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NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 581
OREGON DEPARTMENT OF EDUCATION

FILED

10/20/2025 2:13 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: SB 141 (2025) Bill Implementation: The Education Accountability Act - Definitions & Metrics

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/11/2025 9:00 AM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Haedon Brunelle
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/18/2025

TIME: 3:00 PM - 4:00 PM

OFFICER: Haedon Brunelle

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 669-254-5252

CONFERENCE ID: 1618307027

NEED FOR THE RULE(S)

The 2025 Education Accountability Act requires the Oregon Department of Education, in rule, to establish definitions of student group, definition of 3rd grade reading proficiency, definition of 8th grade math proficiency, local metrics, differentiated metrics, statewide performance targets, and performance growth targets.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

SB 141 (2025) can be found on the Oregon Legislative Information System (OLIS) website here:
<https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/SB141>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Administrative Rules implemented under the 2025 Education Accountability Act present a significant opportunity to advance racial equity in Oregon's education system by making disparities more visible, setting growth targets, and providing support to districts in order to close gaps. The rules continue on the work started with the Student Success Act and Student Investment Account in centering equity at the core of the improving outcomes.

FISCAL AND ECONOMIC IMPACT:

The Department does not anticipate any significant economic impact on school districts or business as a result of the adoption of these rules. The development of growth targets is built upon work that has already done by school district as part of their Student Investment Account and now Integrated Program applications.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The Department does not anticipate any significant cost of compliance on school districts or business as a result of the adoption of these rules. The development of growth targets is built upon work that has already done by school district as part of their Student Investment Account and now Integrated Program applications.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules as this will not impact small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

An administrative rule advisory committee was not consulted. The Oregon Department of Education (ODE) identifies those who may be impacted by these rule updates and hosts direct engagements with them. In addition, ODE staff present their rule updates to a broader group of education partners ranging from non-profits, education service districts, school districts, student rule advisors, and more, prior to approaching the State Board of Education for further consideration and a vote. The State Board of Education holds public meetings and recordings for all rules. You can find all of their meetings here on boardbook: <https://meetings.boardbook.org/Public/Organization/2146>.

RULES PROPOSED:

581-003-0001, 581-003-0005, 581-003-0010, 581-003-0015, 581-003-0020, 581-003-0025, 581-003-0030

ADOPT: 581-003-0001

RULE SUMMARY: This proposed rule would set define student groups and provides definitions of metrics. The student group definitions have been taken from the definitions for focal student groups as adopted for the Student Investment Accounts.

CHANGES TO RULE:

581-003-0001

Definitions for the Education Accountability Act

The following definitions apply to OAR 581-014-0001 to 581-014-9999 & OAR 581-003-0001 to 581-003-0030.

(1) "Assessment Growth" means the change in a student's score over time on Oregon's statewide summative assessments in English Language Arts and Mathematics.

(2) "Combined Focal Group Students" means students reported to the Oregon Department of Education through standard data collections in any of the following student groups:

(a) Economically Disadvantaged Students;

(b) Students Recently Arrived;

(c) Justice Involved Youth;

(d) LGBTQ2SIA+ Students;

(e) Students from Racial or Ethnic Groups that Have Historically Experienced Academic Disparities

(f) Students who are Pregnant, Parenting, and/or Students who Experience any Pregnancy-related Condition

