



United States Department of Education

**Office for Civil Rights
Administrative Complaint**

May 28, 2026

United States Office of Civil Rights
Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
Email: OCR@ed.gov

VIA EMAIL

To Whom It May Concern:

Defending Education and Do No Harm bring this federal civil rights complaint against Oregon's Department of Education ("Department") and Oregon's Higher Education Coordinating Commission ("Commission") pursuant to the U.S. Department of Education's Office for Civil Rights' discrimination complaint resolution procedures. Oregon's Department and Commission are discriminating on the basis of race in programs or activities that receive federal financial assistance, in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*, and the Equal Protection Clause of the 14th Amendment to the U.S. Constitution.

Defending Education is a nationwide, nonpartisan membership organization composed of parents, students, and other concerned citizens. It brings this complaint as an interested third-party organization that opposes racial discrimination and political indoctrination in America's schools.

Do No Harm is a nationwide, grassroots, 501(c)(3) organization. Its members include healthcare professionals, students, patients, and policymakers. DNH's mission is to ensure that medicine is driven by scientific evidence rather than ideology, and it brings this complaint in an effort to realize that goal.

The Department has a duty to investigate complaints of "possible" discrimination "on the ground of race, color, or national origin" in violation of Title VI and the Equal Protection Clause.¹ Prohibited discrimination includes "separate treatment in any matter," restricting "in any way ... the enjoyment of any advantage or privilege enjoyed by others," and using "criteria or methods of administration which have the effect of subjecting individuals to discrimination."² In short, any action or policy that is not

¹ 34 C.F.R. §§100.3, 100.7; *see* 42 U.S.C. §2000d; U.S. Const. Amend. XIV.

² 34 C.F.R. §100.3(b).

“color-blind” violates the law,³ and a discriminatory policy is a continuing violation that remains while the policy is in effect.⁴

I. Oregon’s Department of Education and Higher Education Coordinating Commission are both subject to Title VI.

Oregon’s Department of Education and Higher Education Coordinating Commission are both subject to Title VI of the Civil Rights Act of 1964. Title VI prohibits racial discrimination in “any program or activity receiving Federal financial assistance.”⁵ The statute defines “program or activity” and “program” to mean “all of the operations of ... a department, agency, special purpose district, or other instrumentality of a State or of a local government ... any part of which is extended Federal financial assistance.”⁶

The Department, which oversees more than 1,200 K-12 public schools and over 560,000 K-12 students,⁷ is subject to Title VI because it receives federal financial assistance. For example, the Department receives more than \$150 million annually from federal grant programs such as the Elementary and Secondary Education Act (ESEA).⁸ Because the Department accepts this federal financial assistance, it qualifies as a Title VI “program or activity” and is therefore subject to Title VI.

Similarly, the Commission is a state agency that distributes funding to Oregon’s seven public universities and seventeen community colleges.⁹ The Commission primarily administers state funding for Oregon’s higher education programs,¹⁰ but it also accepts federal funds via grant programs and student financial aid programs.¹¹ Because the Commission receives federal financial assistance, it qualifies as a Title VI “program or activity” and is thus subject to Title VI.

³ See *Students for Fair Admissions, Inc., v. President and Fellows of Harvard University College*, 600 U.S. 181, 198 n.2, 230 (2023).

⁴ See, e.g., *Sewell v. Monroe City Sch. Bd.*, 974 F.3d 577, 583-84 (5th Cir. 2020); *Doe v. Mercy Cath. Med. Ctr.*, 850 F.3d 545, 566 (3d Cir. 2017); *Sharpe v. Cureton*, 319 F.3d 259, 268 (6th Cir. 2003).

⁵ 42 USCA §2000d *et seq.*

⁶ 42 U.S.C. §2000d-4a(1)(A)

⁷ *The Oregon Department of Education – About Us*, Oregon Dep’t of Educ. (accessed Apr. 22, 2026), <https://tinyurl.com/y8pm7k6h>.

⁸ *FY2024 State Grants Under Title I-A of the Elementary and Secondary Education Act (ESEA)*, Congressional Research Service (Apr. 3, 2026), <https://tinyurl.com/jpfz459n>.

⁹ See Or. Rev. Stat. §§350.050, 350.075(3)(b).

