the loan to the extent it is used for payroll, utilities, and rent obligations. The School expects to receive full forgiveness (see note 14), and does not plan to make any payments on this loan. In the event that full forgiveness is not granted, any remaining balance matures on the five year anniversary of the receipt of the loan which is March 26, 2026. In the event any balance due is not paid by the maturity date, the interest would increase an additional 4%.

14. SUBSEQUENT EVENTS

On September 1, 2021, the School received notification that their direct borrowing under the Paycheck Protection Program had been forgiven in full.

REQUIRED
SUPPLEMENTARY INFORMATION

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
MULTNOMAH COUNTY, OREGON

REQUIRED SUPPLEMENTARY INFORMATION

June 30, 2021

PERS

SCHEDULE OF THE PROPORTIONATE SHARE OF THE NET PENSION LIABILITY

Year Ended June 30,	(a) Employer's proportion of the net pension liability (NPL)	(b) Employer's proportionate share of the net pension liability (NPL)	(c) The School's covered payroll	(b/c) NPL as a percentage of covered payroll	Plan fiduciary net position as a percentage of the total pension liability
2021	0.009 %	\$ 1,919,350	\$ 743,406	258.2 %	75.8 %
2020	0.001	179,132	714,318	25.1	80.2 %
2019	0.009	1,333,510	678,843	196.4	82.1
2018	0.009	1,247,660	617,839	201.9	83.1
2017	0.009	1,190,374	684,805	173.8	80.5
2016	0.009	591,930	472,271	125.3	91.9
2015	0.009	(173,111)	538,802	(32.1)	103.6
2014	0.009	389,731	483,876	80.5	92.0

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The amounts presented for each fiscal year were actuarially determined at 12/31 and rolled forward to the measurement date of 6/30 for each year presented.

These schedules are presented to illustrate the requirements to show information for 10 years. However, until a full 10-year trend has been compiled, information is presented only for the years for which the required supplementary information is available.

SCHEDULE OF CONTRIBUTIONS

Year	Statutorily required contribution	Contributions in relation to the statutorily required contribution	Contribution deficiency (excess)	Employer's covered payroll	Contributions as a percent of covered payroll
2021	\$ 161,190	\$ 161,190	\$ -	\$ 692,686	23.3 %
2020	197,361	197,361	-	743,406	26.5
2019	155,997	155,997	-	714,318	21.8
2018	152,747	152,747	-	678,843	22.5
2017	112,918	112,918	-	617,839	18.3
2016	101,878	101,878	-	684,805	14.9
2015	99,983	99,983	-	472,271	21.2
2014	103,202	103,202	-	538,802	19.2

The amounts presented for each fiscal year were actuarially determined at 12/31 and rolled forward to the measurement date of 6/30 for each year presented.

These schedules are presented to illustrate the requirements to show information for 10 years. However, until a full 10-year trend has been compiled, information is presented only for the years for which the required supplementary information is available.

THE COTTONWOOD SCHOOL OF CIVICS & SCIENCE
MULTNOMAH COUNTY, OREGON

REQUIRED SUPPLEMENTARY INFORMATION
 June 30, 2021

OPEB - RHIA

SCHEDULE OF THE PROPORTIONATE SHARE OF THE NET OPEB - RHIA ASSET/(LIABILITY)

Year Ended June 30,	(a) Employer's proportion of the net OPEB asset/ (liability) (NOA/(L))	(b) Employer's proportionate share of the net OPEB asset/ (liability) (NOA/(L))	(c) Employer's covered payroll	(b/c) NOA/(L) as a percentage of covered payroll	Plan fiduciary net position as a percentage of the total OPEB liability
2021	0.004 %	\$ 7,402	\$ 743,406	1.0 %	150.1 %
2020	0.006	11,911	714,318	1.7	144.4
2019	0.006	6,777	678,843	1.0	124.0
2018	0.006	2,314	617,839	0.4	108.9
2017	0.006	(1,503)	684,805	(0.2)	94.2

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The amounts presented for each fiscal year were actuarially determined at 12/31 and rolled forward to the measurement date of 6/30 for each year presented.

These schedules are presented to illustrate the requirements to show information for 10 years. However, until a full 10-year trend has been compiled, information is presented only for the years for which the required supplementary information is available.

Amounts for covered payroll © use the prior year's data to match the measurement date used by OPEB plan for each year

SCHEDULE OF CONTRIBUTIONS

Year	Statutorily required contribution	Contributions in relation to the statutorily required contribution	Contribution deficiency (excess)	Employer's covered payroll	Contributions as a percent of covered payroll
2021	\$ n/a	\$ n/a	\$ n/a	\$ 692,686	n/a %
2020	n/a	n/a	n/a	743,406	n/a
2019	n/a	n/a	n/a	714,318	n/a
2018	n/a	n/a	n/a	678,843	n/a
2017	n/a	n/a	n/a	617,839	n/a

The amounts presented for each fiscal year were actuarially determined at 12/31 and rolled forward to the measurement date of 6/30 for each year presented.

These schedules are presented to illustrate the requirements to show information for 10 years. However, until a full 10-year trend has been compiled, information is presented only for the years for which the required supplementary information is available.

All statutorily required contributions were made and are included within PERS contributions (see p. 28).

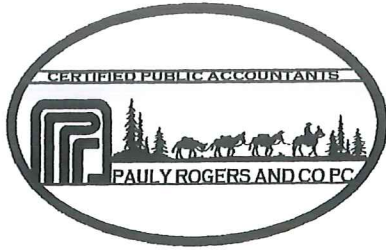
OTHER INFORMATION

THE COTTONWOOD SCHOOL OF CIVICS AND SCIENCE
PORTLAND, OREGON

SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
GENERAL FUND
- ACTUAL AND BUDGET -
for the Year Ended June 30, 2021

	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL	VARIANCE FAVORABLE (UNFAVORABLE)
REVENUES:				
From Local Sources:				
Program fees	\$ 28,560	\$ 28,560	\$ 31,241	\$ 2,681
Fundraising	43,312	43,312	50,088	6,776
Contributions	5,000	5,000	36,295	31,295
In-kind contributions	-	-	750	750
Arts tax	16,638	16,638	15,204	(1,434)
Misc. income	-	-	673	673
Other local	-	-	51,337	51,337
Intermediate Sources	-	-	-	-
State Sources	1,501,541	1,501,541	1,717,972	216,431
Federal Sources	30,000	30,000	141,901	111,901
	<u>1,625,051</u>	<u>1,625,051</u>	<u>2,045,462</u>	<u>420,411</u>
EXPENDITURES:				
Instruction:				
Salaries	492,303	492,303	537,502	(45,199)
Payroll costs and employee benefits	268,046	268,046	247,640	20,406
Purchased services	273,091	273,091	43,328	229,763
Supplies and materials	80,998	80,998	113,706	(32,708)
Total Instruction	<u>1,114,439</u>	<u>1,114,439</u>	<u>942,176</u>	<u>172,263</u>
Support Services:				
Salaries	222,493	222,493	242,920	(20,427)
Payroll costs and employee benefits	121,142	121,142	112,038	9,104
Purchased services	123,422	123,422	330,342	(206,920)
Supplies and materials	36,606	36,606	14,470	22,136
Other objects	-	-	25,624	(25,624)
Total Support Services	<u>503,662</u>	<u>503,662</u>	<u>725,394</u>	<u>(221,732)</u>
	<u>1,618,101</u>	<u>1,618,101</u>	<u>1,667,570</u>	<u>(49,469)</u>
Excess of Revenue over, (under) Expenditures	<u>6,950</u>	<u>6,950</u>	<u>377,892</u>	<u>370,942</u>
OTHER FINANCING SOURCES, (USES):				
Loan Proceeds	-	-	228,709	228,709
	<u>-</u>	<u>-</u>	<u>228,709</u>	<u>228,709</u>
Net Change in Fund Balance	6,950	6,950	606,601	599,651
Beginning Fund Balance	-	-	881,847	881,847
Ending Fund Balance	<u>\$ 6,950</u>	<u>\$ 6,950</u>	<u>\$ 1,488,448</u>	<u>\$ 1,481,498</u>

REPORTS ON LEGAL AND
OTHER REGULATORY REQUIREMENTS



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June 29, 2022

Independent Auditors' Report Required by Oregon State Regulations

We have audited the basic financial statements of The Cottonwood School of Civics and Science as of and for the year ended June 30, 2021, and have issued our report thereon dated June 29, 2022. We conducted our audit in accordance with auditing standards generally accepted in the United States of America.

Compliance

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As part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we performed tests of compliance with certain provisions of laws, regulations, contracts, and grants, including the provisions of Oregon Revised Statutes as specified in Oregon Administrative Rules 162-10-000 through 162-10-320 of the Minimum Standards for Audits of Oregon Municipal Corporations, noncompliance with which could have a direct and material effect on the determination of the basic financial statements amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion.

We performed procedures to the extent we considered necessary to address the required comments and disclosures which included, but were not limited to the following

- **Deposits of public funds with financial institutions (ORS Chapter 295)**
- **Insurance and fidelity bonds in force or required by law.**
- **Public contracts and purchasing (ORS Chapters 279A, 279B, 279C).**
- **Programs funded from outside sources.**

In connection with our testing, nothing came to our attention that caused us to believe The Cottonwood School of Civics and Science was not in substantial compliance with certain provisions of laws, regulations, contracts, and grants, including the provisions of Oregon Revised Statutes as specified in Oregon Administrative Rules 162-10-000 through 162-10-320 of the Minimum Standards for Audits of Oregon Municipal Corporations.

OAR 162-10-0230 Internal Control

In planning and performing our audit, we considered internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the basic financial statements, but not for the purpose of expressing an opinion on the effectiveness of internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the internal control over financial reporting.

We noted a matter involving the internal control structure and its operation that we consider to be a significant deficiency under standards established by the American Institute of Certified Public Accountants, which is noted in our management letter dated June 29, 2022.

This report is intended solely for the information and use of the Board of Directors, management, and the Oregon Secretary of State and is not intended to be and should not be used by anyone other than these parties.

A handwritten signature in cursive script that reads "Roy R Rogers".

ROY R. ROGERS, CPA
PAULY ROGERS AND CO, P.C203

CSCS EQUITY LENS



THE COTTONWOOD SCHOOL EQUITY LENS, USED BY STAFF, BOARD, AND COMMITTEES, IS INTENDED TO IMPROVE PLANNING, DECISION-MAKING, AND RESOURCE ALLOCATION TO PROMOTE INCLUSION AND ACCESS.

WHO

Who are the groups impacted?
Observe current demographics and disaggregated data trends. Identify target groups.



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TARGET GROUPS



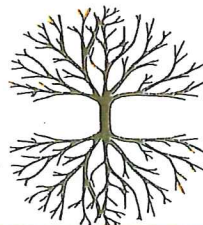
Could this decision to ignore or worsen disparities for specific target groups?

FOCUS GROUPS

How have you involved target groups in your decision making process? (Listening sessions, surveys, interviews)

BARRIERS

What barriers were identified by target groups? What other barriers are identified?



How will these barriers be mitigated?

COMMUNICATION

How will you communicate the decision to students, families, staff, and partners?



EVALUATION

Create a plan for reviewing this decision. How will members of the CSCS community be involved in assessing effectiveness?



The Cottonwood School
 5-Year Projected Budget
 FY 24 through FY28

	Year 1 - 23-24	Year 2 - 24-25	Year 3 - 25-26	Year 4 - 26-27	Year 5 - 27-28
ASSUMPTIONS					
Number Students	205	205	205	205	205
Funding Rate per Student	\$ 9,844	\$ 10,139	\$ 10,443	\$ 10,756	\$ 11,079
Charter Adjustment	90%	90%	90%	90%	90%
Funded Student Rate	\$ 8,859	\$ 9,125	\$ 9,399	\$ 9,681	\$ 9,971
Poverty Addition	8%	8%	8%	8%	8%
Poverty Funding Rate	25%	25%	25%	25%	25%
Fieldwork/Supply Contribution	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300
Collection Rate	75%	75%	75%	75%	75%
Run for Arts per student	\$ 115	\$ 115	\$ 115	\$ 115	\$ 115
Fundraising/Event Income	\$ 42,000	\$ 44,500	\$ 47,000	\$ 49,500	\$ 52,000
Annual Staff Salary Increase	3%	3%	3%	3%	3%
Payroll tax percentage	9%	9%	9%	9%	9%
PERS contribution	20%	20%	21%	21%	22%
Health insurance increase	8%	8%	8%	8%	8%
Monthly substitute teacher cost	\$ 400	\$ 412	\$ 424	\$ 437	\$ 450
Monthly R&M and janitorial	\$ 4,200	\$ 4,326	\$ 4,456	\$ 4,589	\$ 4,727
Monthly phone/internet	\$ 650	\$ 670	\$ 690	\$ 710	\$ 732
Monthly printing/binding	\$ 500	\$ 515	\$ 530	\$ 546	\$ 563
Rent/CAM - month	\$ 21,300	\$ 22,000	\$ 22,500	\$ 23,200	\$ 23,700
General expense increase	3%	3%	3%	3%	3%
Net Income (from below)	\$ 50,523	\$ 43,687	\$ 35,732	\$ 15,369	\$ 9,925
INCOME					
1 SSF - General Support	\$ 1,852,488	\$ 1,908,062	\$ 1,965,304	\$ 2,024,263	\$ 2,084,991
2 Student Investment Account Funding	\$ 130,000	\$ 132,000	\$ 134,000	\$ 136,000	\$ 138,000
3 Field Work/Supply Donations	\$ 46,125	\$ 46,125	\$ 46,125	\$ 46,125	\$ 46,125
4 ARTS Tax	\$ 16,500	\$ 16,995	\$ 17,505	\$ 18,030	\$ 18,571
5 Run4TheArts	\$ 24,000	\$ 24,000	\$ 24,000	\$ 24,000	\$ 24,000
6 Fundraising/Event Income	\$ 42,000	\$ 44,500	\$ 47,000	\$ 49,500	\$ 52,000
7 ESSER III Funding	\$ 53,500	\$ -	\$ -	\$ -	\$ -
8 CIP - ESSA Grant Funding	\$ 40,000	\$ -	\$ -	\$ -	\$ -
Total Income	\$ 2,204,613	\$ 2,171,682	\$ 2,233,934	\$ 2,297,918	\$ 2,363,687
EXPENSES					
20 Salaries	\$ 1,114,000	\$ 1,071,000	\$ 1,103,130	\$ 1,136,224	\$ 1,170,311
21 Payroll Taxes	\$ 94,690	\$ 91,035	\$ 93,766	\$ 96,579	\$ 99,476
22 PERS contribution	\$ 222,800	\$ 214,200	\$ 231,657	\$ 238,607	\$ 257,468
23 Benefits	\$ 150,000	\$ 161,250	\$ 173,344	\$ 186,345	\$ 200,320
24 Substitute Teachers	\$ 4,800	\$ 4,944	\$ 5,092	\$ 5,245	\$ 5,402
25 Contracted Instruction Services	\$ 45,000	\$ 46,350	\$ 47,741	\$ 49,173	\$ 50,648
26 Repairs & Maintenance & Janitorial	\$ 50,400	\$ 51,912	\$ 43,469	\$ 55,073	\$ 46,726
27 Telephone & Internet	\$ 7,800	\$ 8,034	\$ 8,275	\$ 8,523	\$ 8,779
28 Printing and Binding	\$ 6,000	\$ 6,180	\$ 6,365	\$ 6,556	\$ 6,753
29 Professional Development	\$ 9,000	\$ 9,270	\$ 9,548	\$ 9,835	\$ 10,130
30 Supplies and Materials	\$ 65,000	\$ 66,950	\$ 68,959	\$ 71,027	\$ 68,158
31 Professional Fees (audit/legal etc.)	\$ 18,000	\$ 18,540	\$ 19,096	\$ 19,669	\$ 20,259
32 Insurance (Liability, Prop, Student)	\$ 23,000	\$ 23,690	\$ 24,401	\$ 25,133	\$ 25,887
33 Dues and Fees	\$ 10,000	\$ 10,300	\$ 10,609	\$ 10,927	\$ 11,255
34 Bank Fees	\$ 4,000	\$ 4,120	\$ 4,244	\$ 4,371	\$ 4,502
35 Utilities (Garbage)	\$ 4,000	\$ 4,120	\$ 4,244	\$ 4,371	\$ 4,502
36 Overnight Field Trips	\$ 25,000	\$ 25,750	\$ 26,523	\$ 27,318	\$ 28,138
37 Fundraising Expenses	\$ 15,000	\$ 15,450	\$ 15,914	\$ 16,391	\$ 16,883
38 Facility - Building (Lease & CAM only)	\$ 255,600	\$ 264,000	\$ 270,000	\$ 278,400	\$ 284,400
39 Facility - Lease Imp/Alarm	\$ 1,000	\$ 1,030	\$ 1,061	\$ 1,093	\$ 1,126
40 Parking Expense	\$ 27,500	\$ 28,325	\$ 29,175	\$ 30,050	\$ 30,951
41 Board Expenses	\$ 1,500	\$ 1,545	\$ 1,591	\$ 1,639	\$ 1,688
Total Expenses	\$ 2,154,090	\$ 2,127,995	\$ 2,198,202	\$ 2,282,549	\$ 2,353,762
Net Income:	\$ 50,523	\$ 43,687	\$ 35,732	\$ 15,369	\$ 9,925

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RENEWAL APPLICATION SIGNATURES

By signing this application, you assure the information provided is accurate to the best of your knowledge and you affirm your intent to continue operating a public charter school if approved for renewal.

Charter School Director/Administrator

Date



12/30/22

Charter School Board Chairperson/President

Date



12/30/22

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**State Board of Education
Public Charter School Performance Framework
And Annual Evaluation Report**

**Cottonwood School of
Civics and Science
2021-22**



**Oregon Department of Education
255 Capitol St NE
Salem, OR 97310**

**Prepared by Kristen Miles
Board Development Specialist
Oregon Department of Education**

Introduction

Across Oregon, public charter schools provide additional options for students and families. The State Board of Education is a public charter school authorizer, or “sponsor” in the state as an appellate governing body. If an application to establish a public charter school is denied by a local school district, the charter school developers may appeal the district decision to the State Board of Education. If the application is deemed to meet the criteria, it is possible for the charter school to be authorized by the State Board of Education. While the state provides oversight and support to its sponsored charters, each charter school has autonomy over its budget, hiring, and the development and implementation of its educational program.

The State Board of Education is responsible for maintaining high standards for its sponsored charter schools, and for ensuring that charter schools are not only compliant with all applicable laws, but that their academic programs are successful, they are financially viable, and their organizations are effective and responsibly managed. The State Board of Education is particularly interested in analyzing equity issues within public charter schools and may continue to refine the tools with which it uses to evaluate a public charter school’s effectiveness and quality.

In so doing, the State Board of Education has established the following performance framework, which is largely derived from the Core Performance Framework and Guidance developed by the National Association of Charter School Authorizers (NACSA). This performance framework is designed to measure each charter school’s academic, financial, and organizational performance, and to “...guide practice, assess progress, and inform decision-making over the course of the charter term and at renewal”.¹

Because each charter school’s story and perspective on its own performance are critical to a balanced evaluation process, each measure includes space for narrative explanation and/or further description from both the State Board and the charter school. It is our hope and goal that each charter school will fully engage in the process of program evaluation each year and at the renewal period, and that this process contributes to the continuous improvement of each State Board of Education public charter school.



Kate Pattison
Program Analyst
Oregon Department of Education

¹ From NACSA’s Core Performance Framework and Guidance.
CSCS Framework 2021-22

Academic performance: data elements and sources

The purpose of the Academic Performance section of the Annual Report is to evaluate whether or not the charter school's educational program is showing success with its students.

Many of the indicators for this section are adopted from the National Association of Charter School Authorizers' "Core Performance Framework and Guidance", while the performance targets and ratings are aligned with the targets and ratings in the Oregon Report Card.

The following data elements and sources are used to complete the Academic Performance analysis:

- The charter school's Oregon Report Card
- The charter school's contract
- The charter school's whole school growth and performance on standardized tests in ELA and MATH
- The charter school's subgroup growth and performance on standardized tests in ELA and MATH
- The district's Oregon Report Card (for the district in which the charter school is located)
- Performance and growth information for comparison schools, as defined by the Oregon Department of Education
- The school's graduation rate (where applicable)
- The district's graduation rate (where applicable)
- The school's completion rate (where applicable)
- The district's completion rate (where applicable)
- The school's dropout rate (where applicable)
- The district's dropout rate (where applicable)
- The graduation, completion, and dropout rates of comparison schools, as defined by ODE (where applicable)
- The charter school's alignment to Common Core State Standards as evidenced by course syllabi, course descriptions, curriculum alignments, etc. (where applicable)

Academic Performance

1. Oregon School Rating System

Measure 1a Is the school meeting acceptable standards according to the Oregon State school rating system?
Exceeds standard: <input type="checkbox"/> School received the highest rating from the state accountability system.
Meets standard: <input type="checkbox"/> School received the highest rating from the state accountability system.
Does not meet standard: <input type="checkbox"/> School did not receive passing rating from the state accountability system.
Falls far below standard: <input type="checkbox"/> School identified for intervention or considered failing by the state accountability system.
State Board of Education comments: N/A. Not rated for the 2021-22 school year.
School comments:

Measure 1b Is the school meeting state designation expectations as set forth by the state and federal accountability system?
Exceeds standard: <input type="checkbox"/> School was identified as a "Model" school.
Meets standard: <input type="checkbox"/> School does not have a designation.
Does not meet standard: <input type="checkbox"/> School was identified as a "Focus" school.
Falls far below standard: <input type="checkbox"/> School was identified as a "Priority" school.
State Board of Education comments: N/A. Not rated for the 2021-22 school year.
School comments:

Measure 1c

How are **Economically Disadvantaged** students achieving on state assessments in ELA compared to the **Economically Disadvantaged** students in like-schools?

