

Sweet Home School District No. 55

Sweet Home, Oregon

REVISED: 2/26/2021



BOARD POLICY MANUAL

SWEET HOME SCHOOL DISTRICT NO. 55
Sweet Home, Oregon

TABLE OF CONTENTS

21 st Century Schools Councils	<u>IFCA</u>
Abuse of Child Investigations Conducted On District Premises	<u>JHFE-AR (2)</u>
Academic Achievement**	<u>IK</u>
Academic Freedom	<u>IBA</u>
Academic Requirements for Participation in Co-curricular Activities	<u>IGD-AR</u>
Access to Buildings	<u>ECAA</u>
Accident Prevention and Safety Procedures	<u>EBB</u>
Administering Injectionable Medications to Students	<u>JHCDA</u>
Administering Non-Injectionable Medications to Students	<u>JHCD-AR</u>
Administering Non-Injectionable Medications to Students**	<u>JHCD</u>
Administration Goals and Objectives	<u>CA/CAA</u>
Administration in Policy Absence	<u>CHD</u>
Administration in the Absence of Policy	<u>BFE</u>
Administrative Organization	<u>CC</u>
Administrative Positions	<u>CCC</u>
Administrative Regulations	<u>BFCB</u>
Admission of Nonresident Students	<u>JECB</u>
Admission of Resident Students	<u>JECA</u>
Adopt Budget, Certify Levy, Make Appropriations	<u>DBH</u>
Adult Education Programs	<u>IGE</u>
Advanced College Placement	<u>IGCD</u>
Advisory Committees to the Board	<u>BCF</u>
Advisory Committees to the Board	<u>BCF-AR</u>
Agent-Of-record	<u>EIB</u>
Alternate Instructional Programs	<u>IHGA</u>
Alternative Education Notification	<u>IGBHA-AR(1)</u>
Alternative Education Notification	<u>IGBHA-AR(2)</u>
Alternative Education Programs**	<u>IGBHA</u>
Americans with Disabilities Act	<u>ACA</u>
Americans with Disabilities Act	<u>ACA-AR</u>
Animals in the School	<u>ING</u>
Animal Dissection	<u>INI</u>
Announcements	<u>KBCAA</u>
Appeals from Administration Hearings	<u>BDE-AR(5)</u>

** 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 581-015-0005 (18).

Application and Fees for Use of District Facilities	<u>KG-AR</u>
Assembly of Students and Student Organizations	<u>IGDA</u>
Assessment Program**	<u>IL</u>
Assignment of Students to Classes	<u>JECD</u>
Assignment of Students to Schools.....	<u>JECCA</u>
Assignment of Students to Schools.....	<u>JECCA-AR</u>
Attendance	<u>JE</u>
Attendance Boundaries	<u>JECC</u>
Audits.....	<u>DIE</u>
Authorized Signatures/Check-Writing Services	<u>DGA</u>
Authorized Use of School-Owned Equipment and Materials	<u>EDC/KGF</u>
Authorized Use of School-Owned Equipment and Materials	<u>KGF/EDC</u>
Baccalaureate Services.....	<u>IKFC</u>
Bidding Requirements	<u>DJC</u>
Board – Staff Communications.....	<u>GBD</u>
Board Committees	<u>BCE</u>
Board Contracts	<u>BBAAA</u>
Board Elections.....	<u>BBB</u>
Board Goals	<u>BA</u>
Board Inspection and Acceptance of New Facilities	<u>FG</u>
Board Legal Status.....	<u>BB</u>
Board Meeting Agenda.....	<u>BDDDB/BDDC</u>
Board Member Compensation and Expense Reimbursement.....	<u>BHD</u>
Board Member Ethics and Conflicts of Interest.....	<u>BBFA</u>
Board Member Development.....	<u>BHB</u>
Board Member Standards of Conduct.....	<u>BBF</u>
Board Member Ethics and Conflicts of Interest.....	<u>BBFA</u>
Board Member Ethics and Nepotism	<u>BBFB</u>
Board Member Liability Insurance	<u>BHE</u>
Board Member Meetings/Regular Board Meetings	<u>BD/BDA</u>
Board Member Qualifications.....	<u>BBBA</u>
Board Member Removal from Office	<u>BBD</u>
Board Member Resignation	<u>BBC</u>
Board Member Voting	<u>BDD</u>
Board Members Oath of Office	<u>BBBB</u>
Board Officers.....	<u>BCB</u>
Board Organization/Board Organizational Meeting	<u>BC/BCA</u>
Board Policy Adoption and Amendment	<u>BFC</u>

** 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 581-015-0005 (18).

Board Policy Development	<u>BF</u>
Board Policy Review	<u>BFG</u>
Board Powers and Duties	<u>BBA</u>
Board Work Sessions	<u>BE</u>
Board-Staff Communications	<u>BG</u>
Board-Superintendent Relationship	<u>BCD</u>
Bonded Employees and Officers.....	<u>DH</u>
Budget Amendment Procedures.....	<u>DBI</u>
Budget Calendar	<u>DBC</u>
Budget Committee	<u>DBEA</u>
Budget Hearing	<u>DBG</u>
Budget Implementation.....	<u>DBJ</u>
Budget Preparation	<u>DBE</u>
Budget Transfer Authority	<u>DBK</u>
Buildings and Grounds Inspections	<u>EBA</u>
Buildings and Grounds Maintenance/Renovations	<u>ECB</u>
Buildings and Grounds Security	<u>ECA</u>
Buildings and Grounds Security	<u>ECA-AR</u>
Capital Construction Program.....	<u>FC</u>
Care of District Properties	<u>KGE</u>
Care of District Property by Students**	<u>JFCB</u>
Cash in School Buildings.....	<u>DM</u>
Cellular Telephones	<u>EGACA</u>
Cellular Telephones	<u>EGACA-AR</u>
Certificate of Initial Mastery (CIM) District Standards	<u>IKGA-AR</u>
Certificate of Initial Mastery (CIM) Mastery Proficiency Standards	<u>IKGA</u>
Child Identification Procedures	<u>IGBA-AR</u>
Child Nutrition - Hearings Procedure/Appeal Process	<u>BDE-AR(2)</u>
Chronic Communicable Diseases	<u>GBEB/JHCC-AR</u>
Classified Staff Positions	<u>GD</u>
Closed Campus**	<u>JEFA</u>
Co-curricular Activities	<u>IGD</u>
Collective Bargaining	<u>HB</u>
Commercial Advertising/Merchandise Sales	<u>KI/KJ</u>
Communicable Disease Control.....	<u>JHCC</u>
Communicable Diseases	<u>GBEB</u>
Community Involvement in Decision Making.....	<u>KC</u>
Community Resource Persons	<u>IICB</u>

** 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 581-015-0005 (18).

Community Use of School Facilities	<u>KG</u>
Complaint Procedure	<u>LGA-AR</u>
Compliance with Standards	<u>LGA</u>
Compulsory Attendance.....	<u>JEA</u>
Compulsory Attendance Notices and Citations	<u>JEA-AR</u>
Conduct of Board Meetings	<u>BDDF</u>
Confidentiality – Education Records of Students with Disabilities	<u>IGBAB-AR</u>
Construction Contracts - Bidding and Awards	<u>FEF</u>
Consultants to the Board.....	<u>BCH</u>
Contests for Students	<u>IGDH</u>
Continuation of Group Health Coverage	<u>GCBC/GDBC</u>
Cooperative Purchasing	<u>DJE</u>
Copyrights and Patents	<u>GCQBA</u>
Corporal Punishment**	<u>JGA</u>
Course Exemptions	<u>IGBHD</u>
Criminal History Records Checks/Fingerprinting.....	<u>GCDA/GDDA</u>
Criminal History Records Checks/Fingerprinting.....	<u>GCDA/GDDA-AR</u>
Crisis Prevention and Response.....	<u>JHHA</u>
Curriculum Adoption	<u>IFD</u>
Curriculum Design.....	<u>IG</u>
Curriculum Development.....	<u>IF</u>
Curriculum Guides and Course Outlines	<u>IFE</u>
Curriculum Research/Pilot Projects	<u>IFA/IFB</u>
Data Management	<u>EH</u>
Death of an Employee.....	<u>GCBAC/GDBAC</u>
Demotion or Dismissal of Employee - All Employees Except Licensed Employees	<u>BDE-AR(4)</u>
Depository of Funds.....	<u>DG</u>
Detention of Students**	<u>JGB</u>
Development of Administrative Regulations	<u>CHA</u>
Directory Information**	<u>JOA</u>
Discipline of Disabled Students**	<u>JGDA/JGEA</u>
Discipline Procedures for District Approved Student Transportation	<u>EEACC-AR</u>
Disclosure of Information	<u>GBLA</u>
Disposal of School Property	<u>DN</u>
Distribution of Policies, Rules and Administrative Regulations	<u>BFC-AR</u>
District Budget.....	<u>DB</u>
District Goals	<u>AE</u>
District Libraries	<u>IIBD</u>

** 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 581-015-0005 (18).

District Nutrition and Food Services**	EFAA
District Property.....	EDB
District Vehicles	EEBA
District Vehicles	EEBA-AR
Dress and Grooming	JFCA-AR
Drug and Alcohol Abuse by Students.....	JFCH/JFCI
Drug and Alcohol Abuse by Students.....	JFCH/JFCI-AR
Drug and Alcohol Testing - Transportation Personnel	GBEDA
Drug and Alcohol Testing - Transportation Personnel	GBEDA-AR
Drug, Alcohol and Tobacco Prevention, Health Education**	IGAEB
Drug-Free Workplace	GBEC
Dual Enrollment.....	JECAA
Duties of Students.....	JFC
Duties of Students.....	JFC-AR
Early Admission to School**	JEBA
Early Admission to School**	JEBA-AR
Early Return to Work.....	GCBDB/GDBDB
Early Return to Work.....	GCBDB/GDBDB-AR
Education Records Management**	JO-AR
Education Records**	JO
Educational Assistants	GDA
Educational Philosophy	AD
Educational Specifications.....	FEA
Electronic Communications System	IIBGA
Electronic Communications System	IIBGA-AR
Emergency Board Meetings.....	BDBA
Emergency Closures	EBCD
Emergency Drills	EBCB
Emergency Procedures.....	EBC
Emergency Procedures and Disaster Plans	EBC/EBCA
Emergency School Closures	EBCD-AR
Employee Assistance	GBCBB
Energy Conservation.....	ECF
Equal Educational Opportunities	JB
Equal Employment Opportunities.....	GBA
Establishment of Alternative Education Programs	IGBHB
Establishment of Alternative Education Programs	IGBHB-AR
Evaluation of Administrative Staff	CCG

** 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 581-015-0005 (18).

Evaluation of Alternative Education Programs	IGBHA-AR(3)
Evaluation of Alternative Education Programs – District Summary	IGBHA-AR(4)
Evaluation of Staff	GCN/GDN
Evaluation of the Superintendent	CBG
Exchange Students	JECBA
Exchange Students	JECBA-AR
Executive Sessions	BDC
Executive Sessions – News Media	BDC-AR
Exemptions from Competitive Bidding	DJC-AR
Expanded Options Program	IGBHE
Expense Reimbursements	DLC
Expulsion	BDE-AR(9)
Expulsion**	JGE
Extended Instructional Programs	IGC
Facilities Development Goals	FA
Facilities Planning	FB
Family Medical Leave	GCBDA/GDBDA
Family Medical Leave Designation Letter	GCBDA/GDBDA-AR (5)
Family Medical Leave Designation Notice	GCBDA/GDBDA-AR (6)
Family Medical Leave Eligibility Notice to Employee	GDBDA/GDBDA-AR (4)
Family Medical Leave Request	GCBDA/GDBDA-AR (2)
Family Military Leave	GCBDA/GDBDA-AR(3)
Federal Family and Medical Leave/State Family Medical Leave	GCBDA/GDBDA-AR(1)
Field Trips**	IICA
Final Exams	IKAA
Financial Reports and Statements	DIC
First Aid**	EBBA
Fiscal Accounting	DI
Fiscal Management Goals	DA
Fixed Assets	DIDA
Flag Displays and Salutes	INDB
FMLA/OFLA Notice to Employee	GCBDA/GDBDA-AR(4)
Food Service to Outside Organizations	EFF
Food Services Management	EF
Free Admissions	DFEA
Freedom of Expression	IB
Fund Raising Activities	IGDF
Funding Proposals and Applications	DD

** 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 581-015-0005 (18).

Gate Receipts and Admissions.....	DFE
General Hearings Format.....	BDE-AR(1)
General Personnel Policies	GB
Gifts and Solicitations.....	GBI
Grade Reduction/Credit Denial.....	IKAD
Grading System.....	IKA
Graduation Exercises	IKFB
Graduation Requirements	IKF
Grants from Private Sources	DFC
Guidance Program	IJ
Guidelines for Developing a Crisis Response Plan for Suicides & Accidental Deaths .	JHH-AR
Guidelines for the Use of Copyrighted Materials	EGAAA-AR
Handbooks	CHCA
Hazing/Harassment/Intimidation/Bullying/Menacing - Staff.....	GBNA
Hazing/Harassment/Intimidation/Bullying/Menacing Complaint Procedures – Staff ...	GBNA -AR
Hazing/Harassment/Intimidation/Bullying/Menacing Complaint Procedures - Student	JFCF
Hazing/Harassment/Intimidation/Bullying/Menacing Complaint Procedures - Student	JFCF –AR
Head Lice.....	JHCCF
Head Lice.....	JHCCF-AR
High School Diplomas.....	IKFD
High School Diplomas.....	IKFD-AR
Hiring of Licensed Staff.....	GCD
HIV, AIDS, HBV and HCV Health Education**	IGAEA
Home Schooling**	IBDJA
Homebound Instruction	IGBG
Homebound Instruction	IGBG-AR
Homeless Students	JECBD
Homeless Students	JECBD-AR
Homework	IKB
Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education.....	IGAI
Immunization Records**	JHCB
Immunization Requirements	JHCB-AR
Income from Program-Related Sales and Services	DFG
Individual Board Member’s Authority and Responsibilities	BBAA
Individual Board Member’s Authority and Responsibilities	BBAA-AR
Individualized Plan for Pregnant And/Or Parenting Teens.....	JFE-AR
Initial Placement on Salary Schedule.....	GCBA/GDBA
Injury/Illness	EBBB

** 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 581-015-0005 (18).

Instructional Arrangements/Grouping for Instruction.....	<u>IH</u>
Instructional Goals	<u>IA</u>
Instructional Program Renewal.....	<u>IM</u>
Instructional Resources/Instructional Materials.....	<u>IIA</u>
Instructional Resources/Instructional Materials.....	<u>IIA-AR</u>
Instructional Television	<u>IIBE</u>
Insurance Program	<u>EIA</u>
Insurance Program	<u>EIA-AR</u>
Integrated Pest Management.....	<u>EBB</u>
Interscholastic Athletics.....	<u>IGDJ</u>
Intradistrict Transfer Procedures.....	<u>JECBB-AR</u>
Intradistrict Transfer Students.....	<u>JECBB</u>
Investment of Funds.....	<u>DFA</u>
Job Descriptions.....	<u>GAB</u>
Job Sharing	<u>GCEC/GDEC</u>
Laser Pointers	<u>JFCL</u>
Layoff/Recall - Administrative Personnel	<u>CPA</u>
Layoff/Recall - Administrative Personnel	<u>CPA-AR</u>
Legal Name of Students.....	<u>JOC</u>
Licensed Staff Contracts and Compensation Plans.....	<u>GCB</u>
Licensed Staff Positions.....	<u>GC</u>
Licensed Staff/Classified Staff Job Share.....	<u>GCEC/GDEC-AR</u>
Line and Staff Relations.....	<u>CCB</u>
Loading and Unloading.....	<u>EEACE</u>
Local Purchasing.....	<u>DJD</u>
Local Wellness Program	<u>EFA</u>
Loitering — Trespass.....	<u>KK</u>
Mail and Delivery Services.....	<u>EGAB</u>
Maintenance and Control of Instructional Materials/Equipment	<u>EDBA</u>
Management of Buildings and Grounds	<u>EC</u>
Married Students.....	<u>JFF</u>
Materials Distribution	<u>KJA</u>
Media Access to Students	<u>JOD</u>
Medical Certification Form.....	<u>GCBDA/GDBDA-AR(5)</u>
Memorials	<u>FFA</u>
Method of Payroll Payment	<u>DLAA</u>
Minutes	<u>BDDG/BDDK</u>
Mother Friendly Workplace.....	<u>GBEC</u>

** 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 581-015-0005 (18).

Naming New Facilities	FF
News Releases	KBCA
Nondiscrimination	AC
Nonrenewal of Employment/Dismissal of Employee - Licensed Probationary	BDE-AR(3)
Nonschool Employment.....	GCQA/GDQA
Notice of Employment.....	GDIA
Organization of Budget Committee	DBEB
Organization of Instruction.....	IE
Orientation of New Board Members.....	BH/BHA
Parental Rights.....	KAB
Parental Rights.....	KAB-AR
Pay Day.....	DLA
Payment in Lieu of Transportation	EEAA
Payment Procedures.....	DK
Payroll Advances	DLBA
Personal Communication Devices and Social Media – Staff.....	GCAB
Personal Services Contracts	DJCA
Personal Services Contracts	DJCA-AR
Personally Identifiable Information**	JOB
Personnel Policies Goals	GA
Personnel Records.....	GBL
Personnel: Definitions.....	GAA
Petty Cash Accounts	DJB
Physical Examinations	JHCA-AR
Physical Examinations**	JHCA
Picketing	HO
Pilot Projects	IFA/IFB-AR
Pre-Employment Physicals	GBED
Pregnant and Parenting Students.....	JFE
Profanity	JFCN
Professional Development Plan	GCL-AR(2)
Program and Services - Talented and Gifted	IGBBC
Program Consultants.....	CK
Promotion and Retention of Students**	IKE
Promotion and Retention of Students**	IKE-AR
Proof of Liability Insurance	EEAE-AR
Property Inventory Record.....	DID
Psychological Testing of Students**	JHDA

** 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 581-015-0005 (18).

Public Charter Schools.....	<u>LBE</u>
Public Charter Schools.....	<u>LBE-AR</u>
Public Complaints.....	<u>KL</u>
Public Complaints about District Personnel	<u>KLD</u>
Public Complaints about District Personnel	<u>KLD-AR</u>
Public Conduct on District Property	<u>KGB</u>
Public Gifts and Donations	<u>KH</u>
Public Hearings.....	<u>BDE</u>
Public Information Program	<u>KB</u>
Public Participation in Board Meetings	<u>BDDH</u>
Public Records	<u>KBA-AR</u>
Public Records**	<u>KBA</u>
Public Sales on District Property	<u>KGA</u>
Purchasing.....	<u>DJ</u>
Qualifications and Duties of the Superintendent.....	<u>CBA</u>
Quorum	<u>BDDD</u>
Receiving and Warehousing	<u>EDA</u>
Records of Students with Disabilities	<u>IGBAB</u>
Recruitment and Appointment of Superintendent.....	<u>CBB</u>
Regular School Board Meetings	<u>BD/BDA</u>
Regulations regarding the Application of Pesticides	<u>EBB-AR</u>
Reimbursable School Meals and Milk Programs.....	<u>EFAA-AR</u>
Relations with Law Enforcement Agencies	<u>KN</u>
Relations with Law Enforcement Agencies	<u>KN-AR</u>
Release Time for Religious Instruction**	<u>JEFB</u>
Reporting Requirements Regarding Sexual Conduct with Student	<u>JHFF</u>
Reporting of Suspected Child Abuse	<u>JHFE-AR</u>
Reporting Suspected Child Abuse	<u>JHFE</u>
Reproduction of All Copyrighted Materials	<u>EGAAA</u>
Request for Family and Medical Leave	<u>GCBDA/GDBDA-AR(2)</u>
Request for Suspended Driving Privilege	<u>JHFDA-AR</u>
Required Credentials for Licensed Staff.....	<u>GCA</u>
Resignation of Staff	<u>GDPB/GDBP</u>
Retirement of School Facilities.....	<u>FL</u>
Retirement of School Facilities.....	<u>FL-AR</u>
Retirement of Staff.....	<u>GCPC/GDPC</u>
Revenues from Nontax Sources.....	<u>DF</u>
Revenues from State and Federal Tax Programs	<u>DE</u>

** 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 581-015-0005 (18).

Rules/Procedures Governing Pupils Riding School Buses	<u>EEACC</u>
Safety Committee	<u>EBAC</u>
Safety Committee	<u>EBAC-AR</u>
Safety Program	<u>EB</u>
Salary Deductions	<u>DLB</u>
Sample Letter to Employee - FMLA/OFLA Leave	<u>GCBDA/GDBDA-AR(3)</u>
School Activity Trips	<u>EEBAB</u>
School Admissions	<u>JEC</u>
School Admissions	<u>JEC-AR</u>
School Bus Safety Program	<u>EEAC</u>
School Bus Scheduling and Routing	<u>EEAB</u>
School Calendar	<u>IC/ICA</u>
School Day	<u>ID</u>
School Principal	<u>CF</u>
School Volunteers	<u>IICC</u>
School-Community Relations Goals and Objectives	<u>KA/KAA</u>
Second Language	<u>IGBI</u>
Seat Belts/Child Safety System in District Vehicles	<u>EEBAA</u>
Secret Societies – Gangs	<u>JFCEA</u>
Section 504 – Students	<u>JBAA</u>
Selection of Architect	<u>FEB</u>
Selection of Budget Committee Members	<u>DBEA-AR</u>
Service Learning	<u>IGCG</u>
Sexual Harassment	<u>GBN/JBA</u>
Sexual Harassment	<u>JBA/GBN</u>
Sexual Harassment Complaint Procedures	<u>GBN/JBA-AR</u>
Sexual Harassment Complaint Procedures	<u>JBA/GBN-AR</u>
Short-Term Exclusion from School	<u>JGD-AR</u>
Special Board Meetings	<u>BDB</u>
Special Education - Discipline	<u>JGDA/JGEA-AR</u>
Special Education – Evaluation Procedures	<u>IGBAH</u>
Special Education – Evaluation/Eligibility Procedures	<u>IGBAH-AR</u>
Special Education – Free Appropriate Public Education (FAPE)	<u>IGBAJ</u>
Special Education – Free Appropriate Public Education (FAPE)	<u>IGBAJ-AR</u>
Special Education – Individual Education Program (IEP)	<u>IGBAF</u>
Special Education – Individual Education Program (IEP)	<u>IGBAF-AR</u>
Special Education – Participation in Regular Education Program	<u>IGBAE</u>
Special Education – Participation in Regular Education Program	<u>IGBAE-AR</u>

** 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 581-015-0005 (18).

Special Education – Personnel.....	<u>IGBAC</u>
Special Education – Private Schools.....	<u>IGBAI</u>
Special Education – Private Schools.....	<u>IGBAI-AR</u>
Special Education – Procedural Safeguards.....	<u>IGBAG</u>
Special Education – Procedural Safeguards.....	<u>IGBAG-AR</u>
Special Education – Public Availability of State Application	<u>IGBAK</u>
Special Education – Services for Homeschool with Disabilities	<u>IGBAL</u>
Special Education – Services for Homeschool with Disabilities	<u>IGBAL-AR</u>
Special Funds.....	<u>DIBA</u>
Special Interest Materials.....	<u>IIAD</u>
Special Procurements and Exemptions from Competitive Biding.....	<u>DJC-AR</u>
Sports and Special Events News Coverage.....	<u>KBCE</u>
Staff – HIV, AIDS and HBV	<u>GBEBA</u>
Staff Complaints	<u>GBM</u>
Staff Conduct	<u>GBCB</u>
Staff Conduct	<u>GBCB-AR</u>
Staff Development — Licensed.....	<u>GCL</u>
Staff Development — Licensed.....	<u>GCL-AR(1)</u>
Staff Ethics.....	<u>GBC</u>
Staff Ethics.....	<u>GBC-AR</u>
Staff Expense Reimbursement	<u>DLC-AR</u>
Staff Health and Safety	<u>GBE</u>
Staff Involvement in Decision Making	<u>GBB</u>
Staff Participation in Community Activities.....	<u>GBF</u>
Staff Participation in Political Activities.....	<u>GBG</u>
Staff Protection	<u>GBEAA</u>
Staff Recruiting.....	<u>GCC/GDC</u>
Student Absences and Excuses	<u>JED</u>
Student Achievement Program	<u>IMB</u>
Student Activities Fund Management.....	<u>DIEA</u>
Student Activity Funds	<u>IGDG</u>
Student Awards and Scholarships.....	<u>JI</u>
Student Bicycle Use.....	<u>JHFC</u>
Student Complaints.....	<u>JFH</u>
Student Conduct on Buses	<u>JFCC</u>
Student Demonstrations and Petitions	<u>JFI</u>
Student Discipline.....	<u>JG</u>
Student Dress Code**.....	<u>JFCA</u>

** 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 581-015-0005 (18).

Student Drug Testing	<u>JFCIA</u>
Student Drug Testing	<u>JFCIA AR</u>
Student Environment	<u>JH</u>
Student Fees, Fines and Charges.....	<u>JN</u>
Student Fees, Fines and Charges.....	<u>JN-AR</u>
Student Gifts and Solicitations.....	<u>JL</u>
Student Government	<u>JFBA</u>
Student Grievances	<u>BDE-AR(7)</u>
Student Health Services and Requirements	<u>JHC</u>
Student Health Services and Requirements	<u>JHC-AR</u>
Student Insurance.....	<u>JHA</u>
Student Interviews	<u>JODA</u>
Student Management	<u>GBHB</u>
Student Organizations	<u>IGDA-AR</u>
Student Performances	<u>IGDD</u>
Student Photographs	<u>IGDBA</u>
Student Policy Objectives	<u>JAA</u>
Student Progress Reports to Parents**	<u>IKAB</u>
Student Publications	<u>IGDB</u>
Student Publications	<u>IGDB-AR</u>
Student Records	<u>BDE-AR(6)</u>
Student Rights and Responsibilities.....	<u>JF</u>
Student Safety Instruction.....	<u>JHF</u>
Student Safety Patrol.....	<u>JHFB</u>
Student Searches	<u>JFG</u>
Student Searches	<u>JFG-AR</u>
Student Suspension	<u>BDE-AR(8)</u>
Student Transportation in Private Vehicles.....	<u>EEAE</u>
Student Transportation Services	<u>EE</u>
Student Vehicle Use.....	<u>JHFD</u>
Student Vehicle Use.....	<u>JHFD-AR</u>
Student with Disabilities	<u>IGBA</u>
Student Withdrawal from School.....	<u>JECE</u>
Student/Parent Handbooks	<u>JFA</u>
Students - HIV and HBV**	<u>JHCCA</u>
Students - HIV, AIDS**	<u>JHCCB</u>
Students Leaving School Prior to Dismissal**	<u>JEDB</u>
Students of Legal Age.....	<u>JFD</u>

** 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 581-015-0005 (18).

Students of Legal Age.....	<u>JFD-AR</u>
Students with Disabilities	<u>IGBA</u>
Substitute Classified Salaries	<u>GDEA</u>
Substitute Teacher Salaries	<u>GCEA</u>
Suicides and Accidental Deaths.....	<u>JHH</u>
Superintendent	<u>CB</u>
Superintendent's Consulting Activities.....	<u>CBF</u>
Superintendent's Contract.....	<u>CBC</u>
Superintendent's Management Team.....	<u>CD</u>
Supervision of Students**	<u>JHFA</u>
Support Services Goals	<u>EA</u>
Suspension	<u>JGD</u>
Suspension and Dismissal of Classified Personnel	<u>GDPD</u>
Suspension and Dismissal of Licensed Personnel.....	<u>GCPD</u>
Suspension of Driving Privileges.....	<u>JHFDA</u>
Suspension of Policies	<u>BFF</u>
Talented and Gifted Standards Appeal Form.....	<u>IGBB-AR</u>
Talented and Gifted Students	<u>IGBB</u>
Taxing and Borrowing Authority.....	<u>DC</u>
Teacher Grade Books and Lesson Plans	<u>GCMA</u>
Teaching about Controversial Issues	<u>INB</u>
Teaching about Religion	<u>IGAC</u>
Temporary Administrative Arrangements	<u>CI</u>
Temporary District Facilities	<u>FJ</u>
Threats of Violence.....	<u>JFCM</u>
Title I Complaint Resolution	<u>BDE-AR(10)</u>
Title I/Parental Involvement	<u>IGBC</u>
Tobacco Free Environment.....	<u>JFCG/KGC/GBK</u>
Tobacco Use by Students.....	<u>JFCG-AR</u>
Traffic and Parking Controls.....	<u>ECD</u>
Transcript Evaluation Procedures	<u>JECDA-AR</u>
Truancy	<u>JEDA</u>
Tutoring for Pay.....	<u>GCQAB</u>
Types of Funds.....	<u>DIB</u>
Use of District Activity Vehicles for Student Transportation	<u>EEACD</u>
Use of District Facilities During Disasters.....	<u>KGD</u>
Use of Feature Films/Videos in the School/Administrative Film Review Form**	<u>IIABB-AR(2)</u>
Use of Feature Films/Videos in the School/Parent Permission Form**	<u>IIABB-AR(1)</u>

** 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 581-015-0005 (18).

Use of Feature Films/Videos**	<u>IIABB</u>
Use of Private Vehicles for District Business	<u>EEBB</u>
Use of Restraint and Seclusion	<u>JGAB</u>
Use of Restraint and Seclusion	<u>JGAB-AR</u>
Vacancies on the Board	<u>BBE</u>
Vacated School Buildings	<u>FLA</u>
Vacated School Buildings	<u>FLA-AR</u>
Vandalism/Malicious Mischief/Theft**	<u>ECAB</u>
Vehicle Insurance	<u>EEBC</u>
Vehicle Maintenance	<u>EEACB</u>
Vending Machines and School Stores.....	<u>EFC</u>
Vendor Relations	<u>DJG</u>
Video Cameras on Transportation Vehicles	<u>EEACCA</u>
Video Cameras on Transportation Vehicles	<u>EEACCA-AR</u>
Weapons in Schools	<u>JFCJ</u>
Web Policy.....	<u>IIBGC</u>
Web Policy – Student Information Opt-Out	<u>IIBGC-AR</u>
Wellness Program	<u>EFA</u>
Wellness Program	<u>EFA-AR</u>
Withholding Records for Nonpayment of Fees	<u>JNA</u>
Work Experience/Release	<u>IGADA</u>
Workers’ Compensation Insurance	<u>GBEA</u>

** 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 581-015-0005 (18).

SWEET HOME SCHOOL DISTRICT 55

TABLE OF CONTENTS

SECTION A/B: BOARD GOVERNANCE AND OPERATIONS

Nondiscrimination	<u>AC</u>
Discrimination Complaint/Grievance Procedure	<u>AC-AR</u>
Americans with Disabilities Act	<u>ACA</u>
Americans with Disabilities Act	<u>ACA-AR</u>
Philosophy Statement	<u>AD</u>
Operational Standards (District Goals)	<u>AE</u>
Board Goals	<u>BA</u>
Board Legal Status	<u>BB</u>
Board Powers and Duties	<u>BBA</u>
Individual Board Member's Authority and Responsibilities	<u>BBAA</u>
Individual Board Member's Authority and Responsibilities	<u>BBAA-AR</u>
Board Contracts	<u>BBAAA</u>
Board Elections	<u>BBB</u>
Board Member Qualifications	<u>BBBA</u>
Board Members Oath of Office	<u>BBBB</u>
Board Member Resignation	<u>BBC</u>
Board Member Removal from Office	<u>BBD</u>
Vacancies on the Board	<u>BBE</u>
Board Member Ethics	<u>BBF</u>
Board Member Conflicts of Interest	<u>BBFA</u>
Board Organization/Board Organizational Meeting	<u>BC/BCA</u>
Board Officers	<u>BCB</u>
Board-Superintendent Relationship	<u>BCD</u>
Board Committees	<u>BCE</u>
Advisory Committees to the Board	<u>BCF</u>
Advisory Committees to the Board	<u>BCF-AR</u>
Consultants to the Board	<u>BCH</u>
Regular School Board Meetings	<u>BD/BDA</u>
Special Board Meetings	<u>BDB</u>
Emergency Board Meetings	<u>BDBA</u>
Executive Sessions	<u>BDC</u>
Board Member Voting	<u>BDD</u>
Board Meeting Agenda	<u>BDDB/BDDC</u>

Quorum	<u>BDDD</u>
Conduct of Board Meetings	<u>BDDF</u>
Minutes	<u>BDDG/BDDK</u>
Public Participation in Board Meetings	<u>BDDH</u>
Public Hearings	<u>BDE</u>
General Hearings Format	<u>BDE-AR(1)</u>
Child Nutrition - Hearings Procedure/Appeal Process	<u>BDE-AR(2)</u>
Nonrenewal of Employment/Dismissal of Employee - Licensed Probationary	<u>BDE-AR(3)</u>
Demotion or Dismissal of Employee - All Employees Except Licensed Employees	<u>BDE-AR(4)</u>
Appeals from Administration Hearings	<u>BDE-AR(5)</u>
Student Records	<u>BDE-AR(6)</u>
Student Grievances	<u>BDE-AR(7)</u>
Student Suspension	<u>BDE-AR(8)</u>
Expulsion	<u>BDE-AR(9)</u>
Title I Complaint Resolution	<u>BDE-AR(10)</u>
Board Work Sessions	<u>BE</u>
Board Policy Development	<u>BF</u>
Board Policy Adoption and Amendment	<u>BFC</u>
Distribution of Policies, Rules and Administrative Regulations	<u>BFC-AR</u>
Administrative Regulations	<u>BFCA</u>
Administration in the Absence of Policy	<u>BFE</u>
Suspension of Policies	<u>BFF</u>
Board Policy Review	<u>BFG</u>
Board-Staff Communications	<u>BG</u>
Orientation of New Board Members	<u>BH/BHA</u>
Board Member Development	<u>BHB</u>
Board Member Compensation and Expense Reimbursement	<u>BHD</u>
Board Member Liability Insurance	<u>BHE</u>

The following symbol is used on some sample 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 581-015-0005 (18).



Code: **AC**
Adopted: 12/13/93
Revised/Readopted: 6/8/98, 9/13/04, 5/16/05,
12/10/07, 9/14/09, 9/14/15,
1/8/18, 11/12/19
Orig Code: BP 1001

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 orientation², 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, 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, including but not limited to, in employment, assignment and promotion of personnel; in educational opportunities and services offered students; in student assignment to schools and classes; in student discipline; in location and use of facilities; in educational offerings and materials; and in 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 citizens 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 of 1990 and Americans with Disabilities Act Amendments Act of 2008 (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments of 1972, 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):

ORS 174.100
ORS 192.630
ORS 326.051(1) (e)
ORS 659.805
ORS 659.815
ORS 659.850 to -860
ORS 659.865
ORS 659.870
ORS 659A.003

ORS 659A.006
ORS 659A.009
ORS 659A.029
ORS 659A.030
ORS 659A.040
ORS 659A.100 to -145
ORS 659A.233
ORS 659A.236
ORS 659A.309

ORS 659A.321
ORS 659A.409
ORS 581-002-0001-002-0005
ORAR 581-021-0045
ORAR 581-021-0046
ORAR 581-021-0047
ORAR 581-021-0049
ORAR 581-022-2310
ORAR 581-022-2370

¹ Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047.

² "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-63~~43~~ (2012); 29 C.F.R Part 1626 (20178).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2012); 29 C.F.R. Part 1630 (2018); 28 C.F.R. Part 35 (201~~78~~).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2012); 34 C.F.R. Part 104 (2018).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (201~~78~~).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012); 28 C.F.R. §§ 42.101-42.106 (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2012); 29 C.F.R. § 1601 (2018).

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 (2012).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2012).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2012).



Code: **ACA**
Adopted: 12/13/93
Revised/Readopted: 6/8/98, 9/13/04, 9/14/09
Orig Code(s): BP 9060

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.

END OF POLICY

Legal Reference(s):

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2006).
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 (2006).
Chevron U.S.A. Inc. v. Echazabal, 536 U.S. 73 (2002)
Americans with Disabilities Act Amendments Act of 2008.

Cross Reference(s):

AC – Nondiscrimination
GBA – Equal Employment Opportunities
JB – Equal Educational Opportunities



Code: **ACA-AR**
Adopted: 12/13/93
Revised/Readopted: 6/8/98, 9/8/03, 9/13/04,
9/14/09
Orig Code(s): AR 9060

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

3. A transition plan¹ shall be developed by the district to address any structural changes required to achieve employment practices, services, programs and activities 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;

¹If 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.

- 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

- 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 current employee 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 requires any reasonable accommodation for the hiring process. The hiring process may include, 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 knows there is a workplace barrier that is preventing him/her, 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 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 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 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 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 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 will be able to meet those requirements. The district may ask about an applicant's prior attendance record (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 leave (for example, "How many Mondays or Fridays were you absent last year on leave other than approved vacation leave?") At the 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, for example, whether the applicant has ever used illegal drugs, when was the last time he/she used illegal drugs or if he/she has 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 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 participated in an alcohol rehabilitation program. The district may ask, for example, whether the applicant drinks alcohol or whether he/she has 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 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 ability to read is 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 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 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.
 - (8) A determination will be made whether an accommodation is reasonable or an undue burden by considering:
 - (a) Nature and cost of accommodation;
 - (b) Overall financial resources of facility;
 - (c) Number of persons employed;
 - (d) Impact on operation of facility;
 - (e) Effect on expenses and resources;
 - (f) Type of operation. Composition and functions of workforce. Geographic separation, fiscal or administrative relationship of facilities.
 - (9) 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.
- (10) 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;
- (11) 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;
- (12) 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 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 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 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 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.



Code: ACB
Adopted: 1/11/2020

All Students Belong

All students are entitled to a high quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

All employees are entitled to work in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

All visitors are entitled to participate in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

“Bias incident” means a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate. Bias incidents may include derogatory language or behavior directed at or about any of the preceding demographic groups.

“Symbol of hate” means a symbol, image, or object that expresses animus on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin including, the noose, swastika, or confederate flag^a, and whose display:

1. Is reasonably likely to cause a substantial disruption of or material interference with school activities; or
2. Is reasonably likely to interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

The district prohibits the use or display of any symbols of hate on district grounds or in any district- or school-sponsored program, service, school or activity that is funded in whole or in part by monies appropriated by the Oregon Legislative Assembly, except where used in teaching curriculum that is aligned to the Oregon State Standards.

In responding to the use of any symbols of hate, the district will use non-disciplinary remedial action whenever appropriate.

The district prohibits retaliation against an individual 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.

^a While commonly referred to as the “confederate flag,” the official name of the prohibited flag is the Battle Flag of the Armies of Northern Virginia.

Nothing in this policy is intended to interfere with the lawful use of district facilities pursuant to a lease or license.

The district will use administrative regulation ACB-AR - Bias Incident Complaint Procedure to process reports or complaints of bias incidents.

END OF POLICY

Legal Reference(s):

[ORS 659.850](#)

[ORS 659.852](#)

[OAR 581-002-0005](#)

[OAR 581-022-2312](#)

[OAR 581-022-2370](#)

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).

Dariano v. Morgan Hill Unified Sch. Dist., 767 F.3d 764 (9th Cir. 2014).

State v. Robertson, 293 Or. 402 (1982).



Code: **ACB-AR**
Adopted: 1/11/2020

Bias Incident Complaint Procedure

The term “bias incident” is defined in policy. Persons impacted by a bias incident shall be defined broadly to include individuals at whom an incident was directed as well as students in the larger school community likely to be impacted by the incident.^a

Step 1: When a staff member learns of a potential bias incident, the staff member will prioritize the safety and well-being of all persons impacted and without unreasonable delay report the incident to the building or program administrator.

Step 2: The administrator or designee shall acknowledge receipt of the complaint, reduce the complaint to writing, and investigate any complaint of a bias incident. Responding staff will recognize the experience of all persons impacted, acknowledge the impact, commit to taking immediate action, and prevent further harm against those persons impacted from taking place. Redirection procedures, if any, will include:

- Educational components that address the history and impact of hate;
- Procedural components to ensure the safety, healing, and agency of those impacted by hate;
- Accountability and transformation for people who cause harm; and
- Transformation of the conditions that perpetuated the harm.

The administrator or designee must consider whether the behavior implicates other district policies or civil rights laws, and if so, respond accordingly.

The administrator or designee will make a decision within 10 days of receiving the complaint.

All persons impacted will be provided with information relating to the investigation and the outcome of the investigation. At a minimum, the information provided must include:

- That an investigation has been initiated;
- When the investigation has been completed;
- The findings of the investigation and the final determination based on those findings; and
- Actions taken with the person or persons who committed the harassing behavior to remedy the behavior and prevent reoccurrence when the actions relate directly to a person impacted by the event.

^a The term “complainant” in this administrative regulation includes persons filing formal complaints and persons reporting bias incidents, regardless of whether the complainant is a victim. Similarly, the term “complaint” includes any report, information or complaint.

If any of the above information cannot be shared, a citation to the law prohibiting release and an explanation of how that law applies to the current situation will be provided.^b

Step 3: If complainant or a respondent wishes to appeal the decision of the administrator or designee, the complainant or respondent may submit a written appeal to the superintendent within five school days after receipt of the administrator or designee's response to the complaint.

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

The superintendent or designee will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 3, as appropriate.

Step 4: If the complainant or respondent is not satisfied with the decision of the superintendent or designee, a written appeal may be filed with the Board within five school days of receipt of the superintendent or designee's response to Step 3. The Board may decide to hear or deny the request for appeal at a Board meeting. The Board may use an executive session if the subject matter qualifies under Oregon law. If the Board decides to hear the appeal, 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 within 10 days of this meeting.

The Board will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 4, as appropriate.

Complaints can be filed with or communicated directly to the administrator or designee, in which case Step 1 will be skipped. Complaints against the administrator can be directed to the superintendent or designee and will begin at Step 3. Complaints against the superintendent or a Board member(s) can be directed to the Board and will begin at Step 4. If complaints begin later than Step 1, the individuals reviewing the complaint will ensure that all requirements are met.

The complainant, if a person who resides in the district or 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 initial filing of the complaint, may appeal^c the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

^b Refer to policies GBL - Personnel Records, JOA - Directory Information and JOB - Personally Identifiable Information and district legal counsel for guidance in these situations. Possible laws include, but are not limited to, Title 34 C.F.R. § 99.31 and ORS 342.850.

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

Complaints may also be filed directly with the U.S. Department of Education Office for Civil Rights.^d

District administration will develop and implement instructional materials to ensure that all school employees and staff are made aware of this procedure and related practices. The materials will include reporting procedures, educational processes, and possible consequences.

When necessary, timelines may be adjusted by the district by communicating to all parties in writing. This communication must include a new timeline and an explanation of why the timeline must be adjusted.

^d Complaints must meet criteria as established by law. For more information, visit <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>



Code: **AC-AR**
Revised/Adopted: 5/16/05, 9/14/15,
1/18/18, 11/12/19

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: 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 within five school days after receipt of the principal's response to the complaint. The superintendent 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 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 meeting. 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.

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 made to the Board chair and may be referred to district counsel. Complaints against the Board chair 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 initial 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 – 002-0023.

¹ 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)

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:

- | | | |
|--|--|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Mental or physical disability | <input type="checkbox"/> Age |
| <input type="checkbox"/> Color | <input type="checkbox"/> Marital status | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Familial status | <input type="checkbox"/> Pregnancy |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Economic status | <input type="checkbox"/> Discriminatory use of a Native American mascot |
| <input type="checkbox"/> National or ethnic origin | <input type="checkbox"/> Veterans' status | <input type="checkbox"/> 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.



Code: **AD**
Adopted: 12/14/87
Readopted: 6/8/98, 9/13/04, 1/11/10,
12/12/11
Orig. Code(s): None

Educational Philosophy

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 329.485

ORS 332.107
OAR 581-022-1020

→



Code: **AE**
Adopted: 6/8/98
Revised/Readopted: 1/14/08, 1/11/10, 12/12/11

Operational Standards

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; and
18. 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 329.025](#)
[ORS 329.035](#)

[ORS 332.107](#)
[ORS 659.850](#)
[ORS 659A.003](#)
[ORS 659A.006](#)
[ORS 659A.030](#)

[OAR 581-022-1020](#)
[OAR 581-022-1030](#)
[OAR 839-003-0000](#)



Code: **BA**
Adopted: 12/14/87
Readopted: 6/8/98
Orig. Code(s): BP 1000

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 course of education in the 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 people. This requires a comprehensive perspective and long-range planning in addition to attention to immediate problems.

The Board's primary responsibility is to establish those purposes, 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 to formulate and adopt policy, by selecting an executive officer to implement policy and by evaluating the results. Further, it must carry out its functions openly, while seeking the involvement and contributions of the public, students and staff in its decision-making process.

In accordance with these principles, the Board in its operation will seek to achieve the following goals:

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)



Code: **BB**
Adopted: 12/14/87
Readopted: 6/8/98
Orig. Code(s): BP 1100

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.

Federal and state statutes and rules and regulations of the State Board of Education define and outline the general powers and duties of the Board. 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. The Board's duty is to carry out those statutes 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.

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 333.197](#)

[ORS 335.505](#)

Oregon Constitution, Article VIII, Section 3.



Code: **BBA**
Adopted: 12/14/87
Revised/Readopted: 6/8/98, 9/13/04
Orig. Code(s): BP 1110

Board Powers and Duties

The Legislature of the state of Oregon delegates to the Board responsibility for the conduct and governance of the 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 the votes of members are taken for the records, 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 governance of schools and students 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 needs and wishes of the public and for keeping local citizens informed about the schools.

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 come before it.

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 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 and approve payment on all contracts and business transactions of the district. The Board will provide for an annual audit of the district's assets.

The Board will employ 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 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 of districtwide application.

The Board will 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 Chapter 279](#)
[ORS 294.305 - 294.565](#)
[ORS 294.321](#)
[ORS 294.326](#)

[ORS 332.072 - 332.111](#)
[ORS 332.505](#)
[ORS 336.035](#)
[ORS 336.095](#)
[ORS Chapter 339](#)
[ORS 342.905](#)



Code: **BBAA**
Adopted: 12/14/87
Revised/Readopted: 6/8/98, 9/13/04,, 3/9/09
Orig. code(s): BP 1112

Individual Board Member's Authority and Responsibilities

An individual Board member exercises the authority and responsibility of 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. 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.

A Board member has the right to express personal opinions. When expressing such opinions in public, the Board member must clearly identify the opinions as his/her 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
Any Board member may request a legal opinion. Such request, however, shall be made through the Board chair to the superintendent. If the legal opinion sought involves the superintendent's employment or performance, the request should be made to the Board chair. 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, such information 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. Board members will not intervene in the administration of the district or its schools.
5. Contracts or Agreements Made By Individual Board Members
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](#)
38 OR. ATTY. GEN. OP. 1995 (1978)
S. Benton Educ. Ass'n v. Monroe Union High Sch. Dist., 83 Or. App. 425 (1987).

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



Code: **BBAAA**
Adopted: 12/14/87
Readopted: 6/8/98, 9/13/04
Orig. Code(s): BP 1113

Board Contracts

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 332.075](#)



Code: **BBAA-AR**
Adopted: 12/14/87
Readopted: 6/8/98
Orig. Code(s): AR 1112

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 answer based on policy;
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 for 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.



Code: **BBB**
Adopted: 10/10/95
Revised/Readopted: 6/8/98, 9/13/04, 2/10/14
Orig. Code(s): BP 1120, BP 1111

Board Elections

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.

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.

Re-elections for Board positions will occur as follows:

Position No. 1 (Holley)	Spring, 2005 and every four years thereafter;
Position No. 2 (Liberty)	Spring, 2005 and every four years thereafter;
Position No. 3 (Foster)	Spring, 2007 and every four years thereafter;
Position No. 4 (Cascadia)	Spring, 2007 and every four years thereafter;
Position No. 5 (At Large)	Spring, 2005 and every four years thereafter;
Position No. 6 (Crawfordsville)	Spring, 2007 and every four years thereafter;
Position No. 7 (At Large)	Spring, 2005 and every four years thereafter;
Position No. 8 (At Large)	Spring, 2005 and every four years thereafter;
Position No. 9 (Sweet Home)	Spring, 2007 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 - 332.138](#)



Code: **BBBA**
Adopted: 12/11/91
Readopted: 6/8/98, 9/13/04
Orig. Code(s): BP 1121

Board Member Qualifications

To qualify as a Board member, a person must be: an elector residing within the district and in zoned positions; a resident of the zone from which nominated; a citizen of the United States who is 18 years of age or older; and a resident of the district for one year immediately preceding the election.

The term of office of newly elected Board members shall begin on July 1 following the date of election.

Board members must qualify by taking the Oath of Office before assuming the duties of office.

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.

END OF POLICY

Legal Reference(s):

[ORS 137.230 - 137.285](#)

[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.

Oregon Constitution, Article VIII, Section 6.



Code: **BBBB**
Adopted: 12/14/87
Readopted: 6/8/98
Orig. Code(s): BP 1122

Board Members Oath of Office

Board members must qualify by taking the Oath of Office before assuming the duties of office.

The Oath of Office 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 Board.

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."

END OF POLICY

Legal Reference(s):

[ORS 332.005](#)



Code: **BBC**
Adopted: 12/14/87
Readopted: 6/8/98
Orig. Code(s): BP 1130

Board Member Resignation

The Board believes that any citizen who files for and seeks election 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.

If, however, for reasons of health, change in domicile or other reasons a member does decide 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.

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 236.325](#)
[ORS 332.030](#)

Cross Reference(s):

BBE - Vacancies on the Board



Code: **BBD**
Adopted: 12/14/87
Readopted: 6/8/98, 4/10/00
Orig. Code(s): BP 1140

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 he/she was elected. The incumbent shall continue to serve as director to June 30 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 - 249.877](#)
[ORS 332.030](#)
[ORS 408.240](#)

Cross Reference(s):

BBE - Vacancies on the Board



Code: **BBE**
Adopted: 3/11/91
Revised/Readopted: 6/8/98, 9/13/04
Orig. Code(s): BP 1150

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.

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

1. Will serve until June 30 following the next "election," at which time the individual elected in March of that year will fill the remaining portion of an unexpired term or serve a full four year term; or
2. 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 - 249.877](#)
[ORS 255.245](#)
[ORS 255.335](#)
[ORS 332.030](#)
[ORS 332.122](#)
[ORS 332.124](#)

Cross Reference(s):

BBBA - Board Member Qualifications
BBC - Board Member Resignation



Code: **BBF**
Adopted: 12/14/87
Revised/Readopted: 6/8/98, 1/11/10
Orig. Code: BP 1160

Board Member Standards of Conduct

A Board member should:

1. Comply with the Code of Ethics for public officials provided in state law;
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 as a team. 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 are made by a majority vote and 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 official 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 you will receive information that is confidential and cannot be shared;
12. Recognize that the superintendent is the Board's advisor;
13. Take action only after hearing the superintendent's recommendations;
14. Refuse to bring personal or family problems into Board considerations;
15. Give the staff the respect and consideration due 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 Web sites judiciously in a manner that does not violate Oregon's Public Meetings Laws;
21. When using social media Web sites, Board members will treat and refer to other Board members, staff, students and the public with respect;
22. Never post confidential information about students, staff or district business on any web sites.

END OF POLICY

Legal Reference(s):

[ORS 162.015 - 162.035](#)
[ORS 162.405 - 162.425](#)
[ORS 192.630](#)

[ORS 244.040](#)
[ORS 244.120](#)
[ORS 332.055](#)



Code: **BBFA**
Adopted: 6/9/97
Revised/Readopted: 6/8/98, 9/13/04, 12/8/08, 8/9/10,
2/10/14, 9/8/14, 4/11/16
Orig. Code(s): BP 1161

Board Member Ethics and Conflicts of Interest

No Board member will use his/her official position or office to obtain personal financial benefit or to avoid financial detriment for 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 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 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 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 spouse¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the Board member; or 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.

“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 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 Code of Ethics for public officials as stated in Oregon law.

Potential Conflict of Interest

¹ The term spouse includes domestic 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.

“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 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 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 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

³Ibid. p. 1

⁴Ibid. p. 1

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/administrative interest in the fire department that is distinct from the general public.

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 at receptions or meals the pay or of the Board member’s admission or meal will include all costs other than any amount donated to a charity.
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.
2. 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.
3. Upon request by the Board member, the source will give notice of the value of the merchandise, goods, or services received.
4. 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

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/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:
 - i. 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:
 1. The Board member is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the district; AND
 - a. The giver is a unit of a:
 - i. Federal, state, or local government;
 2. An Oregon or federally recognized Native American Tribe; OR Non-profit corporation
 3. The Board member is representing the district:
 - a. On an officially sanctioned trade-promotion or fact-finding mission; OR
 - b. Officially designated negotiations or economic development activities *where receipt of the expenses is approved in advance by the Board.*
 - ii. 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 244.020(6)(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.

⁵ The term spouse includes domestic partners.

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](#) to [199-020-010-00201000200150](#)
OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW,
A GUIDE FOR PUBLIC OFFICIALS

38 OR. ATTY. GEN. OP. 1995 (1978)



Code: **BBFB**
Adopted: 12/8/08
Revised/Readopted: 8/9/10, 1/13/14, 9/8/14,
4/11/16

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 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. 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. "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 employment.

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 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.

¹The term spouse includes domestic partner.

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



Code: **BCB**
Adopted: 12/14/87
Revised/Readopted: 6/8/98, 9/13/04
Orig. Code(s): BP 1210

Board Officers

At its first scheduled meeting in July, the Board will elect one of its members to serve as chairman, one to serve as vice chairman and one to serve as Board secretary. No member of the Board may serve as 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

The Board chairman will assist the superintendent in establishing the agenda for regular meetings of the Board.

The chairman will call special meetings when required.

The chairman will preside at all meetings of the Board and will enforce the rules of order.

The chairman will sign minutes and other official documents that require the signature of the chairman.

The chairman will represent the district and the Board at official functions unless this duty is delegated by the chairman or the Board to another member of the Board.

The chairman will appoint all committees unless otherwise ordered by the Board and will be an ex-officio member of all such committees.