¹⁰ *State Funding and Formula Summary 2025-2027 Biennium*, Oregon Higher Education Coordinating Commission (OHECC), at 7 (2025-27), <https://tinyurl.com/bdf9u7fc>.

¹¹ See *Press Release: Oregon Awarded \$5.8 Million in Federal Grants to Support Registered Apprenticeships*, OHECC (July 23, 2025), <https://tinyurl.com/2378atbc>; see also *About OSAC*, OHECC Office of Student Success and Completion (accessed Apr. 19, 2026), <https://oregonstudentaid.gov/about-osac/>; *Grants*, OHECC (accessed Apr. 19, 2026), <https://oregonstudentaid.gov/grants/>.

II. The Oregon Department of Education’s Charter School Equity Grant Program violates Title VI and the Equal Protection Clause.

First, Oregon’s Department of Education is violating Title VI and the Equal Protection Clause by requiring charter schools to implement racial enrollment quotas to be eligible for Oregon’s Charter School Equity Grant program.

a. Factual Background

Pursuant to Oregon Revised Statutes §327.362, Oregon distributes Charter School Equity Grants. The purpose of these grants is to “increase academic achievement, including reducing academic disparities” among “students from racial or ethnic groups that have historically experienced academic disparities.”¹²

To be eligible for a “Charter School Equity Grant,” an Oregon public charter school must satisfy two requirements: 1) The charter school must not be a virtual (i.e., online) school, and 2) at least 65% of the student body must be composed of “racial or ethnic groups that have historically experienced academic disparities” or disabled students.¹³ This requirement is stated explicitly both in Oregon’s Administrative Code and in the Department’s Equity Grant Program Manual (Exhibit A).¹⁴ According to the Administrative Code, “racial or ethnic groups that have historically experienced academic disparities” means “American Indian and Alaska Native students, Black and African American students, Hispanic and Latino students, Native Hawaiian and Pacific Islander students, and multiracial students.”¹⁵

If Oregon accepts a school’s application, then the school “enter[s] into a grant agreement” with Oregon’s Department of Education.¹⁶ Accepted schools must subsequently submit reports to Oregon’s Department of Education that show how the school used its grant money to “increase academic achievement” for “students from racial or ethnic backgrounds that have historically experienced disparities.”

b. Oregon’s Charter School Equity Grant uses an unlawful race-based quota

Because Oregon restricts Charter School Equity Grants to schools with 65% minority or disabled student bodies, the grant program operates “based on what amounts to a racial enrollment quota.”¹⁷ Such quotas in schools are inherently unconstitutional, as the Supreme Court has repeatedly held for decades.¹⁸

¹² Or. Rev. Stat. §327.362(4)(a).

¹³ Or. Admin. Code §§581-017-0768, 581-017-0777; *Statewide Education Initiatives Account 2025-27 Charter School Equity Grants*, Oregon Dep’t of Educ. (Oct. 29, 2025), <https://tinyurl.com/yt7y6c63>.

¹⁴ Or. Admin. Code §§581-017-0768, 581-017-0777; *Public Charter School Equity Grants Program Manual*, Oregon Dep’t of Educ., at 5, (2025-27), <https://tinyurl.com/3r5srztt>.

¹⁵ Or. Admin. Code §581-017-0765(6).

¹⁶ *Public Charter School Equity Grants 2025-2027 Biennium*, Oregon Dep’t of Educ., at 7 (2025-27), <https://tinyurl.com/3r5srztt>.

¹⁷ *Constitutionality of Race-Based Department of Education Programs*, Memorandum Opinion for the United States Department of Education Acting General Counsel, 2025 WL 4055305, at *14 (Dec. 2, 2025).

¹⁸ See *SFFA*, 600 U.S. at 211; see also *Grutter v. Bollinger*, 539 U.S. 306, 334 (2003).