(g) Students with Disabilities

(h) Foster Students

- (i) Students who are Homeless
- (j) Migratory Students
- (k) Students who are on track to English language proficiency
- (3) "Common Metrics" means the following student performance metrics:
 - (a) On-time graduation rate;
 - (b) Five-year completion rate;
 - (c) Ninth-grade on-track rate;
 - (d) Eighth-grade mathematics proficiency rate;
 - (e) Third-grade English Language proficiency rate;
 - (f) Regular attendance rate; and
 - (g) Regular early-grade attendance rate
- (4) "Differentiated Metrics" means the metrics included in the Performance Growth Targets for institutions receiving state school funds that are serving students in nontraditional settings, including:
 - (a) An education service district that has enrolled students in any grade from kindergarten through grade 12 for specialized services;
 - (b) An approved recovery school;
 - (c) The Youth Corrections Education Program;
 - (d) The Juvenile Detention Education Program;
 - (e) The Oregon School for the Deaf; and
 - (f) Eligible day treatment programs and eligible residential treatment programs for education services to children who are in treatment programs as described in ORS 343.961
- (5) "Disaggregated" means separated based on student group
- (6) "Dropout or Pushout rate" means the rate of students who withdrew from school and did not graduate, earn a completion credential, or transfer to another school that leads to graduation.
- (7) "Economically Disadvantaged Students" means students who meet one or more of the following qualifications:
 - (a) are participating in Supplemental Nutrition Assistance Program funded by the United States Department of Agriculture;
 - (b) are participating in the Temporary Assistance for Needy Families program as defined in Title IV of the Social Security Act;
 - (c) are foster students;
 - (d) are migratory students; or
 - (e) are students who are homeless.
- (8) "Foster Students" has the same meaning as defined in ORS 30.297(5)(c).
- (9) "Justice Involved Youth" means a student who is pre or post adjudication, has been or is currently detained in a secure juvenile justice facility, and/or has been or is currently placed in a community juvenile justice program.
- (10) "LGBTQ2SIA+ Students" means students who may have one or multiple gender identities and/or sexual orientations including lesbian, gay, bisexual, pansexual, transgender, nonbinary, queer, questioning, two-spirit, intersex, and asexual. The plus sign ("+") recognizes and includes the myriad ways to describe marginalized gender identities and sexual orientations.
- (11) "Migratory Students" means a student who is a migratory worker or whose parent or guardian is a migratory worker in the agricultural, dairy, lumber, or fishing industries and who has moved due to economic necessity between school districts in the last thirty six months, and is eligible to be a part of the Title 1-C Migrant Education Program.
- (12) "On-track to English Language Proficiency" means the proportion of English Learner Students who are meeting progress expectations on the state English Language Proficiency Assessment.
- (13) "Optional Metrics" are metrics not included in the Common Metrics, the school district's selected Local Metric, or Differentiated Metrics that the school district chooses to include in their Performance Growth Targets.
- (14) "Performance Growth Targets" means the targets set for each year through co-development between the school district and the Oregon Department of Education, starting with the 2026-27 school year, to comply with OS 327.006-327.133.
- (15) "Severely Chronically Absent" means the rate of students who were absent 20% or more of their enrolled school days.
- (16) "Student Belonging" means the aggregate of student responses to the Student Educational Equity Development Survey (SEED) for items within the student belonging domain.
- (17) "Students Recently Arrived" means a student who was NOT born in any state or US Territory and who has not been attending one or more schools in any one or more state for more than three full academic years.
- (18) "Students from Racial or Ethnic Groups that Have Historically Experienced Academic Disparities" includes,

but is not limited to American Indian and Alaska Native (AI/AN and AI/AN+) students, Black and African American students, Hispanic and Latino students, Asian students, Native Hawaiian and Pacific Islander students, and multiracial students, and any other racial or ethnic group identified by the school district as historically experienced academic disparities.^{¶¶}

(19) "Students who are Homeless" has the same meaning as in section 725 of the McKinney-Vento Act, 42 USC § 11434a (2).^{¶¶}

(20) "Students who are Pregnant, Parenting, and/or Students who Experience any Pregnancy-related Condition" means students who are pregnant for any length of time, or who are actively caring for a child, whether biologically related to them or otherwise. This includes students with pregnancy-related conditions, including, but not limited to loss or termination of a pregnancy, childbirth, lactation, and/or mental health conditions.^{¶¶}

(21) "Students with Disabilities" means a child with a disability as defined in ORS 343.035(1).^{¶¶}

(22) "School district" means:^{¶¶}

(a) A common school district or a union high school district;^{¶¶}

(b) An education service district that has enrolled students in any grade from kindergarten through grade 12 for specialized services;^{¶¶}

(c) A public charter school;^{¶¶}

(d) An approved recovery school;^{¶¶}

(e) The Youth Corrections Education Program;^{¶¶}

(f) The Juvenile Detention Education Program;^{¶¶}

(g) The Oregon School for the Deaf; or^{¶¶}

(h) Eligible day treatment programs and eligible residential treatment programs for education services to children who are in treatment programs as described in ORS 343.961.