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 chairman, the vice chairman will perform the duties of the chairman, and when so acting, will have all the powers of the chairman. The vice chairman will perform such other functions as designated by the Board.

3. Board Secretary

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

4. Board or District Spokesman

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

END OF POLICY

Legal Reference(s):

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

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

Cross Reference(s):

BCB - Board Officers



Code: **BCD**
Adopted: 12/14/87
Revised/Readopted: 6/8/98
Orig. Code(s): BP 1220

Board-Superintendent Relationship

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

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

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

The superintendent can assume that the Board will respect the superintendent's professional competence and extend to him/her 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 school operation.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[ORS 332.515](#)



Code: **BCE**
Adopted: 12/14/87
Readopted: 6/8/98
Orig. Code(s): BP 1230

Board Committees

The Board may have standing committees. It may appoint special committees 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. Committee recommendations will be made directly to the Board, which alone may take action. Committee meetings may be called by the Board chairman, the committee chairman or any members of the committee.

Committee-of-the-whole meetings, called “work sessions,” will be held as needed.

All meetings of the special committees and of the committee-of-the-whole will be publicly announced and the public will be permitted to attend; however, the Board and its committees may sit in executive sessions to discuss matters pertaining to individual personnel, students, labor negotiations and certain other matters where such sessions 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 committee may appoint, subject to Board approval, advisory members from the staff, student body or community. Advisory members will be instructed in the committee’s functions and status. 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; however, either an advisory member or an ex-officio member may present in writing a minority report to the Board.

END OF POLICY

Legal Reference(s):

[ORS 192.610 - 192.690](#)
[ORS 332.045](#)
[ORS 332.105](#)

Cross Reference(s):

BCF - Advisory Committees to the Board



Code: **BCF**
Adopted: 12/14/87
Revised/Readopted: 6/8/98
Orig. Code(s): BP 1240

Advisory Committees to the Board

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.

END OF POLICY

Legal Reference(s):

[ORS 192.610](#)
[ORS 192.630](#)
[ORS 294.336](#)

[ORS 329.704](#)
[ORS 332.107](#)

Oregon Attorney General's Public Records and Meetings Manual, pp. 99-100, Department of Justice (2001).



Code: **BCF-AR**
Adopted: 12/14/87
Readopted: 6/8/98
Orig. Code(s): AR 1240

Advisory Committees to the Board

The following are suggested as basic guidelines when advisory committees are established:

1. The Board will create the committee and issue its assignment. This will be fully outlined to the committee when it is appointed;
2. All committees will be temporary. They will be created to serve only during the fiscal year of appointment or until completion of their assignment, whichever is shorter. Continuing the committee for all or part of the subsequent fiscal year is at the discretion of the Board;
3. Committee members will be appointed by the Board. Vacancies will be filled by the Board upon the advice of the committee, or otherwise. Persons appointed will be residents concerned with public education who are able to give the effort, time and talents needed for the committee's assignment. At the discretion of the Board, one of its members may be appointed to serve the committee in an advisory capacity;
4. The Board may appoint the chairman, or it may appoint a committee member to serve as chairman until the committee selects a chairman from its membership. The committee will appoint a member as secretary;
5. Meetings will be announced to all committee members and Board members through the office of the superintendent. Members of the Board and the superintendent or his/her designee may attend committee meetings;
6. Minutes of meetings will be promptly distributed to members, Board members and the superintendent;
7. Joint meetings of the Board and the committee will be held at the request of the Board;
8. To ensure smooth and orderly procedures, the chairman of the committee will maintain liaison with the Board through the superintendent's office;
9. At the conclusion of its assignment, the committee will submit a written report to the Board. At this time a joint meeting will be called to discuss the report and the committee's recommendations.



Code: **BCH**
Adopted: 12/14/87
Readopted: 6/8/98
Orig. Code(s): BP 1260

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](#)



Code: **BD/BDA**
Adopted: 12/13/93
Revised/Readopted: 6/8/98, 9/13/04, 1/11/10
Orig. Code: BP 1300

Board Meetings/Regular Board Meetings

“Meeting” means the convening of the Board as a governing body of the district in order to make a decision or to deliberate toward a decision on any matter. The Board has the authority to act only when a quorum is present at a duly called regular or special meeting. 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.

1. Regular Meetings

All regular and special meetings of the Board will be open to the public except as provided by law. All meetings will be conducted in compliance with state statutes. All meetings of the Board will be held within the boundaries of the district. No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, age or national origin is practiced.

If requested to do so at least 48 hours before a meeting held in public, the Board shall provide an interpreter for hearing impaired persons. Such other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice. Communications with all qualified individuals with disabilities shall be as effective as communications with others.

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.

The meeting schedule will be established at the organizational meeting in July but may be changed by the Board with proper notice. The purpose of meetings will be to conduct the regular business of the Board. The Board chairman will conduct the meeting or, in his/her absence, the vice chairman will preside. In the absence of both, the secretary will preside. If all three Board officers are absent, the Board member with the greatest seniority on the Board will preside.

Other special meetings may be convened by order of the chairman, upon request of three members of the Board or by common consent of the Board members. Statutory notice will be posted at least 24 hours before such a meeting is to be convened.

2. Electronic Communication

E-mail to, by, and among Board members, in their capacity as Board members, shall not be used for the purpose of discussing district business. E-mail among Board members shall be limited to: (1) disseminating information, and (2) messages not involving deliberation, debate, or decision-making. E-mail 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 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 Board members will have the following notice: *Important: Please do not reply or forward this e-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. E-mails on district business are governed by public 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 the Public Meetings Law.

4. Adjourned Meetings

A Board meeting may be adjourned to another time if a quorum is not present or if additional business needs to be conducted at the regular time of adjournment. The time, date and place of the adjourned meeting will be specified and appropriate notice given.

All meetings held in public shall comply with the Oregon Indoor Clean Air Act and the smoking provisions contained in the Public Meetings Law.

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

END OF POLICY

Legal Reference(s):

[ORS 174.104](#)

[ORS Chapter 192](#)

[ORS Chapter 193](#)

[ORS 332.045 - 332.111](#)

[ORS 433.835 - 433.875](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

41 OR. ATTY. GEN. OP. 28 (1980)

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 (2006).



Code: **BDB**
Adopted: 12/14/87
Revised/Readopted: 6/8/98
Orig. Code(s): BP 1310

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).

Cross Reference(s):

BD/BDA - Regular School Board Meetings



Code: **BDBA**
Adopted: 12/14/87
Revised/Readopted: 6/8/98
Orig. Code(s): BP 1311

Emergency Board Meetings

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).



Code: BDC
Adopted: 6/8/98
Readopted: 9/13/99

Executive Sessions

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 References:

ORS 192.610 - 192.710
ORS 332.061

Cross References:

BD/BDA - Regular School Board Meetings
BDDG/BDDK - Minutes



Executive Sessions–News Media

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
 - (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:
 - (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

¹School/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.

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

³ORS 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.

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 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.



Code: **BDD**
Adopted: 12/14/87
Revised/Readopted: 6/8/98
Orig. Code(s): BP 1162

Board Member Voting

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 332.045](#)
[ORS 332.055](#)
[ORS 332.057](#)

38 Op Atty Gen 1995 (1978).
41 Op Atty Gen 28 (1980).



Code: **BDDDB/BDDC**
Adopted: 12/13/93
Readopted: 6/8/98, 9/13/04
Orig. Code(s): BP 1331

Board Meeting Agenda

The Board chairman and the superintendent 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 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 will be included. 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 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 in each district facility on the day of the meeting. Members of the public may request a copy of the agenda at the District Office.

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 large print, Braille, audio recordings and readers. Primary consideration will be given to the requests of the person with a disability in the selection of appropriate auxiliary aids and services.

Should the Board demonstrate such requests would result in a fundamental alteration in the service, program or activity or in undue financial and administrative burdens, alternate, equally effective 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 192.640](#)

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000)



Code: **BDDD**
Adopted: 12/14/87
Readopted: 6/8/98
Orig. Code(s): BP 1332

Quorum

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).



Code: **BDDF**
Adopted: 12/14/87
Revised/Readopted: 6/8/98
Orig. Code(s): BP 1333

Conduct of Board Meetings

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](#)

Cross Reference(s):

BDDH - Public Participation in Board Meetings



Code: **BDDG/BDDK**
Adopted: 12/14/87
Revised/Readopted: 6/8/98, 9/13/04
Orig. Code(s): BP 1334

Minutes

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.

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, 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;
4. 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.

Minutes of executive sessions will be kept in accordance with the requirements of Oregon's Public Meetings Law. If disclosure of material in 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 Attorney General, #0905 (November 20, 1970).



Code: **BDDH**
Adopted: 9/12/94
Readopted: 6/8/98, 9/13/04
Orig. Code(s): BP 1335

Public Participation in Board Meetings

All meetings of the Board, with the exception of executive sessions, will be open to the public. Citizens of the district are invited to attend Board meetings so that they may become acquainted with the program and operation of the schools. Members of the public are also encouraged to share their ideas and opinions with the Board when appropriate.

It is the intent of the Board to ensure communications with individuals with disabilities are as effective as communications with others. Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings. Primary consideration will be given to requests of qualified individuals with disabilities in selecting appropriate auxiliary aids¹ and services.

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

Should the Board demonstrate such requests would result in a fundamental alteration in the service, program or activity or in undue financial and administrative burdens, alternative, equally effective means of communication will be used.

1. Public Communications

During an open session of the Board meeting, topics may be presented for Board consideration by members of the audience. The public is specifically invited to address the Board during the “public comments” portion of the agenda.

2. Procedures for Public Participation in Meetings

Written procedures will be established for public participation in open meetings of the Board. The purpose of these procedures will be to inform the public as to how to effectively participate in Board meetings in the best interests of the individual, the district and the patrons. The written information will be easily accessible and available to all patrons attending a public meeting of the Board.

Discussion or presentation concerning a published agenda item is limited to its designated place on the agenda unless otherwise authorized by the chairman.

A visitor speaking during the meeting may introduce a topic not on the published agenda. The Board, at its discretion, may require that a proposal, inquiry or request be submitted in writing and reserves the right to refer the matter to the administration for action or for study and make a report at a subsequent meeting. The Board will not take action on items on which the Board has not been previously briefed, except in emergencies.

Any person who is invited by the chairman to speak to the Board at a meeting should state his/her name and address and, if speaking for an organization, the name and identity of the organization. A group of people with a common purpose should designate a spokesman to speak for the group.

Statements by members of the public should be brief and concise. The chairman may exercise discretion to establish a time limit on discussion or oral presentation by a visitor on any topic.

¹Auxiliary aids include, but are not limited to such services and devices as qualified interpreters, assistive listening systems, note takers, readers, taped texts, Brailled materials and large print.

Questions asked by the public will, when possible, be answered immediately by the chairman or referred to other Board members or staff members present for reply. Questions requiring investigation may, at the discretion of the Board, be referred to the superintendent for response at a later time.

At the discretion of the Board chairman, when meetings are large or controversial, anyone wishing to speak before the Board, either as an individual or as a member of a group, on any agenda item or other topic, may do so by registering prior to the Board meeting.

3. Petitions

Petitions may be accepted at any meeting of the Board. No action will be taken in response to a petition before the next regular meeting. Petitions will be referred to the superintendent for consideration and recommendation of appropriate action.

4. Criticisms of Staff Members

Speakers may offer objective criticism of school operations and programs, but the Board will not hear personal complaints concerning the school personnel nor against any person connected with the school system. The chairman will direct the visitor to the appropriate means for Board consideration and disposition of complaints involving individuals.

END OF POLICY

Legal Reference(s):

[ORS 165.535](#)
[ORS 165.540](#)
[ORS 192.610 - 192.690](#)
[ORS 332.057](#)

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Cross Reference(s):

KLD - Public Complaints about District Personnel



Code: **BDE**
Adopted: 12/14/87
Revised/Readopted: 6/8/98
Orig. Code(s): BP 1340

Public Hearings

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](#)



Code: **BDE-AR(1)**
Adopted: 12/14/87
Readopted: 6/8/98
Orig. Code(s): AR 1340.1

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.



Code: **BDE-AR(10)**
Adopted: 12/14/87
Revised: 6/8/98, 9/13/04
Orig. Code(s): AR 1340.9

Title I Complaint Resolution

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 counsel 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.



Code: **BDE-AR(2)**
Adopted: 12/14/87
Revised/Readopted: 6/8/98
Orig. Code(s): AR 1340.10

Child Nutrition - Hearings Procedure/Appeal Process

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.



Code: **BDE-AR(3)**
Adopted: 12-14-87
Revised/Readopted: 6/8/98
Orig. Code(s): AR 1340.11, AR 1340.12

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.



Code: **BDE-AR(4)**
Adopted: 12/14/87
Revised/Readopted: 6/8/98
Orig. Code(s): AR 1340.13

Demotion or Dismissal of Employee - All Employees Except Licensed Employees

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.



Code: **BDE-AR(5)**
Adopted: 12/14/87
Revised/Readopted: 6/8/98, 9/13/04
Orig. Code(s): AR 1340.3

Appeals from Administration Hearings

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.



Code: **BDE-AR(6)**
Adopted: 12/14/87
Revised/Readopted: 6/8/98, 9/13/04
Orig. Code(s): AR 1340.5

Student Records

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 hearings 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.

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 place 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.



Code: **BDE-AR(8)**
Adopted: 12/14/87
Revised/Readopted: 6/8/98, 9/13/04
Orig. Code(s): AR 1340.6

Student Suspension

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.



Code: **BDE-AR(9)**
Adopted: 12/14/87
Readopted: 6/8/98, 9/13/04
Orig. Code(s): AR 1340.7

Expulsion**

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](#)



Code: **BE**
Adopted: 12/14/87
Readopted: 6/8/98
Orig. Code(s): BP 1350

Board Work Sessions

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

Cross Reference(s):

BD/BDA - Regular School Board Meetings



Code: **BF**
Adopted: 12/14/87
Revised/Readopted: 6/8/98
Orig. Code(s): BP 1400

Board Policy Development

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; however, new policies or changes in existing policy may be proposed by any Board member, group or organization, staff member, student or resident of the district. The superintendent, in developing these policies, may be guided by recommendations of the staff and may seek 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 and make all final policy recommendations to the Board.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.505](#)
[OAR 581-022-1610](#)
[OAR 581-022-1720](#)

Cross Reference(s):

BFF - Suspension of Policies



Code: **BFC**
Adopted: 12/14/88
Readopted: 6/8/98
Orig. Code(s): BP 1410

Board Policy Adoption and Amendment

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):

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

[OAR 581-022-1610](#)
[OAR 581-022-1720](#)

Cross Reference(s):

BFG - Board Policy Review



Code: **BFCA**
Adopted: 12/14/87
Revised/Readopted: 6/8/98
Orig. Code(s): BP 1450

Administrative Regulations

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

The superintendent is 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 will be distributed and included in existing policy books.

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[OAR 581-022-1610](#)
[OAR 581-022-1720](#)

Cross Reference(s):

CHA - Development of Administrative Regulations



Code: **BFE**
Adopted: 6/8/98

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 581-022-1610](#)

Cross Reference(s):

CHD - Administration in Policy Absence



Code: **BFD**
Adopted: 5/12/14

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 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 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 have access to a current policy manual.

Each school shall make 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 192.410\(4\)](#)
[ORS 332.107](#)

[ORS 332.505](#)

[OAR 581-022-1610](#)
[OAR 581-022-1720](#)



Code: **BFF**
Adopted: 6/8/98

Suspension of Policies

In the event of emergency or special circumstances, the operation of any section of Board policy, including those governing its own operational procedures, may be temporarily suspended 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 or contract.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107

[OAR 581-022](#)-1610



Code: **BFG**
Adopted: 12/14/87
Readopted: 6/8/98
Orig. Code(s): BP 1440

Board Policy Review

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

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

The superintendent is given the continuing commission of calling to the Board's attention all policies that 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](#)-1610

[OAR 581-022](#)-1720

Cross Reference(s):

BFC - Board Policy Adoption and Amendment



Code: **BG**
Adopted: 12/14/87
Readopted: 6/8/98, 8/11/08
Orig. Code(s): BP 1500

Board-Staff Communications

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

Staff Communications to the Board

All 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 appeal to the Board from administrative decisions provided that the superintendent will have been notified of the forthcoming 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 also reminded that Board meetings are public meetings. As such, they provide an excellent opportunity to observe at first hand the Board's deliberations on issues of staff concern.

Board Communications to Staff

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

Visits to Schools

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):

[OAR 581-022-1720](#)

Anderson v. Central Point School District No. 6, 554 F. Supp. 600 (D. Oregon 1982); aff'd in part, 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).

Cross Reference(s):

KK - Loitering – Trespass



Code: **BH/BHA**
Adopted: 12/14/87
Revised/Readopted: 6/8/98
Orig. Code(s): BP 1600

Orientation of New Board Members

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, administrative regulations and issues. In the interim between election or appointment and actually assuming office, the new Board member(s) will be assisted in the following ways:

1. The electee or newly appointed Board member will be given materials on the role of a member of the Board;
2. The electee or newly appointed Board member will be invited to attend Board meetings to observe the operation of the Board;
3. The electee or newly appointed Board member will be given a copy of Board policies;
4. The superintendent will supply material pertinent to meetings and will explain its content;
5. The incoming member will be invited to meet with the superintendent and other administrative personnel, by arrangement with the superintendent, to discuss services they perform for the district;
6. The electee or newly appointed Board member will be encouraged to attend the Summer Board Conference sponsored by the Oregon School Boards Association.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)



Code: **BHB**
Adopted: 12/14/87
Revised/Readopted: 6/8/98
Orig. Code(s): BP 1610

Board Member Development

The complexity of Board membership demands opportunities for development, study and training of its members. The Board places a high priority on the importance of a planned and continuing program of 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 are urged to participate in opportunities for 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;
2. Participation in Board conferences, workshops and conventions held by state and national school board associations and other educational organizations;
3. Subscriptions to publications addressing the concerns of Board 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 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 impending conferences, conventions and workshops. 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 meetings will be budgeted. When funds are limited, the Board will designate which of its members would be most appropriate to participate at a given meeting;
3. If authorized to attend by the Board, 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 may be requested to share 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](#)

Cross Reference(s):

BH/BHA - Orientation of New Board Members

BHD - Board Member Compensation and Expense Reimbursement



Code: **BHD**
Adopted: 6/8/98
Revised/Readopted: 3/9/09

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.

Board members may be reimbursed, when paid admission is required of the general public, for attending district athletic events and other activities as part of their responsibilities of being informed about district operations. The district will establish accounting procedures consistent with this policy.

END OF POLICY

Legal Reference(s):

[ORS 244.020\(15\)](#)
[ORS 244.040\(1\)\(a\)](#)
[ORS 244.040\(2\)\(c\)](#)
[ORS 332.018\(3\)](#)

OR. GOV'T STANDARDS AND PRACTICES COMM'N, ADVISORY OPINION 93A-1007 (Nov. 18, 1993).
OR. GOV'T STANDARDS AND PRACTICES COMM'N, ADVISORY OPINION 97A-1004 (Apr. 21, 1997).
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).



Code: **BHE**
Adopted: 12/14/87
Readopted: 6/8/98
Orig. Code(s): BP 1630

Board Member Liability Insurance

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

END OF POLICY

Legal Reference(s):

[ORS 30.260 - 30.300](#)
[ORS 332.072](#)
[ORS 332.435](#)

Cross Reference(s):

EIA - Insurance Program

SWEET HOME SCHOOL DISTRICT 55

TABLE OF CONTENTS

SECTION C: GENERAL ADMINISTRATION

Administration Goals and Objectives.....	<u>CA/CAA</u>
Superintendent.....	<u>CB</u>
Qualifications and Duties of the Superintendent.....	<u>CBA</u>
Recruitment and Appointment of Superintendent.....	<u>CBB</u>
Superintendent's Contract	<u>CBC</u>
Superintendent's Consulting Activities	<u>CBF</u>
Evaluation of the Superintendent	<u>CBG</u>
Administrative Organization	<u>CC</u>
Line and Staff Relations	<u>CCB</u>
Administrative Positions	<u>CCC</u>
Evaluation of Administrative Staff.....	<u>CCG</u>
Superintendent's Management Team	<u>CD</u>
School Principal.....	<u>CF</u>
Development of Administrative Regulations	<u>CHA</u>
Handbooks.....	<u>CHCA</u>
Administration in Policy Absence.....	<u>CHD</u>
Temporary Administrative Arrangements.....	<u>CI</u>
Program Consultants	<u>CK</u>
Layoff/Recall - Administrative Personnel.....	<u>CPA</u>
Layoff/Recall - Administrative Personnel.....	<u>CPA-AR</u>

** 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 581-015-0005 (18).



Code: **CA/CAA**
Adopted: 2/8/88
Revised/Readopted: 6/8/98
Orig. Code(s): BP 2000

Administration Goals and Objectives

The purpose of school administration is to help create and foster an environment in which students can learn most effectively. All administrative duties and functions will be appraised in terms of the contributions that they make to better instruction and to higher student motivation and achievement.

Proper administration of schools is vital to the success of the education program. Although the superintendent shoulders most of the responsibility within the policies set forth by the Board, neither the superintendent nor the Board can make all important decisions in individual schools.

The principal and the school staff are in direct, daily contact with students. They are on the spot where learning takes place; therefore, they are most directly responsible for educational results. In keeping with this responsibility, school administrators must have commensurate authority.

The design of the administrative organization will be such that all schools are part of a single system subject to the policies set forth by the Board and implemented through a single chief administrator, the superintendent. Within district policies and administrative regulations, principals will be responsible and accountable for the administration of their schools.

Major goals of administration in the district will be to:

1. Manage the district's various facilities, funds and programs effectively;
2. Provide professional advice and counsel to the Board and to any committees established by Board action;
3. Implement the management function through a team management approach so as to ensure the best and most effective learning programs through achieving such subgoals as: (a) providing leadership in keeping abreast of current educational developments; (b) arranging for staff development necessary to the establishment and operation of learning programs that better meet more learner needs; (c) coordinating cooperative efforts at improvement of learning programs, facilities, equipment and materials; and (d) providing access to the decision-making process for the ideas of staff, students, parents and others.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.505](#)

[ORS 332.515](#)

[OAR 581-022-1720](#)

Cross Reference(s):

BCF - Advisory Committees to the Board



Code: **CB**
Adopted: 2/8/88
Readopted: 6/8/98
Orig. Code(s): BP 2100

Superintendent

The superintendent is the executive officer of the district and as such, serves as leader and accountable officer for all personnel of the system and as liaison between those personnel and the Board.

The administration of the school system in all of its aspects will be delegated to the superintendent, who will carry out designated functions in accordance with the policies adopted by the Board. The execution of all decisions made by the Board concerning the internal operation of the school system is delegated to the superintendent. The Board shall be kept advised at all times of the manner in which official Board policy is incorporated into the management of the district.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[ORS 332.515](#)

[OAR 581-022-1720](#)

Cross Reference(s):

CBG - Evaluation of the Superintendent



Code: **CBA**
Adopted: 2/8/88
Revised/Readopted: 6/8/98, 9/13/04
Orig. Code(s): BP 2110

Qualifications and Duties of the Superintendent

POSITION: Superintendent of Schools

QUALIFICATIONS:

1. Holds or is eligible for a valid Oregon administrative license with a superintendent's endorsement;
2. Successful experience as an educational leader and administrator;
3. In lieu of the experience and training requirements above, the Board may consider as a candidate for its superintendent's position an individual who meets transitional administrator or exceptional administrator licensure requirements. The Board may, jointly with the individual, submit an application for such license for Teacher Standards and Practices Commission approval pursuant to OAR 584-080-0151 and 584-080-0161;

REPORTS TO: Board of Education

SUPERVISES: Central office administrators and school principals; and through them, all personnel of the district.

JOB GOAL: To provide effective administration of all schools and departments, and educational leadership throughout the Sweet Home School District and community.

PERFORMANCE RESPONSIBILITIES:

The superintendent:

1. Maintains a cooperative relationship with fellow staff members, students and the general public;
2. Adheres to and enforces district, state and federal laws, policies, procedures and regulations;
3. Serves as chief executive officer of the Board except as otherwise provided by law; makes rules not in conflict with law or with the policies of the Board and decides all matters of administrative and supervisory detail in connection with the operation and maintenance of the schools;
4. Initiates and directs the development of policies for approval by the Board, delegating such responsibility to associates and subordinates as deemed desirable;
5. Attends all meetings of the Board, except those concerned with the superintendent's contract status, and takes part in the deliberations but does not vote;
6. Assists the Board in reaching sound judgments, establishing policies and approving those matters which the law requires the Board to approve by preparing and submitting to the Board recommendations relative to all matters requiring Board action. The superintendent shall place before the Board such necessary and helpful facts, comparisons, investigations, information, reports and audits and make available at the proper time the personal advice on special or technical matters of those persons who are particularly qualified to furnish it, as are needed to ensure the making of informed decisions;
7. Informs and advises the Board about district programs, practices and issues and keeps the Board informed of the activities operating under the Board's authority;
8. Secures and nominates for employment the best qualified and most competent teachers, administrators, supervisory and confidential personnel;
9. Recommends the appointment, assignment, transfer, promotion, contract renewal, contract extension, demotion contract nonrenewal, contract nonextension and discharge of employees of the Board as provided by law and the policies of the Board's collective bargaining agreement;
10. Directs the professional supervisory staff in its visitations of the various schools; through this staff, directs, assigns and assists teachers and all other educational employees in the performance of their duties; classifies,

- assigns and controls the promotion of students; and performs such other duties as the Board deems necessary;
11. Directs the work of the professional staff in the evaluation and revision of curriculum and evaluation of textbooks and other instructional materials and upon the basis of such study makes recommendations to the Board;
 12. Recommends to the Board for its adoption all courses of study, curriculum guides and major changes in texts, other instructional materials and time schedules to be used in the schools;
 13. Supervises the establishment or modification of school attendance and transportation areas subject to the approval of the Board;
 14. Directs the preparation of an annual budget showing estimated receipts and disbursements necessary to cover the needs of the district for the ensuing fiscal year and submits this estimate to the Board in accordance with law;
 15. Approves and directs, in accordance with law, policy and regulations of the Board, purchases and expenditures, within the limits of the budget;
 16. Makes recommendations with reference to the location and size of new school sites and of additions to existing sites; the location and size of new buildings on school sites; the plans for new school buildings; all appropriations for sites and buildings; improvements, alterations and changes in the buildings and equipment of the district; and to the closure of district facilities;
 17. Provides suitable instructions and regulations to govern the use and care of school properties for school purposes;
 18. Represents the district in dealings with other school systems, social institutions, business firms, government agencies and the general public;
 19. Keeps the public informed about modern educational practices, educational trends and the practices and problems in the district;
 20. Directs, supervises and evaluates the management staff, including building principals and central office administrators;
 21. Serves as clerk of the Board;
 22. Completes other duties as assigned by the Board.

The specific enumeration of duties of the superintendent as detailed above will not act to limit the broad authority nor responsibility of the office.

TERMS OF EMPLOYMENT: Salary and work schedule to be determined by the Board.

EVALUATION: Performance of this job will be evaluated in accordance with provisions of the Board's policy on evaluation of the superintendent and the requirements of the negotiated contract between the Board and the superintendent.

END OF POLICY

Legal Reference(s):

ORS 327.133
ORS 332.405 - 332.427
ORS 332.515
ORS 342.125
ORS 342.140
ORS 342.143

ORS 342.173
ORS 342.175
ORS 342.200

OAR 581-022-0102 to -1940
OAR 581-023-0006 to -0050

OAR 584-046-0005 to -0024
OAR 584-048-0085 to -0095
OAR 584-080-0151
OAR 584-080-0152
OAR 584-080-0161
OAR 584-020-0000 to -0045 OAR 584-036



Code: **CBB**
Adopted: 2/8/88
Revised/Readopted: 6/8/98, 9/13/04
Orig. Code(s): BP 2120

Recruitment and Appointment of Superintendent

The appointment of a superintendent is a function of the Board. The Board will conduct an active search consistent with the district's nondiscrimination policy, to find the person it believes can most effectively translate into action the policies of the Board and the aspirations of the community and the professional staff.

The Board may seek the advice and counsel of interested individuals or of an advisory committee, or it may employ a consultant to assist in the selection. However, final selection will rest with the Board after thorough consideration of qualified applicants.

The Board will appoint the superintendent by a majority vote of the Board members at a meeting for which notice has been given of the intended action.

At the time of this appointment, the superintendent will be issued an initial contract with the length of the contract and salary as mutually negotiated and consistent with the requirements of law.

END OF POLICY

Legal Reference(s):

[ORS 192.660 \(1\)\(a\)\(D\)](#)
[ORS 332.505](#)
[ORS 342.513](#)
[ORS 342.835](#)

Cross Reference(s):

BCH - Consultants to the Board
CBC - Superintendent's Contract



Code: **CBC**
Adopted: 2/8/88
Revised/Readopted: 6/8/98, 9/13/04
Orig. Code(s): BP 2130

Superintendent's Contract

The Board, upon the selection of a candidate or upon reappointment of the incumbent superintendent, will endeavor to secure the dignity of the position and ensure the freedom of leadership appropriate for its responsibilities through an explicit contractual agreement.

The contract will meet the requirements of state law and will protect the rights of both the Board and the superintendent. Contracts shall not be issued for more than three years at a time. The contract shall automatically expire at the end of its term. The Board may, however, elect to issue a subsequent contract for not more than an additional three years at any time.

The terms of the contract will cover general responsibilities, professional activities, evaluations, salary, vacation, leave arrangements and other benefits.

Provisions for termination of the superintendent's employment, either by the Board or the superintendent, will also be set forth in the superintendent's employment contract.

END OF POLICY

Legal Reference(s):

[ORS 332.432](#)
[ORS 332.505](#)
[ORS 332.507](#)
[ORS 332.525](#)
[ORS 342.815](#) (1),(3),(6),(8)
[ORS 342.835](#)

Ambrose v. Board of Education, 51 Or. App. 621 (1981).

Babbitt v. Mari-Linn School District, Case No. FDA 86-2 (FDAB 1986); aff'd, 94 Or. App. 161 (1988).



Code: **CBF**
Adopted: 2/8/88
Readopted: 6/8/98
Orig. Code(s): BP 2150

Superintendent's Consulting Activities

The Board expects the superintendent to devote full attention and energy to the concerns of the district. The superintendent may not be engaged in any other employment nor in long-term consulting assignments. The Board, however, recognizes the superintendent's obligation to contribute to the profession of school administration and to the field of public education in general. This policy, therefore, does not prohibit the superintendent from undertaking occasional consulting work that does not conflict with obligations to the district. Any such task that requires the superintendent's absence from the district must have prior approval of the Board.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)



Code: **CBG**
Adopted: 1/10/94
Revised/Readopted: 6/8/98, 9/13/04,
8/14/17
Orig. Code(s): BP 2160

Evaluation of the Superintendent

The superintendent's job performance will be evaluated by at least annually based on the administrative job description, any applicable standards of performance, Board policy and progress in attaining any goals for the year established by the superintendent and/or the Board.*

Additional criteria for the evaluation, if any, will be developed at a public board meeting prior to conducting the evaluation. The superintendent will be notified of the additional criteria prior to the evaluation.

The Board's discussion and conferences with and about the superintendent and his/her performance will be in executive session, unless the superintendent requests an open session; however, such an executive session will not include directives about or a general evaluation of any agency goal, objective or operation. Results of the evaluation will be written and placed in the superintendent's personnel file.

At the Board's discretion, it may notify the superintendent in writing of specific areas to be remedied, and the superintendent may be given an opportunity to correct the problem(s). Where the Board provided written notice pursuant to the prior sentence, if the Board determines the superintendent's performance remains unsatisfactory, the Board may dismiss or non-renew the superintendent pursuant to Board policy, the superintendent's employment contract and state law and rules. In those situations where the superintendent's employment contract includes an evaluation, dismissal or non-renewal provision, it shall take precedent over this policy.

- * The evaluation process for a new superintendent hired by the district will need to be altered if the superintendent is on a one year contract.

END OF POLICY

Legal Reference(s):

ORS 192.660 (1)(i)
ORS 332.505
ORS 342.513
ORS 342.815
ORS 332.107
OAR 581-022-1720

Hanson v. Culver School District No. 5 (FDAB 1975).

Cross Reference(s):

BDC - Executive Sessions
CBA - Qualifications and Duties of the Superintendent



Code: CC
Adopted: 2/8/88
Readopted: 6/8/98, 9/8/08
Orig. Code(s): BP 2200

Administrative Organization

The legal authority of the Board is transmitted through the superintendent along specific paths as shown in the Board-approved organizational chart of the district.

Lines of authority on the chart represent direction of authority and responsibility.

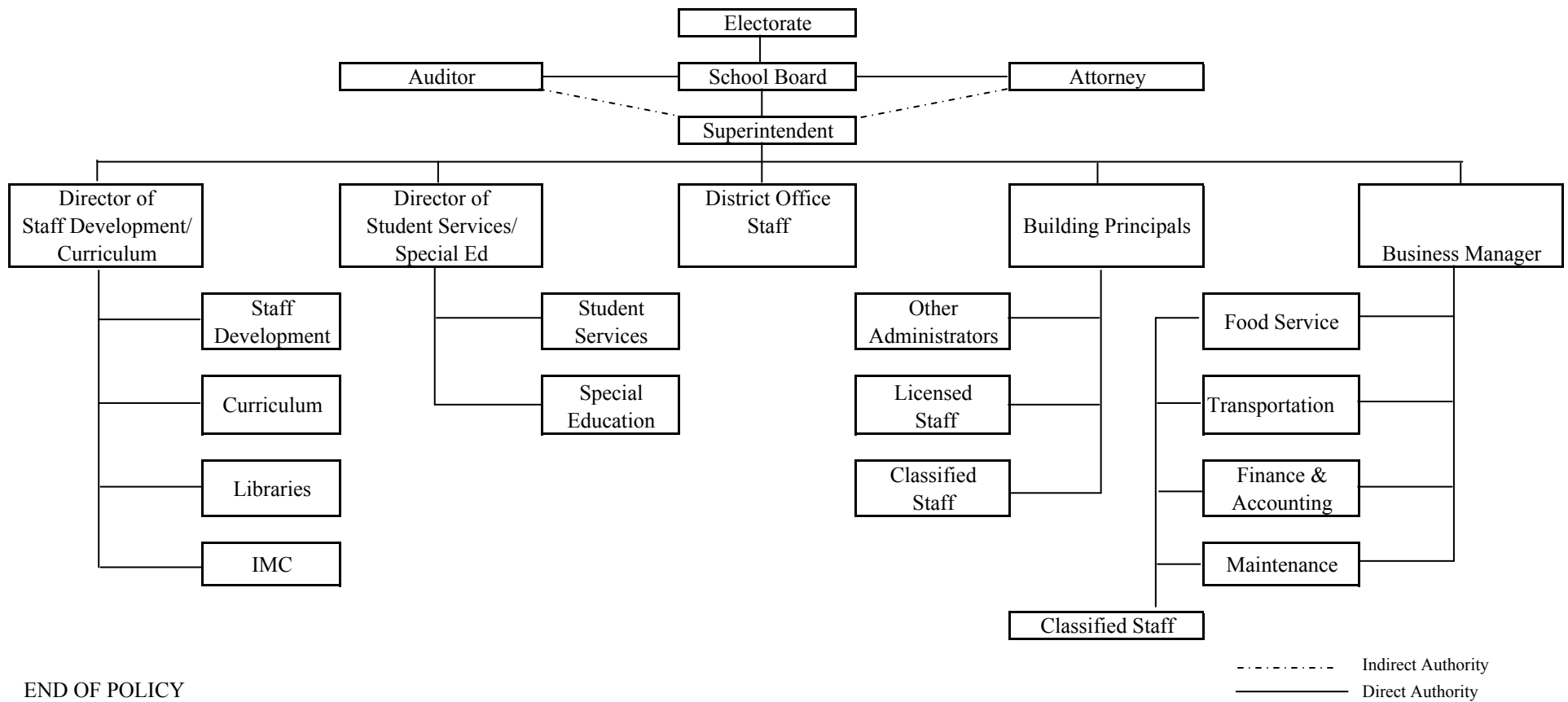
The superintendent may reorganize lines of authority and revise the organizational chart subject to Board approval of major changes and/or the elimination and/or creation of positions. The Board expects the superintendent to keep the administrative structure up to date with the needs for supervision and accountability throughout the school system.

The Board expects the following goals to be achieved through its administrative organization:

1. The building administrator will have specific responsibility for seeing that the pattern and sequence of educational experiences provided for students from grade K through grade 12 conforms with the district's expectations;
2. Responsibility will flow simply and clearly from students to teachers, principals, the superintendent and on to the Board;
3. Each member of the staff will be told to whom he/she is responsible and for what functions;
4. Whenever possible, each member of the staff will be made responsible to only one immediate supervisor for any one function;
5. Each staff member will be told to whom he/she can appeal for help in working out disagreements concerning his/her own functions in the school program.

Licensed staff and classified staff are directly supervised by building administrators. The superintendent determines staffing patterns, coordinates hiring and handles contract management for licensed employees. The business manager determines staffing levels, coordinates hiring and handles contract management for classified employees.

ORGANIZATION CHART



END OF POLICY

Legal Reference(s):

ORS 332.505

Anderson v. Central Point School District No. 6, 554 F. Supp. 600 (D.Oregon 1982); aff'd in part, 746 F. 2d 505 (9th Cir. 1984).

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

Cross Reference(s):

CCB - Line and Staff Relations



Code: **CCB**
Adopted: 2/8/88
Readopted: 6/8/98, 8/11/08
Orig. Code(s): BP 2220

Line and Staff Relations

The Board expects the superintendent to establish a clear understanding of working relationships in the school system with all staff.

Lines of direct authority will be those approved by the Board and shown on district organization charts.

Staff will be expected to refer matters requiring administrative action to the administrator to whom they are responsible. That administrator will refer such matters to the next higher administrative authority, when necessary. Additionally, all staff are expected to keep the person to whom they are immediately responsible informed of their activities by whatever means the person in charge deems appropriate.

Lines of authority should not restrict the cooperative working relationship of all staff members in developing the best possible district programs and services. In addition, this policy does not restrict protected labor relations communications of bargaining unit members. The established lines of authority represent direction of authority and responsibility. When the staff are working together, the lines represent avenues for a two-way flow of ideas to improve the program and operations of the school system.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[OAR 581-022-1720](#)

Anderson v. Central Point School District No. 6, 554 F. Supp. 600 (D. Oregon 1982); aff'd in part, 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).



Code: CCC
Adopted: 2/8/88
Readopted: 6/8/98
Orig. Code(s): BP 2710

Administrative Positions

The Board, upon the recommendation of the superintendent, may establish additional administrative positions when necessary for the efficient operation of the schools.

All administrative appointments shall be made by the Board on recommendation of the superintendent.

An administrator shall serve a probationary period that does not exceed three years, unless the administrator and the district mutually agree to a shorter time period.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)
[ORS 342.845](#)



Code: **CCG**
Adopted: 2/8/88
Revised/Readopted: 6/8/98, 9/9/13, 1/8/2018
Orig Code: BP 3620

Evaluation of Administrators

Each probationary administrator will be evaluated annually and each contract administrator will be evaluated every other year by his/her immediate supervisor.

The superintendent will implement and supervise an evaluation system for administrative personnel. The purpose of administrator evaluations is to assist administrators to develop and strengthen his/her professional abilities, to improve the instructional program and management of the school system, and for supervisors to make recommendations regarding their employment and/or salary status.

A formal evaluation will be conducted at least once each year. The evaluation shall be conducted according to the following guidelines:

1. Evaluative criteria for each position will be in written form and made available to the administrator;
2. Evaluations will be made by the superintendent and/or a qualified, licensed designee;
3. Evaluations will be in writing and discussed with the administrator by the person who conducts the evaluation; and
4. The administrator being evaluated will have the right to attach a memorandum to the written evaluation, and have the right of appeal through established grievance procedures, if applicable.

Administrators' evaluations shall be customized based on collaborative efforts and include the educational leadership-administrator standards¹ adopted by the State Board of Education.

1. Visionary leadership;
2. Instructional improvement;
3. Effective management;
4. Inclusive practice;
5. Ethical leadership;
6. Socio-political context.

Administrator evaluations shall be based on the core administrator standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative with the administrators and any exclusive bargaining representative of the administration.

Local evaluation and support systems established by the district for administrators must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems, including:

1. Four performance level ratings of effectiveness;

¹These standards are aligned with the Interstate School Leaders Licensure Consortium (ISLLC) and the Educational Leadership Constituents Council (ELCC) standards for Education Leadership.

2. Consideration of multiple measures of administrator practice and responsibility which may include, but are not limited to:
 - a. Classroom-based assessments including observations, lesson plans and assignments;
 - b. Portfolios of evidence;
 - c. Supervisor reports; and
 - d. Self-reflections and assessments.
3. Consideration of evidence of student academic growth and learning based on multiple measures of student progress including performance data of students, schools and districts that is both formative and summative. Evidence may also include other indicators of student success;
4. A summative evaluation method for considering multiple measures of professional practice, professional responsibilities, and student learning and growth to determine the administrator's professional growth path;
5. Customized by the district, which may include individualized weighting and application of the standards.

An evaluation using the administrator standards must attempt to:

1. Strengthen the knowledge, skills, disposition and administrative practices of administrators;
2. Refine the support, assistance and professional growth opportunities offered to an administrator, based on the individual needs of the administrator and the needs of the students, the school and the district;
3. Allow the administrator to establish a set of administrative practices and student learning objectives that are based on the individual circumstances of the administrator;
4. Establish a formative growth process for each administrator that supports professional learning and collaboration with other administrators;
5. Use evaluation methods and professional development, support and other activities that are based on curricular standards and are targeted to the needs of the administrator; and
6. Address ways to help all educators strengthen their culturally responsive practices.

Evaluation and support systems established by the district must evaluate administrators on a regular cycle. The superintendent shall regularly report to the Board on the implementation of the evaluation and support systems and educator effectiveness.

The administrative evaluation system will also include provisions for initiating dismissal, contract non-extension procedures if the need for such procedures is indicated.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\), \(8\)](#)
[ORS 332.505](#)
[ORS 342.513](#)
[ORS 342.815](#)

[OAR 581-022-2405](#)
[OAR 581-022-2410](#)
[OAR 581-022-2420](#)
[ORS 342.850](#)

[ORS 342.856](#)

Hanson v. Culver Sch. Dist. (FDAB 1975)



Administrative Standards

The administrative standards must:

1. Consider multiple measures of administrative effectiveness that encompass a range of appropriate administrative behaviors. These measures use multiple evaluation methods that utilize multiple measures to evaluate administrator performance which may include, but is not limited to:
 - a. Student performance;
 - b. Student assessment;
 - c. Classroom-based assessments, including observations, lesson plans and assignments;
 - d. Portfolios of evidence;
 - e. Supervisor reports; and
 - f. Self-reflections and assessments.
2. Consider evidence of student academic growth and learning based on multiple measures of student progress, including performance data of students, schools and districts;
3. Be research based;
4. Be separately developed for each administrator; and
5. Be customized to the district, which may include individualized weighting and application of standards.

Local evaluation and support systems established by the district for administrators must be:

1. Designed with four performance level ratings of effectiveness as defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems;
2. Based on significant consideration of student learning which may include but is not limited to:
 - a. School-wide academic growth, as determined by the statewide assessment system implemented by the Oregon Department of Education under ORS 329.485; and
 - b. Formative and summative assessments.
3. On a regular cycle.

Superintendents shall regularly report to the Board on implementation of the evaluation and support systems and educator effectiveness.



Code: **CD**
Adopted: 2/8/88
Readopted: 6/8/98
Orig. Code(s): BP 2300

Superintendent's Management Team

The Board supports the concept and application of team management in the administration of the district. The superintendent shall lead, determine structure and designate membership for the total management team. The team is responsible to the superintendent who, in turn, is responsible to the Board.

The superintendent's management team is organized on the premise that the multiple responsibilities of the superintendent can be better served by establishing a means which will permit the diverse input of all staff members to be applied to school problems. The team provides for interaction, a flow of information and effective action resulting from group thinking.

The members of the team will act in an advisory capacity. Their mission is to gather ideas, to present reactions of district personnel, to express opinions and to interpret school policy to other staff members in light of detailed information they receive through discussions in meetings.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)



Code: **CF**
Adopted: 2/8/88
Revised/Readopted: 6/8/98
Orig. Code(s): BP 2400

School Principal

The Board reaffirms the rights and responsibilities of building principals to administrate their various programs within the broad scope of adopted Board policies and administrative regulations, while acting with the approval of the superintendent.

Each principal will be the chief administrator of his/her assigned school and all professional and support staff personnel assigned to his/her building will be directly responsible to the principal.

Staff members who work in more than one school will be responsible to the principal of the school during the time they are working in that respective building. In supervising the work of such staff members, the principal will work cooperatively with the supervisor or administrator to whom they report.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)



Code: **CHA**
Adopted: 2/8/88
Revised/Readopted: 6/8/98
Orig. Code(s): BP 2600

Development of Administrative Regulations

Administrative regulations are those guidelines or detailed arrangements developed for the operation of the district or an individual school in the absence of Board adopted policies.

The Board delegates to the superintendent the function of specifying required administrative regulations for the operation of the district in accordance with Board policy. Building principals may also develop appropriate rules for the operation of their schools.

The Board will adopt regulations when state laws require the Board to do so. The Board may review any administrative regulation and may reject it by a majority vote if, in the Board's judgment, such regulation is not consistent with adopted policies.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.505](#)

[OAR 581-022-1610](#)

[OAR 581-022-1720](#)

Cross Reference(s):

BFCA - Administrative Regulations



Code: **CHCA**
Adopted: 2/8/88
Revised/Readopted: 6/8/98, 9/13/04
Orig. Code(s): BP 2620

Handbooks

In order that pertinent Board policies, administrative regulations, school rules and procedures may be known by all staff members, patrons, students and parents affected by them, district administrators and principals are granted authority to issue handbooks.

It is essential that the contents of all handbooks conform with districtwide policies and administrative regulations; it is also important that all handbooks bearing the name of the district or one of its schools be of a quality that reflects favorably on the district. The Board, therefore, requires that all handbooks will be approved by the superintendent before publication.

The Board will review and approve district personnel handbooks in order that the contents may be accorded the legal status of Board-approved policy and regulation. The superintendent will use his/her judgment as to whether other specific handbooks need Board approval. All handbooks published are to be made available to the Board for informational purposes.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107



Code: **CHD**
Adopted: 2/8/88
Readopted: 6/8/98
Orig. Code(s): BP 2630

Administration in Policy Absence

In the absence of Board policy the superintendent shall make decisions based on the spirit and tenor of other existing policies.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107

[OAR 581-022](#)-1610

[OAR 581-022](#)-1720

Cross Reference(s):

BFE - Administration in the Absence of Policy



Code: **CI**
Adopted: 2/8/88
Readopted: 6/8/98
Orig. Code(s): BP 2700

Temporary Administrative Arrangements

The superintendent is authorized to appoint an acting superintendent to serve for specified periods of time during his/her temporary absence from duty. A temporary absence is defined as a vacation period, attendance at conventions and/or any other periods when the superintendent would be out of immediate contact or presence in the district for over 24 hours.

In case of a temporary absence by the superintendent, the business manager will serve as acting superintendent. If both the superintendent and the business manager are temporarily absent from the district, the superintendent will appoint an acting superintendent.

The acting superintendent will assume all duties which are the responsibility of the superintendent of schools, with particular emphasis on emergency and day-to-day decision making. The acting superintendent will not be expected to deal with matters requiring long-term planning or preparation unless specifically so assigned by the superintendent.

The acting superintendent will take special care to keep the Board informed as to any departure from normal routine.

For scheduled extended absences by the superintendent, such as for vacation, advance notice of the planned absence will be given to the Board.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)



Code: **CK**
Adopted: 2/8/88
Readopted: 6/8/98
Orig. Code(s): BP 2800

Program Consultants

When knowledge or technical skills are needed that cannot be provided by persons on the staff, consultant assistance may be considered.

All consultants will be approved by the superintendent or his/her designee prior to the invitation and arrangement for visitation by such person or persons to the district. Any proposed contracts with consultants will be submitted to the Board for approval and will be accompanied by figures showing the estimated cost of the consulting project to the district.

Consultants who serve this district will exercise no authority over the work of the employees of the district but will act only as advisors in the field in which they are qualified to offer assistance. All supervision of employees remains in the hands of those to whom such responsibility has been delegated by the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 294.311](#) (3)

[ORS 332.075](#)

[ORS 332.505](#)



Code: **CPA**
Adopted: 6/8/98
Revised/Readopted: 9/10/12

Layoff/Recall - Administrative Personnel

This policy is applicable to all licensed administrators below the rank of assistant superintendent.

The Board retains the right to determine when a layoff is necessary. Layoffs shall be by position. A reduction in hours does not constitute a layoff.

The factors considered in the layoff process will be license, seniority, qualifications, merit and/or competence. Competence includes recent experience, additional training and educational attainments. Merit includes the measurement of one administrator's ability and effectiveness against the ability and effectiveness of another administrator.

The Board will retain, consistent with state law, the most capable and productive of the licensed and qualified employees needed to carry out the approved programs of the district's schools.

Prior to initial development of a recall procedure for administrators the Board will consult with the employees or a designated representative of the employees covered by this policy.

Administrative regulations shall be developed to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 342.934](#)



Code: **CPA-AR**
Adopted: 6/8/98

Layoff/Recall - Administrative Personnel

GENERAL

This regulation is applicable to all licensed administrators below the rank of assistant superintendent.

The Board retains the right to determine when a layoff is necessary. Layoffs shall be by position. A reduction in hours does not constitute a layoff.

The superintendent or designee shall make recommendations to the Board regarding transfers, both voluntary and involuntary, and the position(s) which will be eliminated. Performance will be the primary factor considered in the layoff process. The superintendent or designee may consider license, qualifications, merit, competence, special training, additional educational attainments and other factors deemed relevant when making the recommendations. Length of service may be considered.

The Board will retain, consistent with state law, the most capable and productive of the licensed and qualified employees needed to carry out the approved programs of the district's schools.

When a layoff of licensed administrators is deemed necessary, the superintendent or designee will use the procedures described in Section II of this regulation. The superintendent or designee will make every reasonable effort to transfer a licensed and qualified administrator who will be laid off to a vacant administrative position for which the administrator is licensed and qualified, in accordance with the procedures described in Section III. The superintendent or designee may combine remaining positions, if it meets district curriculum needs, so that administrators continue to be licensed and qualified to perform available jobs.

SECTION I - DEFINITIONS

- A. "Competence" means the ability to perform the essential functions of a job or assignment based on recent experience or educational attainments, or both, but not based solely on type of license and endorsements of an employee. The superintendent or designee may interpret "recent experience" as having performed the essential functions of the job or assignment within the last five school years. The superintendent or designee, as a guideline, may consider whether a person has held a position "directly above" or a position "directly below" the eliminated position. "Directly above" means a supervisory position. "Directly below" means a direct or indirect reporting relationship to the superintendent.
- B. "Merit" means the measurement of one administrator's ability and effectiveness against the ability and effectiveness of another administrator.
- C. "Length of Service" is calculated from the first day of actual continuous service as an administrator in the district inclusive of approved leaves of absence. If necessary, ties in length of service shall be broken by drawing lots.
- D. "License" means a document or documents issued by Teacher Standards and Practices Commission permitting an individual to perform certain duties within a public school district.
- E. "Qualifications" means training, experience, skill and other attributes in addition to the individual's license.

SECTION II - LAYOFF PROCEDURES

- A. Administrative positions will be grouped by positions or assignments which the superintendent or designee determines are sufficiently comparable to use in the layoff process.
- B. The superintendent or designee may use the following job groups as a guideline:

1. School Administrators
 - Group 1: High school/Middle school/Elementary principals
 - Group 2: Assistant principals
2. Central Office Administrators
 - Group 3: Directors (e.g., transportation, maintenance, special education, etc.)
 - Group 4: Coordinators (e.g., talented and gifted (TAG), special education, curriculum, etc.)
 - Group 5: Others
- C. If a new administrative position is created, it will be placed in one of the existing job groupings or in a new job grouping, as determined by the superintendent or designee.
- D. Upon recommendation by the superintendent or designee, the Board may eliminate one or more administrative positions within a job group or groups.
- E. The superintendent or designee may recommend layoffs within job groups based on license, qualifications, merit, competence, special training, additional educational attainments, length of service and other relevant factors.
- F. After identification of the administrator(s) to be laid off from a particular job group, the superintendent or designee will reassign the remaining administrators in that group to the remaining positions as necessary.
- G. The superintendent or designee will determine whether the administrators identified for layoff will be transferred to a vacant administrative position under the procedures of Section III below or given the choice of a classroom teaching assignment provided the administrator is licensed and qualified for the assignment.

SECTION III - REASSIGNMENTS AND TRANSFERS

- A. The superintendent or designee will review an administrator's personnel file, and from consultation with the administrator's supervisors, shall determine if an administrator who will be laid off under Section II can be transferred to a vacant administrative position. Each transfer may be based on license, qualifications, merit, competence, special training, additional educational attainments, length of service, experience in or preparation for the new assignment and previous administrative positions held as determined by the superintendent or designee.
- B. An administrator may voluntarily accept a classroom teaching assignment in lieu of a layoff.
 1. The administrator may accept a classroom teaching assignment which is currently vacant.
 2. If the administrator previously taught in the district, the administrator may displace ("bump") a probationary or contract teacher with less seniority.
 3. If the administrator never taught in the district, the administrator may displace ("bump") a probationary teacher with less seniority.
- C. An administrator who voluntarily accepts a classroom teacher assignment will be covered by the layoff/recall and other provisions of the collective bargaining agreement governing regularly employed teachers.

