

Sweet Home School District 55

Table of Contents

Section A/B: Board Governance and Operations

Nondiscrimination	AC
Discrimination Complaint Procedure	AC-AR
Americans with Disabilities Act.....	ACA
Americans with Disabilities Act.....	ACA-AR
Educational Philosophy	AD
District Goals.....	AE
Board Goals	BA
Board Legal Status	BB
Board Powers and Duties	BBA
Individual Board Member’s Authority and Responsibilities.....	BBAA
Individual Board Member’s Authority and Responsibilities.....	BBAA-AR
Board Contracts	BBAAR
Board Elections	BBB
Board Member Qualifications	BBBA
Board Member Oath of Office	BBBB
Board Member Resignation.....	BBC
Board Member Removal from Office	BBD
Vacancies on the Board	BBE
Board Member Standards of Conduct	BBF
Board Member Ethics and Conflicts of Interest	BBFA
Board Member Ethics and Nepotism	BBFB
Reporting of Suspected Abuse of a Child	BBFC
Board Organization/Board Organizational Meeting	BC/BCA
Board Officers	BCB
Board-Superintendent Relationship.....	BCD
Board Committees	BCE
Advisory Committees to the Board	BCF
Consultants to the Board	BCH
Board Meetings	BD/BDA
Special Board Meetings.....	BDB
Emergency Board Meetings	BDBA
Executive Sessions	BDC
Executive Sessions	BDC
Executive Sessions–News Media	BDC-AR
Board Member Voting.....	BDD
Board Meeting Procedures	BDD
Board Meeting Agenda.....	BDD / BDDC
Quorum.....	BDDD
Conduct of Board Meetings.....	BDDF

Minutes of Board Meetings	BDDG / BDDK
Public Comment at Board Meetings.....	BDDH
Public Comment at Board Meetings.....	BDDH-AR
Public Hearings	BDE
General Hearings Format	BDE-AR(1)
Child Nutrition - Hearings Procedure/Appeal Process.....	BDE-AR(2)
Nonrenewal of Employment/Dismissal of Employee - Licensed Probationary	BDE-AR(3)
Demotion or Dismissal of Employee - All Employees Except Licensed Employees.....	BDE-AR(4)
Appeals from Administration Hearings.....	BDE-AR(5)
Student Records.....	BDE-AR(6)
Student Grievances	BDE-AR(6)
Student Suspension.....	BDE-AR(8)
Expulsion**	BDE-AR(9)
Title I Complaint Resolution	BDE-AR(10)
Board Work Sessions	BE
Policy Development	BF
Board Policy Adoption and Amendment	BFC
Adoption and Revision of Policies	BFC
Administrative Regulations (AR).....	BFCA
Board Policy Implementation.....	BFD
Administration in the Absence of Policy.....	BFE
Suspension of Policies	BFF
Board Policy Review	BFG
Board-Staff Communications	BG
Orientation of New Board Members	BH/BHA
Board Member Development	BHB
Board Member Compensation and Expense Reimbursement	BHD
Board Member Liability Insurance	BHE
Board Legislative Program.....	BI
Evaluation of Board Operational Procedures	BK

The following symbol is used on some policies:

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300-125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

Sweet Home School District 55

Code: AC
Adopted: 11/12/19
Revised/Readopted: 12/13/21
Orig. Code: AC

Nondiscrimination

The district prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race¹, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status, or because of the perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status of any other persons with whom the individual associates.

The district prohibits discrimination and harassment in, but not limited to, employment, assignment and promotion of personnel; educational opportunities and services offered students; student assignment to schools and classes; student discipline; location and use of facilities; educational offerings and materials; and accommodating the public at public meetings.

The Board encourages staff to improve human relations within the schools, to respect all individuals and to establish channels through which patrons can communicate their concerns to the administration and the Board.

The superintendent shall appoint individuals at the district to contact on issues concerning the Americans with Disabilities Act and Americans with Disabilities Act Amendments Act (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments, and other civil rights or discrimination issues, and notify students, parents, and staff with their names, office addresses, and phone numbers. The district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the district's administrative office and available on the home page of the district's website.

The district prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice; because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising any rights guaranteed under state and federal law.

END OF POLICY

Legal Reference(s):

¹ Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

[ORS 174.100](#)
[ORS 192.630](#)
[ORS 326.051\(1\)\(e\)](#)
[ORS 408.230](#)
[ORS 659.805](#)
[ORS 659.815](#)
[ORS 659.850 - 659.860](#)
[ORS 659.865](#)
[ORS 659A.001](#)
[ORS 659A.003](#)

[ORS 659A.006](#)
[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.040](#)
[ORS 659A.103 - 659A.145](#)
[ORS 659A.230 - 659A.233](#)
[ORS 659A.236](#)
[ORS 659A.309](#)
[ORS 659A.321](#)

[ORS 659A.409](#)
[OAR 581-002-0001 – 002-0005](#)
[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-021-0047](#)
[OAR 581-022-2310](#)
[OAR 581-022-2370](#)
[OAR 839-003](#)

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R Part 1626 (2019).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (2019).

Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2019).

House Bill 2935 (2021).

House Bill 3041 (2021).

Corrected 3/07/22

Sweet Home School District 55

Code: AC-AR
Adopted: 11/12/19
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Orig. Code: AC-AR

Discrimination Complaint Procedure

Complaints regarding discrimination or harassment, on any basis protected by law, shall be processed in accordance with the following procedures:

Step 1: ⁺Complaints may be oral or in writing and must be filed with the principal. Any staff member that receives an oral or written complaint shall report the complaint to the principal. The principal shall investigate and determine the action to be taken, if any, and reply in writing, to the complainant within 10 school days of receipt of the complaint.

Step 2: If the complainant wishes to appeal the decision of the principal, the complainant may submit a written appeal to the superintendent or designee within five school days after receipt of the principal's response to the complaint.

The superintendent or designee shall ~~may~~ review the principal's decision within five school days and may meet with all parties involved. The superintendent or designee will review the merits of the complaint and the principal's decision. The superintendent or designee will respond in writing to the complainant within 10 school days.

Step 3 If the superintendent was not the decision maker in the previous step, a complainant who wishes to appeal a decision reached in step 2 may appeal the decision within five school days to the superintendent. The superintendent shall review such decision within 10 school days and may meet with all parties involved. The superintendent will review the merits of the complaint and the designee's decision. The superintendent will respond in writing to the complainant within 10 school days.

Step 3~~4~~: If the complainant is not satisfied with the decision of the superintendent, a written appeal may be filed with the Board within five school days of receipt of the superintendent's response to ~~Step 2~~. The Board may decide to hear or deny the request for appeal at a ~~Board~~ ~~board~~ meeting. ~~If the Board decides to hear the appeal, the~~ The Board may meet with the concerned parties and their representative at the next regular or special Board meeting. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing or electronic form within 10 days of this meeting.

⁺For district information. The district's timeline established by each step of the district's complaint procedure must be within 30 days of the submission of the complaint at any step, unless the district and complainant have agreed in writing to a longer time period for that step. The district's complaint procedure should not exceed a total of 90 days from the initial filing of the complaint, regardless of the number of steps involved, unless the district and the complainant have agreed in writing to a longer time period. (OAR 581-002-0005)

If the principal is the subject of the complaint, the individual may start at Step 2 and should file a complaint with the superintendent or designee.

If the superintendent is the subject of the complaint, the complaint may start at Step 3 and should be referred to the Board chair.

Complaints against the Board as a whole or against an individual Board member, may start at Step 3 and should be submitted~~made~~ to the Board chair and may be referred to district counsel. Complaints against the Board chair may start at Step 3 and ~~may~~ be referred directly to the Board vice chair.

The timelines established in each step of this procedure may be extended upon mutual consent of the district and the complainant in writing, but will not be longer than 30 days from the date of the submission of the complaint at any step. The overall timeline of this complaint procedure may be extended beyond 90 days from the initial filing of the complaint upon written mutual consent of the district and the complainant.

The complainant, if a person who resides in the district, a parent or guardian of a student who attends school in the district or a student, is not satisfied after exhausting local complaint procedures, the district fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initialing filing of the complaint, may appeal² the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

² An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

DISCRIMINATION COMPLAINT FORM

Name of Person Filing Complaint

Date _____

School or Activity

Student/Parent ☐ Employee ☐ Job applicant ☐ Other ☐

Type of discrimination:

☐ Race

☐ Color

☐ Religion

☐ Sex

☐ National or ethnic origin

□ Gender identity

☐ Mental or physical disability

☐ Marital status

☐ Familial status

☐ Economic status

☐ Veterans' status

□ Age

☐ Sexual orientation

☐ Pregnancy

☐ Discriminatory use of a Native American mascot

☐ Other _____

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of the discussion.)

Who should we talk to and what evidence should we consider? _____

Suggested solution/resolution/outcome: _____

This complaint form should be mailed or submitted to the principal.

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

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Sweet Home School District 55

Code: ACA
Adopted: 9/14/09
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Americans with Disabilities Act

The district, in compliance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendment Act of 2008 (ADA), is committed to maintaining employment practices, services, programs and activities that provide equity to qualified individuals with disabilities.

The district will provide reasonable accommodations for the known disabilities of all applicants and current employees in all employment application procedures; hiring, advancement or discharge; employee compensation; job training; other terms, conditions and privileges of employment upon request and advance notice.

A reasonable accommodation must not present an undue hardship for the district, be unduly costly, extensive or disruptive; nor present a direct threat to the health or safety of the individual or others in the workplace.

District services, programs and activities will be accessible and usable by qualified individuals with disabilities, consistent with Section 504 of the Rehabilitation Act of 1973 and the ADA. Accessibility may be achieved through nonstructural as well as structural methods.

In order to achieve equal access, the district will make available appropriate auxiliary aids and services that promote effective communications. Primary consideration will be given to the request of individuals with disabilities in the selection of appropriate aids and services. Final determination will be made by the Board. Auxiliary aids and services determinations will be based on availability, effectiveness and financial or administrative burden to the district.

The Board directs the superintendent to develop and implement an appropriate plan that provides for district compliance with the ADA, including the appointment of an ADA compliance officer and the establishment of a process for the investigation and prompt and equitable resolution of any complaint regarding noncompliance.

Retaliation is prohibited against anyone who files a complaint of discrimination, participates in an Office of Federal Contract Compliance Program proceeding or otherwise opposes discrimination under federal or state laws.

END OF POLICY

Legal Reference(s):

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2010).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2010).
Chevron U.S.A. Inc. v. Echazabal, 536 U.S. 73 (2002).
Americans with Disabilities Act Amendments Act of 2008.

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Sweet Home School District 55

Code: ACA-AR
Adopted: 9/14/09
Orig. Code: ACA-AR

Americans with Disabilities Act

In compliance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA), the following procedures shall be followed:

Compliance Officer

1. The Superintendent shall be designated as the district's ADA compliance officer. The compliance officer will:
 - a. Coordinate the district's ADA responsibilities and compliance efforts;
 - b. Make available to all interested individuals the name, office address and telephone number of the district ADA compliance officer;
 - c. Investigate any complaint alleging noncompliance or actions prohibited under the ADA;
 - d. Administer the district's ADA grievance procedure to provide for the prompt investigation and equitable resolution of complaints.

Self Evaluation

2. A self-evaluation study¹ shall be completed by the district to include:
 - a. An evaluation of all current Board policies and practices to ensure district compliance with the requirements of the ADA;
 - b. A description of areas examined and identification of any barriers to accessibility and usability by qualified individuals with disabilities;
 - c. An opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities to participate in the self-evaluation study by submitting comments;
 - d. A plan(s) for the removal of any identified barrier and/or modification of Board policies and practices necessary to ensure ADA compliance;
 - e. A description of any modification made.

Self-evaluation records will be maintained and available for public inspection at the district office. The records will include a list of interested persons consulted, a description of the areas examined and the problems identified and a description of any modifications made.

Transition Plan

¹ If self-evaluation and/or transition plan requirements of Section 504 of the Rehabilitation Act of 1973 have been completed, these requirements apply only to the employment practices, services, programs and activities not included in the previous self-evaluation and/or transition plan. It is recommended that districts review their self-evaluation study and transition plan periodically for progress and continue to maintain and make available each document to interested individuals, organizations or agencies for verification purposes, as needed.

3. A transition plan² shall be developed by the district to address any structural changes required to achieve employment practices, services, programs and activities; the accessibility to include:
 - a. An opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities to participate in the development of the transition plan by submitting comments;
 - b. An identification of physical obstacles in facilities that limit accessibility to individuals with disabilities;
 - c. A description in detail of the methods that will be used in removing barriers and making facilities accessible and/or steps and schedule necessary to complete the identified changes;
 - d. An identification of the official responsible for implementation of the plan;
 - e. An identification of steps that will be taken during each year of the transition period if longer than one year.

Services, Programs, Activities Accessibility

4. All district services, programs and activities shall be readily accessible to and usable by individuals with disabilities. In order to achieve accessibility, structural and nonstructural methods such as the acquisition or redesign of equipment, assignment of aides to beneficiaries and the provision of services at alternate accessible sites will be considered. Final decision of an appropriate method of providing program accessibility will be determined by the district in accordance with the provisions of the ADA:
 - a. Physical changes to an existing building, acquisition or construction of additional facilities will be required only when there is no other feasible way to make the services, programs or activities accessible;
 - b. Priority will be given to the method that results in the most integrated setting to encourage interaction among all users of the services, programs or activities, including individuals with disabilities;
 - c. No action will be taken that would fundamentally alter the services, programs or activities or result in undue financial or administrative burden to the district. Any such determination will take place as follows:
 - (1) The decision will be made by the superintendent or his/her designee;
 - (2) All resources available for use in the funding and operation of the services, programs or activities will be considered;
 - (3) A written statement of the reasons for reaching such decision will be maintained on file;
 - (4) The district will take other action appropriate to ensure that individuals with disabilities receive the benefits of such services, programs and activities that would not result in such alteration or burden as determined by the district.

Job Descriptions

² If self-evaluation and/or transition plan requirements of Section 504 of the Rehabilitation Act of 1973 have been completed, these requirements apply only to the employment practices, services, programs and activities not included in the previous self-evaluation and/or transition plan. It is recommended that districts review their self-evaluation study and transition plan periodically for progress and continue to maintain and make available each document to interested individuals, organizations or agencies for verification purposes, as needed.

5. Job descriptions shall be maintained and provided in oral, written and/or videotaped form, reviewed and revised annually as needed to include:
- a. All essential job functions. "Essential job functions" are those job duties that include, but are not limited to, the following:
 - (1) The function is essential because the reason the position exists is to perform that function;
 - (2) The function is essential because of the limited number of employees available among whom the performance of that job function can be distributed;
 - (3) The function is so specialized that the incumbent is hired for his/her expertise or ability to perform the particular function.
 - b. Physical, mental and emotional skills for each position as appropriate, and only to the extent such skills are in fact required and in practice;
 - c. Vocational and/or educational preparation requirements;
 - d. Attendance standards;
 - e. A statement that new job descriptions supersede prior descriptions for the position. All past and present job descriptions that do not reflect current requirements of the position are rescinded;
 - f. A statement on job descriptions, "I have read this job description and agree with its contents.";
 - g. A provision for the current employee's signature and the date the job description was signed.

Job Posting

6. Job postings shall be reviewed to ensure:
- a. All postings contain appropriate notice of the district's responsibilities under the ADA. For example:

"Reasonable accommodations for the application and interview process will be provided upon request and as required in accordance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA). Individuals with disabilities may contact the Superintendent at 541-367-7126 for additional information or assistance. Speech/Hearing impaired persons may contact the district for assistance through the Oregon Telecommunication Relay Service at 1-800-735-2900 or 711."
 - b. All postings eliminate any discriminatory references;
 - c. All job advertisements provide, in addition to a telephone number to which applicants may apply for additional information, an address and/or TDD (telecommunications device for the deaf) or Oregon Telecommunication Relay Service phone number for the hearing impaired.

Job Application Forms

7. Job application forms shall be reviewed and revised as appropriate to include:
- a. Notice of the district's responsibilities under the ADA (see job posting notice);
 - b. A statement asking applicant whether he/she/they requires any reasonable accommodation for the hiring process. The hiring process may include, e.g., for example, an interview, a timed written test or job demonstration;

- c. A request for applicant to provide documentation verifying the need for a reasonable accommodation, if deemed necessary by the district;
- d. The elimination of any health questions such as:
 - (1) Have you ever had or been treated for any of the following conditions or diseases (followed by a checklist)?
 - (2) Please list any conditions or diseases for which you have been treated in the past three years.
 - (3) Have you ever been hospitalized? If so, for what condition?
 - (4) Have you ever been treated by a psychiatrist or a psychologist? If so, for what condition?
 - (5) Have you ever been treated for any mental or emotional condition?
 - (6) Is there any health-related reason that may prevent you from performing the job for which you are applying?
 - (7) Have you had a major illness in the past five years?
 - (8) Do you have any physical defects which prevent you from performing certain kinds of work? If yes, describe such defects and specific work limitations.
 - (9) Do you have any disabilities or impairments which may affect your performance in the position for which you are applying?
 - (10) Are you taking any prescribed drugs?
 - (11) Have you ever been treated for drug addiction or alcoholism?
 - (12) Have you ever filed for workers' compensation benefits or had a work-related injury?

Reasonable Accommodations - General

- 8. The district will provide reasonable accommodations to qualified individuals with disabilities who are part-time, full-time or probationary employees or applicants for employment, unless to do so would cause undue hardship. Reasonable accommodations include:
 - a. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position the qualified applicant desires; or
 - b. Modifications or adjustments to the work environment or to the manner or circumstances under which the position held is customarily performed that enable a qualified individual with a disability to perform the essential functions of that position; or
 - c. Modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated district employees without disabilities.

Reasonable Accommodations - Requests

- 9. A qualified individual with a disability should request a reasonable accommodation when he/she/they knows there is a workplace barrier that is preventing him/her/them, due to a disability, from effectively competing for a position, performing a job or gaining equal access to a benefit of employment. Reasonable accommodation requests will be guided by the following provisions:
 - a. To request a reasonable accommodation, an individual may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation";
 - b. A request for a reasonable accommodation may be made on behalf of an individual with a disability by a family member, friend, health-care professional or other representative;
 - c. Requests will not be required to be in writing;

- d. When the disability and/or the need for an accommodation is not obvious, the district may request reasonable documentation from a health-care or rehabilitation professional. The documentation requested shall be related to the particular disability for which an accommodation is requested. In requesting documentation, the district will specify what types of information it is seeking regarding the disability, its functional limitations and the need for reasonable accommodation. The district recognizes it may not request an individual's complete medical record;
- e. Documentation shall not be requested when both the disability and the need for the accommodation are obvious or the individual has already provided the district with sufficient information to substantiate that ~~he/she has~~ **they have** an ADA disability and needs the reasonable accommodation requested;
- f. The district may send an individual to a health-care professional of the district's choosing, at district expense, for the purpose of documenting a disability and/or the need for accommodation, only if the individual has provided insufficient information from ~~his/her~~ **their** treating provider to substantiate that the disability exists or an accommodation is needed.