Statutory/Other Authority: SB 141 (2025)

Statutes/Other Implemented: SB 141 (2025)

ADOPT: 581-003-0005

RULE SUMMARY: The definition for third grade reading proficiency was taken as adopted from the student investment accounts.

CHANGES TO RULE:

581-003-0005

Definitions for Education Accountability Act: Third Grade Reading Proficiency

"Third-grade reading proficiency rate" means the percentage of students in the third grade who are determined to be proficient or above based on Oregon's statewide summative assessments in English Language Arts (ELA).

Statutory/Other Authority: SB 141 (2025)

Statutes/Other Implemented: SB 141 (2025)

ADOPT: 581-003-0010

RULE SUMMARY: The definition for eight grade math proficiency has been based on the adopted definition of third grade reading proficiency.

CHANGES TO RULE:

581-003-0010

Definitions for Education Accountability Act: Eighth Grade Math Proficiency

"Eighth-grade math proficiency rate" means the percentage of students in the eighth grade who are determined to be proficient or above based on Oregon's statewide summative assessments in Mathematics.

Statutory/Other Authority: SB 141 (2025)

Statutes/Other Implemented: SB 141 (2025)

ADOPT: 581-003-0015

RULE SUMMARY: This proposed rule would establish the list of local metrics, of which school districts will choose one for inclusion in their Performance Growth Targets.

CHANGES TO RULE:

581-003-0015

Local Metrics

(1) "Local metric rate" means the school district's performance on a measurable student performance outcome.¶

(2) For the purposes of setting Performance Growth Targets, school districts should select a metric with a minimum denominator of 10 students for each of the last four years. ¶

(3) School districts shall select one of the following Local Metrics for inclusion in their Performance Growth Targets:¶

(a) Student Belonging.¶

(b) Assessment Growth.¶

(c) On-track to English Language Proficiency. ¶

(d) Severely Chronically Absent. ¶

(e) Dropout or Pushout rate.

Statutory/Other Authority: SB 141 (2025)

Statutes/Other Implemented: SB 141 (2025)

ADOPT: 581-003-0020

RULE SUMMARY: This proposed rule sets established metrics for Education Service Districts that have enrolled students for specialized services, approved recovery schools, the Youth Corrections Education Program, the Juvenile Detention Education Program, The Oregon School for the Deaf, and eligible day treatment programs.

CHANGES TO RULE:

581-003-0020

Differentiated Metrics

(1) For school districts not identified in OAR 581-XXX-XXXX (a) and OAR 581-XXX-XXXX (c) the following Differentiated Metrics have been identified for the following: ¶

(2) Education Service District that has enrolled students for specialized services:¶

(a) Dropout or Pushout rate:¶

(b) K-12 Regular Attendance:¶

(c) 3 years combined 4-year graduation rate:¶

(d) 3 years combined 5-year completion rate:¶

(e) 9th grade on track; and¶

(f) 8th grade math proficiency.¶

(3) Approved recovery schools:¶

(a) Attendance rate:¶

(b) 3 years combined 4 year graduation rate starting with the (determine school year where we will have 3 years of data); and¶

(c) 3 years combined 5 year graduation rate starting with the (determine school year where we will have 3 years of data).¶

(4) The Youth Corrections Education Program:¶

(a) Dropout or Pushout rate:¶

(b) Percentage of students who earned high school course credits (in facility):¶

(c) Percentage of students enrolled in their local school district within 90 days of exit from the program:¶