SECTION IV - RECALL

- A. An administrator who is laid off under this procedure shall be placed in a recall pool. An administrator who resigns rather than accept layoff or reassignment under this procedure forfeits rights to be placed in the pool.
- B. An administrator will be maintained in the recall pool for a period of not more than 27 calendar months from the effective date of layoff.
- C. A laid off administrator who rejects recall to a position offered by the district for which the administrator is licensed and qualified to perform unless excused by physical disability, and which is similar to the workday or work year of the person's previous position, thereby waives any further recall rights, and the administrator's employment terminates effective the date of rejection of the job offer.
- D. In order to be considered for recall, the employee must be licensed and qualified to perform the essential

- functions of the job.
- E. Administrators will be recalled based on license, qualifications, merit, competence, special training, additional educational attainments, length of service and other relevant factors.
 - F. Notification of recall will be delivered in person or deposited as certified mail, postage prepaid and addressed to the last known address of the laid off employee. It is the responsibility of the administrator to ensure up-to-date mailing information is provided to the district. The individual shall be allowed 10 calendar days from the date of personal delivery or postmark to accept the position in writing. If the individual declines the recall or fails to accept within the 10 day period or fails to report for duty on the date specified in the recall notice, the individual's name will be removed from the recall pool. The individual will be considered to have resigned employment with the district and waives any further right of recall.
 - G. An administrator who wishes to remain eligible for reinstatement to a position requiring a license must maintain a valid license.
 - H. Individuals who wish to waive re-employment rights prior to 27 months subsequent to the effective date of a layoff may do so by written notification to the district. Such notice will be considered a voluntary resignation and the individuals shall forfeit all employment rights with the district.
 - I. Employees returning from layoff shall be credited with all seniority and sick leave the employee earned prior to the effective date of the layoff, but the employee shall not accrue leave, benefits or seniority during the period of the layoff.
 - J. An employee who has been laid off has the option of continuing the employee's health insurance program at the employee's expense for up to 18 months, subject to the approval and rules of the insurance carrier(s).
 - K. An employee must have completed at least 135 contract days during one school year in order to be eligible for one vertical step advancement for the succeeding school year. If, because of layoff, an employee does not complete at least 135 contract days that school year, the employee will be placed on the same salary schedule step as the employee was on prior to layoff.
 - L. Nothing in this regulation shall be construed so as to interfere with the district's right to dismiss an administrator, not extend the contract of an administrator or dismiss or nonrenew the contract of a probationary administrator pursuant to state law.
 - M. An individual who is no longer employed as an administrator in the district due to resignation, assignment to a nonadministrative position, expiration of the recall period or rejection of a position offered by the district shall receive salary for all unused vacation time following the termination of employment as an administrator.

SECTION V - ANNOUNCEMENTS OF DECISIONS

Public announcements of layoff decisions should occur only after prior notice to affected administrators. Certain circumstances may, in some cases, prevent prior notice and employees will be notified as soon as is practical.

SECTION VI - APPEAL PROCEDURE

An appeal from a layoff decision shall be by arbitration pursuant to the employee's individual employment contract, administrator group contract ("collective bargaining agreement") or rules of the Employment Relations Board.

SECTION VII - FUTURE CHANGES IN PROCEDURE

The district reserves the right to amend, revise or repeal all or any part of this procedure at any future time and no employee shall have any vested right in the continuation of this procedure or any amendment thereof; provided, however, that no amendment or repeal of this procedure shall prejudice the reinstatement rights of any individual who is in the "recall pool" at the time these procedures are amended, revised or repealed.

SWEET HOME SCHOOL DISTRICT 55

TABLE OF CONTENTS

SECTION D: FISCAL MANAGEMENT

Fiscal Management Goals	DA
District Budget	DB
Budget Calendar	DBC
Budget Preparation	DBE
Budget Committee	DBEA
Selection of Budget Committee Members	DBEA-AR
Organization of Budget Committee	DBEB
Budget Hearing	DBG
Adopt Budget, Certify Levy, Make Appropriations.	DBH
Budget Amendment Procedures... ..	DBI
Budget Implementation	DBJ
Budget Transfer Authority	DBK
Taxing and Borrowing Authority.....	DC
Funding Proposals and Applications.....	DD
Revenues from State and Federal Tax Programs	DE
Revenues from Nontax Sources	DF
Investment of Funds.....	DFA
Investment of Funds	DFA-AR
Grants from Private Sources	DFC
Gate Receipts and Admissions.....	DFE
Free Admissions	DFEA
Income from Program-Related Sales and Services	DFG
Depository of Funds	DG
Authorized Signatures/Check-Writing Services.....	DGA
Bonded Employees and Officers	DH
Fiscal Accounting	DI
Types of Funds	DIB
Special Funds	DIBA
Financial Reports and Statements	DIC
Property Inventory Record	DID
Fixed Assets	DIDA
Audits	DIE
Student Activities Fund Management	DIEA
Purchasing	DJ
Petty Cash Accounts.....	DJB
Bidding Requirements	DJC
Personal Services Contracts	DJCA

Personal Services Contracts.....	DJCA-AR
Local Purchasing.....	DJD
Cooperative Purchasing.....	DJE
Vendor Relations.....	DJG
Payment Procedures	DK
Pay Day	DLA
Method of Payroll Payment.....	DLAA
Salary Deductions	DLB
Payroll Advances	DLBA
Expense Reimbursements	DLC
Staff Expense Reimbursement	DLC-AR
Cash in School Buildings	DM
Disposal of School Property.....	DN

** 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 581-015-0005 (18).



Code: **DA**
Adopted: 9/13/04

Fiscal Management Goals

The Board will review the fiscal needs of the district annually, considering instruction, capital outlay, building improvements and adjustments to accommodate any growth or decline of student enrollment or district area. The Board encourages the input of staff, parents and members of the community as a part of the review and recommendation process. After due consideration of recommendations, the Board may adopt fiscal goals for the school year.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)



Code: **DB**
Adopted: 12/14/98, 9/13/04

District Budget

The district budget will serve as the financial plan of operation for the district and will include estimates of expenditures for a given period and purpose and the proposed means of financing the estimated expenditures. The district may provide for the budget and budget documents to be prepared on an annual or biennial basis.

The district budget will be prepared in full compliance with Local Budget Law. The superintendent will be designated as budget officer and will prepare the budget document.

END OF POLICY

Legal Reference(s):

[ORS 294.305](#) - 294.565

[ORS 328.542](#) - 328.565

Cross Reference(s):

BC/BCA - Board Organization/Board Organizational Meeting



Code: **DBC**
Adopted: 12/14/98, 9/13/04

Budget Calendar

The Board will annually adopt a budget calendar which identifies dates and deadlines required for the legal presentation and adoption of the budget. The budget calendar will be prepared on an annual or biennial basis, as appropriate.

The superintendent will prepare and recommend a proposed calendar for Board approval. The calendar will identify dates and activities to include those needed to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 294](#).305 - 294.565

[ORS 328](#).542 - 328.565



Code: **DBDB**
Adopted: **5/11/15**

Fund Balance

The Board recognizes its responsibility to establish a fund balance in an amount sufficient to:

1. Protect the district from unnecessary borrowing in order to meet cash-flow needs;
2. Provide prudent reserves to meet unexpected emergencies and protect against catastrophic events;
3. Mitigate the effect of uncertainties of state and federal funding; and
4. Help ensure a district credit rating that would qualify the district for lower interest costs and greater marketability of bonds that may be necessary in the construction and renovation of school facilities.

The Board directs the Superintendent to develop operating budgets so the sum of the General Fund ending fund balance and available reserve funds is at or above five percent of the expected general fund annual revenues.

Additionally, the Board directs the Superintendent to manage the currently adopted budget to ensure an ending general fund balance of at least five percent of the total expected general fund revenues. If the ending general fund balance is projected to fall below the five percent target level, the Board will be notified by staff. The Board may then consider possible options to address the situation.

As part of the budget development process, the Board will review the projected current year ending fund balance, future year forecasts, the educational needs of students, facility needs and other relevant factors to determine the appropriate ending fund balance to be used in developing the budget. These factors may include the predictability and volatility of revenues and expenditures, the availability of resources in other funds and the potential drain upon general fund resources from other funds, liquidity and designations.

END OF POLICY

Legal Reference(s):

ORS 294.331 (18)
ORS 294.371
ORS 332.107



Code: **DBE**
Adopted: 12/14/98

Budget Preparation

The superintendent has the overall responsibility for budget preparation and will develop such procedures necessary to ensure that the proposed budget reflects all areas of district operation.

The superintendent and administrative staff will establish budget priorities for the district and will make appropriate recommendations related to those priorities to the Board and budget committee.

The superintendent will deliver the budget message and actual budget document to the budget committee when the message and budget have been completed and are ready for presentation.

END OF POLICY

Legal Reference(s):

[ORS 294.305 - 294.565](#)

[ORS 328.542 - 328.565](#)

Program Budgeting and Accounting Manual, Oregon Department of Education (2000).

Local Budgeting Manual, Oregon Department of Revenue (1999).

Cross Reference(s):

DBEA - Budget Committee



Code: **DBEA**
Adopted: 4/4/88
Readopted: 12/14/98, 9/13/04
Orig. Code(s): BP 6152

Budget Committee

By law, the budget committee is charged with making recommendations concerning financial priorities.

The budget committee will have the responsibility for reviewing the financial program of the district, reviewing the proposed district budget as presented by the superintendent and recommending an annual or biennial district budget in keeping with the provisions of applicable state laws.

Educational policy decisions, however, are the responsibility of the Board, not the budget committee. The committee does not have the authority to add programs or to approve additional personnel or increase salaries. While the committee may, in effect, delete programs because of a fund decrease in arriving at a levy figure, the committee is charged primarily with a fiscal evaluation of programs. The committee may, alternatively, set an amount that changes the recommended budget and may request the administration make such changes in accordance with priorities set by the Board.

The budget committee consists of nine members appointed by the Board plus the elected Board members. To be eligible for appointment, the appointive member must:

1. Live and be registered to vote in the district;
2. Not be an officer, agent or employee of the district.

No budget committee member may receive any type of compensation from the district.

At its first meeting in July, the Board will identify vacant budget committee positions which must be filled by appointment of the Board. The Board will announce the vacancies and receive applications from interested persons during the month of September. Such applications will include a signed statement that the applicant is willing to serve as a member of the budget committee and to adhere to the policies of the district. The Board may appoint budget committee members to as many consecutive terms as deemed appropriate.

At the first regular Board meeting in October, the Board will review the names of persons filing applications and names of those persons who have served previously and are willing to be reappointed. At the first regular meeting in November, the Board will appoint persons to fill the vacant positions.

The appointive committee members of a budget committee in a district that prepares an annual budget will be appointed for three-year terms. The terms will be staggered so that, as near as practicable, one-third of the appointive members' terms end each year. Appointive members of a budget committee in a district that prepares a biennial budget shall be appointed to four-year terms. The terms shall be staggered so that as near as practicable, one-fourth of the terms of the appointive members expire each year. If any appointive member is unable to complete the term for which he/she was appointed, the Board will announce the vacancy at the first regular Board meeting following the committee member's resignation or removal. An appointment to fill the position for its unexpired term will be made at the next regular Board meeting.

At its first meeting after appointment, the budget committee will elect a presiding officer from among its members. It may also establish other ground rules as necessary for successful operation of the committee.

A majority of the constituted committee is required for passing an action item. Majority for a 18-member budget committee is 10. Therefore, if only 10 members are present, a unanimous vote is needed for passing an action.

The budget committee shall hold one or more meetings to receive the budget message, receive the budget document and to provide members of the public with an opportunity to ask questions about and comment on the budget document. The budget officer shall announce the time and place for all meetings, as provided by law. All meetings of the budget committee are open to the public.

The budget committee may request from the superintendent or business manager any information used in the preparation of or for revising the budget document. The committee may request the attendance of any district employee at its meetings. The budget committee will approve the budget document as submitted by the superintendent or as subsequently revised by the committee.

After approval of the original or revised budget document, the budget committee's duties cease. The hearing on the approved budget is held by the Board.

END OF POLICY

Legal Reference(s):

[ORS 174.130](#)

[ORS 192.610](#) - 192.710

[ORS 294.305](#) - 294.565



Code: **DBEA-AR**
Adopted: 4/4/88
Readopted: 12/14/98, 9/13/04
Orig. Code(s): AR 6152

Selection of Budget Committee Members

When a vacancy occurs on the budget committee, the following procedure will be used:

1. The Board will declare the budget committee position open (June);
2. Notice of vacancy will be given, including the following information (August, September, October):
 - a. The position number;
 - b. Deadline for receiving applications;
 - c. Person whom applicants should contact: i.e., superintendent;
 - d. Qualifications for holding office (Board policy DBEA);
 - e. Term of appointment;
 - f. Date appointment is to be made.
3. Individuals who have placed their names for consideration shall be sent a letter from the Board chairman which will provide general information about the budget committee. A Candidate Information Sheet will also be sent which will be included in the Board packet when the selection is made (See examples);
4. Interviews may be held with prospective appointees and appointment will be made at a regular or special Board meeting (November).

SAMPLE LETTER TO POSSIBLE APPOINTEES FOR BUDGET COMMITTEE

Dear _____:

Thank you for your interest in serving on the Sweet Home School District budget committee. To make our selection as carefully and objectively as possible, we appreciate you completing the enclosed Candidate Information Sheet.

The budget committee meetings are held during the months of February, March and April.

If you have any questions about what service on the budget committee might be required of you in regard to time and responsibility, please contact me or any Board member.

The Candidate Information Sheet will need to be returned to the superintendent's office by October 1.

Your interest in serving on the Sweet Home School District budget committee is appreciated.

Sincerely,

Board Chairman



**Candidate Information Sheet for
Sweet Home School District No. 55 Budget Committee**

Please fill out and return by October 20 to the superintendent's office.

Position applied for: _____ Date: _____

Name: _____
Last First Initial

Business address: _____

Business telephone: _____

Home address: _____

Home telephone: _____

Occupation: _____

Number of years you have resided in Sweet Home School District: _____

Do you meet the following qualifications: (Please answer yes or no)

1. Do you live in the district and reside in the proper zone? _____
2. Not an officer, agent or employee of the district? _____
3. Are you a citizen of the United States? _____
4. Are you a registered voter? _____

Do you have children in the Sweet Home School District? _____

If so, what are their names and what schools do they attend?

For what reason(s) do you desire to be a member of the budget committee? _____

Have you worked on any school committees? _____

If so, which committees? _____

Other community and business activities: _____

What qualifications do you have that will help you to be a member of the budget committee? _____

Signature



Code: **DBEB**
Adopted: 4/4/88
Revised/Readopted: 12/14/98
Orig. Code(s): BP 6155

Organization of Budget Committee

At its first meeting, the budget committee will elect a presiding officer and secretary from among its members. It may also establish such other ground rules as it deems necessary for successful operation of the committee.

As provided by law, the committee will hear the budget message presented by the superintendent, receive the budget document, listen to comments and suggestions by patrons and announce the time and place for its future meetings. All meetings of the budget committee are open to the public.

The budget committee may request of the superintendent or business manager any information used in the preparation of or for use in revising the budget document. The committee may request the attendance of any district employee at its meetings. The budget committee will approve the budget document as submitted by the superintendent or as subsequently revised by the committee.

After budget committee approval of the original or revised budget document, the budget committee's duties cease. The hearing on the approved budget is held by the Board.

END OF POLICY

Legal Reference(s):

[ORS 174.130](#)
[ORS 192.610 - 192.710](#)
[ORS 294.305 - 294.565](#)



Code: **DBG**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6160

Budget Hearing

The Board shall meet at the time and place designated in the notice of meeting as required in ORS 294.416 for the purpose of holding a public hearing on the budget document as approved by the budget committee. At the meeting any person may appear for or against any item in the budget document.

END OF POLICY

Legal Reference(s):

[ORS 192.610 - 192.710](#)
[ORS 294.305 - 294.565](#)

Cross Reference(s):

BDE - Public Hearings



Code: **DBH**
Adopted: 4/4/88
Readopted: 2/14/98, 4/10/00
Orig. Code: BP 6170

Budget Adoption Procedures

After the public hearing on the budget and any modifications of the budget deemed necessary as a result of that hearing, the Board will approve the proper resolutions to adopt and appropriate the budget. The Board will further determine, make and declare the ad valorem property tax amount or rate to be certified to the assessor for the ensuing year, and itemize and categorize the ad valorem property tax amount or rate, as provided in ORS 310.060.

The superintendent will ensure all necessary documentation is submitted to the county assessor's office as required by the Local Budget Law.

END OF POLICY

Legal References:

ORS 255 et seq.
ORS 294.305 - 294.565
ORS 310.060
ORS 328.542

OAR 150-310-0060 (A)



Code: **DBI**
Adopted: 4/10/00
Readopted: 9/13/04

Budget Amendment Procedures

The budget estimates and proposed ad valorem property tax amount or rate of any fund as shown in the budget document may be amended by the Board prior to adoption. Such amendment may also be made following adoption if the amendments are adopted prior to the commencement of the budget period to which the budget relates.

The amount of estimated expenditures for each fund in an annual budget, however, may not be increased by more than \$5,000 or 10 percent of the estimated expenditures, whichever is greater. The amount of estimated expenditures for each fund in a biennial budget may not be increased by more than \$10,000 or 10 percent of the estimated expenditures, whichever is greater.

The ad valorem property tax amount or rate to be certified may not exceed the amount approved by the budget committee, unless the amended budget document is republished and another public hearing is held as required by law.

END OF POLICY

Legal Reference(s):

[ORS 294.435](#)



Code: **DBJ**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6180

Budget Implementation

No appropriation in the budget for any purpose or object will be deemed a mandate to spend. Appropriations are the Board's maximum authorized levels to incur expenditures.

The expenditure of money appropriated for school district purposes will be under the supervision of the business manager and control of the superintendent, subject to budgetary policies approved by the Board.

Before any order for improvements, supplies or services is issued by any employee of the district, approval must first be obtained from the business manager. Contract awards require approval of the business manager and superintendent.

END OF POLICY

Legal Reference(s):

[ORS 294.305 - 294.565](#)
[ORS Chapter 310](#)

Cross Reference(s):

DIC - Financial Reports and Statements
EH - Data Management



Code: **DBK**
Adopted: 12/14/98
Revised/Readopted: 9/13/04, 8/9/10

Budget Transfer Authority

The adopted budget is a financial plan which may be subject to change as a result of circumstances or events occurring during the ensuing budget period. All appropriation transfers shall be authorized when completed by official resolution of the Board. The authorizing resolution must state the need for the transfer, its purpose and the amount of the transfer.

Transfers of general operating contingency appropriations which in aggregate during a fiscal year or budget period exceed 15 percent of the total appropriations of the fund may be made only after the adoption of a supplemental budget prepared for that purpose.

END OF POLICY

Legal Reference(s):

[ORS 294.450](#)



Code: **DC**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6200

Taxing and Borrowing Authority

The district's taxing authority is established by state law.

The Board is permitted, by law, to borrow money in anticipation of collection of taxes for the purpose of securing funds for school operations or for the payment of previous loans.

The Board may issue warrants or short-term promissory notes for the purpose of meeting current expenses, retiring outstanding bonds or warrants or paying the interest thereon, whenever provisions have been made in the district's adopted budget as provided by law.

END OF POLICY

Legal Reference(s):

[ORS 294.443](#)
[ORS 328.565](#)



Code: **DD**
Adopted: 4/4/88
Readopted: 12/14/98, 9/13/04
Orig. Code(s): BP 6220

Funding Proposals and Applications

The Board will seek and utilize all federal, state and foundation grants available which are consistent with the goals of the district and with the policies of the Board. Preparation of proposals will be coordinated with the budgetary practices and capital improvement program of the district.

The Board shall, before an acceptance of such funds, consider the district's obligations, expectations or encumbrances when the grant ceases.

END OF POLICY

Legal Reference(s):

[ORS 294.100](#)
[ORS 294.305 - 294.565](#)
[ORS 332.075](#)



Code: **DE**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6230

Revenues from State and Federal Tax Programs

The Board may authorize, accept and use state or federal funds which may be available to the district to carry out its educational programs.

END OF POLICY

Legal Reference(s):

[ORS 294](#).305 - 294.565
[ORS 332](#).107

Cross Reference(s):

DFC - Grants from Private Sources



Code: **DF**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6300

Revenues from Nontax Sources

Revenues received from nontax sources such as rentals, service charges, gate receipts and other income will be received and accounted for by the business office and expended in the manner prescribed by the Board.

END OF POLICY

Legal Reference(s):

[ORS 294.305 - 294.565](#)



Code: **DFA**
Adopted: 4/4/88
Readopted: 12/14/98, 9/13/04
Orig. Code(s): BP 6310

Investment of Funds

The Board may authorize the investment or reinvestment of funds which are not immediately needed for operation of the district. Such investments will comply with state law and regulations.

The business manager will develop criteria for the appropriate investments of district funds. A progress report of investments will be made to the Board on a regular basis.

END OF POLICY

Legal Reference(s):

[ORS 294.033](#)
[ORS 294.035](#)
[ORS 294.135 \(1\)\(a\)](#)
[ORS 294.155](#)



Code: **DFA-AR**
Adopted: 5/16/0
Revised: 9/12/06

Investment of Funds

These regulations are issued for the guidance of the portfolio manager in the day-to-day operation of the investment program.

These regulations apply to activities of the portfolio manager with regard to investing the financial assets of all excess funds of the district including the General Fund, Special Revenue Funds, Capital Project Funds, Internal Services Funds and any and all Trust and Agency Funds under the control and direction of the district.

The portfolio manager will routinely and actively monitor the contents of the investment portfolio, the available markets and the relative values of competing investments and will adjust the portfolio accordingly. The portfolio manager, acting in accordance with these procedures and exercising due diligence, shall not be held personally responsible for a specific security's credit risk or market price changes, provided that these deviations are reported as soon as practical and that appropriate action is taken to control adverse developments.

All investments will be carried at cost. Gains or losses from investments will be credited or charged to investment income at the time of sale. Premiums or discounts on securities may be amortized over the life of the security.

Diversification of Maturity

1. The district shall attempt, to the maximum extent possible, to match investment maturity schedules with anticipated cash flow requirements. In no event, unless specifically matched to specific requirements such as bond sinking funds or reserves, will the district invest in securities having a maturity more than 18 months from the date of purchase.
2. Investment maturities for operating funds shall be scheduled to coincide with projected cash flow needs.
3. In determining the amount of excess funds available for investment purposes, the portfolio manager will maintain cash flow projections and schedules as well as a historical record of expenditures and receipts. These forecasts and schedules will be reviewed and updated as required to reflect actual conditions as they exist.

Qualified Institutions for Investment Purchases

1. The district shall evaluate each financial institution (as used herein, the term is meant to include brokers/dealers) from whom it purchases investments as to financial soundness at least once annually. Investigation may include review of the most recent Consolidated Report of Condition ("call" report), rating reports, financial statements as well as analysis of the particular institution's management, profitability, capitalization and asset quality.
2. Any financial institution with whom the district wishes to do business shall provide financial data at the request of the portfolio manager. The information will be reviewed by the portfolio manager who will decide on the soundness of the institution before adding that institution to those that are on the approved qualified institution list for the district. The district reserves the right to be selective and to add or delete institutions from the approved list at will.
3. The portfolio manager will maintain a qualified institution list. A financial institution must be on this approved list prior to transacting any business with the district. A basic requirement for inclusion on the approved listing is a capital adequacy ratio in excess of [120 percent (1.2 to 1)].
4. All approved financial institutions must be chartered in Oregon and insured by either the FDIC or FSLIC.

5. Brokers or dealers not affiliated with a bank shall have offices located in Oregon, be classified as reporting dealers affiliated with the New York Federal Reserve Bank as primary dealers, or be required to meet capital adequacy requirements.

Diversification of Instrument of Investment

1. The portfolio manager will diversify the investment portfolio to avoid incurring unreasonable risks inherent in overinvesting in specific instruments, individual institutions or maturities.
2. Time certificates of deposit: In purchasing a time certificate of deposit (TCD), the portfolio manager will not invest an amount which is more than 10 percent of the total deposits of any single institution. As required by Oregon Revised Statutes, the portfolio manager will be responsible to ensure that a Certificate of Participation has been presented by the issuing institution to cover any outstanding TCD above the statutory level of insurance provided by FDIC/FSLIC. The district will always require full collateralization on all TCD investments.
3. Banker's acceptances: All banker's acceptances (BA's) will be purchased from an Oregon chartered financial institution.
4. Repurchase Agreements: All repurchase agreements will be collateralized [110 percent] by U.S. Government or Agency obligations. All collateral will be held by third party safekeeping. A signed repurchase agreement will be obtained from the issuing institution.
5. U.S. Treasury Obligations: No limits on purchase.
6. U.S. Government Agency Securities: No limits on purchases other than limit on concentration of [25 percent] in any one type issue.
7. Local Government Investment Pool: The LGIP limits investment to accounts not to exceed the inflation-adjusted maximum under ORS 294.810. Other than this limitation, there is no limit to the amount that can be invested in the pool, although the pool does not collateralize or deliver investment instruments.
8. Diversification Guidelines: Investments will be consistent with statutory requirements under ORS 294.035 and Oregon Short Term Fund rules and recommendations.



Code: **DFC**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6320

Grants from Private Sources

Grant proposals for external funds from private sources will be submitted to the Board for evaluation and approval.

In the event an opportunity arises to submit a grant proposal and there is insufficient time to place it before the Board, the superintendent is authorized to use his/her judgment in approving it for submission. The superintendent will review the grant proposal with the Board at its next regular Board meeting. The Board reserves the right to reject funds associated with any grant which has been approved.

END OF POLICY

Legal Reference(s):

[ORS 294.100](#)
[ORS 294.305 - 294.565](#)

Cross Reference(s):

DD - Funding Proposals and Applications



Code: **DFE**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6330

Gate Receipts and Admissions

Admission receipts of school events will be adequately controlled. The principal is responsible for proper collection, supervision, disbursement and/or remittances of these charges.

All admission receipts of district-sponsored events will be deposited in the appropriate revenue account. Adequate records will be maintained for accounting purposes.

END OF POLICY

Legal Reference(s):

[ORS 294.305 - 294.565](#)



Code: **DFEA**
Adopted: 4/4/88
Revised/Readopted: 12/14/98, 9/13/04, 3/9/09
Orig. Code(s): BP 6335

Admissions to District Events

(Without reimbursement but receiving a taxable benefit for duties assigned.)

District residents 65 years of age and older may be given senior citizen guest passes for all school activities, including athletic events. Additionally, the athletic director shall provide complimentary Booster Passes to the following:

1. Volunteers (doctors, fire department, police department);
2. Unpaid officials who perform frequently at athletic events (scorekeepers, public address personnel, photographers).

District employees and Board members will be assessed the uniform district admission rate. Such individuals may be admitted at no charge only when assigned specific duties and such admission is consistent with the provisions of ORS Chapter 244. The district will establish accounting procedures, including any possible income tax liability, consistent with this policy.

END OF POLICY

Legal Reference(s):

[ORS Chapter 244](#)
[ORS 332.107](#)



Code: **DFG**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6340

Income from Program-Related Sales and Services

Through certain professional technical activities, students provide goods and services at a charge to the public. These activities are designed for educational purposes, not to be competitive with business in the community.

Charges for work performed and goods sold through these activities will be kept current with costs for the particular service or item offered for sale.

Money collected will be deposited in the appropriate student body fund account within the general fund and these accounts will be audited.

END OF POLICY

Legal Reference(s):

[ORS 294.305 - 294.565](#)



Code: **DG**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6400

Depository of Funds

One or more banks, bank and trust companies, or federally insured savings and loan associations which meet district, state and federal guidelines will be selected by the Board, prior to the beginning of each fiscal year, to serve as the depository or depositories of district funds. Such selection requires an affirmative vote of the Board. All receipts shall be deposited to the proper account as soon as possible after they are received.

END OF POLICY

Legal Reference(s):

[ORS 294.805 - 294.895](#)
[ORS 328.441](#)
[ORS 328.445](#)



Code: **DGA**
Adopted: 4/4/88
Revised/Readopted: 12/14/98, 9/13/10
Orig. Code(s): BP 6410

Authorized Signatures/Check-Writing Services

Checks drawn on the general fund or any special fund (with the exception of the activity fund) will require the signature of the deputy clerk and superintendent. Checks drawn on the activity fund will require signatures of the principal and one other person. Checks used by the district will be pre-numbered.

The Board may authorize the use of facsimile signatures.

Checks exceeding \$150,000.00 must be reviewed by either the Superintendent or the Business Manager. In addition, either the Superintendent or Business Manager must initial the check run ledger to verify that the check was reviewed.

END OF POLICY

Legal Reference(s):

[ORS 294.120](#)

[ORS 328.441](#)

[ORS 328.445](#)



Code: **DH**
Adopted: 4/4/88
Revised/Readopted: 12/14/98, 7/9/07, 9/9/13
Orig Code: BP 6450

Bonded Employees and Officers

All district employees responsible for funds, fees, cash collections or inventory control will be bonded or insured to protect the district against loss in an amount determined by the Board and upon recommendation of the district's agent-of-record. In compliance with Oregon statutes and administrative rules, the superintendent, and the director of business services and other individuals as deemed necessary by the Board, will have bond or insurance coverage meeting the requirement of Oregon statutes. The district shall pay the costs of such bonds or insurance.

END OF POLICY

Legal Reference(s):

[ORS 328.441](#)
[ORS 332.525](#)
[OAR 581-022-1720](#)



Code: **DI**
Adopted: 4/4/88
Revised/Readopted: 12/14/98
Orig. Code(s): BP 6500

Fiscal Accounting

The district's accounting system will be in conformance with the *Program Budgeting and Accounting Manual* published by the Oregon Department of Education. The system shall be consistent with accepted accounting principles. The following purposes shall be satisfied by the accounting system:

1. Administrative Control: The financial records shall be adequate to guide the making or deferring of purchases, the expanding or curtailing of programs, the investment of funds and the controlling of expenses. Current data shall be immediately available and in such form that periodic summaries may be readily made from the data;
2. Budget Preparation: The financial records shall serve as a guide to budget estimates of subsequent years and to hold expenditures to the amounts appropriated. Accounts shall be kept for each item for which separate budget estimates must be made. An adequate code of expenditure accounts shall be used;
3. Accounting for Stewardship: The financial records of the district will be adequate to show that those in charge have handled funds within the framework of law and in accordance with Board policy.

END OF POLICY

Legal Reference(s):

[ORS 294.305 - 294.565](#)

[OAR 581-023-0035](#)

Program Budgeting and Accounting Manual, Oregon Department of Education (2000).



Code: **DIB**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6510

Types of Funds

Through resolution the Board will establish separate funds when moneys must be kept separate from the general fund of the district.

When the district acts as fiscal agent for programs or services conducted cooperatively with neighboring school districts, separate funds will be established for those programs or services.

END OF POLICY

Legal Reference(s):

[ORS 294.305 - 294.565](#)

[OAR 581-023-0035](#)

“Program Budgeting and Accounting Manual,” Oregon Department of Education



Code: **DIBA**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6511

Special Funds

Special funds are those funds that are set aside for a specific purpose. Special funds shall be expended only for the purpose for which they are designated.

END OF POLICY

Legal Reference(s):

[ORS 30](#).310 - 30.402
[ORS 332](#).437



Code: **DIC**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6520

Financial Reports and Statements

The deputy clerk will be available at any Board meeting, upon request of the Board, to respond to questions and to present current financial information. The deputy clerk will notify the superintendent any time that substantial deviations from anticipated income or expenditures are anticipated.

The deputy clerk will provide the Board with quarterly financial reports which will include estimates of expenditures for the major general fund budget division in comparison to budget appropriations, actual receipts in comparison to budget estimates, and the overall cash condition of the district. Supplementary reports on any fund or account will be furnished on request of the Board or superintendent.

END OF POLICY

Legal Reference(s):

[ORS 294.155](#)
[ORS 294.311](#)
[ORS Chapter 297](#)
[ORS 328.465](#)
[ORS 332.105](#)

Program Budgeting and Accounting Manual, Oregon Department of Education (2000).

Cross Reference(s):

DIE - Audits



Code: **DID**
Adopted: 4/4/88
Readopted: 12/14/98, 4/10/00, 9/13/04
Orig. Code(s): BP 6535

Property Inventory Record

The district shall maintain a formalized program of accountability and controls over inventory of furniture and equipment. The purpose of the inventory will be to satisfy reporting requirements for insurance coverage, to aid the administration in the management of equipment, to assist in budgeting for replacement and to affix the responsibility for the custody of equipment.

The inventory shall be updated annually by building or department staff. A running inventory will be maintained on all capital outlay items exceeding \$200 in value. A running inventory will be kept on all supplies maintained in the district warehouse.

END OF POLICY

Legal Reference(s):

[ORS 332.155](#)

Cross Reference(s):

DN - Disposal of School Property

EDB - District Property



Code: **DIDA**
Adopted: 4/4/88
Readopted: 12/14/98, 4/10/00, 5/13/02
Orig. Code: BP 6530

Fixed Assets

Fixed assets shall be defined as land, machinery, furniture and other equipment the district intends to hold or continue to use over a period of time and is required for the normal operation of the district. Fixed denotes probability or intent to continue use of possession and does not indicate immobility of an asset.

Expenditures for the acquisition of fixed assets or additions to fixed assets shall be defined as Capital Outlay. Examples are expenditures for land or existing buildings; improvements of grounds; construction of buildings; additions to buildings; remodeling of buildings; initial equipment; additional equipment, and replacement of equipment. Equipment will be considered a fixed asset if it meets the following conditions:

1. It has an anticipated useful life of more than 1 year.
2. It has a value of \$5,000 or more.
3. It retains its original shape and appearance with use.
4. It is nonexpendable; that is, if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it with an entirely new unit.
5. It does not lose its identity through incorporation into a different or more complex unit or substance.

Fixed assets will be entered in the inventory files on the basis of their original cost. If this cannot be determined, an estimated cost will be used. Gifts or donated items will be entered using their appraised value.

Annual inventories will be made of all fixed assets and shall be the responsibility of the staff member or supervisor to which the fixed asset is assigned. A fixed asset ledger will be maintained in the business office.

END OF POLICY

Legal Reference:

ORS 332.155



Code: **DIE**
Adopted: 4/4/88
Revised/Readopted: 12/14/98, 9/13/04
Orig. Code(s): BP 6540

Audits

In accordance with state statutes, all financial records of the district will be audited following the close of each fiscal year by an authorized municipal accountant selected by the Board.

The audit will be conducted in accordance with generally accepted auditing standards and will include such tests of the accounting records and other auditing procedures as are necessary.

In addition, the auditor will:

1. Prepare such financial statements for publication as may be required by law;
2. Make recommendations to the Board concerning its accounting records, procedures and related activities as may appear necessary or desirable;
3. Perform such other related services as may be requested by the Board.

A copy of the audit report will be presented to the Board. The superintendent will submit a copy of the audit report to the Oregon Department of Education and to the Oregon Secretary of State, Audit Division.

END OF POLICY

Legal Reference(s):

[ORS 294.155](#)
[ORS Chapter 297](#)
[ORS 327.137](#)
[ORS 328.465](#)

[OAR 581-023-0037](#)

Cross Reference(s):

DIC - Financial Reports and Statements



Code: **DIEA**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6560

Student Activities Fund Management

Student activity funds are those funds raised or collected by and/or for school-approved student groups, excluding those funds budgeted in the general fund.

Student activity funds will be collected and expended for the purpose of supporting the school's cocurricular activities program and administered as follows:

1. The principal will be responsible for administering student activity funds;
2. The student business manager or student treasurer of the student government organization will serve as a representative of that organization in partial administration of student activity funds.

All student activity funds will be receipted and deposited according to district policy and acceptable accounting procedures. All activity accounts will be audited.

All student activity fund expenditures must be approved by the principal and/or the activities director and the student government organization.

END OF POLICY

Legal Reference(s):

[ORS 294.305 - 294.565](#)

[ORS 328.441 - 328.470](#)

[OAR 581-022-1660 \(2\)](#)



Code: **DJ**
Adopted: 9/14/97
Readopted: 12/14/98, 9/13/04, 5/16/05

District Purchasing

The function of district purchasing is to serve the educational program by providing the necessary supplies, equipment and services. Items commonly used in the various schools and their subdivisions will be standardized whenever consistent with educational goals and in the interest of efficiency or economy.

The business manager is appointed by the Board to serve as purchasing agent. He/She will be responsible for developing and administering the district's purchasing program.

No obligation may be incurred by any officer or employee of the Board unless that expenditure has been authorized in the budget or by Board action and/or Board policy. In all cases calling for the expenditure of district money, except payrolls, a requisition and purchase order system must be used.

No purchase, with the exception of a petty cash purchase, will be authorized unless covered by an approved purchase order. No bills will be approved for payment unless purchases were made on approved orders.

The superintendent or designee is authorized to enter into and approve payment on contracts obligating district funds not to exceed \$75,000 for products, materials, supplies, capital outlay and services that are within current budget appropriations. The Board shall approve all contracts that are collective bargaining agreements or service contracts that include the provision of labor performed by district employees, such as custodial, food service and transportation services.

The business manager will review bills due and payable for the purchase of supplies and services to determine if they are within budget amounts. After appropriate administrative review, the business manager will direct payment of the just claims against the district. The superintendent and business manager are responsible for the accuracy of all bills and vouchers.

No Board member, officer, employee or agent of this district shall use or attempt to use his/her official position to obtain financial gain or for avoidance of financial detriment for himself/herself, a relative or for any business with which the Board member or a relative is associated. Acceptance of any gratuities, financial or otherwise, from any supplier of materials or services to the district by any Board member, officer or employee of the district is prohibited.

END OF POLICY

Legal Reference(s):

ORS 244.040
ORS Chapters 279, 279A,
279B and 279C

ORS 294.311
ORS 328.441 - 328.470

ORS 332.075
OAR 125-025-0040



Code: **DJB**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6630

Petty Cash Accounts

Petty cash funds will be established annually for each school building and for the central administrative office. Such funds will be used for the payment of properly itemized bills of nominal amounts and under conditions calling for immediate payment. Allowances, responsibility, security and accounting of petty cash funds will be in accordance with Board policy and requirements of law.

END OF POLICY

Legal Reference(s):

[ORS 294.311](#)

Cross Reference(s):

DIC - Financial Reports and Statements
DIE - Audits
DJA - Purchasing Authority



Code: **DJC**
Adopted: 12/14/98
Revised/Readopted: 9/13/04, 5/16/05, 8/11/08,
5/10/10, 1/13/14

Bidding Requirements

The Board is the Local Contract Review Board (LCRB) for the district. All public contracts shall be invited in accordance with applicable competitive procurement provisions of Oregon Revised Statutes and adopted public contracting rules.

The Board, acting as its own LCRB, adopts¹ the *Oregon Attorney General's Model Public Contract Rules*, OAR Chapter 137, divisions 046 through 049 in effect at the time this policy is adopted.

The district shall procure the construction manager/general contractor services in accordance with model rules the Attorney General adopts under ORS 279A.065(3).

Additionally, the Board may include as part of its rules portions of the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246-249 in effect at the time this policy is adopted.

Where necessary, the Board has made the written findings required by law for exemptions from competitive bidding. Such findings shall be maintained by the district and made available on request.

The district shall review its rules each time the Attorney General adopts a modification of the model rules, as required by ORS 279A.065 (5)(b), to determine whether any modifications need to be made to district rules to ensure compliance with statutory changes. Modifications will be made only following review by the district's legal counsel. New rules, as necessary, shall be adopted by the Board. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required.

The Board recognizes that a public contracting agency that has not established its own rules of procedure as permitted under ORS 279A.065 (5) is subject to the model rules adopted by the Attorney General, including all modifications to the model rules that the Attorney General may adopt.

Procurements estimated to be in excess of \$250,000 shall go through the cost analysis and feasibility process described in ORS 279B.

END OF POLICY

Legal Reference(s):

[ORS Chapters 279A, 279B and 279C](#)

[OAR Chapter 125](#), Divisions 246-249

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S MODEL PUBLIC CONTRACT RULES MANUAL (2008).

¹Public Contracts shall be governed by ORS Chapter 279, 279A, 279B, or 279C. Additionally, the Board may, as provided by ORS 279A.065, adopt the Oregon Attorney General's Model Public Contract Rules, OAR Chapter 137 governing purchasing/bid procedures. The Board may also adopt the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125. The Board may adopt portions of those rules or adopt its own rules. A Board that has not established its own rules of procedure for public contracts is subject to the model rules (OAR 137) adopted by the Attorney General.



Code: **DJC-AR**
Adopted: 12/14/98
Revised/Readopted: 9/13/04, 8/11/08, 9/14/09,
8/9/10, 1/13/14,
12/14/15

Special Procurements and Exemptions from Competitive Bidding

SPECIAL PROCUREMENTS

The district shall submit a written request to the Board, acting as the Local Contract Review Board (LCRB), that describes the contracting procedure, the goods and services or class of goods and services that are the subject of the special procurement and circumstances that justify the use of a special procurement under the standards as follows: the special procurement is unlikely to encourage favoritism in the awarding of a public contract or to substantially diminish competition for public contracts and, (A) is reasonably expected to result in substantial cost savings to the district or to the public, or (B) otherwise substantially promote the public interest in a matter that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065, 279B.070 or under any related rules. Public notice of the approval of a special procurement must be given in the same manner as provided in ORS 279B.055(4). If the district intends to award a contract through special procurements that calls for competition among prospective contractors, the district shall award the contract to the contractor it determines to be most advantageous to the district. When the LCRB approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for a special procurement.

1. Brand Names or Products, “Or Equal,” Single Seller and Sole Source

- a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
- b. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections c. and d. of this rule.
- c. The district may specify a particular brand name or equal specification when the use of a brand name or equal specification is advantageous to the district, because the brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the district.
 - (1) The district is entitled to determine what constitutes a product that is equal or superior to the product specified, and any such determination is final;
 - (2) The district is not prohibited from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the district;
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:
 - (a) The use of a brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in cost savings to the district; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
- d. The district may award a contract for goods or services without competition when the LCRB determines in writing that the goods or services, or the class of goods or services, are available from only one source. The determination of the source must be based upon written findings that shall include:
 - (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;

- (2) Description of the product or service to be purchased; and
- (3) The reasons the district is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.
- e. The district may specify a product or service available from only one manufacturer but available through multiple sellers after complying with subsection c. above documenting the procurement file with the following information:
 - (1) If the total purchase is over \$5,000 but does not exceed \$150,000, and a comparable product or service is not available under an existing Mandatory Use Contract, the district must obtain informal competitive quotes, bids or proposals and document this process in the procurement file;
 - (2) If the purchase does not exceed \$150,000, and the supplies or services are not available under an existing price agreement for information technology with competing products or Mandatory Use Contract, the district must first request and obtain prior written authorization from the LCRB to proceed with the acquisition.
- f. If the district intends to make several purchases of brand name-specific supplies and services from a particular manufacturer or seller for a period not to exceed five years, the district must so state this in the procurement file and in the solicitation document, if any, or a public notice of a solicitation. If the total purchase amount is estimated to exceed \$150,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law (OAR 125-247-0275)

The district shall submit a written request to the local contract review board that describes the contracting procedure, goods and services subject of the special procurement and the circumstances that justify the use of the special procurement.

- a. It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts and is reasonably expected to result in substantial cost savings to the district which could not be realized under ORS 279B.055, 279B.060, 279B.065 or 279B.070 as required by ORS 279B.085(4).
- b. Public notice of the approval must be given in the same manner as provided in ORS 279B.055(4).
- c. This rule requires the districts to make a good faith effort to determine that no other sources are available for the specified products.
- d. The district maintains open lists from which vendors are contacted for quotations and utilizes electronic means of determining new vendors on an ongoing basis.
- e. The awarding of a contract as described in this special procurement should result in substantial cost savings by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.
- f. When the local review board approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for procurement.

2. Advertising Contracts, Purchase of

- a. The district may purchase advertising in any media, regardless of a dollar amount, without competitive bidding.
- b. The Board acting as the LCRB of the district must use competitive methods whenever possible to achieve best value and must document in the procurement file the reasons why a competitive process was deemed impractical and the resulting contract must be in writing.
- c. If the anticipated purchase exceeds \$5,000 and a competitive method is used, the district must post notice on the Oregon Procurement Information Network (ORPIN).

Findings of Fact

The district traditionally purchases advertising in newspapers. The following findings relate primarily to newspapers and written publications; however, the district may also purchase advertising for student activities or educational programs in other media, such as radio or television, where these findings apply:

- a. By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves;
- b. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the district is limited;
- c. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
- d. Advertisements may be placed to satisfy legal notice or Board policy requirements;
- e. Other published advertisements or notices, such as routine public notices, personnel recruitment information, etc., are placed in one or more of the publications of general circulation in the local area and other publications, as appropriate;
- f. The communities served by the district rely upon its use of the local daily newspaper as a central source of news and information regarding district activities;
- g. It is unknown whether contracts for advertisements placed with radio, television or other broadcast media are going to result in cost savings if not placed for competitive bid or request for proposal (RFP). If possible savings could be obtained through competitive means, the district would attempt to obtain competitive quotes or bids, as appropriate.

Conclusion of Compliance with Law

Due to limited competition and unique nature of sources, it is unlikely that this class special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Further, any contracts awarded under this class special procurement would result in a cost savings available to the district where the district can achieve volume savings through contracts for advertising with a particular media source, or otherwise substantially promote the public interest.

3. Advertising Contracts, Sale of

The district may sell advertising for district publications and activities, regardless of a dollar amount, without competitive bidding, including school newspapers, yearbooks, athletic programs, drama or music programs and the like.

Findings of Fact

Sales of advertising for student activities are generally other fund revenues, where student groups solicit advertisements from local businesses to help with the cost of the activity itself. A common example is the sale of advertising in school newspapers and yearbooks. The circulation of the newspaper and yearbook is limited to the students, teachers, parents and interested members of the community associated with the activities of that particular school. Due to the limited circulation and audience, the businesses that participate by purchasing advertising do so partly in the spirit of good will. Any business is welcome to place an advertisement in the school newspaper or yearbook; all it needs to do is to contact any district school department which publishes one. The district itself would not achieve any increased revenue to the General Fund by seeking competitive bids or proposals for such advertising. This holds true for other student activities, such as athletics, drama or music events and the like.

Conclusion of Compliance with Law

These findings indicate that it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Any business or individual who wishes to advertise in this manner may do so by simply contacting the student group responsible for the activity.

The sale of advertising for student activities such as school newspapers, yearbooks, athletic, drama or music programs would not benefit from competitive procurement. Such a requirement would place an unnecessary burden on the student group's activity and there is no financial advantage to the district in doing so. Consequently, the cost savings test is not an issue.

4. Equipment Repair and Overhaul

- a. The district may enter into a public contract for equipment repair or overhaul without competitive bidding, subject to the following conditions:
 - (1) Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
 - (2) Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
 - (3) The purchase is made within the limits and pursuant to the methods in subsection b. of this rule.
- b. The following limitations apply to this rule:
 - (1) If the contract is less than or equal to \$150,000, the school or department shall submit in writing to the superintendent or designee the reasons why competitive bids or quotes are deemed to be impractical. The superintendent or designee will accordingly document in its procurement file and may enter directly into the contract;
 - (2) If the school or department official thinks the contract may exceed \$150,000, he/she shall submit in writing to the superintendent or designee the reasons why competitive bidding is deemed to be impractical and a description of the cost savings to be obtained by a special procurement. The superintendent or designee may prepare a specific request for the anticipated contract to be obtained through special procurement procedures to submit to the LCRB for approval.

Findings of Fact

- a. The need for equipment repair or overhaul cannot be anticipated by district staff. If a piece of equipment is broken or not working properly, the district incurs cost of downtime, possible replacement equipment rental fees, staff time and other inconveniences or liabilities to its programs.
- b. Generally, there are a limited number of vendors who are able to perform repair or overhaul on a particular piece of equipment because of its make or manufacture. Sophisticated equipment may require specially trained personnel available from only one source. Often, a piece of equipment will have a partial warranty in place which will guarantee some savings to the district in the parts and/or labor needed to do the repair or overhaul. This warranty savings may only be achieved if the original manufacturer or provider of the equipment performs the necessary repair or overhaul.
- c. The dollar limits on the use of this special procurement procedure ensure that when the cost of the equipment repair or overhaul is expected to exceed \$150,000, the district will either seek formal competitive bids or, if that is not practical or cost effective, obtain a specific special procurement procedure from the LCRB to proceed with the purchase of the needed repair or overhaul.

Conclusion of Compliance with Law

It is unlikely that this special procurement procedure will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts because the dollar limits incorporated into this special procurement when the anticipated costs exceed \$150,000, insure the district will seek formal competitive bids and proposals. If the formal process is not practical, the district will obtain a specific exemption from the LCRB to proceed with the purchase of the needed repair or overhaul.

The awarding of public contracts under this special procurement will result in a cost savings to the district, as required by ORS 279B.085, because the district incurs direct and indirect costs from the moment equipment breaks down or becomes unusable. This special procurement only applies to equipment already owned by the district and does not provide for the purchase of new equipment. The district must be able to purchase necessary services and parts as quickly as possible in order to minimize equipment downtime and potential costs during that downtime.

5. Copyrighted Materials

The district may, without competitive bidding and regardless of a dollar amount, purchase copyrighted materials where there is only one known supplier available for such goods. Examples of copyrighted materials covered by this special procurement procedure may include, but are not necessarily limited to, newly adopted textbooks/instructional materials, workbooks, curriculum kits, reference materials, audio and visual media and non-mass-marketed software from a particular publisher or their designated distributor.

Findings of Fact

- a. By their nature, copyrighted materials are protected for the use of a single owner. Copyrighted materials may not be duplicated by others without the copyright owner's permission or license. Copyrights are established and regulated under federal law.
- b. Often, copyrighted materials are produced by only one supplier who may be the owner of the copyright or his/her licensee. Textbooks/Instructional materials are examples of copyrighted materials that the district purchases through a sole source. Textbooks/Instructional materials are adopted through a statewide process under the authority of the Oregon Department of Education. A textbook/instructional material adoption defines the various materials which the district will purchase for use in its educational programs.

The district purchases its textbooks/instructional materials through the Northwest Textbook Depository. This practice enables the regional textbook depository to purchase and warehouse textbooks/instructional materials in conformance with adoptions made in the states of their region. The result is that savings are achieved through the depository's combined purchases on behalf of member districts. Freight costs for individual districts are reduced by the bulk purchases of the depository and the depository takes on the cost of stocking and warehousing enough to meet each member district's needs.

The system of textbook/instructional materials distribution enables the district to participate in the largest possible bulk purchasing activity of adopted textbooks/instructional materials in the region. This ensures a cost savings to the district. A savings that would be jeopardized if the district was to act as an individual purchaser.

Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in the awarding of public contracts. The production and distribution of copyrighted materials is controlled by the owner of the copyright and may only be permitted through a sole source. The district has no control over this.

The awarding of contracts pursuant to this special procurement will result in a cost savings to the district when it needs to purchase copyrighted materials and there is only one known supplier for such goods, or otherwise substantially promote the public interest.

6. Product Prequalification

- a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:

- (1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - (2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.
- b. If the district denies an application for including a product on a list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within seven calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

- a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection b., of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or diminish competition for such contracts. There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will result in a cost savings to the district because the normal method of product selection is too cumbersome and costly to pursue, or otherwise substantially promote the public interest.

7. Requirements Contracts (Blanket Purchase Orders, Price Agreements)¹

- a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among school and departments and reducing lead time for ordering.
- b. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is led by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- c. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
- d. School and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the [superintendent] or designee.
- e. Under the authority of ORS 279A.025 and 279B.085, the district may use the requirements contracts entered into by another Oregon public agency when:
 - (1) The original contract met the requirements of public contracting code; and
 - (2) The original contract allows other public agency usage of the contract; and
 - (3) The original public contracting agency concurs and this is documented by a written interagency agreement between the district and the agency.
- f. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise permitted under the public contracting code.

Findings of Fact

- a. This rule permits the district to enter into a requirements contract, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools and departments and reducing lead time for ordering.
- c. The district establishes a requirements contract as a result of open competitive bidding or RFP processes, unless otherwise permitted under the public contracting code.

¹The Oregon Procurement Information Network (ORPIN) allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized ORCPP members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc., is available. Counties, cities, schools, municipalities or their public corporate entities having local governing authority, a United States governmental agency or American Indian tribe or agency are eligible to participate.

- d. The district limits the term of a requirements contract, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise permitted under the public contracting code.
- e. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

It is unlikely that this special procurement will result in favoritism in the awarding of public contracts or diminish competition for such contracts. The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will result in a cost savings to the district, or otherwise substantially promote the public interest. It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

8. Used Personal Property or Equipment, Purchase²

- a. Subject to the provisions of this rule, the district may purchase used property or equipment without obtaining competitive bids or quotes, if the district has determined that the purchase will result in cost savings to the district and will not diminish competition or encourage favoritism. "Used personal property or equipment" is property or equipment which has been placed in its intended use by a previous owner or user for a period of time recognized in the relevant trade or industry as qualifying the personal property or equipment as "used" at the time of district purchase. Used personal property or equipment generally does not include property or equipment if the district was the previous user, whether under a lease, as part of a demonstration, trial or pilot project or similar arrangement.
- b. For purchases of used personal property or equipment costing less than or equal to \$150,000, the district shall, where feasible, obtain three competitive quotes unless the district has determined and documented that a purchase without obtaining competitive quotes will result in cost savings to the district and will not diminish competition or encourage favoritism.
- c. For purchases of used personal property or equipment totaling \$150,000 or more, the district shall attempt to obtain three competitive quotes. The district will keep a written record of the source and amount of quotes received. If three quotes are not available, a written record must be made of the attempt to obtain quotes.

Findings of Fact

- a. The district is responsible to manage expenditures in the best interests of the public. Cost savings can be achieved through the procurement of used property and equipment. The district purchases used property and equipment when it meets the district's needs and is cost effective. Considerations include type, quality, quantity and estimated useful life of the used item.
- b. Used equipment and property becomes available sporadically and without notice. Used equipment and property is generally sold on a first-come, first-served basis. When used property or equipment does become available, the district must be able to respond immediately in order to obtain the property or equipment.
- c. Some types of property or equipment may not be readily available in the new goods market. The district may have to look for used items to fill the need.
- d. Competition to provide used property and equipment may be very limited and inconsistent, depending on the type of product.