Job Interview Procedures

10. Job interview procedures shall be reviewed to ensure:

- a. Physical and/or other barriers in the interview setting have been eliminated. The availability of accessible locations and accessible formats, such as a reader, Braille, audio recordings, written materials, sign language and interpreters for individuals with vision and hearing impairments and personal assistance for individuals with manual impairments have been considered as appropriate;
- b. Questions relating to the health of the applicant, the applicant's disabilities and work-related injuries and benefits have been eliminated;
- c. Applicant's previous work history will be ascertained without reference to the applicant's disability. The specifics of prior job functions and the applicant's ability to perform those specific functions may be discussed;
- d. Requirements that an applicant describe or demonstrate how ~~he/she~~ **they** would perform any or all job functions are required for all applicants in that job category. A particular applicant may be asked to describe or demonstrate how ~~he/she~~ **they** would perform the job only when the district reasonably believes the applicant will not be able to perform a job function because of a known disability. The applicant's disability would be "known" either because it is obvious or because the applicant has voluntarily disclosed that ~~he/she has~~ **they have** a hidden disability;
- e. Questions related to the applicant's need to leave work to receive treatment or how often leave may be necessary as a result of a disability have been eliminated. Regular work hours, leave policies and attendance requirements may be explained and applicant asked if ~~he/she~~ **they** will be able to meet those requirements. The district may ask about an applicant's prior attendance record (e.g., ~~"How for example, how many days the applicant was absent from his/her last job?"~~). The district may also ask questions designed to detect whether an applicant abused ~~his/her~~ **their** leave (e.g., ~~for example, "How many Mondays or Fridays were you absent last year on leave other than approved vacation leave?"~~). At the ~~preoffer~~ **pre-offer** stage, the district may not ask how many days an applicant was sick;
- f. Questions relating to applicant's current illegal use of drugs are not likely to elicit information about an applicant's lawful drug use, unless the district administers a test for illegal use of drugs and the applicant tests positive for illegal drug use. In such cases, the district may

- validate the test results by asking about lawful drug use or possible explanations for the positive result other than the illegal use of drugs;
- g. Questions relating to an applicant's prior illegal drug use are not likely to elicit information about a disability. The district may ask, e.g., ~~for example~~, whether the applicant has ever used illegal drugs, when was the last time ~~he/she~~ they used illegal drugs or if ~~he/she~~ ~~has~~ they have used illegal drugs in the last six months. The district will not ask questions about whether the applicant was a past drug addict. These questions are impermissible at the ~~preoffer~~ ~~pre-offer~~ stage;
 - h. Questions relating to an applicant's drinking habits are not likely to elicit information related to how much alcohol an applicant drinks or whether ~~he/she~~ ~~has~~ they have participated in an alcohol rehabilitation program. The district may ask, e.g., ~~for example~~, whether the applicant drinks alcohol or whether ~~he/she~~ ~~has~~ they have been arrested for driving under the influence;
 - i. Questions relating to an applicant's arrest or conviction record have been included;
 - j. Selection and administration of employment tests will take place in a manner that leads to test results that accurately reflect the skills, aptitudes and whatever factors the tests purport to measure, rather than the impaired sensory, manual or speaking skills of the test subjects. Performance of any nonessential skills during any testing will not be allowed;
 - k. Physical agility/Physical fitness tests if required, will be specifically job related and administered to all applicants in a job category selected for interviews;
 - l. Applicant provides medical certification that ~~he/she~~ they can safely perform a physical agility or physical fitness test when required by the district;
 - m. Applicant assumes responsibility and releases the district of liability for injuries incurred in performing physical agility/physical fitness test required by the district;
 - n. Applicant requests for reasonable accommodations in testing will be allowed for qualified individuals with a disability:
 - (1) Tests or exercises will be postponed as needed so that a reasonable accommodation can be provided;
 - (2) Modified tests or exercises will be provided unless such accommodation would change the measurement of the essential job function being tested (i.e., provide reader to assist with written test unless ~~the~~ ability to read is ~~an~~ essential job skill).
 - o. Drug screening tests, if required, will be administered to all applicants in a job category selected for interviews;
 - p. Pre-employment offer medical examinations shall not be conducted.

Reference Check Procedures

- 11. Reference check procedures shall be reviewed to ensure:
 - a. Reference checks will be conducted on all applicants in a job category who meet the job requirements and are selected for interviews. Careful and complete notes will be taken and maintained. District officials conducting reference checks:
 - (1) Before making a conditional offer of employment, may not ask previous employers or other sources about an applicant's:
 - (a) Disability;
 - (b) Illness;
 - (c) Workers' compensation history;

- (d) Other questions that the district itself may not ask of the applicant.
- (2) May ask a previous employer or other sources about the applicant's:
 - (a) Job functions and tasks performed;
 - (b) The quality and quantity of work performed;
 - (c) How the job functions were performed;
 - (d) Other job-related issues that do not relate to disability.

Job Offers

12. The process for all job offers shall be reviewed to ensure:
 - a. Job offers will be made to the most qualified applicant who with or without a reasonable accommodation can perform the essential functions of the job. The district will adhere to the following job offer procedures:
 - (1) After a conditional offer of employment is extended, the district may inquire as to whether the successful applicant will need a reasonable accommodation related to anything connected with the job (i.e., job performance or access to benefits/privileges of the job, etc.). If the district makes such an inquiry, it will consistently seek similar information from all other successful applicants in the same job category;
 - (2) The successful applicant will be informed of medical examination and/or medical history requirements after an offer of employment has been made and before the applicant begins ~~his/her~~ **their** employment duties. All entering employees in the same job category will be subjected to such medical examination and/or medical history requirements. An individual's workers' compensation history will be included in all such medical history inquiries;
 - (3) The successful applicant will be informed that the job offer may be contingent upon disability-related questions, medical examination and/or medical history inquiries;
 - (4) A completed medical history form and release for medical records with the successful applicant's signature and date may be required;
 - (5) Information obtained from medical examinations and/or medical history inquiries may be used for such purposes as:
 - (a) The verification of employment history;
 - (b) To screen out applicants with a history of fraudulent workers' compensation claims;
 - (c) To provide information to state officials as required by state laws regulating workers' compensation and "second injury" funds;
 - (d) To screen out individuals who would pose a direct threat to the health and safety of self or others in the workplace which could not be reduced to an acceptable level or eliminated by a reasonable accommodation.
 - (6) Reasonable accommodations will be provided if the medical examination or medical history inquiry discloses the successful applicant is a qualified individual with a disability as defined by the ADA. Reasonable accommodations will be provided by the district if such accommodation would enable the individual with a disability to perform the essential functions of the job or otherwise meet eligibility requirements. The

reasonable accommodation will be established by the district. In determining the appropriate reasonable accommodation the district will:

- (a) Determine the essential functions of the job;
- (b) Consult with the individual who has the disability to determine his/her/their precise limitations and how they may be overcome;
- (c) Identify, with assistance of the individual with the disability, potential reasonable accommodations and assess their effectiveness;
- (d) Consider the preference of the individual with the disability, and then implement the reasonable accommodation that is most appropriate for the employee and the employer. (In order to be reasonable, an accommodation must be effective. It is not required that the best accommodation be selected as long as the selected accommodation provides an equal opportunity to perform the job.).

(7) Reasonable accommodations considered may include:

- (a) Job restructuring;
- (b) Modified work schedules;
- (c) Job reassignment;
- (d) Making existing facilities used by employees accessible to and usable by individuals with disabilities;
- (e) Acquisitions and/or modification of work policies including:
 - (i) Modification of leave or attendance procedures or other such policies related to working conditions (i.e., modification of a policy prohibiting employees from eating or drinking for an employee with insulin-dependent diabetes, etc.);
 - (ii) Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
 - (iii) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials or other effective methods of making visually delivered materials available to individuals with visual impairments;
 - (iv) Acquisition or modification of equipment or devices;
 - (v) Other similar services and actions for individuals with hearing, visual and/or manual impairments.
- (f) A determination will be made whether an accommodation is reasonable or an undue burden by considering:
- (g) Nature and cost of accommodation;
- (h) Overall financial resources of facility;
- (i) Number of persons employed;
- (j) Impact on operation of facility;
- (k) Effect on expenses and resources;
- (l) Type of operation. Composition and functions of workforce. Geographic separation, fiscal or administrative relationship of facilities.

- (8) The successful applicant who has been offered employment contingent on medical examination results and/or medical history inquiries will be rejected if the medical condition poses a direct threat to the health or safety of others in the workplace. The district shall consider whether the risk can be eliminated or reduced by a reasonable accommodation by considering the following:
 - (a) The nature and severity of the potential harm to applicant or others in the workplace;
 - (b) The likelihood that the potential harm will occur;
 - (c) Specific risk is identified and documented;
 - (d) Risk is current and not speculative or remote;
 - (e) Assessment of risk is based on objective medical or factual evidence;
 - (f) Medical condition is a direct threat.
- (9) Should an offer of employment be withdrawn because of medical examination or medical history inquiry results, the exclusionary criteria must be job related and consistent with business necessity;
- (10) Documentation will also include any determination that no reasonable accommodation was available that would enable the individual to perform the essential job functions or that accommodation would impose an undue hardship on the district;
- (11) Medical information will be kept confidential:
 - (a) Medical information must not be maintained in personnel file;
 - (b) Medical information will be released only to those with “need to know” and/or “need to reach in emergency situations” (i.e., immediate supervisors, etc.);
 - (c) Medical information records will be maintained a minimum of one year.

Public Notice, Communications

13. Notice of the district’s compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA) shall be displayed at each district facility and provided, as necessary, in appropriate accessible formats to applicants, participants, beneficiaries, professional organizations and other interested persons to include:
 - a. Pertinent provisions, duties and requirements of the ADA and its applicability to the district’s employment practices, services, programs and activities, including the duty to reasonably accommodate upon request and with advance notice. In its effort to provide communications with individuals with disabilities that are as effective as communications with others, the district will also provide the following:
 - (1) Individual to contact for services or questions, including office location and phone number;
 - (2) Notice of Equal Employment Opportunity Commission (EEOC) requirements displayed in conspicuous places for all job applicants and employees;
 - (3) Signage displayed at all inaccessible entrances to each of the district’s facilities directing users to accessible entrances or to location at which information can be obtained about accessible facilities;
 - (4) Signage displayed at all accessible entrances to the district’s facilities. The international symbol for accessibility shall be used;

- (5) Appropriate auxiliary aids and services that may include:
 - (a) Qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, telecommunications devices for deaf persons (TDD's), videotext displays and/or exchange of written notes for individuals with hearing impairments;
 - (b) TDD's, computer terminals and/or communications boards for individuals with speech impairments;
 - (c) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials and assistance in locating items for individuals with vision impairments;
 - (d) Telephone accessibility to enable individuals to seek immediate assistance from police, fire, ambulance and other emergency services;
 - (e) Other equally effective communications devices, services and actions.
- (6) Consultation with the individual with a disability to determine the most appropriate auxiliary aid or service. Priority will be given to the auxiliary aid or service that results in the most integrated setting to encourage interaction among all users, including those with disabilities. Primary consideration will be given to the expressed request of the individual with a disability. The district may select an alternative auxiliary aid or service should it determine that another equally effective means of communication is available or that the means chosen by the individual with a disability would result in a fundamental alteration in the services, programs or activities or in undue financial and administrative burden to the district;
- (7) Training to employees as needed on the acceptance and handling of telephone relay services for individuals with disabilities;
- (8) Information to employees through different means, including computers, bulletin boards, mailboxes, posters and public address systems. The district will ensure that employees with disabilities have access to information that is provided to other similarly situated employees without disabilities, regardless of whether they need such information to perform their jobs.

New Construction/Alterations

- 14. All facilities designed, constructed or altered after January 26, 1992 shall be readily accessible and usable by individuals with disabilities. The district will ensure:
 - a. Alterations to existing facilities will take place in a manner that results in the altered portion of the facility being readily accessible to persons with disabilities. Alterations must not decrease accessibility;
 - b. Alterations deemed necessary to the path of travel in existing facilities requiring extensive restructuring or burdensome expense will be made in a timely fashion. Priority will be given to the following (in order):
 - (1) Entrances and routes to the altered area;
 - (2) One accessible restroom;
 - (3) Accessible drinking fountains;
 - (4) Additional, accessible parking.

- c. Appropriate requirements of either the Uniform Federal Accessibility Standards (UFAS) or Americans with Disabilities Act Accessibility Guidelines (ADAAG) will be met, including accessibility requirements related to work areas, parking, signs, entrances, water fountains, storage and shelves, telephones, assembly areas, bathrooms, detectable warnings, carpet and carpet tile, curb ramps and visual alarms.

Post-hires/Current Employees

15. All post-hire and current employee Board policies and practices shall be reviewed to ensure:

- a. Medical examinations and/or medical history inquiries required by the district will be job related and consistent with business necessity. This will not prohibit the district from requiring proof of illness to substantiate a request for sick leave. Medical examinations and/or medical history inquiries may be administered by the district when:
 - (1) An employee is having difficulty performing his/her/their job effectively. The medical examination may be necessary to determine if the employee can perform essential job functions with or without a reasonable accommodation;
 - (2) An employee becomes disabled. An employee injured on or off the job, who becomes ill or otherwise suffers any other condition that meets the requirements of a disability as defined by the ADA is protected by the Act if he/she/they can perform the essential functions of the job with or without a reasonable accommodation. Such an examination or inquiry may also be required when the employee wishes to return to work after an illness or injury. The district will:
 - (a) Determine if the employee meets the ADA definition of an individual with a disability if a reasonable accommodation has been requested;
 - (b) Determine if the employee can perform the essential functions of the job currently held (or held before the injury or illness), with or without reasonable accommodation, and without posing a direct threat to the health or safety of others which could not be reduced or eliminated by a reasonable accommodation;
 - (c) Identify an effective accommodation that would enable the employee to perform the essential job functions in the current (previous) job or in a vacant job for which the person is qualified with or without a reasonable accommodation.
 - (3) An employee requests a reasonable accommodation on the basis of disability;
 - (4) Administered as part of a voluntary employee “wellness” and health screening program.
- b. Procedures for reporting and investigating employee on-the-job injury or illness will be implemented. The district will:
 - (1) Require employees complete workers’ compensation form;
 - (2) Investigate, as necessary, documenting circumstances that led to injury and review all employee work-related injury or illness on a case-by-case basis.
- c. Procedures for communicating with health-care providers regarding employees off-work due to any injury or illness will be implemented. The district, as necessary, and at its discretion will:

- (1) Provide health-care provider with detailed description of regular job activities, physical movement, duration of physical exertions and job description;
 - (2) Write detailed questions for the health-care provider to answer that may assist the district in determining any reasonable accommodation that may be necessary;
 - (3) Ask for employee written release authorizing district representative to consult with the employee's own health-care provider.
- d. Procedures for employees not able to perform essential job functions completely after illness or injury will be implemented. The district will:
- (1) Determine whether temporary light duty assignment is possible. In accordance with the ADA, the district is not required to create a "light duty" position unless the "heavy duty" tasks an injured employee can no longer perform are marginal job functions which may be reallocated to co-workers as part of a reasonable accommodation;
 - (2) Determine whether job can be restructured, shifting or trading duties with other workers. Job restructuring as a reasonable accommodation may involve reallocating or redistributing the marginal functions of the job, altering when and/or how an essential or marginal function is performed. Marginal functions of a job that cannot be performed by an individual with a disability may be exchanged for marginal job functions performed by one or more other employees. The district is not required to reallocate essential functions of a job as a reasonable accommodation. The district may switch the marginal functions of two or more employees in order to restructure a job as a reasonable accommodation;
 - (3) Determine whether a modified or part-time work schedule may be selected as a reasonable accommodation unless modifications would cause an undue hardship. A modified schedule may involve adjusting arrival or departure times, providing periodic breaks, altering the time when certain functions are performed, allowing the employee to use accrued paid leave or providing additional unpaid leave. If modifying an employee's work schedule poses an undue hardship, the district shall consider reassignment to a vacant position that would enable the employee to work the hours requested. Requests for modified or part-time work schedules for an employee covered under both the ADA and Oregon Family Leave Act (OFLA) or Family Medical Leave Act (FMLA) will be considered separately. The district will determine the employee's rights under each statute to determine the appropriate actions to take;
 - (4) Determine whether reassignment to a vacant position is possible. "Vacant" means that the position is available after the employee asks for a reasonable accommodation or that the district knows that it will become available within a reasonable amount of time. Reassignment is the reasonable accommodation of last resort and required only after it has been determined that there are no effective accommodations that will enable the employee to perform the essential functions of his/her/their current position or all other reasonable accommodations would impose undue hardship.
 - (a) The employee must be qualified for the position — satisfy the requisite skill, experience, education and other job-related requirements of the position — but need not be the best qualified person to fill the position.
 - (b) The employee must be able to perform the essential functions of the position with or without a reasonable accommodation.
 - (c) The district is not required to bump an employee from a job in order to create a vacancy, nor does it have to create a new position.