Exceeds standard:

School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.

Meets standard:

School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.

Does not meet standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.

Falls far below standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.

State Board of Education comments: Cottonwood had 74.0% of students identified as economically disadvantaged meet standard on the ELA state assessment in grades 3-8 as compared to 55.8% of PPS students in the same group for the same grades.

School comments:

Measure 1d

How are **Economically Disadvantaged** students achieving on state assessments in MATH compared to the **Economically Disadvantaged** students in like-schools?

Exceeds standard:

School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.

Meets standard:

School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.

Does not meet standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.

Falls far below standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.

State Board of Education comments: Cottonwood had 46.0% of students identified as economically disadvantaged meet standard on the MATH state assessment in grades 3-8 as compared to 45.4% of PPS students in the same group for the same grades.

School comments:

Measure 1e

How are **English Learners** achieving on state assessments in ELA compared to the **English Learners** in like-schools?

Exceeds standard:

School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.

Meets standard:

School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.

Does not meet standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.

Falls far below standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.

State Board of Education comments: N/A. Not rated for the 2021-22 school year.

School comments:

Measure 1f

How are **English Learners** achieving on state assessments in MATH compared to the **English Learners** in like-schools?

Exceeds standard:

School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.

Meets standard:

School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.

Does not meet standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.

Falls far below standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.

State Board of Education comments: N/A. Not rated for the 2021-22 school year.

School comments:

Measure 1g

How are **Students with Disabilities** achieving on state assessments in ELA compared to the **Students with Disabilities** in like-schools?

Exceeds standard:

School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.

Meets standard:

School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.

Does not meet standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.

Falls far below standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.

State Board of Education comments: Cottonwood had 60.0% of students identified as students with disabilities meet standard on the ELA state assessment in grades 3-8 as compared to 32.7% of PPS students in the same group for the same grades.

School comments:

Measure 1h

How are **Students with Disabilities** achieving on state assessments in MATH compared to the **Students with Disabilities** in like-schools?

Exceeds standard:

School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.

Meets standard:

School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.

Does not meet standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.

Falls far below standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.

State Board of Education comments: Cottonwood had 51.4% of students identified as students with disabilities meet standard on the MATH state assessment in grades 3-8 as compared to 26.8% of PPS students in the same group for the same grades.

School comments:

Measure 1i

How are **Students of Underserved Races/Ethnicities** achieving on state assessments in ELA compared to the **Students of Underserved Races/Ethnicities** in like-schools?

Exceeds standard:

School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.

Meets standard:

School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.

Does not meet standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.

Falls far below standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.

State Board of Education comments: Cottonwood had 62.5% of students identified as underserved races/ethnicities meet standard on the ELA state assessment in grades 3-8 as compared to 26.4% of PPS students in the same group for the same grades.

School comments:

Measure 1j

How are **Students of Underserved Races/Ethnicities** achieving on state assessments in MATH compared to the **Students of Underserved Races/Ethnicities** in like-schools?

Exceeds standard:

School's average subgroup achievement rate exceeds the average district performance of students in the same subgroup in the same grades by at least 10%.

Meets standard:

School's average subgroup achievement rate meets or exceeds the average district performance of students in the same subgroup in the same grades by up to 10%.

Does not meet standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 1-10%.

Falls far below standard:

School's average subgroup achievement rate is less than the average district performance of students in the same subgroup in the same grades by 10% or more.

State Board of Education comments: Cottonwood had 12.5% of students identified as underserved races/ethnicities meet standard on the MATH state assessment in grades 3-8 as compared to 17.6% of PPS students in the same group for the same grades.

School comments:

2. Student Academic Growth

Measure 2a

Are All students making expected annual academic growth in ELA compared to their peers?
(Combined Median Growth Percentile-CMGP)

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: N/A. Not rated for the 2021-22 school year.

School comments:

Measure 2b

Are students making expected annual academic growth in MATH compared to their peers? (Combined Median Growth Percentile)

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: N/A. Not rated for the 2021-22 school year.

School comments:

3. Subgroup Growth

Measure 3a

Is the school increasing academic performance in ELA over time for **Economically Disadvantaged** students? (Combined Median Growth Percentile)

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: N/A. Not rated for the 2021-22 school year.

School comments:

Measure 3b

Is the school increasing academic performance in MATH over time for **Economically Disadvantaged** students? (Combined Median Growth Percentile)

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: N/A. Not rated for the 2021-22 school year.

School comments:

Measure 3c

Is the school increasing academic performance in ELA over time for **English Learner** students?
(Combined median Growth Percentile)

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: N/A. Not rated for the 2021-22 school year.

School comments:

Measure 3d

Is the school increasing academic performance in MATH over time for **English Learner** students?
(Combined median Growth Percentile)

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: N/A. Not rated for the 2021-22 school year.

School comments:

Measure 3e

Is the school increasing academic performance in ELA over time for **Students with Disabilities?**
(Combined Median Growth Percentile)

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: N/A. Not rated for the 2021-22 school year.

School comments:

Measure 3f

Is the school increasing academic performance in MATH over time for **Students with Disabilities?**
(Combined Median Growth Percentile)

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: N/A. Not rated for the 2021-22 school year.

School comments:

Measure 3g

Is the school increasing academic performance in ELA over time for students of **Underserved Races/Ethnicities**? (Combined Median Growth Percentile)

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: N/A. Not rated for the 2021-22 school year.

School comments:

Measure 3h

Is the school increasing academic performance in MATH over time for students of **Underserved Races/Ethnicities**? (Combined Median Growth Percentile)

Exceeds standard:

Combined median growth percentile of 60 or more.

Meets standard:

Combined median growth percentile of between 35 and 59.5.

Does not meet standard:

Combined median growth percentile of between 30 and 34.5.

Falls far below standard:

Combined median growth percentile of lower than 30.

State Board of Education comments: N/A. Not rated for the 2021-22 school year.

School comments:

4. Alignment of Curriculum to Common Core State Standards

Measure 4a Is the school aligning curriculum to Common Core State Standards?
Meets standard: <input checked="" type="checkbox"/> School is offering all required core subjects and has aligned all classes in core subjects to Common Core State Standards, and has articulated this through detailed syllabi, course descriptions, curriculum alignments, or other methods.
Does not meet standard: <input type="checkbox"/> School is offering all required core subjects but has not fully aligned all classes in core subjects to Common Core State Standards, and/or has not provided evidence of this through detailed syllabi, course descriptions, curriculum alignments, or other methods.
Falls far below standard: <input type="checkbox"/> School is not offering all required core subjects and/or has not aligned all classes in core subjects to Common Core State Standards, and has not provided evidence of this through detailed syllabi, course descriptions, curriculum alignments, or other methods.
State Board of Education comments: CSCS has done excellent work in aligning the curriculum to PBE standards. CSCS continues to work on aligning the PBE curriculum to CCSS. Reading grade level plans and Writing standards are some of the alignment resources.
School comments: We adopted I-Ready for math summer of 2021

5. Graduation and post-secondary readiness (high schools only)

Measure 5a What percentage of students is graduating within four years of entering high school as compared to other schools in like-schools?
Exceeds standard: <input type="checkbox"/> School's average graduation rate exceeds the average district graduation rate by at least 10%.
Meets standard: <input type="checkbox"/> School's average graduation rate meets or exceeds the average district graduation rate by up to 10%.
Does not meet standard: <input type="checkbox"/> School's average graduation rate is less than the average district graduation rate by 1-10%.
Falls far below standard: <input type="checkbox"/> School's average graduation rate is less than the average district graduation rate by 10% or more.
State Board of Education comments: N/A
School comments:

Measure 5b

What percentage of students is graduating within four years of entering high school as compared to their peers in like schools?

Exceeds standard:

School's average graduation rate exceeds the average graduation rate of their peers in like schools by at least 10%.

Meets standard:

School's average graduation rate meets or exceeds the average graduation rate of their peers in like schools by up to 10%.

Does not meet standard:

School's average graduation rate is less than the average graduation rate of their peers in like schools by 1-10%.

Falls far below standard:

School's average graduation rate is less than the average graduation rate of their peers in like schools by 10% or more.

State Board of Education comments: N/A

School comments:

Measure 5c

What percentages of students receive a regular, modified, extended, or adult high school diploma or complete a GED within five years of entering high school as compared to other schools in like-schools?

Exceeds standard:

School's average completion rate exceeds the average district completion rate by at least 10%.

Meets standard:

School's average completion rate meets or exceeds the average district completion rate by up to 10%.

Does not meet standard:

School's average completion rate is less than the average district completion rate by 1-10%.

Falls far below standard:

School's average completion rate is less than the average district completion rate by 10% or more.

State Board of Education comments: N/A

School comments:

Measure 5d

What percentages of students receive a regular, modified, extended, or adult high school diploma or complete a GED within five years of entering high school as compared to their peers in like schools?

Exceeds standard:

School's average completion rate exceeds the average completion rate of their peers in like schools by at least 10%.

Meets standard:

School's average completion rate meets or exceeds the average completion rate of their peers in like schools by up to 10%.

Does not meet standard:

School's average completion rate is less than the average completion rate of their peers in like schools by 1-10%.

Falls far below standard:

School's average completion rate is less than the average completion rate of their peers in like schools by 10% or more.

State Board of Education comments: N/A

School comments:

Measure 5e

What percentage of students dropped out during the school year and did not re-enroll as compared to other schools in like-schools?

Exceeds standard:

School's average dropout rate is less than the average district dropout rate by 4% or more.

Meets standard:

School's average dropout rate meets or is less than the average district dropout rate by up to 4%.

Does not meet standard:

School's average dropout rate exceeds the average district dropout rate by 1-4%.

Falls far below standard:

School's average dropout rate exceeds the average district dropout rate by 4% or more.

State Board of Education comments: N/A

School comments:

Measure 5f

What percentage of students dropped out during the school year and did not re-enroll as compared to their peers in like schools?

Exceeds standard:

School's average dropout rate is less than the average dropout rate of their peers in like schools by 4% or more.

Meets standard:

School's average dropout rate meets or is less than the average dropout rate of their peers in like schools by up to 4%.

Does not meet standard:

School's average dropout rate exceeds the average dropout rate of their peers in like schools by 1-4%.

Falls far below standard:

School's average dropout rate exceeds the average dropout rate of their peers in like schools by 4% or more.

State Board of Education comments: N/A

School comments:

COMMENDATIONS: ACADEMIC PERFORMANCE

1. Relied heavily on place-based curriculum during the pandemic, which was beneficial to the program and students
2. Very responsive to student and family needs during the pandemic
3. Partnered with Antioch and is planning to offer a masters level class to their teachers
4. Introduction of indigenous curriculum impact school culture and representation positively

RECOMMENDATIONS: ACADEMIC PERFORMANCE

Financial Performance: data elements and sources

The purpose of the Financial Performance section of the Annual Report is to evaluate whether or not the charter school is financially viable.

Many of the indicators, performance targets, and ratings for this section are adopted from the National Association of Charter School Authorizers' "Core Performance Framework and Guidance".

The following data elements and sources are used to complete the Financial Performance analysis:

- The charter school's contract
- The charter school's audited balance sheet and notes for the last three years
- The charter school's projected enrollment and actual enrollment
- The charter school's board-adopted budget
- The charter school's audited income statement and audited cash flow statement
- Annual principal and interest obligations
- Quarterly financial statements, including budget-to-actuals, profit and loss, balance sheet

Financial Performance

7. Near-Term Measures

Measure 7a Current ratio: Current assets divided by current liabilities.
Meets standard: <input checked="" type="checkbox"/> Current ratio is greater than or equal to 1.1.
Does not meet standard: <input type="checkbox"/> Current ratio is between .9 and 1.0 or equals 1.0.
Falls far below standard: <input type="checkbox"/> Current ratio is less than or equal to .9.
State Board of Education comments: As of June 30, 2021, current ratio is at 3.63
School comments:

Measure 7b Unrestricted days cash: Unrestricted cash divided by (total expenses minus depreciation expense / 365).
Meets standard: <input checked="" type="checkbox"/> 60 days cash.
Does not meet standard: <input type="checkbox"/> Days cash is between 15 and 30 days.
Falls far below standard: <input type="checkbox"/> Fewer than 15 days cash.
State Board of Education comments: As of June 30, 2021, the school's unrestricted days cash is over 100
School comments:

Measure 7c Enrollment variance: actual enrollment divided by enrollment projection in charter school board-approved budget.
Meets standard: <input type="checkbox"/> Enrollment variance equals or exceeds 95% in the most recent year.
Does not meet standard: <input type="checkbox"/> Enrollment variance is between 85-95% in the most recent year.
Falls far below standard: <input type="checkbox"/> Enrollment variance is less than 85% in the most recent year.
State Board of Education comments: This was not rated for the 2021-22 school year. Data was not collected.
School comments:

Measure 7d Default
Meets standard: <input checked="" type="checkbox"/> School is not in default of loan covenant(s) and/or is not delinquent with debt service payments.
Falls far below standard: <input type="checkbox"/> School is in default of loan covenant(s) and/or is delinquent with debt service payments.
State Board of Education comments: The school did not report default or delinquent debt.
School comments:

8. Sustainability Measures

Measure 8a Total Margin: Net income divided by total revenue. Aggregated total margin: Total 3-year net income divided by total 3-year revenues.
Meets standard: <input checked="" type="checkbox"/> Aggregated 3-year total margin is positive and the most recent year total margin is positive.
Does not meet standard: <input type="checkbox"/> Aggregated 3-year total margin is greater than -1.5%, but trend does not “meet standard” (above).
Falls far below standard: <input type="checkbox"/> Aggregated three-year total margin is less than or equal to -1.5% and the most recent year total margin is less than -10%.
State Board of Education comments: As of June 30, 2021, the school’s aggregated total margin is 18.0% The total margin is 16%.
School comments:

Measure 8b Debt to asset ratio: Total liabilities divided by total assets.
Meets standard: <input checked="" type="checkbox"/> Debt-to-asset ratio is less than .9.
Does not meet standard: <input type="checkbox"/> Debt-to-asset ratio is between .9 and 1.0.
Falls far below standard: <input type="checkbox"/> Debt-to-asset ratio is greater than 1.0.
State Board of Education comments: As of June 30, 2021, the school’s debt to asset ratio is 0.33 with the PERS numbers removed.
School comments:

<p>Measure 8c Cash flow: Multi-year cash flow = Year 3 total cash - Year 1 total cash. One-year cash flow: Year 2 total cash - Year 1 total cash.</p>
<p>Meets standard: <input checked="" type="checkbox"/> Multi-year cumulative cash flow is positive and cash flow is positive each year.</p>
<p>Does not meet standard: <input type="checkbox"/> Multi-year cumulative cash flow is positive, but trend does not “meet standard” (above).</p>
<p>Falls far below standard: <input type="checkbox"/> Multi-year cumulative cash flow is negative.</p>
<p>State Board of Education comments: As of June 30, 2021, the school’s multi-year cash flow is \$777,483 and one-year cash flow is \$504,429.</p>
<p>School comments:</p>

<p>Measure 8d Debt service coverage ratio: (net income + depreciation + interest expense) / (annual principal, interest, and lease payments).</p>
<p>Meets standard: <input type="checkbox"/> Debt service coverage ratio is equal to or exceeds 1.1.</p>
<p>Does not meet standard: <input type="checkbox"/> Debt service coverage ratio is less than 1.1.</p>
<p>State Board of Education comments: N/A</p>
<p>School comments:</p>

<p>Measure 8e Is the school meeting financial reporting and compliance requirements?</p>
<p>Meets standard: <input checked="" type="checkbox"/> The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to financial reporting requirements, including, but not limited to: <ul style="list-style-type: none"> • Complete and timely submission of financial reports, including: annual budget, revised budgets (when applicable), quarterly financial reports, and annual municipal audit. • All other reporting requirements related to the use of public funds. </p>
<p>Does not meet standard: <input type="checkbox"/> The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to financial reporting requirements, including, but not limited to: <ul style="list-style-type: none"> • Complete and timely submission of financial reports, including: annual budget, revised budgets (when applicable), quarterly financial reports, and annual municipal audit. • All other reporting requirements related to the use of public funds. </p>
<p>State Board of Education comments: The school either submitted everything on time or with an approved extension.</p>
<p>School comments:</p>

Measure 8f

Is the school following Generally Accepted Accounting Principles (GAAP)?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to financial management and oversight expectations by an annual independent audit, including, but not limited to:

- An unqualified audit opinion
- An audit devoid of significant findings and conditions, material weaknesses, or significant internal control weaknesses
- An audit that does not include a going concern disclosure in the notes or an explanatory paragraph within the audit report

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to financial management and oversight expectations by an annual independent audit, including, but not limited to:

- An qualified audit opinion
- An audit containing significant findings or conditions, material weaknesses, or significant internal control weaknesses
- An audit that included a going concern disclosure in the notes or an explanatory paragraph within the audit report

State Board of Education comments: The 2021 audit does not identify any significant deficiencies.

School comments:

COMMENDATIONS: FINANCIAL PERFORMANCE

1. Current debt to asset ratio is well above target.
2. School has well over 60 days cash on hand.

RECOMMENDATIONS: FINANCIAL PERFORMANCE

Organizational Performance: data elements and sources

The purpose of the Organizational Performance section of the Annual Evaluation is to evaluate whether or not the charter school as an organization is effectively governed and well run.

Many of the indicators, performance targets, and ratings for this section are adopted from the National Association of Charter School Authorizers' "Core Performance Framework and Guidance".

The following data elements and sources are used to complete the Organizational Performance analysis:

- Site visit observations (both formal and informal)
- The charter school's contract
- Required reporting by the charter school, including all deliverables
- The school's adherence to deliverable and reporting due dates
- Feedback from parents, students, charter school staff, and other community stakeholders
- Student accounting reports
- The charter school's internal accountability systems
- Student enrollment forms
- The charter school's adopted board policies
- The charter school's parent/student/staff handbooks
- TSPC
- Assurances by the charter school and governing board that it is compliant with all applicable requirements

Organizational Performance

10. Education Program

Measure 10a

Is the school implementing the material terms of the education program as defined in the current charter contract?

Meets standard:

The school implemented the material terms of the education program in all material aspects and the education program in operation reflects the material terms as defined in the charter contract, or the school has gained approval for a modification to the material terms.

Does not meet standard:

The school failed to implement the material terms of the education program in all material aspects and the education program in operation does not reflect the material terms as defined in the charter contract, or the schools implemented a modification to the material terms without approval and/or a mutually agreeable amendment to the contract.

State Board of Education comments: CSCS is demonstrating integrity to all elements of the education program as spelled out in its charter. The focus of CSCS is PBE and all evidence supports this educational philosophy is the focal point of the school's curriculum, staffing, budget and schedule.

School comments:

Measure 10b

Is the school complying with applicable education requirements?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to education requirements, including, but not limited to:

- Instructional days and/or minutes requirements
- Graduation and promotion requirements
- Content standards, including Common Core State Standards
- The administration of state assessments
- Implementation of mandated programming as a result of state or federal funding

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to education requirements, including, but not limited to:

- Instructional days and/or minutes requirements
- Graduation and promotion requirements
- Content standards, including Common Core State Standards
- The administration of state assessments
- Implementation of mandated programming as a result of state or federal funding

State Board of Education comments: CSCS has complied with all applicable education requirements.

School comments:

Measure 10c

Is the school protecting the rights of students with disabilities?

Meets standard:

Consistent with the school's status as a school in a district LEA, the school materially complies with applicable laws, rules, regulations, and provisions of the charter contract (including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act) relating to the treatment of students with identified disabilities and those suspected of having a disability, including, but not limited to:

- Equitable access and opportunity to enroll
- Identification and referral
- Appropriate involvement with development and implementation of Individualized Education Plans, and appropriate development of Section 504 plans
- Operational compliance, including appropriate inclusion in the school's academic program, assessments, and extracurricular activities.
- Discipline, including due process protections, manifestation determinations, and behavioral intervention plans
- Access to the school's facility and program to students in a lawful manner and consistent with students' IEPs or 504 plans

Does not meet standard:

Consistent with the school's status as a school in a district LEA, the school was materially out of compliance with one or more applicable laws, rules, regulations, and provisions of the charter contract (including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act) relating to the treatment of students with identified disabilities and those suspected of having a disability, including, but not limited to:

- Equitable access and opportunity to enroll
- Identification and referral
- Appropriate involvement with development and implementation of Individualized Education Plans, and appropriate development of Section 504 plans
- Operational compliance, including appropriate inclusion in the school's academic program, assessments, and extracurricular activities.
- Discipline, including due process protections, manifestation determinations, and behavioral intervention plans
- Access to the school's facility and program to students in a lawful manner and consistent with students' IEPs or 504 plans

State Board of Education comments: PPS provides a full-time Learning Specialist for students with disabilities. Students and staff also receive support from a Speech Pathologist, Psychologist, and Occupational Therapist. CSCS's curriculum, dedicated staff and school philosophy are additional ways in which Students with Disabilities are served. The school handbook, board policies, staff handbook, schedule and facility are all in compliance with all applicable laws, rules, regulation and provisions of the charter contract.