(d) Five year completion rate; and¶

(e) K-12 Regular attendance rate.¶

(5) The Juvenile Detention Education Program:¶

(a) Dropout rate.¶

(b) Percentage of students who earned high school course credits (in facility).¶

(c) Percentage of students enrolled in their local school district within 90 days of exit from the program. ¶

(6) The Oregon School for the Deaf:¶

(a) K-12 Regular Attendance:¶

(b) 3 years combined 4 year graduation rate; and¶

(c) 3 years combined 5 year graduation rate:¶

(7) Eligible day treatment programs and eligible residential treatment programs for education services to children who are in treatment programs as described in ORS 343.961:¶

(a) Dropout or Pushout rate.¶

(b) Percentage of students who earned high school course credits (in facility).¶

(c) Percentage of students enrolled in their local school district within 90 days of exit from the program.¶

(d) Five year completion rate.¶

(e) K-12 Regular attendance rate.¶

(f) K-2 Regular attendance rate.¶

(8) For the purposes of setting targets, a minimum denominator of 10 students for each of the last four years or for all years of available data if there are fewer than four years is necessary for metric inclusion.

Statutory/Other Authority: SB 141 (2025)

Statutes/Other Implemented: SB 141 (2025)

ADOPT: 581-003-0025

RULE SUMMARY: This proposed rule establishes the metrics that will be used for setting statewide performance targets for the 2029-2030 school year.

CHANGES TO RULE:

581-003-0025

Statewide Performance Targets

For Statewide Performance Targets, the targets for the 2029-30 school year are as follows:

(1) Common Metric targets:

(a) On-time graduation rate;

(b) Five-year completion rate;

(c) Ninth-grade on-track rate;

(d) Eighth-grade mathematics proficiency rate;

(e) Third-grade reading proficiency rate;

(f) Regular attendance rate; and

(g) Regular early-grade attendance rate.

(2) Local Metric targets:

(a) Student Belonging rate;

(b) Assessment Growth rate;

(c) On-track to English Language Proficiency rate;

(d) Severely Chronically Absent rate; and

(e) Dropout or Pushout rate.

Statutory/Other Authority: SB 141 (2025)

Statutes/Other Implemented: SB 141 (2025)

ADOPT: 581-003-0030

RULE SUMMARY: This proposed rule establishes the process for co-development of growth targets between the Oregon Department of Education and School Districts. The rules also establishes the minimum n-size requirement for the purpose of target setting.

CHANGES TO RULE:

581-003-0030

Performance Growth Targets

(1) "Baseline Targets" means the minimum growth target that the school district and the Oregon Department of Education agree is satisfactory for all students included in the metric.¶

(2) "Gap-Closing Targets" means the growth target that the school district and the Oregon Department of Education agree is needed to close existing gaps between all students included in the metric and the combined focal group students included in the metric within a reasonable period of time.¶

(3) "Stretch Targets" means the growth target above the baseline target that the school district and the Oregon Department of Education agree is ambitious but attainable for all students included in the metric.¶

(4) Each school district receiving state school funds co-develops four years of Performance Growth Targets with the Oregon Department of Education, starting with the 2026-27 school year. ¶

(5) Performance Growth Targets include the following metrics:¶

(a) For school districts identified in OAR 581-003-0001 and OAR 581-003-0010:¶

(A) Each of the Common Metrics; and ¶

(B) One Local Metric.¶

(b)(A) For school districts not identified in OAR 581-003-0001 and OAR 581-003-0010:¶

(B) Differentiated Metrics as identified in OAR 581-003-0020.¶

(6) Each school district may add Optional Metric targets to their Performance Growth Targets.¶

(7) For the purposes of setting targets, a minimum denominator of 10 students for each of the last four years or for all years of available data if there are fewer than four years is necessary for metric inclusion.¶

(8) For each year and metric, three types of targets are included in Performance Growth Targets:¶

(a) Baseline Targets;¶

(b) Gap-Closing Targets; and¶

(c) Stretch Targets.

Statutory/Other Authority: SB 141 (2025)

Statutes/Other Implemented: SB 141 (2025)