The program’s stated purpose is to “reduc[e] academic disparities” among “students from racial or ethnic groups that have historically experienced academic disparities.”¹⁹ But the Supreme Court rejected that particular discriminatory purpose almost fifty years ago. In *Regents of University of California v. Bakke*, the medical school at the University of California at Davis used an admissions quota to “reduc[e] the historic deficit of traditionally disfavored minorities in medical schools.”²⁰ But governments, the Court explained, may not use “amorphous concept[s]” like past “societal discrimination” to justify giving a boost to members of one racial group “at the expense of other innocent individuals.”²¹

Last December, the Department of Justice’s Office of Legal Counsel analyzed similar race-based federal education grants in light of *Students for Fair Admissions v. Harvard* and determined that most of those programs unconstitutionally discriminated based on race.²² Those programs were like Oregon’s Equity Grant program in both form and function. In fact, many of the programs that the Acting Attorney General deemed unconstitutional had quotas that required only a fraction of Oregon’s 65% enrollment threshold.²³ The law thus leaves no doubt: Oregon’s program—which employs a substantial racial quota based on little more than amorphous claims of societal discrimination—violates the Fourteenth Amendment and Title VI.²⁴

III. Oregon’s Higher Education Coordinating Commission is violating Title VI and the Equal Protection Clause by distributing school funds according to graduates’ races.

Next, the Higher Education Coordinating Commission’s public university funding formula violates Title VI and the 14th Amendment’s Equal Protection Clause because it distributes “bonus” taxpayer funds to schools based on the number of minority students who graduate from each school.

a. Factual Background

Oregon subsidizes its seven public universities with state taxpayer dollars. The State does this primarily through the Public University Support Fund (PUSF), which “represents the largest share of state support

¹⁹ Or. Rev. Stat. §327.362(4)(a).

²⁰ *Regents of University of California v. Bakke*, 438 U.S. 265, 306 (1978).

²¹ *Id.* at 307-08.

²² See *Constitutionality of Race-Based Department of Education Programs*, 2025 WL 4055305 at *14. The memorandum opinion analyzed the programs according to “the Fifth Amendment’s equal-protection component.” *Id.* at *1. The memorandum is also available at <https://tinyurl.com/23z4mabf>.

²³ See, e.g., *id.* at *11 (analyzing a 20% “Hispanic” student requirement), *16 (analyzing 20% and 10% quotas for Alaskan Natives and Native Hawaiians, respectively).

²⁴ *SFFA*, 600 U.S. at 198 n.2 (“We have explained that discrimination that violates the Equal Protection Clause of the Fourteenth Amendment committed by an institution that accepts federal funds also constitutes a violation of Title VI.”).

for [Oregon’s] public universities.”²⁵ The fund is managed by Oregon’s Higher Education Coordinating Commission.²⁶ The Commission is responsible for calculating and distributing each university’s PUSF funding every two years.²⁷ For the 2025-2027 Governor’s Budget, the PUSF totals \$1.07 Billion.²⁸ In 2015, the Commission moved from a “Resource Allocation Model,” which was “primarily based on enrollment,” to its current model, the Student Success and Completion Model.²⁹

Using the Student Success and Completion Model, the Commission divides the PUSF into three categories: 1) Mission Differentiation Funding, which supports the universities’ “unique regional, research, and public service missions,”³⁰ 2) Activity-Based Funding, which the Commission allocates based on the number of student credit hours completed at a given school,³¹ and 3) Outcomes-Based Funding, which is funding based on degree completions, with an “area of study bonus as well as a bonus for prioritized populations.”³² Mission Differentiation Funding represents roughly 17% of each PUSF budget, Activity-Based Funding is about 33%, and Outcomes-Based Funding is roughly 50%.³³

Oregon’s Outcomes-Based Funding is the relevant category for purposes of this federal civil rights complaint. The Commission calculates each university’s Outcomes-Based Funding by 1) counting the number of completed degrees at each university in the last three years and 2) “cost-weighting” each degree by assigning points based on degree level (e.g., Doctoral, Masters, or Bachelors).

The Commission then tweaks each degree’s value by applying “discounts” and “bonuses.” The Commission, for example, discounts any degrees completed by a transfer student.³⁴ In other words, because transfer students spend only part of their education at their degree-conferring university, the university receives less PUSF funding for degrees conferred to transfer students. And the Commission awards bonuses for degrees in high-demand fields like engineering, physics, and agriculture.³⁵

²⁵ *2025-2027 Budget Review: Higher Education Coordinating Commission*, Oregon Legislative Fiscal Office, at 12 (2025-27), <https://tinyurl.com/nhhpkb6r>.

²⁶ See Or. Rev. Stat. §§350.050, 350.075(3)(b).

²⁷ See Or. Rev. Stat. §350.075.

²⁸ *2025-2027 Budget Review*, *supra* n.25, at 15.

²⁹ *Id.* at 12-13.