²When contracting with another governmental entity, a district has a statutory exception under ORS 279A.025. The district may purchase state/federal surplus property through the Department of Administrative Services, State Services Division for Surplus Property. For more information on this program, contact DAS at 503-378-4714.

- e. The district maintains vendor lists which include information on whether a vendor provides used property or equipment. These lists are open to all vendors.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts. The purchase of used property or equipment depends on an inconsistent, sporadic market. When a used item is available, there is often little competition available. Sources for used items of the type, quality and quantity required by the district are inconsistent. This rule requires the district to attempt to obtain and document quotes as appropriate to the dollar amount of the purchase. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. The cost of used equipment or property is generally substantially less than that of new. Savings of 20 percent to 50 percent are not uncommon. Used equipment can provide good value to the district and help ensure the continuation of district services and programs.

9. Information Technology Contracts

The district may enter into a contract to acquire information technology hardware and software without competitive bidding subject to the following conditions:

- a. If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
- b. If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules, and shall solicit written proposals in accordance with the requirements of the *Attorney General's Model Public Contract and LCRB Rules*. The district shall document the evaluation and award process, which will be part of the public record justifying the award;
- c. If the amount of the contract is estimated to exceed \$150,000, the district shall provide proposers an opportunity to review the evaluation of their proposals before final selection is made.

Findings of Fact

- a. Rapid changes in technology make it necessary for the district to be able to purchase needed computer equipment quickly.
- b. Pricing for high-technology equipment also changes rapidly. It is frequently possible to take advantage of frequent price changes in the marketplace in the purchase of computer equipment.
- c. There is generally sufficient competition among vendors of information technology hardware and software for district business.
- d. The district will follow rules governing special procurements and obtain at least three informally solicited quotes for purchases less than or equal to \$150,000.
- e. If the district requires a brand name or sole source product, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure it.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of district contracts or substantially diminish competition for district contracts. The purchase of information technology hardware and software will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of information technology

hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

10. Telecommunications Systems - Hardware and Software Contracts

- a. The district may enter into a contract to acquire telecommunications system hardware and software, without competitive bidding, subject to the following conditions:
 - (1) If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
 - (2) If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules and shall solicit written proposals in accordance with the requirements of Chapter 137, Divisions 047 and 049 of the *Attorney General's Model Public Contract and LCRB Rules*. The district shall document the evaluation and award process, which will be part of the public record justifying the award.
- b. The telecommunications solicitation authorized in subsection 10.a.(1) of these rules shall:
 - (1) State the contractual requirements in the solicitation document;
 - (2) State the evaluation criteria to be applied in awarding the contract and the role of any evaluation committee. Criteria that would be used to identify the proposal that best meets the district's needs may include, but are not limited to, cost, quality, service and support, compatibility, product or system reliability, vendor viability and financial stability, operating efficiency and expansion potential;
 - (3) State the provisions made for bidders or proposers to comment on any specifications which they feel limit competition.

Findings of Fact

- a. Rapid changes in technology make it necessary for the district to be able to purchase needed telecommunications hardware and software quickly.
- b. Since deregulation, there is generally adequate competition among vendors of telecommunication hardware and software to allow the district to make competitive purchases.
- c. Pricing for telecommunications hardware and software also changes frequently. It is important for the district to take advantage of price competition in the marketplace.
- d. The district will follow procedures governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases over \$10,000 but less than or equal to \$150,000.
- e. If a purchase of telecommunications hardware or software is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract and LCRB Rules*.
- f. There are also times when the district needs to purchase specific items that are compatible with current equipment. On these occasions, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to make the purchase.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. The purchase of telecommunications hardware and software will be made in accordance with other competitive bidding rules herein. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications

hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

11. Telecommunications Services

- a. The district shall secure the most competitive, cost-effective telecommunications services of the quality needed to meet all service performance requirements while minimizing administrative and service delivery costs. The district will use routine purchasing procedures whenever possible, but if necessary, the district can consider alternative procurement methods in accordance with this rule.

The district will generally follow the normal competitive procurement processes in obtaining telecommunications services. This process will only be used if necessary where there is a lack of sufficient competition to furnish needed services.

- b. In determining the appropriate procurement method for telecommunications services, the district shall comply with the requirements of ORS 291.038 and determine whether competition exists. In determining whether competition exists, the district may consider the following factors:
 - (1) The extent to which alternative providers exist in the relevant geographic and service market; the greater area of County;
 - (2) The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance. For example, if the district requires digital services, analog services are not comparable or substitutable. If the district requires fiber optic technology, then copper, microwave or satellite transmission technology may not be comparable or substitutable;
 - (3) The extent to which alternative providers can respond to the district's interest in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management and limiting district liability. For example, to be considered as the district's long-distance service provider, any long-distance service vendor must be able to meet, support and interface with the district's centralized automated billing requirements. The district must document for the record, its findings on these factors or any other factors used in determining whether competition exists. In developing its findings, the district may solicit the information either through informal telephone or written contacts or through a formal solicitation such as a RFP.
- c. If the district determines that competition does not exist in the area for the relevant service, the district may proceed to secure the service on a sole source basis, as described in the district's rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1, under Special Procurements.

Findings of Fact

- a. Since deregulation, there is generally adequate competition among vendors of telecommunication services to allow the district to make competitive procurements.
- b. Since there is competition, price competition exists in the marketplace. It is important for the district to take advantage of existing competition.
- c. The district will follow its rules governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than or equal to \$150,000. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
- d. If a purchase of service is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract and LCRB Rules*.
- e. There may be occasions where there is limited competition that can furnish telecommunications services of the quality and extent required by district operations. In such instances, the district will follow this rule and also its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1, under Special Procurements, to procure needed services from the sole source.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Routinely, the purchase of telecommunications services will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$150,000, the district will advertise its need, issue a written solicitation document and invite written bids or proposals to be furnished in response.

There may be circumstances, however, where sufficient competition does not exist in the relevant geographic and service market area. In such cases, the district will follow this rule in determining whether sufficient competition exists to make a competitive procurement.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur. The rule also states the steps to be taken to document situations where sufficient competition may not exist and a sole source purchase needs to be made.

12. Hazardous Material Removal; Oil Cleanup

- a. The district may enter into public contracts without competitive bidding, regardless of a dollar amount, when ordered to clean up oil or hazardous waste pursuant to the authority granted to the Oregon Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through 466.680. In exercising its authority under this exemption, the district shall:
 - (1) To the extent reasonable under the circumstances, encourage competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods and services;
 - (2) Make written findings describing the circumstances that require the cleanup or maintain a copy of the DEQ order for the cleanup;
 - (3) Record the measures taken under A.1. of this rule to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the contractor to whom award is made.
- b. The district shall not contract pursuant to this special procurement in the absence of an order from the DEQ to clean up a site which includes a time limit that would not allow the district to hire a contractor under normal competitive bidding procedures. Goods and services to perform other hazardous material removal or cleanup will be purchased in accordance with normal competitive bidding procedures as described in Board policy with this administrative regulation.

Findings of Fact

- a. When the DEQ orders a public agency to remove or clean up hazardous material or oil, the public agency must respond within a very short time, which is stated in the DEQ order. This time period does not generally allow the agency to take the time necessary to solicit written bids or proposals for the work to be performed. The district would be liable for any delay in responding to DEQ orders to perform hazardous material removal or cleanup.
- b. This exemption will not be used in those situations where there is no DEQ order to remedy the situation. Routine competitive procurement methods will be used where there is no DEQ order to act immediately. The district maintains open lists of vendors who are interested in providing hazardous material removal and cleanup services. Whenever it needs hazardous material removal or disposal, the district makes use of these lists to solicit quotes, bids or proposals as needed, in addition to advertising the procurement as required.
- c. Cost savings are achieved through this exemption because the district can be liable for DEQ penalties and fines if it does not timely remove hazardous materials or oil as ordered. There is also serious risk in these situations, that property damage or personal injury could result if the district is slow to act.

Conclusions of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279B.085 (3)(a). If it is under DEQ order to act immediately, the district will still attempt to obtain competitive quotes for the work to be performed as it has the ability and time to do so. Unless the district is faced with the quasi-emergency situation of a DEQ order to remove or clean up hazardous waste or oil, it will follow normal competitive procedures to obtain these services.

The award of public contracts pursuant to this special procurement will result in a cost savings to the district in these situations, as required by ORS 279B.085 (3)(b), because the district must comply with the law and avoid and minimize risk to persons and property. Where possible, it will seek competitive quotes for the work to be performed and will award the contract to the lowest, responsive and responsible bidder.

13. Renegotiation of Existing Contracts with Incumbent Contractors

- a. The district may amend or renegotiate contracts with existing vendors, service providers or other parties subject to the limitations of this rule.
- b. The district has determined that value engineering, specialized expertise require, public safety and technical complexity, generally do not apply to this special procurement procedure.
- c. The renegotiated contract falls within a current special procurement procedure, but if not the LCRB must approve a separate special procurement.
- d. The district may renegotiate certain terms, but they must not unreasonably alter the scope of the original contract.

Findings of Fact

- a. The LCRB may amend contracts when it is in the best interest of the district. The superintendent and/or other designee, acting on behalf of the LCRB, may renegotiate certain provisions, including:

- (1) Price;
- (2) Term;
- (3) Delivery and shipping;
- (4) Order size;
- (5) Substitution;
- (6) Warranties;
- (7) On-line ordering systems;
- (8) Price adjustments;
- (9) Product availability;
- (10) Product quality;
- (11) Reporting requirements; or
- (12) Discounts.

Any contract amendment will be supported by legal consideration when necessary to validate the amended provision.

- b. The amended terms must be within a reasonable scope of the original contract, but not fundamentally alter the agreement or nature of goods or services. Districts may, however, request functionally equivalent substitutes for goods or services in the original contract.
- c. The contract as a whole must be more favorable to the individual needs of the district to justify renegotiation. Cost may be a factor in determining what is a favorable change to the original contract, but the district may use factors other than cost that demonstrate that the amended contract is more favorable to the unique needs of the district.

Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in awarding public contracts because it already exists as a contract awarded in compliance with the district's special procurement and public contracting code.

The awarding of contracts under this special procurement will result in cost savings to the district when it needs to renew its original contract with vendors, service providers or other parties, or otherwise substantially promote the public interest.

EXEMPTIONS FROM COMPETITIVE BIDDING

All public contracts shall be based upon competitive bids or proposals, except the following:

1. Contracts which have been specifically exempted under ORS 279A.025 and 279C.335; and
2. Contracts covered by the class exemptions in the following set of rules developed pursuant to ORS 279C.335 (2) and (5) and based on Oregon Administrative Rules, Chapter 137, Divisions 46 through 49.

The Board, acting as the Local Contract Review Board (LCRB) for the district, has made the findings required by ORS 279C.330, ORS 279C.335 and ORS 279C.345, and determined that awarding a contract under this exemption is unlikely to encourage favoritism or substantially diminish competition for the public contract and will likely result in a substantial cost savings and other substantial benefits to the district.

In approving a finding under this section, the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

1. How many persons are available to bid;
2. The construction budget and the projected operating costs for the completed public improvements;
3. Public benefits that may result from granting the exemption;
4. Whether value engineering techniques may decrease the cost of the public improvement;
5. The cost and availability of specialized expertise that is necessary for the public improvement;
6. Any likely increases in public safety;
7. Whether granting the exemption may reduce risks to the district or the public that are related to the public improvement;
8. Whether granting the exemption will affect the sources of funding for the public improvement;
9. Whether granting the exemption will better enable the district to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
10. Whether granting the exemption will better enable the district to address the size and technical complexity of the public improvement;
11. Whether the public improvements involves new construction or renovates or remodels an existing structure;
12. Whether the public improvement will be occupied or unoccupied during construction;
13. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
14. Whether the district has or has retained under contract, and will use district personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the district will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

Only these findings are required for each class or individual contract exemption, unless the LCRB specifically excludes a finding or includes an additional finding.

Promulgation of these exemptions can only occur after public notification and a public hearing to receive testimony pertaining to the draft exemptions and findings, pursuant to ORS 279C.335.

1. Brand Names or Products, “Or Equal,” Single Seller and Sole Source

- a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
- b. The district has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this exemption.
- c. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections d. and e. of this rule.
- d. The district may specify a particular brand name, make or product suffixed by “or equal,” “or approved equal,” “or equivalent,” “or approved equivalent” or similar language if there is no other practical method of specification after documenting the procurement file with the following:
 - (1) A brief description of the solicitation(s) to be covered, including contemplated future purchases;
 - (2) Description of the brand name, mark or product to be specified; and
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:
 - (a) The use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in substantial cost savings to the district; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
 - (4) The district shall make reasonable effort to notify all known suppliers of the specified product and invite such vendors to submit competitive bids or proposals.
- e. The district may purchase a particular product or service available from only one source, after documenting the procurement file with the district’s findings of current market research to support the determination that the product is available from only one seller or source. The district’s findings shall include:
 - (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the district is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing equipment, supplies or services requires the acquisition of compatible equipment, supplies or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available for only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) Other findings that support the conclusion that the goods or services are available from only one source.
 - (4) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.

- f. The district may specify a product or service available from only one manufacturer but available through multiple sellers, after documenting the procurement file with the following information:
 - (1) If the total purchase is over \$5,000 but does not exceed \$100,000, and a comparable product or service is not available under an existing state cooperative purchasing contract, competitive quotes shall be obtained by the district and retained in the procurement file; or
 - (2) If the amount of the purchase exceeds \$100,000, the product or service shall be obtained through competitive bidding unless a specific exemption is granted by the LCRB.
- g. If the district intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed five years, the district will so state in the solicitation file and in the solicitation document, if any. Such documentation shall be sufficient notice as to subsequent purchases. If the total purchase amount is estimated to exceed \$100,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law

It is unlikely that this process will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts, as required by ORS 279C.335 (2)(a).

This class exemption applies only to contracts under a limited dollar amount, and then, only after efforts to obtain competitive quotes are made, or other methods have been employed to ensure that competitive means are used if available. The district maintains open lists from which vendors are contracted for quotations. In addition, as required by ORS 279C.335 (2)(b) award of a public contract subject to the above described exemption should likely result in substantial cost savings or other substantial benefits to the district by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.

2. Product Prequalification

- a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
 - (1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - (2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.
- b. The district has determined that special expertise required, generally, does not apply to this rule.
- c. If the district denies an application for inclusion of a product on its list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within 7 calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

- a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is

impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection c. of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this exemption will encourage favoritism in the awarding of public contracts or diminish competition for such contracts as required by ORS 279C.335 (2)(a). There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will likely result in a substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b) because the normal method of product selection is too cumbersome and costly to pursue.

3. Requirements Contracts (Blanket Purchase Orders, Price)³

- a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among schools and departments and reducing lead time for ordering.

³The Oregon Procurement Information Network (ORPIN) allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized ORCPP members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc., is available.

- b. The district has determined that value engineering, specialized expertise required and technical complexity, generally, do not apply to this rule.
- c. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is let by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- d. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
- e. Schools and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the [superintendent] or designee.
- f. Under the authority of ORS 279A.025 and 279C.335, the district may use the requirements contracts entered into by another Oregon public agency when:
 - (1) The original contract met the requirements of the public contracting code; and
 - (2) The original contract allows other public agency usage of the contract; and
 - (3) The original public contracting agency concurs and this is documented by a written interagency agreement between the district and the agency.
- g. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise exempted pursuant to ORS 279C.335.

Findings of Fact

- a. This rule permits the district to enter into requirements contracts, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, building, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools, buildings and departments and reducing lead time for ordering.
- c. The district establishes requirements contracts as a result of open competitive bidding or RFP processes, unless otherwise exempted.
- d. The district limits the term of a requirements contract, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise exempted.
- e. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

It is unlikely that this exemption will result in favoritism in the awarding of public contracts or diminish competition for such contracts, as required by ORS 279C.335 (2)(a). The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will likely result in a substantial cost savings and other substantial benefits to the district, as required by ORS 279C.335 (2)(b). It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

4. Waiver of Bid Security Requirements (Public Improvement Contracts under \$100,000)

The LCRB may, at its discretion, waive the bid security requirements of ORS 279C.390, if the amount of the contract for the public improvement is less than \$100,000. Although the bid security requirements of ORS 279C.390 are waived for public improvement contracts under \$100,000, the district may impose a bid or quote security requirements for projects under \$100,000, when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

This rule allows the LCRB to waive bid security requirements for certain public improvement contracts. Waiver of the bid security is provided for by statute without a requirement for findings.

5. Waiver of Performance and Payment Security Requirements (Public Improvement Contracts under \$100,000)

The LCRB may, at its discretion, waive the performance/payment security requirements of ORS 279C.390 if the amount of the contract for the public improvement is less than \$100,000. Although the performance/payment security requirements of ORS 279C.390 are waived for public improvement contracts less than \$100,000, the district may impose a performance/payment security requirement for projects less than \$100,000 when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

This rule allows the LCRB to waive performance/payment security requirements for certain public improvement contracts. Waiver of the performance/payment security is provided for by statute without a requirement for findings.

6. Projects with Complex Systems or Components

- a. For contracts for public improvements with significant components that are inherently complex and are also complex to procure through competitive bid, the district may, at its discretion, use RFP competitive procurement methods subject to the conditions described in ORS 279C.400 and conditions enumerated in this exemption.
- b. Definitions. For purposes of this exemption only: “Complex Systems” are defined as those systems which incorporate the procurement of materials or other components which are difficult, if not impossible, to create in an “equal” specifications basis for competitive bid. Examples of such systems include but are not limited to, contracts for supplying and installing computerized controls for building heating, venting, air conditioning systems; and contracts for artificial surface outdoor multipurpose athletic fields. “Significant” is intended to mean something more than the minimum, but not necessarily the majority of the project as determined by cost.

Finding of Fact/Conclusion of Compliance with the Law

It is unlikely that this exemption will encourage favoritism in the awarding of the public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). Contracts for public improvements occasionally incorporate the procurement of systems, materials, or other components (complex systems) for which it is extremely difficult to design bid specifications. In these situations, utilization of a RFP process where each of the systems can be evaluated utilizing a number of factors, in addition to price, will likely result in substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b).

ORS 279C.400 enumerates how RFP’s are to be used if authorized by the LCRB. This criteria, ensures that competitive means will be used and selection will be fair and impartial. As a result, it is unlikely that this process will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). The awarding of contracts pursuant to this process will result in optimal value to the district based on selection by the district of the best competitive proposal that meets the stated evaluative criteria.

This class exemption is intended to be used for the types of procurements describe in the findings, where the specific system, materials or components represent a significant portion of the project. This class exemption **is not** intended to be used for construction manager/general contractor (CM/GC) projects or other methods of alternative procurement unless these projects meet the requirements of this class exemption. The CM/GC and others, not meeting the requirements of this class exemption, may still be procured by RFP, provided that a project or contract specific exemption is promulgated by the LCRB.



Code: **DJC-AR**
Adopted: 12/14/98
Revised/Readopted: 9/13/04, 8/11/08, 9/14/09,
8/9/10, 1/13/14, 2/14/15

Special Procurements and Exemptions from Competitive Bidding

SPECIAL PROCUREMENTS

The district shall submit a written request to the Board, acting as the Local Contract Review Board (LCRB), that describes the contracting procedure, the goods and services or class of goods and services that are the subject of the special procurement and circumstances that justify the use of a special procurement under the standards as follows: the special procurement is unlikely to encourage favoritism in the awarding of a public contract or to substantially diminish competition for public contracts and, (A) is reasonably expected to result in substantial cost savings to the district or to the public, or (B) otherwise substantially promote the public interest in a matter that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065, 279B.070 or under any related rules. Public notice of the approval of a special procurement must be given in the same manner as provided in ORS 279B.055(4). If the district intends to award a contract through special procurements that calls for competition among prospective contractors, the district shall award the contract to the contractor it determines to be most advantageous to the district. When the LCRB approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for a special procurement.

1. Brand Names or Products, “Or Equal,” Single Seller and Sole Source

- a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
- b. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections c. and d. of this rule.
- c. The district may specify a particular brand name or equal specification when the use of a brand name or equal specification is advantageous to the district, because the brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the district.
 - (1) The district is entitled to determine what constitutes a product that is equal or superior to the product specified, and any such determination is final;
 - (2) The district is not prohibited from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the district;
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:
 - (a) The use of a brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in cost savings to the district; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
- d. The district may award a contract for goods or services without competition when the LCRB determines in writing that the goods or services, or the class of goods or services, are available from only one source. The determination of the source must be based upon written findings that shall include:
 - (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the district is seeking this procurement method, which shall include any of the following:
 - (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.
- e. The district may specify a product or service available from only one manufacturer but available through multiple sellers after complying with subsection c. above documenting the procurement file with the following information:
 - (1) If the total purchase is over \$5,000 but does not exceed \$150,000, and a comparable product or service is not available under an existing Mandatory Use Contract, the district must obtain informal competitive quotes, bids or proposals and document this process in the procurement file;

- (2) If the purchase does not exceed \$150,000, and the supplies or services are not available under an existing price agreement for information technology with competing products or Mandatory Use Contract, the district must first request and obtain prior written authorization from the LCRB to proceed with the acquisition.
- f. If the district intends to make several purchases of brand name-specific supplies and services from a particular manufacturer or seller for a period not to exceed five years, the district must so state this in the procurement file and in the solicitation document, if any, or a public notice of a solicitation. If the total purchase amount is estimated to exceed \$150,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law (OAR 125-247-0275)

The district shall submit a written request to the local contract review board that describes the contracting procedure, goods and services subject of the special procurement and the circumstances that justify the use of the special procurement.

- a. It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts and is reasonably expected to result in substantial cost savings to the district which could not be realized under ORS 279B.055, 279B.060, 279B.065 or 279B.070 as required by ORS 279B.085(4).
- b. Public notice of the approval must be given in the same manner as provided in ORS 279B.055(4).
- c. This rule requires the districts to make a good faith effort to determine that no other sources are available for the specified products.
- d. The district maintains open lists from which vendors are contacted for quotations and utilizes electronic means of determining new vendors on an ongoing basis.
- e. The awarding of a contract as described in this special procurement should result in substantial cost savings by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.
- f. When the local review board approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for procurement.

2. Advertising Contracts, Purchase of

- a. The district may purchase advertising in any media, regardless of a dollar amount, without competitive bidding.
- b. The Board acting as the LCRB of the district must use competitive methods whenever possible to achieve best value and must document in the procurement file the reasons why a competitive process was deemed impractical and the resulting contract must be in writing.
- c. If the anticipated purchase exceeds \$5,000 and a competitive method is used, the district must post notice on the Oregon Procurement Information Network (ORPIN).

Findings of Fact

The district traditionally purchases advertising in newspapers. The following findings relate primarily to newspapers and written publications; however, the district may also purchase advertising for student activities or educational programs in other media, such as radio or television, where these findings apply:

- a. By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves;
- b. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the district is limited;
- c. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
- d. Advertisements may be placed to satisfy legal notice or Board policy requirements;
- e. Other published advertisements or notices, such as routine public notices, personnel recruitment information, etc., are placed in one or more of the publications of general circulation in the local area and other publications, as appropriate;
- f. The communities served by the district rely upon its use of the local daily newspaper as a central source of news and information regarding district activities;
- g. It is unknown whether contracts for advertisements placed with radio, television or other broadcast media are going to result in cost savings if not placed for competitive bid or request for proposal (RFP). If possible savings could be obtained through competitive means, the district would attempt to obtain competitive quotes or bids, as appropriate.

Conclusion of Compliance with Law

Due to limited competition and unique nature of sources, it is unlikely that this class special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Further, any contracts awarded under this class special procurement would result in a cost savings available to the district where the district can achieve volume savings through contracts for advertising with a particular media source, or otherwise substantially promote the public interest.

3. Advertising Contracts, Sale of

The district may sell advertising for district publications and activities, regardless of a dollar amount, without competitive bidding, including school newspapers, yearbooks, athletic programs, drama or music programs and the like.

Findings of Fact

Sales of advertising for student activities are generally other fund revenues, where student groups solicit advertisements from local businesses to help with the cost of the activity itself. A common example is the sale of advertising in school newspapers and yearbooks. The circulation of the newspaper and yearbook is limited to the students, teachers, parents and interested members of the community associated with the activities of that particular school. Due to the limited circulation and audience, the businesses that participate by purchasing advertising do so partly in the spirit of good will. Any business is welcome to place an advertisement in the school newspaper or yearbook; all it needs to do is to contact any district school department which publishes one. The district itself would not achieve any increased revenue to the General Fund by seeking competitive bids or proposals for such advertising. This holds true for other student activities, such as athletics, drama or music events and the like.

Conclusion of Compliance with Law

These findings indicate that it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Any business or individual who wishes to advertise in this manner may do so by simply contacting the student group responsible for the activity.

The sale of advertising for student activities such as school newspapers, yearbooks, athletic, drama or music programs would not benefit from competitive procurement. Such a requirement would place an unnecessary burden on the student group's activity and there is no financial advantage to the district in doing so. Consequently, the cost savings test is not an issue.

4. Equipment Repair and Overhaul

- a. The district may enter into a public contract for equipment repair or overhaul without competitive bidding, subject to the following conditions:
 - (1) Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
 - (2) Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
 - (3) The purchase is made within the limits and pursuant to the methods in subsection b. of this rule.
- b. The following limitations apply to this rule:
 - (1) If the contract is less than or equal to \$150,000, the school or department shall submit in writing to the superintendent or designee the reasons why competitive bids or quotes are deemed to be impractical. The superintendent or designee will accordingly document in its procurement file and may enter directly into the contract;
 - (2) If the school or department official thinks the contract may exceed \$150,000, he/she shall submit in writing to the superintendent or designee the reasons why competitive bidding is deemed to be impractical and a description of the cost savings to be obtained by a special procurement. The superintendent or designee may prepare a specific request for the anticipated contract to be obtained through special procurement procedures to submit to the LCRB for approval.

Findings of Fact

- a. The need for equipment repair or overhaul cannot be anticipated by district staff. If a piece of equipment is broken or not working properly, the district incurs cost of downtime, possible replacement equipment rental fees, staff time and other inconveniences or liabilities to its programs.
- b. Generally, there are a limited number of vendors who are able to perform repair or overhaul on a particular piece of equipment because of its make or manufacture. Sophisticated equipment may require specially trained personnel available from only one source. Often, a piece of equipment will have a partial warranty in place which will guarantee some savings to the district in the parts and/or labor needed to do the repair or overhaul. This warranty savings may only be achieved if the original manufacturer or provider of the equipment performs the necessary repair or overhaul.
- c. The dollar limits on the use of this special procurement procedure ensure that when the cost of the equipment repair or overhaul is expected to exceed \$150,000, the district will either seek formal competitive bids or, if that is not practical or cost effective, obtain a specific special procurement procedure from the LCRB to proceed with the purchase of the needed repair or overhaul.

Conclusion of Compliance with Law

It is unlikely that this special procurement procedure will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts because the dollar limits incorporated into this special procurement when the anticipated costs exceed \$150,000, insure the district will seek formal competitive bids and proposals. If the formal process is not practical, the district will obtain a specific exemption from the LCRB to proceed with the purchase of the needed repair or overhaul.

The awarding of public contracts under this special procurement will result in a cost savings to the district, as required by ORS 279B.085, because the district incurs direct and indirect costs from the moment equipment breaks down or becomes unusable. This special procurement only applies to equipment already owned by the district and does not provide for the purchase of new equipment. The district must be able to purchase necessary services and parts as quickly as possible in order to minimize equipment downtime and potential costs during that downtime.

5. Copyrighted Materials

The district may, without competitive bidding and regardless of a dollar amount, purchase copyrighted materials where there is only one known supplier available for such goods. Examples of copyrighted materials covered by this special procurement procedure may include, but are not necessarily limited to, newly adopted textbooks/instructional materials, workbooks, curriculum kits, reference materials, audio and visual media and non-mass-marketed software from a particular publisher or their designated distributor.

Findings of Fact

- a. By their nature, copyrighted materials are protected for the use of a single owner. Copyrighted materials may not be duplicated by others without the copyright owner's permission or license. Copyrights are established and regulated under federal law.
- b. Often, copyrighted materials are produced by only one supplier who may be the owner of the copyright or his/her licensee. Textbooks/Instructional materials are examples of copyrighted materials that the district purchases through a sole source. Textbooks/Instructional materials are adopted through a statewide process under the authority of the Oregon Department of Education. A textbook/instructional material adoption defines the various materials which the district will purchase for use in its educational programs.

The district purchases its textbooks/instructional materials through the Northwest Textbook Depository. This practice enables the regional textbook depository to purchase and warehouse textbooks/instructional materials in conformance with adoptions made in the states of their region. The result is that savings are achieved through the depository's combined purchases on behalf of member districts. Freight costs for individual districts are reduced by the bulk purchases of the depository and the depository takes on the cost of stocking and warehousing enough to meet each member district's needs.

The system of textbook/instructional materials distribution enables the district to participate in the largest possible bulk purchasing activity of adopted textbooks/instructional materials in the region. This ensures a cost savings to the district. A savings that would be jeopardized if the district was to act as an individual purchaser.

Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in the awarding of public contracts. The production and distribution of copyrighted materials is controlled by the owner of the copyright and may only be permitted through a sole source. The district has no control over this.

The awarding of contracts pursuant to this special procurement will result in a cost savings to the district when it needs to purchase copyrighted materials and there is only one known supplier for such goods, or otherwise substantially promote the public interest.

6. Product Prequalification

- a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:

- (1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - (2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.
- b. If the district denies an application for including a product on a list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within seven calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

- a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection b., of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or diminish competition for such contracts. There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will result in a cost savings to the district because the normal method of product selection is too cumbersome and costly to pursue, or otherwise substantially promote the public interest.

7. Requirements Contracts (Blanket Purchase Orders, Price Agreements)¹

- a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among school and departments and reducing lead time for ordering.
- b. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is led by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- c. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
- d. School and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the [superintendent] or designee.
- e. Under the authority of ORS 279A.025 and 279B.085, the district may use the requirements contracts entered into by another Oregon public agency when:
 - (1) The original contract met the requirements of public contracting code; and
 - (2) The original contract allows other public agency usage of the contract; and
 - (3) The original public contracting agency concurs and this is documented by a written interagency agreement between the district and the agency.
- f. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise permitted under the public contracting code.

Findings of Fact

- a. This rule permits the district to enter into a requirements contract, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools and departments and reducing lead time for ordering.
- c. The district establishes a requirements contract as a result of open competitive bidding or RFP processes, unless otherwise permitted under the public contracting code.
- d. The district limits the term of a requirements contract, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise permitted under the public contracting code.
- e. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

It is unlikely that this special procurement will result in favoritism in the awarding of public contracts or diminish competition for such contracts. The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will result in a cost savings to the district, or otherwise substantially promote the public interest. It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

8. Used Personal Property or Equipment, Purchase²

- a. Subject to the provisions of this rule, the district may purchase used property or equipment without obtaining competitive bids or quotes, if the district has determined that the purchase will result in cost savings to the district and

¹The Oregon Procurement Information Network (ORPIN) allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized ORCPP members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc., is available. Counties, cities, schools, municipalities or their public corporate entities having local governing authority, a United States governmental agency or American Indian tribe or agency are eligible to participate.

²When contracting with another governmental entity, a district has a statutory exception under ORS 279A.025. The district may purchase state/federal surplus property through the Department of Administrative Services, State Services Division for Surplus Property. For more information on this program, contact DAS at 503-378-4714.

will not diminish competition or encourage favoritism. "Used personal property or equipment" is property or equipment which has been placed in its intended use by a previous owner or user for a period of time recognized in the relevant trade or industry as qualifying the personal property or equipment as "used" at the time of district purchase. Used personal property or equipment generally does not include property or equipment if the district was the previous user, whether under a lease, as part of a demonstration, trial or pilot project or similar arrangement.

- b. For purchases of used personal property or equipment costing less than or equal to \$150,000, the district shall, where feasible, obtain three competitive quotes unless the district has determined and documented that a purchase without obtaining competitive quotes will result in cost savings to the district and will not diminish competition or encourage favoritism.
- c. For purchases of used personal property or equipment totaling \$150,000 or more, the district shall attempt to obtain three competitive quotes. The district will keep a written record of the source and amount of quotes received. If three quotes are not available, a written record must be made of the attempt to obtain quotes.

Findings of Fact

- a. The district is responsible to manage expenditures in the best interests of the public. Cost savings can be achieved through the procurement of used property and equipment. The district purchases used property and equipment when it meets the district's needs and is cost effective. Considerations include type, quality, quantity and estimated useful life of the used item.
- b. Used equipment and property becomes available sporadically and without notice. Used equipment and property is generally sold on a first-come, first-served basis. When used property or equipment does become available, the district must be able to respond immediately in order to obtain the property or equipment.
- c. Some types of property or equipment may not be readily available in the new goods market. The district may have to look for used items to fill the need.
- d. Competition to provide used property and equipment may be very limited and inconsistent, depending on the type of product.
- e. The district maintains vendor lists which include information on whether a vendor provides used property or equipment. These lists are open to all vendors.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts. The purchase of used property or equipment depends on an inconsistent, sporadic market. When a used item is available, there is often little competition available. Sources for used items of the type, quality and quantity required by the district are inconsistent. This rule requires the district to attempt to obtain and document quotes as appropriate to the dollar amount of the purchase. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. The cost of used equipment or property is generally substantially less than that of new. Savings of 20 percent to 50 percent are not uncommon. Used equipment can provide good value to the district and help ensure the continuation of district services and programs.

9. Information Technology Contracts

The district may enter into a contract to acquire information technology hardware and software without competitive bidding subject to the following conditions:

- a. If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
- b. If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules, and shall solicit written proposals in accordance with the requirements of the *Attorney General's Model Public Contract and LCRB Rules*. The district shall document the evaluation and award process, which will be part of the public record justifying the award;
- c. If the amount of the contract is estimated to exceed \$150,000, the district shall provide proposers an opportunity to review the evaluation of their proposals before final selection is made.

Findings of Fact

- a. Rapid changes in technology make it necessary for the district to be able to purchase needed computer equipment quickly.
- b. Pricing for high-technology equipment also changes rapidly. It is frequently possible to take advantage of frequent price changes in the marketplace in the purchase of computer equipment.

- c. There is generally sufficient competition among vendors of information technology hardware and software for district business.
- d. The district will follow rules governing special procurements and obtain at least three informally solicited quotes for purchases less than or equal to \$150,000.
- e. If the district requires a brand name or sole source product, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure it.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of district contracts or substantially diminish competition for district contracts. The purchase of information technology hardware and software will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of information technology hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

10. Telecommunications Systems - Hardware and Software Contracts

- a. The district may enter into a contract to acquire telecommunications system hardware and software, without competitive bidding, subject to the following conditions:
 - (1) If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
 - (2) If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules and shall solicit written proposals in accordance with the requirements of Chapter 137, Divisions 047 and 049 of the *Attorney General's Model Public Contract and LCRB Rules*. The district shall document the evaluation and award process, which will be part of the public record justifying the award.
- b. The telecommunications solicitation authorized in subsection 10.a.(1) of these rules shall:
 - (1) State the contractual requirements in the solicitation document;
 - (2) State the evaluation criteria to be applied in awarding the contract and the role of any evaluation committee. Criteria that would be used to identify the proposal that best meets the district's needs may include, but are not limited to, cost, quality, service and support, compatibility, product or system reliability, vendor viability and financial stability, operating efficiency and expansion potential;
 - (3) State the provisions made for bidders or proposers to comment on any specifications which they feel limit competition.

Findings of Fact

- a. Rapid changes in technology make it necessary for the district to be able to purchase needed telecommunications hardware and software quickly.
- b. Since deregulation, there is generally adequate competition among vendors of telecommunication hardware and software to allow the district to make competitive purchases.
- c. Pricing for telecommunications hardware and software also changes frequently. It is important for the district to take advantage of price competition in the marketplace.
- d. The district will follow procedures governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases over \$10,000 but less than or equal to \$150,000.
- e. If a purchase of telecommunications hardware or software is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract and LCRB Rules*.
- f. There are also times when the district needs to purchase specific items that are compatible with current equipment. On these occasions, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to make the purchase.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. The purchase of telecommunications hardware and software will be made in accordance with other competitive bidding rules herein. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

11. Telecommunications Services

- a. The district shall secure the most competitive, cost-effective telecommunications services of the quality needed to meet all service performance requirements while minimizing administrative and service delivery costs. The district will use routine purchasing procedures whenever possible, but if necessary, the district can consider alternative procurement methods in accordance with this rule.

The district will generally follow the normal competitive procurement processes in obtaining telecommunications services. This process will only be used if necessary where there is a lack of sufficient competition to furnish needed services.

- b. In determining the appropriate procurement method for telecommunications services, the district shall comply with the requirements of ORS 291.038 and determine whether competition exists. In determining whether competition exists, the district may consider the following factors:
 - (1) The extent to which alternative providers exist in the relevant geographic and service market; the greater area of County;
 - (2) The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance. For example, if the district requires digital services, analog services are not comparable or substitutable. If the district requires fiber optic technology, then copper, microwave or satellite transmission technology may not be comparable or substitutable;
 - (3) The extent to which alternative providers can respond to the district's interest in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management and limiting district liability. For example, to be considered as the district's long-distance service provider, any long-distance service vendor must be able to meet, support and interface with the district's centralized automated billing requirements. The district must document for the record, its findings on these factors or any other factors used in determining whether competition exists. In developing its findings, the district may solicit the information either through informal telephone or written contacts or through a formal solicitation such as a RFP.
- c. If the district determines that competition does not exist in the area for the relevant service, the district may proceed to secure the service on a sole source basis, as described in the district's rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1, under Special Procurements.

Findings of Fact

- a. Since deregulation, there is generally adequate competition among vendors of telecommunication services to allow the district to make competitive procurements.
- b. Since there is competition, price competition exists in the marketplace. It is important for the district to take advantage of existing competition.
- c. The district will follow its rules governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than or equal to \$150,000. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
- d. If a purchase of service is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract and LCRB Rules*.
- e. There may be occasions where there is limited competition that can furnish telecommunications services of the quality and extent required by district operations. In such instances, the district will follow this rule and also its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1, under Special Procurements, to procure needed services from the sole source.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Routinely, the purchase of telecommunications services will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$150,000, the district will advertise its need, issue a written solicitation document and invite written bids or proposals to be furnished in response.

There may be circumstances, however, where sufficient competition does not exist in the relevant geographic and service market area. In such cases, the district will follow this rule in determining whether sufficient competition exists to make a competitive procurement.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur. The rule also states the steps to be taken to document situations where sufficient competition may not exist and a sole source purchase needs to be made.

12. Hazardous Material Removal; Oil Cleanup

- a. The district may enter into public contracts without competitive bidding, regardless of a dollar amount, when ordered to clean up oil or hazardous waste pursuant to the authority granted to the Oregon Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through 466.680. In exercising its authority under this exemption, the district shall:
 - (1) To the extent reasonable under the circumstances, encourage competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods and services;
 - (2) Make written findings describing the circumstances that require the cleanup or maintain a copy of the DEQ order for the cleanup;
 - (3) Record the measures taken under A.1. of this rule to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the contractor to whom award is made.
- b. The district shall not contract pursuant to this special procurement in the absence of an order from the DEQ to clean up a site which includes a time limit that would not allow the district to hire a contractor under normal competitive bidding procedures. Goods and services to perform other hazardous material removal or cleanup will be purchased in accordance with normal competitive bidding procedures as described in Board policy with this administrative regulation.

Findings of Fact

- a. When the DEQ orders a public agency to remove or clean up hazardous material or oil, the public agency must respond within a very short time, which is stated in the DEQ order. This time period does not generally allow the agency to take the time necessary to solicit written bids or proposals for the work to be performed. The district would be liable for any delay in responding to DEQ orders to perform hazardous material removal or cleanup.
- b. This exemption will not be used in those situations where there is no DEQ order to remedy the situation. Routine competitive procurement methods will be used where there is no DEQ order to act immediately. The district maintains open lists of vendors who are interested in providing hazardous material removal and cleanup services. Whenever it needs hazardous material removal or disposal, the district makes use of these lists to solicit quotes, bids or proposals as needed, in addition to advertising the procurement as required.
- c. Cost savings are achieved through this exemption because the district can be liable for DEQ penalties and fines if it does not timely remove hazardous materials or oil as ordered. There is also serious risk in these situations, that property damage or personal injury could result if the district is slow to act.

Conclusions of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279B.085 (3)(a). If it is under DEQ order to act immediately, the district will still attempt to obtain competitive quotes for the work to be performed as it has the ability and time to do so. Unless the district is faced with the quasi-emergency situation of a DEQ order to remove or clean up hazardous waste or oil, it will follow normal competitive procedures to obtain these services.

The award of public contracts pursuant to this special procurement will result in a cost savings to the district in these situations, as required by ORS 279B.085 (3)(b), because the district must comply with the law and avoid and minimize risk to persons and property. Where possible, it will seek competitive quotes for the work to be performed and will award the contract to the lowest, responsive and responsible bidder.

13. Renegotiation of Existing Contracts with Incumbent Contractors

- a. The district may amend or renegotiate contracts with existing vendors, service providers or other parties subject to the limitations of this rule.
- b. The district has determined that value engineering, specialized expertise require, public safety and technical complexity, generally do not apply to this special procurement procedure.
- c. The renegotiated contract falls within a current special procurement procedure, but if not the LCRB must approve a separate special procurement.
- d. The district may renegotiate certain terms, but they must not unreasonably alter the scope of the original contract.

Findings of Fact

- a. The LCRB may amend contracts when it is in the best interest of the district. The superintendent and/or other designee, acting on behalf of the LCRB, may renegotiate certain provisions, including:
 - (1) Price;
 - (2) Term;
 - (3) Delivery and shipping;
 - (4) Order size;
 - (5) Substitution;
 - (6) Warranties;
 - (7) On-line ordering systems;
 - (8) Price adjustments;
 - (9) Product availability;
 - (10) Product quality;
 - (11) Reporting requirements; or
 - (12) Discounts.
- b. Any contract amendment will be supported by legal consideration when necessary to validate the amended provision. The amended terms must be within a reasonable scope of the original contract, but not fundamentally alter the agreement or nature of goods or services. Districts may, however, request functionally equivalent substitutes for goods or services in the original contract.
- c. The contract as a whole must be more favorable to the individual needs of the district to justify renegotiation. Cost may be a factor in determining what is a favorable change to the original contract, but the district may use factors other than cost that demonstrate that the amended contract is more favorable to the unique needs of the district.

Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in awarding public contracts because it already exists as a contract awarded in compliance with the district's special procurement and public contracting code.

The awarding of contracts under this special procurement will result in cost savings to the district when it needs to renew its original contract with vendors, service providers or other parties, or otherwise substantially promote the public interest.

EXEMPTIONS FROM COMPETITIVE BIDDING

All public contracts shall be based upon competitive bids or proposals, except the following:

1. Contracts which have been specifically exempted under ORS 279A.025 and 279C.335; and
2. Contracts covered by the class exemptions in the following set of rules developed pursuant to ORS 279C.335 (2) and (5) and based on Oregon Administrative Rules, Chapter 137, Divisions 46 through 49.

The Board, acting as the Local Contract Review Board (LCRB) for the district, has made the findings required by ORS 279C.330, ORS 279C.335 and ORS 279C.345, and determined that awarding a contract under this exemption is unlikely to encourage favoritism or substantially diminish competition for the public contract and will likely result in a substantial cost savings and other substantial benefits to the district.

In approving a finding under this section, the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

1. How many persons are available to bid;
2. The construction budget and the projected operating costs for the completed public improvements;
3. Public benefits that may result from granting the exemption;
4. Whether value engineering techniques may decrease the cost of the public improvement;
5. The cost and availability of specialized expertise that is necessary for the public improvement;
6. Any likely increases in public safety;
7. Whether granting the exemption may reduce risks to the district or the public that are related to the public improvement;
8. Whether granting the exemption will affect the sources of funding for the public improvement;
9. Whether granting the exemption will better enable the district to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
10. Whether granting the exemption will better enable the district to address the size and technical complexity of the public improvement;
11. Whether the public improvements involves new construction or renovates or remodels an existing structure;
12. Whether the public improvement will be occupied or unoccupied during construction;
13. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
14. Whether the district has or has retained under contract, and will use district personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the district will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

Only these findings are required for each class or individual contract exemption, unless the LCRB specifically excludes a finding or includes an additional finding.

Promulgation of these exemptions can only occur after public notification and a public hearing to receive testimony pertaining to the draft exemptions and findings, pursuant to ORS 279C.335.

1. Brand Names or Products, “Or Equal,” Single Seller and Sole Source

- a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
- b. The district has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this exemption.
- c. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections d. and e. of this rule.
- d. The district may specify a particular brand name, make or product suffixed by “or equal,” “or approved equal,” “or equivalent,” “or approved equivalent” or similar language if there is no other practical method of specification after documenting the procurement file with the following:
 - (1) A brief description of the solicitation(s) to be covered, including contemplated future purchases;
 - (2) Description of the brand name, mark or product to be specified; and
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:
 - (a) The use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in substantial cost savings to the district; or
 - (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.
 - (4) The district shall make reasonable effort to notify all known suppliers of the specified product and invite such vendors to submit competitive bids or proposals.
- e. The district may purchase a particular product or service available from only one source, after documenting the procurement file with the district’s findings of current market research to support the determination that the product is available from only one seller or source. The district’s findings shall include:
 - (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the district is seeking this procurement method, which shall include any of the following:

- (a) That the efficient utilization of existing equipment, supplies or services requires the acquisition of compatible equipment, supplies or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available for only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) Other findings that support the conclusion that the goods or services are available from only one source.
- (4) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.
- f. The district may specify a product or service available from only one manufacturer but available through multiple sellers, after documenting the procurement file with the following information:
 - (1) If the total purchase is over \$5,000 but does not exceed \$100,000, and a comparable product or service is not available under an existing state cooperative purchasing contract, competitive quotes shall be obtained by the district and retained in the procurement file; or
 - (2) If the amount of the purchase exceeds \$100,000, the product or service shall be obtained through competitive bidding unless a specific exemption is granted by the LCRB.
- g. If the district intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed five years, the district will so state in the solicitation file and in the solicitation document, if any. Such documentation shall be sufficient notice as to subsequent purchases. If the total purchase amount is estimated to exceed \$100,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law

It is unlikely that this process will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts, as required by ORS 279C.335 (2)(a).

This class exemption applies only to contracts under a limited dollar amount, and then, only after efforts to obtain competitive quotes are made, or other methods have been employed to ensure that competitive means are used if available. The district maintains open lists from which vendors are contracted for quotations. In addition, as required by ORS 279C.335 (2)(b) award of a public contract subject to the above described exemption should likely result in substantial cost savings or other substantial benefits to the district by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.

2. Product Prequalification

- a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
 - (1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - (2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.
- b. The district has determined that special expertise required, generally, does not apply to this rule.
- c. If the district denies an application for inclusion of a product on its list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within 7 calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

- a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection c. of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this exemption will encourage favoritism in the awarding of public contracts or diminish competition for such contracts as required by ORS 279C.335 (2)(a). There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will likely result in a substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b) because the normal method of product selection is too cumbersome and costly to pursue.

3. Requirements Contracts (Blanket Purchase Orders, Price)³

- a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among schools and departments and reducing lead time for ordering.
- b. The district has determined that value engineering, specialized expertise required and technical complexity, generally, do not apply to this rule.
- c. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is let by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.

³The Oregon Procurement Information Network (ORPIN) allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized ORCPP members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc., is available.

- d. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
- e. Schools and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the [superintendent] or designee.
- f. Under the authority of ORS 279A.025 and 279C.335, the district may use the requirements contracts entered into by another Oregon public agency when:
 - (1) The original contract met the requirements of the public contracting code; and
 - (2) The original contract allows other public agency usage of the contract; and
 - (3) The original public contracting agency concurs and this is documented by a written interagency agreement between the district and the agency.
- g. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise exempted pursuant to ORS 279C.335.

Findings of Fact

- a. This rule permits the district to enter into requirements contracts, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, building, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools, buildings and departments and reducing lead time for ordering.
- c. The district establishes requirements contracts as a result of open competitive bidding or RFP processes, unless otherwise exempted.
- d. The district limits the term of a requirements contract, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise exempted.
- e. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

It is unlikely that this exemption will result in favoritism in the awarding of public contracts or diminish competition for such contracts, as required by ORS 279C.335 (2)(a). The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will likely result in a substantial cost savings and other substantial benefits to the district, as required by ORS 279C.335 (2)(b). It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

4. Waiver of Bid Security Requirements (Public Improvement Contracts under \$100,000)

The LCRB may, at its discretion, waive the bid security requirements of ORS 279C.390, if the amount of the contract for the public improvement is less than \$100,000. Although the bid security requirements of ORS 279C.390 are waived for public improvement contracts under \$100,000, the district may impose a bid or quote security requirements for projects under \$100,000, when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

This rule allows the LCRB to waive bid security requirements for certain public improvement contracts. Waiver of the bid security is provided for by statute without a requirement for findings.

5. Waiver of Performance and Payment Security Requirements (Public Improvement Contracts under \$100,000)

The LCRB may, at its discretion, waive the performance/payment security requirements of ORS 279C.390 if the amount of the contract for the public improvement is less than \$100,000. Although the performance/payment security requirements of ORS 279C.390 are waived for public improvement contracts less than \$100,000, the district may impose a performance/payment security requirement for projects less than \$100,000 when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

This rule allows the LCRB to waive performance/payment security requirements for certain public improvement contracts. Waiver of the performance/payment security is provided for by statute without a requirement for findings.

6. Projects with Complex Systems or Components

- a. For contracts for public improvements with significant components that are inherently complex and are also complex to procure through competitive bid, the district may, at its discretion, use RFP competitive procurement methods subject to the conditions described in ORS 279C.400 and conditions enumerated in this exemption.
- b. Definitions. For purposes of this exemption only: “Complex Systems” are defined as those systems which incorporate the procurement of materials or other components which are difficult, if not impossible, to create in an “equal” specifications basis for competitive bid. Examples of such systems include but are not limited to, contracts for supplying and installing computerized controls for building heating, venting, air conditioning systems; and contracts for artificial surface outdoor multipurpose athletic fields. “Significant” is intended to mean something more than the minimum, but not necessarily the majority of the project as determined by cost.

Finding of Fact/Conclusion of Compliance with the Law

It is unlikely that this exemption will encourage favoritism in the awarding of the public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). Contracts for public improvements occasionally incorporate the procurement of systems, materials, or other components (complex systems) for which it is extremely difficult to design bid specifications. In these situations, utilization of a RFP process where each of the systems can be evaluated utilizing a number of factors, in addition to price, will likely result in substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b).

ORS 279C.400 enumerates how RFP’s are to be used if authorized by the LCRB. This criteria, ensures that competitive means will be used and selection will be fair and impartial. As a result, it is unlikely that this process will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). The awarding of contracts pursuant to this process will result in optimal value to the district based on selection by the district of the best competitive proposal that meets the stated evaluative criteria.

This class exemption is intended to be used for the types of procurements describe in the findings, where the specific system, materials or components represent a significant portion of the project. This class exemption **is not** intended to be used for construction manager/general contractor (CM/GC) projects or other methods of alternative procurement unless these projects meet the requirements of this class exemption. The CM/GC and others, not meeting the requirements of this class exemption, may still be procured by RFP, provided that a project or contract specific exemption is promulgated by the LCRB.



Code: **DJCA**
Adopted: 4/4/88
Readopted: 12/14/98, 5/16/05

Personal Services Contracts

The district may enter into personal services contracts with qualified professionals as provided by ORS 279A.055. Personal services contracts, as used in this policy, means contracts for specialized skills, knowledge and resources in the application of highly technical or scientific expertise or the exercise of professional, artistic or management discretion or judgment. The district may enter into a personal services contract with a current district employee only when the individual meets independent contractor status in accordance with state, Public Employees Retirement System (PERS) and Internal Revenue Service (IRS) requirements.

Selection of a personal services contractor will be based primarily on qualifications and performance history, expertise, knowledge and creativity and the ability to exercise sound professional judgment.

All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price.

Contracts for personal services in excess of \$75,000 shall require prior Board approval.

The superintendent will develop administrative regulations as necessary to implement this policy.

END OF POLICY

Legal Reference(s):

ORS Chapters 279, 279A,
279B

ORS 332.107
ORS 670.600

OAR 459-010-0030

Internal Revenue Service *Independent Contractor or Employee* (IRS Publication 1779).

Personal Services Contracts

I. Personal Services Contracts Defined

- A. Personal services contracts include, but are not limited to: a contract or member of a class of contracts, services contract pursuant to ORS 279A.055. Personal services include but are not limited to the that the local contracting agency's Local Contract Review Board (LCRB) has designated as a personal following:
1. Contracts for services performed as an independent contractor in a professional capacity (e.g., services of an accountant, attorney, data processing consultant, etc.);
 2. Contracts for services as an artist in the performing or fine arts (e.g., photographer, painter, etc.);
 3. Contracts for services that are specialized, creative and research oriented;
 4. Contracts for services as a consultant;
 5. Contracts for educational consulting services.
- B. Personal services contracts do not include: (1) public contracts for architectural, engineering and land surveying and related services, or (2) public contracts for construction services.

II. Eligibility

The district will follow ORS 670.600, Public Employees Retirement System (PERS) rules OAR 459-010-0030 and Internal Revenue Service (IRS) Ruling 87-41 in determining whether the individual or business entity qualifies as an independent contractor or is an employee of the district. A valid independent contractor must meet all eight of the following points:

State requirements¹:

- A. The contractor must be free from the direction and the control of the employer;
- B. The contractor must obtain required business licenses;
- C. The contractor must furnish necessary tools and equipment;
- D. The contractor has authority to hire and fire employees;
- E. The contractor is paid on completion of portions of projects or on a retainer basis;
- F. The construction contractor must be registered under ORS Chapter 701 (For more information call the Construction Contractors Board at 503-378-4621 in Salem.);
- G. The contractor must file appropriate business tax returns;
- H. The contractor must represent to the public that the labor or services are provided by an independent business.