School comments:

1.5 Learning Specialist
Speech path, 3 days p/week
Psych, 1 day p/week
OT - consultation model

Measure 10d

Is the school protecting the rights of English Language Learner students?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract (including Title III of the Elementary and Secondary Education Act, and US Department of Education authorities) relating to requirements of English Language Learners, including, but not limited to:

- Equitable access and opportunity to enroll
- Development and implementation of required plans related to the service of ELL students
- Proper steps for identification of students in need of ELL services
- Appropriate and equitable delivery of services to identified students
- Appropriate accommodations on assessments
- Exiting of students from ELL services
- Ongoing monitoring of exited students

Does not meet standard:

The school failed to comply with one or more applicable laws, rules, regulations, and/or provisions of the charter contract (including Title III of the Elementary and Secondary Education Act, and US Department of Education authorities) relating to requirements of English Language Learners, including, but not limited to:

- Equitable access and opportunity to enroll
- Development and implementation of required plans related to the service of ELL students
- Proper steps for identification of students in need of ELL services
- Appropriate and equitable delivery of services to identified students
- Appropriate accommodations on assessments
- Exiting of students from ELL services
- Ongoing monitoring of exited students

State Board of Education comments: The school uses the Home Language Survey with the enrollment package. The school has an approved EL Plan on file with ODE

School comments:

11. Governance and Reporting

Measure 11a

Is the school complying with applicable governance requirements?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to governance by its board, including, but not limited to:

- Board policies
- Board bylaws
- State open meetings law
- Code of ethics
- Conflicts of interest
- Board composition and/or membership rules

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to governance by its board, including, but not limited to:

- Board policies
- Board bylaws
- State open meetings law
- Code of ethics
- Conflicts of interest
- Board composition and/or membership rules

State Board of Education comments: The CSCS's Board membership represents a wide range of expertise. (Accounting, legal, education, facilities etc.).

The school should consider putting board policies on the website

School comments:

Measure 11b

Is the school holding its administration accountable?

Meets standard:

The school materially complies with applicable laws, rules, regulations, provisions of the charter contract, and its own internal policies and practices relating to oversight of school administration, including, but not limited to:

- Board oversight of school administration that includes holding it accountable for performance expectations which may or may not be agreed to under a written performance agreement.
- The board conducting an annual evaluation of the administrator's performance.

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, provisions of the charter contract, and its own internal policies and practices relating to oversight of school administration, including but not limited to:

- Board oversight of school administration that includes holding it accountable for performance expectations which may or may not be agreed to under a written performance agreement.
- The board conducting an annual evaluation of the administrator's performance.

State Board of Education comments: CSCS has a detailed job description for the school administrator. The Board is in the process of developing an annual performance evaluation.

School comments:

Measure 11c

Is the school complying with reporting requirements?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to relevant reporting requirements to the district, and the Oregon Department of Education, including, but not limited to:

- Accountability planning and performance
- Attendance and enrollment reporting
- Compliance with the charter contract and all applicable laws
- Timely submission of all deliverables
- Additional information as requested by the district

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to relevant reporting requirements to the district, and the Oregon Department of Education, including, but not limited to:

- Accountability planning and performance
- Attendance and enrollment reporting
- Compliance with the charter contract and all applicable laws
- Timely submission of all deliverables
- Additional information as requested by the district

State Board of Education comments: CSCS has complied with all reporting requirements.

School comments:

12. Students and Employees

Measure 12a

Is the school protecting the rights of all students?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to the rights of students, including, but not limited to:

- Policies and practices related to admissions, lottery, waiting lists, fair and open recruitment, and enrollment (including rights to enroll or maintain enrollment)
- The collection and protection of student information
- Due process protections, privacy, civil rights, and student liberties requirements, including First Amendment protections and the Establishment Clause restrictions prohibiting public schools from engaging in religious instruction
- Conduct of discipline (discipline hearings, and suspensions and expulsion policies and practices)

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and/or provisions of the charter contract relating to the rights of students, including, but not limited to:

- Policies and practices related to admissions, lottery, waiting lists, fair and open recruitment, and enrollment (including rights to enroll or maintain enrollment)
- The collection and protection of student information
- Due process protections, privacy, civil rights, and student liberties requirements, including First Amendment protections and the Establishment Clause restrictions prohibiting public schools from engaging in religious instruction
- Conduct of discipline (discipline hearings, and suspensions and expulsion policies and practices)

State Board of Education comments: CSCS complies with protecting the rights of all students as evidenced by board policy, family handbook, staff handbook, professional development, enrollment process and the education program. The school implements a Restorative Justice model of student discipline.

School comments:

Measure 12b

Is the school meeting teacher and other staff credentialing requirements?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to state certification requirements, including the federal Highly Qualified Teacher and Paraprofessional requirements, charter school licensure and registry requirements, and background check and fingerprinting requirements for all staff and volunteers.

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the charter contract relating to state certification requirements, including the federal Highly Qualified Teacher and Paraprofessional requirements, charter school licensure and registry requirements, and/or background check and fingerprinting requirements for all staff and volunteers.

State Board of Education comments:

School comments:

13. School Environment

Measure 13a

Is the school complying with facilities and transportation requirements?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to the school facilities, grounds, and transportation, including, but not limited to:

- Americans with Disabilities Act
- Fire inspections and related records
- Viable certificate of occupancy or other required building use authorization
- Documentation of requisite insurance coverage
- Student transportation

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the charter contract relating to the school facilities, grounds, and transportation, including, but not limited to:

- Americans with Disabilities Act
- Fire inspections and related records
- Viable certificate of occupancy or other required building use authorization
- Documentation of requisite insurance coverage
- Student transportation

State Board of Education comments: CSCS is housed in an industrial building that has been renovated to serve as a school. The creative use of space supports PBE mission and values. Because this setting is unique, it is recommended that the CSCS' Site Committee do an annual facilities walkthrough using safety and security checklist. CSCS has a current occupancy and insurance certification.

School comments: We do a yearly walkthrough using a safety & security checklist. It wasn't done this year due to covid restrictions.

Measure 13b

Is the school complying with health and safety requirements?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to safety and the provision of health-related services, including, but not limited to:

- Appropriate nursing services and dispensing of pharmaceuticals
- Food service requirements

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the charter contract relating to safety and the provision of health-related services, including, but not limited to:

- Appropriate nursing services and dispensing of pharmaceuticals
- Food service requirements

State Board of Education comments: CSCS complies with all health and safety requirements. This is evidenced by the Family and Staff Handbook, Board policy and interviews with school administration and administrative staff.

School comments:

Measure 13c

Is the school handling information appropriately?

Meets standard:

The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract relating to the handling of information, including, but not limited to:

- Maintaining the security of and providing access to student records under the Family Educational Rights and Privacy Act (FERPA) and other applicable authorities
- Accessing documents maintained by the school under the state's Freedom of Information law and other applicable authorities
- Transferring of student records
- Proper and secure maintenance of testing materials

Does not meet standard:

The school was materially out of compliance with applicable laws, rules, regulations, and provisions of the charter contract relating to the handling of information, including, but not limited to:

- Maintaining the security of and providing access to student records under the Family Educational Rights and Privacy Act (FERPA) and other applicable authorities
- Accessing documents maintained by the school under the state's Freedom of Information law and other applicable authorities
- Transferring of student records
- Proper and secure maintenance of testing materials

State Board of Education comments: CSCS complies with all laws, rules, regulations and provisions of the charter contract relating to the handling of information. This is evidenced by the Family and Staff Handbook, Board policy and interviews with school administration and administrative staff.

School comments:

14. Additional Obligations**Measure 14a**

Is the school complying with all other obligations?

Meets standard:

The school materially complies with all other applicable legal, statutory, regulatory, or contractual requirements contained in the charter contract that are not otherwise explicitly stated herein, including, but not limited to requirements from the following sources:

- Revisions to state charter law
- Intervention requirements required by the district
- Action items assigned by the district
- Requirements by other entities to which the charter school is accountable (e.g. ODE)

Does not meet standard:

The school was materially out of compliance with applicable legal, statutory, regulatory, or contractual requirements contained in the charter contract that are not otherwise explicitly stated herein, included, but not limited to requirement from the following sources:

- Revisions to state charter law
- Intervention requirements required by the district
- Action items assigned by the district
- Requirements by other entities to which the charter school is accountable (e.g. ODE)

State Board of Education comments: The school was responsive to additional requests and updates to the law.

School comments:

COMMENDATIONS: ORGANIZATIONAL PERFORMANCE

1. Strong, supporting administrative team
2. Strong compliance with applicable requirements in law and contract.

RECOMMENDATIONS: ORGANIZATIONAL PERFORMANCE

1. Consider posting policies online.
2. Continue working on staff recruitment and retention.
3. Continue working on student, family, and staff diversity

SUMMARY OF ANNUAL EVALUATION COMMENDATIONS AND RECOMMENDATIONS

MEASURE	EXCEEDS STANDARD	MEETS STANDARD	DOES NOT MEET STANDARD	FALLS FAR BELOW STANDARD
Oregon rating system				
State and Federal accountability system				
Economically Disadvantaged-ELA	X			
Economically Disadvantaged-MATH		X		
ELL-ELA				
ELL-MATH				
Students with Disabilities-ELA	X			
Students with Disabilities-MATH	X			
Underserved-ELA	X			
Underserved-MATH			X	
All Student Growth-ELA				
All Student Growth-MATH				
Growth: Economically Disadvantaged-ELA				
Growth: Economically Disadvantaged-MATH				
Growth: ELL-ELA				
Growth: ELL-MATH				
Growth: Students with Disabilities-ELA				
Growth: Students with Disabilities-Math				
Growth: Underserved-ELA				
Growth: Underserved-MATH				
Alignment to CCSS	X			
Graduation/post-secondary readiness				
Graduation percent				
School completion/Diploma				
Drop out percentage				
Current Ratio: Assets/Liabilities		X		
Unrestricted Cash		X		
Enrollment Variance				
Loan Default		X		
Total Margin (income /revenue		X		
Debt to Asset Ratio		X		
Cash Flow		X		
Debt Service Coverage Ratio				
Reporting and Compliance		X		
GAAP		X		
Education Program Implementation		X		
Education Requirement Compliance		X		
Rights of Students with Disabilities		X		
Rights of ELL		X		
Governance Compliance		X		
Administration Accountability		X		
Reporting Requirement Compliance		X		
Rights of All Students		X		
Staff Credentialing Requirements		X		
Facilities and Transportation Requirements		X		
Health and Safety Requirements		X		
Student Information		X		
Other Obligations		X		

SUMMARY OF ANNUAL EVALUATION COMMENDATIONS AND RECOMMENDATIONS

Commendations:

1. Relied heavily on place-based curriculum during the pandemic, which was beneficial to the program and students
2. Very responsive to student and family needs during the pandemic
3. Partnered with Antioch and was able to offer a masters level class to their teachers
4. Introduction of indigenous curriculum impact school culture and representation positively
5. Current debt to asset ratio is well above target.
6. School has well over 60 days cash on hand.
7. Strong, supporting administrative team
8. Strong compliance with applicable requirements in law and contract.

Recommendations:

1. Consider posting policies online.
2. Continue working on staff recruitment and retention.
3. Continue working on student, family, and staff diversity



Oregon

Tina Kotek, Governor



OREGON
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EDUCATION

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Director of the Department of Education

BEFORE THE OREGON STATE BOARD OF EDUCATION

PUBLIC HEARING: Renewal Request for Eagle Charter School

HEARING OFFICER'S REPORT

The Department held a public hearing on January 31, 2023 from 6:30 – 7:30PM, to receive public comment on the renewal request for The Cottonwood School of Civics and Science (Cottonwood). Notice of hearing was published in a timely manner and was sent to interested parties and persons who requested notice. The public hearing was necessary to comply with ORS 338.065(5)(c). The hearing was held online via Zoom before Kate Pattison, Hearing Officer. Emily Nazarov, Government and Legal Affairs Manager, and Corey Rosenberg, State Board of Education Administrator, also represented the Department at the hearing.

A sign-up form was shared with interested parties with notice of the hearing and allowed members of the community to provide written testimony or indicate interest in speaking at the hearing.

17 members of the Cottonwood community attended the public hearing.

12 people spoke at the public hearing. Everyone who spoke was in favor of the renewal of the charter school.

30 people submitted written testimony in through the sign-up form for the public hearing. No one provided written testimony that was opposed to the renewal.

14 people indicated support for the renewal through the sign-up form for the public hearing but did not submit further written testimony.

Participants expressed high levels of satisfaction with the school and reported it was the best fit for their child. Many reported enthusiasm for the diversity, equity and inclusion work the school has prioritized and incorporated into the curricular design of the school.

Respectfully submitted this 1st day of February 2023

Kate Pattison, Hearing Officer

Written Testimony Regarding The Cottonwood School Renewal

Name: Serena Goldstone

Relationship to the school: Student

Do you support the renewal? Yes

Testimony: I went to CSCS from first through 8th grade. I think that the experiences I gained from attending there made me who I am today and allowed me to develop an understanding of how I best learn and what works for me in a school. I was able to do projects that had real world applications, build relationships with my teachers, and learn about things that I was interested in. CSCS is an amazing and unique school and I hope that it can keep providing an engaging and alternative school experience.

Name: Laura Bracke

Relationship to the school: Parent of former student and staff

Do you support the renewal? Yes

Testimony:

The Cottonwood School is a special and unique school. My relationship to The Cottonwood School of Civics and Science, formerly Southwest Charter School began in 2009 when my daughter entered the 1st grade. A year ago, I began working in the school office.

As a college student my daughter continues to reap the benefits of attending Cottonwood. Some of her special mentions:

-the school fostered the kind of environment to be yourself through the teachers' actions and words

-being in Animal families gave one the feeling of belonging, being mentored by older students and mentoring the younger students (note: Animal families are a group of students in each grade. They stay in the same animal family all of their years in attendance)

- liked the feeling of being in a smaller school and smaller class size (versus her local public at the time had an enrollment of 800+ K-2 students)

-the emphasis on sustainable living is important, as an addition to what is practiced at home

The model of the school encourages and sustains a student's whole being. There is so much to love about Cottonwood. I whole heartedly encourage ODE to renew Cottonwood's charter, so that students can continue to have these wonderful opportunities.

Name: Mahriah Zimmerman

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: "Hi. My name is Mahriah Zimmerman and I am a parent of Lord Lawrence" attending kindergarten in Kimberlee's class room.

This is our first year at Cottonwood and we are very happy to have been chosen in the lottery. I could only wish all children had such an opportunity. As parent that suffers deeply from anxiety (school shootings, madness of world) Cottonwood has been both thoughtful and personal in understanding through exemplary communication and kindness. Which has allowed me manage my anxiety. My family and I are truly grateful.

Written Testimony Regarding The Cottonwood School Renewal

Some of our other favorite things about Cottonwood are spending time at Cottonwood Bay, The buddy system (having an older student to know..) care, concern and deliberate focus for families of color is appreciated. Truly the focus on ALL cultures is an incredible unique school quality, the importance of imagination, happiness of the teachers is awesome! They actually want to be there. The children are not sitting in a classroom all day. They are exploring.. and living and growing. Cottonwood has exceeded my expectations.

The only thing needed/missing is a school bus (transportation) a safe means of travel. Beyond that... Thank you for supporting independent state charter schools like Cottonwood for students and families like ours.”

Lord Lawrence

Mahriah Zimmerman

Name: Marisela Van Sickle

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: Cottonwood provides an incredible experience for our student of color, their commitment to DEI and continued efforts to put learning on the leading edge for our students.

Name: Julia Walls

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: Greetings,

My name is Dr. Julia Walls and I am a parent of 1st and 6th grade students. We have been part of the Cottonwood community for 7 years. My kids and I love this school because of the amazing and unique curriculum. As BIPOC students we appreciate the welcoming, safe environment the school has cultivated. We love the attention to growing social skills, the willingness to help neurodiverse students and creating learning opportunities in real-life. We chose this school for the place-based curriculum and have continued to love the special, engaging curriculum. My kids are thriving at this school and I strongly urge you to renew our charter. Thank you for supporting independent state charter schools like Cottonwood for students and families like ours.

Kind Regards,

Dr. Julia Walls

Name: Lisa Nguyen

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: Hello! My name is Lisa Nguyen and I am a parent of a 6th, 2nd and Kindergartner.

We have been part of Cottonwood for 5 years and chose Cottonwood because we love the smaller size classrooms, the fieldwork opportunities and the intentional subjects that they are learning. We love that they get to learn about subjects that would get overlooked in most schools and we love that equity and inclusion is such a huge part of the school's DNA. The teachers are amazing and really help the kids think bigger than themselves to be a part of a larger community.

Written Testimony Regarding The Cottonwood School Renewal

<p>Some of my / my student's favorite things about Cottonwood are art, adventure play, math and fieldwork.</p> <p>Thank you for supporting independent state charter schools like Cottonwood for students and families like ours.</p>
<p>Name: Cassidy Richey</p> <p>Relationship to the school: Parent, Family Member, Guardian</p> <p>Do you support the renewal? Yes</p> <p>Testimony: Hello. My name is Cassidy Richey. I have three kids who have attended or are attending The Cottonwood School. The Cottonwood School's place based model enables students and parents to connect learning back to the community and natural world around us. Getting up and out of the classroom and applying lessons in the field is so important and helps keep kids engaged and eager to learn. I have found that The Cottonwood School is more true to it's school mission than any other school we have looked into. I value place based learning for my kids and we wouldn't be able to find this at any other school. My eldest child has moved on to be a top student at high school and is a confident critical thinker due to his time at The Cottonwood School.</p>
<p>Name: Ashley shambaugh</p> <p>Relationship to the school: Parent, Family Member, Guardian</p> <p>Do you support the renewal? Yes</p> <p>Testimony: Hello. My name is Ashley Shambaugh and I am a mother to a seventh grade students. We have been part of Cottonwood since my son started kindergarten and chose Cottonwood because it's small and community focused and all about nature and science. I also love that my son is happy to go to school which is a win for a pre teen especially! Some of my student's favorite things about Cottonwood are the teachers and staff, their friends & classmates, the guest speakers at the school and the hands on learning they get. Thank you for supporting independent state charter schools like Cottonwood for students and families like ours.</p>
<p>Name: Cinzia Ballantyne</p> <p>Relationship to the school: Staff</p> <p>Do you support the renewal? Yes</p> <p>Testimony: Hi! I'm Cinzia Ballantyne, and I'm the 6/7/8 math teacher here at the Cottonwood School. Cottonwood (and other charter schools) are so special because of the relationships that can be formed with each student. I know each and every one of my students as individuals, and it allows me to create a space in my classroom where each student feels safe to learn - something that is so important as many students have negative feelings about math. I can also interweave my math teaching with the other teachers' curricula - a freedom that enhances student learning. My students are more fully engaged when they know their teachers well as people and can connect their learning across all subjects. The hands on learning that they get from guest speakers and field work fosters those neural connections even further. Every student deserves the personal experience of learning that Cottonwood provides students.</p>
<p>Name: Jacqueline Furuno</p>

Written Testimony Regarding The Cottonwood School Renewal

<p>Relationship to the school: Parent, Family Member, Guardian</p> <p>Do you support the renewal? Yes</p> <p>Testimony: Hi, my name is Jacqueline Furuno and our family has been a part of the cottonwood community since my daughter started (zoom!) kindergarten 2020. We are so grateful to have now both of our children enrolled here. With a now in person kindergartener and a 2nd grader, we're grateful that cottonwood gives children a safe place to learn in a thoughtful environment. In this community, they are able to connect with peers from all over the city who all come to the school with unique experiences. They're able to explore the city using public transit, see its inner workings and the people that make Portland their home. Cottonwood creates an opportunity for place based education for which I am grateful. Thank you for supporting independent state charter schools like Cottonwood for families and students like ours.</p>
<p>Name: Melanie Bissonnette</p> <p>Relationship to the school: Parent, Family Member, Guardian</p> <p>Do you support the renewal? Yes</p> <p>Testimony: I am a parent of a 6th grader at Cottonwood School. He has been going to Cottonwood since kindergarten and we have found it to be a wonderful, supportive community. We love the place-based education approach that the school uses. My son has a solid grounding in his neighborhood, his city, the land we live on. He's learned about Native Americans, their ways, native plants. The school has strong values and instills them in the kids. Cottonwood is a strong community that demonstrates cares for each other. My son's favorite things about Cottonwood are the teachers and the field work. Thank you for supporting independent state charter schools like Cottonwood. I am so grateful that my son has the opportunity to attend this school.</p>
<p>Name: Ali Moore</p> <p>Relationship to the school: Parent, Family Member, Guardian</p> <p>Do you support the renewal? Yes</p> <p>Testimony: I am a parent of two students at the Cottonwood School (in 3rd and 1st grade) and we have been with the school for four years. We chose Cottonwood because we believe in teaching our children about being active participants in their communities. We have found that the teachers and staff are deeply invested in an educational approach that fosters reciprocity, and encourages children to think empathetically beyond the classroom and into the context of both the natural world and the citywide and statewide public spheres. Renewing the charter for Cottonwood School of Civics and Science would allow this invaluable work to continue, helping our kids grow into engaged and respectful citizens of the world.</p>
<p>Name: Paola Witt</p> <p>Relationship to the school: Parent, Family Member, Guardian</p> <p>Do you support the renewal? Yes</p> <p>Testimony: I am a parent to 2nd grade twins and I'm also the educational aide in the Kindergarten classroom. We chose Cottonwood because of its commitment to place-based education. Our family values experiential learning and at the Cottonwood school our children have the unique opportunity to enhance their learning through fieldwork, which provides real world connections to the lessons</p>

Written Testimony Regarding The Cottonwood School Renewal

they are having in the classroom. Thank you for supporting independent state charter schools like Cottonwood.

Name: Kristin Krem

Relationship to the school: Staff

Do you support the renewal? Yes

Testimony: I am a staff member and parent at Cottonwood. I support the renewal because Place Based Education is the future of education! Connecting to place, to each other and to the earth is what we need for a strong and vibrant future. Cottonwood continues to learn and evolve as our school works to become more equitable and more diverse.