³⁰ *State Funding and Formula Summary 2025-2027 Biennium*, OHECC, at 7 (2025-27), <https://tinyurl.com/bdf9u7fc>.

³¹ *Id.* at 8.

³² *Id.* at 9.

³³ *Id.* at 13. The PUSF fluctuates slightly every two years, so the Commission calculates the Mission Differentiation Funding first (17% of the total PUSF) and then it splits the remaining PUSF funds 40/60 between Activity-Based and Outcome-Based respectively.

³⁴ *State Funding and Formula Summary Biennium 2025-2027*, *supra* n.30, at 9.

³⁵ *Id.*

The Commission also awards bonuses for degrees completed by “underrepresented” students—also called “priority populations” or “Targeted Student Populations.”³⁶ According to the Commission, these “populations” include rural students, low-income students, veterans, and students from “Underrepresented Racial/Ethnic Groups.”³⁷ Students come from “underrepresented” racial groups if they are “American Indian/Alaskan Native, Hispanic, Pacific Islander, Black, African American, or two or more races if one of those two or more races is listed in this definition.”³⁸

In other words, the Commission will give an Oregon public university “bonus” taxpayer dollars for every non-White and non-Asian student who graduates from the university. When Oregon says “Underrepresented Racial/Ethnic Groups,” it really means “all students except for White or Asian students.” The Commission does not merely overlook White and Asian students; it intentionally allocates its funding to disfavor them. Proving the point, although Oregon regulations count most multi-racial students as “underrepresented,” they specifically exclude students from the definition if the student has one White parent and one Asian parent.³⁹

b. Oregon’s Outcomes-Based Funding distributions violate the 14th Amendment and Title VI

Oregon’s Outcomes-Based Funding policy is patently unconstitutional.⁴⁰ Racial classifications must satisfy strict scrutiny, meaning they must be narrowly tailored to serve a compelling government interest.⁴¹ Oregon’s policy fails both tests.

To start with, Oregon has offered no compelling interest to justify the use of race in allocating public university funds. The Supreme Court has said that “remediating *specific* identified instances of past discrimination that violated the Constitution or a statute” can serve as a compelling interest,⁴² but the State identifies no instances of discrimination in the past that might justify its discrimination today. To be sure, the Commission claims that its race-based funding helps to counter “institutional and systemic barriers and discriminatory practices that have limited access and success” for certain groups in the past.⁴³ But—as with the Department’s Charter School Equity Grant program—the Commission does not

³⁶ *Id.*; see also Or. Admin. Rules §715-013-0040(c)(7); Or. Admin. Rules §§715-013-0025(2)(s)-(u).

³⁷ Or. Admin. Rules §715-013-0025(2)(s).

³⁸ Or. Admin. Rules §715-013-0025(2)(u).

³⁹ *Id.*

⁴⁰ Oregon may not implement racial preferences, nor rest its actions upon any racially discriminatory purpose or intention—whether in whole or in part. See, e.g., *SFFA*, 600 U.S. at 206 (The “core purpose” of the Equal Protection Clause is to do away with “all governmentally imposed discrimination based on race.”); *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265-68 (1977).

⁴¹ *SFFA*, 600 U.S. at 207.

⁴² *Id.* at 207 (emphasis added).

⁴³ *Equity Lens*, OHECC, at 2 (updated Jan. 2024), <https://tinyurl.com/4r8xmzn8> (explaining that the Commission administers public university funds through an “Equity Lens” that it “intentionally place[s] at the forefront” of its funding decisions); Or.

offer any specific examples of the “racist policies and practices” that it claims to remedy through its Outcomes-Based Funding policy.⁴⁴ Oregon elsewhere suggests that its discriminatory funding practices are necessary to eliminate “persistent educational disparities [that] have cost Oregon billions of dollars in lost economic output,”⁴⁵ but general economic concerns disconnected from any past instances of discrimination are likewise insufficient to justify state-sponsored race discrimination.⁴⁶