PERS requirements:

In determining whether an individual is an employee or independent contractor for PERS contribution purposes, the district will consider the following factors:

- A. Instructions. An employee must comply with instructions about when, where and how to work. Even if no instructions are given, the control factor is present if the employer has the right to control how the work results are achieved;
- B. Training. An employee may be trained to perform services in a particular manner. Independent contractors ordinarily use their own methods and receive no training from the purchasers of their services;
- C. Integration. An employee's services are usually integrated into the business operations because the services are important to the success or continuation of the business. This shows that the employee is subject to direction and control;
- D. Services rendered personally. An employee renders services personally. This shows that the employer is interested in the methods as well as the results;
- E. Hiring, supervising and paying assistants. An employee works for an employer who hires, supervises and pays workers. An independent contractor can hire, supervise and pay assistants under a contract that requires him/her to provide materials and labor and to be responsible only for the result;

¹See ORS 670.600 for complete listing.

- F. Continuing relationship. An employee generally has a continuing relationship with an employer. A continuing relationship may exist even if work is performed at recurring although irregular intervals;
- G. Set hours of work. An employee usually has set hours of work established by an employer. An independent contractor generally can set his/her own work hours;
- H. Full-time required. An employee may be required to work or be available full-time. This indicates control by the employer. An independent contractor can work when and for whom he/she chooses;
- I. Doing work on employer's premises. An employee usually works on the premises of an employer, or works on a route or at a location designated by an employer;
- J. Order or sequence set. An employee may be required to perform services in the order or sequence set by an employer. This shows that the employee is subject to direction and control;
- K. Oral or written reports. An employee may be required to submit reports to an employer. This shows that the employer maintains a degree of control;
- L. Payment by hour, week, month. An employee is generally paid by the hour, week or month. An independent contractor is usually paid by the job or on a straight commission;
- M. Payment of business and/or traveling expenses. An employee's business and travel expenses are generally paid by an employer. This shows that the employee is subject to regulation and control;
- N. Furnishing of tools and materials. An employee is normally furnished significant tools, materials and other equipment by an employer;
- O. Significant investment. An independent contractor has a significant investment in the facilities he/she uses in performing services for someone else;
- P. Realization of profit or loss. An independent contractor can make a profit or suffer a loss;
- Q. Working for more than one employer at a time. An independent contractor is generally free to provide his/her services to two or more unrelated persons or firms at the same time;
- R. Making service available to general public. An independent contractor makes his/her services available to the general public;
- S. Right to discharge. An employee can be fired by an employer. An independent contractor cannot be fired so long as he/she produces a result that meets the specifications of the contract;
- T. Right to terminate. An employee can quit his/her job at any time without incurring liability. An independent contractor usually agrees to complete a specific job and is responsible for its satisfactory completion, or is legally obligated to make good for failure to complete it.

IRS requirements:

Additionally, in determining employee or independent contract status for purposes of the Federal Insurance Contributions Act (FICA), the Federal Unemployment Tax Act (FUTA) or for federal income tax withholding from wages, the district will consider:

- A. Behavioral control. A worker is an employee when the district has the right to direct and control the worker;
- B. Financial control. A worker is an independent contractor if he/she can realize a profit or incur a loss. The individual may also be an independent contractor if he/she is not reimbursed for some or all business expenses, especially if those expenses are high or if he/she has a significant investment in his/her work;
- C. Relationship of the parties. Facts weighed by the district will include any written contracts describing the relationship the parties intended to create; the extent to which the worker is available to perform services for other similar businesses; whether the district provides the worker with employee-type benefits, such as insurance, vacation pay or sick pay; and the permanency of the relationship.

III. Personal Services Contracts - Procurement Requirements

- A. Contracts for personal services less than \$25,000 within a 12-month period, shall, where practical, be based on written or verbal quotes or may be procured through direct negotiations with the contractor.
- B. Contracts for personal services greater than \$25,000 that do not exceed \$75,000 may be based on three

- written quotes, or response to a request for proposal (RFP) as deemed appropriate by the superintendent or designee.
- C. Contracts for personal services greater than \$75,000 shall be based on written solicitations, request for qualifications, or the request for proposal (RFP) process.
 - D. The district may enter into a personal services contract when the amount of the services does not exceed \$150,000 without obtaining quotes or utilizing the RFP process when only one contractor or sole source provides the services as follows:
 - 1. The superintendent or designee shall make the following written findings for inclusion in the contract file:
 - a. That the efficient utilization of existing goods requires the acquisition of compatible goods or services;
 - b. That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source;
 - c. That the goods or services are for use in a pilot or an experimental project; or
 - d. Other findings that support the conclusion that the goods or services are available from only one source.
 - E. If the cost of the services is more than \$150,000, the district may award a contract on a sole source basis, only with Board approval and if prior to the award:
 - 1. Notice of the district's intent to contract for the services, including the general specifications of the intended contract, is advertised in at least one newspaper or trade journal of general circulation in the area where the services are to be performed;
 - 2. The advertised notice is published at least 14 days before award of contract to allow prospective contractors a reasonable opportunity to submit a protest of the district's intent to contract through the sole source process unless the superintendent gives prior written approval to reduce the number of days based on extraordinary circumstance that do not meet the criteria for an Emergency Procurement pursuant to OAR 137-047-0280; and
 - 3. The protest shall be submitted in writing to the district by the closing date and time of the advertisement notice. It shall state the reason the contract should be competitively solicited.

Protests shall be heard by the Board, whose decision shall be final.

IV. ITB/RFP Requirements

- A. An invitation to bid (ITB) or (RFP) will be used as a formal competitive solicitation that describes the specific services to be performed within a defined period of time. The solicitation will set forth criteria and methods for screening, selecting and ranking the most qualified proposal(s). The solicitation document may result in contracts with more than one provider.
- B. The solicitation document must provide that the district is not responsible for any cost incurred while submitting proposals and that all proposers who respond do so at their own expense.
- C. Solicitation document must, at a minimum, address the following:
 - 1. Requirements for solicitation documents under ORS 279B.055 (2) and 279B.060 (2):
 - a. A time and date by which the bids or proposals must be received and a place at which bids must be submitted, and may, in the sole discretion of the contracting agency, direct or permit the submission and receipt of bids or proposals by electronic means;
 - b. The name and title of the person designated for receipt of bids or proposals and the person designated by the contracting agency as the contact person for the procurement, if different;
 - c. A procurement description;
 - d. A time, date and place that prequalified applications, if any, must be filled and the classes of work, if any, for which bidders must be prequalified in accordance with ORS 279B.120;

- e. A statement that the contracting agency may cancel the bid or procurement, or reject any of all bids in accordance with ORS 279B.100;
 - f. A statement that “Contractors shall use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this document.” if the invitation to bid is issued by a state contracting agency;
 - g. A statement that requires the contractor or subcontractor to possess an asbestos abatement license, if required under ORS 468A.710; and
 - h. All contractual terms and conditions applicable to the procurement.
2. Requirements for solicitation documents under OAR 137-047-0255 (2) and 137-047-0260 (2):
- a. General Information.
 - i. Notice of any pre-offer conferences as follows:
 - (A) The time, date and location of any pre-offer conferences; and
 - (B) Whether attendance at the conference will be mandatory or voluntary; and
 - (C) A provision that provides that statements made by the contracting agency’s representatives at the conference are not binding upon the contracting agency unless confirmed by written addendum;
 - ii. The form and instructions for submission of proposals and any other special information, e.g., whether proposals may be submitted by electronic means;
 - iii. The time, date and place of opening;
 - iv. The office where the solicitation document may be reviewed;
 - v. For bidders, a statement whether the bidder is a “resident bidder,” as defined in ORS 279A.120 (1);
 - vi. Contractor’s certification of nondiscrimination in obtaining required subcontractors in accordance with ORS 279A.110 (4); and
 - vii. How the contracting agency will notify proposers of addenda and how the contracting agency will make addenda available.
 - b. Contracting Agency Need.

The character of the goods and services the contracting agency is purchasing including, if applicable, a description of the acquisition, specifications, delivery or performance schedule, inspection and acceptance requirements.
 - c. Bid/Proposal and Evaluation Process.
 - i. The anticipated solicitation schedule, deadlines, protest process, and evaluation process;
 - ii. The contracting agency shall set forth selection criteria in the solicitation document in accordance with the requirements or ORS 279B.060 (2)(h)(E).
 - iii. If the contracting agency intends to award contracts to more than one proposer pursuant to OAR 137-047-0600 (4)(d), the contracting agency must identify in the solicitation document the manner in which it will determine the number of contracts it will award.
 - d. Applicable preferences described in ORS 279A.125 (2) and 282.210.
 - e. For contracting agencies subject to ORS 305.385, contractor’s certification of compliance with the Oregon tax laws in accordance with ORS 305.385.
 - f. All contract terms and conditions, including a provision indicating whether the contractor can assign the contract, delegate its duties, or subcontract the goods or services without prior written approval from the contracting agency.
- D. Bids or proposals must be advertised at least once in a newspaper of general circulation in the area where the contract is to be performed and in as many additional issues and publications as may be necessary or desirable to achieve adequate competition unless the contracting agency uses electronic advertising.

- E. Unless otherwise specified in rules adopted pursuant to ORS 279A.065, the LCRB will give notice at least seven days before the solicitation closing date.
- F. All advertisements shall describe at minimum the requirements under OAR 137-047-0300 (3):
 - 1. Where, when, how, and for how long the solicitation document may be obtained;
 - 2. A general description of the goods or services to be acquired;
 - 3. The interval between the first date of notice and closing, which will be at least seven days, unless a shorter period is in the public interest and it will not substantially affect competition;
 - 4. The date that persons must file applications for prequalification if prequalification is a requirement and the class of goods or services is one for which persons must be prequalified.
 - 5. The office where contract terms, conditions and specifications may be reviewed;
 - 6. The name, title and address of the individual authorized by the contracting agency to receive offers;
 - 7. The scheduled opening; and
 - 8. Any other information the contracting agency deems appropriate.
- V. Screening and Selection Procedures
 - A. The superintendent or designee shall review, score and rank all responsive proposals according to the evaluation criteria in the ITB or RFP and applicable law. The contracting agency will award the contract to the lowest responsible bidder or proposer or multiple responsible bidders or proposers in accordance with ORS 279B.055 (10) and 279B.060 (10), and OAR 137-047-0600.
 - B. To determine whether the bidder or proposer has met the standards of responsibility under ORS 279B.110 (2) and OAR 137-047-0640 (1)(c)(F), the LCRB will consider whether the bidder or proposer has:
 - 1. Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain the resources and expertise, necessary to indicate the capability of the bidder or proposer to meet all contractual responsibilities;
 - 2. A satisfactory record of performance.² The contracting agency will document in the solicitation file its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;
 - 3. A satisfactory record of integrity.³ The contracting agency will document its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;
 - 4. Qualified legally to contract with the contracting agency;
 - 5. Supplied all necessary information in connection with the inquiry concerning responsibility. If an offeror fails to promptly supply information requested by the contracting agency concerning responsibility, the contracting agency shall base the determination of responsibility upon any available information, or may find the bidder or proposer not to be responsible; and
 - 6. Not been debarred by the contracting agency under ORS 279B.130.
 - C. Final ranking will be based on all information obtained during the evaluation process. Price will be considered, but will not necessarily govern selection of the contractor(s).
 - D. Contracts entered into may be amended, provided the original contract allows for the particular amendment and the services to be provided under the amendment are included within or directly related to, the scope of the project or the scope of the services described in the solicitation document.

²A contracting agency should review carefully the offeror's record of contract performance if the offeror is or recently has been materially deficient in contract performance. In reviewing the offeror's performance, the contracting agency should determine whether the offeror's deficient performance was expressly excused under the terms of the contract, or whether the offeror took appropriate corrective action. The contracting agency may review the offeror's performance on both private and public contracts.

³A contracting agency may determine that an offeror lacks integrity because of a lack of business ethics such as a violation of environmental laws or false certification made to the contracting agency. A contracting agency may find that an offeror is not responsible based on a lack of integrity of a person having influence or control over the offeror.

VI. Documentation

Documentation providing evidence of competition shall be maintained by the district for all contracts entered into by the district.

VII. Fingerprinting

If the scope of the work performed by a contractor(s) or his/her employee(s) may result in direct, unsupervised contact with students, he/she will be required to submit to fingerprinting and criminal records checks as required by law.

VIII. Payment

Payment will be made only upon completion of the performance of specific portions of the project or on the basis of an annual or periodic retainer as specified by the district in the personal services contract.



Code: **DJD**
Adopted: 4/4/88
Readopted: 12/14/98, 2/8/16
Orig. Code(s): BP 6640

Local Purchasing

It is the Board's intention to purchase locally whenever goods and services of equal quality at competitive prices are available and known.

Goods and services will not be purchased locally if they can be secured elsewhere at a savings to the district, or if a nonlocal source can provide a better quality of product or service or more efficient delivery.

If rental equipment is not available locally at competitive prices, the District may also consider renting equipment from an employee or a business owned by an employee. Before doing so, the District will attempt to receive pricing from at least three vendors. The employee who owns the equipment will not be involved in obtaining the other price quotes. A report will be included in the School Board packet when an employee or an employee's business is used as a vendor. The report will include a list of other vendors contacted and their pricing.

If the District rents equipment from an employee or a business owned by an employee, the District and the employee will sign a waiver releasing the District from any liability for damage to the equipment unless caused by the District's negligence.

END OF POLICY

Legal Reference(s):

[ORS Chapter 279](#)

Code: **DJCA**
Adopted: 4/4/88
Readopted: 12/14/98, 5/16/05

Personal Services Contracts

The district may enter into personal services contracts with qualified professionals as provided by ORS 279A.055. Personal services contracts, as used in this policy, means contracts for specialized skills, knowledge and resources in the application of highly technical or scientific expertise or the exercise of professional, artistic or management discretion or judgment. The district may enter into a personal services contract with a current district employee only when the individual meets independent contractor status in accordance with state, Public Employees Retirement System (PERS) and Internal Revenue Service (IRS) requirements.

Selection of a personal services contractor will be based primarily on qualifications and performance history, expertise, knowledge and creativity and the ability to exercise sound professional judgment.

All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price.

Contracts for personal services in excess of \$75,000 shall require prior Board approval.

The superintendent will develop administrative regulations as necessary to implement this policy.

END OF POLICY

Legal Reference(s):

ORS Chapters 279, 279A,
279B

ORS 332.107
ORS 670.600

OAR 459-010-0030

Internal Revenue Service *Independent Contractor or Employee* (IRS Publication 1779).



Code: **DJE**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6670

Cooperative Purchasing

The Board, at its option, will join in cooperative purchasing with other school districts and the ESD to take advantage of lower prices for bulk purchasing and to reduce the administrative costs involved in bidding.

The district may allow other nonprofit organizations the opportunity to participate in cooperative purchasing.

END OF POLICY

Legal Reference(s):

[ORS 279.015](#)



Code: **DJG**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6660

Vendor Relations

The district welcomes business and bids from all eligible vendors. Orders will be placed on the basis of quality, price and delivery, with past services being a factor if other considerations are equal.

Salesmen or agents may not solicit staff members during hours when students are present. School principals may allow salesmen or agents of educational products to contact staff members at times that will not interfere with the educational program.

Advertising is not allowed in school buildings without approval of the superintendent. No employee of the district will receive compensation of any kind from any vendor for the sale of supplies or services.

END OF POLICY

Legal Reference(s):

[ORS 244.040](#)
[ORS Chapter 279](#)
[ORS 332.107](#)

Cross Reference(s):

DJ - Purchasing
DJA - Purchasing Authority
DJC - Bidding Requirements
DJCA - Awarding of Bids
KI/KJ - Public Solicitations and Advertising



Code: **DK**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6700

Payment Procedures

All claims for payment from district funds will be processed by the business manager/deputy clerk. Payment will be authorized against invoices properly supported by approved purchase orders, with properly submitted invoices, or in accordance with salaries and salary schedules approved by the Board.

The business manager/deputy clerk will be responsible for assuring that budget allocations are observed and that total expenditures do not exceed the amount allocated.

END OF POLICY

Legal Reference(s):

[ORS 294.305 - 294.565](#)
[ORS 328.460](#)

Cross Reference(s):

DIC - Financial Reports and Statements
DJA - Purchasing Authority



Code: **DLA**
Adopted: 3/14/88
Readopted: 12/14/98
Orig. Code(s): BP 4260

Pay Day

The last working day of the month has been designated as the normal pay day. Exceptions must have the approval of the superintendent. When the last day of the month falls on a Saturday, Sunday or holiday, pay day will be the prior working day.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)
[ORS 652.120 \(2\)](#)



Code: **DLAA**
Adopted: 3/14/88
Readopted: 12/14/98
Orig. Code(s): BP 4265

Method of Payroll Payment

Salaried employees, including teachers on contract, will be paid in 12 equal monthly installments. Hourly employees will be paid for the hours recorded on their time sheets on a monthly basis.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#) (10), (16)
[ORS 243.666](#)
[ORS 243.820](#) - 243.830
[ORS 332.505](#)
[ORS 332.534](#)
[ORS 652.110](#)
[ORS 652.120](#)
[ORS 652.610](#)



Code: **DLB**
Adopted: 3/14/88
Revised/Readopted: 12/14/98, 9/13/04
Orig. Code(s): BP 4280

Salary Deductions

Authorized payroll deductions will be made upon an appropriately submitted written request from the employee.

Subject to standard accounting procedures, employees may authorize modification of their salary or withholdings to include deductions such as: (1) tax sheltered annuities (TSA), as authorized by the Internal Revenue Service and approved by the Board and/or as provided by applicable provisions of the employee's collective bargaining agreement; (2) insurance premiums in excess of district contributions to Board-approved programs; (3) labor organization dues; (4) credit unions; (5) United Way; and (6) CARE.

The district may require a minimum number of employees to participate in any voluntary payroll deduction plan.

The district will comply with federal requirements that establish maximum annual TSA allowable contributions. The district reserves the right to reduce, suspend and/or reinstate employee TSA contributions at any time to ensure compliance with applicable law.

Automatic deductions, except those required by law, will not be made from an employee's pay without Board authorization.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#) (10), (16)
[ORS 243.666](#)
[ORS 332.505](#)
[ORS 652.110](#)
[ORS 652.120](#)
[ORS 652.610](#)

Economic Growth and Tax Relief Reconciliation Act of 2001, P.L. 107-16.
Article 24, 25, 27, Licensed Agreement (1994-1999)
Article 4, 25, Classified Agreement (1994-2000)



Code: **DLBA**
Adopted: 3/14/88
Readopted: 12/14/98
Orig. Code(s): BP 4275

Payroll Advances

Payroll advances may be allowed by the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107
[ORS 652](#).140



Code: DLC
Adopted: 4/4/88
Readopted: 12/14/98, 1/14/02
Original Code: 6810

Expense Reimbursements

Expenses for travel will be reimbursed when the travel has the advance authorization of the superintendent. The superintendent may grant this authorization without prior board action when the travel expense has been anticipated and incorporated into the operational budget of the particular program involved, and the Board will later ratify such approval.

Persons who travel at school expense will exercise the same economy as a prudent person traveling on personal business and will differentiate between expenditures for business and those for personal convenience.

The Board authorizes the superintendent to establish regulations controlling payment of vehicle allowances to employees for use of personal vehicles in transaction of district business and reimbursement for educational meeting transportation and lodging costs. The mileage rate will be at the IRS rate.

Reimbursement for out-of-state travel by private vehicle will be made on the basis of airfare or mileage rate, whichever is less.

END OF POLICY

Legal References:

ORS 294.155
ORS 332.107

OAR 581-022-1660

Cross Reference:

BHD – Board Member Compensation and Expense Reimbursement



Code: **DLC -AR**
Adopted: 08/12/02
Readopted:

Staff Expense Reimbursement

Expense reimbursement for staff traveling on approved district business will be governed by the following procedures. Travel expenses include travel fares, meals and lodging and expenses incident to travel. Only travel expenses as are ordinary and necessary in the conduct of approved travel for district business purposes and directly attributable to it will be reimbursed. As used in this regulation an “ordinary” expense means one that is common and accepted in the profession; a “necessary” expense means one that is essential and appropriate in order to conduct district business. Reimbursement procedures established by the district will also apply to Board members traveling on Board-approved district business, as applicable.

Use of District and Private Vehicles

1. Personal use of district-owned vehicles is prohibited.
2. Employees authorized to use a private vehicle to conduct district business are eligible for mileage reimbursement (see **Reimbursable Expense Limitations** below).
3. Insurance costs are included as part of the mileage reimbursement for employees authorized to use a private vehicle to conduct district business. It is the responsibility of the owner or driver of the vehicle to be certain that the vehicle is adequately covered by insurance.
4. The responsibility of the district for damages resulting from vehicle accidents is not the same as set forth in the district’s general liability insurance policy. The employee’s insurance coverage provides primary coverage when the employee is driving his/her own vehicle on approved district business.
5. All district employees operating private vehicles on approved district business are required to complete and maintain on file with the district verification of vehicle liability insurance that meets or exceeds Oregon statutory minimum limits. This verification is required annually. Employees are required to update their verification of vehicle liability information maintained on file with the district upon any change in the employee’s vehicle insurance coverage (Board Policy EEAE-AR).

Meals and Meetings

1. Reimbursement will be made for ordinary and necessary meal expenses incurred in the course of approved travel for district business. Meals include amounts spent for food, beverage, taxes and related gratuities. Alcoholic beverages will not be reimbursed by the district. See Expense **Reimbursement Request and Accounting Procedures** below.
2. Expenses in excess of the district’s established limit are ordinarily the responsibility of the employee and may be reimbursed only with superintendent approval. Receipts for all meal expenses must be secured and attached to the claim. Requests for meal expenses exceeding district limits require a written explanation and rationalization.
3. When personnel attend an authorized meeting where the meal is an agenda item but not included in the fee and the selections and cost of the meal is beyond the control of the employee, the employee will be reimbursed for the actual cost of the meal. A receipt must be provided.
4. Meal reimbursements not involving overnight travel will not be reimbursed unless the meal occurred during an official district business meeting. An official district business meeting is defined as two or more employees or persons assembled, for the benefit of the district, to conduct official district business. Official district meetings include conferences, training, workshops, testing, seminars and other similar gatherings to conduct official district business.

Travel Advances

1. A travel advance may be requested when the estimated cost for meals, lodging, etc., exceeds \$30. Except in unusual circumstances, anticipated mileage reimbursement is not advanced. The travel advance may be requested by completing the form provided by the district.
2. The cost of commercial travel tickets will not be included in a cash advance request.
3. In the event of loss, the employee is personally responsible for cash advances issued.
4. At least 10 working days are required for processing an advance check after the approved request is received by the business office.
5. Only one cash advance may be outstanding to any employee at any time.

Reservations, Commercial Carrier and Lodging

1. Travel must be conducted in the most expeditious and cost-effective manner, as determined by the district.
2. In most cases the business office will make all travel related reservations. If the employee is responsible for making his/her own reservations the employee must obtain a purchase order number

- from the business office and furnish that number to the local travel agency or commercial carrier.
3. Lodging will be reimbursed at reasonable commercial rates. Except under unusual circumstances the rate should not exceed the federal per diem (per diem amounts available from the Business Office or the IRS). Receipts are required (and supporting documentation if the amount exceeds the federal per diem).
 4. Individuals traveling on approved district business by a carrier offering travel credits (i.e., frequent flyer mileage, etc.) are required to account for credits received and may use the credits for future approved district travel purposes only.

Vehicle Rentals

1. Rental vehicles may be used only when use will affect a savings or otherwise be more advantageous to the district or when the use of other transportation is not feasible.
2. Compact vehicles will be rented unless otherwise authorized by the business manager or superintendent
3. Rental vehicles will be used only for official travel or in lieu of taxi for necessary travel. Any additional costs incurred for other usage will be the personal responsibility of the traveler.
4. The district carries the rental car endorsement as part of its insurance coverage. Employees should not purchase additional insurance coverage from the rental agency.

Cancelled Trips

1. If an employee cannot leave at the scheduled time, it is his/her responsibility to call the travel agency or carrier and arrange to have the tickets cancelled or exchanged.
2. Commercial carrier reservation cancellations must be made at least 24 hours before departure time, whenever possible.
3. Lodging reservations must be cancelled by the employee as soon as possible to avoid a cancellation charge.
4. If a trip is cancelled after an advance and/or tickets have been issued, the advance and tickets must be returned to the business office immediately.

Personal Travel Combined with District Business Travel

1. If an individual traveling on approved district business engages in both business and personal activities, travel expenses incurred will be reimbursed only for expenses that are ordinary and necessary in the conduct of district business. Expenses incurred as a part of personal business are the sole responsibility of the traveler.
2. When personal travel is combined with approved district business travel and the individual is traveling by less than the most expeditious and cost-effective manner, any additional costs must be paid by the traveler.
3. Time away from work caused by traveling by less than the most expeditious means available for personal purposes must be charged to vacation or other appropriate leave.
4. Vacation or other personal leave may be taken in conjunction with approved district travel subject to the following:
 - a. Time delays related to approved district business are charged as working time even if no work is performed;
 - b. If the employee travels by less than the most cost-effective manner, as determined by the district, for approved district business or for personal travel combined with travel for district business purposes, he/she must pay the additional cost (e.g., increased fare, meals, lodging expenses, etc.) incurred as a result of the personal travel;
 - c. All subsistence and local transportation (taxi, vehicle fare, etc.) while on vacation status or other appropriate leave must be paid by the employee;
 - d. The traveler will not be required to pay any of the basic transportation costs incurred as a part of the approved district business, even though he/she spends a substantial part of the total time away from home on vacation or other personal leave, provided the employee was traveling on approved district business;
 - e. A traveler who decides on his/her own to conduct district business without prior approval, while on vacation or other personal leave, cannot then use this as a justification to have the district pay his/her basic transportation cost from the district to the location visited, or submit a request for other expense reimbursement.

Expense Reimbursement Request and Accounting Procedures

1. Reimbursement requests detailing actual expenditures must be submitted on the district's travel expense form and approved by the superintendent or business manager in writing. Receipts and supporting documentation must accompany all expense reimbursement requests. This includes, but is

not limited to, receipts for transportation, lodging, meals, registration, conference and workshop fees. All requests must be submitted to the district office within 10 working days of the conclusion of the trip.

- a. If the completed travel expense report totals less than the travel advance, the difference must be returned within 10 working days to the business office with the report.
- b. Reimbursement for expenditures in excess of a travel advance, or where no travel advance has been requested, will be made within 20 working days after the approved travel expense report is received by the business office.
2. Expenses, which consist primarily of the cost of furnishing meals for others, will be reimbursed upon submission of a travel expense report, which includes:
 - a. Names of guests;
 - b. Organizations involved;
 - c. Full explanation of the district business purpose of the meeting.
3. In the event a vehicle was rented, a copy of the rental agreement must be attached to the travel expense report. The rental charge should be paid from the amount advanced, as applicable. Purchase of gas and oil, which have been deducted from the rental charge by the rental agency, must be included.
4. Any claim for mileage reimbursement only may be submitted at the end of each month in which reimbursement is to be claimed. A claim must be submitted no later than 90 calendar days of incurring the expense. Reimbursement claims later than 90 calendar days of the expense will be denied.
5. Mileage for approved district business travel in a private vehicle will be reimbursed at the current rate per mile established by the district, collective bargaining agreement or Internal Revenue Service (IRS), as applicable. Reimbursement that exceeds the IRS rate will be included as income to the employee in accordance with IRS regulations.
6. In the event the total of the amount charged to, and/or received from, the district by the employee as advances, reimbursement or otherwise, exceeds the ordinary and necessary business expenses the excess must be reported as income in accordance with IRS requirements.

Reimbursable Expense Limitations

The superintendent may approve exceptions to any of the following limitations.

1. Meal expenses may be reimbursed subject to the following limitations:

Allowance:	Breakfast	\$ 7.00
	Lunch	\$ 8.00
	Dinner	\$15.00

Receipts are required. Meal expenses exceeding these limits may be reimbursed but require a written explanation and rationalization.
2. Gratuities must not exceed 15 percent and must be included as a part of the receipt. Gratuities in excess of 15 percent are the responsibility of the employee and will not be reimbursed by the district.
3. Other expenses such as toll charges, parking fees, valet services, cleaning, pressing and laundry may be reimbursed if length of trip or circumstances demand.
4. Mileage reimbursement for actual miles traveled on district business may be approved subject to the following limitations:
 - a. Mileage reimbursement will not be granted to an employee, other than a district-approved tutor, for traveling from his/her residence to the place where work begins for the day or for returning home from the last place worked during the day;
 - b. When approved travel originates from home, mileage will be reimbursed from the employee's home or regular work site, whichever is less.
 - c. Reimbursement will be made only for those miles actually traveled in the course of completing approved district business. When chauffeured to the airport, mileage for two round trips and short-term parking will be reimbursed if not greater than the cost of one round trip plus economy parking;
 - d. Group travel may be requested on one travel request form for a group traveling together as long as advance and reimbursement is payable to one person who has complete responsibility for reporting expenses;
 - e. Individuals requesting reimbursement for use of a private vehicle on approved district business must meet insurance requirements. See **Insurance Coverage above**.
5. Local taxi, shuttle, bus fares and vehicle rentals may be reimbursed, subject to the district's requirement that travel selected is by the most expeditious, cost-effective manner, as determined by the district.



Code: **DM**
Adopted: 4/4/88
Readopted: 12/14/98
Orig. Code(s): BP 6850

Cash in School Buildings

No substantial amount of money will be kept overnight in school buildings and at no time will money be held or left over long periods of time or holidays. Money collected for any purpose will be submitted to the school principal or a designee, who will provide for its proper deposit. No money will be left overnight in classrooms.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107



Code: **DN**
Adopted: 4/4/88
Readopted: 12/14/98, 5/11/15
Orig. Code(s): BP 6860

Disposal of District Property

The Board may, at any time, declare district property as surplus and authorize its disposal when such property is no longer useful to the district, unsuitable for use, too costly to repair or obsolete.

If reasonable attempts to dispose of surplus properties fail to produce a monetary return to the district, the Board may dispose of them in another manner.

If the district property was purchased with state, federal or private grant funds disposal of the property shall be made as outlined in the grant or by state or federal regulations.

END OF POLICY

Legal Reference(s):

[ORS 279.015](#)
[ORS 279.025](#)
[ORS 332.155](#)

[ORS 279B.055](#)
[ORS Chapters 279A, 279B and 279C](#)

Cross Reference(s):

DID - Property Inventory Record

[EDUCATION, TITLE 34 C.F.R. PART 80 § 80.32\(e\)](#)

SWEET HOME SCHOOL DISTRICT 55

TABLE OF CONTENTS

SECTION E: SUPPORT SERVICES

Support Services Goals	EA
Safety Program	EB
Buildings and Grounds Inspections	EBA
Safety Committee	EBAC
Safety Committee	EBAC-AR
Accident Prevention and Safety Procedures	EBB
Regulations regarding the Application of Pesticides	EBB-AR
First Aid**	EBBA
Injury/Illness	EBBB
Emergency Procedures	EBC
Emergency Drills	EBCB
Emergency Closures	EBCD
Emergency School Closures	EBCD-AR
Management of Buildings and Grounds	EC
Buildings and Grounds Security	ECA
Buildings and Grounds Security	ECA-AR
Access to Buildings	ECAA
Vandalism/Malicious Mischief/Theft**	ECAB
Buildings and Grounds Maintenance/Renovations	ECB
Traffic and Parking Controls	ECD
Energy Conservation.....	ECF
Receiving and Warehousing	EDA
District Property.....	EDB
Maintenance and Control of Instructional Materials/Equipment.....	EDBA
Authorized Use of School-Owned Equipment and Materials.....	EDC/KGF
Student Transportation Services	EE
Payment in Lieu of Transportation	EEAA
School Bus Scheduling and Routing.....	EEAB
School Bus Safety Program	EEAC
Vehicle Maintenance	EEACB
Rules/Procedures Governing Pupils Riding School Buses	EEACC
Discipline Procedures for District Approved Student Transportation	EEACC-AR
Video Cameras on Transportation Vehicles	EEACCA

Video Cameras on Transportation Vehicles	<u>EEACCA-AR</u>
Use of District Activity Vehicles for Student Transportation.....	<u>EEACD</u>
Loading and Unloading	<u>EEACE</u>
Student Transportation in Private Vehicles	<u>EEAE</u>
Proof of Liability Insurance	<u>EEAE-AR</u>
District Vehicles	<u>EEBA</u>
District Vehicles	<u>EEBA-AR</u>
School Activity Trips.....	<u>EEBAB</u>
Use of Private Vehicles for District Business.....	<u>EEBB</u>
Vehicle Insurance	<u>EEBC</u>
Food Services Management.....	<u>EF</u>
Wellness Program	<u>EFA</u>
Wellness Program	<u>EFA-AR</u>
District Nutrition and Food Services**	<u>EFAA</u>
Reimbursable School Meals and Milk Programs.....	<u>EFAA-AR</u>
Vending Machines and School Stores	<u>EFC</u>
Food Service to Outside Organizations	<u>EFF</u>
Reproduction of All Copyrighted Materials	<u>EGAAA</u>
Guidelines for the Use of Copyrighted Materials	<u>EGAAA-AR</u>
Mail and Delivery Services.....	<u>EGAB</u>
Cellular Telephones	<u>EGACA</u>
Cellular Telephones	<u>EGACA-AR</u>
Data Management	<u>EH</u>
Insurance Program	<u>EIA</u>
Insurance Program	<u>EIA-AR</u>
Agent-Of-record.....	<u>EIB</u>

** 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 581-015-0005 (18).



Code: **EA**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7000

Support Services Goals

Noninstructional operations are essential to the district's educational function. School business and support operations will be designed to support a sound educational program by:

1. Ensuring proper operation and maintenance of school buildings, vehicles, equipment and services; setting high standards of safety; and promoting the health of students and staff;
2. Encouraging, through the superintendent and staff, efficient and businesslike procedures for management of buildings and grounds, vehicles, equipment and supplies and the food program;
3. Encouraging establishment of a thorough, effective and economical maintenance program, including preventive maintenance, that will ensure a useful life of school property, vehicles, buildings and equipment;
4. Encouraging adherence to generally accepted management principles and applicable laws and regulations.

END OF POLICY

Legal Reference(s):

[OAR 437-001-0760](#)
[OAR 437-002-0020 to -0081](#)
[OAR 437-002-0260 to -0268](#)
[OAR 437-002-0360](#)
[OAR 437-002-0377](#)
[OAR 581-022-0705](#)
[OAR 581-022-1420](#)
[OAR 581-022-1530](#)
[OAR 581-022-1610](#)



Code: **EB**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7100

Safety Program

A primary objective of Sweet Home School District is to provide employees, students and the public with safe and secure facilities. Through its comprehensive safety program, the district will attempt to prevent accidents while providing a safe working and learning environment. Meeting this objective requires the full cooperation of all staff and students.

To accomplish this objective the responsibility, authority and accountability for loss prevention is assigned to all personnel within their individual work areas. Each employee has the responsibility of performing his/her duties in a safe manner and maintaining safe physical conditions in all areas.

Warning systems such as smoke detectors will be installed; accident prevention instruction will be given students and staff; safety procedures will be taught; and other precautions will be taken in order to attempt to eliminate accidents and harmful situations in the Sweet Home School District.

The administration will develop and maintain guidelines necessary for carrying out all aspects of this policy, and the district will designate an employee responsible for the administration and supervision of a loss prevention program.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)
[ORS 654.003 - 654.022](#)

[OAR 437-001-0760](#)
[OAR 437-002-0020 to -0081](#)
[OAR 437-002-0100](#)

[OAR 437-002-0140](#)
[OAR 437-002-0144](#)
[OAR 437-002-0145](#)
[OAR 437-002-0180 to -0182](#)
[OAR 437-002-0260 to -0268](#)
[OAR 437-002-0360](#)

[OAR 437-002-0368](#)
[OAR 437-002-0377](#)
[OAR 437-002-0390](#)
[OAR 437-002-0391](#)
[OAR 581-022-0606](#)
[OAR 581-022-1420](#)

Fazzolari v. Portland School District No.1J, 78 Or App 608 (1986); aff'd, 303 Or. 1 (1987).

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.



Code: **EBA**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7110

Buildings and Grounds Inspections

Through routine inspection of all facilities and through training of staff, it is expected that all hazardous or potentially hazardous conditions will be identified and reported to the building supervisor. The building supervisor or designee will be responsible for making monthly safety and fire inspections which are then to be turned in to the superintendent.

Immediate steps will be taken to correct unsafe conditions.

END OF POLICY

Legal Reference(s):

[OAR 437-001-0760](#)
[OAR 437-002-0020](#) to -0081
[OAR 437-002-0140](#)
[OAR 437-002-0144](#)
[OAR 437-002-0145](#)

[OAR 437-002-0360](#)
[OAR 437-002-0368](#)
[OAR 437-002-0377](#)
[OAR 437-002-0390](#)
[OAR 437-002-0391](#)

[OAR 581-022-0705](#)
[OAR 581-022-1420](#)
[OAR 581-022-1530](#)

Fazzolari v. Portland School District No. 1J, 78 Or App 608 (1986); aff'd, 303 Or. 1 (1987).

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).



Code: **EBAC**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7158

Safety Committee

Sweet Home School District, in its attempt to carry out its objective of providing employees, students and the public, with safe and secure facilities, recognizes the value of a shared and coordinated effort to achieve this goal. The district will therefore establish a safety committee to operate under the guidelines of ORS 654.182.

END OF POLICY

Legal Reference(s):

[ORS 654.176](#)

[ORS 654.182](#)

[OAR 437-001-0765](#)



Safety Committee

District Safety Officer

The superintendent shall designate a district safety officer. The safety officer shall:

1. Establish a district safety committee, advisory to the safety officer, to implement and monitor the district safety program;
2. Be responsible for writing and implementing a district safety program (The written program shall include reporting procedures and in-service safety training program.);
3. Coordinate all matters relating to safety and shall make, or cause to be made, periodic inspections of sites and review with the site safety manager the status of record keeping, reports and meeting agendas;
4. Maintain liaison with applicable agencies outside the district;
5. Assist all administrators and department supervisors as necessary in the preparation and implementation of their site safety programs;
6. Maintain the accident record system; make necessary reports, personally investigate fatal, serious and potentially serious accidents; and check corrective action taken by teachers or other personnel to eliminate causes of accidents;
7. Establish specific goals for the district's safety program and evaluate goals and accomplishments on a regular basis.

District Safety Committee

A district safety committee will be established. The primary functions of this committee shall be to assist the district safety officer in planning, implementing and evaluating a comprehensive district safety program and to assist site safety committees in the coordination of district safety activities. Reasonable efforts shall be made to ensure that committee members are representative of the district's various sites where employees work and students and patrons of the district may gather. This committee shall be chaired by the district safety officer. This committee shall meet at least three times each year. The members of the committee may change but shall include at least the following employees:

1. The district safety officer;
2. The transportation supervisor;
3. The maintenance supervisor;
4. The food service supervisor;
5. One elementary school principal;
6. One middle school representative;
7. One high school representative;
8. Representatives from appropriate agencies when there is a need (e.g. workers' compensation carrier, district insurance agent of record).

Site Safety Committees

Site safety committees shall be established at the district office, each school site and such other locations as deemed appropriate by the superintendent to represent the safety and health concerns of district employees and students.

The site safety committee shall be composed of an equal number of employer and employee representatives. When agreed upon by employees and the district, the number of employees on the committee may be greater than the number of district representatives. The committee will consist of no fewer than 2 members for schools with 20 or less employees. The committee will consist of no fewer than 4 members for schools with more than 20 employees.

A reasonable attempt will be made to ensure that committee members represent major work activities (i.e., teacher, custodian, food service worker, administrator).

Employee representatives shall be volunteers or elected by their peers. Members of the committee shall serve at

least a continuous one year term. Terms shall be staggered to provide continuity. There shall be a chairman elected by the site safety committee or mutually agreed on in two person committees.

Employee representatives attending safety committee meetings shall be compensated by the employer at the regular hourly wage.

The site safety committee will:

1. Hold regular meetings at least once a month except months when quarterly workplace safety inspections are made. This does not exclude other months from site safety committee meetings if more frequent safety inspections are conducted. Quarterly safety committee meetings may be substituted for monthly meetings when the committee's sole area of responsibility involves low hazard work environments such as the district office;
2. Provide written agendas for each meeting which shall set the order of business;
3. Make written records of each meeting which the district shall review and maintain for three years for inspection;
4. Post and send copies of meeting records to committee members;
5. Assist in creating a hazard-free work environment by:
 - a. Recommending to the district how to eliminate hazards in the workplace and promoting employee adherence to safe work practices; and
 - b. Using lines of communications to promote cooperative attitudes between all persons involved in the operations of the workplace.

Duties of the site safety committee will include:

1. Establishing procedures for minimum quarterly workplace safety inspections of a safety committee inspection team to locate and identify safety and health hazards. The safety inspection team shall include employer and employee representatives. The team shall document the location and identity of the hazards and make recommendations as to how and when the hazards will be corrected;
2. Establishing procedures for investigating all significant safety-related incidents including injury accidents, illnesses and deaths for the purpose of recommending corrective action necessary to prevent similar events from recurring;
3. Evaluating district policies which may affect safety and health in the workplace and make recommendations for changes to existing policies or adoption of new policies;
4. Evaluating all the accident and illness prevention programs brought to the committee's attention and making recommendations necessary to make the programs more applicable to the workplace;
5. Establishing a system whereby the safety committee can obtain information that would help in creating a hazard-free work environment, directly from all persons involved in the operations of the workplace. The information obtained shall be reviewed at the next safety committee meeting;
6. Establishing procedures for the review of all safety and health inspection reports made by the committee and making necessary recommendations;
7. Establishing procedures for the review of corrective action taken on the committee's recommendations or determining the reasons why no corrective action was taken;
8. Making all reports, evaluations and recommendations of the safety committee a part of the minutes of the safety committee;
9. Evaluating employee/supervisor training needs.

Degree of Authority

The site safety committee is authorized to make written suggestions to the district safety officer, based on its experiences, inspections and input from other employees, students and district patrons as appropriate.



Code: **EBAD**
Adopted: 12/11/06

Indoor Air Quality (IAQ)

The Board recognizes that a safe and healthy school environment is important in contributing to the health of students and adults. Clean indoor air is essential to creating a healthy learning environment for students to participate in the educational process.

Staff will make efforts to maintain good air quality in all of the district buildings. The maintenance supervisor will monitor district buildings for indoor air quality problems and poor ventilation. When problems are identified, the maintenance supervisor will take appropriate steps to address and solve them.

The district's goal is to improve indoor air quality during new construction and while making repairs, renovations and maintenance to existing facilities. When reviewing bids of this nature, consideration will be given to those contractors who incorporate good indoor air quality into their design plans.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 433.835 - 433.990](#)

[ORS 654.003 - 654.022](#)



Code: **EBAD-AR**
Adopted: 12/11/06

Indoor Air Quality (IAQ) Management Plan

IAQ Coordinator

The superintendent will appoint the facilities manager as the IAQ Coordinator. This person will be in charge of the implementation of the district IAQ Management Plan. The IAQ Coordinator will also be responsible for making periodic reports to the superintendent which detail the successes of the plan and the areas that still need improvement.

IAQ Committee

Each school's safety committee will assist with the IAQ Management Plan as needed.

The Facilities Manager will be responsible for developing an IAQ Management Plan that includes monitoring procedures, problem resolution strategies and review processes.

Training

The IAQ Management Plan will be available to staff and others upon request.



Code: **EBB**
Adopted: 4/4/88
Readopted: 1/11/99, 9/13/04,
12/12/11, 1/12/15
Orig. Code(s): BP 7155

Integrated Pest Management

To ensure the health and safety concerns of student, staff and community members, the district shall adopt an integrated pest management plan (IPM)^a which emphasizes the least possible risk to students, staff and community members and shall adopt a list of low-impact pesticides for use with the IPM plan.

The IPM plan is a proactive strategy that:

1. Focuses on the long-term prevention or suppression of pest problems through economically sound measures that:
 - a. Protect the health and safety of students and staff;
 - b. Protect the integrity of district buildings and grounds;
 - c. Maintain a productive learning environment; and
 - d. Protect local ecosystem health.
2. Focuses on the prevention of pest problems by working to reduce or eliminate conditions of property construction, operation and maintenance that promote or allow for the establishment, feeding, breeding and proliferation of pest populations or other conditions that are conducive to pests or that create harborage for pests;
3. Incorporates the use of sanitation, structural remediation or habitat manipulation or of mechanical, biological and chemical pest control measures that present a reduced risk or have a low-impact and, for the purpose of mitigating a declared pest emergency, the application of pesticides that are not low-impact pesticides;
4. Includes regular monitoring and inspections to detect pests, pest damage and unsanctioned pesticide usage;
5. Evaluates the need for pest control by identifying acceptable pest population density levels;
6. Monitors and evaluates the effectiveness of pest control measures;
7. Excludes the application of pesticides on a routine schedule for purely preventive purposes, other than applications of pesticides designed to attract or be consumed by pests;
8. Excludes the application of pesticides for purely aesthetic purposes;
9. Includes school staff education about sanitation, monitoring, inspection and pest control measures;
10. Gives preference to the use of nonchemical pest control measures;
11. Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective; and

^aSee Model Integrated Pest Management Plan for Oregon Schools at http://www.ipmnet.org/tim/IPM_in_Schools/Model_School_IPM_Plan_Main_Page.html



application of a pesticide that is not a low-impact pesticide only to mitigate a declared emergency or if the application is by, or at the direction or order of, a public health official.

Designate the Maintenance Director as the Integrated Pest Management Plan Coordinator and give them the authority for overall implementation and evaluation of the IPM plan.

Integrated Pest Management Plan Coordinator

The IPM Plan Coordinator shall:

13. Attend not less than six hours of IPM training each year. The training shall include at least a general review of integrated pest management principles and the requirements of IPM as required by Oregon statute;
14. Ensure appropriate prior notices are given and posted warnings have been placed when pesticide applications are scheduled;
15. Oversee pest prevention efforts;
16. Ensure identification and evaluation of pest situation;
17. Determine the means of appropriately managing pest damage that will cause the least possible hazard to people, property and the environment;
18. Ensure the proper use and application of pesticide applications when non-pesticide controls have been unsuccessful;
19. Evaluate pest management results; and
20. Keep for at least four years following the application date, records of applied pesticides that include:
 - a. A copy of the label;
 - b. A copy of the Safety Data Sheet (SDS);
 - c. The brand name and USEPA^b registration number of the product;
 - d. The approximate amount and concentration of pesticide applied;
 - e. The location of where the pesticide was applied;
 - f. The type of application and whether the application was effective;
 - g. The name(s) of the person(s) applying the pesticide;
 - h. The pesticide applicator's license numbers and pesticide trainee or certificate numbers of the person applying the pesticide;
 - i. The dates and times for the placement and removal of warning signs; and
 - j. Copies of all required notices given, including the dates the IPM Coordinator gave the notices.
21. Respond to inquiries about the IPM plan and refer complainants to Board policy KL - Public Complaints;
22. Conduct outreach to district staff about the district's IPM plan.

END OF POLICY

Legal Reference(s):

^bU.S. Environmental Protection Agency



Code: **EBBB**
Adopted: 1/11/99
Readopted: 9/13/04, 1/13/14

Injury/Illness Reports

All injuries/illnesses sustained by the employee while in the actual performance of the duty of the employee occurring on district premises, in district vehicles, at a district-sponsored activity or involving staff members who may be elsewhere on district business will be reported immediately to a supervisor. A written report will be submitted within 24 hours to the safety officer. Reports will cover property damage as well as personal injury.

In the event of a work-related¹ illness or injury to an employee resulting in overnight hospitalization for medical treatment² other than first aid, the safety officer shall inform the Oregon Occupational Safety and Health Division (OR-OSHA). A report will be made within 24 hours after notification to the district of an illness or injury. Fatalities or catastrophes³ shall be reported within eight hours.

ALL injuries/illnesses sustained by the employee while in the actual performance of the duty of the employee will be promptly investigated. As a result of the investigation any corrective measures needed will be acted upon.

Monthly records will be maintained. An analysis of the data and trends will be made at least annually.

The Board will receive reports on serious injuries/illnesses, including accidents involving district property or employees, students or visiting publics, and periodic statistical reports on the number and types of injuries/illnesses occurring in the district, as well as on the measures being taken to prevent such injuries/illnesses in the future.

END OF POLICY

Legal Reference(s):

[OAR 437-001-0015](#)
[OAR 437-001-0052](#)
[OAR 437-001-0053](#)

[OAR 437-001-0700](#)
[OAR 437-001-0760](#)

[OAR 437-002-0360](#)

HB 3045 (2013)

¹An injury or illness is work related if an event or exposure in the work environment caused or contributed to the condition or significantly aggravated a preexisting condition.

²Medical treatment includes managing or caring for a patient for the purpose of combatting disease or disorder. The following are not considered medical treatment: visits to a doctor or health-care professional solely for observation or counseling; diagnostic procedures including administering prescription medications used solely for diagnostic purposes; and any procedure that can be labeled first aid.

³A catastrophe is an accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility.



Code: **EBB-AR**
Adopted: 9/13/04

Regulations Regarding the Application of Pesticides

In an attempt to ensure proper control of any pesticides or other potentially hazardous chemicals¹ which might be used or stored on district premises, the following procedures are established. The term “pesticide,” as used in Board policy and this regulation includes insecticides, herbicides, fungicides and rodenticides. The intent is to prevent unnecessary exposure of staff, students or the public to potentially harmful substances.

1. If pesticides or other potentially hazardous chemicals are to be used, the least toxic product(s) will be selected whenever practicable. Products with the lowest percentage of active ingredient(s), least odor possible and with the safest method of application will be selected when there is a choice of products with comparable effectiveness. When practical, a nonchemical or alternative pest control method (e.g., mulching, edging, turf, mowing, hand weeding, etc.) shall be used. Assistance on determining the relative toxicity of products may be obtained from members of the Pesticide Analytical and Response Center (PARC), 503-731-4025, Telecommunication Device for the Deaf (TDD), 503-731-4031 or the National Pesticide Telecommunications Network (NPTN) at 800-858-7378.
2. Storage of pesticides and other potentially hazardous chemicals will be kept to a minimum. Since many chemicals lose effectiveness with storage, and storage further increases risk, only enough of the product for a given application will be purchased. If storage instructions are included, the instructions will be followed explicitly. All such products and the equipment used in the product application will be stored in separate facilities from other activities and especially separated from food products or occupied rooms. All storage facilities will be maintained as a locked area and will be clearly marked as containing pesticides and other potentially hazardous chemicals. Pesticide and other potentially hazardous chemical containers, rinsates and unusable products will be disposed of according to label directions and local regulations.
3. All pesticides and other potentially hazardous chemicals will have complete label instructions, will remain in the original container and the Material Safety Data Sheet (MSDS) information will be on file and readily available to any employee who must handle such materials or who may have been exposed to the product. This information will also be made available to any member of the public upon request.
4. All application of pesticides and other potentially hazardous chemicals will be made in strict compliance with the label instructions and under no circumstance will the product concentrations exceed those specified in the application instructions.
5. Prior to application of any pesticide or other potentially hazardous chemical, a written plan must be approved/denied and signed by the district safety officer. The approved plan and record of application will be maintained on file² in the district’s business office. The plan will minimally contain:
 - a. Purpose of the application;
 - b. Product to be used;
 - c. Formulation of the product;
 - d. Location and extent of the area to be treated;
 - e. Type of equipment to be used;

¹Hazardous chemical, as defined by OAR 437, Division 2, means any chemical which is a physical hazard or health hazard. “Health hazard” means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principals that acute or chronic health effects may occur in exposed individuals. The term “health hazard” includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system and agents which damage the lungs, skin, eyes or mucous membranes. “Physical hazard” means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

²For licensed public pesticide applications, this record is mandatory.

- f. Date and time of application;
- g. The total amount of the product to be used;
- h. Such provisions as may be necessary to comply with applicable Oregon Occupational Safety and Health Division (OR-OSHA) regulations for the application of chemical substances, including requirements for the use of pesticides on agricultural plants grown for commercial or research purposes. Any warnings that would restrict use of the area following such application also will be part of the plan.

The record will include the purpose of the application, name and amount of the product used, location and area treated, application equipment used, date and time, notification/reentry procedures and authorization, as required.

- 6. Appropriate protective clothing must be worn and proper equipment used during mixing, applying and cleaning of application equipment. Selection and maintenance of protective clothing and equipment will be made in accordance with product label guidelines and OR-OSHA rules.
- 7. Pesticides and other potentially hazardous chemicals will be applied according to label specifications at times when staff, students and members of the public are not present in the area to be treated. Application in the presence of those not directly involved in the application of the product is to be avoided even when the product has low toxicity. Any indoor applications will be accomplished after school hours, on a Friday, over a weekend, during a vacation period or other such times, if at all possible. All treated indoor areas must be well ventilated prior to reentry by staff, students or others. When possible, windows should also be opened for a minimum of six hours before staff, students or others return to the area.
- 8. Staff, students and others, especially those individuals that may be most vulnerable to the effects of pesticides or other potentially hazardous chemicals (e.g., infants, pregnant women, asthmatics, chemically sensitive people, etc.), will be notified of planned applications, as appropriate and practicable. Treated school grounds and buildings will be clearly posted with the date and time of application, product used and reentry instructions as to when treated areas may be used.
- 9. A district employee(s) responsible for handling and applying pesticides shall have specific pesticide training. An Oregon Pest Control Operator or Public Applicator license [may] be required. Education and training in integrated pest management may also be required. Employees who apply restricted-use pesticides or use power equipment to apply pesticides shall be licensed as required by the Oregon Department of Agriculture.
- 10. If the district chooses to contract with a private, state-licensed pest control company, such contractors will be subject to regulations as defined in state law.
- 11. Any pesticide spill of more than one pound will be immediately reported to the Oregon Emergency Response System at 800-452-0311. The district will maintain as part of its emergencies procedures plan, a plan to respond to, investigate and manage such spills. The plan will include immediate steps to prevent exposure to students, employees and others, protect district property and the environment, agencies to notify, evacuation procedures, spill prevention, cleanup and spill response equipment and incident report form procedures.
- 12. Injuries or illnesses due to pesticide or other potentially hazardous chemicals must be reported immediately to a supervisor or district official. The individual will be directed to first-aid and/or medical treatment, as appropriate. The district will report such incidents to the Oregon Department of Human Services, Health Services, at 503-731-4025 (after regular business hours call 503-731-4030) and/or OR-OSHA, as required by law.



