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Director of the Department of Education

TO: Co-Chair Frederick, Co-Chair McLain, & Members of the Joint Subcommittee On Ways and Means On Education

DATE: Mar 16, 2023

FROM: Kai Turner, Assistant Superintendent Office of Finance & Information Technology

RE: Question posed about Day 5 of the Oregon Department of Education's Presentation

Co-Chair Frederick, Co-Chair McLain, and Members of the Joint Subcommittee On Ways and Means Subcommittee On Education,

Thank you so much for the opportunity to provide information about Day 5 of our Presentation to the Joint Subcommittee On Ways and Means on Education. We are more than happy to continue providing information to you on our work and look forward to our continued partnership on behalf of all Oregon students. Please do not hesitate to reach out to me if you need further clarification.

With gratitude,
Kai Turner

Questions & Answers

Question:

Is there a way to know if a complaint leads to action?

Response:

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, at a rate of one case every three weeks.

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,



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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.

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.

Here are a few examples about how ODE has taken action in those cases where it found an education entity deficient:

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.

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. In this case, the parties resolved the matter through conciliation before ODE ordered corrective action.

In a third 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.

Finally, the [Department's website](#) has information about the complaint and appeal process. At the bottom of that page, you will find links to orders issued by the Department. This does not constitute all of the Department's orders. We are posting new orders as we have time available.

Question: Where is the inclusion of rural kids and kids in poverty?

Response:

Definitions for Student Investment Account

(13) Effective until June 30, 2023, "Economically disadvantaged students" means students who are eligible for free or reduced priced lunch under the United State Department of Agriculture Income Eligibility Guidelines.

(14) Effective July 1, 2023, "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 migrant students; or

(e) are students who are homeless

Plans for data collection aim to explore the intersection between students served by Student Success grant programs and students who classify as economically disadvantaged using the adjusted definition. Recent adjustments made to the definition of economically disadvantaged by the Oregon State Board of Education has required us to reconsider how to best capture the impact these grants have on students



who are economically disadvantaged.

The African American/Black Student Success grant program has preliminary data on students who were classified as homeless during 2021-22. (During the 2021-22 school year, 5% of grantee students were identified in ODE data sets as having experienced homelessness.)

The African American/Black Student Success grant program grantees are providing services in the following rural areas:

- *Southern Oregon*
 - *Jackson County*
 - *Josephine County*
 - *Klamath County*
 - *School districts served include Ashland, Phoenix Talent Schools, Medford, Central Point, Eagle Point, Rogue River, Grants Pass, Three Rivers, Klamath County, and Klamath Falls City Schools*
- *Malheur County (Ontario)*
- *Lane County*
 - *School districts include West Rural Districts (Blachly, Mapleton, Siuslaw, Junction City), Bethel, Springfield, South Rural Districts (South Lane, Crow, Creswell, Fern Ridge), and East Rural Districts (Marcola, McKenzie, Pleasant Hill, Oakridge, and Lowell).*
- *Benton*
- *Clackamas*
- *Linn*
- *Polk*
- *Yamhill County*

The Latino/a/x Student Success Plan grant program has a number of grantees serving communities including:

- *Albany*
- *Gervais*
- *Bend-La Pine; Redmond, Crook County*
- *Jefferson County*
- *Klamath County*
- *Hood River County*
- *Malheur County*



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- *Clatsop, Columbia, and Tillamook counties: Astoria, Clatskanie, Jewell, Knappa, Neah-Kah-Nie, Nestucca Valley, Rainier, Scappoose, Seaside, St. Helens, Tillamook, Vernonia, and Warrenton-Hammond.*
- *Cottage Grove, Lane County*

The LGBTQ2SIA+ Student Success grant program anticipates a number of grantees serving communities in the following counties:

- *Douglas county*
- *Klamath county*
- *Baker, Grant, Harney, Malheur, Umatilla, Union, and Wallowa counties*
- *Coos, Curry, Douglas, Jackson, Josephine, and Lane counties*
- *Marion, Polk, Yamhill counties*
- *Hood River, Wasco, Sherman, Wheeler, and Gilliam counties*
- *Jackson county*
- *Polk county*

Question: Were there any EDI programs on the North Oregon Coast?

Response:

The African American/Black Student Success grant program does not currently have any grantees providing services on the North Coast.

The Latino/a/x Student Success Plan grant program has grantees in the Northern Oregon Coast serving the following communities:

- *Clatsop, Columbia, and Tillamook counties: Astoria, Clatskanie, Jewell, Knappa, Neah-Kah-Nie, Nestucca Valley, Rainier, Scappoose, Seaside, St. Helens, Tillamook, Vernonia, and Warrenton-Hammond.*

In the LGBTQ2SIA+ Student Success grant program, grants have not yet been executed and we are still determining which applicants will be awarded.