Even if the Commission’s interests were compelling, its policy is not narrowly tailored, for at least three reasons.⁴⁷ One, the Commission’s definition of underrepresented racial groups is overinclusive. It includes practically every race—even every *combination* of races—except for White students, Asian students, and White-Asian students. Put differently, the Commission’s program could only be narrowly tailored if Oregon’s education system had “systemically” discriminated against every single racial group known to mankind *except* for Whites and Asians.⁴⁸ Two, even if the Commission could prove prior discrimination against all of these racial groups, its definition would still fail narrow tailoring because its racial classifications themselves are overbroad. For example, the Commission uses the racial categories “Asian,” and “Hispanic,” both of which the Supreme Court has declared “plainly overbroad” and too “arbitrary or undefined” to support a racially discriminatory policy.⁴⁹ Three, it violates the “twin commands” of the Equal Protection Clause by resting on “pernicious stereotype[s]” that certain minorities “can usually bring something that a [White or Asian] person cannot offer,” and it uses the race of White and Asian students as a “negative” in allocating funding.⁵⁰

IV. Conclusion

Based on Oregon’s statements and administrative reports discussed above, it appears that both Oregon’s Department of Education and its Higher Education Coordinating Commission have adopted, implemented, and enforced racially discriminatory policies for years and have maintained those policies through the present day. That is incompatible with the “color-blind” mandate of Title VI and the Equal Protection Clause.⁵¹

Admin. Rules §581-017-0010(1) (“The Department of Education will apply the Oregon Equity Lens when administering the strategic investments including when determining resource allocation and making strategic investments.”).

⁴⁴ *Equity Lens*, *supra* n.42, at 2.

⁴⁵ *Equity Lens*, Oregon State Education Investment Bd., at 1 (accessed May 7, 2026), <https://tinyurl.com/yexa2875>.

⁴⁶ *SFFA*, 600 U.S. at 214-15 (vague goals like “training future leaders in the public and private sectors” are “not sufficiently coherent” or judicially measurable); *Monterey Mechanical Co. v. Wilson*, 125 F.3d 702, 713 (9th Cir. 1997) (Efforts to improve the supposed “economically disadvantaged position” of certain groups, without any connection to “past active or passive discrimination by the State,” do not justify “ethnic and sex discrimination.”).

⁴⁷ *Fisher v. University of Texas at Austin*, 570 U.S. 297, 311 (2013) (Narrow tailoring requires that the chosen means be both necessary to achieve the asserted interest and “narrowly framed to accomplish that purpose.”).

⁴⁸ *SFFA*, 600 U.S. at 207, 216; *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 485, 506 (1989).


⁴⁹ *SFFA*, 600 U.S. at 216.

⁵⁰ *Id.* at 218-20.

⁵¹ *Id.* at 198 n.2, 230.

For these reasons, Defending Education and Do No Harm respectfully ask OCR to open a civil rights investigation into Oregon's Department of Education and Oregon's Higher Education Coordinating Commission and to resolve any violations of Title VI of the Civil Rights Act of 1964 and of the Fourteenth Amendment's Equal Protection Clause.

Sincerely,



Sarah Parshall Perry
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Defending Education

Kristina Rasmussen
Executive Director
Do No Harm

Cara Tolliver
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EXHIBIT A



OREGON
DEPARTMENT OF
EDUCATION

Oregon achieves . . . together!

PUBLIC CHARTER SCHOOL EQUITY GRANTS 2025-27 BIENNIUM



Table of Contents

Background.....	3
Purpose.....	3
Longitudinal Performance Growth Targets (LPGTs).....	3
Timeline	4
Year 1	4
Year 2	5
Eligible Applicants.....	5
Grant Funding.....	6
Recipient Allocations	6
Reallocation and Prorating Funds.....	6
Eligible Uses of Funds	6
Guiding Principles and Considerations.....	6
Expenditure Period.....	7
Grant Procedures.....	7
Program Requirements.....	7
Reporting Requirements	8
Plan Update.....	9
Site Visits	9

Background

During the 2021 regular legislative session, HB 2166, now [ORS 327.362](#), became law. This bill includes a variety of high-priority initiatives for Oregon and authorizes the Department of Education to award grants from the Statewide Education Initiatives Account to certain eligible public charter schools.

[Public Charter School Equity Grant Website](#)

Purpose

The purpose of the grant is to increase academic achievement, including reducing academic disparities for focal groups defined as students with disabilities¹ (they must have an IEP), or students from racial or ethnic groups experiencing academic disparities². These include American Indian and Alaska Native students, Black and African American students, Hispanic and Latino students, Native Hawaiian and Pacific Islander students, and multiracial students. District-identified racial groups are not included in the Charter School Equity Grant to keep eligibility measurement data consistent from school to school.