PESTICIDE APPLICATION PLAN

Date of planned application: _____ Day of week: _____
(a weekend or during vacation is best)

Which pesticide(s) will be used? (Attach MSDS if available.)
(Choose for safety and effectiveness.)

Location/Size of area(s) to be treated:

Who will do the pest control? (circle one) Staff Contractor

Name(s) _____
License #(s) _____
Firm (if applicable) _____

For interior treatment:

Does the building have active ventilation that can be left on after the application?

If not, who is responsible for opening windows at least six hours before staff/students reenter?

For all applications:

Who will post the building or treated grounds with: (1) date of application; (2) pesticide used; and (3) when the area can be used again? _____

Will pesticides be kept on school grounds? Where? _____

(Read label carefully!)

Keep pesticides locked up and away from occupied areas.

Approved by school/district administrator _____ on _____.

School nurse _____, informed _____.

Other(s) _____, informed _____.



Code: **EBB**
Adopted: 4/4/88
Readopted: 1/11/99, 9/13/04,
12/12/11, 1/12/15
Orig. Code(s): BP 7155

Integrated Pest Management

To ensure the health and safety concerns of student, staff and community members, the district shall adopt an integrated pest management plan (IPM)^a which emphasizes the least possible risk to students, staff and community members and shall adopt a list of low-impact pesticides for use with the IPM plan.

The IPM plan is a proactive strategy that:

1. Focuses on the long-term prevention or suppression of pest problems through economically sound measures that:
 - a. Protect the health and safety of students and staff;
 - b. Protect the integrity of district buildings and grounds;
 - c. Maintain a productive learning environment; and
 - d. Protect local ecosystem health.
2. Focuses on the prevention of pest problems by working to reduce or eliminate conditions of property construction, operation and maintenance that promote or allow for the establishment, feeding, breeding and proliferation of pest populations or other conditions that are conducive to pests or that create harborage for pests;
3. Incorporates the use of sanitation, structural remediation or habitat manipulation or of mechanical, biological and chemical pest control measures that present a reduced risk or have a low-impact and, for the purpose of mitigating a declared pest emergency, the application of pesticides that are not low-impact pesticides;
4. Includes regular monitoring and inspections to detect pests, pest damage and unsanctioned pesticide usage;
5. Evaluates the need for pest control by identifying acceptable pest population density levels;
6. Monitors and evaluates the effectiveness of pest control measures;
7. Excludes the application of pesticides on a routine schedule for purely preventive purposes, other than applications of pesticides designed to attract or be consumed by pests;
8. Excludes the application of pesticides for purely aesthetic purposes;
9. Includes school staff education about sanitation, monitoring, inspection and pest control measures;
10. Gives preference to the use of nonchemical pest control measures;
11. Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective; and

^aSee Model Integrated Pest Management Plan for Oregon Schools at http://www.ipmnet.org/tim/IPM_in_Schools/Model_School_IPM_Plan_Main_Page.html

12. Allows the application of a pesticide that is not a low-impact pesticide only to mitigate a declared pest emergency or if the application is by, or at the direction or order of, a public health official.

The district shall designate the Maintenance Director as the Integrated Pest Management Plan Coordinator give them the authority for overall implementation and evaluation of the IPM plan.

Integrated Pest Management Plan Coordinator

The IPM Plan Coordinator shall:

13. Attend not less than six hours of IPM training each year. The training shall include at least a general review of integrated pest management principles and the requirements of IPM as required by Oregon statute;
14. Ensure appropriate prior notices are given and posted warnings have been placed when pesticide applications are scheduled;
15. Oversee pest prevention efforts;
16. Ensure identification and evaluation of pest situation;
17. Determine the means of appropriately managing pest damage that will cause the least possible hazard to people, property and the environment;
18. Ensure the proper use and application of pesticide applications when non-pesticide controls have been unsuccessful;
19. Evaluate pest management results; and
20. Keep for at least four years following the application date, records of applied pesticides that include:
 - a. A copy of the label;
 - b. A copy of the Safety Data Sheet (SDS);
 - c. The brand name and USEPA^b registration number of the product;
 - d. The approximate amount and concentration of pesticide applied;
 - e. The location of where the pesticide was applied;
 - f. The type of application and whether the application was effective;
 - g. The name(s) of the person(s) applying the pesticide;
 - h. The pesticide applicator's license numbers and pesticide trainee or certificate numbers of the person applying the pesticide;
 - i. The dates and times for the placement and removal of warning signs; and
 - j. Copies of all required notices given, including the dates the IPM Coordinator gave the notices.
21. Respond to inquiries about the IPM plan and refer complainants to Board policy KL - Public Complaints;
22. Conduct outreach to district staff about the district's IPM plan.

END OF POLICY

Legal Reference(s):

^bU.S. Environmental Protection Agency



Code: **EBBB**
Adopted: 1/11/99
Readopted: 9/13/04, 1/13/14,
1/8/18

Injury/Illness Reports

All injuries/illnesses sustained by the employee while in the actual performance of the duty of the employee occurring on district premises, in district vehicles, at a district-sponsored activity or involving staff members who may be elsewhere on district business will be reported immediately to a supervisor. All accidents involving students, visiting public or district property will be reported immediately to a supervisor. A written report will be submitted within 24 hours to the safety officer. Reports will cover property damage as well as personal injury.

In the event of a work-related¹ illness or injury to an employee resulting in overnight hospitalization for medical treatment² other than first aid, the safety officer shall inform the Oregon Occupational Safety and Health Division (OR-OSHA). This report will be made within 24 hours after notification to the district of an illness or injury. Fatalities or catastrophes³ shall be reported to OSHA within eight hours.

ALL injuries/illnesses sustained by an employee, while in the actual performance of the duty of the employee or by a student or visiting public will be promptly investigated. As a result of the investigation any corrective measures needed will be acted upon.

The district safety officer will maintain records and reports on serious injuries/illnesses, including accidents involving district property or employees, students or visiting publics, and periodic statistical reports on the number and types of injuries/illnesses occurring in the district, as well as on the measures being taken to prevent such injuries/illnesses in the future.

END OF POLICY

Legal Reference(s):

[OAR 437-001-0015](#)
[OAR 437-001-0700](#)

[OAR 437-001-0760](#)
[OAR 581-022-2225](#)

[ORS 339.309](#)

HB 3045 (2013)

¹An injury or illness is work related if an event or exposure in the work environment caused or contributed to the condition or significantly aggravated a preexisting condition.

²Medical treatment includes managing or caring for a patient for the purpose of combatting disease or disorder. The following are not considered medical treatment: visits to a doctor or health-care professional solely for observation or counseling; diagnostic procedures including administering prescription medications used solely for diagnostic purposes; and any procedure that can be labeled first aid.

³A catastrophe is an accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility.



Code: **EBC/EBCA**
Adopted: 4/4/88
Revised/Readopted: 1/11/99, 12/11/06, 12/10/07
Orig Code: BP 7150 12/14/16

Emergency Procedures and Disaster Plans

The superintendent will develop and maintain a plan specifying procedures to be used in such emergencies as disorderly conduct, unlawful assembly, disturbances at school activities, natural disasters, fire, illness or injury of a student or staff member, and use of force on school property. The superintendent will consult with community and county agencies while developing this plan.

The district's Emergency Procedures Plan will meet the standards of the State Board of Education and applicable state and federal laws as well as city and county ordinances.

Copies of the Emergency Procedures Plan will be available in every school office and other strategic locations throughout the district. Parents will be informed of the district's plan for the care of students during an emergency situation. The Board may use Oregon Revised Statute (ORS) 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward a school in the district.

In the case of long term disruption to district operations as a result of a pandemic flu, declared public health emergency or other catastrophe, the district emergency plan shall at a minimum include the following:

1. Who is in charge of the district plan;
2. What steps the district will take to stop the spread of disease;
3. How sick students will be identified;
4. Transportation plan for sick students;
5. Disease containment measures for the district;
6. Communication plan for staff, students, parents;
7. Continuing education plan for students;
8. Procedures for dealing with student privacy rights;
9. Employee leave procedures during a pandemic flu or other catastrophe;
10. Employee pay and benefit plan and procedures;
11. Facility utilization by other agencies procedures;
12. Business operations plan for offsite operation or alternative measures.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 433.260](#)
[OAR 437-002-0161](#)
[ORS 192.660\(2\)\(k\)](#)

[OAR 581-022-0705](#)
[OAR 581-022-1420](#)



Code: **EBCB**
Adopted: 1/11/99
Readopted: 1/13/14, 5/11/15,
12/14/2015

Emergency Drills and Instruction

Each administrator will conduct emergency drills in accordance with the provisions of Oregon Revised Statutes (ORS).

All schools are required to instruct and drill students on emergency procedures so that students can respond to an emergency without confusion and panic. The emergency procedures shall include drills and instruction on fires, earthquakes, and safety threats. Instruction on fires, earthquakes, safety threats, and drills for students shall be conducted for at least 30 minutes each school month.

Fire Emergencies

The district will conduct monthly fire drills. At least one fire drill will be held within the first 10 days of the school year. Drills and instruction on fire emergencies shall include routes and methods of exiting the school building.

Earthquake Emergencies

At least two drills on earthquakes shall be conducted each year.^a At least three drills on earthquakes that include tsunami drills shall be conducted each year.¹

Drills and instruction for earthquake emergencies shall include the earthquake emergency response procedure of “drop, cover and hold on” during the earthquake. When based on the evaluation of specific engineering and structural issues related to a building, the district may include additional response procedures for earthquake emergencies.

Drills and instruction on tsunami emergencies shall include immediate evacuation after an earthquake, when appropriate or after a tsunami warning to protect students against inundation by tsunamis.¹

Safety Threats

At least two drills on safety threats shall be conducted each year.

Drills and instruction on safety threats shall include procedures related to lockdown lockout, shelter in place and evacuation and other appropriate actions to take when there is a threat to safety.

The Board may use ORS 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward a school in the district.

Local units of government and state agencies associated with emergency procedures training and planning shall review the emergency procedures and assist the district with the instruction and the conducting of drills for students in these emergency procedures.

END OF POLICY

Legal Reference(s):

[ORS 336.071](#)

[ORS 479.140](#)

[OAR 581-022-1420](#)

[ORS 476.030\(1\)](#)

OREGON STATE FIRE MARSHAL, OREGON FIRE CODE (2014).

¹This is required language for a district **in** a tsunami hazard zone.

²This is required language for a district **not** in a tsunami hazard zone.



Code: **EBCD**
Adopted: 4/4/88
Readopted: 1/11/99, 9/13/04, 3/12/07,
5/11/15
Orig. Code(s): BP 7151

Emergency Closures

Should it become necessary by reason of weather or other emergency, the superintendent may order the closing of any or all schools so affected. Such alterations include closure^a of all schools, closure of selected schools or grade levels, delayed openings of schools and early dismissal of students.

Notification will be given staff, employees and the public of such closing under a plan of notification developed by the superintendent.

If conditions vary from one area of the school district to another, the superintendent may close schools only in that area affected.

The superintendent may delay the opening of any or all schools or dismiss them early because of weather conditions and/or other emergencies.

At the beginning of each school year students, parents and staff will be informed of the procedures used to notify them in case of an emergency closure.

END OF POLICY

Legal Reference(s):

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)
[OAR 581-022-1420](#)
[OAR 581-022-1620](#)
[OAR 581-053-0002](#)

Cross Reference(s):

EBCD-AR - Emergency School Closures
Emergency Plan Handbook

^aUpon approval by the Board, for the 2015-2016 school year, up to 14 hours of emergency school closures due to adverse weather conditions and facilities failure may be included in the calculation of instructional time. (Oregon Administrative Rule (OAR) 581-022-1620 "Instructional time" is defined in OAR 581-022-0102.



Code: EBCD-AR
Adopted: 11/13/90
Readopted: 1/11/99, 3/12/07
Orig. Code(s): AR 7151

Emergency School Closures

Emergency school closures will be determined based upon the severity of the situation. These decisions will be made as early as possible, keeping in mind that the safety of students and staff are foremost in the decision process. This might involve decisions on whether to operate school that day, to run a late bus schedule, to run busses on snow routes, to close individual schools or to send students home early. If school closures occur, all after-school and evening activities shall be canceled unless the administration deems the safety of the participants is not unreasonably compromised if the activity is held.

Staff members will be notified by the "School District Phone Tree" as to what decisions have been made. In addition, local radio and television stations will carry related information on their early morning broadcasts.

Teachers will not report for duty on regularly scheduled workdays when classes are not in session (because of severe weather or emergency conditions) for students. On such closure days teachers will suffer no loss in pay. However, the district may make up closure days without additional compensation for teachers.

The State provides up to 14 hours for emergency closures. Therefore, up to two days of emergency school closures will not be made up. All days beyond the first two will be made up at a time to be determined by the superintendent or otherwise as approved by the Board.

Most classified employees will not work during periods of emergency school closure and such days will be nonpaid. Normally all maintenance and head custodians will report to work to maintain and secure facilities. Building principals/supervisors may require other classified employees to work after obtaining approval from the superintendent or his/her designee.

END OF REGULATION

Legal Reference(s):

Article 10, Licensed Agreement



Code: **EC**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7200

Management of Buildings and Grounds

The superintendent will have the general responsibility for care, custody and safekeeping of all school property, establishing such procedures and employing such means as may be necessary to discharge the responsibility. At the building level, the principal will be responsible for overseeing the school plant and for the proper care of school property by staff, students and public.

END OF POLICY

Legal Reference(s):

[ORS 332.172](#)

[OAR 437-001-0760](#)

[OAR 437-002-0020](#) to -0081

[OAR 437-002-0140](#)

[OAR 437-002-0144](#)

[OAR 437-002-0145](#)

[OAR 437-002-0180](#) to -0182

[OAR 437-002-0360](#)

[OAR 437-002-0368](#)

[OAR 437-002-0377](#)

[OAR 437-002-0390](#)

[OAR 437-002-0391](#)

[OAR 581-022-1610](#)

Fazzolari v. Portland School District No. 1J, 78 Or. App. 608 (1986); aff'd, 303 Or. 1 (1987).

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.



Code: **ECA**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7210

Buildings and Grounds Security

Because school buildings and grounds constitute a major investment of the district, procedures will be established to guard against damage or loss of school property by theft, vandalism or misuse. These procedures will include preventive measures as well as clear steps to be followed when school property has been stolen or damaged.

The superintendent, working with and through administrators of each school building, will see that all members of the staff follow procedures to guard school property and to report correctly when property has been stolen or damaged.

When special events or activities are scheduled, the superintendent may authorize employing special police services to give extra help in protecting school property.

END OF POLICY

Legal Reference(s):

[ORS 332.172](#)

[OAR 437-002](#)-0020 to -0075

Cross Reference(s):

ECA-AR - Buildings and Grounds Security
ECAB - Vandalism/Malicious Mischief/Theft
KG - Community Use of School Facilities
KGB - Public Conduct on District Property
KGE - Care of District Properties



Code: **ECAA**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7211

Access to Buildings

The superintendent will control access to buildings as is appropriate and necessary to protect property, students and personnel.

Building principals will control access to each building and will provide safeguards against unauthorized access to these buildings. Each building principal, with approval of the superintendent, will develop regulations designed to control the use of building keys and to ensure that buildings are adequately closed and locked when no authorized personnel are present.

END OF POLICY

Legal Reference(s):

[ORS 164.205 - 164.270](#)
[ORS 332.107](#)
[ORS 332.172](#)



Code: **ECA-AR**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): AR 7210

Buildings and Grounds Security

Reporting Procedures: Principals/Supervisors are required to submit to the superintendent or his/her designee all discoveries of theft and vandalism to their buildings.

Procedures: Upon the discovery of an act of theft or vandalism the appropriate law enforcement agency shall be contacted.

All staff, students and patrons should be kept away from the area in order to minimize the disruption of any physical evidence. Once the law enforcement agency has completed their investigation, and have so directed, the area may be cleaned and secured. If additional help is necessary the maintenance supervisor should be called for assistance.

The principal/supervisor will complete a building vandalism and/or missing equipment report as soon as possible, review it with the superintendent and forward to the business office. The business manager will review the report and determine the appropriate disposition.



Code: **ECAB**
Adopted: 4/4/88
Readopted: 1/11/99, 9/13/04, 12/12/11
Orig. Code(s): BP 7212

Vandalism/Malicious Mischief/Theft

Students and citizens are urged to cooperate in reporting any incidents of vandalism/malicious mischief/theft and the name or names of the person or persons believed to be responsible.

Each employee of the district will report to the principal, or other person in authority, every incident of vandalism and the name of the person or persons responsible, if known.

Principals will submit a report of any vandalism/malicious mischief/theft or damage to their buildings to the superintendent.

The district may offer a reward to an individual(s) who provides information that results in the apprehension of a person(s) guilty of vandalism/malicious mischief/theft or other criminal acts against the district. The amount of reward shall be determined by the superintendent on a case by case basis within any guidelines set by the Board.

The superintendent or designee is authorized to sign a criminal complaint and to press charges against those committing acts of vandalism/malicious mischief/theft against school property. Because incidents of willful or malicious abuse, destruction, defacing and theft of property of the school district are clearly contrary to the best interests of the district and injurious to the rights and welfare of the entire community, it is the policy of the Board to seek all legal remedies against persons found to have committed such acts. Full restitution for the damage will be sought from such persons, or, in the case of minors, from their parent or legal guardian. Until such fees or restitutions are paid, certain restrictions and/or penalties may be imposed. Records requested by another school district to determine a student's appropriate placement may not be withheld.

Students who willfully destroy school property through vandalism/malicious mischief/theft or arson, who commit larceny or who create a hazard to the safety of other people on school property will be suspended or expelled in accordance with state law and the Board's policy on student suspensions/expulsions and referred to law enforcement authorities.

END OF POLICY

Legal Reference(s):

[ORS 30.765](#)
[ORS 164.345](#)
[ORS 164.365](#)
[ORS 332.107](#)
[ORS 339.260](#)
[ORS 339.270](#)
[ORS 419C.680](#)

Cross Reference(s):

KGE - Care of District Properties
Student Rights and Responsibilities Handbook



Code: **ECAC**
Adopted: 8/11/08

Video Surveillance

The Board authorizes the use of video cameras on district property to ensure the health, welfare and safety of all staff, students and visitors to district property, and to safeguard district facilities and equipment. Video cameras may be used in locations as deemed appropriate by the superintendent.

The district shall notify staff and students through student/parent and staff handbooks that video surveillance may occur on district property.

Students or staff in violation of Board policies, administrative regulations, building rules or law shall be subject to appropriate disciplinary action. Others may be referred to law enforcement agencies.

Video recordings may become a part of a student's educational record or a staff member's personnel record. The district shall comply with all applicable state and federal laws related to record maintenance and retention.

END OF POLICY

Legal Reference(s):

[ORS 30.864](#)
[ORS 192.420 - 192.505](#)
[ORS 326.565](#)
[ORS 326.575](#)
[ORS 332.105](#)
[ORS 332.107](#)
[ORS 336.187](#)
[ORS 339.260](#)
[ORS 342.850](#)
[OAR 581-021](#)-0210 to -0440
[OAR 581-022](#)-1660

Education of the Handicapped Act of 1975, as amended, 20 U.S.C., sections 1400-1427, (West 1988), as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990) as amended P.L. 105-17 [P.L. 94-142 is a well-known "short" reference to this federal legislation.]

Family Educational Rights and Privacy Act, sec. 438, 20 U.S.C. sec. 1232g (1988)
In the matter of A.O., A Minor (March 28, 1988) (Superintendent of Public Instruction Ruling)

Cross Reference(s):

[ECAB](#) - Vandalism/Malicious Mischief/Theft



Code: **ECACB**
Adopted: 9/10/2018
Revised/Readopted:

Unmanned Aircraft System (UAS) a.k.a. Drone

Any employee or representative of the district operating a district unmanned aircraft system shall do so in accordance with this policy and all applicable Federal Aviation Administration (FAA) regulations.

An “unmanned aircraft system” (UAS) means an unmanned flying machine, commonly known as a drone, and its associated elements, including communication links and the components that control the machine.

The district recognizes the academic value of student operation of a UAS as one component of curricula pertaining to principles of flight, aerodynamics and airplane design and construction, which can also serve as an academic tool in other areas such as television, film production or the arts in general. Therefore, in compliance with the Federal Aviation Administration Modernization and Reform Act of 2012, Section 336, students may operate a UAS as part of a course requirement, as long as that student does not receive compensation directly or incidentally from such operation. District staff teaching a class that allows use of a UAS may assist a student in their operation of the UAS, provided the assistance is needed as part of the curriculum and assistance is to a student enrolled in the course. The staff member’s participation must be limited to the student’s operation of the UAS.

District employees shall work with administrators to ensure that proper insurance, registration and authorization are in place prior to adoption of curriculum that allows operation of a UAS as part of the curriculum.

A UAS shall be operated in accordance with the policies of the Oregon School Activities Association (OSAA)¹ at OSAA sanctioned events. Use of a UAS at other district-sponsored athletics or activities is prohibited.

A student in violation of this policy may be subject to disciplinary action, up to and including suspension and/or expulsion.

A staff member in violation of this policy may be subject to disciplinary action, up to and including dismissal.

All data gathered by the district as part of a UAS operation will belong to the district. The data gathering by the district will follow appropriate state and federal laws. Retention of such data will follow state and federal laws.

The superintendent shall develop procedures for the implementation of this policy.

¹ <http://www.osaa.org/governance/handbooks/osaa #85>

The district shall post a copy of this policy, associated procedures and a copy of Oregon Revised Statute (ORS) 192.345 on the district's website.

Third Party Use

Third party use of a UAS on district property or at district-sponsored events for any purpose is prohibited, unless granted permission from the superintendent or designee.

If permission is granted by the superintendent or designee, the third party operating a UAS will comply with all FAA regulations and shall provide the following to the district:

1. Proof of insurance that meets the liability limits established by the district;
2. Appropriate registration and authorization issued by the FAA and the Oregon Department of Aviation when required; and
3. A signed agreement holding the district harmless from any claims of harm to individuals or damage to property.

END OF POLICY

Legal Reference(s):

[ORS 164.885](#)

[ORS 174.109](#)

[ORS 192.345](#)

[ORS 837.300 - 837.390](#)

[ORS 837.995](#)

[OAR 738-080-0015 - 0045](#)

Federal Aviation Administration Modernization and Reform Act of 2012, P.L. 112-95 § 336 (2012).

Federal Aviation Administration, Educational Use of Unmanned Aircraft Systems (UAS) Memorandum, May 4, 2016.

Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2012).

OREGON SCHOOL ACTIVITIES ASSOCIATION HANDBOOK #85 LAW, A GUIDE FOR PUBLIC OFFICIALS



Code: **ECB**
Adopted: 12/13/93
Readopted: 1/11/99
Orig. Code(s): BP 7220

Buildings and Grounds Maintenance/Renovations

The superintendent or designee will develop and execute a continuing program of maintenance and renovations for all district-owned buildings and grounds as resources will allow. This program will be administered in such a manner as to preserve the capital investment of the district and to prevent deterioration due to lack of proper care. The program will include:

1. Providing buildings and renovations that will accommodate and facilitate those new organizational and instructional patterns that support the district educational philosophy and instructional goals;
2. Meeting all safety requirements through the remodeling of older structures;
3. Providing building renovations as needed to meet state and federal requirements on the accessibility and usability of facilities to persons with disabilities;
4. Building design, construction and renovation that will allow low maintenance costs and the conservation of energy;
5. An adequate custodial program.

END OF POLICY

Legal Reference(s):

[ORS 332.172](#)

[OAR 437-001-0760](#)

[OAR 437-002-0180 to -0182](#)

[OAR 437-002-0020 to -0081](#)

[OAR 437-002-0360](#)

[OAR 437-002-0140](#)

[OAR 437-002-0368](#)

[OAR 437-002-0144](#)

[OAR 437-002-0377](#)

[OAR 437-002-0145](#)

[OAR 581-022-1530](#)

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.

Cross Reference(s):

DN - Disposal of School Property

EC - Management of Buildings and Grounds

FEA - Educational Specifications



Code: **ECD**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7230

Traffic and Parking Controls

The superintendent or designee is authorized to post notices on district property designated for staff, student and visitor parking and such other classifications of parking areas as may be necessary.

Any vehicle not parked in authorized areas may be cited and/or towed away and stored. All charges for such towing and storing will be the responsibility of the owner or operator of the vehicle.

Any person failing to abide by the parking regulations of the district may be further prohibited from bringing any vehicle on school property.

Building principals will establish such regulations as are necessary for the use and control of staff and student parking areas around their buildings. Such regulations will be made available to staff, students and parents.

END OF POLICY

Legal Reference(s):

[ORS 332.172](#)

[ORS 332.445](#)

[ORS 339.260](#)

[ORS 447.233](#)

[OAR 581-022-1610](#)

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).



Code: **ECF**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7240

Energy Conservation

Sweet Home School District encourages and supports an energy conservation and education program to substantially lower consumption of electricity, natural gas, gasoline and water. It will be the responsibility of each district employee and student to participate in conservation efforts in order to reduce consumption while maintaining programs. It is the responsibility of district administrators, through the superintendent's office, to implement, direct, monitor, evaluate and report district energy conservation efforts.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 455.560](#)
[ORS 455.565](#)



Code: **ECG**
Adopted: 9/11/06

District Vehicle Idling

The Board recognizes that it can play an important role in reducing environmental pollutants. Unnecessary vehicle idling emits pollutants, wastes fuel and wastes financial resources. Therefore, a goal of the Board is to eliminate unnecessary idling by ensuring that this practice is minimized in all aspects of school bus and other district vehicle operation.

The superintendent shall develop administrative regulations consistent with this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Consolidated Appropriations Act, 2005, Pub. L. No. 108-447, 118 Stat. 2809



Code: **ECG-AR**
Adopted: 9/11/06

District Vehicle Idling

District Vehicles

District vehicles includes all district owned and/or contracted/leased school buses, delivery, or maintenance vehicles.

District Vehicle Idling Times

1. When school bus drivers arrive at loading and unloading areas to drop off or pick up passengers, they will turn off their busses as soon as possible to eliminate idling time and reduce harmful emissions.
2. The school bus should not be restarted until it is ready to depart and there is a clear path to exit the pick up/drop off area.
3. School buses will not idle (on school grounds or off school grounds) for longer than 5 minutes unless:
 - a. They are waiting in traffic;
 - b. They are loading/unloading students with special needs;
 - c. There are safety or emergency situations;
 - d. There are maintenance or mechanical inspections or repair; or
 - e. There are extreme weather conditions (temperatures of less than 30 degrees Fahrenheit) and the purpose is to warm the interior of the bus.
4. Transportation staff are directed to revise bus schedules so that school bus caravanning can be avoided and the cleanest buses are assigned to the longest routes.
5. All district service or delivery vehicles shall turn off the engines after arriving to make deliveries to, or perform maintenance of, school buildings.

Signs

To the extent practicable, the principal will post "no idling" signs to alert drivers of district vehicles to turn off their vehicles when waiting or parking. A copy of this administrative regulation shall be posted in a prominent place in district facilities so that all transportation, delivery and maintenance staff can view them with ease.



Code: **EDA**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7330

Receiving and Warehousing

The district will provide for central purchasing, receiving, warehousing and distribution of supplies, equipment and materials common to the requirements of all schools. A warehouse will be operated to store and distribute supplies as requisitioned. All materials needed for instruction, business and custodial operations will be ordered from the warehouse when available from that source.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)



Code: **EDB**
Adopted: 2/8/88
Readopted: 1/11/99
Orig. Code(s): BP 3150

District Property

School furniture and equipment have been provided for use in the instructional programs of the district. Removal of furniture or equipment from school premises for other than instructional activities must have prior approval of the superintendent. A principal may approve removal of instructional equipment if it is to be used by a member of the school staff and for a use that is related to the instructional program.

No person may use district materials, publications or equipment for personal remuneration without equitable reimbursement to the district and prior approval of the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.172](#)

Cross Reference(s):

KGE - Care of District Properties



Code: **EDBA**
Adopted: 4/4/88
Revised/Readopted: 1/11/99
Orig. Code(s): BP 7310

Maintenance and Control of Instructional Materials/Equipment

All instructional materials and equipment of the school system will be classified and catalogued according to an acceptable system. Textbooks/Instructional materials will be made available to all students in sufficient quantity and at appropriate levels so that they are optimally useful to each student, and so that every teacher can meet both the planned curriculum sequence and the special instructional needs of students.

All textbooks/instructional materials purchased by the schools are school property. Principals will be responsible for textbooks/instructional materials assigned to teachers and for ensuring that there is an inventory of all books at the end of the school year.

Each teacher will keep an accurate record of texts/instructional materials issued to students. When such materials are damaged or lost, the student responsible will be required to pay for the damaged or lost materials.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.172](#)

Cross Reference(s):

IIAA - Textbook/Instructional Materials Selection and Adoption



Code: **EDC/KGF**
Adopted: 4/4/88
Readopted: 1/11/99, 9/13/04
Orig. Code(s): BP 7320

Authorized Use of School-Owned Equipment and Materials

School district materials and equipment will be used only for school purposes by district personnel.

Exceptions to this policy must be approved by the superintendent or designee and authorized use shall be consistent with ORS Chapter 244.

END OF POLICY

Legal Reference(s):

[ORS Chapter 244](#)
[ORS 332.107](#)

[OAR 584-020-0040](#)

Oregon Government Standards and Practices Laws, A Guide for Public Officials, Oregon Government Standards and Practices Commission (Dec. 1993).

Cross Reference(s):

KG - Community Use of School Facilities



Code: **EEA**
Adopted: 4/4/88
Revised/Readopted: 1/11/99, 9/13/04, 9/10/07
6/9/08, 12/8/08, 9/10/12,
1/12/15
Orig. Code(s): BP 7400

Student Transportation Services *

School transportation services will be provided for students to and from school and for transporting students to and from curricular and extracurricular activities sponsored by the district. Transportation will be provided for homeless students to and from the student's school of origin¹ as required by the No Child Left Behind Act of 2001 (NCLBA). These services shall be provided throughout the regularly scheduled year and during the regular school day as determined by the District.

Elementary students who live more than one mile from school will be transported. Secondary students who live more than one and one-half miles from school will be transported. Mileage exceptions for health, safety or disability will be made in accordance with the district's approved supplemental plan.

Students living within specified attendance boundaries shall receive transportation services to their respective schools. In addition, students, including those receiving special education, may be eligible for transportation for health or safety reasons.

Miles from school will be determined by the transportation supervisor in accordance with OAR 581-023-0040 (1)(c).

The district may use Type 10 School Activity Vehicles to transport students from home to school, school to home and from district-sponsored activities.

Transportation will be provided to a student of a school receiving Title I funds to attend a district school out of the student's attendance area because his/her home school has been identified as in need of improvement, corrective action or restructuring. Such transfers will be permitted and transportation provided only to a safe school that has not been identified for improvement, corrective action or restructuring. The obligation of the district to provide for transportation will terminate at the end of the school year if the school from which the student transferred is no longer in school improvement.

In the event all other district schools a student may transfer to have also been identified as in need of improvement, corrective action or restructuring or there is no other district school to which the student may transfer², the district shall, to the extent practicable, establish a cooperative agreement with other districts in the area for a transfer. Transportation for students who transfer for such purposes will be provided for in accordance with the agreement³.

The district may also provide transportation using federal funds⁴ or through cooperative agreements with local victims assistance units for a student to attend a safe district school⁵ out of the student's attendance area for any student who is a victim of a violent criminal offense occurring in or on the grounds of the school the student attends or the student attends a school identified as persistently dangerous.

Transportation provided will, to the extent possible, be to a school that is making adequate yearly progress and that has not been identified as in need of improvement, corrective action or restructuring. If there are no other schools within the

¹"School of origin" means the school that the student attended when permanently housed or the school in which the student was last enrolled.

²If there are no district schools to which students can transfer because: (1) all schools at a grade level are in school improvement; (2) there is only one school in the district; or (3) the rural or isolated nature of the school district prevents choice, the district must notify the parents that the student's school has been identified for school improvement but that no choices are currently available.

³Interdistrict transportation under NCLBA does not appear to be a district responsibility. Districts should consult with their attorney.

⁴Federal funds means funds available through Title IV, Part A, and Title V, Part A.

⁵If there is not another school in the district to which students can transfer, districts are encouraged, but not required to, explore other appropriate options, i.e., an agreement with a neighboring district.

district a student may transfer to, the district may establish a cooperative agreement with other districts in the area for a transfer. Transportation for students who transfer for such purposes will be provided in accordance with the agreement.

Students attending any private, parochial or public charter school under the compulsory school attendance laws will, where the private, parochial or public charter school is along or near the bus route, be provided equally the riding privileges given to public school students.

A seat that fully supports each person and meets the minimum standards and laws will be provided at all times. A person over 40 pounds or who has reached the upper weight limit for the forward-facing car seat must use a booster seat until four feet nine inches or age eight and the adult belt properly fits. A person who is taller than four feet nine inches or eight years of age or older must be properly secured with a safety belt or harness that meets the requirement under ORS 815.055. In accordance with ORS 811.210 and 811.215 vehicles in excess of 10,000 pounds used for student transportation are exempt from statutory requirements unless they have been equipped with lap belts. Vehicles in excess of 10,000 pounds that have been equipped with lap belts must meet child car seat requirements as set forth in law.

School buses carrying students will be considered extensions of the school experience. All students using school transportation will abide by the code of conduct posted in each school bus or school activity vehicle. Violations of such code, as well as other conduct which is improper or which jeopardizes the safety of self or others, will be reported by the school bus/vehicle driver to the supervisor. The transportation department will, as soon as possible, inform the appropriate building principal of such occurrence. Violators may be denied use of transportation for a period of time as deemed proper by the building principal and/or transportation supervisor.

The District or designee shall ensure transportation officials and drivers receive notification of students having special medical or behavioral protocols identified in student records.

Appropriate training related to specific protocols, including confidentiality requirements, will be provided to drivers.

The school bus/vehicle driver will be responsible for the school bus/vehicle at all times from departure until return. The driver will not participate in any activities that might impair his/her driving abilities.

Aides or assistants that ride a school bus shall receive training on emergency procedures and their role in the safe transportation of all students on the bus.

The district will comply with all state and federal laws and regulations pertaining to school bus transportation.

END OF POLICY

Legal Reference(s):

ORS 327.006	ORS 332.415	ORS 811.210
ORS 327.033	ORS 339.240 - 339.250	ORS 815.055
ORS 327.043	ORS 343.155 - 343.246	ORS 815.080
ORS 332.405	ORS 343.533	ORS 820.100 - 820.190
ORS 811.215		OAR 581-053-0053
OAR 581-021-0050 to -0075		OAR 581-053-0060
OAR 581-022-1530		OAR 581-053-0070
OAR 581-023-0040		OAR 581-053-0210
OAR 581-053-0002 to -0015		OAR 581-053-0220
OAR 735-102-0010		OAR 581-053-0230
OAR 581-053-0031		OAR 581-053-0240
OAR 581-053-0040		

No Child Left Behind Act of 2001, P.L. 107-110, Title I, Section 1116 and Title IX, Section 9532.

McKinney-Vento Homeless Education Assistance Improvements Act of 2001, P.L. 107-110, 42 U.S.C. Sections 11431-11435.



Code: **EEAA**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7424

Payment in Lieu of Transportation

Payment in lieu of transportation may be made to parents of students who provide transportation to and from school or the closest bus stop. All requests for payment will be submitted to the business manager and approved by the superintendent upon the recommendation of the transportation supervisor.

END OF POLICY

Legal Reference(s):

[ORS 327.006](#)
[ORS 327.033](#)
[ORS 327.043](#)
[ORS 332.405](#)
[ORS 332.415](#)
[ORS 339.240 - 339.250](#)
[ORS 343.155 - 343.246](#)
[ORS 343.533](#)
[ORS 820.100 – 820.190](#)

OAR 581-023-0040
OAR 581-053-0002 to -0015

Letter Opinion, Office of the Attorney General (Nov. 22, 1988)



Code: **EEAB**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7410

School Bus Scheduling and Routing

Bus routes, schedules and stops will be developed under the direction of the supervisor of transportation. The purpose of bus scheduling and routing will be to achieve maximum service with a minimum fleet of buses consistent with rendering reasonable equal service to all students.

Bus routes will follow the most direct roads practicable for bus travel to serve those students entitled to transportation service. Where an alternate route may be selected without sacrifice of efficiency or economy, preference will be given to that route serving the largest number of students most directly. Bus routes will not include private roads. When roads become too rough, muddy or hazardous, the route will be discontinued until the situation is corrected. Route extensions will be not more than 1½ miles per student. No school bus will stop to pick up or let off passengers except at regular designated stops.

Routes will be designed to eliminate as many turn-around points as possible, and to employ as nearly as practicable the full carrying capacity for each bus route. No bus will be overloaded. New routes will be established only when full capacity of buses on existing routes has been reached or is imminent.

Authorized bus stops will be located at convenient intervals in places where students may board and get off, cross highways and await arrival of buses with the utmost safety permitted by highway conditions.

The number of bus stops on each route will be limited so as to enable buses to make the run in reasonable time.

Insofar as educational requirements permit, school schedules will be adjusted to allow maximum utilization of each bus in the system by alternating elementary and secondary trips with the same fleet of buses.

END OF POLICY

Legal Reference(s):

[ORS 332.405](#)

[OAR 581-053-0002](#)



Code: **EEAC**
Adopted: 4/4/88
Revised/Readopted: 1/11/99, 9/13/04, 9/10/07,
12/8/08, 9/10/12

School Bus Safety Program

The superintendent will ensure instruction for all students in school bus safety and emergency evacuation procedures is provided. Drivers shall assist in the instruction.

Students who are regularly transported by the district shall receive the following instruction within the first six weeks of each half of the school year:

1. Safe school bus riding procedures, including but not limited to loading, unloading, crossing etc;
2. Use of emergency exits; and
3. Planned and orderly evacuation of the school bus in case of emergency, including participation in actual evacuation drills.

Students who are not regularly transported by the district will be given the following instruction at least once in the first half of each school year:

1. Safe school bus riding procedures; and
2. Use of emergency exits.

The district will document and maintain records of the content and dates of instruction.

Buses will not exceed vehicle design capacity for seating at any time unless an unforeseen or unusual circumstance arises. Passengers will be provided a seat that fully supports them. A seat that fully supports each person and meets the minimum standards and specifications of law will be provided at all times. A person who weighs 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Department of Transportation under ORS 815.055. A person over 40 pounds or who has reached the upper weight limit for the forward-facing car seat must use a booster seat until four feet nine inches or age eight and the adult belt properly fits.¹ A person who is taller than four feet nine inches or eight years of age or older must be properly secured with a safety belt or harness that meets the requirements under ORS 815.055. In accordance with ORS 811.210 and 811.215 vehicles used for student transportation in excess of 10,000 pounds are exempt from this requirement unless they have been equipped with lap belts. Vehicles in excess of 10,000 pounds that have been equipped with lap belts must meet child car seat requirements as set forth in law.

During adverse weather conditions, the superintendent may alter bus schedules or temporarily suspend bus services. The superintendent or his/her designee will advise local radio stations and other media of any changes in bus schedules or services.

In the case of emergency or disaster, evacuation of students will be carried out according to the district's emergency plan.

An accident review board will study accidents involving district buses and will make recommendations to avoid similar accidents.

END OF POLICY

Legal Reference(s):

[ORS 811.210](#)
[ORS 811.215](#)
[ORS 815.055](#)
[ORS 815.080](#)

[ORS 820.100 - 820.190](#)
[OAR 437-002-0220 to -0227](#)
[OAR 581-022-1420](#)
[OAR 581-053-0002 to -0015](#)

[OAR 581-053-0512 to -0555](#)
[OAR 735-102-0010](#)

¹ "Proper fit" means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck.



Code: **EEACA**
Adopted: **9/8/14**
Readopted: **1/12/15**

School Bus Driver Examination and Training

The district or transportation provider shall verify that a school bus drivers' physical examinations were certified by a medical examiner whose certificate was listed in the Federal Motor Carrier Safety Administration's National Registry of Certified Medical Examiners as of the date of the issuance of the school bus driver's examination certificate, and meets other criteria as established by state and federal law and by Oregon Department of Education regulations including the requirements for a commercial driver's license (CDL).

A school bus manufacturer, school bus dealer or school bus mechanic is not required to have a school bus endorsement while operating a school bus that is not transporting students.

END OF POLICY

Legal Reference(s):

[ORS 659.840](#)
[ORS 659A.300](#)
[ORS 659A.306](#)
[ORS Chapters 801, 802, 807, 809, 811, 813](#)
[ORS 807.038](#)
[ORS 820.110](#)

[OAR 581-053-0002](#)
[OAR 581-053-0003](#)
[OAR 581-053-0004](#)
[OAR 581-053-0031](#)
[OAR 581-053-0040](#)
[OAR 581-053-0053](#)
[OAR 581-053-0060](#)

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2006).
Federal Motor Carrier Safety Administration Regulations, 49 C.F.R. Part 391, §§ 391.42, 391.43 (2014).



Code: **EEACB**
Adopted: 12/13/93
Readopted: 1/11/99
Orig. Code(s): BP 7450

Vehicle Maintenance

District-owned and operated vehicles will be constructed, equipped and inspected in accordance with federal and Oregon law and administrative rules and requirements adopted by the State Board of Education. Vehicles will be maintained in safe operating condition through a sound preventive maintenance program.

1. Each driver will make pretrip inspections, including checking lights, brakes and tires. Oil, water and batteries will be inspected at frequent intervals and prior to out-of-district runs.
2. Each driver will make a written report regarding any mechanical defects as soon as defects are discovered.
3. Defects will be corrected, the driver notified, and a written report submitted as soon as possible.
4. A thorough inspection will be conducted and inspection results will be reported each time the vehicle is serviced. Vehicles will be serviced according to factory specifications and recommendations.
5. All buses will be thoroughly inspected both at the beginning and end of each school year with continual inspections throughout the year. Written reports of each inspection will be submitted.
6. All buses will have stop signal arms mounted in accordance with state law and rules.
7. Accessibility for individuals with disabilities will be provided and maintained as appropriate.
8. Buses will not be "remanufactured" so as to extend usable life for five years or more without making vehicles accessible to individuals with disabilities.

Adequate maintenance and storage facilities will be provided for all equipment.

Adequate mechanical services with trained personnel will be available.

END OF POLICY

Legal Reference(s):

[ORS 820.105](#)

[ORS 820.120](#)

[OAR 581-053-0008](#)

[OAR 581-053-0512 to -0550](#)



Code: **EEACC**
Adopted: 5/11/98
Revised/Readopted: 1/11/99, 3/11/13
Orig. Code(s): BP 7401

Rules/Procedures Governing Pupils Riding School Buses

The following regulations, taken from OAR 581-053-0010, will govern student conduct on school buses and Type 10 School Activity Vehicles if used for transporting students from home to school, school to home, to district sponsored activities and from district-sponsored activities and activity vehicles and will be posted in a conspicuous place in all buses:

1. Pupils being transported are under authority of the bus driver;
2. Fighting, wrestling or boisterous activity is prohibited on the bus;
3. Pupils will use the emergency door only in case of emergency;
4. Pupils will be on time for the bus, both morning and evening;
5. Pupils shall not bring firearms, weapons or other potentially hazardous material on the bus;
6. Pupils shall not bring animals, except approved assistance guide animals on the bus;
7. Pupils shall remain seated while the bus is in motion;
8. Pupils may be assigned seats by the bus driver;
9. When necessary to cross the road, pupils shall cross in front of the bus or as instructed by the bus driver;
10. Pupils shall not extend their hands, arms or heads through bus windows;
11. Pupils shall have written permission to leave the bus other than at home or school;
12. Pupils shall converse in normal tones; loud or vulgar language is prohibited;
13. Pupils shall not open or close windows without permission of the bus driver;
14. Pupils shall keep the bus clean and refrain from damaging it;
15. Pupils shall be courteous to the driver, to fellow pupils and passers-by;
16. Pupils who refuse to obey promptly the directions of the driver or refuse to obey regulations may forfeit their privilege to ride on the bus;

Rules Governing Pupils Riding School Buses must be kept posted in a conspicuous place in all school buses.

The superintendent will establish other regulations as necessary for the safe conduct of students riding district school buses or other forms of district transportation and for disciplinary procedures. Such regulations will be available to all parents and students. The superintendent will develop and establish appropriate discipline procedures.

Students who violate bus rules may be denied the use of district transportation.

END OF POLICY

Legal Reference(s):

ORS 339.240	OAR 581-053-0010
ORS 339.250	OAR 581-053-0210
ORS 820.100 - 820.190	
OAR 581-021-0050 to -0075	
OAR 581-023-0040	
OAR 581-053-0002	
OAR 581-053-0003	
OAR 581-053-0004	

Letter Opinion, Office of the Attorney General (Nov. 22, 1998).



Code: **EEACC-AR**
Adopted: 5/11/98
Revised/Readopted: 1/11/99, 9/13/04, 11/14/05
2/13/06, 6/9/08
Orig Code: AR 7401

Discipline Procedures for District-Approved Student Transportation

All students eligible for district-approved student transportation shall receive safety instruction and a code of conduct. Violation of the code of conduct or conduct which jeopardizes the health/safety of self and/or others may result in the loss of district-approved transportation services.

The following procedures address:

- | | | |
|------------------------|--------------------|-------------------------------|
| 1. Safety instructions | 4. Suspension | 7. Reinstatement |
| 2. Code of conduct | 5. Expulsion | 8. Education |
| 3. Violations | 6. Right of appeal | 9. Special education students |

1) Safety Instructions

- a) Students who are regularly transported by the district shall receive the following instruction within the first six weeks of each half of the school year:
 - i) Safe school bus riding procedures, including but not limited to loading, unloading, crossing etc;
 - ii) Use of emergency exits; and
 - iii) Planned and orderly evacuation of the school bus in case of emergency, including participation in actual evacuation drills.
- b) Students who are not regularly transported by the District will be given the following instruction at least once in the first half of each school year.
 - i) The drivers shall review safe bus riding procedures.
 - ii) The drivers shall review use of emergency exits.
- c) The transportation supervisor will record dates and content of safety instructions by each driver. Such information shall be kept as a part of the district's records.

2) Code of Conduct

- a) Each year the district will include the following transportation rules in the student/parent handbook. The district will provide interpretation to those students/parents whose primary language is not English.

While riding a school bus, students will:

 1. Obey the driver at all times;
 2. Not throw objects;
 - * 3. Not have in their possession any weapon as defined by BP JFCJ-Weapons in the Schools;
 - * 4. Not fight, wrestle or scuffle;
 - * 5. Not stand up and/or move from seats while the bus is in motion;
 - * 6. Not extend hands, head, feet or objects from windows or doors;
 - * 7. Not possess matches or other incendiaries and concussion devices;
 - * 8. Use emergency exits only as directed by the driver;
 - * 9. Not damage school property or the personal property of others;
 - * 10. Not threaten or physically harm the driver or other riders;
 - * 11. Not do any disruptive activity which might cause the driver to stop in order to reestablish order;
 - * 12. Not make disrespectful or obscene statements;
 - * 13. Not possess and/or use tobacco, alcohol or illegal drugs;
 14. Not eat or chew gum;
 15. Not carry glass containers or other glass objects;
 16. Not take onto the bus skateboards, musical instruments or other large objects which might pose safety risks or barriers to safe entry and exit from the bus;
 17. Accept assigned seats;
 18. Stay away from the bus when it is moving;
 19. Be at the bus stop five minutes before the scheduled pick up time (schedules will be posted on all buses);
 - ** 20. Answer to coaches, teachers and chaperons who are responsible for maintaining order on trips.

* These regulations, if broken, are SEVERE violations with severe consequences because of the threat to the safety of others.

** Coaches, teachers and chaperons: (1) must have a copy of the bus regulations and know them before going on a trip; and (2) must position themselves on the bus as to be in control of discipline at all times.

I have read the above rules and have discussed them with my student. We understand the importance of this code of conduct.

Parent: _____ Student: _____

3) Violations

Each year the district will include the following procedures for violations in the student/parent handbook.

The district will provide interpretation to those students/parents whose primary language is not English.

DISCIPLINARY PROCEDURES FOR VIOLATIONS

1. First Citation - Warning*: The driver verbally restates behavior expectations and issues a warning citation*.
2. Second Citation*: The student may receive up to a 3 day suspension from riding on the bus.
3. Third Citation* of the year: The student may receive a 5- to 10-day suspension and will not be able to ride the bus until a conference has been held with the student, the parent, the bus driver and the principal. Further violations of bus regulations will be considered a severe violation.
4. Severe Violations: Any severe violation will result in the immediate suspension of the student for a minimum of 10 days, and up to a 1-year expulsion. There will be a hearing at this time involving the student, the bus driver, the parent and the principal.
5. In all instances, the appeal process may be used if the student and/or parent desires.

* All citations must be signed by the parents, the bus driver and the principal before the student will be allowed to ride the bus again.

Definitions:

“Suspension” means any disciplinary removal, other than expulsion, for up to 10 school days.

“Expulsion” means any disciplinary removal beyond 10 school days up to one calendar year.

APPEAL PROCEDURES

If a student or parent wishes to appeal the application of the discipline policy, the steps outlined below should be used. If the student or parent wishes to complain about a school employee’s decision, use policy KLD - Public Complaints about District Personnel.

- STEP 1: The student or his/her representative will discuss the issue with the ~~principal~~ transportation supervisor.
- STEP 2: If the student and/or parent is not satisfied with the outcome of the discussion, he/she may file a written statement with the principal ~~and~~ or transportation supervisor. This is to be done within 10 school days of the act or condition which is the basis of the complaint. The administration will, within three school days, arrange a student, parent, principal conference with the goal of resolving the issue.
- STEP 3: Within five school days, the principal is to communicate, in writing, the decision to the student and the student’s parents.
- STEP 4: If, after five school days from receipt of the administrator’s reply, the issue still remains unresolved, the student and/or parent may submit the matter in writing to the superintendent. The superintendent will meet with the student within three school days and will respond to the issue, in writing, within five school days after the appeal.
- STEP 5: If the issue is still unresolved, the student and/or parent may appeal to the Board. The Board will notify persons involved that a hearing will be held within 14 days of receipt of the appeal. The Board shall review correspondence, hear relevant facts and respond to the student within three school days following the hearing.

Please return this signed form to the driver on or before the second day of school.

I have read and understand the transportation rules. I understand that transportation is an important service and that the safety of my student is the primary concern.

Student’s Name: _____ Parent’s Signature: _____ Date _____

Bus Route #: _____ Telephone - home _____ work _____ cell _____

School: _____

4) Suspension Procedures

- a) Normally the suspension process shall be in accordance with the following procedures:
 - i) Suspension hearings shall be conducted in private, and will be more informal than is the case of an expulsion hearing. The hearing will be conducted by the transportation supervisor or building principal. The procedure should be more of a conversation between the two parties than a formal hearing.
 - ii) The student and/or parent will be informed of the violation(s) and given the opportunity to be heard and present his/her view of the occurrence;
 - iii) If suspension is to follow, the student and/or parent will be given the reason(s) for the action, the duration of the suspension and the tentative procedures for reinstatement;
 - iv) If possible, parents will be notified immediately by telephone of the suspension and given reasons for the action. The parents will be encouraged to conference with the building administrator or the transportation supervisor. Arrangement should be made for the student's transportation to and from school and to other school activities;
 - v) A written communication will be mailed to the student and parents restating the reasons for the action(s), the duration of the suspension and procedure for arranging a mutually satisfactory time for a conference for possible readmittance;
 - vi) The written communication shall state that the parent may appeal the reason for suspension and the duration of suspension to the appropriate administrator;
 - vii) In special or emergency circumstances, a suspension may be continued until some specific pending action occurs, such as a physical or mental examination, incarceration by court action or if there is a serious risk that substantial harm will occur if the suspension is terminated pending an intended expulsion.

Done in publisher/primary

Done in publisher/Secondary

Expulsion Procedures

- b) Students will not be expelled without a hearing unless the student's parents 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:

- i) Notice will be given to the student and the parent by personal service or by certified mail at least five school days prior to the scheduled hearing. Notice will include:
 - (1) The specific charge or charges;
 - (2) The conduct constituting the alleged violation, including the nature of the evidence of the violation;
 - (3) A recommendation for expulsion;
 - (4) The student's right to a hearing;
 - (5) When and where the hearing will take place; and
 - (6) The right to representation.
- ii) 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;
- iii) In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the district will provide a translator;
- iv) 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 and/or parent. The school district's attorney may be present;
- v) The student will be afforded the right to present his/her version of the charge(s) and to introduce evidence by testimony, writings or other exhibits;
- vi) The student will be permitted to be present and to hear the evidence presented by the district;
- vii) 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;
- viii) The hearings officer or the student may make a record of the hearing;
- ix) The hearings officer's decision is final. However, this decision may be appealed to the Board. At its next regular meeting, the Board will review the hearings officer's decision and will affirm, modify or reverse the decision. Parents or 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;
- x) 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:
 - (1) The name of the minor student;
 - (2) The issues involved;
 - (3) The discussion;
 - (4) The vote of Board members, which may be taken in executive session.

5) Right of Appeal

- a) At each step of the discipline procedures used in district-approved transportation services, parents, students and/or a representative have a right to appeal.
- b) All appeals must be in writing.
- c) Appeals are to be made to the responsible person at the level of appeal.
- d) Final appeal may be made to the Board.
- e) Board decisions are final.

6) Reinstatement

- a) A conference to discuss reinstatement shall be conducted under the following guidelines:
 - i) When deemed necessary, parent(s) and student shall be present at the conference;
 - ii) The principal shall fully explain matters and permit the parties involved to fully explain their positions;
 - iii) The principal shall make a decision which provides guidelines for the student to follow when transportation services are reinstated.

