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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

ODE 9-2024
CHAPTER 581
OREGON DEPARTMENT OF EDUCATION

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Native Hawaiian/Pacific Islander Student Success Plan: Temporary Rulemaking

EFFECTIVE DATE: 02/16/2024 THROUGH 08/13/2024

AGENCY APPROVED DATE: 02/15/2024

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NEED FOR THE RULE(S):

The Oregon Legislature passed HB 3144 in July 2023. This bill creates the Native Hawaiian/Pacific Islander Student Success Plan to support students who identify as being NHPI and have experienced disproportionate outcomes due to historical practices. These rules provide a set of rules that include Definitions, Establishment, Eligibility, Criteria, Funding, and Reporting. These rules will guide the implementation of a grant program that will contribute to the implementation HB 3144.

JUSTIFICATION OF TEMPORARY FILING:

The absence of rules may prevent ODE from implementing a Native Hawaiian/Pacific Islander Student Success grant program as required by law, under HB 3144 (2023). One aspect of Student Success Plan implementation includes a grant program. There are currently no rules in place to guide the implementation of the Native Hawaiian/Pacific Islander Student Success Plan grant program. Rulemaking passed right now allows the grant program to begin now, with permanent rulemaking anticipated to pass to continue beyond 180 days of eventually-expired temporary rulemaking.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

HB 3144 is available on the Oregon Legislative Information System.

RULES:
581-017-0850, 581-017-0855, 581-017-0860, 581-017-0865, 581-017-0870, 581-017-0875

ADOPT: 581-017-0850

RULE TITLE: Native Hawaiian/Pacific Islander Student Success Plan Grant Program: Definitions

RULE SUMMARY: This rule provides definitions for OAR's 581-017-0850 - 0875 in relation to the Native Hawaiian/Pacific Islander Student Success Plan Grant Program.

RULE TEXT:
The following definitions apply to OAR 581-017-0850 to 581-017-0875:

(1) “Native Hawaiian/Pacific Islander Student Success Plan Grant” or “Grant” means a Grant established under ORS 329.849.
(2) “Community-Based Organization” means a nonprofit organization that is representative of a community or significant segments of a community, and that is located within or in close proximity to the community it serves.
(3) “Community Voice” means that members representing the community served by the project, including students, will be involved in co-constructing the project design, implementation, and/or providing strategic guidance in final decision-making.
(4) “Culturally Responsive” means the implicit recognition and incorporation of the cultural knowledge and experience of students served by the plan in teaching, learning and assessment. This includes identifying and valuing: students’ cultural assets in instruction and assessment; diverse frames of reference that correspond to multifaceted cultural perspectives/experiences; and performance styles in the classroom that do not reflect dominant values of achievement or success.
(5) “Department” means the Oregon Department of Education.
(6) “Disproportionate Discipline” means disproportionate rates of suspensions and expulsions for Native Hawaiian/Pacific Islander students compared to their white classmates who commit similar infractions and who have similar discipline histories.
(7) “Evidence-based” means practices with a proven record of success based on reliable, trustworthy, and valid evidence that when the practices are implemented with fidelity, students can be expected to make adequate gains in early literacy. Instructional practices, activities, strategies, or interventions that are “evidence-based” should not just privilege scientific evidence, but also be driven by evidence stemming from the perspectives of those affected by those practices, activities, strategies, or interventions such as:
(a) Evidence of Tribal consultation, recommendations, and experiences of American Indian/ Alaska Native community members or Tribal government.
(b) Evidence of community-driven, culturally responsive/sustaining/specific, non-dominant and non-Western ways of knowing, being, and researching.
(8) “Opportunity gap” refers to the effects and disparities the dominant, White supremacist system and culture has historically, currently, and intentionally created for groups of students where factors such as race, ethnicity, socioeconomic status, English proficiency, geography, financial wealth, gender, sexuality, familial situations, and disabilities determine or constrain what opportunities the system offers and how these affect their educational aspiration, achievement, and attainment. These effects and disparities form an educational debt that the dominant educational system owes to marginalized students and a need to address and shift the system itself.
(9) “Partnership” means a group of organizations, Tribal governments, districts or individuals who agree to work together with a common interest and shared vision. In a partnership, there is a high level of trust and 2-way communication, and differences in power and privilege are addressed. Roles and responsibilities on all sides are well-defined and developed with shared authority in decision making. There might be shared space and staff, with expectations and agreements in writing.
(10) (a) “Plan Student” means a student enrolled in early childhood through post-secondary education who:
(A) Self-identifies as Native Hawaiian/Pacific Islander; and
(B) Has experienced disproportionate results in education due to historical practices and policies, as may be further identified by the State Board of Education by rule.
(b) For the purposes of this definition, “enrolled” means:
(A) enrollment in a school district K-12 educational program; or
(B) enrollment in a state-funded K-12 educational program, which includes but is not limited to educational programs provided by or in the following institutions: public charter schools, education service districts, long term care and treatment facilities, the Youth Corrections Education Program, the Oregon School for the Deaf, and Juvenile Detention Education Programs.