- (5) Gather information from employee, health-care provider(s), consultants, etc. as to needed modifications in policies, facilities, equipment, special aids and services that may be provided as a reasonable accommodation;
 - (6) Document all district efforts to provide reasonable accommodations.
- e. Qualified individuals with a disability not fully recovered from injury will not be returned to work when:
 - (1) The employee cannot perform the essential functions of the job he/she/they holds or desires, with or without a reasonable accommodation;
 - (2) The return of the employee to work would pose a significant risk of substantial harm to self or others in the workplace and that could not be reduced to an acceptable level with a reasonable accommodation;
 - (3) The return of the employee to a light duty position involves a totally different job from the job that the employee performed before the injury. A vacant light duty position already available for which an injured employee is qualified may be a reasonable accommodation;
 - (4) It is demonstrated that the accommodation will cause an undue hardship or result in excessive financial and administrative burden as defined by the ADA, and as evidenced by the district.
- f. Unpaid leaves will be provided to qualified individuals with a disability when a reasonable accommodation cannot be made in the employee's current job. The district will comply with all workers' compensation reinstatement rights to available and suitable employment;
- g. Leave of absence or attendance policies will not discriminate against qualified individuals with disabilities. (Uniformly applied leave policies are not subject to challenge because they have a more severe effect on individuals due to their disability. "No leave" policies, such as those forbidding leave during the first six months of employment are also not subject to challenge because they may have a more severe impact upon individuals with disabilities. An employer with a "no-leave" policy, however, may have to consider providing leave as a reasonable accommodation unless doing so would impose an undue hardship on its operation.) The district will not provide additional paid leave, but accommodations may include leave flexibility and unpaid leave;
- h. Drug and alcohol policies will meet the requirements of the ADA. Policies will state:
 - (1) Illegal use of drugs and the use of alcohol at the workplace is prohibited by all employees;
 - (2) Employees will be required to behave in conformance with the requirements of the Drug-Free Workplace Act of 1988;
 - (3) Employees who engage in the illegal use of drugs or alcohol will be held to the same qualification standards for employment or job performance and behavior to which all other employees are held, even if unsatisfactory performance or behavior is related to employee's drug use or alcoholism;
 - (4) Employees taking drugs under the supervision of licensed health-care professionals will be protected by the provisions of the ADA;
 - (5) Employees who are no longer illegally using drugs and who have been either rehabilitated successfully or are in the process of completing a rehabilitation program will be protected by the provisions of the ADA (i.e., in-patient or out-patient programs, employee assistance programs, professionally recognized self-help programs, such as

Narcotics Anonymous, or other programs that provide professional assistance and counseling for individuals).

- i. Health, life insurance, pension plans and other benefit plans offered by the district will not discriminate against qualified individuals with a disability (The ADA does not affect preexisting condition clauses in health insurance plans as long as the clauses are not used as a means to avoid complying with the ADA, and such clauses do not require that additional coverage be purchased to cover expenses related to a disability.). Employees will not be denied coverage for illness or injuries unrelated to the preexisting condition;
- j. Contractual or other business arrangements and relationships entered into by the district will not discriminate against qualified individuals with a disability. The district will:
 - (1) Not do indirectly what it is prohibited by the ADA from doing directly;
 - (2) Provide reasonable accommodations to enable access by employees with disabilities to training programs provided by the district and/or third parties, on district premises or elsewhere;
 - (3) Specify in contracts with outside entities providing training on behalf of the district, who have responsibility to fulfill the obligations of providing reasonable accommodations, as needed.

Corrected 3/07/22

Sweet Home School District 55

Code: AD
Adopted: 12/12/11
Orig. Code: AD

Educational Philosophy

(most of this is already covered in instructional requirements/goals – see policy IA, and can also be covered by recommended counseling services, see policy IJ. A philosophy is generally now found in board resolutions rather than policy. Recommend delete.)

The Board believes education should be shaped by purposes rather than by forces.

This district's education system, while maintaining flexibility in adapting to an ever-changing society, is dedicated to: the personal development of each student to his/her potential through a sequentially-coordinated curriculum that allows for individual differences students becoming proficient in the knowledge and skills of their current grade level and the opportunity to succeed.

As students develop abilities, they are expected to attain efficient and satisfying work habits, grow and develop physically and cognitively, acquire wholesome interests, responsibly direct their lives, develop desirable social attitudes, assume citizenship responsibilities, learn their heritage and their place in a global society and cultivate intellectual interests.

The district supports academic growth beyond proficiency in the knowledge and skills of the student's current grade level and encourages students to attain aspirational goals that are individually challenging.

To this end, staff members will strive to aid each student's intellectual, physical, character, emotional and social growth so that he/she may become a responsible community member and lead a personally rewarding life.

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)
[ORS 329.035](#)
[ORS 332.107](#)
[OAR 581-022](#)-1020
[ORS 329.485](#)

Corrected 3/07/22

Sweet Home School District 55

Code: AE
Adopted: 9/10/12
Orig. Code: AE

District Goals

The district shall maintain a coordinated valid and reliable data-driven K-12 program designed to improve student achievement, support students' academic growth beyond proficiency in the knowledge and skills of the student's current grade level, encourage their attainment of individual goals and successfully prepare students to function effectively in a rapidly changing world and for the futures they choose to pursue.

The district will work with staff, parents and community members through 21st Century Schools Councils (i.e., site councils), local school committees and advisory committees to develop district goals that support the physical and cognitive growth and development of students. Goals will be adopted by the Board consistent with the goals adopted by the State Board of Education, and will be reviewed and revised as needed. Goals will utilize valid and reliable data for evaluating the success of curriculum, instruction, resource allocation and school improvement.

(Below is a repeat of policy IA.)

The goal of the district, working in cooperation with staff, parents and community members, is to provide a school district that through the following characteristics, supports the physical and cognitive growth and development of students:

1. Provides equal and open access and educational opportunities for all students regardless of their linguistic background, culture, geographic location, race, color, religion, sex, sexual orientation, national origin, marital status, age, or disability;
2. Assumes that all students can learn and establishes high, specific skill and knowledge expectations and recognizes individual differences at all instructional levels;
3. Provides special education, compensatory education, linguistically and culturally appropriate education and other specialized programs to all students who need those services;
4. Provides students with a solid foundation in the skills of reading, writing, problem solving and communication;
5. Provides opportunities for students to learn, think, reason, retrieve information, use technology and work effectively alone and in groups;
6. Provides for acquiring the knowledge and skills of the student's current grade level and instruction in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and second languages;
7. Provides students an educational background to the end that they will function successfully in a constitutional republic, a participatory democracy and a multicultural nation and world;

- ~~8. Provides students with instruction in, but not limited to, health, physical education, second languages and the arts;~~
- ~~9. Provides students with the knowledge and skills that will provide the opportunities to succeed in the world of work, as members of families and as citizens;~~
- ~~10. Provides students with the knowledge and skills to take responsibility for their decisions and choices;~~
- ~~11. Provides opportunities for students to learn through a variety of teaching strategies;~~
- ~~12. Emphasizes the involvement of parents and the community in the total education of students;~~
- ~~13. Transports students safely to and from school;~~
- ~~14. Ensures that the funds allocated to schools reflect the uncontrollable differences in costs facing each district;~~
- ~~15. Ensures that local schools have adequate control of how funds are spent to best meet the needs of students in their communities;~~
- ~~16. Provides for a safe, educational environment;~~
- ~~17. Supports students' academic growth beyond proficiency in academic content standards and encourages their attainment of individual goals;~~
- ~~18. Supports the physical and cognitive growth and development of students;~~
- ~~19. Provides for increased learning time, and~~
- ~~20. Utilizes valid and reliable data for evaluating the success of curriculum, instruction, resource allocation and school improvement.~~

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 192.630](#)
[ORS 329.015](#)
[ORS 329.025](#)

[ORS 329.485](#)
[ORS 332.107](#)
[ORS 659.850](#)
[ORS 659A.003](#)

[ORS 659A.006](#)
[ORS 659A.030](#)
[OAR 839-003](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BA
Adopted: 6/08/98
Orig. Code: BA

Board Goals

The Board is responsible to the people for whose benefit the district has been established. Further, the Board's current decisions will influence the future course of education in the district's Sweet Home schools for years to come. By virtue of this responsibility, the Board and each of its members must look to the future and to the needs of all district patrons. This requires a comprehensive perspective and long-range planning in addition to addressing attention to immediate problems.

The Board's primary responsibility is to establish policies, those purposes and programs and procedures which will best produce the educational achievement, needed by the district students. The Board is charged with accomplishing this goal while also being responsible for wise management of resources available to the district. The Board must fulfill these responsibilities by functioning primarily as a legislative body which formulates and adopts policy, by selecting a chief executive officer to implement policy and by evaluating the results. Further, it must carry out its functions openly and seek, while seeking the involvement and contributions of the public, students, and staff and the public during its decision-making processes.

In accordance with these principles, the Board, through its operations, operation will review and vote to adopt Board goals that align with achieve the following goals:

1. Concentrate To concentrate the Board's collective effort on its policy-making and planning responsibilities;
2. Formulate To formulate Board policies that which best serve each student's the educational interests of each student;
3. Provide To provide the superintendent with sufficient and adequate guidelines for implementing Board policies;
4. Maintain To maintain effective communication with the students, public that the Board serves and with staff and the public students in order to maintain awareness of attitudes, opinions, desires and ideas;
5. Conduct To conduct Board business openly, soliciting and encourage encouraging broad-based involvement of the students, staff and the public in in the Board's decision-making processes, by public, students and staff.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BB
Adopted: 6/08/98
Orig. Code: BB

Board Legal Status

~~The legal basis for education in the Sweet Home School District is vested in the will of the people as expressed in the Constitution of the state of Oregon, the statutes of the state pertaining to education, court interpretation of the application and validity of these laws, and the powers implied under them. The powers of this and other school boards are vested in state laws.~~

The Constitution of the state of Oregon charges the Legislature with providing – by statute – for a uniform and general system of common schools. The Legislature enacts laws to delegate the immediate control of the schools to locally elected boards of directors; thus, the Board is the governing body of the Sweet Home School District.

Federal and state statutes and ~~rules and regulations of the State Board of Education~~ rules define and outline the general powers and duties of the Board. The Oregon statutes authorize the Board to transact all business within the jurisdiction of the district, ~~to control the district schools and to educate the children residing in the district.~~ Oregon Administrative Rules establish further requirements and guidelines for the district. The Board's duty is to carry out those statutes and rules that are mandatory, (e.g., "The Board shall..."); where the laws ~~on the subject~~ are permissive, (e.g., "The Board may..."), the Board is empowered to exercise its judgment and discretion.

~~This district will be known as Sweet Home School District No. 55 of Linn County. There will be nine members of the Board of Directors.~~

The regular term of office for Board members will be four years. The terms of office will commence on the first day of July following regular district elections. The term of office for members appointed to fill a vacancy will be until June 30 following the next regular district election. The term of office for members elected to fill a vacancy will be the time remaining in the vacated Board position.

END OF POLICY

Legal Reference(s):

[ORS 255.335](#)

[ORS 332.018\(1\)](#)

[ORS 332.030\(4\)](#)

[ORS 332.072](#)

[ORS 332.075](#)

[ORS 332.105](#)

[ORS 332.107](#)

[ORS 335.505](#)

OR. CONST., art. VIII, § 3.

Corrected 3/07/22

Sweet Home School District 55

Code: BBA
Adopted: 9/13/04
Orig. Code: BBA

Board Powers and Duties

The Legislature of the state of Oregon delegates to the Board responsibility for the conduct and governance of programs and services in the district schools. The general powers granted to the Board are:

1. Legislative or Rule-Making Authority

In regular or special public meetings, after open discussion and after members' votes are recorded, the Board will establish rules or policy to govern the conduct of its members and the proceedings of the Board.

The Board will establish policies for governing the programs and services of the district consistent with State Board of Education rules and with local, state and federal law.

The Board is responsible for providing adequate and direct means for keeping itself informed about the needs and wishes of the public and for keeping local community patrons informed about the schools.

(See policy BI) The Board will represent the district's interests in legislative action to promote the welfare of public education in the state of Oregon or will direct that those interests be represented through its executive officer, the superintendent or designee.

The Board will periodically study, discuss and weigh the merits of pending legislation for the purpose of determining its official position through Board action. If established, these official positions will be the stand of the district in the legislative process.

Board members, individually or as members of professional organizations, will not seek to represent any other positions on legislative matters unless it is made clear that such representation is not the official stand of the district.

2. Judicial Authority

As provided by law, policy or contract, the Board acts as a fact-finding body or a court of appeal for staff members, students and the public when issues involve Board policies or agreements and their fair implementation, and when the Board must determine the rights, duties or obligations of those persons who address the Board.

3. Executive/Administrative Authority

The Board will appoint a superintendent and delegate to him/her the authority to establish administrative regulations to implement Board policy and goals. The Board will also evaluate the superintendent's performance in the performance of his/her duties.

The Board may establish academic and financial goals for the district and ~~may~~ evaluate the superintendent's implementation of those goals.

The Board will oversee the district's financial affairs by authorizing, appropriating and adopting budgets and by proposing local option or bond elections, when appropriate and as allowed by law, to provide for program operation and maintenance or acquisition of district property.

The Board will authorize the superintendent to ~~and~~ approve payment on all contracts and business transactions of the district in accordance with Board policies on purchasing and budget requirements. The Board will provide for an annual audit of the district's assets.

The Board will employ the staff necessary to carry out the district's educational program and will provide for regular evaluation of staff.

The Board will direct the collective bargaining process to establish collective bargaining agreements ~~labor contracts~~ with the district's personnel. The Board will establish, through the collective bargaining process where appropriate, salaries and salary schedules, other terms and conditions of employment, and personnel policies ~~for~~ of districtwide application.

The Board will ~~establish~~ fix the days of the year and the hours of the day when school will be in session.

END OF POLICY

Legal Reference(s):

[ORS 192.630](#)
[ORS 243.656](#)
[ORS Chapters 279A, 279B and 279C](#)
[ORS 294.305 to -294.565](#)

[ORS 328.205 to -328.304](#)
[ORS 332.072](#)
[ORS 332.075](#)
[ORS 332.105](#)

[ORS 332.107](#)
[ORS Chapter 339](#)
[ORS 342.805 to -342.937](#)
[ORS Chapter 343](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BBAA
Adopted: 3/09/09
Revised/Readopted: 12/13/21
Orig. Code: BBAA

Individual Board Member's Authority and Responsibilities

An individual Board member exercises the authority and responsibility of ~~their~~^{his/her} position when the Board is in legal session only.

A Board member has the authority to act in the name of the Board when authorized by a specific Board motion. ~~The affirmative vote of the majority of members of the Board is required to transact any business.~~ When authorized to act as the district's designated representative in collective bargaining, a Board member may make and accept proposals in bargaining subject to subsequent approval by the Board.

When expressing personal opinions in public, the Board member should clearly identify the opinions as their own.

Members will be knowledgeable of information requested through Board action, supplied by the superintendent, gained through attendance at district activities and through professional Board activities.

Members of the Board will adhere to the following in carrying out the responsibilities of membership:

1. Request for Information

Any individual Board member who desires a copy of an existing written report or survey prepared by the administrative staff will make such a request to the superintendent. A copy of the material may be made available to each member of the Board. Requests for the generation of reports or information, which require additional expense to the district, must be submitted to the Board for consideration.

2. Requests for Legal Opinions

Requests for legal advice or opinions by a Board member that will incur a cost for the district must be approved by a majority vote of the Board before the request is made to legal counsel. The Board chair is authorized to obtain legal advice or opinions if advantageous to do so prior to the next meeting (e.g., advice regarding an executive session or a decision to invite district legal counsel) without a need for Board approval. Legal counsel is responsible to the Board.

3. Action on Complaints or Requests Made to Board Members

When Board members receive complaints or requests for action from staff, students or members of the public, the Board members will direct the staff, students, members of the public to the appropriate complaint policy Board policy KL – Public Complaints. Such ~~such~~ information ~~will~~^{is to} be conveyed to the superintendent ~~for action~~.

4. Board Member's Relationship to Administration

Individual Board members will be informed about the district’s educational program, may visit schools or other facilities to gain information, and may request information from the superintendent. No individual Board member may direct the superintendent to action without Board authorization. Board members will not intervene in the administration of the district or its schools.

5. ~~Contracts or Agreements Made By Individual Board Members~~

All contracts of the district must be approved by the Board, unless otherwise delegated by the Board to the superintendent or designee for approval, before an order can be drawn for payment. If a contract is made without authority of the Board, the individual making such contract shall be personally liable. ~~Contracts or agreements made by individual Board members without the Board’s authority are invalid.~~

END OF POLICY

Legal Reference(s):

[ORS 332.045](#)
[ORS 332.055](#)

[ORS 332.057](#)
[ORS 332.075](#)

38 OR. ATTY. GEN. OP. 1995 (1978)
S. Benton Educ. Ass’n v. Monroe Union High Sch. Dist., 83 Or. App. 425 (1987).

Corrected 3/07/22

Sweet Home School District 55

Code: BBAA-AR
Adopted: 6/08/98
Orig. Code: BBAA-AR

Individual Board Member's Authority and Responsibilities

In order to arrive at mature and functional decisions, Board members recognize the need for information and materials. All formal requests for information should be directed to the superintendent. However, it is understood that certain informal lines of communication exist between the staff and Board members as well as other community members.

When dealing with public issues outside official Board sessions, Board members will strive at all times to represent the Board to the public in a discerning and statesmanlike manner. The following suggestions are offered to help individual Board members maintain this posture:

1. If questioned by someone about a matter on which policy has been clearly defined, an individual Board member should refer to and answer based on policy or refer the matter to the superintendent;
2. If approached about a matter on which the Board has no established policy, individual Board members should not commit themselves to any position or promise other than to discuss the matter with the superintendent or to present it to the Board chair for possible Board consideration;
3. Individual Board members should refer all complaints or requests relating to instruction, personnel or services to the superintendent of schools who is chief executive officer and is charged with the responsibility of correcting deficiencies in these areas.

Corrected 3/07/22

Sweet Home School District 55

Code: BBAAA
Adopted: 9/13/04
Orig. Code: BBAAA

Board Contracts

(See policy BBAA and BG to replace this content)

All powers of the Board derived from the state statutes are granted in terms of action as a group; individual Board members exercise authority over district affairs only as they vote to take action at a legal meeting of the Board.

It is contrary to the spirit of the statutes for any Board member to seek individually to influence the official functions of the school district. The Board and its members shall deal with administrative services through the superintendent and will not give orders to any subordinates of the superintendent either publicly or privately but may make suggestions and recommendations.

The consent to any particular measure obtained of individual members when not in session is not an act of the Board and is not binding upon the district. If a contract is made without authority of the Board, the contract is invalid.

END OF POLICY

Legal Reference(s):

[ORS 332.057](#)
[ORS 332.07](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BBB
Adopted: 2/10/14
Orig. Code: BBB

Board Elections

1. Number of Directors

The Board will consist of nine members elected by zone and will be known as the Sweet Home School District Board of Directors. The term of office shall be four years.

2. Designation of Board Positions

Board members' positions and their respective successors in office will be designated by numbers as:

Position No. 1 (Holley)	Position No. 4 (Cascadia)	Position No. 7 (At Large)
Position No. 2 (Liberty)	Position No. 5 (At Large)	Position No. 8 (At Large)
Position No. 3 (Foster)	Position No. 6 (Crawfordsville)	Position No. 9 (Sweet Home)

In all proceedings for the nomination or election of candidates for or to the office of Board member, every petition for nomination, declaration of candidacy, certificate of nomination, ballot or other document used in connection with the nomination or election will state the position number to which the candidate aspires.