Name: McLean Cannon

Relationship to the school: Staff

Do you support the renewal? Yes

Testimony: I am a third-year teacher at The Cottonwood School and have found a home where I hope to teach for my career. From the supportive administrative team who listen and support their staff to the committed and selfless staff of educators who give so much to their work, to the loyal and supportive families who believe in our mission, to create curious, civically-engaged young people, to the awesome students who show up each, day I cannot imagine teaching anywhere else!

Name: Jeff Bissonnette

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: I am not available to attend the meeting tomorrow evening but would like to offer some written testimony. We have been at Cottonwood since my son was in kindergarten. He is now in the 6th grade. Cottonwood has been a great place for him to be. His curiosity is encouraged, he's learning and he's connecting what he is learning to the community around him. That is precisely what Cottonwood was founded to do and it's doing it well. The teachers and staff work hard. We saw this particularly during the pandemic. The school's response to an online learning environment was very good. They continued to teach and students continued to learn, even in an online environment, even though none of us signed up to be at an online school. But the school's spirit was able to carry through. It's very good to have Eli back in an in-person environment and we look forward to the school continuing to offer its unique mix of community, academics, and student growth. Thanks for the opportunity to offer these observations. I'd be happy to answer any questions.

Name: Chris Beckley

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: I have been part of the CSCS community for about 10 years with 2 kids. I believe that Cottonwood's approach of place-based education is revolutionary. My children have hands-on, interactive, meaningful experiences that are so valuable to their learning and growing. The staff is a wonderful group of expert educators who work together well and work very hard towards constant improvement, growth and equity for the students and the community.

Written Testimony Regarding The Cottonwood School Renewal

Name: Dan Bowman

Relationship to the school: Staff

Do you support the renewal? Yes

Testimony: I have been teaching full time at Cottonwood for the last 2 years and was a substitute teacher before that. In that time, I have seen many students come through who were falling through the cracks at their neighborhood school. Many of these students were looking for a place where they could belong and where they could learn to best of their ability. Every year, I hear from parents that they are so grateful for how much their students thrive in this community. Our small class size, community orientation, and our student centered philosophy help all of our students belong, grow, and thrive.

As a step-parent, I have seen first hand how my own student struggled with falling through the cracks in classes as large as 40 at his neighborhood school. In that school, his in depth study of the history of war was being criminalized, and he was failing in nearly every subject. When he started at Cottonwood, his teacher saw his interest in history as an asset and made him the class historian, helping the class to find the historical context to the topics they are studying and my step son find value in his natural interests. He has begun to thrive socially, and is making unprecedented academic progress.

Cottonwood's ability to seal up the cracks that let students fall through is invaluable to the future of our community. Thank you for supporting our work and our students.

Name: Sade Rivers

Relationship to the school: Parent and staff

Do you support the renewal? Yes

Testimony: I have three students who attend Cottonwood (K, 3rd, and 5th grader) all who been here since kindergarten. We have always felt included and part of this community. The class size and the fieldwork is what brought us to Cottonwood. We fell in love with their place based mission. I feel my kids see things in a different way because of that. They love how much outdoor time they have. Going to Cottonwood Bay is one of their favorite things. As a staff member this is my first year working at cottonwood and I am glad to be part of the team. I see how staff genuinely care for their students and for each other. Thank you for supporting independent state charter schools like Cottonwood for students, staff, and families like ours.

Name: Kimberley Bonder

Relationship to the school: Staff

Do you support the renewal? Yes

Testimony: I started teaching kindergarten at the Cottonwood School of Civics and Science four years ago. Prior to that I taught preschool through 3 grade at another school for eleven years. During my first two years at the school our world encountered a world pandemic, lockdown, hybrid learning and back to school pandemic protocols. This was a true testament to what a gift the Cottonwood School is to the community at large, the administration, the other teachers and all of my coworkers showed their love, dedication, academic knowledge about teaching and learning, child development and resilience in ways I did not know were possible. The commitment to place-based education, culturally

Written Testimony Regarding The Cottonwood School Renewal

responsive curriculum, problem solving and social emotional learning is needed more than ever in this world. We need students engaged in civic responsibility and examining the past through place and events to create a better world for us all. I feel so blessed to have been chosen to teach in a school where everyone is dedicated to this mission and understands the difference between being educated and a teaching and learning environment that nurtures the whole child to grow, thrive, learn and contribute to their local and larger community. We know now this is more important than ever. We need grace, we need patients, we need to hold one another up. The Cottonwood School does this so very well and is an asset to our community.

Name: Melissa Swinney

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: I'm the parent of a 2nd grade student. This is the 3rd year we've been part of Cottonwood and chose this school because of their place-based curriculum. Our family loves that our student gets to do hands on activities related to topics she's leaning in the classroom. Thank you for supporting independent state charter schools like Cottonwood for students and families like ours.

Name: Emily Sturgess Cleek

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: I'm willing to speak at the hearing, but as a parent and board member, ODE has already heard from me, and I'd prefer to give others a chance to share. Below are some of my thoughts on the value of Cottonwood School.— Cottonwood has been an incredible school for my two daughters. Each of my daughters attended another school for elementary school and then transferred to Cottonwood for Middle School where they were welcomed into a curious and engaged learning community. The place- based and project learning at Cottonwood have allowed my daughters to dive deep into various academic topics and to follow their own curiosity to explore different facets of these complex subjects. The students also have ample opportunities to focus on community building, leadership, and social-emotional learning, ask which have been incredibly important during their middle school years. I have worked with educators my entire life, from my years as a student, to working in an educational setting, and to working with my daughters' teachers from kindergarten on up. Some of the most engaged, dedicated, fun, and insightful teachers we've known have been those at Cottonwood. It is an important learning environment that really gives students a place to thrive.

Name: Heather Watkins

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: My name is Heather Watkins and I am a parent of a 6th grade student. Our child started at Cottonwood in first grade, and we have been part of Cottonwood for six years. We love being part of this school community and wholeheartedly support the renewal of the charter. We moved our child to Cottonwood for first grade. The school's vision, looking "beyond classroom walls" appealed to us. We were looking for a school with an expansive idea of education, a curriculum that would help our child develop and support intellectual curiosity, emotional well-being, and a deep

Written Testimony Regarding The Cottonwood School Renewal

understanding of the communities they already are part of, as well as those they will come to know as they move through life. Cottonwood has proven to be all that and more. Everywhere at CSCS, in and outside the classrooms, there is real learning happening. Kids learn how to think critically, ask good questions, make connections across fields of study and methodologies. They learn to care for one another and the environment. They learn through hands-on, experiential work and play that is relevant to the lived experience of our kids and the communities they come from and move within. Our 6th grade student says of Cottonwood, ^[11]_[SEP]“The staff is amazing. And the teachers don’t just tell us how to do something—they show us how to learn. They let us discover more on our own.” Thank you for supporting independent state charter schools like Cottonwood for students and families like ours.

Name: Sara Miller

Relationship to the school: Staff

Do you support the renewal? Yes

Testimony: My name is Sara and I am a 1st and 2nd grade teacher at the Cottonwood School. This is my 2nd year teaching at the school. I take pride in the community that our school has created, our commitment to civic engagement, Indigenous studies and teaching to the whole child. I am continuously grateful for the community of students, families, and faculty that we have fostered and the desire to continue pushing forward as a community to improve our practices, partnerships, and academic rigor. It is important to continue to support schools like ours that provide a safe, engaging and nurturing environment for kids to learn in.

Name: Justin Iverson

Relationship to the school: Parent, Family Member, Guardian

Do you support the renewal? Yes

Testimony: Our family is listening to the public hearing and my first grade son offered unprompted, “Cottonwood is a great school. I want to go to eighth grade here.” For my part, I appreciate the curriculum and the mixed age classes, which allow the students to both learn from and mentor their peers, while developing strong relationships with their teachers over two year periods. I strongly support renewal of the cottonwood charter contract for another five years. Thank you.

Name: Caroline Falcone Goldstone

Relationship to the school: Former Parent

Do you support the renewal? Yes

Testimony: This is my first year in 13 years that I have not had a child at CSCS and we miss the community, the teachers, and the leadership. My kids are both thriving in highschool and I believe this is because of how they were treated and taught at CSCS. They learned about leadership and civics, they learned how to take the perspectives of many other people in their classrooms and their lives, they learned to love to learn and be curious, they learned how to talk with adults, they learned that adults will respect them, listen to them, support them and walk alongside them as they grow. They learned to revere education and teachers as an important pathway to knowledge, connection, community and self empowerment. I wholeheartedly support CSCS and think it is a model for education in this city and this nation.

Written Testimony Regarding The Cottonwood School Renewal

<p>Name: Elizabeth Maxon Relationship to the school: Staff Do you support the renewal? Yes Testimony: This is my first year teaching at Cottonwood and it already feels like a second home to me. The emphasis on community values has fostered a tightly knit group of students and teachers who truly care for each other, and I can't imagine teaching anywhere else. Students come to school excited everyday and are agents of their own learning in a way that inspires me all the time. I absolutely support Cottonwood's charter renewal!</p>
<p>Name: Katt Beckley Relationship to the school: Both staff and a parent Do you support the renewal? Yes Testimony: This school has been a huge part of our life for many years. I have one who is now in 10th grade, my youngest is still in 4th grade. I have been both a volunteer and now work as the reading specialist for K-3. There are so many wonderful things that the school does, place-based learning has been invaluable to me and my kids. The staff is amazing as well, after being an educator for over 20 years, I always look at the staff of a school, the way they interact with kids and each other. These teachers really care about the whole child, and come to school with open hearts and open minds every day. I thoroughly enjoy working there, it is amazing to see them all work as a team, encouraging and supporting each other throughout the year.</p>
<p>Name: Sybil Buell Relationship to the school: Parent, Family Member, Guardian Do you support the renewal? Yes Testimony: Two of my grandchildren attended Cottonwood, one for seven years and one for eight. They are currently in their freshman and senior years in high school where they entered well-prepared for advance level courses. Through the creative, nurturing environment at Cottonwood they gained confidence in their ability to make friends, read new books, express themselves and became strong independent students. Most importantly they realized the joy of learning. The dedication of teachers and administration to the philosophy of "place based education" make Cottonwood a model for what I feel a K-8 school should be. I hope they continue to support students for many years to come.</p>
<p>Name: Laura Stanfill Relationship to the school: Parent, Family Member, Guardian Do you support the renewal? Yes Testimony: We've been a Cottonwood family for six years and counting. I believe so much in this school and its focus on place-based education. My oldest graduated two years ago and brought all the skills and insights--about the world, about their own identity--to high school. My younger child comes home muddy and exhilarated every day, always talking about the latest trip to Cottonwood Bay.</p>



OREGON AT-A-GLANCE SCHOOL PROFILE

The Cottonwood School of Civics and Science

PRINCIPAL: Amanda McAdoo | GRADES: K-8 | 640 S Bancroft St, Portland 97239 | 503-244-1697

Students We Serve



DEMOGRAPHICS

American Indian/Alaska Native	
Students	0%
Teachers	0%
Asian	
Students	5%
Teachers	7%
Black/African American	
Students	4%
Teachers	0%
Hispanic/Latino	
Students	11%
Teachers	7%
Multiracial	
Students	10%
Teachers	13%
Native Hawaiian/Pacific Islander	
Students	0%
Teachers	0%
White	
Students	70%
Teachers	73%

* **5** Languages Spoken

22% Ever English Learners

72% Required Childhood Vaccinations

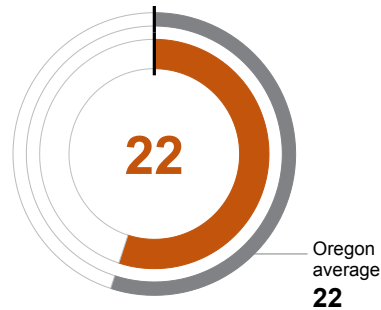
>95% Free/Reduced Price Lunch

*<10 students or data unavailable

School Environment

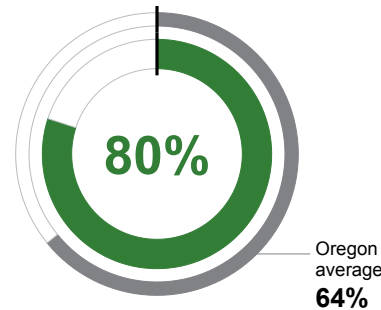
CLASS SIZE

Median class size.



REGULAR ATTENDERS

Students who attended more than 90% of their enrolled school days.



Academic Progress

INDIVIDUAL STUDENT PROGRESS

Year-to-year progress in English language arts and mathematics.

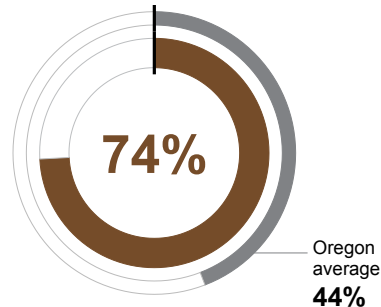
Data not available in 2021-22

253

Academic Success

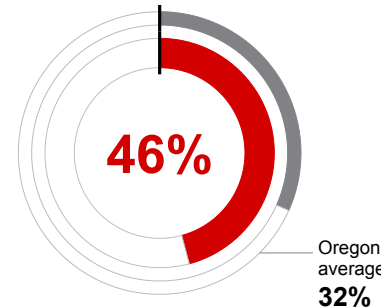
ENGLISH LANGUAGE ARTS

Students meeting state grade-level expectations.



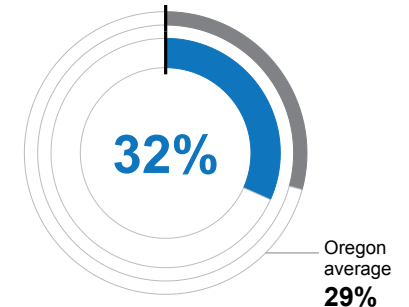
MATHEMATICS

Students meeting state grade-level expectations.



SCIENCE

Students meeting state grade-level expectations.



School Goals

Our goal as a school is that each student thrive academically while feeling supported, included and safe. In support of this, we began a whole school initiative to improve our teaching of social-emotional learning, using Responsive Classroom tools. Teachers focus on building community in their classrooms and carefully examine the language they use with students. Staff focus on integrating more literacy throughout the day as well as improving our assessment skills. We also work closely with equity consultants, our DEI committee and staff to improve our cultural responsiveness.

State Goals

The Oregon Department of Education is partnering with school districts and local communities to ensure a 90% on-time, four year graduation rate by 2025. To progress toward this goal, the state will prioritize efforts to improve attendance, provide a well-rounded education, invest in implementing culturally responsive practices, and promote continuous improvement to close opportunity and achievement gaps for historically and currently underserved students.

Safe & Welcoming Environment

Our school is committed to building strong, healthy relationships between all members of our community. When students are surrounded by the culture of a community, they feel a sense of belonging. Our school regularly practices community building through morning meetings, all-school gatherings, cross-grade partnerships, problem-solving meetings using the Positive Discipline model, and events such as the all-school lunch, the talent show, and more. We actively teach character traits and integrate them into academic studies. By prioritizing community- and relationship-building, we foster a safe environment in which students can thrive.



OREGON AT-A-GLANCE SCHOOL PROFILE CONTINUED

The Cottonwood School of Civics and Science



Outcomes

Our Staff (rounded FTE)



10
Teachers



5
Educational
assistants



<1
Counselors/
Psychologists



86%
Average teacher
retention rate



60%
% of licensed teachers
with more than 3 years
of experience



Yes
Same principal in
the last 3 years

REGULAR ATTENDERS

American Indian/Alaska Native	<10 students or data unavailable
Asian	<10 students or data unavailable
Black/African American	<10 students or data unavailable
Hispanic/Latino	75%
Multiracial	84%
Native Hawaiian/Pacific Islander	<10 students or data unavailable
White	83%
Free/Reduced Price Lunch	80%
Ever English Learner	<10 students or data unavailable
Students with Disabilities	76%
Migrant	<10 students or data unavailable
Homeless	<10 students or data unavailable
Students in Foster Care	<10 students or data unavailable
Talented and Gifted	<10 students or data unavailable
Female	81%
Male	79%
Non-Binary	<10 students or data unavailable

ENGLISH LANGUAGE ARTS

<10 students or data unavailable
<10 students or data unavailable
<10 students or data unavailable
70%
43%
<10 students or data unavailable
81%
74%
<10 students or data unavailable
<10 students or data unavailable
<10 students or data unavailable
<10 students or data unavailable
<10 students or data unavailable
<10 students or data unavailable
77%
73%
<10 students or data unavailable

MATHEMATICS

<10 students or data unavailable
<10 students or data unavailable
<10 students or data unavailable
20%
21%
<10 students or data unavailable
56%
46%
<10 students or data unavailable
51%
<10 students or data unavailable
<10 students or data unavailable
<10 students or data unavailable
<10 students or data unavailable
42%
49%
<10 students or data unavailable

254

About Our School

BULLYING, HARASSMENT, AND SAFETY POLICIES

The Cottonwood School uses proactive and inclusive practices so that all students feel safe. We provide students the opportunity to reflect on the impact of their actions, repair the harm done, and develop skills to make better choices.

All teachers build an intentional learning community by:

- Creating classroom agreements with input from students that are posted and referred to regularly.
- Creating a place-based curriculum relevant to student's lives and community.
- Collectively identifying and applying our school Character Traits within the school community.
- Utilizing the Positive Discipline Approach, including class meetings & appreciation circles.

EXTRACURRICULAR ACTIVITIES

Please check out our website for current offerings.

PARENT ENGAGEMENT

As a small school, parental involvement is the key to our success. We believe that every family has a way to contribute to our community. Community involvement and civic responsibility are something we actively teach and children feel a stronger connection to their school and community when they know that their parents are involved. We expect all families to contribute 24 hours of service to our school each year. The hours can be met chaperoning on day and overnight fieldwork, supporting small group work in the classroom, serving on our PTO or school board, helping to maintain our new vibrant school yard, painting, cleaning, office support, fundraising and organizing fun collaborative community events!

COMMUNITY ENGAGEMENT

Community Engagement is central to our mission as a place-based school. CSCS leads more than 100 fieldwork trips a year for students to get out and learn in the world. We partner with dozens of community organizations and governmental agencies to create meaningful experiences for students with the aim of designing projects that mutually benefit the school and the community. Examples of partners include the Mirabella retirement home, Portland Parks and Recreation, Tryon Creek State Park, and Portland State University. Through continual engagement with neighbors, guest speakers, partners, and families, CSCS connects students to the places where we live.

2021-22 ESSA Accountability Details Report

Public Version - October 20, 2022

District: Oregon Department of Education

School: The Cottonwood School of Civics and Science

The Accountability Details Report displays the data for indicators used by the accountability system to identify schools for comprehensive or targeted supports as required by Oregon's State Plan under the Every Student Succeeds Act (ESSA). The accountability system uses six indicators for elementary and middle schools. For more information about the included indicators and their definitions and calculations, please refer to the [Accountability Details Policy and Technical Manual](#). For more information on the transition of school identification from year-to-year please see the [School Improvement webpage](#).

Indicator Ratings Table

Student Group	ESSA Supports	ELA Achievement	ELA Change	Math Achievement	Math Change	Regular Attenders	On Track to ELP
All Students	Not Identified	Level 3	Level 5	Level 2	Level 4	Level 2	Not Rated
Economically Disadvantaged	Not Identified	Level 4	Level 5	Level 3	Level 4	Level 2	
English Learners	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated
Students with Disabilities	Not Identified	Level 3	Level 5	Level 2	Level 5	Level 2	
Underserved Race/Ethnicity	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	
American Indian/ Alaska Native	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	
Native Hawaiian/ Pacific Islander	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	
Black/African American	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	
Hispanic/Latino	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Level 2	
Asian	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	
White	Not Identified	Level 4	Level 5	Level 3	Level 5	Level 3	
Multi-racial	Not Identified	Level 2	Not Rated	Level 2	Not Rated	Level 5	

Suggested Level of Support for 2021-2022: **Exited** 2018-2019: **Targeted** 2017-2018: **Not Identified**

Met ELA and Math Participation target (95%) for all student groups: **Yes** (details on pages 4 and 7)

Received Title I Funds in 2018-19: **No**

Please note the following:

- Indicator ratings that display 'Not Rated' refer to student groups that do not meet the minimum n-size to receive a rating.
- The expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.
- The English learner student group has different inclusion rules for particular indicators.
- The Underserved Race/Ethnicity student group consists of the following racial/ethnic groups: American Indian/Alaska Native, Black/African American, Hispanic/Latino, and Native Hawaiian/Pacific Islander.
- The Underserved Race/Ethnicity group is eligible to be identified for targeted improvement only when none of the four student groups that comprise it have sufficient data to be considered for identification.

English Language Arts Academic Achievement Details

District: Oregon Department of Education

School: The Cottonwood School of Civics and Science

English Language Arts Achievement Level	Cut
Level 5	80
Level 4	67
Level 3	54
Level 2	25
Level 1	<25

The English Language Arts (ELA) Achievement indicator displays the percentage of students meeting the ELA achievement standard, the adjusted denominator, and the corresponding rating for each student group. The data table shows two years of data, a two-year average, and the applied rate (i.e., the two-year average after meeting the minimum n-size of 20). '*' means data was hidden to protect student confidentiality and 'Not Rated' refers to student groups that do not meet the minimum n-size to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.