Longitudinal Performance Growth Targets (LPGTs)

This grant is designed to align closely with the Student Investment Account (SIA) Grant programs, activities, progress markers, local optional metrics, and Longitudinal Performance Growth Targets to reduce the burden and redundancy to charter schools.

Charter school **Equity Grant applications** may use one of the following options:

- LPGTs or progress markers identified in their SIA Grant Agreement/Amendment

The following two options require reliable sources of progress measures and must include third-grade reading proficiency and regular attendance rates as defined in [ORS 327.190](#). Other metrics identified in collaboration may be used.

- Local optional metrics or targets identified within their contract with their sponsor.
- New LPGTs identified in collaboration with the Oregon Department of Education during

¹ [OAR 581-014-0001](#) Students with Disabilities means a child with a disability as defined in ORS 343.035

² [OAR 581-017-0765\(6\)](#)

the **grant agreement phase**.

Timeline

The Oregon Department of Education (ODE) timeline is contingent on the Legislative adoptive budget and is subject to change.

The ODE's **estimated** planned timeline is as follows:

Year 1

- **February 2025** – Statewide Notice of Charter Schools eligible to participate in Charter School Equity Grant Published through Gov Delivery System and to Charter School Leaders.
- **February – March 1:** Notice to eligible charter schools with the release of preliminary estimated allocations using 2024 Spring Membership data (additional data will be used if there are charter schools in their first year of operation e.g. Fall Membership Data 2023, Special Education Child Count Data as of December 1, 2023).
- **March 2025:** Intent to Utilize due back from eligible charter schools with a request for their charter contract with their sponsoring district if the contract has been renewed since the last application cycle. ODE must allow two weeks to return the Intent to Utilize form.
- **March 2025:** Application and budget template sent to eligible schools who submitted an Intent to Utilize form. Eligible schools will have until May 1, 2025, to complete and return their application and budget. New schools in operation beginning in 2024 will have a different application and budget timeline.
- **April 2025:** If any new schools begin operation this year, we will publish a final release of eligible charter schools with their preliminary estimated allocations. Intent to utilize forms will be sent to newly eligible schools from this data. ODE must allow two weeks to return the Intent to Utilize form.
- **April 2025:** Application and budget templates will be sent to new schools.
- **May 2025:** Review of applications, and communications with schools if needed.
- **May 30, 2025:** Final applications and budget templates from new schools beginning operation this year are due.
- **June 2025:** Review of any applications and budget templates from new schools (if needed).
- **June 30, 2025:** Legislative budget adopted – final allocations determined and communicated to charter schools.

- **June-July 2025:** Work with ODE procurement to develop grant agreements. LPGTs will not be developed this biennium for an additional two years, however, the schools will still be responsible to the targets they set during the 23-25 IG application or independently with ODE for future years.
- **August 2025:** Grant agreements finalized (depending on procurement timeline).

Year 2

- **March 2026:** Run 2nd Year ADMw from 2025 Spring Membership Data. Notify schools of adjustments to budget in year two and to prepare for budget/activity changes.
- **May/June 2026:** Finalized ADMw for Year 2. Develop Grant Amendments for all schools.
- **July 2026:** All claims for Year 1 must be submitted to EGMS
- **August 1, 2026:** Programmatic report template sent to all schools.
- **August 30, 2026:** Fiscal Report due for Year 1 through desk audit request.
- **September 30, 2026:** Programmatic report due for Year 1
- **June 30, 2027:** All spending must be complete for the grant (Years 1 and 2).
- **August 15, 2027:** Deadline to submit any EGMS claim for the 25-27 biennium
- **August 30, 2027:** Fiscal Report due for Year 1 through desk audit request.
- **September 30, 2027:** Programmatic report due for Year 2

Eligible Applicants

To be eligible, a charter school must not be a virtual charter school and must have at least 65% of the total student population composed of students from the following groups:

581-017-0765 (6) Charter School Equity Grant Definition

(6) "Racial or ethnic groups that have historically experienced academic disparities" includes American Indian and Alaska Native students, Black and African American students, Hispanic and Latino students, Native Hawaiian and Pacific Islander students, and multiracial students.