Individuals may seek more than one elected position such as school board and education service district board.

Re-elections for Board positions will occur as follows:

Position No. 1 (Holley)	Spring, 2005-2025 and every four years thereafter;
Position No. 2 (Liberty)	Spring, 2005-2025 and every four years thereafter;
Position No. 3 (Foster)	Spring, 2007-2023 and every four years thereafter;
Position No. 4 (Cascadia)	Spring, 2007-2023 and every four years thereafter;
Position No. 5 (At Large)	Spring, 2005-2025 and every four years thereafter;
Position No. 6 (Crawfordsville)	Spring, 2007-2023 and every four years thereafter;
Position No. 7 (At Large)	Spring, 2005-2025 and every four years thereafter;
Position No. 8 (At Large)	Spring, 2005-2025 and every four years thereafter;
Position No. 9 (Sweet Home)	Spring, 2007-2023 and every four years thereafter.

Individuals may seek more than one elected position, such as school board and education service district board.

Zone Boundaries

Maps identifying the zone boundaries and accompanying legal descriptions shall be located in the superintendent's office.

END OF POLICY

Legal Reference(s):

[ORS 249.013](#)

[ORS 255.235](#)

[ORS 255.245](#)

[ORS 332.011](#)

[ORS 332.018](#)

[ORS 332.118](#) to -332.138

Corrected 3/07/22

Sweet Home School District 55

Code: BBBA
Adopted: 12/12/05
Orig. Code: BBBA

Board Member Qualifications

A person is eligible to serve as a Board member if he/she the person is an elector of the district. An “elector” means an individual qualified to vote under Section 2, Article II of the Oregon Constitution. The individual must be 18 years of age or older, registered to vote at least 20 calendar days immediately preceding any election in the manner provided by law and must have been a resident within the district for one year immediately preceding the election or appointment. Additionally, if the district is zoned, the individual must meet the requirements of Oregon Revised Statute (ORS) 332.124 - 332.126.

No person who is an employee of the district is eligible to serve as a Board member while so employed. A person who is an employee of a public charter school may not serve as a member of the Board of the district in which the public charter school that employs the person is located. A district or charter school substitute bus driver in a district with an average daily membership of 50 or less may serve as a Board member.

END OF POLICY

Legal Reference(s):

[ORS 247.002](#)
[ORS 247.035](#)
[ORS 249.013](#)

[ORS 332.016](#)
[ORS 332.018](#)
[ORS 332.030](#)

[ORS 332.124](#)
[ORS 332.126](#)

Oregon Constitution, Article II, Section 2.

Corrected 3/07/22

Sweet Home School District 55

Code: BBBB
Adopted: 6/08/98
Orig. Code: BBBB

Board Member Oath of Office

Any elected or appointed Board membermembers must qualify by taking an oaththe Oath of officeOffice before assuming the duties of office.

The Ooath of Ooffice will be administered by the presiding officer as the first order of business under new business on the Board agenda or at an earlier place on the agenda pending unanimous approval of the Boardin the following form-:

Oath of Office

(Hold up your right hand and repeat after me):, “I, _____, being first duly sworn, will support the Constitution and Laws of the United States and the State of Oregon, and will discharge the duties as a member of the Board of Directors of School District No. 55 to the best of my ability.”

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the state of Oregon and the laws thereof, and the policies of the Sweet Home School District. During my term, I will faithfully and impartially discharge the responsibilities of the Office of School Board Member to the best of my ability.

END OF POLICY

Legal Reference(s):

[ORS 332.005](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BBC
Adopted: 6/08/98
Orig. Code: BBC

Board Member Resignation

The Board believes that any citizen who files for and seeks election or appointment to the Board should do so with full knowledge of and appreciation for the investment in time, effort and dedication expected of all Board members, and that the citizen's intent to serve reflects his/her intention to serve a full term of office.

~~When, however, for reasons of health, change in domicile or other reasons a member decides~~ ~~to terminate service, the Board requests the earliest possible notification of intent to resign so that the Board may plan appropriately for the continuity of Board business. Resignations must be made in writing. Board members can resign the office effective at a future date. (Board, keep following bracketed language?)~~ ~~If the resignation is effective at a future date, the resignation is binding unless withdrawn in writing by the end of the third business day after the resignation is made.~~

The Board will announce the resignation and declare the vacancy at a Board meeting.

The Board will determine the procedures to be used in filling the vacancy. The Board may begin a replacement process and select a successor prior to the effective date of resignation; however, the actual appointment shall not be made before the resignation date.

~~A resignation becomes effective when officially accepted by the Board. After accepting the resignation, the Board will declare the vacancy.~~

END OF POLICY

Legal Reference(s):

[ORS 236.320](#)

[ORS 236.325](#)

[ORS 332.030](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BBD
Adopted: 4/10/00
Orig. Code: BBD

Board Member Removal from Office

The Board shall declare the office of a director vacant upon any of the following:

1. The death or resignation of an incumbent;
2. When an incumbent ceases to be a resident of the district;
3. When an incumbent ceases to discharge the duties of office for two consecutive months unless prevented by sickness or unavoidable cause;
4. When an incumbent ceases to discharge the duties of office for four consecutive months for any reason;
5. When an incumbent is removed from office by judgment or decree of any competent court;
6. When an incumbent has been recalled from office by district voters;
7. When an incumbent is elected by zone and moves from the zone to which ~~they~~he/she ~~were~~was elected. The incumbent shall continue to serve as director to June 30 next following the next regular district election. At that election, a successor shall be elected to serve the remainder, if any, of the unexpired term to which the director was elected. If the term to which the director was elected expires June 30 next following the election of the successor, the successor shall be elected to a full term.

Vacancies will be filled through appointment by the Board unless a majority of the positions are vacant at the same time. In that case, vacancies will be filled by the Linn-Benton Education Service District.

END OF POLICY

Legal Reference(s):

[ORS 249.865 to -249.877](#)

[ORS 332.030](#)

[ORS 408.240](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BBE
Adopted: 9/13/04
Orig. Code: BBE

Vacancies on the Board

Vacancies will be filled through Board appointment. The Board appointee must be a legally registered voter and a resident within the district for one year immediately preceding the appointment and a resident of the zone from which the vacancy has occurred. If the vacancy occurs in a zone, the Board shall advertise for a 20-day period to find an eligible resident from the same zone. If an eligible zone resident cannot be found, the Board shall appoint one of the eligible residents from the district.

In the event of multiple vacancies, the position vacated first will be filled first.

Upon appointment by the Board, the newly appointed Board member(s) will be sworn and seated immediately.

If the offices of a majority of Board members are vacant at the same time, the directors of the Linn Benton Lincoln Education Service District shall appoint persons to fill the vacancies from qualified district voters.

Board elections are held every odd-numbered year, which for the purposes of this policy, are termed “election” years. The appointee will:

1. ~~Serve~~Will serve until June 30 following the next “election,” at which time the individual elected in ~~May~~March of that year will fill the remaining portion of an unexpired term or serve a full four year term; or
2. ~~Serve~~Will serve until June 30 of a subsequent “election” year if the vacancy occurs after the filing date in an “election” year.

A Board member so elected as a replacement will serve the remaining year(s) of the term of office of the Board member being replaced.

~~Upon appointment by the Board, the newly appointed Board member(s) will be sworn in and seated immediately.~~

~~If the offices of a majority of Board members are vacant at the same time, the Directors of the Linn-Benton-Lincoln Education Service District shall appoint persons to fill the vacancies from qualified school district voters.~~

END OF POLICY

Legal Reference(s):

[ORS 249.865 to -249.877](#)
[ORS 255.245](#)

[ORS 255.335](#)
[ORS 332.030](#)

[ORS 332.122](#)
[ORS 332.124](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BBF
Adopted: 3/09/20
Orig. Code: BBF

Board Member Standards of Conduct

A Board member should:

1. Comply with ethics laws for public officials;
2. Understand that the Board sets the standards for the district through Board policy. Board members do not manage the district on a day-to-day basis;
3. Understand that the Board makes decisions by a quorum vote of the Board. Individual Board members may not commit the Board to any action;
4. Respect the right of other Board members to have opinions and ideas which differ;
5. Recognize that decisions made by a quorum vote are the final decisions of the Board. Such decisions should be supported by all Board members;
6. Make decisions only after the facts are presented and discussed;
7. Understand the chain of command and refer problems or complaints to the proper administrative office;
8. Recognize that the Board must comply with the Public Meetings Law and only has authority to make decisions at properly noticed Board meetings;
9. Insist that all Board and district business is ethical and honest;
10. Be open, fair and honest — no hidden agendas;
11. Understand that Board members you will receive information that is confidential and cannot be shared;
12. Recognize that the superintendent is the Board's employee and designated as the chief executive officer of the district;
13. Take action only after hearing the superintendent's recommendations;
14. Refuse to bring personal or family problems into Board considerations;
15. Give district staff the respect and consideration due to skilled, professional employees;
16. Present personal criticism of district operations to the superintendent, when appropriate, not to district staff;
17. Respect the right of the public to attend and observe Board meetings;

18. Respect the right of the public to be informed about district decisions and school operations as allowed by law;
19. Remember that content discussed in executive session is confidential;
20. Use social media, websites, or other electronic communication judiciously, respectfully, and in a manner that does not violate Oregon's Public Meetings Laws;
21. When posting online or to social media, Board members will treat and refer to other Board members, staff, students and the public with respect, and will not post confidential information about students, staff or district business;
22. A Board member is a mandatory reporter of child abuse. A Board member having reasonable cause to believe that any child with whom the Board member comes in contact with has suffered abuse or that any person with whom the Board member comes in contact with has abused a child shall immediately make an oral report by telephone or otherwise to the local Department of Human Services (DHS), to the designee of the department or to a local law enforcement within the county where the person making the report is located at the time of contact.

END OF POLICY

Legal Reference(s):

[ORS 162.015 - 162.035](#)
[ORS 162.405 - 162.425](#)
[ORS 192.610 - 192.710](#)

[ORS Chapter 244](#)
[ORS 332.055](#)
[ORS 419B.005](#)

[ORS 419B.010](#)
[ORS 419B.015](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BBFA
Adopted: 4/11/16
Orig. Code: BBFA

Board Member Ethics and Conflicts of Interest

No Board member will use their~~his/her~~ official position or office to obtain personal financial benefit or to avoid financial detriment for ~~themselves~~~~him or herself~~, relatives or household members, or for any business with which the Board member, a household member or a relative is associated.

This prohibition does not apply to any part of an official compensation package, honorarium allowed by Oregon Revised Statute (ORS) ~~ORS~~ 244.042, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the annual \$50 gift limit from one who has a legislative or administrative interest in any ~~any~~ matter subject to the decision or vote of the Board member. District-provided meals at board meetings are acceptable under the reimbursement of expenses exception.

I. Conflicts of Interest

“Business” means any corporation, partnership, proprietorship, enterprise, association, franchise, firm, organization, self-employed individual or any legal entity operated for economic gain. This definition excludes any income-producing tax exempt 501(c) not-for-profit corporation with which a public official or a relative of the public official is associated only as a member or board director or in a ~~nonremunerative~~~~non-remunerative~~ capacity.

“Business with which a Board member or relative is associated” means any private business or closely held corporation of which a Board member or relative is a director, officer, owner, employee or agent or any private business or closely held corporation in which a Board member or relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding year; any publicly held corporation in which a Board member or relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year; or any publicly held corporation of which a Board member or relative is a director or officer.

“Relative” means ~~the~~ spouse¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the Board member; or ~~the~~ parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the Board member. Relative also includes any individual for whom the Board member has a legal support obligation, whose employment provides benefits² to the Board member, or who receives any benefit from the Board member’s public ~~position~~~~employment~~.

¹ The term spouse includes domestic ~~partner~~~~partners~~.

² Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.

“Member of the household” means any person who resides with the public official.

No Board member will solicit or receive, either directly or indirectly, any pledge or promise of future employment based on any understanding that the Board member’s vote, official action or judgment would be thereby influenced.

No Board member will attempt to use or use for personal gain any confidential information gained through their/ his/ her official position or association with the district. A Board member will respect individuals’ privacy rights when dealing with confidential information gained through association with the district.

If a Board member participates in the authorization of a public contract, the Board member may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

Individual Board members and the Board as a public entity are bound by the ~~ethics laws~~ Code of Ethics for public officials as stated in Oregon law.

Potential Conflict of Interest

“Potential conflict of interest” means any action or any decision or recommendation by a Board member that could result in a financial benefit or detriment for self or relatives or for a business with which the Board member or relatives are associated, unless otherwise provided by law.

A Board member must publicly declare a potential conflict of interest. A Board member may, after declaring ~~his/ her~~ potential conflict of interest, either vote or abstain on the issue. Abstaining from a vote does not meet the legal requirement of publicly stating a potential conflict.

Actual Conflict of Interest

“Actual conflict of interest” means any action or any decision or recommendation taken by a Board member that would result in a financial benefit or detriment to self or relatives or for any business with which the Board member or relatives are associated, unless otherwise provided by law.

A Board member must publicly declare an actual conflict of interest. The Board member may not vote lawfully if an actual conflict of interest exists unless a vote is needed to meet a minimum requirement of votes to take official action. Such a vote does not allow the Board member to participate in any discussion or debate on the issue out of which an actual conflict arises.

Class Exception

It will not be a conflict of interest if the Board member’s action would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person’s relative or business with which the person or the person’s relative is associated, is a member or is engaged. For example, if a Board member’s spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board member’s spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential

for employees with doctorates in the collective bargaining ~~agreement~~^{unit}, the Board member should not vote on the contract.

II. Gifts

Board members are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50:00 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the ~~decision~~^{decisions} or vote of the Board member. All gift related provisions apply to the Board member, their relatives, and members of their household. The \$50 gift limit applies separately to the Board member, and to the Board member's relatives or members of household, meaning that the Board member, each member of their household and relative can accept up to \$50:00 each from the same source/gift giver.

“Gift” means something of economic value given to a Board member without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

“Relative” means: the spouse³, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the Board member; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the Board member. Relative also includes any individual for whom the Board member has a legal support obligation, whose employment provides benefits⁴ to the Board member, or who receives any benefit from the Board member's public ~~position~~^{employment}.

“Member of the household” means any person who resides with the Board member.

Determining the Source of Gifts

Board members should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the Board member's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. If the giver does not have a legislative/administrative interest, the ethics rules on gifts do not apply and the Board member need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A “legislative or administrative interest” means an economic interest distinct from that of the general public, in any action subject to the decision or vote of a person acting in the capacity of a Board member. For example, everyone within a county has a general interest in the fire department, but the person who sells the uniforms to the fire department has a legislative ~~or~~ /administrative interest in the fire department that is distinct from the general public.

³Ibid. p. 1

⁴Ibid. p. 1

Determining the Value of Gifts

The fair market value of the merchandise, goods, or services received will be used to determine benefit or value.

“Fair market value” is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the Board member does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

1. In calculating the ~~cost~~-per person **cost** at receptions or meals the payor of the Board member’s admission or meal will include all costs other than any amount donated to a charity.
2. For example, a person with a legislative or administrative interest buys a table for a charitable dinner at \$100 per person. If the cost of the meal was \$25 and the amount donated to charity was \$75, the benefit conferred on the Board member is \$25. This example requires that the Board member does not claim the charitable contribution on personal tax returns.
3. For receptions and meals with multiple attendees, but with no price established to attend, the source of the Board member’s meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:
 - a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;
 - b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
 - c. The source calculates the actual amount spent on the Board member.
4. Upon request by the Board member, the source will give notice of the value of the merchandise, goods, or services received.
5. Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale **Value**value

Board members may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source more than \$50-00), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Entertainment

Board members may not solicit or accept any gifts of entertainment over \$50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the Board member unless:

1. The entertainment is incidental to the main purpose of another event (i.e., a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or
2. The Board member is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when a Board member appears at an entertainment event for a “ceremonial purpose” at the invitation of the source of the entertainment who requests the presence of the Board member at a special occasion associated with the entertainment. Examples of an appearance by a Board member at an entertainment event for a ceremonial purpose include throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts:-

1. Campaign contributions are not considered gifts under the ethics rules:-
2. Gifts from “relatives” and “members of the household” to the Board member are permitted in an unlimited amount; they are not considered gifts under the ethics rules:-
3. Informational or program material, publications, or subscriptions related to the recipient’s performance of official duties:-
4. Contributions made to a legal expense trust fund if certain requirements are met:-
5. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative or administrative interest, with the following exceptions:
 - a. Organized Planned Events. Board members are permitted to accept payment for travel conducted in the Board member’s official capacity, for certain limited purposes:
 - (1) Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50:00 aggregate amount IF:
 - (a) The Board member is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the district; AND
 - (i) The giver is a unit of a:
 - 1) Federal, state, or local government;
 - 2) An Oregon or federally recognized Native American Tribe; OR ~~Non-profit corporation~~
 - 3) Nonprofit corporation.
 - (b) The Board member is representing the district:
 - (i) On an officially sanctioned trade-promotion or fact-finding mission; OR
 - (ii) Officially designated negotiations or economic development activities *where receipt of the expenses is approved in advance by the Board.*

The purpose of this exception is to allow Board members to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.

6. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the Board member is representing the district. Again, this exception does not authorize private meals where the participants engage in discussion.

“Reception” means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal;:-

7. Food or beverage consumed by Board member acting in an official capacity in the course of financial transactions between the public body and another entity described in **ORS 244.020(7)(b)(I)(i)**;:-
8. Waiver or discount of registration expenses or materials provided to Board member at a continuing education event that the Board member may attend to satisfy a professional licensing requirement;:-
9. A gift received by the Board member as part of the usual or customary practice of the Board member’s private business, employment or position as a volunteer that bears no relationship to the Board member’s holding of public office.

Honoraria

A Board member may not solicit or receive, whether directly or indirectly, honoraria for the Board member or any relative or member of the household of the Board member if the honoraria are solicited or received in connection with the official duties of the Board member.

~~“Relative” means: 1) Board member’s or candidate’s spouse⁵, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law; 2) the spouse of the Board member’s or candidate’s parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.~~

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of \$50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the Board member or candidate.

END OF POLICY

Legal Reference(s):

[ORS 162.015 - 162.035](#)
[ORS 162.405 - 162.425](#)

[ORS 244.010 - 244.400](#)
[ORS 332.055](#)

[OAR 199-005-0001 - 199-010-0150](#)

⁵~~The term spouse includes domestic partners.~~

Sweet Home School District 55

Code: BBFB
Adopted: 4/11/16
Orig. Code: BBFB

Board Member Ethics and Nepotism

In order to avoid both potential and actual conflicts of interests, Board members will abide by the following rules when a Board member's relative or member of the household is seeking and/or holds a position with the district:

1. A Board member may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or member of the household, unless the Board member complies with the conflict of interest requirements of **Oregon Revised Statute (ORS) ORS Chapter 244**.