State Long Term Goal: 80%

Student Group		2018-19	2021-22	2-year Average	Rated on	Level
All Students - Percent		60.3	74.0	66.8	Average Rate	Level 3
All Students - Adjusted Denominator		136	123	259		
Economically Disadvantaged - Percent		58.1	74.0	70.8	Average Rate	Level 4
Economically Disadvantaged - Adjusted Denominator		31	123	154		
English Learners - Percent		*	*	*	Not Rated	Not Rated
English Learners - Adjusted Denominator		*	*	*		
Students with Disabilities - Percent		51.6	60.0	56.1	Average Rate	Level 3
Students with Disabilities - Adjusted Denominator		31	35	66		
American Indian/Alaska Native - Percent		*	*	*	Not Rated	Not Rated
American Indian/Alaska Native - Adjusted Denominator		*	*	*		
Black/African American - Percent		*	*	*	Not Rated	Not Rated
Black/African American - Adjusted Denominator		*	*	*		
Hispanic/Latino - Percent		*	70.0	68.4	Not Rated	Not Rated
Hispanic/Latino - Adjusted Denominator		*	10	*		
Native Hawaiian/Pacific Islander - Percent		*	*	*	Not Rated	Not Rated
Native Hawaiian/Pacific Islander - Adjusted Denominator		*	*	*		
Underserved Race/Ethnicity - Percent		63.6	62.5	63.0	Average Rate	Not Applicable
Underserved Race/Ethnicity - Adjusted Denominator		11	16	27		
Asian - Percent		*	*	*	Not Rated	Not Rated
Asian - Adjusted Denominator		*	*	*		
White - Percent		66.1	80.9	72.7	Average Rate	Level 4
White - Adjusted Denominator		109	89	198		
Multi-racial - Percent		25.0	42.9	34.6	Average Rate	Level 2
Multi-racial - Adjusted Denominator		12	14	26		

Note: An * next to Level 2 indicates that, although the student group did not meet the Level 2 cut for this indicator, this student group is not in the lowest ten percent of schools in Oregon.

English Language Arts Average Gap Score Change Details

District: Oregon Department of Education

School: The Cottonwood School of Civics and Science

The English Language Arts (ELA) Average Score Change indicator uses the difference between a student's score and the cut score for the assessment, called a gap score. The table displays the average gap score by school year, the change in the average gap score, the count of students tested, and the corresponding rating for each student group. '*' means data was hidden to protect student confidentiality and 'Not Rated' refers to student groups that do not meet the minimum n-size to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.

ELA Average Gap Score Change	Cut
Level 5	5
Level 4	-7
Level 3	-19
Level 2	-42
Level 1	<-42

Student Group	2018-19	2021-22	Change in Average	Level
All Students	31	45	14	Level 5
All Students - Denominator	135	122		
Economically Disadvantaged	23	45	22	Level 5
Economically Disadvantaged - Denominator	31	122		
English Learners	*	*	*	Not Rated
English Learners - Denominator	*	*		
Students with Disabilities	5	25	20	Level 5
Students with Disabilities - Denominator	31	34		
American Indian/Alaska Native	*	*	*	Not Rated
American Indian/Alaska Native - Denominator	*	*		
Black/African American	*	*	*	Not Rated
Black/African American - Denominator	*	*		
Hispanic/Latino	*	48	*	Not Rated
Hispanic/Latino - Denominator	*	10		
Native Hawaiian/Pacific Islander	*	*	*	Not Rated
Native Hawaiian/Pacific Islander - Denominator	*	*		
Underserved Race/Ethnicity	42	25	-17	Not Applicable
Underserved Race/Ethnicity - Denominator	11	16		
Asian	*	*	*	Not Rated
Asian - Denominator	*	*		
White	39	56	17	Level 5
White - Denominator	108	88		
Multi-racial	-23	-5	18	Not Rated
Multi-racial - Denominator	12	14		

English Language Arts Participation Details

District: Oregon Department of Education

School: The Cottonwood School of Civics and Science

All students in tested grades and enrolled on the first school day in May must take a statewide assessment. The data table displays the percentage of students who took a statewide assessment by school year and student group. The applied rate for the participation status is the two-year average after meeting the minimum n-size of 20. 'Not Rated' means the student group did not meet minimum size requirements in order to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.

Participation Target: 94.5%

Student Group		2018-19	2021-22	2-year Average	Status based on	Status
All Students - Percent		99.3	100.0	99.6	Average Rate	Met
All Students - Denominator		139	123	262		
Economically Disadvantaged - Percent		100.0	100.0	100.0	Average Rate	Met
Economically Disadvantaged - Denominator		31	123	154		
English Learners - Percent		--	--	--	Not Rated	Not Rated
English Learners - Denominator		0	0	0		
Students with Disabilities - Percent		96.9	100.0	98.5	Average Rate	Met
Students with Disabilities - Denominator		32	35	67		
American Indian/Alaska Native - Percent		--	--	--	Not Rated	Not Rated
American Indian/Alaska Native - Denominator		0	0	0		
Black/African American - Percent		100.0	100.0	100.0	Not Rated	Not Rated
Black/African American - Denominator		2	6	8		
Hispanic/Latino - Percent		100.0	100.0	100.0	Not Rated	Not Rated
Hispanic/Latino - Denominator		9	10	19		
Native Hawaiian/Pacific Islander - Percent		--	--	--	Not Rated	Not Rated
Native Hawaiian/Pacific Islander - Denominator		0	0	0		
Underserved Race/Ethnicity - Percent		100.0	100.0	100.0	Average Rate	Met
Underserved Race/Ethnicity - Denominator		11	16	27		
Asian - Percent		100.0	100.0	100.0	Not Rated	Not Rated
Asian - Denominator		4	4	8		
White - Percent		99.1	100.0	99.5	Average Rate	Met
White - Denominator		112	89	201		
Multi-racial - Percent		100.0	100.0	100.0	Average Rate	Met
Multi-racial - Denominator		12	14	26		

Mathematics Academic Achievement Details

District: Oregon Department of Education

School: The Cottonwood School of Civics and Science

Mathematics Achievement Level	Cut
Level 5	80
Level 4	62
Level 3	43
Level 2	13
Level 1	<13

The Mathematics Achievement indicator displays the percentage of students meeting the Mathematics achievement standard, the adjusted denominator, and the corresponding rating for each student group. The data table shows two years of data, a two-year average, and the applied rate (i.e., the two-year average after meeting the minimum n-size of 20). ‘*’ means data was hidden to protect student confidentiality and ‘Not Rated’ refers to student groups that do not meet the minimum n-size to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.

State Long Term Goal: 80%

Student Group		2018-19	2021-22	2-year Average	Rated on	Level
All Students - Percent		39.6	46.0	42.6	Average Rate	Level 2
All Students - Adjusted Denominator		134	124	258		
Economically Disadvantaged - Percent		41.9	46.0	45.2	Average Rate	Level 3
Economically Disadvantaged - Adjusted Denominator		31	124	155		
English Learners - Percent		*	*	*	Not Rated	Not Rated
English Learners - Adjusted Denominator		*	*	*		
Students with Disabilities - Percent		16.1	51.4	35.4	Average Rate	Level 2
Students with Disabilities - Adjusted Denominator		31	35	65		
American Indian/Alaska Native - Percent		*	*	*	Not Rated	Not Rated
American Indian/Alaska Native - Adjusted Denominator		*	*	*		
Black/African American - Percent		*	*	*	Not Rated	Not Rated
Black/African American - Adjusted Denominator		*	*	*		
Hispanic/Latino - Percent		*	20.0	31.6	Not Rated	Not Rated
Hispanic/Latino - Adjusted Denominator		*	10	*		
Native Hawaiian/Pacific Islander - Percent		*	*	*	Not Rated	Not Rated
Native Hawaiian/Pacific Islander - Adjusted Denominator		*	*	*		
Underserved Race/Ethnicity - Percent		36.4	12.5	22.2	Average Rate	Not Applicable
Underserved Race/Ethnicity - Adjusted Denominator		11	16	27		
Asian - Percent		*	*	*	Not Rated	Not Rated
Asian - Adjusted Denominator		*	*	*		
White - Percent		43.0	55.6	48.7	Average Rate	Level 3
White - Adjusted Denominator		107	90	197		
Multi-racial - Percent		16.7	21.4	19.2	Average Rate	Level 2
Multi-racial - Adjusted Denominator		12	14	26		

Note: An * next to Level 2 indicates that, although the student group did not meet the Level 2 cut for this indicator, this student group is not in the lowest ten percent of schools in Oregon.

Mathematics Average Gap Score Change Details

District: Oregon Department of Education

School: The Cottonwood School of Civics and Science

The Mathematics Average Score Change indicator uses the difference between a student's score and the cut score for the assessment, called a gap score. The table displays the average gap score by school year, the change in the average gap score, the count of students tested, and the corresponding rating for each student group. '*' means data was hidden to protect student confidentiality and 'Not Rated' refers to student groups that do not meet the minimum n-size to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group 2021-22.

Math Average Gap Score Change	Cut
Level 5	4
Level 4	-11
Level 3	-24
Level 2	-49
Level 1	<-49

Student Group		2018-19	2021-22	Change in Average		Level
All Students		-15	-17	-2		Level 4
	All Students - Denominator	134	123			
Economically Disadvantaged		-17	-17	0		Level 4
	Economically Disadvantaged - Denominator	31	123			
English Learners		*	*	*		Not Rated
	English Learners - Denominator	*	*			
Students with Disabilities		-40	-16	24		Level 5
	Students with Disabilities - Denominator	30	34			
American Indian/Alaska Native		*	*	*		Not Rated
	American Indian/Alaska Native - Denominator	*	*			
Black/African American		*	*	*		Not Rated
	Black/African American - Denominator	*	*			
Hispanic/Latino		*	-39	*		Not Rated
	Hispanic/Latino - Denominator	*	10			
Native Hawaiian/Pacific Islander		*	*	*		Not Rated
	Native Hawaiian/Pacific Islander - Denominator	*	*			
Underserved Race/Ethnicity		4	-73	-77		Not Applicable
	Underserved Race/Ethnicity - Denominator	11	16			
Asian		*	*	*		Not Rated
	Asian - Denominator	*	*			
White		-9	6	15		Level 5
	White - Denominator	107	89			
Multi-racial		-81	-97	-16		Not Rated
	Multi-racial - Denominator	12	14			

Mathematics Participation Details

District: Oregon Department of Education

School: The Cottonwood School of Civics and Science

All students in tested grades and enrolled on the first school day in May must take a statewide assessment. The data table displays the percentage of students who took a statewide assessment by school year and student group. The applied rate for the participation the two-year average after meeting the minimum n-size of 20. 'Not Rated' means the student group did not meet minimum size requirements in order to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.

Participation Target: 94.5%

Student Group	2018-19	2021-22	2-year Average	Status based on	Status
All Students - Percent	97.8	100.0	98.9	Average Rate	Met
All Students - Denominator	139	124	263		
Economically Disadvantaged - Percent	100.0	100.0	100.0	Average Rate	Met
Economically Disadvantaged - Denominator	31	124	155		
English Learners - Percent	--	--	--	Not Rated	Not Rated
English Learners - Denominator	0	0	0		
Students with Disabilities - Percent	93.8	100.0	97.0	Average Rate	Met
Students with Disabilities - Denominator	32	35	67		
American Indian/Alaska Native - Percent	--	--	--	Not Rated	Not Rated
American Indian/Alaska Native - Denominator	0	0	0		
Black/African American - Percent	100.0	100.0	100.0	Not Rated	Not Rated
Black/African American - Denominator	2	6	8		
Hispanic/Latino - Percent	100.0	100.0	100.0	Not Rated	Not Rated
Hispanic/Latino - Denominator	9	10	19		
Native Hawaiian/Pacific Islander - Percent	--	--	--	Not Rated	Not Rated
Native Hawaiian/Pacific Islander - Denominator	0	0	0		
Underserved Race/Ethnicity - Percent	100.0	100.0	100.0	Average Rate	Met
Underserved Race/Ethnicity - Denominator	11	16	27		
Asian - Percent	100.0	100.0	100.0	Not Rated	Not Rated
Asian - Denominator	4	4	8		
White - Percent	97.3	100.0	98.5	Average Rate	Met
White - Denominator	112	90	202		
Multi-racial - Percent	100.0	100.0	100.0	Average Rate	Met
Multi-racial - Denominator	12	14	26		

Regular Attenders Details

District: Oregon Department of Education

School: The Cottonwood School of Civics and Science

The Regular Attenders indicator displays the percentage of students attending for more than 90 percent of their enrolled school days, the denominator, and the corresponding rating for each student group. The data table shows two years of data, a two-year average, and the applied rate (i.e., the two-year average after meeting the minimum n-size of 20). ‘*’ means data was hidden to protect student confidentiality and ‘Not Rated’ refers to student groups that do not meet the minimum n-size to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.

Regular Attenders Level	Cut
Level 5	93
Level 4	89
Level 3	85
Level 2	65
Level 1	<65

State Long Term Goal: 93%

Student Group	Grade Range		2018-19	2021-22	2-year Average	Rated on	Level
All Students - Percent	K-5		92.4	77.2	84.9	Average Rate	Level 2
All Students - Denominator			132	127	259		
Economically Disadvantaged - Percent	K-5		93.8	77.2	80.5	Average Rate	Level 2
Economically Disadvantaged - Denominator			32	127	159		
English Learners - Percent	K-5		*	*	*	Not Rated	Not Rated
English Learners - Denominator			*	*	*		
Students with Disabilities - Percent	K-5		88.0	71.4	79.2	Average Rate	Level 2
Students with Disabilities - Denominator			25	28	53		
American Indian/Alaska Native - Percent	K-5		*	*	*	Not Rated	Not Rated
American Indian/Alaska Native - Denominator			*	*	*		
Black/African American - Percent	K-5		*	*	*	Not Rated	Not Rated
Black/African American - Denominator			*	*	*		
Hispanic/Latino - Percent	K-5		90.9	70.6	78.6	Average Rate	Level 2
Hispanic/Latino - Denominator			11	17	28		
Native Hawaiian/Pacific Islander - Percent	K-5		*	*	*	Not Rated	Not Rated
Native Hawaiian/Pacific Islander - Denominator			*	*	*		
Underserved Race/Ethnicity - Percent	K-5		92.9	60.9	73.0	Average Rate	Not Applicable
Underserved Race/Ethnicity - Denominator			14	23	37		
Asian - Percent	K-5		*	*	84.6	Not Rated	Not Rated
Asian - Denominator			*	*	*		
White - Percent	K-5		90.9	80.2	85.9	Average Rate	Level 3
White - Denominator			99	86	185		
Multi-racial - Percent	K-5		>95	90.0	>95	Average Rate	Level 5
Multi-racial - Denominator			*	10	*		

Note: An * next to Level 2 indicates that, although the student group did not meet the Level 2 cut for this indicator, this student group is not in the lowest ten percent of schools in Oregon.

On Track to English Language Proficiency (ELP) Details

District: Oregon Department of Education

School: The Cottonwood School of Civics and Science

The On Track to English Language Proficiency (ELP) indicator displays the percentage of students who are on track to attain ELP, the denominator, and the corresponding rating for each student group. The data table shows two years of data, a two-year average, and the applied rate (i.e., the two-year average after meeting the minimum n-size of 20). '*' means data was hidden to protect student confidentiality and 'Not Rated' refers to student groups that do not meet the minimum n-size to receive a rating. Note that the expansion of the federal free/reduced price meal program increased the number students included in the Economically Disadvantaged student group in 2021-22.

On Track to ELP Level	Cut
Level 5	80
Level 4	68
Level 3	56
Level 2	26
Level 1	<26

State Long Term Goal: 80%

Student Group		2018-19	2021-22	2-year Average	Rated on	Level
Current English Learners - Percent		*	*	*	Not Rated	Not Rated
Current English Learners - Denominator		*	*	*		

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<p>SUBJECT: The Cottonwood School of Civics and Science Charter Renewal (State Board Sponsored)</p> <p>STAFF NAME & OFFICE: Kate Pattison, Charter School Specialist; Emily Nazarov, Government and Legal Affairs Manager; Amanda McAdoo, Cottonwood</p> <p>The Board must evaluate and decide whether to renew The Cottonwood Charter School for another charter term.</p>	<p><input checked="" type="checkbox"/> First Reading</p> <p><input checked="" type="checkbox"/> Presentation</p> <p><input type="checkbox"/> No Presentation</p> <p><input type="checkbox"/> Action</p> <p><input type="checkbox"/> Presentation</p> <p><input type="checkbox"/> No Presentation</p>
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BACKGROUND

The Cottonwood School of Civics and Science (Cottonwood) is one of four Oregon State Board of Education sponsored public charter schools. Approved for sponsorship in April 2007, Cottonwood first opened in September 2007 and the school is currently in its fifteenth year of operation. The Cottonwood School is located in the Portland Public School District and serves about 205 students in grades K-8. The purpose of the school is to provide a [place-based education](#), encouraging exploration of the natural world and involvement in the local community.

The State Board of Education received official written request from Cottonwood for renewal of the charter contract pursuant to ORS 338.065. This is Cottonwood’s fourth request to renew their charter contract.

On January 31, 2023, Department staff conducted a public hearing via Zoom for the Cottonwood community to provide input regarding the renewal. Seventeen people attended, including students, parents, staff, and Cottonwood Charter School board members. Twelve people provided spoken testimony at the meeting in favor of the renewal. The Oregon Department of Education (ODE) also received written testimony in favor of the renewal. (Please see the Public Hearing Officer’s Report and public hearing written testimony attached to this docket).

Renewal Process:

Public charter schools must be renewed by their authorizing board to continue operating. The renewal process and criteria for evaluating the school’s performance is outlined in ORS 338. Over the last five years, ODE staff have visited the school and met with school leadership many times. The school received a formal visit each year and informal visits, including observations of the charter school board meetings and professional development for instructional staff. During the COVID-19 pandemic response, ODE conducted virtual visits and observations. As part of the ongoing oversight and accountability, the school has participated in formal visits, required trainings, and submitted reports to ODE. The information gathered from the visits and reports, presented in three categories (academic performance, organizational performance, and fiscal performance) serve as the foundation for staff recommendation regarding the renewal of this school. The specific performance expectations for each category are mutually agreed upon in the Performance Framework and included in the charter contract.

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The Cottonwood school completed a renewal application and submitted it along with the formal request for renewal on December 30, 2022. The application includes an overview of the school's prior academic, financial, and academic performance as well as a description of what the school intends to accomplish over the next five years. This renewal application and appendices are included as an attachment.

The Department recommends a ten-year charter contract based on the school's performance. Cottonwood and the Department will ensure annual performance reports are submitted to the Board to monitor the school and ensure progress is being made toward goals and expectations.

Academic:

The Cottonwood school has generally performed well academically. When measuring the school's performance on the English Language Arts standards in the state assessment, the school has either met or exceeded the expectations included in the Performance Framework. In 2018-19, the school did not meet expectations in Math and the results from that year met the criteria to identify the school for targeted improvement support. Cottonwood was unable to complete all activities in the targeted improvement plan due to COVID-19, but still made some improvement with Math outcomes. The school is actively working on implementing a newer Math curriculum and hired a specialized Math teacher to provide instruction to students in grades 6-8 and coaching for teachers in grades K-5.

In March 2020, Cottonwood quickly pivoted to distance learning and was able to start providing instruction to students after spring break. Families reported that the school was able to shift so quickly "it didn't miss a beat" and students were "back in school" faster than many of the neighborhood schools. Staff prepared field work kits for students to expand their learning through hands-on activities at home and in their neighborhoods. The school was able to provide live lessons, recorded lessons, and meet with students 1-on-1 or in small groups to provide additional support and interventions. Cottonwood met the requirements of Distance Learning for All and eventually brought students back on campus through Limited In-Person Instructional opportunities.

Throughout the pandemic, as the school shifted from Distance Learning for All to Comprehensive Distance Learning (CDL), families and staff worked together to help students navigate the ever-changing requirements and guidance. The school leadership ensured all executive orders and guidance was followed, working closely with the LPHA, Department of Education, and families. This attention to guidelines allowed the instructional staff to focus on student learning and well being.

In 2020-21, the Department conducted a virtual site visit and observed instruction within CDL and school systems adapted to support students online. Then in 2021-22, the Department was able to visit the school in-person and conducted a hybrid site visit with some focus groups meeting virtually. In 2022-23, the site visit returned to full in-person focus groups and observations. Over this period, ODE has observed the school take significant efforts to diversify student population, staff demographics, and incorporate indigenous wisdom into the curriculum, school culture, and social emotional tools. The school has established an [Indigenous Studies Program](#) and partnered with [GRuB to use Plant Teachings](#) with students and staff.

Cottonwood adopted and implemented a new Math curriculum and has been working hard to train new teachers on place-based instructional strategies. The school is taking special care to understand how to be a place-based school in a post-pandemic reality serving students with new and more complex

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educational, mental health, and behavioral needs than ever before. The leadership is continuing to partner with Portland Public Schools (PPS) to ensure students who need specialized education support are served well. The school has seen an increase in the percentage of students who qualify for special education from 20% in the last year of the prior charter contract to 30% in 2022-23. The school also has 4 students being evaluated for special education services and 5 students with current 504s.