Grant Funding

Charter School Equity Grants will be funded through the Statewide Education Initiatives Account of the Student Success Act. \$4,300,000 was appropriated for the 2025-27 biennium from the Governor's budget. This is a preliminary estimated number and is contingent on the final Legislative budget due June 30, 2025. This grant will be available in the fall of 2025. During each two-year grant cycle, a list of eligible charter schools will be published once and funding allocations will be calculated annually at 49% for year one and 51% for year two. Grant awards are calculated based on the charter school ADMw³ and the difference between the State School Funding a district receives on behalf of the charter school vs what the charter school contractually receives. Future funds are anticipated at approximately \$4,000,000 per biennium for a continuation of \$2,000,000 per year adding the current service level to each biennium.

Recipient Allocations

Published preliminary estimated allocations to eligible charter schools can be found on our website [here. \(update when allocations are ready\)](#)

Reallocation and Prorating Funds

If a charter school chooses not to participate in this grant program, its funding will be reallocated to the recipients who did apply for the grant by the application deadline. This will be done using the same formula as the initial allocations. Updated allocation amounts will be posted after the funds have been redistributed. This will ensure the available funds are used to the maximum extent possible.

This grant will be prorated⁴ if we are over-subscribed. For example, if we have \$2.5 million in need, but only have \$2 million in grant funds, we will apply a prorate for all eligible grantees equitably to balance available resources.

Eligible Uses of Funds

Guiding Principles and Considerations

- Budget requests must align with state and federal laws and guidance.
- If using funds for summer school enrichment programs or activities they should be offered through existing recipients, programs, or community programming as an extension or enhancement of services similar to SIA grant allowable use.
- Grant funds may not be used for capital expenses (facility improvement, property

³OAR 581-0765(4)(6)(8)

The ADMw is taken from the previous year's Fall Membership derived from the 1st period cumulative average daily membership collection and the Spring Membership report derived from the 3rd period cumulative average daily membership collection and the December Special Education Child Count Data Report.

⁴OAR 581-017-0774(5)

purchase, maintenance, rental fees)

- If using funds for class-size reduction, they must be targeted or focused on using evidence-based criteria to ensure appropriate student-teacher ratios or staff caseloads similar to SIA requirements. No universal class size reduction use is allowed.

This grant is intended to fund activities that increase academic achievement and reduce disparities for the focal student groups identified. We expect the use of creative and innovative practices to expand existing programs or develop new programs to meet these goals.

This grant allows for broad use of funds and five percent (5%)⁵ of the total expenditures can be used for administrative expenses (indirect costs). No allowable use categories will be developed at this time.

Expenditure Period

Grant funding is available for any eligible use of funding incurred between **July 1, 2025**, and **June 30, 2027**.

Grant Procedures

To participate in the Charter School Equity Grant, all recipients must complete an intent to utilize form sent to all eligible charter schools within two weeks of receiving it from the Oregon Department of Education. Applications will be sent to eligible charter schools in early March 2025 and are due no later than May 1, 2025. The application will require a description of how the grant money will be used to advance the purpose of the grant to increase academic achievement and reduce academic disparities for the focal groups described earlier in this document. A budget form will be required and include activities used to achieve these goals and specify which programs or activities you may be expanding from the SIA-funded activities/strategies. If using goals or targets from the charter school sponsor contract, or the development of new growth targets during the grant agreement phase, they will need to include 3rd-grade reading proficiency and attendance. Additional metrics may apply after those initial metrics are addressed.

Once applications are accepted, recipients must enter into a grant agreement with ODE that outlines eligible uses, program requirements, and reporting requirements for grant funding. Grant agreements will be executed at a date to be determined by procurement.

Program Requirements

We will utilize the Oregon Department of Education [Electronic Grants Management System](#) (EGMS). Grant spending must be completed by June 30, 2025. You have an additional 45-day

⁵ OAR 581-017-0774(6)

grace period to submit reimbursement claims to EGMS by August 15, 2025.

EGMS reimbursement claims must be submitted at least quarterly, so we ensure grantees are on track to spend the grant throughout the year. Financial reporting and backup documentation for the grant will include documentation in a shared Google expenditure worksheet that must accompany each EGMS quarterly claim. Charter school grant managers must update the appropriate columns in the expenditure worksheet to reflect those expenses by category (staffing, supplies, curriculum, etc.). For charter schools using grant funds for summer school, the EGMS claims may be submitted when ready. The grant manager will check EGMS quarterly to approve claims. If a grantee requests to submit reimbursements off of this schedule, the grantee must email the grant manager for approval of a different approval/reimbursement schedule.