This policy does not apply to decisions regarding unpaid volunteer positions unless it is a Board member position or another Board-related unpaid volunteer position (i.e. a Board committee position).

2. A Board member may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or member of the household. A Board member may still serve as a reference or provide a recommendation.

For the purposes of this policy: ~~the "household" means any person who resides with the Board member.~~

"Member of the household" means any person who resides with the Board member.

"Relative" means: ~~the~~ The spouse¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the Board member; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the Board member. Relative also includes any individual for whom the Board member has a legal support obligation, whose employment provides benefits² to the Board member, or who receives any benefit from the Board member's public **employment position**.

Class Exception

It will not be a conflict of interest if the Board member's action would affect to the same degree a class including the Board member's relative or household member. For example, if a Board member's spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board member's spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential

¹ The term spouse includes domestic partner.

² Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.

for employees with doctorates in the collective bargaining agreement, the Board member should not vote on the contract.

END OF POLICY

Legal Reference(s):

[ORS 244.010](#) to -244.400

[ORS 659A.309](#)

[OAR 199-005-0001](#) to -199-010-0150

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS.

Corrected 3/07/22

Sweet Home School District 55

Code: BBFC
Adopted: 3/09/20
Orig. Code: BBFC

Reporting of Suspected Abuse of a Child

A Board member is a mandatory reporter of child abuse. A Board member having reasonable cause to believe that any child with whom the Board member comes in contact with has suffered abuse or that any person with whom the Board member comes in contact with has abused a child shall immediately notify the Oregon Department of Human Services (DHS) or local law enforcement pursuant to Oregon Revised Statute (ORS) 419B.015.

The Board member making a report of child abuse, as required by ORS 419B.010, shall make an oral report by telephone or otherwise to the local office of the Department of Human Services, to the designee of the department or to a law enforcement agency within the county where the Board member making the report is located at the time of the contact.

The report shall contain, if known: the names and addresses of the child and the parents of the child or other persons responsible for the care of the child; the child's age; the nature and extent of the abuse, including any evidence of previous abuse; the explanation given for the abuse; and any other information that the Board member making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 419B.005](#)

[ORS 419B.010](#)

[ORS 419B.015](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BC/BCA
Adopted: 9/13/04
Orig. Code: BC/BCA

Board Organization/Board Organizational Meeting

~~At the first regular meeting after July 1, the Board will meet to organize for the year.~~

~~Among the business transacted at this meeting will be the election of a chairman, vice chairman and secretary and other organizational actions prescribed by law or by Board practice. Committee appointments for standing committees may be made at this time or at the next regular or special meeting.~~
No later than the next regular meeting following July 1, the Board will organize itself for the year. In a Board election year, the Board organizational meeting must be no later than July 31st.

The organizational meeting will consist of, but not be limited to, the following actions:

1. Election of a Board chair;
2. Election of a vice chair;
3. Provision for a time and place for regular meetings;
4. Other organizational actions prescribed by law or by Board practice.

The incumbent ~~chairman of the Board~~ chair will preside until a successor is elected, whereupon the successor will assume the chair. In the event ~~that no incumbent chair~~ chairman or vice ~~chair~~ chairman remains on the Board, or neither is able to continue to serve as an officer, the Board will select a temporary ~~chair~~ chairman will be selected to conduct the election. ~~No member will serve as chairman for more than four years in succession, including both time elected and time appointed to the Board.~~

~~Duly elected new Board members will present themselves at this meeting to assume their positions as members of the Board.~~

END OF POLICY

Legal Reference(s):

[ORS 255.335](#)

[ORS 332.040 to -332.045](#)

[ORS 332.057](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BCB
Adopted: 9/13/14
Orig. Code: BCB

Board Officers

At its first scheduled meeting after July 1, the Board will elect one of its members to serve as ~~chair~~chairman, one to serve as vice chairman and one to serve as vice chair. ~~Board secretary.~~ No member of the Board may serve as ~~chair~~chairman more than four years in succession. If a Board member is unable to continue to serve as an officer, a replacement will be elected immediately. The replacement officer will serve the remainder of the officer's term until the following July.

~~1. Board Chairman~~ **Board Chair**

The Board ~~chair~~chairman will:

1. ~~Work with~~assist the superintendent to establish~~in establishing~~ the agenda for regular Board meetings; ~~of the Board.~~
2. ~~Call~~The chairman will call special meetings when required;-
3. ~~Preside~~The chairman will preside at all meetings of the Board and will enforce the rules of order;-
4. ~~Sign the~~The chairman will sign minutes and other official documents that require the signature of the chair;~~chairman.~~
5. ~~Represent~~The chairman will represent the district and the Board at official functions, unless this duty is delegated by the chairman or the Board chair to another Board member; ~~of the Board.~~
6. ~~Appoint~~ The chairman will appoint all committees *(Board members, keep the following language in brackets?)* unless otherwise ordered by the Board and will be an ex-officio member of all such committees; unless otherwise ordered by the Board;-
7. ~~Have~~The chairman will have the right to discuss issues and will vote on any issue unless wishing to abstain.

~~2. Board Vice Chairman~~

In the absence, incapacitation or death of the ~~chair~~chairman, the vice ~~chair~~chairman will perform the duties of chair~~the chairman~~, and, when so acting, will have all the chair's powers, ~~of the chairman.~~ The vice ~~chair~~chairman will perform such other functions as designated by the Board.

Board Secretary

The superintendent will designate a staff member to serve as Board secretary and will directly supervise and evaluate the secretary. In absence of the designated Board secretary, the Board may name anyone present to serve as secretary for that meeting. The secretary to the Board will take notes at Board meetings,

compile minutes and perform related work as assigned by the superintendent or requested by the Board chair. These duties will include, but not be limited to, the following:

1. Record the disposition of all matters on which the Board considered action;
2. Prepare and distribute minutes in advance for approval at the next Board meeting;
3. Maintain properly authenticated official copies of the minutes;
4. Maintain the official record of Board policies;
5. Properly post all Board meetings.

~~3. Board Secretary~~

~~The Board secretary will make notes of executive sessions to be filed in the superintendent's office.~~

~~4. Board or District Spokesperson~~Spokesman

The Board may appoint one of its members, usually the chair, or another person to make authorized statements to the public or the media when the Board deems that, under the circumstances, the district's position of the district should be articulated by a single voice. The spokespersonspokesman serves at the Board's direction of the Board and may be removed or replaced at any time by action of a majority of the Board.

END OF POLICY

Legal Reference(s):

[ORS 255.335](#)
[ORS 332.040](#)

[ORS 332.045](#)
[ORS 332.057](#)

[OAR 166-400-0010\(9\)](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BCD
Adopted: 6/08/98
Orig. Code: BCD

Board-Superintendent Relationship

The superintendent ~~shall~~ will be the chief executive officer of the district and ~~shall be responsible~~ will provide for the professional leadership and skill necessary to translate the will of the Board into administrative action.

The superintendent ~~shall~~ will be responsible for all aspects of district school operation and for such duties and powers pertaining thereto as directed or delegated by the Board, ~~may direct or delegate~~ and to develop such procedures and administrative regulations as he/she/they considers necessary to ensure efficient operation of the district schools.

The Board ~~expects~~ assumes that the superintendent is professionally able and possesses outstanding qualities of leadership, vision and administrative skill, and ~~that the superintendent will implement all Board policies of the Board~~ in good faith.

The superintendent can ~~expect~~ assume that the Board will respect the superintendent's professional competence and extend to him/her the superintendent full responsibility for implementation of Board policy decisions. ~~The superintendent can expect the Board to support the superintendent's decisions and administration of the school system.~~

The Board holds the superintendent responsible for carrying out its policies within established guidelines and for keeping the Board informed about district operations school operation.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.505](#)

[ORS 332.515](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BCE
Adopted: 6/08/98
Orig. Code: BCE

Board Committees

The Board may have standing committees. ~~Special~~ It may appoint special committees may be appointed by the Board for specific purposes to serve until their assignment is completed. The entire Board may meet as a committee-of-the-whole.

The function of special committees will be fact-finding, deliberative and advisory, rather than legislative or administrative. The committee will make Committee recommendations will be made directly to the Board as a whole, which alone may take action. Committee meetings may be called by the Board chair~~chairman~~, the committee chair~~chairman~~ or any ~~members of the committee member~~.

Committee-of-the-whole meetings, called “work sessions,” may will be held. Committee-of-the-whole meetings may be called by the Board chair or any three Board members as needed.

All meetings of the special committees and of ~~committees~~ the committee-of-the-whole will follow the Public Meetings Law. The Board or be publicly announced and the public will be permitted to attend; however, the Board and its committees may sit in an executive sessions to discuss matters when pertaining to individual personnel, students, labor negotiations and certain other matters where such session ~~issessions~~ are required or permitted by law.

All matters referred to a committee will be thoroughly investigated by that committee. A committee will not have the power to act for the Board except as the Board has specifically authorized by action, but will make recommendations to the Board. Committee recommendations and reports will become an official part of Board minutes.

A Board committee may appoint, subject to Board approval, advisory members from the staff, student body or community with approval of the Board. Advisory members will be instructed in the committee’s functions and their status. Advisory These members may not be included in considering whether a quorum of the committee is present, nor may they vote on recommendations to be made to the Board. Either; however, either an advisory member or an ex-officio member may present in writing a written minority report to the Board.

END OF POLICY

Legal Reference(s):

[ORS 192.610 to -192.690](#)

[ORS 332.045](#)

[ORS 332.105](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BCF
Adopted: 6/08/98
Orig. Code(s): BCF

Advisory Committees to the Board

(See updated/recommended language below.)

~~The Board encourages the participation of citizens in three types of advisory committees; however, legal responsibility for decision making in all matters of policy and operation rests with the Board.~~

- ~~1. Board appointed advisory committees, both districtwide and at the school level, will function within organizational frameworks approved by the Board. A staff member or members will be assigned to each group to help it carry out its functions and coordinate its work with other advisory and staff groups. Only the Board will have the authority to dissolve advisory committees it has created.~~
- ~~2. School and district level advisory committees that are required under federal and state programs will be formed and will function in accordance with requirements pertaining to each specific program; the Board will grant to those bodies the advisory responsibilities relevant to the program or project.~~
- ~~3. Community groups that are neither appointed by the Board nor formed as required under federal or state programs are encouraged to offer suggestions to the Board in order to assist it in making decisions. The final responsibility for all decisions, however, rests with the Board.~~

~~All meetings of advisory committees shall be subject to the notice, meeting and record keeping requirements of the Public Meetings Law.~~

In an ongoing effort to increase communication with the public and to provide for community involvement, the Board may appoint advisory committees which include community members to consider matters of districtwide importance.

Recommendations of such committees will be given careful consideration by the Board, but such recommendations will not relieve the Board of its legal responsibility to make final decisions about such matters.

All meetings of advisory committees shall follow the Public Meetings Law. The press may attend and report proceedings. Visitors shall sit apart from the committee members and shall speak only when invited to do so by the committee chair.

The composition of advisory committees to the Board will be broadly representative and will take into consideration the specific tasks assigned to the committee. The process for the appointment of community members to an advisory committee will be determined by the Board. When requested and approved by the Board, appointment of staff members, when appropriate, will be made by the superintendent.

The Board will adopt guidelines for each committee as appropriate, which will include, but not be limited to, the following:

1. The committee's written charge which shall include, but not be limited to, a statement of purpose and responsibility;

2. The resources the Board will provide;

3. The length of time the committee is asked to serve and the approximate date(s) on which the Board wishes to receive the committee report(s).

Except as specifically provided by the Board, advisory committees will cease to function when their reports have been received by the Board or when the purposes for which they were established have been accomplished.

The Board may be represented on lay and professional committees that serve the Board in an advisory capacity, with specific Board members appointed by the chair, but normally such Board members will function as ex-officio members of the committees.

END OF POLICY

Legal Reference(s):

[ORS 192.610](#)
[ORS 192.630](#)

[ORS 294.414](#)
[ORS 329.704](#)

[ORS 332.107](#)

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S MODEL PUBLIC CONTRACT RULES MANUAL.

Corrected 3/07/22

Sweet Home School District 55

Code: BCH
Adopted: 6/08/98
Orig. Code: BCH

Consultants to the Board

The Board may engage persons in advisory capacity when specific services are required that are beyond the capabilities or responsibilities of regularly employed personnel.

Such advisors may include attorneys, auditors, architects, agents of record and others with technical skills or professional training.

The Board may appoint such advisors to serve for a specified period of time or may engage such advisors to perform specific tasks on a temporary basis. Except where the advisor serves under a written contract for a specified period of time, the Board may terminate such advisory services at its sole discretion.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 332.075](#)
[ORS 332.505](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BD/BDA
Adopted: 1/11/10
Revised/Readopted: 12/13/21
Orig. Code: BD/BDA

Board Meetings

The Board has the authority to act only when a quorum is present at a duly called regular, ~~or~~ special or emergency meeting. “Meeting” means the convening of a quorum of the Board as the district’s a governing body ~~of the district in order~~ to make a decision or to deliberate toward a decision on any matter. This includes meeting for the purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, i.e. a work session. The affirmative vote of the majority of members of the Board is required to transact any business. Communications between and among a quorum of members convening on electronically linked personal computers or by telephone conference call are subject to the Public Meetings Law.

All regular, special and emergency meetings of the Board will be open to the public except as provided by law. Access to and the ability to attend all meetings (excluding executive sessions) by telephone, video or other electronic or virtual means will be made available when reasonably possible. All meetings will be conducted in compliance with state and federal statutes. All meetings of the Board will be held within the boundaries of the district. For information ~~How~~ to give or submit public comment it is outlined in Board policy BDDH - Public Comment at Board Meetings¹ and/or posted on the district’s website.

All Board meetings, including Board retreats and work sessions, will be held within district boundaries, except as allowed by law². The Board may attend training sessions outside the district boundaries but cannot deliberate or discuss district business. No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, age or national origin is practiced.

The Board will give public notice reasonably calculated to give actual notice to interested persons, including those with disabilities, of the time and place for all Board meetings and of the principal subjects to be considered. The Board may consider additional subjects at a meeting, even if they were not included in the notice.

¹ When telephone or other electronic means of communication is used during a meeting open to the public, the Board shall make at least one place available to the public where, or at least one electronic means by which, the public can listen during the meeting. At all meetings of the Board open to the public, the public will be provided an opportunity, to the extent reasonably possible, to access and attend the meeting by telephone, video or other electronic or virtual means. If in-person oral testimony (or public comment) is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit oral testimony during the meeting, at the designated portion of the agenda, by telephone, video or other electronic or other means. If in-person written testimony is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit written testimony including by email or other electronic means, so that the Board is able to consider the submitted testimony in a timely manner.

² ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction if no deliberations toward a decision are involved.

If requested to do so at least 48 hours before a meeting held in public, the Board shall make a good faith effort to provide an interpreter for hearing-impaired persons. Other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice.

~~The first regular meeting after July 1 of each year will be an organizational meeting to elect Board officers for the coming year and to establish the year's schedule of Board meetings.~~

All meetings held in public shall comply with the Oregon Indoor Clean Air Act.

The possession of dangerous or deadly weapons and firearms, as defined in law and Board policy, is prohibited on district property.

1. Regular, Special and Emergency Meetings

Generally, a regular Board meeting will be held each month. The regular meeting schedule will be established at the annual organizational meeting and may be changed by the Board with proper notice. The purpose of each regular monthly meeting will be to conduct the regular Board business.

No later than the next regular meeting following July 1, the Board will hold the annual organizational meeting to elect Board officers for the coming year and to establish the year's schedule of Board meetings. In Board election years (odd numbered years), the first meeting will be held no later than July 31.

Special meetings can be convened by the Board chair, upon request of three Board members, or by common consent of the Board at any time to discuss any topic. A special meeting may also be scheduled if less than a quorum is present at a meeting or additional business still needs to be conducted at the ending time of a meeting. At least 24 hours' notice must be provided to all Board members, the news media, which have requested notice, and the general public for any special meeting.

Emergency meetings can be called by the Board in the case of an actual emergency upon appropriate notice under the circumstances. The minutes of the emergency meeting must describe the emergency. Only topics necessitated by the emergency may be discussed or acted upon at the emergency meeting.

2. ~~Communications~~Communication Outside of Board Meetings

~~Communications~~Communication's, to, by, and among a quorum of Board members outside of a legally called Board meeting, in their capacity as Board members, shall not be used for the purpose of discussing district business. This includes electronic communication. Electronic communications among Board members shall be limited to messages not involving deliberation, debate, decision-making or gathering of information on which to deliberate.

Electronic ~~communications~~communication may contain:

- a. Agenda item suggestions;
- b. Reminders regarding meeting times, dates, and places;
- c. Board meeting agendas or information concerning agenda items;
- d. One-way information from Board members or the superintendent to each Board member (e.g., an article on student achievement or to share a report on district progress on goals);

- e. Individual responses to questions posed by community members, subject to other limitations in Board policy.

E-mails sent to other Board members will have the following notice:

Important: Please do not reply or forward this communication ~~mail~~ if this communication constitutes a decision or deliberation toward a decision between and among a quorum of a governing body which could be considered a public meeting. Electronic communications ~~E-mails~~ on district business are governed by public ~~meetings~~ ~~records~~ law.

3. Private or Social Meetings

Private or social meetings of a quorum of the Board for the purpose of making a decision or to deliberate toward a decision on any matter are prohibited by public meetings law. ~~Public Meetings Law.~~

4. Work Sessions

The Board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with state law on public meetings, including notice and minutes. The Board may make official decisions during a work session. Generally, Boards do not take official action during work sessions, although there is no legal prohibition to do so.

5. Executive Sessions

Executive sessions may be held as an agenda item during regular, special or emergency meetings for a reason permitted by law.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)

[ORS 174.104](#)

[ORS Chapter 192](#)

[ORS Chapter 193](#)

[ORS 255.335](#)

[ORS 332.040 - 332.061](#)

[ORS 433.835 - 433.875](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

OR. ATTY. GEN. Public Records and Meetings Manual.

Oregon House Bill 2560 (2021).

Oregon House Bill 3041 (2021).