Figure 1 – Cottonwood Charter School Academic Performance Framework Ratings 2017-2021

MEASURE		2018-19 Rating	2019-20 Rating*	2020-21 Rating*	2021-22 Rating
1c	Economically Disadvantaged-ELA	Meets	No Rating	No Rating	Exceeds
1d	Economically Disadvantaged-MATH	Does Not Meet	No Rating	No Rating	Meets
1g	Students with Disabilities-ELA	Exceeds	No Rating	No Rating	Exceeds
1h	Students with Disabilities-MATH	Does Not Meet	No Rating	No Rating	Exceeds
1i	Underserved-ELA	Exceeds	No Rating	No Rating	Exceeds
1j	Underserved-MATH	Exceeds	No Rating	No Rating	Does not Meet
2a	All Student Growth-ELA	Meets	No Rating	No Rating	No Rating
2b	All Student Growth-MATH	Meets	No Rating	No Rating	No Rating
3a	Growth: Economically Disadvantaged-ELA	Meets	No Rating	No Rating	No Rating
3b	Growth: Economically Disadvantaged-MATH	Meets	No Rating	No Rating	No Rating
3e	Growth: Students with Disabilities-ELA	Exceeds	No Rating	No Rating	No Rating
3f	Growth: Students with Disabilities-MATH	Meets	No Rating	No Rating	No Rating
3g	Growth: Underserved-ELA	Meets	No Rating	No Rating	No Rating
3h	Growth: Underserved-MATH	Meets	No Rating	No Rating	No Rating
4a	Alignment to CCSS	Meets	Meets	Meets	Meets

**The state assessment system was waived for the 2019-20 and 2020-21 school years because of the COVID-19 pandemic.*

Operational:

Cottonwood has maintained strong compliance with all areas of operational performance expectations. A primary focus for the last three years has been the health and safety of the Cottonwood community and ensuring the school is compliant with the executive orders and pandemic guidance. Through regular meetings, phone calls, and virtual oversight, Cottonwood has demonstrated high levels of compliance with the COVID-19 pandemic requirements.

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Additionally, during the contract term, Cottonwood maintained necessary governance, policies, and compliance with education reporting requirements. The school is making continuous improvement efforts to ensure school systems are strengthened and updated as state policies and priorities evolve.

Figure 2 – Cottonwood Charter School Operational Performance Framework Ratings 2018-2022

MEASURE		2018-19 Rating	2019-20 Rating	2020-21 Rating	2021-22 Rating
10a	Education Program Implementation	Meets	Meets	Meets	Meets
10b	Education Requirement Compliance	Meets	Meets	Meets	Meets
10c	Rights of Students with Disabilities	Meets	Meets	Meets	Meets
10d	Rights of ELL	Meets	Meets	Meets	Meets
11a	Governance Compliance	Meets	Meets	Meets	Meets
11b	Administration Accountability	Meets	Meets	Meets	Meets
11c	Reporting Requirement Compliance	Meets	Meets	Meets	Meets
12a	Rights of All Students	Meets	Meets	Meets	Meets
12b	Staff Credentialing Requirements	Meets	Meets	Meets	Meets
13a	Facilities and Transportation Requirements	Meets	Meets	Meets	Meets
13b	Health and Safety Requirements	Meets	Meets	Meets	Meets
13c	Student Information	Meets	Meets	Meets	Meets
14a	Other Obligations	Meets	Meets	Meets	Meets

Financial:

The school has completed annual municipal audits and submitted financial reports to the Department each year of the charter contract. The school has consistently met all of the performance indicators and is taking steps to further strengthen the school’s internal controls.

The Department will continue to monitor financial management closely over the next term to see how the school is improving internal controls and managing decisions about the facilities which contribute to a significant expenditure and is a source of challenge for the school (with limited parking, lack of windows in some classrooms, and limited space to grow).

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Figure 3 – Cottonwood Charter School Financial Performance Framework Ratings 2017-2021

MEASURE		2018-19 Rating	2019-20 Rating	2020-21 Rating	2021-22 Rating
7a	Current Ratio: Assets/Liabilities	Meets	Meets	Meets	Meets
7b	Unrestricted Cash	Meets	Meets	Meets	Meets
7d	Loan Default	Meets	Meets	Meets	Meets
8a	Total Margin (income /revenue)	Meets	Meets	Meets	Meets
8b	Debt to Asset Ratio	Meets	Meets	Meets	Meets
8c	Cash Flow	Meets	Meets	Meets	Meets
8e	Reporting and Compliance	Meets	Meets	Meets	Meets
8f	GAAP	Meets	Meets	Meets	Meets

Note: Financial indicators include only 2-3 levels of performance, removing the “exceed” level. Therefore, “meets” is the highest level.

Statutory Renewal Criteria Evaluation

ORS 338.065 requires the board to use the following review criteria as the basis for the decision:

Figure 4 – Statutory Renewal Criteria Evaluation

ORS 338.065 Renewal Criteria	ODE Evaluation
(A) Is in compliance with this chapter and all other applicable state and federal laws;	YES – Cottonwood is maintaining compliance with state and federal laws.
(B) Is in compliance with the charter of the public charter school;	YES – Cottonwood has demonstrated consistency with meeting the performance expectations in the charter contract.
(C) Is meeting or working toward meeting the student performance goals and agreements specified in the charter or any other written agreements between the sponsor and the public charter school governing body;	YES – Cottonwood is consistent in meeting or exceeding the performance goals and agreements in the charter contract and the performance framework.
(D) Is fiscally stable and has used the sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter under this section; and	YES – Cottonwood is fiscally stable and working toward improving internal controls as part of a sound financial management system.
(E) Is in compliance with any renewal criteria specified in the charter of the public charter school.	YES – Cottonwood has demonstrated consistency with meeting the performance expectations in the charter contract.

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SUMMARY OF PREVIOUS BOARD ACTION

On June 21, 2018, the State Board of Education approved a five-year charter contract for Cottonwood.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn't been before board
- No; same as last month
- Yes – As follows:

POLICY ISSUE OR CONCERNS

ORS 338.065 requires the board to use the following review criteria as the basis for the decision:

(6)(a) The sponsor shall base the charter renewal decision on a good faith evaluation of whether the public charter school:

- (A) Is in compliance with this chapter and all other applicable state and federal laws;
- (B) Is in compliance with the charter of the public charter school;
- (C) Is meeting or working toward meeting the student performance goals and agreements specified in the charter or any other written agreements between the sponsor and the public charter school governing body;
- (D) Is fiscally stable and has used the sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter under this section; and
- (E) Is in compliance with any renewal criteria specified in the charter of the public charter school.

Cottonwood has at met the evaluation criteria in all categories.

Ten-Year Contract

Approving a ten-year charter contract positions the school to secure more favorable leases, loans, and other contracts to support students and efficiently use public funds. The State Board retains the authority to provide regular oversight and monitoring as well as and pursue contractual and statutory powers to terminate the contract if the school fails to meet performance expectations or for health and safety reasons.

Portland Public Schools

On February 22, 2022, Department staff sent a notice of the renewal recommendation and State Board Meetings to the charter school program director for Portland Public Schools (PPS). The notice was acknowledge by PPS staff. No comments or concerns were raised by the district. The Department has not received any complaints or documented any concerns raised by PPS throughout the duration of the current contract.

EQUITY IMPACT ANALYSIS

The Cottonwood School is located in the SW waterfront in Portland. The school has served about 200 students in grades K-8 since 2007. Cottonwood uses a place-based instructional model to engage students in a localized approach that considers the cultural, historical, physical, and environmental context and actors. Students at Cottonwood conduct fieldwork and are often outside the building in

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parks, farms, and downtown Portland. The school has established many partnerships across the region with private and public entities.

In recent years, Cottonwood has leveraged multiple grants to expand and disseminate equity-focused educational activities. The school produced a middle school curriculum titled [Civil Rights and Civil Wrongs, The Black History of Portland](#). This was produced and disseminated through workshops with PPS educators and other groups in the area. Cottonwood has also prioritized its relationship with and learning from indigenous leaders from Oregon and the surrounding region. The school has reframed the full curriculum from westward expansion to an eastward view. The school welcomed a native artist to work with students and paint a mural on the school walls. Cottonwood established an [Indigenous Educator Advisory Group](#) that helps advise school leadership and acts as a resource to teachers.

At the renewal hearings for Cottonwood in 2018, the State Board urged the school to consider how it might further recruit, retain, and support more students and staff of color. Cottonwood has established a [Diversity, Equity and Inclusion Committee](#). The committee has helped the school establish affinity groups for families of color, inform policies of the school board, support the use of the [school's equity lens](#), and move the [DEI Work Plan](#) forward. Additionally, Cottonwood has added a Diversity Equity Inclusion and Belonging Coordinator to the leadership team who works closely with school leaders, teachers, families, and students.

In 2018-19, Cottonwood's student population was 23% students of color and 77% white students. With the help of targeted investments, cultural shifts, and systemic adjustments (including the implementation of a weighted lottery in 2022), the school's student population for the 2022-23 school year is 34% students of color and 66% white students.

When compared to PPS academically for the 2021-22 school year, Cottonwood students perform at higher rates in almost all categories. The school is working to improve math instruction and systems for intervention.

2021-22 Indicator	Cottonwood Grades 3-8	PPS Grades 3-8	Framework Rating
ELA - Achievement			
• All Students	74.0	55.8	Not Rated
• Economically Disadvantaged	74.0	55.8	Exceeds
• Special Education	60.0	32.7	Exceeds
• Underserved Race/Ethnicity	62.5	26.4	Exceeds
MATH – Achievement			
• All Students	46.0	45.4	Not Rated
• Economically Disadvantaged	46.0	45.4	Meets
• Special Education	51.4	26.8	Exceeds
• Underserved Race/Ethnicity	12.5	17.6	Does not Meet

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FISCAL ANALYSIS

A decision to not renew Cottonwood would result in a loss of about \$190,000 a biennium. This is equivalent to about 23% of the funds the Department receives from the state sponsored charter schools that is used to fund all charter school staff and programs at ODE.

EFFECT OF A "YES" OR "NO" VOTE

"Yes" = The Cottonwood School of Civics and Science will be allowed to operate for another 10 years so long as it operates according to the law and specific requirements or targets negotiated into a new contract.

"No" = The Cottonwood School of Civics and Science would be able to finish the current school year and would eligible to file for a judicial review of the Board's decision. If the charter schools files for judicial review, the court may remand the decision back to the Board for reconsideration. The charter school could also choose not to file for judicial review and close at the end of the school year.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time

ATTACHMENTS

Attachment 1: The Cottonwood School of Civics and Science Renewal Application

Attachment 2: The Cottonwood School of Civics and Science Renewal Application Appendices

Attachment 3: The Cottonwood School of Civics and Science Performance Framework 2021-22

Attachment 4: The Cottonwood School of Civics and Science Public Hearing Officer Report

Attachment 5: The Cottonwood School of Civics and Science At-A-Glance Profile 2021-22

Attachment 6: The Cottonwood School of Civics and Science Accountability Details 2021-22

PATTISON Kate * ODE

From: Jillianne Bandstra <emailjillianne@gmail.com>
Sent: Tuesday, January 31, 2023 6:55 AM
To: PATTISON Kate * ODE
Subject: Support for Cottonwood

Good morning,

I'm writing in support of The Cottonwood School of Civics and Science. I am a parent of a current 6th and 3rd grader. Last year, my older son was finishing elementary and looking toward middle school. Our local middle school has nearly 750 kids. For a kid with autism (or any kid, for that matter), going from a classroom with ~25 kids that he knows and a consistent teacher to a school with that many kids and 6 periods a day created sheer panic. He does well in school without additional support, but he needs predictability and teachers and students that can get to know him. New social situations can often be overwhelming, coupled with overwhelm with trying to navigate a large school with so many kids in between periods-I was panicking myself. Middle school is such a tough time for many students, and I can only imagine how well it would go over socially when he has a breakdown at school. And then it would be a challenge to get him to return.

We were so thankful to find Cottonwood and to be accepted in the lottery. We're a new family, and he has been accepted warmly. The 6th-grade classroom is a homeroom-style classroom, and he's found a wonderful group of quirky kids who share his antiquated interests in blacksmithing, archery, and paper crafts. He and I can both take a sigh of relief for a few years.

Thank you so much for supporting charter schools like Cottonwood! My family is so grateful.

Warm Regards,
Jillianne Bandstra

PATTISON Kate * ODE

From: Julia Walls <juliarenewalls@gmail.com>
Sent: Tuesday, January 31, 2023 4:29 PM
To: PATTISON Kate * ODE
Subject: Cottonwood School of Civics and Science - charter renewal comment

Greetings,

My name is Dr. Julia Walls and I am a parent of 1st and 6th grade students. We have been part of the Cottonwood community for 7 years. My kids and I love this school because of the amazing and unique curriculum. As BIPOC students we appreciate the welcoming, safe environment the school has cultivated. We love the attention to growing social skills, the willingness to help neurodiverse students and creating learning opportunities in real-life. We chose this school for the place-based curriculum and have continued to love the special, engaging curriculum. My kids are thriving at this school and I strongly urge you to renew our charter. Thank you for supporting independent state charter schools like Cottonwood for students and families like ours.

Kind Regards,
Dr. Julia Walls

PATTISON Kate * ODE

From: Kate Sharaf <katesharaf@gmail.com>
Sent: Monday, February 13, 2023 2:47 PM
To: PATTISON Kate * ODE
Subject: cottonwood school charter renewal

Hi Kate -

I hope I'm not too late to submit comment on the cottonwood school charter renewal. I had signed up to comment during the hearing but I got on a bit late and it had already ended. I am a current parent at the school with students in 4th and K.

I am so grateful for the school and it's approach. My older kid has ADHD and I realize now that although she didn't have a diagnosis when she started at cottonwood in K, part of why we felt so aligned with the school was because the hands-on approach with lots of fieldwork is such a great fit for kids like mine. She has always been engaged in school and loves her teachers and the community. We are thrilled with the school-wide approach to social-emotional learning and think it does so much to support kids in learning to self-regulate and be together in community, and is such an asset to kids who need additional support in those areas such as mine.

My younger child has been dealing with significant anxiety and especially separation anxiety this year, and I could not be more happy with how the school has supported him, given him tools, and helped him feel safe and secure in the school environment. I love that the school approach to learning is very developmentally appropriate, especially at younger grades, and helps children keep their joy in learning and be able to explore, play, and move their bodies.

We are thrilled to have cottonwood school as a school home for our family and can't wait to see our kids continue to grow and learn in this community. We wholeheartedly support the school's application for a renewal of it's charter.

Thanks very much -
Kate Sharaf

PATTISON Kate * ODE

From: Melissa Sanchez <melissasanchez721@gmail.com>
Sent: Tuesday, January 31, 2023 4:25 PM
To: PATTISON Kate * ODE
Subject: TESTIMONY

;Hello and good evening,

I have not seen Ellie so happy in school. Ellie really enjoys the hands- on experience and field trips. I love how she understands the difference this experience has given to her vs mortar school. I am hopeful that Cottonwood be renewed for another 5 years.

I just wished that mortar followed .

thank you ,
Mel

PATTISON Kate * ODE

From: Rebecca Priest <rebarama@gmail.com>
Sent: Wednesday, February 1, 2023 9:47 AM
To: PATTISON Kate * ODE
Subject: Cottonwood School Renewal

Hi there,

We have been part of the Cottonwood community since my son was in kindergarten, he is currently in fifth grade. I also have a second grader.

We love the school and the joy our children have attending there. They are so activated and curious about what they are learning. It is the perfect fit for our family. The teachers and administrators really take time to get to know the students and help them thrive.

Thanks,

Rebecca Priest

PATTISON Kate * ODE

From: Yuri Kawano <yuri.kawano@gmail.com>
Sent: Tuesday, January 31, 2023 5:30 PM
To: PATTISON Kate * ODE
Subject: Written Testimony for Cottonwood School Charter Renewal

Hi,

My name is Yuri Baxter-Neal, and I am a parent of 3rd and 6th grade students. We have been part of Cottonwood for the last 7 years since my older child was in kindergarten. Also, since last school year, I have been working at the school as a playworker (being in charge of the play program there) and teacher aide.

The best part of Cottonwood is their teachers and the community. People say we need a village to raise a child, but Cottonwood is like the village we need. Not only does the school provide a place to learn but also a community to belong to, and a supportive environment we can ask for help. This sense of belonging and love and care our students have received from the school will be their base strength for them to thrive as who they are.

The school has been focusing on lowering the wall between the school and the community. Through their place-based/experience-based learning, the students can strengthen their sense of connection to the community, awareness of our responsibility as a steward of our land, and problem-solving skills. Those "human skills" are crucial skills for their/our future.

I fully support and ask for the renewal of the charter for Cottonwood school for our children and our community.

Thank you,
Yuri Baxter-Neal

--

YURI KAWANO BAXTER-NEAL

(720) 940-6386

E-mail: yuri.kawano@gmail.com

"Our attention has been hijacked and it's time we reclaim it toward those beings who really sustain us." - Robin Wall Kimmerer"

January 29, 2023

Re: Public Comment – Cottonwood School of Civics and Science Charter Renewal

Dear Oregon Department of Education,

My name is Katie Anderson and I am a parent to students in first and fourth grade at the Cottonwood School of Civics and Science. We have been a part of Cottonwood for 5 years and also have twin 4-year-old twin boys that we plan to have attend in the future. We moved to Portland 6 years ago from Los Angeles, CA with a primary goal of finding better school options for our children without having to go the private school route. As we were preparing for our daughter to enter kindergarten, my husband and I attended almost every open house that was offered within Portland paying close attention to the PPS focus schools and charter school options. After attending all of those, Cottonwood was by far at the top of our list. My daughter won the lottery for both Cottonwood and Buckman Elementary (Arts focused PPS school) and although Buckman was a quick 10-minute drive for us, it was an easy choice to know we belonged at Cottonwood, despite the 20-30 minute commute each day.

Some of our favorite things about Cottonwood include the place-based curriculum. I didn't see this type of curriculum – going out into the community to learn via hands on fieldwork projects– offered at any other school. It sets them apart from other schools and offers a different approach to learning. The focus on science, civics, environmental and indigenous studies is also amazing. We also appreciate that it is a K-8 school and will be able to stay in a small, supportive community through those challenging middle school years. There is a strong sense of community that I don't think is possible at larger schools. All teachers know all of the students by name, there are blended classes (1st/2nd and 4th/5th) that offers opportunities for leadership development and peer learning, the teachers are committed and beyond amazing and I know they are not being paid as much as they would be at a larger school. They have a big focus on social emotional learning and focus on specific core values that each student learns about. They also do all school meetings on Fridays and they sit in groups based on their “animal family” that is a mixture of all grades that also builds community.

Although it is a small school, they creatively offer recreational activities such as New Moon Productions that brings a fall play and a winter/spring musical to the school. My daughter was in the fall play, Snow White – The Melodrama, and had an amazing time. It was months of 2-3 times a week rehearsals, learning how to audition and memorize lines and created this smaller community within a community. They also have family nights and involve the students in putting these events on. The last few years Cottonwood administration and the PTA have worked hard to develop supportive connections for BIPOC families at the school and are trying to bring in more families of color and offer various groups for students and parents to participate in. We also like the “adventure play/loose parts programming” Cottonwood has brought in over the last

several years and provides opportunities for kids to create, imagine and play outdoors using different materials.

Last, Cottonwood did amazing over the Pandemic and with virtual learning. I have talked with many families in different schools in Oregon and throughout the US and hands down, Cottonwood seemed like they offered more than any other school and proactively prepared and communicated well. I heard horror stories of what remote learning looked like from other schools but Cottonwood quickly adapted and created a bitmoji classroom online that enabled my daughter to navigate on her own (2nd grade at the time) to various zooms and assignments by clicking on pictures in this animated classroom. The school still managed to create community for students and my child still learned and made progress academically despite the very challenging times at hand.

I could go on and on about how great this school is. We found exactly what we were looking for when we moved here for better schools. I respectfully request that you continue to support Cottonwood and find them invaluable when it comes to having options for education.

Thank you for supporting independent state charter schools like Cottonwood for students and families like ours.

Sincerely,

Katie Anderson

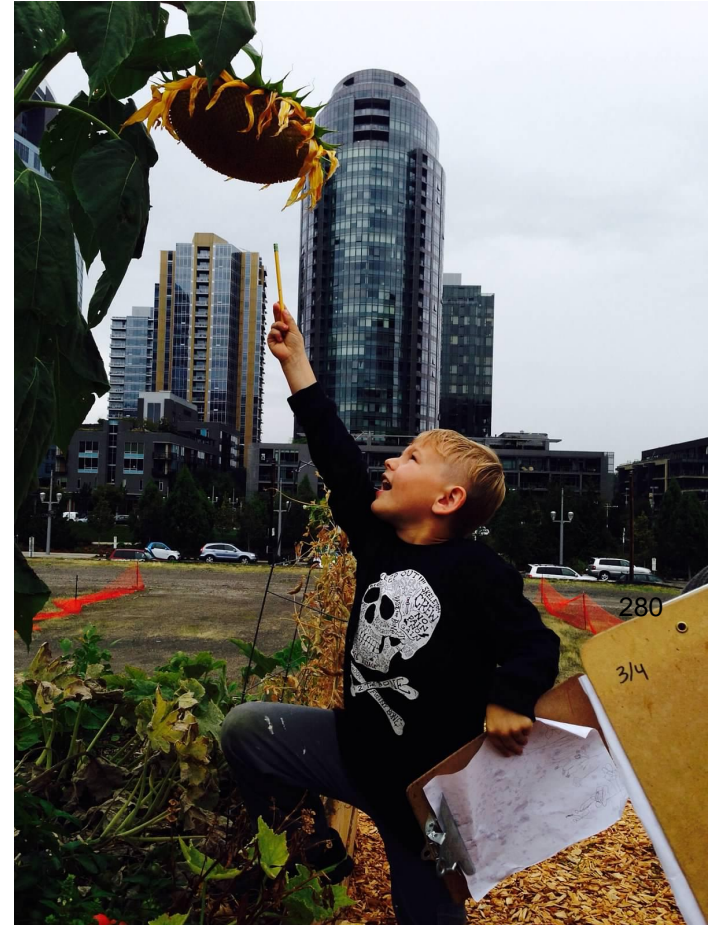
Anderson.marie.katie@gmail.com

641-351-8365



South Portland, Oregon

Amanda McAdoo, Executive Director
and
Susan Hathaway, Academic Director



Our Mission & Vision

Our mission- provide a creative learning environment where students develop a sense of place and become stewards of the natural world and active citizens within our community.