At the end of the year when the final reporting and expenditure worksheets are reviewed with EGMS claims and reconciled to expenses charged to the grant; if any expenses are deemed not reasonable, or out of the scope of the approved expenses per your grant agreement, then reimbursement may be required to cover those costs.

Each charter school will need to have an EGMS account and one or two staff members approved to submit claims on your school's behalf. If you are not set up in EGMS, please connect with the grant manager to start this process.

Reporting Requirements

No later than **September 30** of each year, recipients will provide an annual report that includes a description of the following:

- How grant money received was used to increase academic achievement, including reducing academic disparities for students from racial or ethnic groups that have historically experienced academic disparities and students with disabilities.
- How grant money met Longitudinal Performance Growth Targets or progress markers in the grant agreement.
- How progress was made by the recipient toward Longitudinal Performance Growth Targets or progress markers.
- Reconciled year-end budget showing documentation for expenditures.
- To the greatest extent practicable:
 - The Oregon Department of Education (ODE) will accept information for reporting in a manner that is made available by a public charter school to the sponsor of the public charter school.
 - Any requirements prescribed by ODE or the State Board of Education (SBE) with an application, grant agreement, or submission of information shall reduce any redundancies between a grant awarded for the Charter School Equity grant and a grant awarded from the Student Investment Account (SIA). This may include any applicable forms or information submitted by the

public charter school to ODE or a school district from the SIA grant.

Fiscal reporting will be completed through site visit desk audits and end-of-the-year desk audits due on August 30 of each year. These audits will randomly choose expenditures for various months and activities and require backup documentation for all expenses chosen. A reimbursement form will be required with each EGMS claim to further verify the requested reimbursements are for allowable uses and align with the application and budget document spending plan submitted for the biennium.

Plan Update

Grantee may expend Grant funds that differ from the amounts shown for each category or line item shown in the Project budget included in Exhibit A (the “Budget”) by up to and including 25% without the prior consent of the Agency’s Grant Manager. Grantee may expend Grant Funds that differ from the amounts shown for each category or line item in the Budget by more than 25% with the prior written approval of the Agency’s Grant Manager, as long as the total amount expended for all Project activities paid for with Grant Funds does not exceed the total amount of the grant award. If any changes need to be made to the plan, please email the Grant Manager and make notes on the budget template in the budget notes section for any adjustments.

Site Visits

The contract agreement requires one site visit per grant cycle for each participating charter school. Site visits will be scheduled with each school by the grant manager for a time that’s mutually agreeable with ODE and the individual charter school. A general site visit will include the following essential components:

1. Tour of the school that highlights the relevant grant-funded programming and staffing (15-30 minutes)
2. Meeting with administration and grant management staff (60 minutes)
3. Review of desk audit documentation and expenditure records (15-30 minutes)
4. Discussion of data and LPGTs
5. Meeting with staff funded by the grant to review their outcome progress

Some possible additional components may include observing programs supported by grant funds, participating/observing in school activities, and meeting with other relevant staff. Site visits must be scheduled between 9 a.m. – 4 p.m. and be no longer than six hours total. If there are any activities scheduled for outside of regular business hours, please talk to the ODE grant manager in advance to set up.

Before the site visit, the following pre-work will be completed by the grantee and ODE grant

manager.

1. Pre-visit (ODE grant manager will set this up with each charter school about four weeks before the visit)
 - a. Discuss format
 - b. Agree upon components
 - c. Agree upon appropriate artifacts and opportunities for observation
 - d. Review Google Drive to be used for the site visit
2. Desk Audit Review (completed by _____)
 - a. ODE staff will review the budget, grant materials, and expenditures to identify questions and areas of focus for the visit.
 - b. ODE staff will notify the grantee of grant financial records to be reviewed during the site visit.
 - c. ODE staff will identify any areas of interest to observe during the site visit.
3. In-Person Site Visit Schedule/Agenda (to be created by Grantee one week before the visit)
4. Report Back (within four weeks of the site visit)
 - a. ODE staff will draft a summary of the site visit and share it back with the charter school. The report will include the following:
 - i. General observations
 - ii. Highlights and commendations
 - iii. Areas of improvement if needed for grant implementation