- 7) Education
 - a) Disciplinary action for violating the transportation code of conduct and/or transportation health and safety requirements shall be confined to district-approved transportation services. Therefore, students who have lost district-approved transportation services through a disciplinary action shall be expected to continue with the district's educational requirements.
 - b) Students' academic grades will reflect academic achievement. Therefore, misconduct or absenteeism shall not be a sole criterion for grade reduction. Students will be expected to continue to meet the district's attendance and educational requirements.
 - c) Makeup work may be provided:
 - i) If makeup work is needed, the district's policy and procedures will be followed.
 - d) Alternative education may be provided:
 - i) If alternative education is needed, the district's policy and procedures will be followed.
- 8) Special Education Students

Special education students will be disciplined in accordance with the following:

 - a) Definitions
 1. The district applies the following definitions when considering disciplinary action:
 - a. "Behavioral intervention plan" means an individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior and increase or teach an alternative appropriate behavior;
 - b. "Current educational placement" means the type of educational placement of the student as described in the student's "annual determination of placement" document at the time of the disciplinary removal. It does not mean the specific location or school but the types of placement on the continuum of placement options;
 - c. "Disciplinary removal" means suspension, expulsion or other removal from school for disciplinary reasons, including removals pending completion of a risk assessment. It does not include:
 - (1) Removals by other agencies;
 - (2) Removals for public health reasons (e.g., head lice, immunizations, communicable diseases, etc.);
 - (3) In-school suspensions if the student continues to have access to the general curriculum and to special education and related services as described in the student's individualized education program (IEP), and continues to participate with nondisabled students to the extent they would in their current placement; or
 - (4) Bus suspensions, unless the student's IEP includes transportation as a related service, the district makes no alternative transportation arrangements for the student and the student does not attend school as a result of the bus suspension.
 - d. "Functional behavioral assessment" means an individualized assessment of the student that results in a team hypothesis about the function of a student's behavior and, as appropriate, recommendations for a behavior intervention plan;
 - e. "Suspension" means any disciplinary removal other than expulsion.
 - b) Disciplinary Change of Placement
 - i) Disciplinary removal of a student with a disability constitutes a change in the student's educational placement when:
 - (1) The removal is for more than 10 consecutive school days; or
 - (2) The removal is for more than 10 cumulative school days and constitutes a pattern of removals.
 - ii) The district may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary change in placement.
 - c) Manifestation Determination
 - i) Within 10 days of any decision to initiate a disciplinary change in placement of a student with a disability, the district convenes a manifestation determination meeting.
 - ii) The district follows all required special education procedures for determining whether a student's conduct that led to a disciplinary removal from school was caused by, or had a substantial relationship to, the student's disability or was a direct result of the district's failure to implement the student's IEP.
 - d) Disciplinary Removals for up to 10 School Days
 - i) The district may remove students with disabilities from their current educational placement, to an appropriate interim alternative educational setting, another setting, or suspension, for up to 10 school days in a school year to the same extent, and with the same notice, for violation of a code of conduct as for students without disabilities. These removals are not considered a change in placement.
 - ii) During disciplinary removals for up to 10 school days:
 - (1) The district is not required to provide access to special education and the general curriculum unless students without disabilities are provided access during this time.

- (2) The district is not required to determine whether the student's behavior resulting in the disciplinary removal is a manifestation of the student's disability.
 - (3) The district counts days of suspension for the purposes of procedural safeguards as follows:
 - (a) Suspensions of a half day or less will be counted as a half day; and
 - (b) Suspensions of more than a half day will be counted as a whole day;
 - (c) If a student moves from another district in Oregon, any days of suspension from the former district apply, unless the district does not have knowledge of previous suspensions.
- e) Disciplinary Removals of More than 10 Cumulative School Days and Pattern of Removal
 - i) The district may remove students with disabilities from their current educational placement to an appropriate interim alternative educational setting, another setting or suspension for additional periods of up to 10 days in a school year to the same extent, and with the same notice as for students without disabilities, if the removals do not constitute a pattern. These removals do not constitute a change in placement.
 - ii) In determining whether removals of additional periods of up to 10 school days constitute a pattern or removals, school personnel will consider, on a case by case basis:
 - (1) Whether the behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
 - (2) Additional factors such as the length of each removal, the total number of days of removal, and the proximity of removals to one another.
 - iii) During removals of additional periods of up to 10 school days in a school year that do not constitute a pattern, the district will provide services that are necessary to enable the student to:
 - (1) Continue to participate in the general education curriculum;
 - (2) Progress toward achieving the goals in the student's IEP; and
 - (3) The services and location for delivery of services in this section will be determined by school personnel, in consultation with at least one of the student's teachers, or by the student's IEP team.
 - iv) The determination regarding whether a series of removal constitutes a pattern is subject to review in an expedited due process hearing.
- f) Removal to an Interim Alternative Educational Setting for Not More Than 45 Days by the District under Special Education Circumstances
 - i) The district may remove a student with disabilities from the student's current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days in a school year for a drug or weapon violation, or for infliction of serious bodily injury, without regard to whether the behavior is manifestation of the student's disability. This removal is considered a change in placement. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order such a removal.
 - ii) For the purpose of determining a drug or weapon violation or serious bodily injury, the district will apply the following definitions:
 - (1) "Drug" means illegal drug or controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or otherwise legally possessed. It does not include alcohol or tobacco.
 - (2) "Drug violation" means the use, possession, sale or solicitation of drugs at school or a school function.
 - (3) "Infliction of serious bodily injury" means serious bodily injury caused by a student to another person while at school, on school premises or at a school function under the jurisdiction or ODE or a district.
 - (4) "Serious bodily injury" means bodily injury, which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
 - (5) "Weapon" means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 ½ inches in length.
 - (6) "Weapon violation" means carrying a weapon to school or to a school function or acquiring a weapon at school.
 - iii) On the date that the district decides to remove a student to an interim alternative educational placement because of a drug or weapon violation or for serious bodily injury, the district notifies that parent(s) of the decision and gives the parent(s) a Procedural Safeguards Notice.
 - iv) Within 10 school days of any decision to remove the student to an interim alternative educational placement because of a drug or weapon violation or for serious bodily injury, the district:

- (1) Convenes a meeting to determine whether the behavior is a manifestation of the student's disability; and
 - (2) Conducts, as appropriate, a functional behavior assessment, and develops a behavior intervention plan based on the functional behavior assessment that is designed to address the behavior so it does not recur.
- g) Removal to an Interim Alternative Educational Setting for Not More than 45 Days by Administrative Law Judge for Injurious Behavior
 - i) The district may request an expedited due process hearing to obtain an administrative law judge's order to remove a student to an interim alternative educational setting for not more than 45 school days if the student is exhibiting injurious behavior. For the purpose of this request, "injurious behavior" is defined as behavior that is substantially likely to result in injury to the student or to others.
 - ii) The interim alternative educational setting must meet the requirements of the "Interim Alternative Educational Setting" section.
- h) Interim Alternative Educational Setting

When a student with a disability is placed in an interim alternative educational setting, the setting:

 - i) Is determined by the student's IEP; and
 - ii) Enables the student to:
 - (1) Continue to participate in the general curriculum, although in another setting;
 - (2) Progress toward achieving the goals in the student's IEP; and
 - (3) Receive services and modifications designed to address the misconduct that led to placement in the interim alternative educational setting and to prevent the misconduct from recurring.
- i) Placement Pending Appeal

If a parent disagrees with the manifestation determination or any decision about placement related to the disciplinary removal and requests a due process hearing, the student will remain in the interim alternative educational setting pending the decision of the administrative law judge, or until the end of the disciplinary removal, whichever is shorter, unless the parent and district agree to another placement pending the hearing.
- j) Conduct and Outcome of a Manifestation Determination
 - i) Within 10 school days of any decision to change the placement of a student with a disability for disciplinary reasons, the district convenes a manifestation determination meeting.
 - ii) The team that determines whether a student's behavior that led to a disciplinary removal from school was caused by, or had a substantial relationship to the student's disability or was a direct result of the district's failure to implement the student's IEP, includes the parent(s), district representatives and other relevant members of the IEP team, as determined by the parent and district.
 - (1) The team reviews all relevant student information, including the student's IEP, teacher observations and information provided by the parent.
 - (2) The team concludes that the conduct in question is a manifestation of the student's disability if it determines the behavior was caused by, or had a substantial relationship to, the child's disability, or if it was the direct result of the district's failure to implement the IEP.
 - iii) If the team determines that the district did not implement the student's IEP or identifies other deficiencies in the student's IEP or placement, the district corrects the identified deficiencies immediately.
 - iv) Regardless of whether the behavior was a manifestation of the student's disability, the district may remove the student to an interim alternative educational setting for weapons or drug violations or for infliction of serious bodily injury for up to 45 days.
 - v) When behavior is a manifestation of disability.

If the team concludes that the behavior was a manifestation of the student's disability:

 - (1) The district will not proceed with a disciplinary removal for more than 10 days.
 - (2) The district conducts a functional behavioral assessment and develops behavior plan to address the behavior that led to the disciplinary action. If the district has already conducted a functional behavioral assessment or, if the student already has a behavior intervention plan regarding that behavior, the district reviews, modifies as necessary and implements the plan to address the behavior.
 - (3) The district may review and revise the student's IEP and placement through normal IEP and placement processes.
 - (4) The district may enter into an agreement with the parent to change the student's placement as part of the modification of the behavioral intervention plan.
 - (5) If the district believes that maintaining the current placement of the child is substantially likely to result in injury to the student or to others, the district appeal the decision of the manifestation determination team by requesting an expedited due process hearing. An administrative law judge who concludes that maintaining the current educational placement is substantially likely

to result in injury to the student or to others may order a change in placement to an interim alternative educational setting for no more than 45 days.

- vi) When behavior is not a manifestation of disability.
If the IEP team determines that the student's behavior is not a manifestation of the student's disability the district may proceed with disciplinary removals, in the same manner and for the same duration, as would be applied to students without disabilities. If the district takes such action, applicable to all students, the district:
 - (1) Notifies the parent(s) of the decision to remove the student on the date that decision is made and gives the parents a Procedural Safeguards Notice;
 - (2) Give the parent(s) prior written notice of any proposed change in placement;
 - (3) Provides services to the student in an interim alternative educational setting that is determined by the IEP team; and
 - (4) Provides, as appropriate, a functional behavioral assessment, develops appropriate behavioral interventions to address the behavior and implements those interventions.
- k) Protections for Students not yet Eligible for Special Education
 - i) The district will follow all special education disciplinary procedures for a student who has not yet been identified as a student with a disability if the district had knowledge that the student had a disability and needed special education.
 - ii) The district is presumed to have such knowledge if, before the behavior that precipitated the disciplinary action occurred:
 - (1) The student's parent(s) expressed a concern in writing to supervisory or administrative school personnel, or to a teacher of the student, that the student is in need of special education and related services;
 - (2) The student's parent(s) requested a special education evaluation of the student; or
 - (3) The student's teacher or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the district's special education director or other district supervisory personnel.
 - iii) The district is not presumed to have knowledge of a disability if:
 - (1) The parent has not allowed an evaluation of the student or has refused the initial provision of special education services to the student; or
 - (2) The student has been evaluated and found not eligible for special education services.
 - iv) If the district did not have knowledge before taking disciplinary action against the student, the district may take the same disciplinary actions as applied to students without disabilities who engaged in comparable behaviors. However:
 - (1) If a special education evaluation is requested, or if the district initiates a special education evaluation, the evaluation will be conducted in an expedited manner.
 - (2) Until the evaluation is completed, the student may remain in the educational placement determined by school personnel, which may include suspension, expulsion or placement in alternative education.
 - (3) Upon completion of the evaluation, if the student is determined to be a student with a disability, the district will conduct an IEP meeting to develop an IEP and determine placement and will provide special education and related services in accordance with the IEP.
 - (4) The district will apply the IDEA discipline protections beginning on the date of the eligibility determination.



Code: **EEACCA**
Adopted: 1/11/99

Video Cameras on Transportation Vehicles

The Board recognizes the district's continuing responsibility to maintain and improve discipline, and ensure the health, welfare and safety of its staff and students on school transportation vehicles.

The Board, after having carefully weighed and balanced the rights of privacy of students and staff with the district's duty to ensure discipline, health, welfare and safety of staff and students on school transportation vehicles, supports the use of video cameras on its transportation vehicles.

Video cameras may be used to monitor student behavior on school transportation vehicles transporting students to and from curricular and extracurricular activities.

Such equipment may also be used to monitor the performance of district employees in the fulfillment of their duties on school transportation vehicles transporting students to and from curricular and extracurricular activities.

Students in violation of district conduct rules shall be subject to disciplinary action in accordance with established Board policy and administrative regulations governing student conduct and discipline.

Staff shall be subject to established Board personnel policies, administrative regulations and collective bargaining agreements including provisions related to evaluation, discipline and dismissal.

Video recordings, depending on how they are used in student disciplinary proceedings, may become a part of a student's education record. In such cases, the district shall comply with all applicable state and federal laws related to education records. Such records will also be subject to established district procedures regarding education records including access, review and release of such records.

The superintendent shall develop procedures for the notification of staff, students, parents and others as necessary of the use of video cameras on school transportation vehicles and such other procedures as may be required for the implementation of this policy.

END OF POLICY

Legal Reference(s):

[ORS 30.864](#)

[ORS 192.420 - 192.505](#)

[ORS 326.565](#)

[ORS 326.575](#)

[ORS 336.187](#)

[ORS 339.260](#)

[ORS 342.850](#)

[OAR 581-021-0210 to -0440](#)

[OAR 581-022-1660](#)

[OAR 581-053-0517 \(46\)\(a\)-\(f\)](#)

Education of the Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400-1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990), as amended P.L. 105-17 (1997). [P.L. 94-142 is a well-known "short" reference to this federal legislation.]

Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g (1988); 34 CFR Part 99 (2000).

In the matter of A.O., A Minor (March 28, 1988) (Superintendent of Public Instruction Ruling).



Code: **EEACCA-AR**
Adopted: 8/8/94
Readopted: 1/11/99
Orig. Code(s): BP 5720

Video Cameras on Transportation Vehicles

Education Records

1. The district will comply with provisions of state and federal law regarding education records requirements including the Family Education and Privacy Act and the Individuals with Disabilities Education Act as applicable to the district's use of video recordings. Video recordings which become a part of a student's education record will be maintained in accordance with established education record procedures governing access, review and release of education records.
2. The district will include notice in student/parent handbooks that video cameras may be used on school transportation vehicles transporting students to and from curricular and extracurricular activities. The district will include, as a part of its notice procedures, a copy of the district's video camera policy and procedures to all students and parents.
3. Students will be given notification of those district vehicles where "On Board" video camera systems have been installed.

Staff Records

1. Video recordings considered for retention as part of the employee's personnel record will be maintained in accordance with established Board personnel policies, administrative regulations and labor agreements governing access, review and release of employee personnel records.
2. The district will include notice in personnel handbooks that video cameras may be used on school transportation vehicles transporting students to and from curricular and/or extracurricular activities.
3. District staff will be given notification of those district vehicles where "On Board" video camera systems have been installed.

Storage/Security

1. All video recordings will be stored and secured to ensure confidentiality.
2. Video recordings will be stored for five days after initial recording. These recordings will then be erased unless they become a part of a student's education record.
3. Video recordings held for review of student or staff incident will be maintained in their original form pending resolution. The tape will then be either erased or retained as necessary as a part of the student's education record and/or employee's personnel record in accordance with the established district procedures.

Use

1. Video cameras will be rotated on district vehicles transporting students to and from curricular or extracurricular activities at the discretion of the transportation supervisor or superintendent.
2. Staff and students are prohibited from tampering with or otherwise interfering with video camera equipment.

Viewing Requests

1. Requests for viewing video recordings will be limited to school officials, including teachers whom the district has determined to have legitimate educational interests, parent(s) or guardian, or student age 18 or older or others specified in state and federal laws and regulations.

2. Requests for viewing may be made to the superintendent within five school days of the date of recording.
3. Only the portion of the video recording concerning a specific incident(s) will be made available for viewing.
4. Approval/Denial for viewing will be made within five school days of receipt of request and so communicated to the requesting individual(s).
5. Video recordings will be made available for viewing within three school days of the request approval.

Viewing

1. Actual viewing will be permitted at school related sites only, including the transportation office, schools, district office or as otherwise required by law.
2. A written log will be maintained of those viewing video recordings including date of viewing, reason for viewing, the date the recording was made, vehicle videotaped and driver and signature of the viewer.
3. Video recordings remain the property of the district and may be reproduced only in accordance with law, including applicable district education records policy and procedures and district personnel records policy, procedures and applicable labor agreements.

Installation

1. Video surveillance cameras may be installed inside or on the forward bulkhead (header) above the windshield in compliance with the following requirements:
 - a. Surface mounted camera/camera housing/video recording devices of those extending into the passenger compartment shall be mounted as close as practicable directly above the driver, but not to extend into the area directly forward of the aisle beyond the existing rear view mirror, or the installation complies with all of the following:
 - 1) The camera/recorder/housing extends into the passenger compartment no more than nine inches;
 - 2) Extends down from the ceiling no more than five inches;
 - 3) Is no wider than five inches; and
 - 4) Is located as close as practicable to the midpoint of the header at the highest possible position.
 - b. If camera/camera housing or video receiving device extends into the passenger compartment, all edges must be rounded and/or protected with enclosure of shatterproof construction;
 - c. Flush mounted camera systems (no extension into passenger compartment) may be mounted in any desired position on the bulkhead;
 - d. Camera/Camera housing must be adequately secured to the bulkhead or ceiling in a manner to prevent separation from the vehicle in the event of a collision or mishap. Securement system shall be capable of withstanding a force of 5,672 Newtons applied from any direction without separation from the bus;
 - e. Camera mounting design must allow ready access for camera and video recording medium removal;
 - f. All electrical connections shall be made with UL approved wiring and protected by grommets any place it passes through metal panels.

Purchase, Maintenance, Replacement of Equipment/Supplies

1. The transportation supervisor will be responsible for all video equipment and supplies purchase, maintenance and replacement.
2. The transportation supervisor will develop a long-range video equipment and supply replacement cycle.
3. Vehicle drivers will be responsible for the care of video equipment while operating district vehicles.



Code: **EEACD**
Adopted: 1/11/99
Readopted: 9/13/04, 3/11/13

Use of District Activity Vehicles for Student Transportation

The Board may provide for the use of vehicles, commonly designated as Types 10, 20 or 21 pupil transportation vehicles, which do not meet the requirements of a “school bus” for the purpose of transporting students, licensed, classified or other supervisory personnel to and from curricular and extracurricular activities sponsored by the district.

The vehicle shall be insured for bodily injury, property damage, uninsured motorist coverage and personal injury protection. The business manager will recommend amounts to adequately protect the district against loss.

The district will meet or exceed minimum driver requirements and procedures as set forth in Oregon Administrative Rules, Section 53. The district will require in-class instruction as part of its driver training approval process. The district shall meet child safety system requirements and minimum standards and specifications as set forth in state law.

END OF POLICY

Legal Reference(s):

ORS 811.210	OAR 581-053-0511
ORS 815.055	OAR 581-053-0521
ORS 815.080	OAR 581-053-0531
ORS 820.110	OAR 581-053-0540
ORS 820.190	OAR 581-053-0610
OAR 437-002-0220 to -0227	OAR 581-053-0620
OAR 581-053-0010	OAR 581-053-0630
OAR 581-053-0220	OAR 581-053-0640
OAR 581-053-0310	OAR 735-102-0010
OAR 581-053-0320	
OAR 581-053-0330	
OAR 581-053-0340	
OAR 581-053-0410	
OAR 581-053-0420	
OAR 581-053-0430	
OAR 581-053-0440	



Code: **EEACE**
Adopted: 9/13/04

Loading and Unloading

The administration shall make arrangements to provide supervision of students during normal loading and unloading times at the schools.

Buses shall be scheduled into loading areas ahead of school dismissal times whenever practical.

Students shall not be allowed off the bus at other than their regular stop without a signed note from the principal's office or parent.

END OF POLICY

Legal Reference(s):

[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021-0050](#)

[OAR 581-053-0010 \(11\)](#)

[OAR 581-053-0015 \(7\)\(v\)](#)



Code: **EEAE**
Adopted: 1/11/99
Revised/Readopted: 9/13/04, 12/8/08, 6/13/11,
9/10/12

Student Transportation in Private Vehicles

Transportation of students will be by the district's transportation system or by a district employee's vehicle, properly insured, except as provided as follows.

Parents, employees and other designated adults may be permitted to use private vehicles to transport students other than their own on field trips or other school activities if the following conditions have been met prior to the activity:

1. The school administrator has approved the activity;
2. A permission slip signed by the student's parent(s) has been received by the principal or his/her designee, granting permission for the student to participate in the field trip/activity and to ride in a privately-owned vehicle;
3. The parent, employee or other adult driving the vehicle is properly licensed to drive and has provided proof of insurance. Such insurance shall meet or exceed minimum requirements as established by the state of Oregon and as set by the district;
4. The vehicle contains an adequate number of seat restraints, including when applicable, a child safety system for a child who weighs less than 40 pounds, regardless of age, and the adult driver requires their use. The child safety system must elevate the person so that a safety belt or safety harness properly fits the individual and meets the minimum standards and specifications of law. A person over 40 pounds or who has reached the upper weight limit for the forward-facing car seat must use a booster seat until four feet nine inches or age eight and the adult belt properly fits.^a. A person who is taller than four feet nine inches or eight years of age or older must be properly secured with a safety belt or harness that meets the requirements under ORS 815.055. Training in the proper installation and use
5. Students may be transported in two types of vehicles: (1) a school bus which meets Federal Motor Vehicle Safety Standards (FMVSS); and (2) a vehicle with a seating capacity of 10 or less including the driver. Passenger vans designed by the manufacturer to seat more than 10 (such as a 12 or 15 passenger van) would not meet either one of these conditions. Compliance cannot be achieved by simply removing seats or seat belts. The key point is, the capacity the vehicle was designed or manufactured to carry.

The district will develop procedures to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 801.455](#)
[ORS 811.210](#)
[ORS 815.055](#)
[ORS 815.080](#)

[OAR 735-102-0010](#)

Cross Reference(s):

EEACBA - Bus and Vehicle Inspections

^a“Proper fit” means the lap belt of the safety belt or harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck.



Code: **EEAE-AR**
Adopted: 3/4/95
Readopted: 1/11/99, 9/13/04
Orig. Code(s): AR 7422

Proof of Vehicle Liability Insurance

Dear _____,

You have agreed to transport students of the district to a field-trip function or for some other school-approved purpose. Please be aware that in the event of an accident, your insurance will provide primary coverage. In order to serve as a volunteer driver you will be required to provide proof of insurance. Your insurance must meet or exceed minimum requirements as established by the state of Oregon and as set by the district.

Please **COMPLETE** the following information, providing information requested. **SIGN** where indicated and **RETURN** to the school office four working days **PRIOR TO THE DATE OF THE EVENT**.

Insurance Company Name: _____ Expiration Date: _____
(not agent's name)

Policy Number: _____

Policy Limits: _____

Current minimum limits are: \$25,000 per person and \$50,000 per accident for bodily injury; \$10,000 per accident for property damage; \$25,000 per person and \$50,000 per accident for uninsured motorist coverage; and \$10,000 per accident for personal injury protection.

Date of Birth: _____ Oregon Driver License No.: _____

Signature: _____ Date: _____

Parent/Volunteer Name (as it appears on your driver license): _____

Address: _____

Daytime Phone: _____

Return form to superintendent. If you do not have required coverage, you will not be allowed to transport students. (Insurance companies may increase coverage for specific dates.)



Code: **EEBA**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7440

District Vehicles

The Board may approve the purchase of vehicles to be used by staff for district business including transportation services. The superintendent will develop and maintain regulations which define the appropriate use and care of district vehicles and the responsibility of district staff using those vehicles.

Personal use of district vehicles is prohibited.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.155](#)
[ORS 332.405](#)
[ORS 332.415](#)
[ORS 332.427](#)
[ORS 801.455](#)
[ORS 811.210](#)
[ORS 820.105](#)
[ORS 820.110](#)

[ORS 820.120](#)
[OAR 437-002](#)-0220 to -0227
[OAR 581-053](#)-0002 to -0015
[OAR 581-053](#)-0512 to -0555

Cross Reference(s):

EEBA-AR - District Vehicles



Code: **EEBA-AR**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): AR 7440

District Vehicles

It will be the responsibility of the transportation supervisor to make sure that a copy of these rules is conspicuously posted in each vehicle. Violations of these rules are to be reported to the superintendent or his/her designee.

Requests: All requests for the use of district owned vehicles will be made through the transportation supervisor or his/her designee.

Vehicle Usage: District owned vehicles are to be used only for school related business. Personal use is not authorized.

Vehicle Operation: The operation of a vehicle will be in strict conformance with all applicable laws of the state of Oregon.

Seat Belts: Drivers and their passengers are required to use seat belts in vehicles so equipped.

Care and Upkeep: It shall be the responsibility of the transportation supervisor to ensure that district-owned vehicles are properly maintained and in safe operating condition. Employees assigned the use of a district vehicle are responsible for ensuring that debris is cleaned up upon returning the vehicle to the transportation department.

Storage: All district-owned vehicles, with the exception of those vehicles assigned to the maintenance department, are to be stored at the bus compound.



Code: **EEBAA**
Adopted: 12/8/08
Revised/Readopted: 9/10/12

District Vehicles/Seat Belts/Child Safety System

All drivers operating district-owned vehicles shall use seat belts. Failure to do so is grounds for dismissal.

The driver of any district-owned vehicle, except school buses, is responsible for determining that the proper number of set belts is available for the passengers and their use is required. A child who weighs 40 pounds or less, regardless of age, must be properly secured with a child safety system. The child safety system must elevate the person so that a safety belt or safety harness properly fits the individual and meets the minimum standards and specifications of law. A person over 40 pounds or who has reached the upper weight limit for the forward-facing car seat must use a booster seat until four feet nine inches or age eight and the adult belt properly fits.¹ A person who is taller than four feet nine inches or eight years of age or older must be properly secured with a safety belt or harness that meets the requirements under ORS 815.055. A district vehicle more than 10,000 pounds or equipped with a lap belt only is exempt from child safety system requirements. The vehicles shall not be driven until the driver and all passengers are buckled up and properly secured. The driver is responsible for not placing children under the age of 13 in the front seat of a vehicle equipped with passenger-side air bags.

END OF POLICY

Legal Reference(s):

[ORS 811.210](#)
[ORS 815.055](#)
[ORS 815.080](#)

[OAR 437-002-0223](#)
[OAR 735-102-0010](#)

¹"Proper fit" means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck.



Code: **EEBAB**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7426

School Activity Trips

All school sponsored trips are to use school buses unless permission from the superintendent is secured by the building principal involved.

All cocurricular activity buses shall have staff supervision.

The district will pay transportation only on district sponsored activities. The charge for school sponsored trips will be determined by the business manager. This determination shall be based on the district's operating costs.

All nonschool activity transportation must be approved in advance.

Trips out of state must be approved by the building principal, superintendent and Board prior to the trip.

Any overnight trip of groups must be approved by the building principal and superintendent prior to the trip.

No student or student group will be allowed to participate in any activity representing the school without the approval of the building principal.

Requests for special transportation must be made through the transportation supervisor.

Requests for trips which need Board approval must be submitted to the superintendent well in advance of the date of the trip. The Board meets the second Monday of each month. Written requests will include the following information:

1. Who is going;
2. Where they are going;
3. Reason for the trip;
4. The date of the trip;
5. Provisions for proper supervision;
6. How the bus and other expenses will be paid;
7. Any other pertinent information which might have a bearing on the decision of the building principal, superintendent and Board.

END OF POLICY

Legal Reference(s):

[ORS 327.006](#)
[ORS 327.033](#)
[ORS 327.043](#)
[ORS 332.405](#)
[ORS 332.415](#)
[ORS 339.240 - 339.250](#)
[ORS 820.105 - 820.190](#)

[OAR 581-021-0050 to -0075](#)
[OAR 581-022-1530](#)
[OAR 581-023-0040](#)
[OAR 581-053-0002 to -0015](#)



Code: **EEBB**
Adopted: 9/13/04

Use of Private Vehicles for District Business

The Board discourages the use of private vehicles for district business, including the transportation of students. Staff will use district-owned vehicles whenever possible and should schedule activities and transportation far enough in advance to avoid any nonemergency use of private vehicles.

The superintendent will develop regulations for staff use of private vehicles that will safeguard the district, its employees and students in matters of safety, insurance and liability. The Board will review such regulations at least annually.

No staff member will use a private vehicle for district business, including the transportation of students, without approval in accordance with established district procedures. Authorization to use a private vehicle must be obtained before actual use of the vehicle. Staff members who are authorized to use a private vehicle on district business will be reimbursed in an amount established by the Board.

At least two staff members should accompany a student being transported in a private vehicle.

A student will be allowed to perform district business with his/her own vehicle. Any student so authorized must obtain prior approval from the designated district official.

END OF POLICY

Legal Reference(s):

[ORS 30.260 - 30.265](#)

[ORS 332.107](#)

[ORS 801.455](#)

[ORS 811.210](#)

[ORS 815.055](#)

[ORS 815.080](#)

[OAR 735-102-0010](#)



Code: **EEBC**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7460

Vehicle Insurance

The district will carry liability and comprehensive insurance on all district-owned vehicles.

END OF POLICY

Legal Reference(s):

[ORS 30.260 - 30.265](#)



Code: **EF**
Adopted: 4/4/88
Revised/Readopted: 1/11/99
Orig. Code(s): BP 7500

Food Services Management

Sweet Home School District will provide a food service program in all schools. The district will participate in the National School Lunch and School Breakfast Program in accordance with established guidelines.

Breakfast and lunch sales and other revenues from the food service program will offset direct costs. Indirect costs and other expenses may be subsidized by the district.

Meal prices will be established annually by the Board.

The business manager will prepare such reports and will keep such records as are required by federal and state laws and as requested by the Board.

END OF POLICY

Legal Reference(s):

[OAR 581-022](#)-1530
[OAR 581-051](#)-0100
[OAR 581-051](#)-0305
[OAR 581-051](#)-0310
[OAR 581-051](#)-0400



Code: **EFA**
Adopted: 6/12/06
Revised/Readopted: 9/10/12, 1/12/15,
12/14/15, 8/14/17

Local Wellness Program

The Board recognizes that childhood obesity has become an epidemic in Oregon as well as throughout the nation. However, research indicates that obesity and subsequent diseases are largely preventable through diet and regular physical activity. Healthy eating patterns and increased physical activity are essential for students to achieve their academic potential, full physical and mental growth and lifelong health and well-being. The district is committed to the optimal development of every student and believes that a positive, safe and health-promoting learning environment is necessary for students to have the opportunity to achieve personal, academic, developmental and social success.

To help ensure students possess the knowledge and skills necessary to make healthy choices for a lifetime, the superintendent shall prepare and implement a nutrition program consistent with state and federal requirements for districts sponsoring the National School Lunch Program (NSLP) and/or the School Breakfast Program (SBP).

The program shall reflect the Board's commitment to providing adequate time for instruction that promotes healthy eating through nutrition education, serving healthy and appealing foods at district schools, developing food-use guidelines for staff and providing healthy physical activities. Input from staff, (including but not limited to, physical education and school health professionals), students, parents, the public, food service representatives and health professionals will be encouraged. The superintendent will develop guidelines as necessary to implement the goals of this policy throughout the district.

WELLNESS POLICY IMPLEMENTATION, MONITORING, ACCOUNTABILITY AND COMMUNITY ENGAGEMENT

Implementation Plan

The district shall develop and maintain a plan to manage and coordinate the implementation of this wellness policy.

The plan will:

1. Delineate roles, responsibilities, actions and timelines specific to each school;
2. Include information about who will be responsible to make what change, by how much, where and when;
3. Include specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, and in food and beverage marketing; and
4. Include specific goals and objectives for nutrition promotion and education, physical activity, physical education and other school-based activities that promote student wellness.

In an effort to measure the implementation of this policy, the Board designates the district principals as the people who will be responsible for ensuring each school meets the goals outlined in this policy.

Record Keeping

The district will retain the following records to document compliance with the requirements of the wellness policy at the district's administrative offices.

5. The written wellness policy;
6. Documentation demonstrating that the policy has been made available to the public;
7. Documentation of efforts to review and update the local wellness policy, including an indication of who is involved in the update and the methods the district uses to make stakeholders aware of their ability to participate;
8. Documentation to demonstrate compliance with the annual public notification requirements;
9. The most recent assessment on the implementation of the local wellness policy;
10. Documentation demonstrating the most recent assessment on the implementation of the local wellness policy has been made available to the public.

Annual Notification of Policy

The district will make available to the public annually, an assessment of the implementation, including the extent to which the schools are in compliance with policy, how the policy compares to model policy and a description of the progress being made in attaining the goals of the policy. The district will make this information available through the district website and/or district wide communications. The district will also publicize the name and contact information of the district or school official(s) leading and coordinating the policy, as well as information on how the public can get involved with the local wellness policy.

Triennial Progress Assessments

At least once every three years, the district will evaluate compliance with the local wellness policy, to assess the implementation of the policy and produce a triennial progress report that will include:

11. The extent to which schools under the jurisdiction of the district are in compliance with the policy;
12. The extent to which the district's policy compares to model wellness policy; and
13. A description of the progress made in attaining the goals of the district's policy.

The district or school will actively notify households/families of the availability of the triennial progress report.

Revisions and Updating the Policy

The district will update or modify the local wellness policy based on the results of the triennial assessments and/or as district priorities change; community needs change; wellness goals are met; new health science, information and technology emerge; and new federal or state guidance or standards are issued. The local wellness policy will be assessed and updated as indicated at least every three years following the triennial assessment.

Community Involvement, Outreach and Communications

The district will actively communicate ways in which the community can participate in the development, implementation and periodic review and update of the local wellness policy through a variety of means appropriate for the district. The district will also ensure that communications are culturally and linguistically appropriate to the community, and accomplished through means similar to other ways that the district and individual schools are communicating important school information with parents.

Nutrition Promotion and Nutrition Education

Nutrition promotion supports the integration of nutrition education throughout the school environment. Nutrition education topics shall be integrated within the sequential, comprehensive health education program taught in grades kindergarten through high school. This program shall include age appropriate nutritional knowledge and skills.

Nutrition Guidelines

It is the intent of the Board that district schools be proactive in encouraging students to make nutritious food choices. All food and beverage items sold to students in a K-12 public school as part of the regular or extended school day shall meet the minimum state and federal standards. Exceptions to this requirement include items that are part of the USDA National School Lunch Program or School Breakfast Program. Other exceptions are foods and beverages provided in the following instances:

When the school is the site of school-related events or events for which parents and other adults are a significant part of an audience; or the sale of food or beverage items before, during or after a sporting event, interscholastic activity, a play, band or choir concert.

The sale of foods with minimal nutritional value (FMNV) on district grounds and at district-sponsored events will be limited. The superintendent shall ensure that nutritious foods are available as an affordable option whenever food is sold or served on district property or at district-sponsored events.

Although the Board believes that the district's nutrition and food services operation should be financially self-supporting, it recognizes, however, that the nutrition program is an essential educational and support activity. Therefore, budget neutrality or profit generation must not take precedence over the nutrition needs of its students. In compliance with federal law, the district's NSLP and SBP shall be nonprofit.

The superintendent is directed to develop administrative regulations to implement this policy that address all food and beverages items sold and/or served to students at in district schools, including provisions for staff development, family and community involvement and program evaluation. These food and beverage items include competitive foods, snacks and beverages sold from vending machines and school stores, and similar food and beverage items from fund-raising activities and refreshments that are made available at school parties, celebrations and meetings.

Staff Qualifications and Professional Development

All school nutrition program directors, managers and staff will meet or exceed hiring and annual continuing education/training requirements in the USDA Professional Standards for Child Nutrition Professionals.

Local Wellness Program – EFA

Water

Free, safe, unflavored, drinking water will be available to all students throughout the school day and throughout every school campus. The district will make drinking water available where school meals are served during mealtimes.

Competitive Foods and Beverages

All foods and beverages outside the reimbursable school meal programs that are sold to students on the school campus during the school day will meet or exceed the nutrition standards set by the USDA and the Oregon Smart Snacks Standards¹. These standards will apply in all locations and through all services where foods and beverages are sold, which may include, but are not limited to, à la carte options in cafeterias, vending machines, school stores and snack or food carts.

Celebrations and Rewards

All foods offered on the school campus are encouraged to meet the nutrition standards set by the USDA and the Oregon Smart Snacks Standards. This includes, but is not limited to, celebrations, parties, classroom snacks brought by parents, rewards and incentives.

Fund Raising

Foods and beverages that meet or exceed the nutrition standards set by the USDA and the Oregon Smart Snacks Standards may be sold through fund raisers on the school campus during the school day.

Food and Beverage Marketing in Schools

Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the nutrition standards set by the USDA and the Oregon Smart Snacks Standards.

“Food and beverage marketing” is defined as advertising and other promotion in schools. Food and beverage marketing often includes an oral, written or graphic statement made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller or any other entity with a commercial interest in the product.

Physical Education/Activity

Physical activity should be included in the school’s daily education program for grades K through 12 and include regular, instructional physical education, as well as co-curricular activities and recess.

The Board realizes that a quality physical education program is an essential component for all students to learn about and participate in physical activity. Every public school student in kindergarten through grade 8

¹[Oregon Department of Education, Oregon Smart Snacks Standards](#)

shall participate in physical education for the entire school year. Students in kindergarten through grade 5 shall participate for at least 150 minutes during each school week and students in grades 6 through 8 for at least 225 minutes per school week. At least 50 percent of the weekly physical education class time shall be devoted to actual physical activity. Instruction, provided by adequately prepared teachers, will meet the state adopted academic content standards for physical education, ORS 329.045. Teachers of physical education shall regularly participate in professional development activities.

Students with disabilities shall have suitably adapted physical education incorporated as part of the individualized education program (IEP) developed for the student under ORS 343.151. A student who does not have an IEP but has chronic health problems, other disabling conditions or other special needs that preclude them from participating in regular physical education instruction, shall have suitably adapted physical education incorporated as part of an individualized health plan developed for the student by the district or public charter school.²

Physical activity should be included in a school's daily education program for kindergarten through high school. Physical activity should include regular instructional physical education as well as co-curricular activities and recess. The district's physical education program will address the Oregon Department of Education's physical education content and performance standards.

Reimbursable School Meals

The district may enter into an agreement with the Oregon Department of Education (ODE) to operate reimbursable school meal programs. The superintendent will develop administrative regulations as necessary to implement this policy and meet the requirements of state and federal law. These guidelines shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and section 9(f)(1) and 17(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)(0).

School Employee Wellness

The district encourages school staff to pursue a healthy lifestyle that contributes to their improved health status, improved morale and a greater personal commitment to the school's overall wellness program. Many actions and conditions that affect the health of school employees may also influence the health and learning of students. The physical and mental health of school employees is integral to promoting and protecting the health of students and helps foster their academic success. The district's employee wellness program will promote health and reduce risk behaviors of employees and identify and correct conditions in the workplace that can compromise the health of school employees, reduce their levels of productivity, impede student success and contribute to escalating health-related costs such as absenteeism.

The district will work with community partners to identify programs/services and resources to compliment and enrich employee wellness endeavors.

Evaluation of the Local Wellness Policy

The Board will review this policy with input from parents, students, food service authority, school administrators and the public. In an effort to measure the implementation of this policy the Board assigns the superintendent or his designee to be responsible for ensuring the district meets the goals outlined in this policy. The Board further directs the superintendent to develop administrative regulations to implement this policy.

The Board will involve staff (including but not limited to, physical education and school health professionals), parents, students, representatives of the school food authority, public health professionals, school administrators and the public in the development, implementation and periodic review and yearly

²HB 3141 (effective 2017-2018 school year)

update of this policy. In an effort to measure the implementation of this policy the Board designates the superintendent as the person who will be responsible for ensuring each school meets the goals outlined in this policy. The district will make available to the public annually, an assessment of the implementation, including the extent to which the schools are in compliance with policy, how the policy compares to model policy and a description of the progress being made in attaining the goals of this policy.

END OF POLICY

Legal Reference(s):

ORS 332.107
ORS 329.496
ORS 336.423

OAR 581-051-0100
OAR 581-051-0305
OAR 581-051-0306

OAR 581-051-0310
OAR 581-051-0400

National School Lunch Program, 7 CFR Part 210 (2001).
School Breakfast Program, 7 CFR Part 220 (2001).
Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296 Section 204.



Code: **EFA**
Adopted: 6/12/06
Revised/Readopted: 9/10/12, 1/12/15

Local Wellness Program

The Board recognizes that childhood obesity has become an epidemic in Oregon as well as throughout the nation. However, research indicates that obesity and subsequent diseases are largely preventable through diet and regular physical activity. Healthy eating patterns and increased physical activity are essential for students to achieve their academic potential, full physical and mental growth and lifelong health and well-being.

To help ensure students possess the knowledge and skills necessary to make healthy choices for a lifetime, the superintendent shall prepare and implement a comprehensive district wellness program that addresses two main goals: 1) Students will have the knowledge, skills and opportunities for making good nutrition choices. 2) Students will have the knowledge, skills and opportunities to participate in healthy physical activities.

The program shall reflect the Board's commitment to providing adequate time for instruction that promotes healthy eating through nutrition education, serving healthy and appealing foods at district schools, developing food-use guidelines for staff and providing healthy physical activities. Input from staff, (including but not limited to, physical education and school health professionals), students, parents, the public, food service representatives and health professionals will be encouraged. The superintendent will develop guidelines as necessary to implement the goals of this policy throughout the district.

Nutrition Promotion and Nutrition Education

Nutrition promotion supports the integration of nutrition education throughout the school environment. Nutrition education topics shall be integrated within the sequential, comprehensive health education program taught in grades kindergarten through high school. This program shall include age appropriate nutritional knowledge and skills.

Nutrition Guidelines

It is the intent of the Board that district schools be proactive in encouraging students to make nutritious food choices. All food and beverage items sold in a K-12 public school as part of the regular or extended school day shall meet the minimum state and federal standards. Exceptions to this requirement include items that are part of the USDA National School Lunch Program or School Breakfast Program. Other exceptions are foods and beverages provided in the following instances:

1. When the school is the site of school-related events or events for which parents and other adults are a significant part of an audience; or
2. The sale of food or beverage items before, during or after a sporting event, interscholastic activity, a play, band or choir concert.

The sale of foods with minimal nutritional value (FMNV) on district grounds and at district-sponsored events will be limited. The superintendent shall ensure that nutritious foods are available as an affordable option whenever food is sold or served on district property or at district-sponsored events.

Although the Board believes that the district's nutrition and food services operation should be financially self-supporting, it recognizes, however, that the nutrition program is an essential educational and support activity. Therefore, budget neutrality or profit generation must not take precedence over the nutrition needs of its students. In compliance with federal law, the district's NSLP and SBP shall be nonprofit.

The superintendent is directed to develop administrative regulations to implement this policy that address all food and beverages items sold and/or served to students at in district schools, including provisions for staff development, family and community involvement and program evaluation.

These food and beverage items include competitive foods, snacks and beverages sold from vending machines and school stores, and similar food and beverage items from fund-raising activities and refreshments that are made available at school parties, celebrations and meetings.

Physical Activity

The Board realizes that a quality physical education program is an essential component for all students to learn about and participate in physical activity.

Physical activity should be included in a school's daily education program ~~from~~ for kindergarten through high school. Physical activity should include regular instructional physical education as well as co-curricular activities and recess. The district's physical education program will address the Oregon Department of Education's physical education content and performance standards.

Reimbursable School Meals

The district may enter into an agreement with the Oregon Department of Education (ODE) to operate reimbursable school meal programs. The superintendent will develop administrative regulations as necessary to implement this policy and meet the requirements of state and federal law. These guidelines shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and section 9(f)(1) and 17(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)(0)).

School Employee Wellness

The district encourages school staff to pursue a healthy lifestyle that contributes to their improved health status, improved morale and a greater personal commitment to the school's overall wellness program. Many actions and conditions that affect the health of school employees may also influence the health and learning of students. The physical and mental health of school employees is integral to promoting and protecting the health of students and helps foster their academic success. The district's employee wellness program will promote health and reduce risk behaviors of employees and identify and correct conditions in the workplace that can compromise the health of school employees, reduce their levels of productivity, impede student success and contribute to escalating health-related costs such as absenteeism.

The district will work with community partners to identify programs/services and resources to compliment and enrich employee wellness endeavors.

Evaluation of the Local Wellness Policy

The Board will review this policy with input from parents, students, food service authority, school administrators and the public. In an effort to measure the implementation of this policy the Board assigns the superintendent or his designee to be responsible for ensuring the district meets the goals outlined in this policy. The Board further directs the superintendent to develop administrative regulations to implement this policy.

The Board will involve staff (including but not limited to, physical education and school health professionals), parents, students, representatives of the school food authority, public health professionals, school administrators and the public in the development, implementation and periodic review and yearly update of this policy. In an effort to measure the implementation of this policy the Board designates the superintendent as the person who will be responsible for ensuring each school meets the goals outlined in this policy. The district will make available to the public annually, an assessment of the implementation, including the extent to which the schools are in compliance with policy, how the policy compares to model policy and a description of the progress being made in attaining the goals of this policy.



Code: **EFA-AR**
Adopted: 5/14/07
Revised/Readopted: 9/10/12

Local Wellness Program

The district's comprehensive age-appropriate nutrition program will be implemented in district schools in accordance with the following requirements:

Definitions:

1. "Competitive foods" means any food or drink sold in competition with the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) in food service areas during the meal periods;
2. "Dietary Guidelines for Americans" means the current set of recommendations of the federal government that are designed to help people choose diets that will meet nutrient requirements, promote health, support active lives and reduce chronic disease risks;
3. "Nutrition education" means a planned sequential instructional program that provides knowledge and teaches skills to help students adopt and maintain lifelong healthy eating habits;
4. "Foods of minimal nutritional value (FMNV)" means a food which provides less than five percent of the Reference Daily Intakes (RDI) such as, but not limited to, food that is classified into four categories: (1) Carbonated soft drinks; (2) Chewing gum; (3) Water ices; and (4) Certain candies made predominantly from sweeteners such as hard candy, licorice, jelly beans, gum drops, marshmallows, fondant, cotton candy and candy-coated popcorn.
5. "Food service area" means any area on school premises where NSLP or SBP meals are served or eaten.
6. "Meal period" means the period(s) during which breakfast or lunch meals are served and eaten, and as identified on the school schedule.

Nutrition Promotion and Nutrition Education

Nutrition promotion and nutrition education shall be consistent with state and local district health education standards. Nutrition education at all levels of the district's curriculum shall include, but not be limited to, the following essential components designed to help students learn:

- Age-appropriate nutritional knowledge, such as the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary supplements, safe food preparation, handling and storage and cultural diversity related to food and eating;
- Age-appropriate nutrition-related skills, such as planning a healthy meal, understanding and using food labels and critically evaluating nutrition information, misinformation and commercial food advertising; and
- How to assess one's personal eating habits, set goals for improvement and achieve those goals.

In order to reinforce and support district nutrition education efforts, the District will ensure the following:

- Nutrition instruction is closely coordinated with the school's nutrition and food services operation;
- Student/Parent Handbooks will include information about local supplemental nutritional services;
- School & classroom reward or incentive programs are encouraged to avoid foods of minimal nutritional value.

Physical Activity

In order to insure students are afforded the opportunity to engage in physical activity in the school setting, the school staff will require students to participate in an average of at least thirty (30) minutes per day, three days per week, of guided physical activity at the elementary level. All schools must provide physical education programs as part of their on-going curriculum. The high school and junior high school will provide opportunities for students to participate in physical education classes throughout the entire year as well as provide opportunities for students to participate in inter-scholastic sports. All high school students will complete a minimum of one credit (two trimesters) of physical education in order to graduate.

School facilities are available to student groups after school hours so they may promote physical activities. Appropriate facility use permits may be obtained at the district office.

Teachers shall not withhold physical education as a disciplinary strategy, nor use physical activity (running laps, pushups, etc.) as punishment.

Nutrition Guidelines and Food Services Operation

In order to support the District's nutrition and food services operation as an essential partner in the educational mission of the district and its role in the district's comprehensive nutrition program, the District is responsible for ensuring:

1. The District encourages all students to participate in the NSLP and SBP meal opportunities or to bring lunches of equal nutritional value from home;
2. The District notifies families of need-based programs for free or reduced-price meals and encourages eligible families to apply;
3. The District's NSLP, SBP and Special Milk Program (SMP) maintains the confidentiality of students and families applying for or receiving free or reduced-priced meals or free milk in accordance with the National School Lunch Act;

4. The District's NSLP, SBP and SMP operates to dietary specifications in accordance with the Healthy Hunger-Free Kids Act of 2010 and applicable state laws and regulations (the District may be more strict in areas such as levels of sodium, trans fats, saturated fats, etc.);
5. The District sells or serves varied and nutritious food choices consistent with the applicable federal government Dietary Guidelines for Americans. Input regarding the food service program is welcome.
6. Food prices set by the district are communicated to students and parents. District pricing strategies will encourage students to purchase full meals and nutritious items;
7. Procedures are in place for providing to families, on request, information about the ingredients and nutritional value of the foods served;
8. Modified meals are prepared for students with special food needs:
 - a. The district will provide substitute foods to students with disabilities upon written parental permission and a medical statement by a physician that identifies the student's disability, states why the disability restricts the student's diet, identifies the major life activity affected by the disability, and states the food or foods to be omitted and the food or choice of foods that must be substituted;
 - b. Such food substitutions will be made for students without disabilities on a case-by-case basis when the parent submits a signed request that includes a medical statement signed by a physician, physician assistant, registered dietitian or nurse practitioner. The medical statement must state the medical condition or special dietary need that restricts the student's diet and provide a list of food(s) that may be substituted in place of the lunch or breakfast menu being served.
9. Food service equipment and facilities meet applicable local and state standards concerning health, safe food preparation, handling and storage, drinking water, sanitation and workplace safety;
10. Students are provided adequate time and space to eat meals in a pleasant and safe environment. School dining areas will be reviewed to ensure:
 - a. Tables and chairs are of the appropriate size for students;
 - b. Seating is not overcrowded;
 - c. Students have a relaxed environment;
 - d. Noise is not allowed to become excessive;
 - e. Rules for safe behavior are consistently enforced;
 - f. Tables and floors are cleaned regularly;
 - g. The physical structure of the eating area is in good repair;
 - h. Appropriate supervision is provided.
11. The guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and sections 9(f) (1) and 17(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f) (1), 1766(a)), as those regulations and guidance apply to schools.

Foods of Minimal Nutritional Value (FMNV) and Competitive Food Sales

In keeping with federal regulations, the district controls the sale of FMNV and all competitive foods.

Though federal regulations permit FMNV to be sold in food service areas before and after school meal periods, and outside of food service areas at any time, district schools are directed to minimize such sales. 100% of foods sold at the elementary schools will meet applicable Dietary Guidelines for Americans. At least 85% of the items sold at the junior and senior high schools will meet acceptable guidelines. 85% of the food items and beverages sold by any organization or entity at any location on district premises and at district-sponsored events (e.g., vending machine offerings, student stores, school or district events, food sales at activity/athletic events, etc.) will meet applicable Dietary Guidelines for Americans.

The sale of all other foods, other than FMNV, in competition with the district's NSLP and SBP meals shall be permitted in school food service areas during school meal periods only when all income from the food sales accrues to the benefit of the district's nutrition and food services operation or school or approved student organization.

Other Foods Offered or Sold

The district recognizes that federal government standards requiring schools to provide NSLP and SBP meals consistent with applicable Dietary Guidelines for Americans do not apply to competitive foods sold or served outside the food service areas as defined in this regulation.

Foods offered in classrooms or school-sponsored activities and food and beverages sold as part of approved school fund-raising events are encouraged to be nutritious foods.

Staff Development

Ongoing professional development opportunities for staff will be encouraged. Staff responsible for the District's wellness program will be encouraged to participate in professional development activities to effectively deliver the District's wellness program.

Nutrition and food services personnel will be provided opportunities to participate in professional development activities that address strategies for promoting healthy eating behavior, food safety, maintaining safe, orderly and pleasant eating environments and other topics directly relevant to the employee's job duties.

Family and Community Involvement

In order to promote family and community involvement in supporting and reinforcing the wellness program, the building principal is responsible for ensuring:

1. Nutrition education materials and cafeteria menus are sent home with students;
2. Parents are encouraged to send healthy snacks/meals to school;
3. Parents and other family members are invited to periodically eat with their student in the cafeteria;
4. Families are invited to attend exhibitions of student nutrition projects or health fairs;
5. Nutrition education homework that students can do with their families is assigned (e.g., reading and interpreting food labels, reading nutrition-related newsletters, preparing healthy recipes, etc.); and
6. Physical activity, both at home and at school, is promoted.

Program Evaluation

In order to evaluate the effectiveness of the local wellness program in promoting healthy eating, increased physical activity among students and to implement program changes as necessary to increase its effectiveness, the superintendent or designee is responsible for ensuring:

1. Board policy and this administrative regulation are implemented as written;
2. All building, grade-level nutrition education curricula and materials are assessed for accuracy, completeness, balance and consistency with state and local district educational goals and standards;
3. Nutrition education is provided throughout the student's school years as part of the district's age-appropriate, culturally appropriate, comprehensive wellness program;
4. Teachers provide physical activity instruction and programs that meet the needs and interests of all students;
5. Teachers have received appropriate curriculum-specific training;
6. Families and community organizations are involved, to the extent practicable, in nutrition education
7. The superintendent shall oversee the development and implementation of a program evaluation measure that will look at the effectiveness of the District's wellness program. Input shall be sought from appropriate staff and the medical profession; and
8. The results of this program evaluation shall be shared with the school board.
9. One or more persons within the district or at each school, as appropriate, will be charged with the operational responsibility of ensuring that the policy and administrative regulations are followed and will develop an evaluation plan to be used to assess the district's level of compliance with state and federal requirements.



