



TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

ODE 1-2021
CHAPTER 581
OREGON DEPARTMENT OF EDUCATION

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: ELL District and School Improvement

EFFECTIVE DATE: 01/28/2021 THROUGH 07/25/2021

AGENCY APPROVED DATE: 01/21/2021

CONTACT: Jeremy Wartz 255 Capitol St NE
503-947-5736 Salem, OR 97310
jeremy.wartz@state.or.us

Filed By:
Jeremy Wartz
Rules Coordinator

NEED FOR THE RULE(S):

Under ORS 336.079, districts that are not meeting objectives and the needs of students eligible for and enrolled in an English language learner program are identified for four years as target and transformation districts. Target and transformation districts that do not meet the expected growth and benchmarks for student progress indicators will have their English learner program funding directed by the department for up to three years.

JUSTIFICATION OF TEMPORARY FILING:

According to the current rule, the Department must provide districts with expenditure direction prior to March 1st for the fiscal year to which it applies. The Department is currently developing expenditure direction for identified districts. It is important that the directed funding provision be comprehensive, robust, and of high-quality. This process is being operationalized during a time that school districts have just been given the order to plan for reopening. Operationalizing this process on the current timeline will cause a great deal of pressure and urgency for districts and the Department. This is a temporary rule change in direct response to the current challenges being faced by districts in reopening schools after closures due to the COVID19 pandemic and possibly other current events. Failure to amend this rules would maintain the current deadline for the Department to provide Expenditure Direction for districts identified for directed funding in cohort 1 of March 1, 2021. Identified districts would be most affected by this where the focus is on improving educational outcomes for English Learners.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

All relevant documents are available on the State Board of Education's website, Boardbook, in the January 2021 meeting.

AMEND: 581-020-0621

RULE SUMMARY: Under ORS 336.079, districts that are not meeting objectives and the needs of students eligible for and enrolled in an English language learner program are identified for four years as target and transformation districts. Target and transformation districts that do not meet the expected growth and benchmarks for student progress indicators will have their English learner program funding directed by the department for up to three years.

CHANGES TO RULE:

581-020-0621

ELL District and School Improvement: District Expenditure of Moneys ¶¶

(1) The Department shall direct transformation and target school districts on how to expend all moneys received under ORS 327.013(1)(c)(A)(ii) (ELL weight) for up to three years, for identified districts that have not met the expected growth and expected benchmarks for student progress indicators, and demonstrated implementation of the instructional practices and program improvements recognized as effective in improving outcomes for ELL students that were identified for the school district. The overall progress of transformation and target school districts will be evaluated applying an equity lens to examine:¶¶

(a) District progress in improving the student outcomes that resulted in their selection as a transformation or target district (as defined in OAR 581-020-0609)¶¶

(b) District implementation of program design, program model, instructional delivery strategies, curriculum, assessment, staff qualifications, staff training on culturally responsive instructional pedagogy and practices, and the level of engagement with ELL families and community identified for improvement (as described in OAR 581-020-0613)¶¶

(2) If a school district meets or exceeds the expected growth and benchmarks for student progress indicators, and demonstrates implementation of the instructional practices and program improvements recognized as effective in improving outcomes for ELL students then the Department may no longer direct the expenditure to State School Fund moneys under this section for that school district.¶¶

(3) The Department shall utilize the following framework to direct the expenditure of moneys under this section. The expenditure direction must be:¶¶

(a) Individualized for each district based on state and district data and the district improvement work from the previous four years;¶¶

(b) Aligned with evidence-based practices;¶¶

(c) Focused on supporting the district in meeting expected growth and benchmarks for student progress indicators and instructional and/or program improvement indicators recognized as improving outcomes for ELL students identified for the school district;¶¶

(d) Communicated to the district in writing and communicate to the district the specific direction of expenditures and the rationale for that direction;¶¶

(e) Sent to the district prior to ~~March~~April 1 before the fiscal year to which it applies; and¶¶

(f) Be reviewed at least annually.¶¶

(4) The Department may utilize the district and community engagement process established as part of the technical assistance process to receive feedback on the expenditure direction.¶¶

(5) The school district shall communicate to stakeholders about the expenditure direction as follows:¶¶

(a) In at least one community forum;¶¶

(b) In a letter to parents of ELL students who are enrolled in the district; and¶¶

(c) By posting information about the expenditure direction on the district's website.¶¶

(6) The direction on expenditure of moneys for school districts identified as ELL transformation or target districts in 2016 will first apply to moneys received by those school districts from the ELL weight on or after July 1, 2020.

Statutory/Other Authority: Sec. 3, ch. 604, OL 2015 (Enrolled HB 3499)

Statutes/Other Implemented: ORS 339.079 & Sec. 3, ch. 604, OL 2015 (Enrolled HB 3499)