Corrected 3/07/22

Sweet Home School District 55

Code: BDB
Adopted: 6/08/98
Orig. Code: BDB

Special Board Meetings

Special meetings may be called by the Board chairman at any time and will be called upon request of three Board members or by common consent of the Board members. Special meetings are subject to the following requirements:

1. Notice of the meeting and its agenda will be provided to the public and the media at least 24 hours before such meeting is to be convened;
2. In addition to the principal subjects anticipated to be considered at the meeting, the Board may take up additional subjects arising too late to be included in the notice, as necessary.

END OF POLICY

Legal Reference(s):

[ORS 192.640](#)
[ORS 332.045](#)

OACE v. Salem Keizer School District 24J, 95 Or. App 28 (1989); reconsideration denied, 95 Or. App. 6 (1989).

Corrected 3/07/22

Sweet Home School District 55

Code: BDBA
Adopted: 6/08/98
Orig. Code: BDBA

Emergency Board Meetings

(Incorporated into BD/BDA)

Emergency meetings may be called on less than 24 hours notice in the event of an actual emergency. Notice appropriate under the circumstances will be given to Board members, the public and the press. The minutes of the meeting will describe the nature of the emergency. No business other than that related to the emergency will be discussed at these meetings.

END OF POLICY

Legal Reference(s):

[ORS 192.640](#)

[ORS 332.045](#)

OACE v. Salem Keizer School District 24J, 95 Or. App 28 (1989); reconsideration denied, 95 Or. App. 6 (1989).

Corrected 3/07/22

Sweet Home School District 55

Code: BDC
Adopted: 9/13/99
Orig. Code: BDC

Executive Sessions

(Version 1)

The Board may meet in executive session to discuss subjects allowed by statute but may not take final action except for the expulsion of students and matters pertaining to or examination of the confidential medical records of a student, including that student's educational program.

Executive sessions may be held during regular, special or emergency meetings for any reason permitted by law.

The presiding officer will announce the executive session by identifying the authorization under ORS 192.660 for holding such session and by noting the subject of the executive session. Members of the press may attend executive sessions except those matters pertaining to deliberations with persons designated by the Board to carry on labor negotiations; hearings on the expulsion of minor students; matters pertaining to or examination of the confidential medical records of a student including that student's educational program; and current litigation or litigation likely to be filed if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

An executive session may be convened upon request of three Board members or by common consent of the Board for a purpose authorized under ORS 192.660.

If an executive session is held pursuant to ORS 332.061, the following shall not be made public: the name of the minor student; the issue, including the student's confidential medical records and educational program; the discussion; and each Board member's vote on the issue.

All executive session minutes shall be kept in written form.

Content discussed in executive sessions is confidential and must not be made public. Documents pertaining to evaluation, district personnel and students are also confidential and must not be made available to the public.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)

[ORS 332.045](#)

[ORS 332.061](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BDC-AR
Adopted: 5/10/10
Orig. Code: BDC-AR

Executive Sessions–News Media

(An opinion from the AG recognizes news media as a broad term to include several forms of news medium. Review the [Opinion 8291](#) for additional understanding. As a result from the opinion this AR is recommended to delete.)

Currently Recognized News Media Organizations. The following entities are recognized as news media organizations eligible to attend executive sessions because they have an established history of meeting the requirements of this regulation:

List entities currently recognized by the district:

The *New Era* newspaper, Sweet Home, Oregon
The *Democrat-Herald* newspaper, Albany, Oregon
KFIR/KSKD radio station, Sweet Home, Oregon

No other entity shall be permitted to attend an executive session unless it is recognized through the process described below.

1. Recognition of Other News Media Organizations

- a. The following entities are recognized as news media organizations eligible to attend executive sessions:¹
 - (1) A general or associate member newspaper of the Oregon Newspaper Publishers Association, a broadcast member of the Oregon Association of Broadcasters or a member of the Associated Press; or
 - (2) A newspaper that the district uses for publication of public notices and meets the requirements of ORS 193.020; or
 - (3) An entity recognized by the district as being a news source that:
 - (a) Is organized and operated to regularly and continuously publish, broadcast, transmit via the Internet or otherwise disseminate news to the public, and regularly reports on activities of the district or matters of the nature under consideration by the district; and

¹ School/district sponsored media groups comprised of members of the student body under the direction of a student media advisor are not within the definition of “media organization” as contemplated by this regulation.

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- (b) Is determined by the district to be a business entity that is institutionalized² and is committed to, and is structured to support, the terms of ORS 192.660(4).³ In making this determination, the district may consider and weigh any factors that it deems to be relevant, including, without limitation, the existence of any of the following factors:

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- (i) The entity has multiple personnel with defined roles within its organizational structure;
- (ii) The names of news-reporting personnel, and responsible entity management personnel, together with addresses and contact telephone numbers, are readily available;
- (iii) The entity has an available process for correcting errors, including violations of executive session statutes, by a person with authority to take corrective measures.

- b. It shall be the entity's burden to persuade the district by substantial evidence that it should be recognized as a news media organization meeting the criteria in Section 1.a. of this regulation. Such evidence must be submitted five working days in advance of the next regularly scheduled Board meeting prior to the first executive session that the entity desires to attend. The Board shall make a determination at the next regularly scheduled Board meeting of receiving the evidence submitted by the entity. The Board may elect to forgo this procedure in cases where the Board, in its sole discretion, determines it can immediately recognize that an entity qualifies under this procedure, or in cases where the Board, in its sole discretion, determines that other good cause exists for making an expedited determination. A determination that the entity is not recognized shall be based upon written findings addressing the criteria in Section 1.a.

2. Attendance at Executive Sessions

Representatives of news media organizations recognized under the criteria established by this regulation shall be allowed to attend executive sessions, except as described in ORS 192.660(4) and 192.660(5), pursuant to the following process:

- a. The representative must provide substantial evidence persuading the district, that he/she is a news reporter for the recognized news media organization. In making its determination whether to recognize the person as a representative of the news media organization, the district shall require:
 - (1) A press badge or identification issued by the recognized news media organization, plus proof of identity (such as a driver's license); or
 - (2) A recently published news article in the recognized news media organization publication or broadcast, with the person's byline, or a masthead showing the person's name as a

² For the purposes of this regulation, "institutionalized" means long-established or well-established.

³ ORS 192.660(4). Representatives of the news media shall be allowed to attend executive sessions other than those held under Subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061(2) but the governing body may require that specified information be undisclosed

member of the news gathering staff of the news media organization, plus proof of identity; or

- (3) A letter on letterhead from an editor of the recognized news media organization in which the editor states that the reporter is covering the meeting for the news media organization, plus proof of identity.

- b. Representatives of the news media are not permitted to attend executive sessions involving deliberations with persons designated to carry on labor negotiations. ORS 192.660(4). If the executive session is being held for the purpose of conferring with counsel about current litigation or litigation likely to be filed, the Board shall exclude any member of the news media from attending if the member is a party to the litigation to be discussed or is an employee, agent or contractor of a news media organization that is a party to the litigation. ORS 192.660(5);
- c. The Board may require that a request to attend an executive session be made in writing on a form provided by the district. The form shall require disclosure of the person's name, and the entity for which he or she is a news reporter, and shall require submission of evidence described in Subsections 2.a.(1), (2) or (3) of this regulation. The form shall also include a signature line whereby the person certifies that they are gathering news for a recognized news media organization, that the information given is true and that they agree to comply with ORS 192.660(4);
- d. The Board may consider any relevant evidence provided or gathered in making its decision as to whether a person shall be recognized as a representative of a recognized news media organization.

3. Recording Devices Prohibited

Cameras, tape recorders and other recording devices shall not be used in executive sessions, except for the official executive session tapes made by district staff.

4. Exclusion Based on a Direct Personal Interest

A representative of a news media organization that has a direct personal interest in the subject of the executive session that would frustrate the purpose of the executive session may be barred from attending.

Corrected 3/07/22

Sweet Home School District 55

Code: BDD
Adopted: 6/08/98
Orig. Code: BDD

Board Member Voting (Version 1)

It shall be the duty of each Board member, including the chairman, to vote on each motion unless excused from doing so. The vote of each individual member shall be recorded and when a member abstains from voting such abstention shall be recorded. The affirmative vote of the majority of the members of the Board (5) is required to transact business.

END OF POLICY

Legal Reference(s):

[ORS 192.650](#)
[ORS 244.120\(2\)](#)

[ORS 332.045](#)
[ORS 332.055](#)

[ORS 332.057](#)
[ORS 332.107](#)

38 OR. ATTY. GEN. OP. 1995 (1978)
41 OR. ATTY. GEN. OP. 28 (1980)

Corrected 3/07/22

Sweet Home School District 55

Code:
Adopted:

BDD

Board Meeting Procedures

1. Quorum

A quorum will consist of the majority of the Board members.

2. Vote Needed for Exercise of Powers

The affirmative vote of a majority of Board members will be necessary for exercising any of the Board's powers.

3. Board Member Voting

Each member's vote on all motions will be recorded in the minutes.

4. Abstaining from Vote

If a Board member chooses to abstain from voting, and the abstention is due to a conflict of interest, the Board member will state the reason for the abstention and such abstention will be recorded. (See policy BBFC – Board Member Ethics and Conflicts of Interest for further procedure for board members to state a conflict of interest.)

5. Parliamentary Procedure

Official Board business will be transacted by motion or resolution at duly called regular or special meetings.

Except as otherwise provided by state law and/or Board policy, the rules of parliamentary procedure comprised in *Robert's Rules of Order Newly Revised*, "Procedure in Small Boards" as modified by the Board will govern the Board in its deliberation. Modifications will include the following: Motions will all be seconded prior to consideration for discussion by the Board and motions to close or limit debate will be acceptable.

The Board chair will decide all questions relative to points of order, subject to an appeal to the Board.

END OF POLICY

Legal Reference(s):

[ORS 192.650](#)
[ORS 244.120\(2\)](#)

[ORS 332.045](#)
[ORS 332.055](#)

[ORS 332.057](#)
[ORS 332.107](#)

38 OR. ATTY. GEN. OP. 1995 (1978)
41 OR. ATTY. GEN. OP. 28 (1980)

Corrected 3/07/22

Sweet Home School District 55

Code: ~~BDDDB~~/BDDC
Adopted: 9/13/04
Orig. Code: BDDDB/BDDC

Board Meeting Agenda

The Board chair ~~chairman~~ and works with the superintendent, who will prepare an agenda for all regular meetings of the Board. Items of business may be suggested by any Board member, staff member, student or ~~patron~~ citizen of the district by notifying the superintendent at least five working days prior to the meeting.

A consent agenda may be used by the Board for noncontroversial business. The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be approved at the same time. A Board member may ask that any item be removed from the consent agenda. The removed item will then be placed on the regular agenda.

The agenda will follow a general order established by the Board. Opportunities for the audience to be heard ~~may~~ will be included on the agenda. The Board will follow the order of business set up by the agenda unless the order is altered by a consensus of the Board.

Items of business not on the agenda may be discussed and acted upon if the majority of the Board agrees to consider them.

The agenda, together with supporting materials, will be distributed by the district office or superintendent to Board members at least three full working days prior to the meeting. The agenda will be available to the press and to interested patrons through the superintendent's office at the same time it is available to the Board members. Copies of the agenda for the press and public will not contain any confidential information included in the Board members' packets.

A copy of the agenda will be posted on the district website and in each district facility on the day of the meeting. Members of the public may request a copy of the agenda ~~through~~ at the ~~D~~district ~~O~~ffice.

The district will ensure equally effective communications are provided to qualified persons with disabilities, upon request, as required by the Americans with Disabilities Act.

Appropriate auxiliary aids and services may include, but are not limited to, qualified interpreters, assistive listening systems, note takers, large print, Braille materials, audio recordings and readers. Primary consideration will be given to the ~~request~~ requests of the person with a disability in the selection of the appropriate auxiliary ~~aids~~ aids and/or service. ~~services.~~

Should the Board demonstrate such a ~~request~~ requests would result in a fundamental alteration in the service, program or activity or an undue financial and administrative ~~burden~~ burden, an ~~alternate~~ alternate, equally effective ~~communication~~ communications will be used.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual.

END OF POLICY

Legal Reference(s):

[ORS 192.630](#)

[ORS 192.640](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2015); 28 C.F.R. Part 35 (2015).

Americans with Disabilities Act Amendments Act of 2008.

Corrected 3/07/22

Sweet Home School District 55

Code: BDDD
Adopted: 6/08/98
Orig. Code: BDDD

Quorum

(See BDD, Version 2)

A majority of the members of the Board will constitute a quorum. A lesser number may meet and adjourn from time to time and compel the presence of absent members. The affirmative vote of the majority of members of the Board is required to transact any business.

END OF POLICY

Legal Reference(s):

[ORS 332.055](#)

41 Op Atty Gen 28 (1980).

Corrected 3/07/22

Sweet Home School District 55

Code: BDDF
Adopted: 6/08/98
Orig. Code: BDDF

Conduct of Board Meetings

(See BDD, Version 2)

Board meetings will be conducted by the Board chairman. In the absence of the chairman, the vice chairman will preside. In the absence of both, the secretary will preside. In the absence of all three, the Board member with the greatest seniority on the Board will preside.

The rules of parliamentary procedure contained in Robert's Rules of Order, Newly Revised, "Procedures for Small Boards" will govern the Board in its deliberations. Discussion by Board members will be unlimited so long as it applies to the motion before the Board or the matter under consideration. The Board may vote to limit discussion, and the chairman will confine discussion to the matter before the Board. The chairman may limit the time of any citizen appearing before the Board in order that all who wish to be heard may have the opportunity to speak.

Individual votes on motions and/or resolutions will be by "yes" or "no," and the result of the vote of each member will be recorded by name. A Board member who abstains from voting will be so recorded.

END OF POLICY

Legal Reference(s):

[ORS 165.535](#)
[ORS 165.540](#)
[ORS 192.650](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BDDG/~~BDDK~~
Adopted: 9/13/04
Orig. Code: BDDG/BDDK

Minutes of Board Meetings

In accordance with statutes, the Board will maintain accurate records of the actions taken at each Board meeting. ~~The superintendent, as Board clerk, is, by law, responsible for keeping the minutes.~~ Board secretary will take written minutes of all Board meetings. The written minutes will be a true reflection of the matters discussed at the meeting and the views of the participants.

The minutes will include, but not be limited to, the following information:

1. The nature of the meeting, regular or special, the time, the place, Board members present and absent and the approval of minutes of preceding meeting or meetings;
2. A record of all motions, ~~passed or denied by the Board~~ proposals, resolutions, orders and measures proposed and their disposition, ~~together with the names of the members making the motions and a record of the members voting "yes" and "no";~~
3. ~~A record of the disposition of all matters on which the Board considered but did not take action.~~ The substance of any discussion on any matter;
4. The results of all votes and the vote of each member by name;
5. Any other information required by law.
6. ~~Summary of remarks by the public in attendance at the meeting.~~

All minutes shall be available to the public within a reasonable time. The public and patrons of the district may receive, upon request, copies of approved current minutes at the district office. Minutes need not be approved by the Board prior to being available to the public. A copy of the minutes of each regular and special Board meeting as they are drafted for approval will be distributed after such meeting to each Board member and administrator.

~~The district will maintain and make available to staff and other interested patrons an updated copy of the meeting minutes. (This is already stated in the first sentence in the above paragraph)~~

The district will maintain a hard copy¹ of the meeting minutes and make them available to staff and other interested patrons.

Minutes of executive sessions will be kept in accordance with the requirements of Oregon's Public Meetings Law with essentially the same level of detail as for public sessions. If disclosure of material in

¹ Oregon Administrative Rule 166-400-0010(9)

the executive session minutes would be inconsistent with the purpose for which executive session was held under ORS 192.660, the material may be withheld from disclosure.

If an executive session is held pursuant to ORS 332.061, the following shall not be made public: the name of the minor student; the issue, including a student's confidential ~~medical records, and that student's educational program;~~ the discussion; and each Board member's vote on the issue.

END OF POLICY

Legal Reference(s):

[ORS 192.610 - 192.710](#)

[ORS 332.061](#)

Letter Opinion, Office of the OR Attorney General (Nov. 20, 1970).

Corrected 3/07/22

Sweet Home School District 55

Code: BDDH
Adopted: 9/13/04
Revised/Readopted: 12/13/21
Orig. Code: BDDH

Public Comment at Board Meetings

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites the district's community members to attend Board meetings to become acquainted with the program and operation of the district. The public has a right to attend public meetings held in open session, and may be invited to share comments, ideas and opinions with the Board during designated times on the agenda. The Board may conduct a meeting without public comment.

Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings and submit written comments to the Board. Individuals requesting assistance, aids or accommodations are encouraged to notify the district at least 48 hours prior to the Board meeting with the request, consistent with Board policy BD/BDA – Board Meetings.

Procedures for Oral Public Comment

The Board establishes the following procedures for public comment at Board meetings held in open session. The information will be accessible and available to all patrons accessing or attending such a Board meeting.

1. Public comment is limited to its designated place on the agenda and while time allows.
2. A person wishing to provide public comment, if an opportunity is provided by the Board during a meeting open to the public, will complete and submit the Intent to Speak card to the Board secretary or submit their name electronically prior to the Board meeting.¹ A request to give public comment in-person or electronically does not guarantee time will be available.
3. A person speaking during the public comment portion of the meeting may comment on a topic not on the published agenda.
4. A person speaking during the public comment portion of the meeting should state their name, whether they are a resident of the district, and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.
5. A person giving public comment is limited to an established time limit of three minutes. Statements should be brief and concise. The Board chair has discretion to waive time limits or extend the overall time allotted for public comment. Additional time will be allocated in a fair and equitable manner. Time limits will be determined based on the number of commenters and the amount of time available for public comment. If a person has more comments than time allows or is unable to

¹ When in-person attendees are allowed to provide oral comment, virtual attendees will be afforded the same opportunity.

comment due to time constraints, the person is encouraged to submit additional written comments to the Board through the district office as directed.

6. Inquiries from the public during the designated portion of the agenda will not generally be responded to immediately by the Board chair, and may be referred to the superintendent for reply at a later date. The Board will not respond to inquiries that are expected to be addressed during another designated portion of the agenda. The Board will not hear public comment at Board work sessions. Topics raised during the public comment portion may be considered for inclusion as agenda items at future Board meetings.

Procedures for Written Comment

Members of the public may submit written comments or materials to the Board at any time at the district office, by mail or by email to julie.emmert@sweethome.k12.or.us. Materials or comments submitted at least 72 hours in advance of a Board meeting will be provided to the Board before the Board meeting, but will not be read at the Board meeting. Written materials or comments submitted may not warrant action by the Board.

Comments Regarding Staff Members

A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for consideration of a legitimate complaint involving a staff member. Any association contract governing the employee's rights will be followed. A commendation involving a staff member should be sent to the superintendent, who will forward it to the employee, a supervisor and the Board.