STATUTORY/OTHER AUTHORITY: ORS 338.155, ORS 329.849

STATUTES/OTHER IMPLEMENTED: ORS 329.849

ADOPT: 581-017-0855

RULE TITLE: Native Hawaiian/Pacific Islander Student Success Plan Grant Program: Establishment

RULE SUMMARY: This rule establishes the Native Hawaiian/Pacific Islander Student Success Plan Grant Program to support early learning hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, community-based organizations, Tribal governments, or a consortium of these entities, in relation

RULE TEXT:

(1) There is established the Native Hawaiian/Pacific Islander Student Success Plan Grant Program to support early learning hubs, providers of early learning services, school districts, education service districts, post-secondary institutions of education, community-based organizations, Tribal governments, or a consortium of these entities.

(2) Programs and services provided under a Grant must address one or more of the strategies or objectives included in the Native Hawaiian/Pacific Islander Student Success Plan.

(3) Subject to available funds, the Department of Education shall award Grants based on a detailed description of proposed programming or services. The programs or services may include:

(a) The scale-up of an existing program or project; and/or

(b) The implementation of a new program or project.

(4) The purpose of the Grant program is to provide funds to applicants that document an understanding of the unique needs of Native Hawaiian/Pacific Islander students, have the potential to become exemplar programs, and who create collaborative practices relating to strategies outlined in the Native Hawaiian/Pacific Islander Student Success Plan.

STATUTORY/OTHER AUTHORITY: 329.849

STATUTES/OTHER IMPLEMENTED: 329.849

ADOPT: 581-017-0860

RULE TITLE: Native Hawaiian/Pacific Islander Student Success Plan Grant Program: Eligibility

RULE SUMMARY: This rule specifies eligibility requirements relating to grants for the Native Hawaiian/Pacific Islander Student Success Plan Grant Program.

RULE TEXT:

(1) The Department will establish a process for eligible entities to apply for a Native Hawaiian/Pacific Islander Student Success Grant.

(2) To be eligible to receive a Grant, an applicant must:

(a) Be an early learning hub, provider of early learning services, school district, education service district, public charter school, post-secondary institution of education, community-based organizations, Tribal governments, or a consortium of these entities;

(b) Demonstrate the outcomes of the proposed project are to benefit and serve Plan Students and their families; and

(c) Demonstrates alignment between the project and the strategies of the Native Hawaiian/Pacific Islander Student Success Plan.

STATUTORY/OTHER AUTHORITY: ORS 338.155, ORS 329.849

STATUTES/OTHER IMPLEMENTED: ORS 329.849

ADOPT: 581-017-0865

RULE TITLE: Native Hawaiian/Pacific Islander Student Success Plan Grant Program: Criteria

RULE SUMMARY: This rule establishes the criterion of allotting grant awards in association with the Native Hawaiian/Pacific Islander Student Success Plan Grant Program.

RULE TEXT:

The Department will award Grants to eligible entities based on the following criteria:

(1) Whether the proposed project successfully implements the strategies provided in the Native Hawaiian/Pacific Islander Student Success Plan;

(2) Whether the applicant authentically and consistently engages Community Voice in the proposed project; and

(3) Whether the applicant demonstrates equitable distribution of Grant funds and resources in Partnership.

STATUTORY/OTHER AUTHORITY: ORS 329.849

STATUTES/OTHER IMPLEMENTED: ORS 329.849

ADOPT: 581-017-0870

RULE TITLE: Native Hawaiian/Pacific Islander Student Success Plan Grant Program: Funding

RULE SUMMARY: This rule establishes how the Native Hawaiian/Pacific Islander Student Success Plan Grant Program Funding is disbursed.

RULE TEXT:

(1) Applicants must submit a detailed budget that explains how Grant funds will be used.

(2) Indirect costs will be allowed as a percentage of the Grant funds disbursed as follows:

(a) Up to five percent for school districts, educational service districts, early learning hubs, or post-secondary institutions of education; or

(b) Up to fifteen percent for community-based organizations or providers of early learning services.

(c) For Tribal governments, up to fifteen percent or the Tribal governments federally recognized indirect rate, as provided in the grant agreement; or

(d) Administrative costs for partnerships or consortiums will be allowed based on the lead entity's organization type.

(3) Applicants may use Grant funds only for authorized purposes.

STATUTORY/OTHER AUTHORITY: ORS 338.155, ORS 329.849

STATUTES/OTHER IMPLEMENTED: ORS 329.849

ADOPT: 581-017-0875

RULE TITLE: Native Hawaiian/Pacific Islander Student Success Plan Grant Program: Reporting

RULE SUMMARY: This rule requires Native Hawaiian/Pacific Islander Student Success Plan Grant Program grant recipients to report project outcomes.

RULE TEXT:
Grant recipients must report project or program outcomes in the manner and form required by the Department.

STATUTORY/OTHER AUTHORITY: ORS 329.849

STATUTES/OTHER IMPLEMENTED: ORS 329.849