Our vision- Look beyond classroom walls. We believe that healthy communities are created by engaged, informed, and compassionate citizens. Through service, integrated curriculum and experiential learning, we provide opportunities for our students to actively build relationships locally, inspiring them to become catalysts of change in a global community.

We do this through the Place-based Education Model.



Place-Based Education

- Prioritizes community on all levels: within the classroom, within the school, between the school and the wider communities (human and natural)
- Social and emotional education are embedded into place-based projects. Practice can naturally reinforce: empathy, responsibility, patience, flexibility, perseverance, collaborative skills, integrity and courage
- PBE projects engages students in real work in their communities, stifling the question: “Why do we need to learn this?”

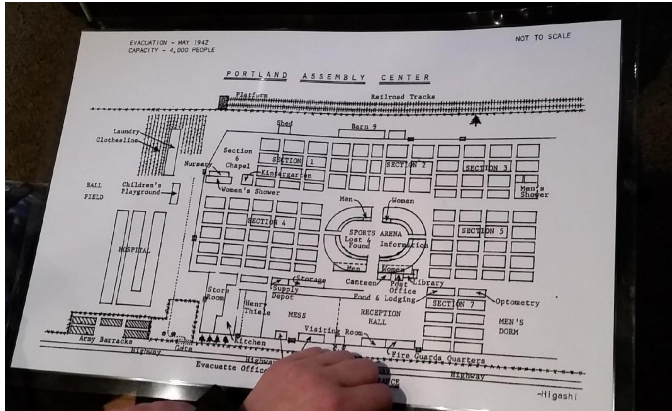


1st/2nd Grade: Neighborhood Study



Portland Assembly Center: WW II and Japanese Internment in Portland

7/8th grade





Oaks Bottom Wildlife Monitoring Project



Diversity, Equity, Inclusion and Belonging

Highlights from 2018 to now:

- Monthly or more professional development for staff
- DEI Committee Formed in early 2020
- Developed CSCS Equity Lens
- Launched the Cottonwood Black Excellence Community Award
- Hired Sade Rivers as our Diversity, Equity, Inclusion & Belonging Coordinator
- Highlighted Heritage Months
- Started monthly all school BIPOC Affinity Groups
- Hosted family BIPOC gatherings at school
- Implemented a weighted lottery for race and ethnicity (increase of 23% to 34% students of color from 2018 to 2022)



Black Excellence Award Recipients and BIPOC Affinity Club



Indigenous Studies Program

- Funded by a 3 year grant, 2019-2022 from the Gray Family Foundation
- Enabled a lead team to provide staff development, rethink our curriculum map and draft new lessons/units
- Reframed curriculum from westward expansion to eastward view
- Created curriculum kits to supplement existing units at each grade level in order to infuse indigenous perspectives
- Brought together a year long indigenous advisory committee to review our curriculum
- Disseminated our work at conferences in Washington and Oregon

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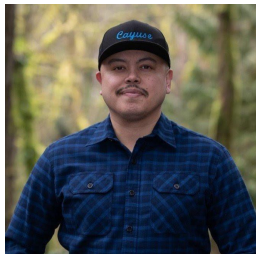
Indigenous Educator Advisory Group

Met bi-monthly during the 21/22 school year



Christine Bruno, Comanche with Basque, Irish and English heritage;

Clifton Bruno, Wasco, from the Confederated Tribes of the Warm Spring Reservation.



Gabe Sheeships, Cayuse and Walla Walla nations, from the Confederated Tribes of the Umatilla Reservation



Heather Shá xat k'ei Gurko, Citizen of Tlingit Nation and Dutch/Euro ancestry



Karen Kitchin, Osage Nation

Curricular Kit Topics

Kindergarten	Animals in Winter
1st/2nd Grades	Salmon, Mountains
3rd Grade	Native Plants, Geology
4th/5th Grades	Canoes, Oregon Tribes
6th Grade	TBA
7th/8th Grades	First Foods, Boarding Schools



Guest Speakers

Dr. Carma Corcoran:
tribal sovereignty, treaties,
and lifeways.

Linda Meanus,
great-granddaughter of
Chief Tommy Thompson:
importance of Celilo Falls

Greg Archuleta: lifeways,
Native plants and more.



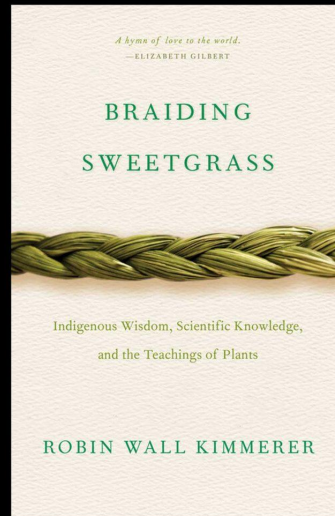
**Clifton and
Christine Bruno:**
First Foods, Native
plants and games

Leialoha Ka'ula:
volcanoes and Native
Hawaiian stories

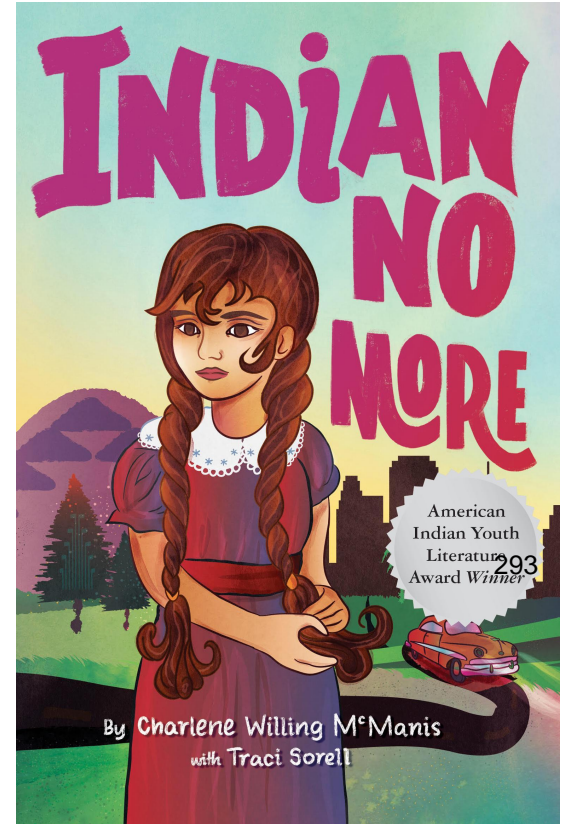
Karen Kitchen: ²⁹²
storytelling and songs

Linda Meanus, Confederated Tribes
of the Warm Springs

Cottonwood Reads



2021



2022



Artist in
Residence:
Toma Villa,
Yakama Nation



Learning
about
salmon
with the
Brunos

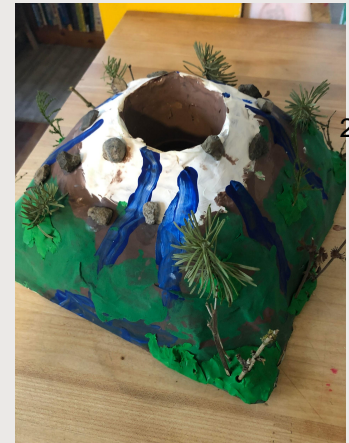
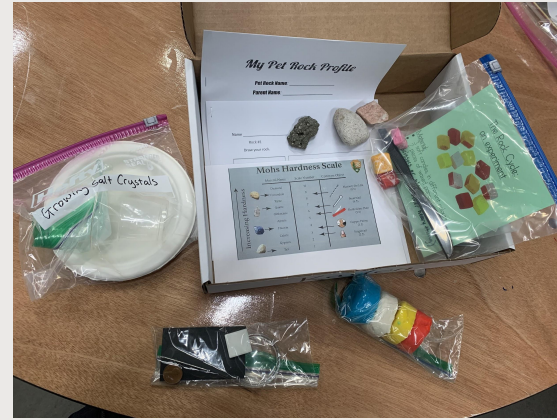


Lamprey Caretakers

COVID- Learning from Home

- Virtual learning started right after Spring Break!
- We intentionally kept screen time to a minimum while creating structure for students to fill their day doing!
- Learning kits kept students engaged
- Teachers visited with every student masked outside of their home, August 2020
- Hybrid - 50% of our families were willing to come back into the building, 50% were not
- Nearly 100% were comfortable outside, so hybrid with Fridays together in the park began!

Learning Kits-sent home as part of our distance learning

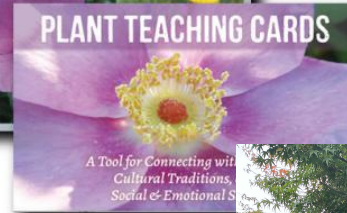
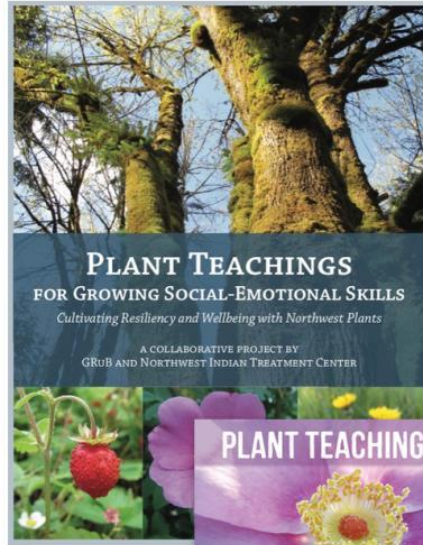


Park Days - Spring 2021



Plant Teachings

- Partnered with GRuB(Garden Raised Bounty), a non-profit in Olympia, WA to adopt the teachings of plants as part of our SEL curriculum
- Every month we learn from a new native plant.
- Hosted plant teaching nights for families
- Classrooms composed songs each month about the plants which will be recorded later this year.



Cottonwood School Plant Teachings- Selected Months

September: Cottonwood Tenders: 8th grade

Cottonwood represents **Wellspring**, which includes self-awareness, trueness to self, knowing who we are, where we come from, where we are: our identity

December: Cedar Tenders: Elizabeth's 4th/5th grade class

Cedar teaches us **Kindness and Generosity**, which includes learning how to give and receive graciously and cultivate strong relationships

February: Willow Tenders: Sara's 1st/2nd Grade Class

Willow teaches us **Flexibility**, which includes how we can be flexible in our mind, not getting stuck in emotions or rational thinking "rock brain," finding balance

March: Dandelion Tenders: Kindergarten

Dandelion's teaching is **problem-solving**, which includes responding creatively to life's challenges



Academics

English Language Arts

Our students showed very good performance on the 2021 statewide testing performing well above average compared to the state in English Language Arts.

Grade	Met or Exceeded the Standards
3rd	71% (State-40%)
4th	81% (State-43%)
5th	68% (State-48%)
6th	80% (State-42%)
7th	75% (State-48%)
8th	76% (State-46%)

Math

Like many schools we discovered that our students were returning to school with significant gaps in their learning.

Based on our internal assessments, **only 22%** of our students were at or above grade level in math in the fall. **By the end of the year this percentage had increased to 49%.**

Our students performed above average in math on the statewide testing in 2021 compared to the state.

Grade	Percent Proficient
3rd	45% (State-40%)
4th	45% (State-37%)
5th	50% (State-30%)
6th	30% (State-28%)
7th	62% (State-30%)
8th	43% (State-27%)

Math- % Proficient	Cottonwood	Portland Public Schools(3-8)
Students with Disabilities	51%	33%
Economically Disadvantaged Students	46%	45%
Underserved Race/Ethnicity	12%	17%
ELA- % Proficient	Cottonwood	Portland Public Schools(3-8)
Students with Disabilities	60%	32%
Economically Disadvantaged Students	74%	55%
Underserved Race/Ethnicity	62%	26%

Thank you for considering our renewal!



Oregon State Board of Education

March 16, 2023

AGENDA ITEM: 7.B.

<p>SUBJECT: Complaints and Appeals Procedures Improvement Process; OAR 581-002-0001, 581-002-0009, and 581-002-0023</p> <p>STAFF NAME & OFFICE:</p> <p>Makes changes to ODE's complaints and appeals procedures in response to several listening sessions that were conducted during the summer of 2022.</p> <p><input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amend Existing Rule <input type="checkbox"/> Repeal Rule</p>	<p><input checked="" type="checkbox"/> First Reading <input checked="" type="checkbox"/> Presentation <input type="checkbox"/> No Presentation <input type="checkbox"/> Action <input type="checkbox"/> Temp Rule <input type="checkbox"/> Presentation <input type="checkbox"/> No Presentation</p>
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BACKGROUND

Include the following points for new OARs, OAR updates or changes.

1. History:
 - a. What prompted the rule (why do we have it?) State law? Federal law? Incident? Why are changes/amendments being proposed?

If a student experiences discrimination, restraint, seclusion, or educational retaliation at school, or if a student or parent of a student believes that a school is not complying with the Division 22 standards, the student or parent may file a complaint with their school district. If the student or parent is dissatisfied with the district's response, they may file an appeal with ODE.

The rules codified at OAR 581-002-0002 to 581-002-0023 govern the procedures by which ODE accepts, investigates, and resolves these types of appeals. These proposed amendments would update three of those OARS: OAR 581-002-0001, 581-002-0009, and 581-002-0023. The purpose of these amendments is to clarify ODE's interpretation of existing rules and improve ODE appeals procedures.

- b. What is the current requirement in rule or statute?

OAR 581-002-0001(1) defines "complaint" for purposes of describing when ODE will accept on appeal a complaint initially filed with an education entity.

OAR 581-002-0009(3) specifies that when ODE determines, after investigating an appeal, that an education entity is in violation of the law, the complainant and the education entity must first attempt to reach an agreement about how to resolve the matter *before* ODE issues a final order (ODE issues a final order only after the parties fail to reach an agreement).

OAR 581-002-0009(3) also specifies that when ODE determines, after investigating an appeal, that an education entity is *not* in violation of the law, ODE must issue a final order.

Oregon State Board of Education

March 16, 2023

AGENDA ITEM: 7.B.

- c. Why is this rule being brought forward right now?

ODE proposes amending the definition of “complaint” to clarify that ODE will accept appeals when complainants file informal grievances with education entities, including oral complaints alleging discrimination, unless the education entity directs the complainant to file a formal complaint.

ODE proposes amending the rule requiring the complainant and the education entity to attempt to reach an agreement so that when ODE finds a violation of a Division 22 standard, the agency immediately issues a final order. The theory behind the change is that whereas other types of violations, like discrimination, concern individuals, violations of Division 22 standards are public complaints involving the entire student body.

ODE proposes amending the rule requiring the agency to issue a final order upon *not* finding a deficiency so that the agency may issue a notice of compliance instead. The theory behind the change is that ODE can be more responsive to violations and provide students, when there is a violation, with a more timely response.

2. Purpose
 - a. What function does the current rule hold?
 - b. How long has the rule been in place?

The current rules set forth the procedures by which ODE processes appeals. They have been in place since March 25, 2019.

3. Does the board have any areas of discretion or is this strictly mirroring statute?
 - a. If the board does have discretion, those areas should be called out here or in the next section.

With the exception that ODE must take on appeal oral complaints alleging discrimination (which is a federal standard), none of the proposed changes mirror statute and the board has discretion to make changes to the proposal.

4. Stakeholder voice/input (individual and collective i.e., groups)
 - a. Who was involved in bringing this to the Board?
 - b. What did engagement in this process entail?
 - c. Who may be affected by this?
 - d. Whose voice is missing?
 - e. What additional information does the Board need prior to moving forward?

During the summer of 2022, ODE held eight separate listening sessions to discuss the agency’s appeals processes. A total of 44 invitees attended the sessions. Invitees included students, parents and caregivers, advocates, administrators from nine school districts, COSA, OSBA, and members of other education related organizations.

Oregon State Board of Education

March 16, 2023

AGENDA ITEM: 7.B.

The purpose of the listening sessions was to gather input from the community about ODE’s appeals processes and to elicit suggestions for improvement. ODE’s goal was to increase the equity, clarity, and accessibility of the processes for students and families and the education entities that serve them.

These proposed amendments (along with ODE internal practices and potential legislative action) were a topic of discussion at those listening sessions.

SUMMARY OF PREVIOUS BOARD ACTION

1. Has this been before the board before? If so, what action did the board take?

No.

HAS THE RULE CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn’t been before board
- No; same as last month
- Yes – As follows:

POLICY ISSUE OR CONCERNS

These policy issues or concerns could be from the field, stakeholder groups, statements submitted during the comment period, or discussions among ODE staff. Consider the following questions:

1. Stakeholders
 - a. How have you intentionally involved stakeholders who are also members of communities affected by this rule?
 - b. Who are the historically underserved groups affected?
 - c. Has there been consultation or collaboration with tribes in this rule change or policy decision?
 - d. How has the Oregon Department of Education modified or enhanced the rule change or policy decision to address the needs of historically underserved communities?

As described above, ODE held eight separate listening sessions to discuss the agency’s appeals processes. These sessions were attended by a variety of community members, including groups advocating for racial equity and disability services, with one listening session fully dedicated to receiving input from tribes.

At the listening sessions, ODE proposed making three changes to its appeals process rules. ODE received overwhelmingly positive feedback on two of the proposals (changing the definition of “complaint” and immediately issuing final orders upon finding a violation of a Division 22 standard) and generally negative feedback on the remaining proposal. ODE is only moving forward with the two changes that received positive feedback.

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March 16, 2023

AGENDA ITEM: 7.B.

Additionally, the greatest criticism of ODE's appeals process is the length of time that it takes the agency to resolve an appeal. ODE is proposing the third change (allowing ODE the discretion to issue a notice of compliance upon finding that a violation did not occur) in response to that concern.

ODE is continuing to communicate with and solicit input from individuals who participated in the listening sessions to improve its appeals processes, including for this proposed rule change.

2. Negative/Positive Effects
 - a. What is the impact on the population most affected by this rule that the board should consider?
 - b. What possible opportunities, assets or access could this rule provide?
 - c. What is the impact on eliminating the opportunity or achievement gap?
 - d. Have all the potential unintended consequences been considered?
 - e. Does this rule advance the ESSA goals?

The rule changes will more clearly communicate to parents and students when ODE will accept an appeal, allow ODE to better serve student populations when there is a violation of a Division 22 standard, and allow ODE to reallocate resources to those instances where a violation occurred as opposed to those incidents where a violation did not.

3. What are the barriers to more equitable outcomes, either:
 - a. State or federally mandated?
 - b. Political?
 - c. Emotional?
 - d. Financial?
 - e. Programmatic?
 - f. Language?
 - g. Geography?
 - h. Size?

Allowing ODE the discretion to issue a notice of compliance instead of a final order upon finding that a violation did *not* occur will result in parents and students, and the education entities that serve them, not fully understanding how the law applies to their situation. ODE understands this barrier, and for that reason suggests that the board give ODE the discretion to determine when providing that information outweighs the timeliness of closing a case. Further, ODE believes that the balance of this proposal, in consideration of its limited resources, weighs heavily in favor of making the change.

EQUITY IMPACT ANALYSIS

The following questions are designed to examine how the proposed rule, policy or action systematically affect historically underserved students and/or communities.

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AGENDA ITEM: 7.B.

1. How are historically underserved populations impacted by this docket item?
 - a. Demonstrate how the rule changes, policy, or action could produce other unintended consequences not listed in the docket.
 - b. Refer to *Policy Issue or Concerns* and identify the historically underserved populations affected. Conduct a reflection and examination, which will and should answer 1a.

ODE receives more complaints alleging discrimination on the basis of protected class – and especially on the basis of race, sex, sexual orientation, gender identity, and disability – than any other type of complaint. Of complaints where ODE determines a violation occurred, the majority involve discrimination. Although the proposed rule changes will affect all parents and students, they will have the greatest impact on parents and students belonging to these underrepresented populations.

2. Examine the impact of the rule changes, policy, or action on historically underserved populations in Oregon. Describe this ongoing and/or foreseeable impact, using as much detail as possible.

The proposed amendments will clarify processes for individuals belonging to a protected and the educational entities serving them. They also will allow ODE staff to allocate more of their time to incidents involving discriminatory conduct, specifically by allocating more time to instances where discrimination occurred.

3. Explain how the rule change, policy or action works toward improving achievement, opportunities and a sense of worthiness for underserved students?

Protected class harassment and other acts of discrimination make school an unsafe place for students and prevent students from being able to fully access their education. During the listening sessions, ODE learned that its current appeals processes are validating for students who suffer discrimination, but the agency also learned that its processes, due to untimeliness, do not serve students' immediate needs. Although not a replacement for necessary staff, the proposed amendments would allow ODE to speed up its processes for those suffering discriminatory conduct.

Students with a disability who lack the services that would allow them to fully access their education would similarly benefit from the proposed amendments.

FISCAL ANALYSIS

What is the fiscal impact of the proposed rule changes to the Department of Education, school districts, education service districts or schools? Use the following suggestions as a guide:

1. How does the proposed rule fit within the budget of the agency?
 - a. Which units/divisions/offices will be impacted and how?
2. How does the proposed rule change impact school districts and ESDs?

Oregon State Board of Education

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AGENDA ITEM: 7.B.

3. How does the proposed rule change impact schools and other educational institutions?
4. Does the proposed rule change impact other stakeholders?

The proposed amendments do not have a fiscal impact.

EFFECT OF A "YES" OR "NO" VOTE

Explain the consequences of a Board approving or not approving the staff recommendation.

If the board votes "yes," the proposed amendments will become immediately applicable to ODE's appeals processes. If the board votes "no," ODE will continue to process appeals as it currently processes them.