END OF POLICY

Legal Reference(s):

[ORS 165.535](#)
[ORS 165.540](#)

[ORS 192.610 - 192.690](#)
[ORS 332.057](#)

[ORS 332.107](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

Baca v. Moreno Valley Unified Sch. Dist., 936 F. Supp. 719 (C.D. Cal. 1996).

Leventhal v. Vista Unified Sch. Dist., 973 F. Supp. 951 (S.D. Cal. 1997).

Oregon House Bill 2560 (2021).

Corrected 3/07/22

Sweet Home School District 55

Code: BDDH-AR
Revised/Reviewed: 12/13/21
Orig. Code: BDDH-R

Public Comment at Board Meetings

The Board requests that a public comment add information or a perspective that has not already been mentioned previously, and that the patron refrains from repeating a similar point.

To provide public comment in person, if the opportunity is available on the Board agenda, please complete and submit the Intent to Speak card to the Board secretary prior to the meeting. Those attending virtually and want to provide public comment should notify the Board secretary by submitting an email to [boardsecretary@districtsweethome.k12.or.us] prior to the start of the meeting.

A person speaking during the public comment portion of the meeting may comment on a topic not on the published agenda. A person providing public comment will be allowed three minutes. Signing up to provide public comment does not guarantee time will be available.

Any person, who is allowed to speak to the Board during a meeting, should state their name, whether they are a resident of the district and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.

Comments about a specific employee or group of employees should comply with Board policy BDDH - Public Comment at Board Meetings:

“A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for consideration of a legitimate complaint involving a staff member. Any association contract governing the employee’s rights will be followed. A commendation involving a staff member should be sent to the superintendent, who will forward it to the employee, a supervisor and the Board.”

SEE FORM ON REVERSE

INTENT TO SPEAK

The Board welcomes input. To provide in-person public comment please submit this completed card to the Board secretary prior the start of the meeting.

Name: _____ Phone: _____

Name of organization (if applicable): _____

Do you live within the boundaries of the school district? ☐ Yes ☐ No (*Members of the public living within the boundaries of the school district will have speaking priority. Individuals unable to speak during the meeting are encouraged to submit to the Board in writing to the district office or to [email].*)

Address: _____

Email (optional): _____ u

Topic or comment to be presented (brief description): _____

A complaint brought before the Board shall be referred to the proper school authorities. A complaint shall be processed in accordance with Board policy KL - Public Complaints and KL-AR - Public Complaints Procedure. A hearing conducted by the Board regarding personnel may take place in an executive session.

The Board requests that a topic or comment is limited to three minutes or less.

Corrected 3/07/22

Sweet Home School District 55

Code: BDE
Adopted: 6/08/98
Orig. Code: BDE

Public Hearings

(Recommend following hearings law – a policy is not needed)

The Board shall provide for the orderly resolution of any complaint arising out of a purported violation, misinterpretation or inappropriate application of district policies or administrative rules and regulations.

Hearings may be held by the Board or by the superintendent or designee. When the Board conducts a hearing, it shall be held in executive session unless designated otherwise by law, negotiated agreement or the person(s) requesting the hearing.

The hearings officer shall prescribe the format for the hearing contingent upon the circumstances involved.

END OF POLICY

Legal Reference(s):

[ORS 192.610](#) - 192.690

Corrected 3/07/22

Sweet Home School District 55

Code: BDE-AR(1)
Adopted: 6/08/98
Orig. Code: BDE-AR(1)

General Hearings Format

1. Hearings officer introduces self and all other participants.
2. Hearings officer states the reason for the hearing.
3. Hearings officer explains how the hearing will be conducted.
4. Hearings progress in the following order:
 - a. Party bringing the complaint states position;
 - b. Respondent states position;
 - c. Respondent questions complainant if so desired;
 - d. Complainant questions respondent if so desired;
 - e. Hearings officer summarizes facts;
 - f. Hearings officer gives date by which a decision will be rendered;
 - g. Hearings officer explains further appeal procedures if pertinent;
 - h. Hearings officer closes hearing.
5. Minutes of hearings will be kept.

Corrected 3/07/22

Sweet Home School District 55

Code: BDE-AR(2)
Adopted: 6/08/98
Orig. Code: BDE-AR(2)

Child Nutrition - Hearings Procedure/Appeal Process

(Considering the changes to child nutrition programs this covered by new language in EFAA-AR. A parent could also use policy KL.)

1. Hearings Official

The hearings official must be someone not involved in the original eligibility determination. It is suggested the hearing official hold a position at a higher administrative level than the eligibility official.

Name _____ Title _____

Address _____ Phone _____

2. Purpose

To establish and use a fair hearing procedure by which a parent(s) or guardian(s) can appeal a decision made by the School Food Authority with respect to the parent(s)' or guardian(s)' application for benefits and/or any subsequent reduction or termination of benefits. During the appeal and hearing, the student who was determined to be eligible based on the submitted application will continue to receive free or reduced-price meals or free milk.

3. Preliminary Action

Prior to initiating the hearings procedure, the school official, the parent(s) or guardian(s) may request a conference to provide an opportunity for the parent(s) or guardian(s) and school officials to discuss the situation, present information, obtain an explanation of data submitted in the application, and the decisions rendered. Such a conference shall not in any way prejudice or diminish the right to a fair hearing.

4. Hearing Procedures

A fair hearing procedure shall consist of:

- a. A publicly announced, simple method for making an oral or written request for a hearing;
- b. An opportunity to be assisted or represented by an attorney or another person;
- c. An opportunity to examine, prior to and during the hearing, the documents and records presented to support the decisions under appeal;
- d. Reasonably prompt and convenient scheduling of a hearing with adequate notice of time and place;
- e. An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference;
- f. An opportunity to question or refute any testimony or evidence and to confront and cross examine adverse witness(es);

- g. The hearing being conducted and the decision being made by an official who did not participate in the decision under appeal or any previous conference;
- h. A decision based on the oral and documentary evidence presented at the hearing and entered into the hearing record;
- i. A notification of the decision in writing to the parties concerned and designated representatives thereof;
- j. A written record which includes the decision under appeal, documentary evidence and summary of oral testimony presented at the hearing, the decision of the hearings official and the reasons therefore, and a copy of the notification to the parties concerned of the decision of the hearings official. This written record must be retained for a period of three years after the close of the school year to which they pertain. These records must be made available for examination by the parties concerned or their designee at any reasonable time and place during such period.

Corrected 3/07/22

Sweet Home School District 55

Code: BDE-AR(3)
Adopted: 6/08/98
Orig. Code: BDE-AR(3)

Nonrenewal of Employment/Dismissal of Employee - Licensed Probationary

1. Purpose

To provide a licensed probationary employee, or a representative of the employee's choice, with an opportunity to present evidence and argue in defense against the reasons for nonrenewal or dismissal.

2. Hearing Procedures

- a. A licensed probationary employee who has received notice of nonrenewal or dismissal may request a hearing before the Board.
- b. The request shall be made in writing to the superintendent within 10 days after the receipt of the notice of nonrenewal or dismissal.
- c. The Board shall provide a hearing within 30 days after receipt of the request for a hearing.
- d. The Board shall provide notice of the date, time, place and purpose of the hearing to all parties and to the press as appropriate.
- e. The hearing shall be in executive session unless an open meeting is requested in writing by the employee.
- f. A record shall be made of the hearing and a copy shall be placed in the employee's personnel file.
- g. The employee shall have the right to choose a representative, including legal counsel. The district may also be represented by legal counsel.
- h. Cross-examination of witnesses will be allowed. Letters and affidavits of parties not present will be acceptable if the writer is unavailable for good cause.
- i. When the hearing is private, all persons who will appear as witnesses shall be excluded from the room except for the time during which their testimony is taken.
- j. The Board shall render a decision in writing within 10 days after the conclusion of the hearing, and shall deliver the decision to the parties by certified mail or by personal service.

Corrected 3/07/22

Sweet Home School District 55

Code: BDE-AR(4)
Adopted: 6/08/98
Orig. Code: BDE-AR(4)

Demotion or Dismissal of Employee - All Employees Except Licensed Employees

(Refer to collective bargaining agreement for language, in addition to policies in section G, GCPD and GDPD.)

1. Purpose

To provide the school employee, or a representative of the employee's choice, with an opportunity to present evidence and argue in defense against the reasons for demotion or dismissal.

2. Hearing Procedures

- a. A school employee who has been demoted or dismissed shall be entitled to a hearing before the Board if a written request is filed with the superintendent within 15 days of the notice of dismissal or demotion.
- b. The Board shall provide a hearing within 30 days after receipt of the request for a hearing.
- c. The Board shall provide notice of the date, time, place and purpose of the hearing to all parties and to the press as appropriate.
- d. The hearing will be in executive session unless an open meeting is requested in writing by the employee.
- e. A record shall be made of the hearing and a copy shall be placed in the employee's personnel file.
- f. The employee shall have the right to choose a representative, including legal counsel. The district may also be represented by legal counsel.
- g. Cross-examination of witnesses will be allowed. Letters and affidavits of parties not present will be acceptable if the writer is unavailable for good cause.
- h. When the hearing is private, all persons who will appear as witnesses shall be excluded from the room except for the time during which their testimony is taken.
- i. The Board shall render a decision in writing within 10 days after the conclusion of the hearing, and shall deliver the decision to the parties by certified mail or by personal service.

Corrected 3/07/22

Sweet Home School District 55

Code: BDE-AR(5)
Adopted: 9/13/04
Orig. Code: BDE-AR(5)

Appeals from Administration Hearings

(See KL)

1. Purpose

To resolve issues first raised with administrative officers of the district and heard by them but not resolved in a manner satisfactory to the person raising the concern. This type of hearing may be used for a variety of complaints, including, but not limited to, school attendance areas, transportation services, textbook/instructional materials selection, discrimination, reasonableness of district policies and/or administrative regulations and rules, content of instructional programs, selection of instructional media, etc.

2. Board Hearing Procedures

- a. Notice of appeal shall be made in writing to the Board through its chief administrative officer.
- b. The Board will give written notice of the date, time and place of the hearing and if charges are to be answered by the other party, a statement of those charges must be drawn with sufficient detail to enable the appellant to adequately prepare a defense.
- c. The hearing shall be public unless it is required or permitted to be closed by law applicable to the particular circumstances.
- d. Full due process protection shall be provided unless a modified procedure is allowed for by appropriate law, rule, policy or administrative regulation.
- e. A record of the hearing shall be kept.
- f. Unless otherwise provided by law, the parties shall be entitled to representation of counsel, to be present to present evidence, both oral and in writing, and to cross examine witnesses.
- g. The Board's decision, order or other action shall be rendered within 15 days.
- h. A copy of the Board's order or other action shall be supplied to all parties.

Corrected 3/07/22

Sweet Home School District 55

Code: BDE-AR(6)
Adopted: 9/13/04
Orig. Code: BDE-AR(6)

Student Records

(This is in IGBAB/JO and its AR.)

1. Purpose

To provide parents the opportunity to challenge the content of the student's education records, to ensure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students. To provide an opportunity for the correction or deletion of such inaccurate, misleading or otherwise inappropriate data contained in the student's education records.

2. Preliminary Action

Upon reviewing student education records, if the parent believes that such records are inaccurate, inappropriate or misleading, the parent shall have the right to challenge the contents of the records with the person(s) responsible for the record. If the record is inaccurate, inappropriate or misleading, steps shall be taken to correct the record. If the person responsible for the record does not concur with the parent regarding the accuracy or appropriateness of the records, formal hearing procedures shall be instituted.

3. Hearing Procedures

- a. Request for a hearing in which the objections are specified shall be made in writing to the school principal.
- b. The principal shall give written notice of the date, time and place of the hearing.
- c. A hearing panel shall be formed to consist of the following:
 - (1) The principal or designated representative;
 - (2) A member chosen by the parent;
 - (3) A disinterested, qualified third party appointed by the superintendent.
- d. The principal or a designated representative shall preside over the panel. The panel shall hear evidence from the school staff and from the parents to determine the point or points of disagreement regarding the records. The panel shall make a determination after hearing the evidence and determine what steps, if any, are to be taken to correct the record.
- e. Notice of such action shall be made in writing to the parents within 10 days.
- f. The hearing shall be conducted in private. Persons other than the student, parents or guardians, witnesses and counsel shall not be admitted.
- g. A record of the hearing shall be placed in the student's educational records file, retained in accordance with applicable provisions of OAR 166-414-0010 and shall be available only as provided by law and Board policy on confidentiality of records.
- h. Should the panel concur with the parents, actions to correct the records shall be completed within 10 days.
- i.

If, as a result of the hearing, the panel decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the eligible student or the student's parent(s) of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the decision of the panel. If a statement is placed in an education record, the district will ensure that the statement:

- a. Is maintained as part of the student's records as long as the record or contested portion is maintained by the district; and
- b. Is disclosed by the district to any party to whom the student's records or the contested portion are disclosed.

If, as a result of the hearing, the panel decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall:

- a. Amend the record accordingly; and
- b. Inform the eligible student or the student's parent(s) of the amendment in writing.

Corrected 3/07/22

Sweet Home School District 55

Code: BDE-AR(6)
Adopted: 9/13/04
Orig. Code: BDE-AR(6)

Student Grievances

(Use policy KL.)

1. Purpose

To provide opportunity for parents or students to express personal grievances against the district. These may include, for example, a concern for curriculum instruction, school or classroom policies or procedures, school activities or perceived discrimination involving equal educational opportunity rights.

2. Preliminary Actions

The student or parents shall first discuss the complaint with the teacher or counselor and consider appropriate action. If the results are not satisfactory, the principal will arrange for a hearing to review the grievance.

3. Hearing Procedures

- a. Request for a hearing in which the grievance is specified shall be made in writing to the school principal.
- b. The principal will give written notice of the date, time and place of the hearing.
- c. The principal shall hear evidence from the school staff and from the parents and/or student to determine the point of disagreement. The principal shall make a determination after hearing the evidence and determine what steps, if any, are to be taken to resolve the grievance.
- d. Notice of such action is to be made in writing to parents and/or the student within 10 days of the hearing.
- e. The hearing shall be conducted in private. Persons other than the student, parents or guardians, witnesses and counsel shall not be admitted.
- f. A record of the hearing shall be kept in the student's education records file, retained in accordance with applicable provisions of OAR 166-414-0010 and shall be available only as provided by the Board policy on confidentiality of records and law.
- g. If, after the hearing is held, the parents are not satisfied with the recommended action, the parents may appeal to the superintendent or his/her designated representative where the action of the hearing shall be reviewed and may be affirmed, reversed or modified.

Corrected 3/07/22

Sweet Home School District 55

Code: BDE-AR(8)
Adopted: 9/13/04
Orig. Code: BDE-AR(8)

Student Suspension

(See policy JGD)

1. Purpose

To gain information from concerned parties in order to secure a fair and reasonable understanding of the facts surrounding the proposed suspension.

2. Hearing Procedures with Principal or Designated Representative

- a. The hearing shall be conducted in private.
- b. The student shall be informed of the charge, and the evidence shall be summarized.
- c. The student shall be given an opportunity to present his/her view of the alleged misconduct.
- d. The principal or designated representative shall determine whether or not the student is guilty of the alleged misconduct.
- e. Notice of suspension, the conditions for reinstatement and appeal procedures, where applicable, shall be communicated to the student's parent or guardian in writing and delivered to the parent or guardian by the principal or his/her designee when possible.
- f. A record of the hearing shall be placed in the student's education records file, retained in accordance with applicable provisions of OAR 166-414-0010 and shall be available only as provided by Board policy on confidentiality of records or law.
- g. The decision to suspend may be appealed to the superintendent or his/her designated representative, where the action shall be reviewed and may be affirmed, reversed or modified.

Corrected 3/07/22

Sweet Home School District 55

Code: BDE-AR(9)
Adopted: 9/13/04
Orig. Code: BDE-AR(9)

Expulsion**

(Current language is in policy JGE.)

A principal, after reviewing available information, may recommend to the superintendent that a student be expelled. Expulsion of a student shall not extend beyond one calendar year.

No student may be expelled without a hearing unless the student's parents, or the student if 18 years of age, waive the right to a hearing, either in writing or by failure to appear at a scheduled hearing. By waiving the right to a hearing, the student and parent agree to abide by the findings of a hearings officer.

When an expulsion hearing is not waived, the following procedure is required:

1. Notice will be given to the student and the parent by personal service or by certified mail at least [five] days prior to the scheduled hearing. Notice will include:
 - a. The specific charge or charges;
 - b. The conduct constituting the alleged violation, including the nature of the evidence of the violation;
 - c. A recommendation for expulsion;
 - d. The student's right to a hearing;
 - e. When and where the hearing will take place; and
 - f. The right to representation.
2. The superintendent or designee will act as hearings officer. The district may contract with an individual who is not employed by the district to serve as the hearings officer. The hearings officer will conduct the hearing and will not be associated with the initial actions of the building administrators;
3. In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the district will provide a translator;
4. The student will be permitted to have a representative present at the hearing to advise and to present arguments. The representative may be an attorney or parent. The district's attorney may be present;
5. The student will be afforded the right to present his/her version of the charges and to introduce evidence by testimony, writings or other exhibits;
6. The student will be permitted to be present and to hear the evidence presented by the district;
7. The hearings officer will determine the facts of each case on the evidence presented at the hearing. Evidence may include the relevant past history and student education records. Findings of fact as to whether the student has committed the alleged conduct will be submitted to the Board, along with the officer's decision on disciplinary action, if any, including the duration of any expulsion. This decision will be available in identical form to the Board, the student and the student's parents at the same time;

8. The hearings officer or the student may make a record of the hearing;
9. The hearings officer's decision is final; however, this decision may be appealed to the Board. At its next regular or special meeting the Board will review the hearings officer's decision and will affirm, modify or reverse the decision. Parents of students who wish to appeal the hearings officer's decision will have the opportunity to be heard at the time the Board reviews the decision;
10. Expulsion hearings will be conducted in private and Board review of the hearings officer's decision will be conducted in executive session unless the student or the student's parent requests a public hearing. If an executive session is held by the Board or a private hearing by the hearings officer, the following will not be made public:
 - a. The name of the minor student;
 - b. The issues involved;
 - c. The discussion;
 - d. The vote of Board members, which may be taken in executive session.

Prior to expulsion, the district must propose alternative programs of instruction or instruction combined with counseling to a student subject to expulsion for reasons other than a weapons policy violation. The district must document to the parent of the student that proposals of alternative education programs have been made.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.061](#)
[ORS 336.615](#) - 336.665
[ORS 339.115](#)

[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.260](#)

[OAR 581-021-0050](#)
[OAR 581-021-0070](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BDE-AR(10)
Adopted: 9/13/04
Orig. Code: BDE-AR(10)

Title I Complaint Resolution

Use KL as a replacement for this process.

1. Purpose

To secure at the lowest possible level, orderly solutions to complaints of violations of Title I, Sections 1001-1604, "Improving America's Schools Act of 1994 (IASA)."

2. Hearings Procedures

- a. Request for a hearing in which the alleged violation is specified shall be made in writing to the superintendent.
- b. The superintendent shall arrange for a meeting to be held within five days and shall give written notice of the date, time and place of the hearing.
- c. *Failure to attend this hearing or to request a change of date shall constitute a dropping of the complaint.
- d. The superintendent shall hear evidence from each party, and shall allow each party to question the other party.
- e. The superintendent shall, within five days of this hearing, collect evidence, hear questions and shall respond in writing to the complainant as to the decision in the matter and shall state the remedies, if any, to be implemented.
- f. Appeals from the decision of the superintendent shall be to the Board and shall be made in writing to the Board chairman within five days of the issuance of the superintendent's letter of decision.
- g. The Board chairman shall arrange for a meeting to be held within 30 days of receipt of the request for Board review and shall give written notice of the date, time and place of the hearing.
- h. *Failure to attend this meeting or to request a change of date shall constitute a dropping of the complaint.
- i. Both the Board and the complainant may be represented by counsel.
- j. The Board or its council will review the written evidence, hear testimony and question witnesses. The complainant or counsel will be able to present evidence, call witnesses and question witnesses.
- k. Within five days of the Board hearing, the Board will inform the complainant in writing of its decision and of the right to appeal this final resolution to the Title I office at the Oregon Department of Education.
- l. A copy of the Board's final resolution will be made available to the district parent advisory council to be read at the next scheduled meeting.

Corrected 3/07/22

Sweet Home School District 55

Code: BE
Adopted: 6/08/98
Orig. Code: BE

Board Work Sessions

See new version of policy BD/BDA – includes board work session language.

The Board may schedule work sessions in order to provide its members with opportunities for planning and thoughtful discussion without action. Topics for discussion and study will be announced publicly. Work sessions will be conducted in accordance with the state law on public meetings.

END OF POLICY

Legal Reference(s):

[ORS 192.610 - 192.710](#)
[ORS 332.045](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BF
Adopted: 6/08/98
Orig. Code: BF

Policy Development

The Board has the authority and responsibility to establish policy. The Board accepts the definition of policy set forth by the National School Boards Association:

School Board policies are statements which set forth the purposes and prescribe in general terms the organization and program of a school system. They create a framework within which the superintendent and their staff can discharge their assigned duties with positive direction. They tell what is wanted.

The formulation and adoption of policies, recorded in writing, will constitute the basic method by which the Board will exercise its leadership in the operation of the school system.

The policies shall be consistent with Oregon Revised Statutes, Oregon Administrative Rules and all federal laws and regulations.

~~The district will be governed by a set of written policies. In order to operate the district in an effective, efficient and consistent manner, written Board policies will be developed and periodically revised, as needed. Policy will be in the form of broad principles that define the desire and intent of the Board and will be based on the needs of the district.~~

The basic responsibility for initiating, reviewing and recommending new policies or policy modification will rest with the superintendent. New, however, new policies or changes in existing policy may be proposed by any Board member, group or organization, staff member, parent, student or other member resident of the community to the superintendent for the Board to consider. district. The superintendent, in developing these policies, may be guided by the recommendations of the staff and may seek parent and community input during the preparation and subsequent review of policy statements. Advice from legal counsel may be appropriate. The superintendent will furnish necessary background information to the Board.

~~The superintendent will furnish necessary background information and make all final authority and responsibility for Board policy lies with recommendations to the Board.~~

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.505](#)

[ORS 339.240](#)

[OAR 581-022-2305](#)
[OAR 581-022-2405](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BFC
Adopted: 6/08/98
Orig. Code: BFC

Board Policy Adoption and Amendment (Version 1)

Adoption of new policies and change or repeal of existing policies is solely the responsibility of the Board. Policy will be adopted and amended or repealed only by the affirmative vote of a majority of the members of the Board. Such action will be scheduled on the agenda of a regular or special meeting.

Proposed policies and proposed changes or repeal of existing policies will be presented to the Board in writing for consideration.

To permit time for study of all new policies or amendments to policies and to provide an opportunity for interested parties to react, proposed policies or amendments will be presented as agenda items to the Board in the following sequence:

1. Distribution with agenda as an information item. This is an announcement that a policy is being developed in a particular area and that interested persons may submit suggestions;
2. First reading of proposed policy or policies; response from superintendent; report from any Board committee assigned responsibility in the area; Board discussion and directions for any redrafting;
3. Second reading of proposed policy or policies; response from superintendent; report from any Board committee assigned responsibility in the area; Board discussion and directions for any redrafting;
4. A third reading of the proposed policy or policies may be scheduled if the Board feels that a third reading is appropriate.

The final vote to adopt or reject any policy will occur no sooner than the second reading of the policy.

During discussion of a policy proposal, views of the public and staff will be considered. Amendments may be proposed by Board members. An amendment will not require that the policy go through an additional reading except as the Board determines that the amendment needs further study and that an additional reading would be desirable.

When, in the best interests of the district, immediate adoption of a proposed policy is necessary, the Board may adopt such policy at the first meeting in which it is presented.

Policies and amendments adopted by the Board will be attached to and made a part of the minutes of the meeting at which they are adopted and will also be included in the policy manual of the district.

END OF POLICY

Legal Reference(s):

HR6/30/16 | SL

Corrected 3/07/22

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Sweet Home School District 55

Code:
Adopted:

BFC

Adoption and Revision of Policies (Version 2)

Adopting new policies and changing or repealing existing policies is the Board's responsibility. Policy will be adopted and amended or repealed only by the affirmative vote of a majority of the Board members. Such action will be scheduled on the agenda of a regular or special meeting.

Proposed policies or policy changes and repeal of existing policies will be presented in writing for consideration by the Board.

To permit time for studying all new policies or amendments to policies and to provide an opportunity for interested parties to react, proposed policies or amendments will be presented as a Board agenda item in the following sequence:

1. First reading of a proposed policy (or policies): This is an information item and no action is required by the Board. A first reading announces that a new policy, a revision of an existing policy or consideration to rescind a policy, is being considered by the Board. Comments, questions, concerns and recommended edits should be forwarded to the superintendent for consideration prior to the meeting in which the policy is recommended for a second reading and/or adoption. If a Board member wishes to discuss a proposed policy or administrative regulation listed as an information item, the policy must be moved to the agenda for discussion with a majority vote of the Board. Any organization which represents employees of the district shall be furnished a copy of personnel policies and revisions as they are made.
2. Second reading/Adoption of a proposed policy (or policies): This is an action by the Board and may be placed on the consent agenda. Any revisions to a policy from the first reading will not require the policy go through an additional reading, except as the Board determines that the revision(s) need(s) further study and an additional reading would be advantageous.

When, in the best interest of the district, immediate adoption of a proposed policy is necessary, the Board may adopt such policy at the first meeting in which it is presented.

Policies and amendments adopted by the Board will be attached to, and made a part of, the minutes of the meeting at which they are adopted and also will be included in the district's board policy manual.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.505](#)

[OAR 581-022-2305](#)
[OAR 581-022-2405](#)

Sweet Home School District 55

Code: BFCA
Adopted: 6/08/98
Orig. Code: BFCA

Administrative Regulations (AR)

Administrative regulations are detailed directions governing the operation of the district.

The superintendent is ~~authorized~~ **directed** to formulate such administrative regulations appropriate for the implementation of policies adopted by the Board and necessary for the consistent operation of the district.

When approved by the superintendent or Board, administrative regulations ~~shall~~ **will** be distributed ~~to the Board and the staff as appropriate~~ **and** included in existing policy books.

The Board may review any administrative regulation and may ~~direct its revision~~ **reject it by majority vote** if, in the Board's judgment, such ~~administrative~~ regulation is not consistent with adopted ~~board~~ policies.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-022-2305](#)

[OAR 581-022-2405](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BFD
Adopted: 5/12/14
Orig. Code: BFD

Board Policy Implementation

Effective Date of Policies

All new or amended policies will become effective on the day after adoption by the Board, unless a specific date is included in the motion for adoption.

Policy Implementation

The superintendent and administrative staff will implement ~~board~~ Board policies. The superintendent may formulate administrative regulations and procedures to assist policy implementation.

It will be the Board's duty to evaluate the effectiveness of the policy and the effectiveness of the administration's implementation of the policy.

Policy Dissemination

The written ~~board~~ policies that govern the district will be maintained in a policy manual to be updated by district staff as new policies are developed or existing policies are revised or repealed.

Each Board member will ~~be informed how to have access to~~ a current ~~board~~ policy manual.

Each ~~district~~ employee will be notified of the existence and availability of personnel policies.

~~The district school shall make a copy of the Board's policy manual available for inspection to the public and district employees. , copies of the Board's policy manual and personnel policies.~~

The Board's policy manual will be considered a public record and will be open for inspection at the district office during regular working hours.

~~The superintendent will provide channels for disseminating appropriate policies to the community.~~

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.505](#)

[OAR 581-022-2305](#)
[OAR 581-022-2405](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BFE
Adopted: 6/08/98
Orig. Code: BFE

Administration in the Absence of Policy

In cases where action must be taken within the school system and the Board has not provided policy to guide administrative action, the superintendent will have the power to act. ~~The superintendent shall then submit such actions to the Board for review at the next regular meeting. It will be the superintendent's responsibility to promptly inform the Board of such action.~~

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-022-2305](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BFF
Adopted: 6/08/98
Orig. Code: BFF

Suspension of Policies

In the event of emergency or special circumstances, the operation of any individual policy, section or sections of Board policy, including those governing its own operational procedures, may be temporarily suspended¹ by a majority of the Board members at any regular, special or emergency meeting. This suspension, however, does not apply to any section of Board policy that may be established by law, collective bargaining agreement or other ~~or~~ contract.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-022-2305](#)

Corrected 3/07/22

¹ Be sure to establish a time limit for the suspension, e.g., This policy is suspended for [.....].

Sweet Home School District 55

Code: BFG
Adopted: 6/08/98
Orig. Code: BFG

Board Policy Review

To ~~In an effort to keep its written policies current up to date so that they may be used consistently as a basis for Board action and relevant administrative decision,~~ the Board will review and update its board policies. ~~on a continuing basis.~~

The Board will evaluate ~~how policies have been executed by school staff and will weigh the implementation results. It will rely on the school staff, students and community for providing evidence of the~~ and effect of ~~such adopted~~ policies.

The superintendent ~~has given the continuing responsibility commission of calling to alert the Board of Board's attention all policies that may are out of date or appear to need revision for other reasons.~~

~~The Board directs the superintendent to recall all policy and regulations manuals periodically for purposes of administrative updating and Board review.~~

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-022-2305](#)
[OAR 581-022-2405](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BG
Adopted: 8/11/08
Orig. Code: BG

Board-Staff Communications

The Board desires to maintain open channels of communication between itself and the district staff. The basic line of communication will, however, be through the superintendent.

Staff Communications to the Board

All formal communications or reports to the Board, or any Board committee, from staff members will be submitted through the superintendent. This procedure will not be construed as denying the right of any employee to address appeal to the Board about issues which are neither part of an active from administrative procedure, nor disruptive to the operation decisions provided that the superintendent will have been notified of the district for the coming appeal and that it is processed in accordance with the Board's policy on complaints. In addition, this procedure does not restrict protected labor relations communications of bargaining unit members. Staff members are invited to also remind that Board meetings, which are public meetings. As such, they provide an excellent opportunity to observe at first hand the Board's deliberations on matters issues of district operation staff concern.

Board Communications to Staff

All official Board communications, policies and directives of staff interest and concern will be communicated to staff members through the superintendent. The superintendent will provide employ all such media as are appropriate communication to keep staff fully informed of the Board's policies, priorities, concerns and actions.

Visits to Schools

Visits by Board members will be conducted only under Board authorization and with the full knowledge of staff, including the superintendent, principals and other supervisors. School visits by Board members Individual Board members may visit schools or classrooms after scheduling such visits through the building administrator. Such visits will be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official visits by Board members will be carried on only under Board authorization and with the full knowledge of the superintendent and other appropriate staff.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#) [OAR 581-022-2405](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

Lebanon Education Association/OEA v. Lebanon Community School District, 22 PECBR 323 (2008).

Corrected 3/07/22

Sweet Home School District 55

Code: BH/BHA
Adopted: 6/08/98
Orig. Code: BH/BHA

Orientation of New Board Members

The Board and designated ~~A new member is to be afforded the Board's and staff's fullest measure of courtesy and cooperation. Board and staff will make every effort to assist the new member to become fully informed about the Board's functions, policies, procedures, administrative regulations and issues. In the interim between election or appointment and actually assuming office or following an appointment, the new Board member(s) will be assisted in the following ways:~~

1. The ~~electee or newly~~ elected or appointed Board member will be given materials ~~related to~~ the role of a Board member ~~of the Board~~;
2. The ~~electee or newly~~ elected or appointed Board member will be invited to attend Board meetings to observe the operation of the Board ~~until the newly elected or appointed Board member assumes office~~;
3. The ~~electee or newly~~ elected or appointed Board member will be given a copy of Board policies, Board priorities, any long-range plans and the adopted district budget;
4. The members of the Board will serve as mentors to a newly elected or appointed Board member;
5. The superintendent will supply material pertinent to meetings and will explain its content;
6. The ~~newly elected or appointed Board~~ ~~incoming~~ member will be invited to meet with the superintendent ~~for~~ and other administrative personnel, by arrangement with the superintendent, ~~to~~ to discuss services they perform for the district;
7. The ~~electee or newly~~ elected or appointed Board member will be encouraged to attend ~~the Summer Board Conference~~ Board training conferences ~~sponsored by the Oregon School Boards Association~~;
8. The newly elected or appointed Board member will receive all materials, reports and communications normally sent to Board members.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BHB
Adopted: 6/08/98
Orig. Code: BHB

Board Member Development

The complexity of Board membership demands opportunities for development, study and training for Board of its members. The Board places a high priority on the importance of a planned and continuing program of professional development in-service education for its members.

In order for Board members to develop leadership capabilities, become informed about current issues in education and improve their skills, as members of a policy-making body, Board members will be urged to participate in opportunities for professional development that may include, but not be limited to, the following:

1. In-service activities planned by the Board and in-service planned by the administration for staff members, as appropriate;
2. Participation in Board-conferences, workshops, and conventions and training held by state and national school board associations and other educational organizations;
3. Subscriptions to publications addressing the concerns of Board member related topics members.

New member orientation, provided by the Board and staff is intended to assist the new member to become fully informed about the Board's functions, policies, administrative regulations and issues. In the interim between appointment and assuming office, the new member may be invited to attend some of the meetings and functions of the Board, including executive sessions but will not be a voting member until assuming office. New members not yet seated will receive all reports and communications normally sent to Board members, including agenda packets and the policy manual.

Recognizing the need for continuing training and development of its members, the Board encourages the participation of all members at appropriate conferences, conventions and workshops; however, in order to To control both the investment of time and funds necessary to implement this policy, the Board establishes these principles and procedures for its guidance:

1. The superintendent will inform Board members, in a timely manner, of upcoming impending conferences, conventions, and workshops and training. The Board will decide which meetings appear to be most likely to produce the greatest benefit to the Board and the district,;
2. Funds for participation at such professional development meetings will be included in the district budget budgeted. When funds are limited, the Board will designate which of its members will would be most appropriate to participate at a given meeting or training.;
3. If authorized to attend by the Board to attend, Board members will be reimbursed, upon request, for reasonable and necessary expenses actually incurred,;

4. When a conference, convention or workshop is not attended by the full Board, those who do participate ~~will may be requested to share, by means of written or oral reports,~~ information, recommendations and materials acquired at the meeting ~~by means of written or oral reports.~~

END OF POLICY

Legal Reference(s):

[ORS 332.018\(3\)](#)

[ORS 332.107](#)

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS.

Corrected 3/07/22

Sweet Home School District 55

Code: BHD
Adopted: 3/09/09
Orig. Code: BHD

Board Member Compensation and Expense Reimbursement

No Board member will receive any compensation for services other than reimbursement for approved expenses actually incurred on district business. Such expenses may include the cost of attendance at meetings, conferences or visitations when such attendance has been approved by the Board.

~~When Board members may be reimbursed, when~~ paid admission is required of the general public, Board members may be reimbursed for attending district athletic events and other activities ~~when as part of their attendance is consistent with board responsibilities and of being informed about district operations. (See Board policy DFEA - Admission to District Events)~~ The district will establish accounting procedures consistent with this policy.

END OF POLICY

Legal Reference(s):

[ORS 244.020](#)

[ORS 244.040](#)

[ORS 332.018\(3\)](#)

OR. GOV'T STANDARDS AND PRACTICES COMM'N, STAFF OPINION 02S-015 (May 20, 2002).

OR. GOV'T STANDARDS AND PRACTICES COMM'N, STAFF OPINION 03S-015 (Sept. 11, 2003).

Corrected 3/07/22

Sweet Home School District 55

Code: BHE
Adopted: 6/08/98
Orig. Code: BHE

Board Member Liability Insurance

The district Board will purchase liability insurance and errors-and-omissions insurance to protect its school board members individually and collectively from ~~for~~ claims made against them as a result of ~~their~~ official Board actions taken in the course of ~~their~~ official duties.

END OF POLICY

Legal Reference(s):

[ORS 30.260](#) to [-30.300](#)

[ORS 332.072](#)

[ORS 332.435](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BI
Adopted:

Board Legislative Program

The Board will represent the district's interests in legislative action to promote the welfare of public education in the state of Oregon or will direct those interests to be represented through the superintendent or designee.

The Board will periodically study, discuss and weigh the merits of pending legislation for the purpose of determining its official position through Board action.

Board members, individually or as members of professional organizations, will not seek to represent any other positions on legislative matters unless it is made clear that such representation is not the official stand of the district.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 3/07/22

Sweet Home School District 55

Code: BK
Adopted:

Evaluation of Board Operational Procedures

The Board will plan an annual evaluation of its function as a Board[in the month of June]. This evaluation may be broadly based on relationships and activities or may focus on a particular activity or area.

Working with the superintendent, the Board chair and an ad hoc Board committee appointed by the chair may develop the evaluation plan. The Board may hire a consultant to assist with the evaluation.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 3/07/22