STAFF RECOMMENDATION

Approve Approve next month No recommendation at this time
Prompted by: State law changes Federal law changes other

ATTACHMENTS

Attachment 1:

DRAFT DATED 2/16/22 (MM)

581-002-0001 (Amended)

Definitions

For purposes of OAR 581-002-0001 to OAR 581-002-0023:

(1) “Complaint” includes any written report of wrong doing or written grievance that a complainant emails, mails, or otherwise communicates to a district or district staff member, or any verbal report of discrimination, that is not filed in accordance with a district’s complaint process unless the district, within 10 days of receiving the report or grievance, directs the complainant, in writing in the complainant’s preferred language, to file the report or grievance in accordance with the district’s complaint process.

~~(1)~~ **(2)** “Department” means the Oregon Department of Education.

~~(2)~~ **(3)** “District” means:

(A) A school district, an education service district, a public charter school, a Youth Corrections Education Program provider under contract with the department, a Juvenile Detention Education Program provider under contract with the department, or a program that receives moneys pursuant to ORS 343.243; and

(B) Any educational agency, program, or service under the jurisdiction of an entity described in subparagraph (A) of this paragraph.

~~(3)~~ **(4)** “Public Charter School” means an elementary or secondary charter school offering a comprehensive instructional program operating under a written agreement entered into between a sponsor and an applicant pursuant to ORS chapter 338.

~~(4)~~ **(5)** “Sponsor” means:

(A) The board of the common school district or the union high school district in which the public charter school is located that has developed a written charter to create a public charter school.

(B) The State Board of Education pursuant to ORS 338.075.

Statutory/Other Authority: ORS 326.051, ORS 339.303 & ORS 659.850 to 659.855

Statutes/Other Implemented: ORS 339.285 & ORS 659.850 to 659.855.

History:

ODE __-____, amend filed __/__/2023, effective __/__/2023

[ODE 11-2019, adopt filed 03/25/2019, effective 03/25/2019](#)

581-002-0009 (Amended)
Investigation

(1)(a) Within 30 days of the date on which the department gave notice under OAR 581-002-0007 that it is accepting an appeal, a district must submit to the department a written response and all correspondence, documents, and other information that the department requested in the notice. The written response must include:

(A) A statement of facts;

(B) A description of any district action taken in response to the complaint; or if district action was not taken in response to the complaint, an explanation of the reason or reasons that district action was not taken;

(C) Any stipulation reached concerning settlement of the complaint; and

(D) A list of complaints filed with another agency by the complainant concerning the subject of the appeal, to the extent that the district is aware of such complaints.

(b) Upon request, the Director of the Oregon Department of Education may for good cause extend the time by which a district must make a submission under paragraph (a) of this subsection.

(2) After receiving the written response under subsection (1) of this rule, the department will conduct an investigation to determine whether the district violated a law or rule described in OAR 581-002-0003.

(3)(a) Within 90 days of the date on which the department receives the district's written response under subsection (1) of this rule:

(A) If the department determines that a violation of a law or rule described in ~~OAR 581-002-0003~~ **OAR 581-002-0003(1), (2), (3), (4) or (5)** occurred, the department must issue a preliminary order to the complainant and the district. The preliminary order must include:

(i) A reference to the district decision that is on appeal;

(ii) The procedural history of the appeal;

(iii) The department's preliminary findings of fact; and

(iv) The department's preliminary conclusions.

~~(B) If the department determines that a violation of a law or rule described in OAR 581-002-0003 did not occur, the department must issue a final order as described in OAR 581-002-0017.~~

(B) If the department determines that a violation of a rule described in OAR 581-002-0003(6) occurred, the department must issue a final order in accordance with OAR 581-002-0017.

(C) If the department determines that a violation of a law or rule described in OAR 581-002-0003 did not occur, the department may:

(i) Issue notice that the department is closing the case; or

(ii) Issue a final order in accordance with OAR 581-002-0017.

(b) The Director of the Oregon Department of Education may for good cause extend the time by which the department must issue a preliminary order under paragraph (a) of this subsection.

Statutory/Other Authority: ORS 326.051, ORS 339.303 & ORS 659.850 to 659.855

Statutes/Other Implemented: ORS 339.303 & ORS 339.285 to 339.303

History:

[ODE 11-2019, adopt filed 03/25/2019, effective 03/25/2019](#)

581-002-0023 (Amended)

Settlement Conciliation and Remediation Occurring Before Issuance of Order (Amended)

(1) On any day preceding the date on which the department issues notice under OAR 581-002-0007, a potential complainant or a district may request technical assistance from the department with respect to an alleged violation of a law or rule described in OAR 581-002-0003.

(2)(a) On any day following the date on which the department issues notice under OAR 581-002-0007 and preceding the date on which a preliminary final order is issued pursuant to OAR 581-002-0009(3)(a)(A) or on which a final order is issued pursuant to OAR 581-002-0009(3)(a)(B), a complainant who files an appeal under OAR 581-002-0001 to 581-002-0023, and the district against whom the appeal is filed, may jointly request:

~~(a)~~ **(A)** To toll the proceedings described in OAR 581-002-0001 to 581-002-0023 for purposes of reaching a settlement agreement **an agreement through conciliation;** or

~~(b)~~ **(B)** For the district to immediately take corrective action **as proposed by the district and approved by the department** with respect to any allegation made by the complainant.

(b) Notwithstanding paragraph (a) of this subsection, the department may still require a district to provide the department with a response as described in OAR 581-002-0009.

(3) Upon request, the department will provide technical assistance to support the complainant and district in reaching a ~~settlement agreement~~ **an agreement through conciliation** or understanding the type of corrective action that may be taken.

(4) Any time during the tolling of proceedings described in OAR 581-002-0001 to 581-002-0023 for purposes of reaching a ~~settlement agreement~~ **an agreement through conciliation**, the complainant or district may communicate to the department that they no longer wish to negotiate a ~~settlement~~. Upon verifying that the complainant or district no longer wishes to negotiate a ~~settlement~~, proceedings described in OAR 581-002-0001 to 581-002-0023 begin at the point during the proceedings where the tolling began.

(5) Any ~~settlement~~ agreement entered into by the parties must be in writing and shall contain the following:

(a) A statement identifying the parties to the agreement;

(b) A statement that the parties entering into the agreement intend that the agreement will resolve the matters at issue in the appeal;

(c) A statement or list specifying the particular terms to which the parties have agreed;

(d) A statement that the parties have read and agreed to the terms contained in the agreement;

(e) The signature of each party to the agreement; and

~~(d)~~ **(f)** A statement that the parties further agree that:

(A) Upon execution of the agreement, the department will enter an order staying the proceedings until:

(i) The department confirms in writing that the parties have fulfilled the obligations contained in the agreement; or

(ii) The department has determined that a party has failed to fulfill the terms of the agreement.

(B) The department will continue to have jurisdiction over the matter ~~while the parties are in settlement~~ **pending confirmation under subparagraph (A) of this paragraph;**

(C) Any party having an obligation under the agreement shall notify the department in writing within 14 days of completing the obligation;

(D) The department may investigate either party's compliance with the agreement to determine whether the parties have met their obligations within the time specified in the agreement;

(E) If the department finds, by substantial evidence, that a party having an obligation under the agreement has failed to fulfill that obligation within the time required and no good cause exists for that failure, the department may: **resume the proceedings at the time that the department entered the order staying the proceedings; and**

~~(i) Issue a final order that adopts the findings and conclusions contained in the preliminary order if a preliminary order has been issued; or~~

~~(ii) Resume the proceedings at the point during the proceedings where the tolling began if the preliminary order had not been issued when tolling began; and~~

(F) Upon completion of all obligations of the agreement as confirmed by the department, the department shall issue an order closing the appeal;

~~(e) A statement that the parties have read and agreed to the terms contained in the agreement; and~~

~~(f) The signature of each party to the agreement.~~

(6)(a) Upon execution of the settlement agreement, the department shall enter an order staying the proceedings until:

(A) The parties have fulfilled their obligations under the agreement, as confirmed by the department under paragraph (c) of this subsection; or

(B) The department has determined that a party has failed to fulfill the terms of the agreement, as described in subsection (7) of this rule.

(b) Any party having an obligation under the agreement shall notify the department in writing within 14 days of completing the obligation.

(c) Upon receipt of notice that a party has completed its obligation under the agreement, the department shall:

(A) Verify that the obligation required by the terms of the agreement has been completed by the party who provided the notice; and

(B) Issue written confirmation of the completion of the obligation to the parties.

(d) At any time, the department may investigate either party's compliance with the agreement to determine whether the parties have met their obligations within the time specified in the agreement.

(e) After the department has confirmed that all obligations required under the agreement have been completed, the department shall issue an order closing the appeal.

(7) If the department finds, by substantial evidence, that a party having an obligation under the agreement has failed to fulfill that obligation within the time required and no good cause exists for that failure, the department may: **resume the proceedings at the time that the department entered the order staying the proceedings.**

~~(a) Issue a final order as described in OAR 581-002-0017 that adopts the findings and conclusions contained in the preliminary order if a preliminary order has been issued; or~~

~~(b) Resume the proceedings at the point where the tolling began in the preliminary order had not been issued when tolling began.~~

(8) As part of any corrective action taken pursuant to subsection (2)(b) of this rule, the complainant and district must waive their right to seek judicial review of the corrective action under ORS 183.484.

Statutory/Other Authority: ORS 326.051, ORS 339.303 & ORS 659.850 to 659.855

Statutes/Other Implemented: ORS 339.303,

History:

[ODE 11-2019, adopt filed 03/25/2019, effective 03/25/2019](#)



Appeals Process Improvement Project

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Overview

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Overview: Types of Complaints and Appeals

- **Discrimination** (ORS 659.850 & 659.855 and OAR 581-021-0038, 581-021-0045, 581-021-0046, & 581-021-0047)
- **Restraint and Seclusion** (ORS 339.285 to 339.303 and OAR 581-021-0550 to 581-021-570)
- **Educational Retaliation** (ORS 659.852 & 659.855)
- **Violations of Division 22 Standards** (ORS 327.006 & 327.103 and OAR Chapter 581, Division 22)
- **Sexual Misconduct** (ORS 339.370 to 339.400)
- **Religious Entanglement** (ORS 327.109)
- **Violations of Special Education Law** (federal Individuals with Disabilities Education Act and ORS chapter 343)
- **Violations of Child Nutrition Law** (federal Child Nutrition Act)

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Types of Complaints and Appeals (con.)

This presentation does not address the processes for complaints governed by statute. It only addresses the processes for complaints that ODE takes on appeal pursuant to general grants of statutory authority. These are: **discrimination, restraint and seclusion, educational retaliation, and violation of Division 22 standards.**

319

Overview: Appeals Numbers

From March 18, 2018, to February 23, 2023, ODE's appeals team received 804 appeals from students, parents, and other district community members. ODE accepted 115 of these appeals, at a rate of accepting one case for every seven cases filed. To date, ODE has completed investigations and issued orders for 89 of the cases that it accepted, a rate of one every three weeks.

320

Appeals Numbers (con.)

Of appeals accepted by ODE, nearly 70% allege discrimination. Of the remaining appeals, about half allege violations of Division 22 standards (15% overall) and nearly half allege educational retaliation (11.5% overall) . Only three accepted appeals allege restraint or seclusion (3.5% overall). Importantly, violations of Division 22 standards self-reported by school districts pursuant to ODE's assurances process *by far* exceed violations of Division 22 standards found by ODE pursuant to the appeals process.

321

Appeals Numbers (con.)

Of the 89 cases for which ODE has issued an order, ODE has found the education entity deficient 39 times (nearly 44% of the time). Of those cases, ODE has found education entities deficient on discriminatory grounds 31 times (60% of *resolved* discrimination cases), in violation of a Division 22 standard 7 times (40% of *resolved* Division 22 cases), and deficient under restraint and seclusion law 1 time (50% of *resolved* restraint and seclusion cases). ODE has never found that an education entity retaliated against a student under ORS 659.852.

322

Appeals Numbers (con.)

Since March, 2018, ODE has tracked a continuous increase in appeals. The main reasons for this increase are:

- Improved accessibility to ODE's appeals process (ODE posted its online appeals form in Spring, 2019)
- Improved communication between ODE and potential complainants about their rights
- Beginning in 2016, substantial increases in reports of protected class harassment and other discriminatory conduct

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Overview: Why Take Complaints on Appeal?

- Provides school districts and other education entities with an opportunity to correct deficiencies
 - Pro: Gives education entities an opportunity to correct their own mistakes; recognizes school districts as independent governing bodies
 - Con: Not responsive to violations that need immediate state intervention
- ODE's discrimination appeals processes mirror the processes of the federal Office for Civil Rights
 - Pro: Gives students and parents a choice between similar processes; maintains ODE's role as a regulatory agency as opposed to a regulated entity
 - Con: Both processes are complicated and difficult for parents and students to navigate

324

Why Take Complaints on Appeal? (con.)

- With respect to the majority of discrimination appeals, ODE necessarily must evaluate how school districts and other education entities **respond** to reports of discrimination
 - Pro: ODE necessarily must evaluate how education entities respond to reports of discrimination; necessitating the use of school district processes
 - Con: Not all violations require evaluating how education entities respond (direct discrimination, restraint, seclusion); appeals procedures might need to be adjusted to better meet parents' and students' needs

325

Why Take Complaints on Appeal? (con.)

- When ODE consolidated its complaint processes in 2019, it used existing discrimination appeals processes as the starting point
 - Pro: Making all appeals processes as similar as possible alleviates some of the difficulty associated with navigating those processes
 - Con: Over time, ODE has identified instances where changing our processes is necessary to better address the type of violation that is being alleged
- ODE does not have the staff necessary to take complaints in the first instance

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Overview: Appeals Process Improvement Project

In response to the increase in appeals and other problems identified by ODE, the department launched its appeals process improvement project. To execute the project, ODE took a five pronged approach:

- Conduct listening sessions
- Propose statutory changes for the 2023 legislative session
- Propose rule changes (the primary purpose of this presentation)
- Improve internal agency processes
- Increase staff

327

Questions?



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Listening Sessions

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Listening Sessions

During the summer of 2022, ODE held eight separate listening sessions. A total of 44 invitees attended the sessions. Invitees included students, parents and caregivers, advocacy groups, administrators from nine school districts, COSA, OSBA, and members of other education related organizations. The purpose of the listening sessions was to gather input from the community about ODE's appeals processes and to elicit suggestions for improvement.

330

Listening Sessions (con.)

Positive feedback:

- The fairness of ODE's determinations
- The quality of ODE's work
- The support provided by ODE *in response* to parent and student requests
- The validation felt by individuals who had been discriminated against upon ODE issuing an order
- The support provided by ODE during conciliation

331

Listening Sessions (con.)

Negative feedback:

- The amount of time that ODE takes to investigate an appeal and issue an order
- The lack of ODE *initiated* communication during the lengthy investigation process

332

Listening Sessions (con.)

At the listening sessions, ODE collected information on proposed changes to statute, rule, and internal agency processes. ODE proposed three changes to its rules. ODE received overwhelmingly positive feedback on two of the proposals and generally negative feedback on the remaining proposal. ODE is only moving forward with the two changes that received positive feedback. *Additionally*, because the greatest criticism of ODE's appeals process is the length of time that it takes ODE to resolve an appeal, ODE is proposing another rule change at this time.

333

Listening Sessions (con.)

ODE is continuing to communicate with and solicit input from individuals who participated in the listening sessions, including for ODE's proposed rule changes.

334

Questions?



335



Proposed Statutory Changes

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Statutory Changes: HB 2281

Requires school districts to designate one or more civil rights coordinators for the school district. Civil rights coordinators must:

- Monitor, coordinate, and oversee district compliance with discrimination law
- Oversee investigations of complaints alleging discrimination
- Assist district staff on civil rights issues
- Satisfy any training requirements prescribed by the State Board of Education by rule
- Comply with certain other rules adopted by the board

337

House Bill 2281 (con.)

- A public hearing was held on January 23, 2023.
- A work session has not yet been scheduled.

338

Statutory Changes: SB 215, section 9

- Grants ODE subpoena power for the purpose of conducting **investigations** (this would allow ODE to order education entities to provide the department with documents relevant to investigations)
- Exempts from public disclosure information pertaining to a **pending case** (once the case is closed, the information is once again subject to public disclosure law)

339

SB 215 (con.)

- A public hearing was held on January 19, 2023.
- A work session is scheduled for March 21, 2023.

Statutory Changes, Senate Bill 291

With respect to discrimination, restraint and seclusion, educational retaliation, and religious entanglement:

- Directs ODE to investigate possible noncompliance when it determines that there is evidence of noncompliance (as well as taking complaints) 341
- Increases ODE's enforcement authority
- In cases where ODE finds that discrimination occurred, authorizes ODE to order compensatory services

Senate Bill 291 (con.)

- A public hearing was held on February 7, 2023.
- A work session has not yet been scheduled.

342

Questions?



343



Proposed Rule Changes

344

Rule Changes: Definition of “Complaint”

Add a definition of “complaint” to the rules to clarify that ODE will accept appeals when complainants make informal grievances with education entities, including oral complaints alleging discrimination, unless the education entity directs the complainant to file a formal **complaint**. (“Complaint” includes any written report of wrongdoing or written grievance that a complainant emails, mails, or otherwise communicates to a district or district staff member, or any verbal report of discrimination, that is not filed in accordance with a district’s complaint process unless the district, within 10 days of receiving the report or grievance, directs the complainant, in writing in the complainant’s preferred language, to file the report or grievance in accordance with the district’s complaint process.)

345

Rule Changes: Conciliation

Amend the rules so that when ODE finds a violation of a Division 22 standard, the complainant and the education entity no longer have an opportunity to resolve the matter through conciliation before ODE issues a final order. Instead, ODE will issue a final order immediately. The theory behind the change is that whereas other types of violations, like discrimination, concern individuals, violations of Division 22 standards are public complaints involving the entire student body.

346

Rule Change: Notice of Compliance

Amend the rules so that when ODE finds that an education entity *did not* commit a violation, ODE *may* issue notice of compliance as opposed to a final order. The theory behind the change is that ODE can be more responsive to violations and provide students, when there is a violation, with a more timely response.

347

Questions?



348



Internal Agency Processes

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Internal Agency Processes

- Develop and disseminate an easy-to-follow flow chart of appeals processes (available at <https://www.oregon.gov/ode/about-us/Pages/Complaints.aspx>)
- Develop a mechanism by which automated emails will be sent once every two months to complainants and education entities, informing them of the progress of their case and inviting them to contact departmental staff (in progress)
- Create resource lists to disseminate to parents and students in need (in progress)

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Internal Agency Processes (con.)

- Develop checklists for investigators to use when investigating certain types of alleged discrimination (in progress)
- Allocate more time to encouraging and assisting pre-investigatory **conciliation** (successfully did so with 10% of 2022 case load)

351

Questions?



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Increase in Resources

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Increase in Resources: ODE Positions

Identified Needs:

- Two full time student advocates
- Two full time order writers, who also will be responsible for coordinating with investigators and civil rights specialists on individual cases
- One full time administrative specialist (ODE currently is filling this position as a limited duration position)
- One full time person to provide office support

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Increase in Resources: Contract Investigators

Public Contract Investigators:

- Approved by DAS in Fall, 2022
- 1.5 million dollars for a ten year period (\$150,000 each year)
- Individual investigations will be capped (generally up to \$10,000) providing for about 15 investigations per year
- RFP application period has closed
- RFPs currently being evaluated

355

Questions?



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Stories

357

Stories: Sexual Peer-Peer Harassment

In one case, a male student sexually harassed five female students throughout the school year. Most egregiously, the male student had nonconsensual sex with two of the other students. Even though the district knew about the sexual harassment, it did not adequately address it, in part because its investigation was compromised due to a conflict of interest. In its final order, ODE ordered the district to rewrite all of its policies related to sexual harassment, submit those policies to ODE for approval, train staff, and undergo other corrective action as deemed necessary by the department.

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Stories: Racial Peer-Peer Harassment #1

In another case, a student athlete swimmer subjected a black teammate to constant racial harassment. In one instance, the student directed the members of the swim team to line up at a pool's swim blocks according to skin tone, where the student with the lightest skin tone stood at one end of the pool and the student with the darkest skin tone stood at the other end of the pool. When the black student's mother – who worked at the school district – reported the harassment, the district failed to address it, and it retaliated against her by launching an investigation against her for workplace harassment.

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Stories: Racial Peer-Peer Harassment #2

Not all cases involving harassment are as egregious as the previous two. In some cases, the education entity attempts to respond appropriately, but fails to do so. In one case, there were two elementary school students who were best friends. One of the students had a mental disability. The other student was black. The student with the disability began to draw pictures of black people hanging, houses burning, and other racially insensitive images. The district's response was to provide increased support to the student with the disability. However, the district failed to provide any specific support to the student who was traumatized by the images.

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Stories: Failure to Identify a Disability

In one case, a public charter school had a program for students with behavioral problems that did not incorporate special education requirements. As a result, the school failed to identify a kindergartener who suffered from ADHD. Because of that failure, the school disciplined the student – including suspending him – for reasons related to his disability. In its final order, ODE ordered the school to develop procedures for identifying and accommodating students with disabilities, submit those procedures to ODE for approval, notify parents of those procedures, and train staff.³⁶¹

Stories: Disparate Treatment of Athletic Programs

Discrimination complaints cover a variety of other subject areas. In one case, ODE found that a school district used fields for baseball that were far superior to the fields that it used for softball. Not only were the softball fields lacking in infrastructure, but before games coaching staff often had to clear the fields of trash and hazardous waste. After its investigation, ODE issued an order finding that the district subjected female student athletes to disparate treatment. The result was the financing and development of a new softball field.

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Stories: Inadequate TAG Program

Complaints alleging violations other than discrimination are varied and require a breadth of expertise in multiple areas of education law. In one case, the school district failed to appropriately implement its Talented and Gifted Program. The case took a year to investigate, another six months to write the order, and subsequent monitoring for compliance. 363