Code: **EFAA**
Adopted: 4/4/88
Readopted: 1/11/99, 9/13/04,
8/15/11, 1/12/15,
4/10/17
Orig. Code(s): BP 7510

District Nutrition and Food Services

The district may enter into an agreement with the Oregon Department of Education (ODE) to operate the National School Lunch Program (NSLP) and the Commodity Food Distribution Program (CFDP) by signing a permanent Sponsor-ODE Agreement entitling the district to receive reimbursement for all meals that meet program requirements and to earn USDA Food entitlement based on the number of lunches served.

The permanent agreement shall be signed by the superintendent or other school official with authority to obligate the district to legally binding contracts, subject to annual ODE renewal and will include, at the district's option, an agreement to operate the School Breakfast Program (SBP), Summer Food Service Program (SFSP), the Child and Adult Care Food Program (CACFP) and the Special Milk Program (SMP). The district recognizes that meals and snacks served by the district will not be eligible for reimbursement until the annual program update is received and approved by ODE.

The permanent Sponsor-ODE Agreement shall include assurances by the district that it will follow all Child Nutrition Program regulations for which the district is approved to operate:

- Free and reduced price process (updated annually);
- Financial management of the nonprofit school food service;
- Civil rights and confidentiality procedures;
- Nutrition content of meals served;
- Use and control of commodity foods;
- Accuracy of reimbursement claims;
- Food safety and sanitation inspections;
- Nutrition standards for foods and beverages sold to students.

The superintendent will develop an administrative regulation as necessary to implement this policy and meet the requirements of state and federal law. The regulation will be reviewed and adopted by the Board as required by law.

END OF POLICY

Legal Reference(s):

[ORS 327.520 - 327.535](#)

[OAR 581-051-0100](#)

[OAR 581-051-0305](#)

[OAR 581-051-0310](#)

[OAR 581-051-0400](#)

[OAR 336.423](#)

Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance, 7 C.F.R. Part 15b (2001).

U.S.D.A., ELIGIBILITY GUIDANCE FOR SCHOOL MEALS MANUAL

U.S.D.A., FNS INSTRUCTION 765-7 REV. 2: HANDLING LOST, STOLEN AND MISUSED MEAL TICKETS

Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. 1751 §§ 203, 205.

National School Lunch Program 7 C.F.R. Part 210

U.S.D.A. Instruction 113-1 Civil Rights

Donation of Foods for Use in the United States, Its Territories and Possessions and Areas Under its Jurisdiction, 7 C.F.R. Part 250

Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, 2 C.F.R. 200.



Code: **EFA-AR**
Adopted: 5/14/07
Revised/Readopted: 9/10/12

Local Wellness Program

The district's comprehensive age-appropriate nutrition program will be implemented in district schools in accordance with the following requirements:

Definitions:

1. "Competitive foods" means any food or drink sold in competition with the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) in food service areas during the meal periods;
2. "Dietary Guidelines for Americans" means the current set of recommendations of the federal government that are designed to help people choose diets that will meet nutrient requirements, promote health, support active lives and reduce chronic disease risks;
3. "Nutrition education" means a planned sequential instructional program that provides knowledge and teaches skills to help students adopt and maintain lifelong healthy eating habits;
4. "Foods of minimal nutritional value (FMNV)" means a food which provides less than five percent of the Reference Daily Intakes (RDI) such as, but not limited to, food that is classified into four categories: (1) Carbonated soft drinks; (2) Chewing gum; (3) Water ices; and (4) Certain candies made predominantly from sweeteners such as hard candy, licorice, jelly beans, gum drops, marshmallows, fondant, cotton candy and candy-coated popcorn.
5. "Food service area" means any area on school premises where NSLP or SBP meals are served or eaten.
6. "Meal period" means the period(s) during which breakfast or lunch meals are served and eaten, and as identified on the school schedule.

Nutrition Promotion and Nutrition Education

Nutrition promotion and nutrition education shall be consistent with state and local district health education standards. Nutrition education at all levels of the district's curriculum shall include, but not be limited to, the following essential components designed to help students learn:

- Age-appropriate nutritional knowledge, such as the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary supplements, safe food preparation, handling and storage and cultural diversity related to food and eating;
- Age-appropriate nutrition-related skills, such as planning a healthy meal, understanding and using food labels and critically evaluating nutrition information, misinformation and commercial food advertising; and
- How to assess one's personal eating habits, set goals for improvement and achieve those goals.

In order to reinforce and support district nutrition education efforts, the District will ensure the following:

- Nutrition instruction is closely coordinated with the school's nutrition and food services operation;
- Student/Parent Handbooks will include information about local supplemental nutritional services;
- School & classroom reward or incentive programs are encouraged to avoid foods of minimal nutritional value.

Physical Activity

In order to insure students are afforded the opportunity to engage in physical activity in the school setting, the school staff will require students to participate in an average of at least thirty (30) minutes per day, three days per week, of guided physical activity at the elementary level. All schools must provide physical education programs as part of their on-going curriculum. The high school and junior high school will provide opportunities for students to participate in physical education classes throughout the entire year as well as provide opportunities for students to participate in inter-scholastic sports. All high school students will complete a minimum of one credit (two trimesters) of physical education in order to graduate.

School facilities are available to student groups after school hours so they may promote physical activities. Appropriate facility use permits may be obtained at the district office.

Teachers shall not withhold physical education as a disciplinary strategy, nor use physical activity (running laps, pushups, etc.) as punishment.

Nutrition Guidelines and Food Services Operation

In order to support the District's nutrition and food services operation as an essential partner in the educational mission of the district and its role in the district's comprehensive nutrition program, the District is responsible for ensuring:

1. The District encourages all students to participate in the NSLP and SBP meal opportunities or to bring lunches of equal nutritional value from home;
2. The District notifies families of need-based programs for free or reduced-price meals and encourages eligible families to apply;
3. The District's NSLP, SBP and Special Milk Program (SMP) maintains the confidentiality of students and families applying for or receiving free or reduced-priced meals or free milk in accordance with the National School Lunch Act;

4. The District's NSLP, SBP and SMP operates to dietary specifications in accordance with the Healthy Hunger-Free Kids Act of 2010 and applicable state laws and regulations (the District may be more strict in areas such as levels of sodium, trans fats, saturated fats, etc.);
5. The District sells or serves varied and nutritious food choices consistent with the applicable federal government Dietary Guidelines for Americans. Input regarding the food service program is welcome.
6. Food prices set by the district are communicated to students and parents. District pricing strategies will encourage students to purchase full meals and nutritious items;
7. Procedures are in place for providing to families, on request, information about the ingredients and nutritional value of the foods served;
8. Modified meals are prepared for students with special food needs:
 - a. The district will provide substitute foods to students with disabilities upon written parental permission and a medical statement by a physician that identifies the student's disability, states why the disability restricts the student's diet, identifies the major life activity affected by the disability, and states the food or foods to be omitted and the food or choice of foods that must be substituted;
 - b. Such food substitutions will be made for students without disabilities on a case-by-case basis when the parent submits a signed request that includes a medical statement signed by a physician, physician assistant, registered dietitian or nurse practitioner. The medical statement must state the medical condition or special dietary need that restricts the student's diet and provide a list of food(s) that may be substituted in place of the lunch or breakfast menu being served.
9. Food service equipment and facilities meet applicable local and state standards concerning health, safe food preparation, handling and storage, drinking water, sanitation and workplace safety;
10. Students are provided adequate time and space to eat meals in a pleasant and safe environment. School dining areas will be reviewed to ensure:
 - a. Tables and chairs are of the appropriate size for students;
 - b. Seating is not overcrowded;
 - c. Students have a relaxed environment;
 - d. Noise is not allowed to become excessive;
 - e. Rules for safe behavior are consistently enforced;
 - f. Tables and floors are cleaned regularly;
 - g. The physical structure of the eating area is in good repair;
 - h. Appropriate supervision is provided.
11. The guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and sections 9(f) (1) and 17(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f) (1), 1766(a)), as those regulations and guidance apply to schools.

Foods of Minimal Nutritional Value (FMNV) and Competitive Food Sales

In keeping with federal regulations, the district controls the sale of FMNV and all competitive foods.

Though federal regulations permit FMNV to be sold in food service areas before and after school meal periods, and outside of food service areas at any time, district schools are directed to minimize such sales. 100% of foods sold at the elementary schools will meet applicable Dietary Guidelines for Americans. At least 85% of the items sold at the junior and senior high schools will meet acceptable guidelines. 85% of the food items and beverages sold by any organization or entity at any location on district premises and at district-sponsored events (e.g., vending machine offerings, student stores, school or district events, food sales at activity/athletic events, etc.) will meet applicable Dietary Guidelines for Americans.

The sale of all other foods, other than FMNV, in competition with the district's NSLP and SBP meals shall be permitted in school food service areas during school meal periods only when all income from the food sales accrues to the benefit of the district's nutrition and food services operation or school or approved student organization.

Other Foods Offered or Sold

The district recognizes that federal government standards requiring schools to provide NSLP and SBP meals consistent with applicable Dietary Guidelines for Americans do not apply to competitive foods sold or served outside the food service areas as defined in this regulation.

Foods offered in classrooms or school-sponsored activities and food and beverages sold as part of approved school fund-raising events are encouraged to be nutritious foods.

Staff Development

Ongoing professional development opportunities for staff will be encouraged. Staff responsible for the District's wellness program will be encouraged to participate in professional development activities to effectively deliver the District's wellness program.

Nutrition and food services personnel will be provided opportunities to participate in professional development activities that address strategies for promoting healthy eating behavior, food safety, maintaining safe, orderly and pleasant eating environments and other topics directly relevant to the employee's job duties.

Family and Community Involvement

In order to promote family and community involvement in supporting and reinforcing the wellness program, the building principal is responsible for ensuring:

1. Nutrition education materials and cafeteria menus are sent home with students;
2. Parents are encouraged to send healthy snacks/meals to school;
3. Parents and other family members are invited to periodically eat with their student in the cafeteria;
4. Families are invited to attend exhibitions of student nutrition projects or health fairs;
5. Nutrition education homework that students can do with their families is assigned (e.g., reading and interpreting food labels, reading nutrition-related newsletters, preparing healthy recipes, etc.); and
6. Physical activity, both at home and at school, is promoted.

Program Evaluation

In order to evaluate the effectiveness of the local wellness program in promoting healthy eating, increased physical activity among students and to implement program changes as necessary to increase its effectiveness, the superintendent or designee is responsible for ensuring:

1. Board policy and this administrative regulation are implemented as written;
2. All building, grade-level nutrition education curricula and materials are assessed for accuracy, completeness, balance and consistency with state and local district educational goals and standards;
3. Nutrition education is provided throughout the student's school years as part of the district's age-appropriate, culturally appropriate, comprehensive wellness program;
4. Teachers provide physical activity instruction and programs that meet the needs and interests of all students;
5. Teachers have received appropriate curriculum-specific training;
6. Families and community organizations are involved, to the extent practicable, in nutrition education
7. The superintendent shall oversee the development and implementation of a program evaluation measure that will look at the effectiveness of the District's wellness program. Input shall be sought from appropriate staff and the medical profession; and
8. The results of this program evaluation shall be shared with the school board.
9. One or more persons within the district or at each school, as appropriate, will be charged with the operational responsibility of ensuring that the policy and administrative regulations are followed and will develop an evaluation plan to be used to assess the district's level of compliance with state and federal requirements.



Code: **EFAA-AR**
Adopted: 9/13/04
Revised/Readopted: 8/15/11, 9/10/12, 1/12/15,
12/14/16, 8/14/17,
11/12/19

Reimbursable School Meals and Milk Programs

(National School Lunch Program, School Breakfast Program, Special Milk Program and other meal programs)

The district's nutrition and food services will be operated in accordance with the following requirements:

Meal Pricing Procedures

1. The district is providing lunch at no charge to all district elementary schools currently participating in the federally funded Community Eligibility Provision (CEP) program.
2. At the middle school and high school level:
 - a. Reimbursable meals will be priced as a unit.
 - b. Reimbursable meals and milk will be served free or at a reduced price to all children who are determined by the district to be eligible for free or reduced price meals.
 - c. Per Oregon State legislation, meals are provided to students who qualify for reduced price meals, at no charge. This is not a federal law, therefore a student who qualifies as eligible for reduced price meals under the Federal Income Guidelines, is only eligible for meals at no charge in Oregon. IF that student were to move to a different state that does not provide this benefit, they would again have to pay the reduced price copay.
 - d. Annually, the district will establish prices for reimbursable student meals and milk. The price charged to students who do not qualify for free or reduced price meals will be established annually by the district in compliance with state and federal laws.
 - e. Breakfast is "no charge" to all students, established annually by the district in compliance with state and federal laws.
3. Annually, the district will establish prices for reimbursable student meals and milk. The price charged to students who do not qualify for free or reduced price meals or free milk will be established annually by the district in compliance with state and federal laws.
4. The price charged to students who qualify for reduced price meals will be \$.40. Breakfast is "no charge" to all students, established annually by the district in compliance with state and federal laws.¹

Application Procedures

1. Households receiving SNAP or Temporary Assistance to Needy Families (TANF) benefits, as identified by Oregon Department of Education (ODE), will be automatically eligible for free meals for the students listed on the official document. Districts must access this document at least three times per year.
2. Households that submit a confidential application will be notified of their student's eligibility for free or reduced price meals. Households that are denied free or reduced price benefits will be notified in writing using the Oregon Department of Education (ODE) template letter distributed to the district annually.
3. On a case-by-case basis, when a student is known to be eligible for free or reduced price meal benefits and the household fails to submit a confidential application, the superintendent or designee may complete an application for the student documenting how he/she knows the household income qualifies the student for free or reduced price meal benefits. Parents of a student approved for free or reduced price benefits when application is made for the student by a school official, will be notified of the decision and given the opportunity to decline benefits.
4. Students who do not qualify for free or reduced price meals are eligible to participate in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and will be charged "paid" meal prices set by the district. "Paid" category students will be treated equally to students receiving free or reduced price benefits in every aspect of the district's NSLP and SBP.
5. The district has established a fair hearing process under which a household can appeal a decision with respect to the household's application for benefits or any subsequent reduction or termination of benefits.

Financial Management of the Nonprofit School Food Service

1. The district will maintain a nonprofit school nutrition and food service operation.
2. Revenues earned by the school nutrition and food services will be used only for the operation or improvement of NSLP SBP.

3. Lunch and breakfast meals served to teachers, administrators, custodians and other adults not directly involved with the operation of the district's nutrition and food services will be priced to cover all direct and indirect cost of preparing and serving the meal¹.
4. District nutrition and food services revenues will not be used to purchase land or buildings.
5. The district will limit its nutrition and food services net cash resources to an amount that does not exceed three months average expenditures.
6. The district will maintain effective control and accountability for, and adequately safeguard all nutrition and food services' cash, real and personal property, equipment and other assets, and ensure they are used solely for nutrition and food services purposes.
7. The district will meet the requirements for allowable NSLP and SBP costs as described in Office of Management and Budget (OMB) circular A-87. 2C.F.R.200.
8. In purchasing nutrition and food services goods or services, the district will not accept proposals or bids from any party that has developed or drafted specifications, requirements, statements of work, invitations for bids, requests for proposals, contract terms and conditions or other documents for proposals used to conduct the procurement.
9. All procurement transactions for nutrition and food services goods and services will be conducted according to state, federal and district procurement standards using the applicable cost thresholds.
10. In the operation of its nutrition and food services program, the district will purchase food products that are produced in the United States, whenever possible.
11. The district may use facilities, equipment and personnel supported with nutrition and food services revenue to support a nonprofit nutrition program for the elderly.

Civil Rights and Confidentiality Procedures

1. The district will not discriminate against any student because of his/her eligibility for free or reduced price meals.
2. The district will not discriminate against any student or any nutrition and food services employee because of race, color, national origin, sex, religion, age or disability.
3. The district will assure that all students and nutrition and food services employees are not subject to different treatment, disparate impact or a hostile environment.
4. Established district procedures will be followed for receiving and processing civil rights complaints related to applications for NSLP and SBP benefits and services, and employment practices with regard to the operation of its NSLP and SBP. The district will forward any civil rights complaint regarding the district's nutrition and food services to ODE's civil rights coordinator within three days of receiving the complaint.
5. The district will make written or oral translations of all nutrition and food services materials available to all households who do not read or speak English.
6. The district will maintain strict confidentiality of all information on the confidential application for free and reduced price meals, including students' eligibility for free or reduced price meals and all household information. The district's NSLP and SBP operators are not required to release any information from a student's confidential application for free or reduced price meals. No information may be released from a student's confidential application for free or reduced price meals without first obtaining written permission from the student's parent or legal guardian/adult household member signing the application, except as follows:
 - a. An individual student's name and eligibility status may be released without written consent only to persons who operate or administer federal education programs; persons who operate or administer state education or state health programs at the state level; persons evaluating state, education assessment; or persons who operate or administer any other NSLP, SBP, SMP, Summer Food Service Program (SFSP), Child and Adult Care Food Program (CACFP) or the Food Stamp Program;
 - b. Any other confidential information contained in the confidential application for free and reduced price meals (family income, address, etc.) may be released without written consent only to persons who operate or administer NSLP, SBP, SMP, CACFP, SFSP and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC); the Comptroller General of the United States for audit purposes; and federal, state or local law enforcement officials investigating alleged violation of any of the programs listed above.

¹For meals with portion sizes equivalent to student meals, the adult meal price will be no less than the amount of reimbursement for a free-eligible meal, plus the value of commodity foods used in the meal preparation.

Nutrition and Menu Planning²

1. Meals and snacks served for reimbursement will meet nutrition standards established by the U.S. Department of Agriculture (USDA) and Oregon Smart Snacks Standards.
2. Meals served for reimbursement will meet at least the minimum NSLP and SBP requirements for menu items and nutrient standards.
3. Meals served for reimbursement will:
 - a. Meet all calorie range requirements by grade level;
 - b. Meet the maximum standards set for saturated fat;
 - c. Meet the maximum standards set for sodium by grade level; and
 - d. Meet the requirement for zero grams of trans fats.
4. The district will use the offer versus serve option when serving NSLP lunches to senior high school students. High school students must take at least three of five different food items-including one-half cup of fruit or vegetable offered in program lunches.
5. The district will use the offer versus serve option when serving program breakfasts to senior high school students. High school students must take at least three or four food items, including one-half cup of fruit or vegetable, offered in program breakfasts.
6. The district will use the offer versus serve option when serving program lunches to students below senior high school grades. Students below high school grades will be required to take at least three of the five food items including one-half cup of fruit or vegetable offered in program lunches.
7. The district will use the offer versus serve option when serving program breakfasts to students below senior high school grades. Students below high school grades will be required to take at least three of the four menu items including one-half cup of fruit offered in offered in program breakfasts.
8. A copy of the Board minutes adopting the offer versus serve policy for students below high school grades for program lunches and/or for all students in the district for program breakfasts, as applicable, will be made available upon request.

Use and Control of Commodity Foods

1. The district will accept and use commodity foods in as large a quantity as may be efficiently utilized in the reimbursable lunch and breakfast program.
2. The district will maintain necessary safeguards to prevent theft or spoilage of commodity foods.
3. The value of commodity foods used for any food production other than NSLP, SBP shall be replaced in the food service inventory.

Accuracy of Reimbursement Claims

1. The district will claim reimbursement only for reimbursable meals served to eligible children.
2. All meals claimed for reimbursement will be counted at each dining site at a “point of service” where it can be accurately determined that the meal meets NSLP or SBP requirements for reimbursement.
3. The person responsible for determining reimbursability of meals will be trained to recognize a reimbursable meal under the menu planning approach used at the school.
4. The district official signing the claim for reimbursement will review and analyze monthly meal counts to ensure accuracy of the claim, before submitting the claim to ODE.
5. Annually, by November 15, the district will verify a random sample of applications according to NSLP verification requirements. Instructions for completing the verification process will be sent by ODE to the district in October each year.

Food Safety and Sanitation Inspections

1. The district will maintain necessary facilities for storing, preparing and serving food and milk.
2. Annually, the district will schedule a food safety inspection with the county Environmental Health Department or Oregon Department of Human Resources for each school or dining site under its jurisdiction.

²Schools may plan menus using one of the approved United States Department of Agriculture (USDA) menu planning approaches (e.g., Traditional Food-Based Menu Planning, Enhanced Food-Based Menu Planning, Nutrient Standard Menu Planning and Assisted Nutrient Standard Menu Planning). Additional details are available at the Oregon Department of Education, Child Nutrition Programs.

3. The district will maintain health standards in compliance with all applicable state food safety regulations at each school or dining site under its jurisdiction.

General USDA NSLP/SBP Requirements

1. The district will ensure that no student is denied a meal as a disciplinary action.
2. Breakfast will be served in the morning hours, at or near the beginning of the student's school day.
3. Lunch will be served between the hours of 10 a.m. and 2 p.m.
4. The district will provide substitute foods for students who are determined by a licensed physician to be legally disabled and whose disability restricts their diet. Substitutions will be provided only when a medical statement from the licensed physician is on file at the school. The medical statement must state the nature of the child's disability and how the disability affects the child's nutrition needs, and it must provide a medical prescription for substitute foods or texture modification. The district will not charge more than the price of the school meal, as determined by the child's eligibility status, for substitute meals or foods.
5. The district will ensure that potable water will be available to students, free of charge for consumption in the place where meals are served during meal service.
6. The district will communicate its meal charge requirements early in the school year.³ The meal charging requirements will be posted on the district website, published in the student/parent handbook and made available in the information on free and reduced-priced meals.⁴ Regardless of the ability to pay, a student shall be provided a reimbursable meal upon request. Parents or guardians may provide written permission to the district to withhold a meal from a student. After five meal charges the district will attempt to certify the student for free or reduced-price meals. At least two attempts to contact the student's parent or guardian for completing a meal application will be made by the district, including offering assistance filling out the application, if appropriate. Communications regarding student charges will be directed to parents or guardians, only. The district may refer delinquent meal charges to third parties for collection. Collection fees will not be charged to the parent or guardian.
7. The sale of foods (other than FMNV) in competition with the district's lunch (NSLP) or breakfast (SBP) programs will be allowed in dining sites during lunch and breakfast periods with Board approval only when all income from the food sales accrues to the benefit of the district's nutrition and food services or accrues to a school or student organization approved by the Board. A copy of the Board minutes approving and defining competitive food sales will be made available upon request.

Record Keeping

The following document will be maintained by the district for three years after the current school year or longer, in the event of an unresolved audit(s), until the audit has been completed:

1. All currently approved and denied confidential application for free and reduced price meals, free milk and all current direct certification documents;
2. Financial records that account for all revenues and expenditures of the district's nonprofit nutrition and food services programs;
3. Records (i.e., recipes, ingredient lists and nutrition fact labels or product specifications) that document the compliance with nutrition standards for all competitive foods available for sale to students at a school campus;
4. Documents of participation data (i.e. meal counts) from each school in the district to support claims for reimbursement;
5. Production and menu records;
6. Records to document compliance with Paid Lunch Equity; and
7. Records to document compliance with Revenue from Non-program Foods.

³ Federal law requires the district to publish meal charging requirements. The district's charging requirements must identify how and when the information about account balances is communicated to staff, students and parents, and what collection methods will be used on delinquent balances.

⁴ Pursuant to ORS 327.535 the following language reflects required practice, but the language is not required to be in policy. 4-4
Reimbursable School Meals and Milk Programs – EFAA-AR



Code: **EFC**
Adopted: 4/4/88
Readopted: 1/11/99, 9/13/04
Orig. Code(s): BP 7520

Vending Machines and School Stores

The superintendent may authorize the use of vending machines or the establishment of school stores.

Funds received will be used for student activities or other uses authorized by the superintendent. Food items will be commercially prepared and prepackaged.

Building principals will be responsible for the regulation and supervision of vending machines or school stores within their buildings. Use will be regulated and controlled so that they will not be in competition with the school breakfast or lunch program or encourage students in poor eating habits.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)



Code: **EFF**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7530

Food Service to Outside Organizations

Within appropriate state and federal laws, the district may participate with other community agencies and organizations in making convenient, nutritious and inexpensive food programs available to senior citizens and other organizations who qualify.

The use of school facilities for food preparation and meal service will not be permitted to impede or conflict with the needs of the school breakfast or lunch program.

In participating in such programs, kitchen and/or lunchroom facilities may be provided by the schools. All other costs, including personnel costs, must be funded or supported through the price charged for meals.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)



Code: **EGAAA**
Adopted: 1/11/99

Reproduction of All Copyrighted Materials

Among the facilities available to teachers in carrying out their educational assignments are a variety of machines for reproducing the written and spoken word, either in single or multiple copies.

Infringement on copyrighted material, whether prose, poetry, graphic images, music, audio tape, video or computer-programmed materials, is a serious offense against federal law and contrary to the ethical standards required of staff and students alike. Violations may result in criminal or civil suits.

The Board therefore requires that all reproduction of copyrighted material be conducted strictly in accordance with applicable provisions of law. Unless otherwise allowed as "fair use" under federal law, permission must be acquired from the copyright owner prior to reproduction of material in any form.

"Fair use" is not a rigidly defined term. "Fair use" is based on the following standards:

1. The purpose and character of the use;
2. The nature of the copyrighted work;
3. The amount of and the substantiality of the portion used;
4. The effect of the use upon the potential market for, or value of, the copyrighted work.

If an individual questions the legality of duplicating materials, he/she should seek permission from the copyright holders.

Employees in violation of copyright law may be required to remunerate the district in the event of loss due to litigation and may be subject to discipline up to and including dismissal.

The superintendent will provide guidelines for the "fair use" of copyrighted materials that meet the requirements of Section 107 of the Copyright Act of 1976 and applicable amendments.

END OF POLICY

Legal Reference(s):

[ORS 341.290](#) (2)

Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2001).

Cross Reference(s):

EGAAA-AR - Guidelines for the Use of Copyrighted Materials

GCQBA - Copyrights and Patents



Code: **EGAAA-AR**
Adopted: 1/11/99
Readopted: 9/11/06

Guidelines for the Use of Copyrighted Materials

The superintendent is responsible for the establishment of practices which will ensure compliance with the provisions of the U.S. Copyright law as they affect the district and its employees.

1. General Responsibilities

- a. The building principal will be designated with the responsibility for disseminating and interpreting copyright regulations at the building level. He/She will provide employee training as needed, distribute and review district policy and administrative regulations with employees, control the approval process and maintain written records regarding permissions, response to requests and license agreements, as may be necessary.
- b. The building principal will ensure that budget recommendations include appropriate funds for the purchase of multiple copies of needed software.
- c. The building principal will ensure that appropriate warning notices are posted to educate and warn individuals using district equipment of the applicable provisions of the copyright law. Warning notices will be posted as follows:
 - (1) On or near all copiers;
 - (2) On all forms used to request copying services;
 - (3) On all video recorders;
 - (4) On all computers;
 - (5) At the library or other places where interlibrary loan orders for copies of materials are accepted.
- d. The building principal will ensure that building computers and computer labs are used only with proper supervision to help protect against unauthorized copying.
- e. The building principal will annually inspect the library/media center and any video collections to ensure all copies are acquired and maintained in accordance with applicable provisions of the copyright law.
- f. All computer software license agreements must be signed by the business manager.
- g. The employee reproducing a copyrighted work will determine whether copying is permitted by law in accordance with district policy and administrative regulations.
- h. The employee will obtain written permission to reproduce material from the copyright holder(s) whenever copying does not fall within the "fair use" guidelines of copyright law. Permission forms, as provided by the district, will be used.
- i. The employee using emerging technology will be responsible to ensure that the intended use of the media does not conflict with copyright law. Such technology includes, but is not limited to, digital video, videodisk, satellite transmission, distance learning, CD-ROM, on-line data bases (and their down-loading), informational networks and other emerging electronic information which can be manipulated into new copyrightable forms of expression.

In the absence of clearly granted rights, the employee must contact the copyright holder in writing for permission to manipulate or use these technologies in alternative ways.

Any contract provided by the distributor of such technology must be submitted to the business manager for approval.

Fair Use

2. Printed Materials

- a. Permissible uses — district employees may:
 - (1) Make a single copy of the following for use in teaching or in preparation to teach a class:
 - (a) A chapter from a book;

- (b) An article from a periodical or newspaper;
 - (c) A short story, short essay or short poem, whether or not from a collective work;
 - (d) A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
 - (2) Make multiple copies for classroom use (not to exceed one copy per student in a course) from the following:
 - (a) A complete poem, if it has fewer than 250 words and does not exceed two printed pages in length;
 - (b) A complete article, story or essay of less than 2,500 words;
 - (c) Prose excerpts not to exceed 10 percent of whole or 1,000 words, whichever is less;
 - (d) One chart, graph, diagram, cartoon or picture per book or per issue of a periodical;
 - (e) An excerpt from a children's book containing up to 10 percent of the words found in the text.
 - b. All permitted copying must bear an appropriate reference. References should include the author, title, date and any other pertinent information.
 - c. Prohibited uses — district employees may not:
 - (1) Copy more than one work or two excerpts from a single author during one class term;
 - (2) Copy more than three works from a collective work or periodical volume during one class term;
 - (3) Copy more than nine sets of multiple copies for distribution to students in one class term;
 - (4) Copy to create or replace or substitute for anthologies or collective works;
 - (5) Copy "consumable" works, such as workbooks, exercises, standardized tests and answer sheets;
 - (6) Copy the same work from term to term;
 - (7) Copy the same material for more than one particular course being offered (may not copy every time a particular course is offered) unless permission is obtained from the copyright owner.
 - d. All sound recordings, including phonograph records, audiotapes, compact disks and laser disks, will be treated under the same provisions that guide the use of print materials unless as may otherwise be excepted by regulations governing the reproduction of works for libraries/media centers.
3. Sheet and Recorded Music
- a. Permissible uses — district employees may:
 - (1) Make emergency copies to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies will be substituted in due course;
 - (2) Make, for academic purposes other than performance, multiple copies (one per student) of excerpts not constituting an entire performance unit such as a section, movement or aria, but in any case no more than 10 percent of the whole work;
 - (3) Make, for academic purposes other than performance, a single copy of an entire performable unit such as a section, movement or aria if confirmed by the copyright holder to be out of print or the "unit" is unavailable except in a larger work. The copy may be made solely for the purpose of scholarly research or in preparation to teach a class;
 - (4) Edit or simplify printed copies which have been purchased provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist;
 - (5) Copy complete works which are out of print or unavailable except in large works and used for teaching purposes;
 - (6) Make a single copy of a recorded performance by students to be retained by the school or individual teacher for evaluation or rehearsal purposes;
 - (7) Make a single copy of a sound recording, such as a tape, disk or cassette, of copyrighted music owned by the school or an individual teacher for constructing aural exercises or examinations and retained for the same purposes.
 - b. Prohibited uses — district employees may not:
 - (1) Copy to create or replace or substitute for anthologies, compilations or collective works;
 - (2) Copy works intended to be "consumable," such as workbooks, exercises, standardized tests and answer sheets;

- (3) Copy for the purpose of performance, except as noted above (a. (1)) in emergencies;
 - (4) Copy to substitute for purchase of music except as noted above (a. (1), (2) and (3));
 - (5) Copy without inclusion of the copyright notice on the copy.
4. Television Off-the-Air Taping
- a. Permissible uses — district employees may:
 - (1) Record a broadcast program off-air simultaneously with the broadcast transmission, including simultaneous cable or satellite retransmission, and retain the recording for a period not to exceed the first 45 consecutive calendar days after the date of the recording.

A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers. Each additional copy will be subject to all provisions governing the original recording.

Unless authorized by the library/media supervisor, at the conclusion of the retention period, all off-air recordings shall be erased or destroyed immediately.

Individuals who wish to retain programs beyond the 45-day period need to complete and return the preview portion of the Request for Off-Air Video Taping form to the library/media supervisor for each program videotaped. The library/media supervisor will coordinate requests for permission to use or retain copyrighted television programs beyond the 45-day retention period.
 - (2) Retain videotapes of commercial programs only with written approval of appropriate copyright holders;
 - (3) Use off-air recordings once for each class in the course of relevant teaching activities and repeat once only when instructional reinforcement is necessary and only within the first 10 consecutive school days of the 45-consecutive calendar day retention period;
 - (4) Use off-air recordings for evaluation purposes only, after the first 10 consecutive school days up to the end of the 45-consecutive calendar day retention period. Evaluation purposes may include use to determine whether or not to include the broadcast program in the teaching curriculum;
 - (5) Use off-air recordings made from a satellite dish if they conform to the 45-consecutive calendar day retention period established for broadcast or cable programming and are not subscription channels;
 - (6) Use copies of off-air recordings, as stipulated in these guidelines, only if the copies include the copyright notice on the broadcast program;
 - (7) Request that a library/media center record and retain for research purposes commercial television news programs from local, regional or national networks; interviews concerning current events; and on-the-spot coverage of news events. Documentary, magazine-format and public affairs broadcasts, however, are not included in the definition of daily newscasts of major events of the day.

Requests for retention of programs recorded off-air will be directed to the producers of those programs directly through the network (not affiliate).
 - b. Prohibited uses — district employees may not:
 - (1) Tape off-air programs in anticipation of an educator's requests;
 - (2) Request that a broadcast program be recorded off-air more than once for the same educator, regardless of the number of times the program may be broadcast;
 - (3) Use the recording for instruction after 45 consecutive calendar days;
 - (4) Hold the recording for weeks or indefinitely because:
 - (a) Units needing the program concepts are not taught within the 45-day use period;
 - (b) An interruption or technical problems delayed its use; or
 - (c) Another teacher wishes to use it, or any other supposedly "legitimate" educational reason.
 - (5) Record programs off-air without written permission from the author/producer/distributor when a special notice is provided specifically prohibiting reproduction of any kind;

- (6) Alter off-air programs from their original content. Broadcast recordings may not be physically or electronically combined or merged to constitute teaching anthologies or derivative works. Off-air recordings, however, need not be used in their entirety.
- (7) Exchange program(s) with schools in the district or other school districts without the approval of the library/media supervisor.

Programs will be used for the specific curriculum application for which the request was intended. No other curriculum application is authorized.

- (8) Use the recording for public or commercial viewing;
- (9) Copy or use subscription programs transmitted via subscription television cable services, such as HBO or Showtime. Such programs are licensed for private home use only and cannot be used in public schools.

“Pay” programs received via satellite dish are also subject to these prohibitions.

5. Rental, Purchase and Use of Videotapes

a. Permissible uses — district employees may:

- (1) Use purchased or rented videotapes such as feature films as part of a systematic course of instruction, in accordance with district policy. Such use shall be for direct instruction and must take place in a classroom or similar area devoted to instruction;
- (2) Use only rented lawfully-made videotapes;
- (3) Arrange for the local school to transmit videotapes over their closed circuit television systems for direct instruction;
- (4) Use off-air videotapes made at home for classroom instruction and only in accordance with television off-air guidelines and district policy.

b. Prohibited uses — district employees may not:

- (1) Use rented or purchased videotapes where a written contract specifically prohibits such use in the classroom or direct teaching situation;
- (2) Use rented or purchased videotapes such as feature films for assemblies, fund raising, entertainment or other applications outside the scope of direct instruction without public performance rights.

6. Computer Software

a. Permissible uses — district employees may:

- (1) Make a copy of an original computer program for the purpose of maintaining the availability of the program should it be damaged during use. Either the copy or the original may be retained in archives. Only one, either the original or the copy, may be used at any one time;
- (2) Make a copy of a program as an essential step in using the computer program as long as it is used in conjunction with the machine and in no other manner;
- (3) Make a new copy from the archival program in the event that the program in use is damaged or destroyed;
- (4) Use a purchased program sent from a manufacturer labeled “archival” simultaneously with the original copy of the program provided its use is permitted (not excluded) by the terms of the sales agreement;
- (5) Make an archival copy of a rightfully-owned disk that is labeled “archival” by the software manufacturer;
- (6) Load a software program from a single disk into a distribution network or to individual stand-alone computers for simultaneous use when the distribution network is only accessible to the owner-user if not otherwise prohibited by terms of a sales agreement;
- (7) Adapt a copyrighted program from one language to another for which it is not commercially available or add features to a program to better meet local needs.

b. Prohibited uses — district employees may not:

- (1) Load the contents of one disk into multiple computers at the same time in the absence of a license permitting the user to do so;

- (2) Load the contents of one disk into local network or disk-sharing systems in the absence of a license permitting the user to do so;
 - (3) Make or use illegal copies of copyrighted programs on district equipment;
 - (4) Allow any student to surreptitiously or illegally duplicate computer software or access any data base or electronic bulletin board;
 - (5) Make copies of software provided by a software publisher for preview or approval;
 - (6) Make multiple copies of copyrighted software (or a locally produced adaptation or modification) even for use within the school or district;
 - (7) Make replacement copies from an archival or back-up copy;
 - (8) Make copies of copyrighted software (or a locally-produced adaptation or modification) to be sold, leased, loaned, transmitted or even given away to other users;
 - (9) Make multiple copies of the printed documentation that accompanies copyrighted software.
 - c. With permission from the copyright holder, prohibitions may be significantly modified or removed altogether.
7. Reproduction of Works for Libraries/Media Centers
- a. Permissible uses — district employees may:
 - (1) Arrange for interlibrary loans of photocopies of works requested by users, provided that copying is not done to substitute for a subscription to or purchase of a work;
 - (2) Make for a requesting entity, within any calendar year, five copies of any article or articles published in a given periodical within the last five years prior to the date of the request for the material;
 - (3) Make single copies of articles or sound recordings or excerpts of longer works for a student making a request, provided the material becomes the property of the student for private study, scholarship or research;
 - (4) Make a copy of an unpublished work for purposes of preservation, of a published work to replace a damaged copy of an out-of-print work that cannot be obtained at a fair price;
 - (5) Make off-the-air recordings of daily television news broadcasts for limited distribution to researchers and scholars for research purposes;
 - (6) Make one copy of a musical work, pictorial, graphic, sculptural work, motion picture or other audiovisual work if the current copy owned by the library/media center is damaged, deteriorated, lost or stolen; and it has been determined that an unused copy cannot be obtained at a fair price.
 - b. Prohibited uses — district employees may not:
 - (1) Make copies for students if there is reason to suspect that the students have been instructed to obtain copies individually;
 - (2) Copy without including a notice of copyright on the reproduced material.
8. Performances
- a. Permissible uses — district employees must:
 - (1) Contact the copyright holder in writing for permission whenever copyrighted works such as plays and musical numbers are to be performed.

This is particularly important if admission is to be charged or recordings of the performance are to be sold.

NOTICES

Text of warning notice to be posted on or near copiers. It is recommended that type be at least 18 points in size:

NOTICE

THE COPYRIGHT LAW OF THE UNITED STATES (TITLE 17 U.S. CODE) GOVERNS THE MAKING OF PHOTOCOPIES OR OTHER REPRODUCTIONS OF COPYRIGHTED MATERIAL. THE PERSON USING THIS EQUIPMENT IS LIABLE FOR ANY INFRINGEMENT.

Text of warning notice to be displayed at places where orders for copies of materials are accepted by libraries/media centers or archives. Type must be at least 18 points in size; the notice printed on heavy paper or other durable material and displayed prominently within the immediate vicinity of the place where orders are accepted.

The warning is also required on any form that is used to request copying service. There are no specific requirements for type size on request forms.

NOTICE WARNING CONCERNING COPYRIGHT RESTRICTIONS

THE COPYRIGHT LAW OF THE UNITED STATES (TITLE 17, UNITED STATES CODE) GOVERNS THE MAKING OF PHOTOCOPIES OR OTHER REPRODUCTIONS OF COPYRIGHTED MATERIAL.

UNDER CERTAIN CONDITIONS SPECIFIED IN THE LAW, LIBRARIES AND ARCHIVES ARE AUTHORIZED TO FURNISH A PHOTOCOPY OR OTHER REPRODUCTION. ONE OF THESE SPECIFIC CONDITIONS IS THAT THE PHOTOCOPY OR REPRODUCTION IS NOT TO BE "USED FOR ANY PURPOSE OTHER THAN PRIVATE STUDY, SCHOLARSHIP OR RESEARCH." IF A USER MAKES A REQUEST FOR, OR LATER USES, A PHOTOCOPY OR REPRODUCTION FOR PURPOSES IN EXCESS OF "FAIR USE," THAT USER MAY BE LIABLE FOR COPYRIGHT INFRINGEMENT.

THIS INSTITUTION RESERVES THE RIGHT TO REFUSE TO ACCEPT A COPYING ORDER IF, IN ITS JUDGMENT, FULFILLMENT OF THE ORDER WOULD INVOLVE VIOLATION OF COPYRIGHT LAW.

Text of warning notice to be affixed to video recorders and computers. (There is no specific requirement for type size.):

NOTICE

MANY VIDEOTAPED MATERIALS AND COMPUTER PROGRAMS ARE PROTECTED BY COPYRIGHT (TITLE 17 U.S. CODE). UNAUTHORIZED COPYING MAY BE PROHIBITED BY LAW.

Text of warning notice to be affixed to package containing the copy of a computer program subject to loan. The notice must be printed in such a manner as to be clearly legible, prominently displayed and durably attached to the copies or to a box, reel, cartridge, cassette or other container used as a permanent receptacle for the copy of the computer program:

WARNING: THIS COMPUTER PROGRAM IS PROTECTED UNDER THE COPYRIGHT LAW. MAKING A COPY OF THIS PROGRAM WITHOUT PERMISSION OF THE COPYRIGHT OWNER IS PROHIBITED. ANYONE COPYING THIS PROGRAM WITHOUT PERMISSION OF THE COPYRIGHT OWNER MAY BE SUBJECT TO PAYMENT OF \$150,000 OR MORE IN DAMAGES AND, IN SOME CASES, IMPRISONMENT FOR ONE YEAR OR MORE.



Request Number: _____
(Office use only)

REQUEST FOR OFF-AIR VIDEO TAPING

I, the undersigned, having requested the Sweet Home School District to videotape the following program(s) within the parameters of the policy set forth by the Board, _____ (date), am aware of said policy, have reviewed district policy and administrative regulations and agree to accept responsibility for the use and erasure of this material to prevent any infringement of copyright law in lieu of expressed written approval of the copyright proprietor.

Title of Program to be Copied: _____

Date of Program: _____ Date Program is Needed: _____

Time of Program: _____ Station or Channel: _____

Length of Program: _____

Special Instructions: _____

Requestor's Name: _____ Location: _____
(please print)

Signature: _____ Department: _____

PREVIEW AND EVALUATION

____ Yes ____ No Do you want the videotape of this program retained until information regarding the sale, lease, free loan or rental of this material is obtained?

INSTRUCTIONAL QUALITY

(circle the appropriate number on the rating scale below)

Criteria	Suggested Guidelines for Rating Scale	5	4	3	2	1	0
Instructional Design	Well-organized, content-load appropriate, maturity level consistent with the content.	5	4	3	2	1	0
Content	Accurate, authentic, current, thorough, relevant.	5	4	3	2	1	0
Curriculum Match	Supports what is commonly taught in this subject at this grade level.	5	4	3	2	1	0
Interest	Supports or enhances communication of content.	5	4	3	2	1	0
5=Exemplary 4=Desirable (very good) 3=Desirable (good) 2=Fair 1=Poor 0=Unacceptable							
OVERALL (AVERAGE) RATING OF QUALITY:							

____ Yes (High Priority) ____ Yes (Low Priority) ____ No Do you recommend acquisition of this program?

SENSITIVE CONTENT

☐ Yes ☐ No Is nudity, excessive violence, glamorization of drugs/dangerous substances, profanity and/or a sexual nature present in this program? **IF YES**, please verify by circling the topics present.

ADDITIONAL INFORMATION

Subject Area(s) _____ Grade Level _____ Ability Level _____

☐ Yes ☐ No Previewed?

☐ Yes ☐ No ☐ Uncertain Do presently owned materials adequately cover the subject area?

OVERALL EVALUATION (SUMMARY, USE, ETC.) **AND/OR** REASONS FOR REQUESTING RETENTION OF THIS TAPE:

VIDEOTAPE STATUS - OFFICE USE ONLY

Date: _____

☐ AVAILABLE: Format: ☐ 16mm ☐ 3/4" ☐ 1/2" VHS ☐ Other (Specify) _____ Price: _____

☐ May be retained indefinitely

☐ May be kept on an indefinite basis pending updated information on the program's future availability

☐ May be kept permanently on a licensed basis

☐ Must be erased immediately



**SAMPLE LETTER:
REQUEST FOR PERMISSION
TO COPY**

**Author, Publisher or Distributor
Permission Department**

Date: _____

I am requesting permission to copy and use:

Title: _____

Author/Editor: _____

Year published: _____ Number of copies: _____

Will copies be sold? (Circle) **YES**

NO

Description of materials to be copied (Photocopy enclosed): _____

Intended use of materials: _____

Type of reproduction: _____

A self-addressed, stamped envelope is enclosed for your convenience in replying to this request. Should you be unable to authorize this request, please forward this letter to the proper person/agency.

Sincerely,

Permission granted: _____ Date: _____

Conditions (if any): _____

**SAMPLE PRODUCER INQUIRY LETTER: REQUEST FOR INFORMATION OF AGENCY
HOLDING RIGHTS TO A TV BROADCAST AND PERMISSION
TO RETAIN PROGRAM IF IT IS NOT FOR SALE, RENT OR
LEASE.**

**Network Address (ABC, NBC, CBS - not affiliate)
Permission Department**

I am requesting information on the availability and retention of the following program:

Title: _____ Air date: _____

Can a copy of this program be retained for classroom use? (Circle) **YES** **NO**

Is this program available for sale? (Circle) **YES** **NO**

If Yes, specify agency distributing this program: _____

Specify format: _____ Cost (if known): _____

Enclosed is a self-addressed, stamped envelope for your convenience in replying to this request. Should you be unable to authorize this request, or provide the above information, please forward this letter to the proper person/agency.

Sincerely,

Permission to retain off-air copy on a free basis: _____ Date : _____

Conditions (if any): _____



Code: **EGAB**
Adopted: 4/4/88
Readopted: 1/11/99, 9/8/03
Orig. Code: BP 7600

Mail and Delivery Services

The interschool mail service is established for school related purposes. It provides a central mailing service to expedite the distribution of materials and professional communications among schools and staff members.

Employees will not be allowed to use interschool mail for the delivery of personal letters, notes and materials to other employees.

The recognized collective bargaining units will be permitted to use the service in accordance with the terms of their contracts and Board policy on the use of school facilities.

END OF POLICY

Legal References:

ORS 332.107

Perry Education Association v. Perry Local Educator's Association, 460 U.S. 37 (1983).

University of California v. PERB, 108 S.Ct. 1404 (1988)

Cross References:

Current Licensed Work Agreement
Current Classified Work Agreement



Code: **EGACA**
Adopted: 9/8/03

Cellular Telephones

The Board recognizes that the use of cellular telephones may be appropriate to provide for the effective and efficient operation of the district and to help ensure safety and security of district property, staff and others while on district property or engaged in district-sponsored activities. To this end, the Board authorizes the purchase and employee use of cellular telephones, as deemed appropriate by the superintendent.

District-owned cellular telephones shall be used for authorized district business purposes, consistent with the district's mission and goals. Personal use of such equipment is prohibited except in emergency situations. Any expenses incurred for such personal use shall be reimbursed to the district.

Use of cellular telephones in violation of Board policies, administrative regulations and/or state and federal law will result in discipline up to and including dismissal and/or referral to law enforcement officials, as appropriate.

The superintendent is directed to develop administrative regulations for the implementation of this policy, including a uniform and controlled system for identifying employee cellular telephone needs, monitoring use and reimbursement. Provisions may also be included for staff use of privately-owned cellular telephones for authorized district business.

END OF POLICY

Legal Reference(s):

ORS 244.010 (1)(a)
ORS 244.020 (15)
ORS 244.040
ORS 244.120
ORS 332.105
ORS 332.107

Davidson v. Oregon Government Ethics Commission, 300 Or 414, 712 P2d 97 (1985).



Code: **EGACA-AR**
Adopted: 9/9/03
Readopted: 9/13/04

Cellular Telephones

District-owned cellular telephones may be purchased and authorized for staff use in accordance with the following:

Cellular Telephone Authorization

Cellular telephones may be assigned or made available on a temporary basis by the business manager when it is determined that:

1. The assignment of a cellular telephone to the employee is a prudent use of district resources;
2. The employee's job responsibilities require the ability to communicate frequently and access to a district or public telephone is not readily available;
3. The employee's job responsibilities involves situations where immediate communication is necessary to ensure the security of district property or safety of students, staff or others while on district property or engaged in district-sponsored activities.

Cellular Telephone Use

1. Cellular telephones are provided specifically to carry out official district business when other means of communications are not readily available. Cellular telephones may not be used for routine communications;
2. Cellular telephones are not to be used when a less costly alternative is readily available, unless as otherwise necessary for safety or emergency circumstances.
3. Personal use of cellular telephones is limited to making or receiving calls for family emergency purposes, including contacting a family member or child care provider to advise that the employee is going to be late arriving home or picking up children for a reason directly related to his/her official district duties, i.e., a meeting which runs later than expected or a last minute schedule change. Whenever possible, such calls should be made or received on district or other public telephones.
4. Cellular telephones are not to be used for conversations involving district information of a confidential nature.
5. Cellular telephones are not to be loaned to others.
6. Employees issued a cellular telephone are responsible for its safe-keeping at all times. Defective, lost or stolen cellular telephones are to be reported immediately to the business manager who will in turn notify the service provider.
7. Cellular telephones issued for employee use are to be returned to the [business manager] at the conclusion of the school year, activity or as otherwise specified.

Privately-Owned Cellular Telephones

1. District employees may be reimbursed for use of privately-owned cellular telephones to conduct district business in accordance with Board policy and this regulation, with prior approval of the business manager.
2. Personal use of privately-owned cellular telephones by employees authorized to use such equipment for district business is restricted to lunch, breaks or other such times when the employee is not on duty.

Reimbursement

1. Requests for reimbursement for authorized use of employee-owned cellular telephones are to be submitted on district provided forms, available through the office and accompanied by a copy of the billing statement with the district business related calls highlighted. A notation for each highlighted entry, indicating the nature of the call is required.
2. All requests for reimbursement, including the highlighted billing statement must be submitted within [30] days of the end of the time period for which reimbursement is requested. Requests submitted after the reimbursement deadline has passed will be denied.
3. District reimbursement for authorized use of employee-owned cellular telephones will be made in conformance with district payment procedures.



Code: **EH**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7700

Data Management

The superintendent is responsible for establishing and maintaining a data collection, analysis, retrieval and dissemination system which will generate accurate statistical data and other information as may be needed and required by law or local, state or federal authorities.

All computer purchases including word-processing equipment and microcomputers, whether used for instructional or administrative purposes, must be approved by the superintendent or his/her designee.

Access to computer data shall be strictly controlled.

END OF POLICY

Legal Reference(s):

[ORS 192.001 - 192.505](#)

[ORS 192.650](#)

[ORS 326.565](#)

[ORS 326.575](#)

[ORS 336.187](#)

[OAR 166-405-0010 to 166-415-0010](#)

[OAR 581-015-0055](#)

[OAR 581-022-1610](#)

[OAR 581-022-1660](#)

[OAR 581-023-0006](#)

[OAR 581-053-0008](#)



Code: **EIA**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7800

Insurance Program

The Board shall provide for a program of risk management for the district consistent with all the legal requirements pertaining thereto and with the ability of the district to finance. The Board shall purchase from district funds the type and amount of insurance necessary or shall set aside adequate reserves to self-insure in order to protect itself as a corporate body, its individual members, its appointed officers and its employees from financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in accidental injury to any person or in property damage within or without the district buildings while the above named insureds are acting in the discharge of their duties within the scope of their employment and/or under the direction of the Board.

Furthermore, within its program of risk management the Board shall purchase from district funds the type and amount of insurance coverage to insure and/or self-insure all real and personal property of the district; to insure and/or self-insure the district from losses due to employee dishonesty, injury or death; and to provide a program of benefits for employees to the limits established from time to time by the Board.

Within the scope of this policy, the superintendent or designee shall develop and maintain rules and regulations necessary for carrying out all aspects of this policy and when practicable, designating the district employee responsible for the administration and supervision of the risk management program.

END OF POLICY

Legal Reference(s):

[ORS 30.260 - 30.300](#)
[ORS 278.005 - 278.215](#)
[ORS 332.435](#)
[ORS 332.437](#)

Cross Reference(s):

EIA-AR - Insurance Program



Code: **EIA-AR**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): AR 7800

Insurance Program

1. The management and control of district's risk management program
 - a. The management and control of the district's risk management and any and all insurance authorized by the Board shall be a function of the business office through such staff allocation of responsibility as the superintendent and business manager shall designate.
 - b. The business manager shall be the risk manager for the district.
 - c. The superintendent will establish rules and procedures, consistent with Board policy, to ensure the safety and well-being of students, employees and the public while on or in school district property. These rules shall be drawn to aid in keeping the district's liability to a minimum and the premiums for insurance as low as possible consistent with the insurance requirements and the exposures insured.
2. Placement of insurance
 - a. The superintendent shall recommend to the Board and the Board may appoint an agent-of-record to assist and advise the district in the placement of insurance in each major line of insurance including fire, liability, fidelity, casualty and employee health and welfare benefits. Such appointment shall be effective until withdrawn or superseded by action of the Board.
 - b. The broker-of-record shall have the following qualifications:
 - (1) Licensed general insurance broker;
 - (2) Principally engaged in the business of general insurance and employee benefits for a period of at least five years;
 - (3) Maintains an office with a staff of at least one other principal and necessary clerical service.
 - c. The business manager shall report the need for insurance, together with all relevant information including statements of costs obtained by the agent-of-record from insurance companies, and his/her recommendations for placing of such insurance to the superintendent who shall present his/her recommendations to the Board.
 - d. Upon authorization by the Board the business manager, in cooperation with the agent-of-record, shall place such insurance in accordance with said authorization and the relevant provisions of these rules and regulations.
 - e. In an emergency, the business manager, after consultation with the superintendent, shall place insurance and the superintendent shall immediately report such placement for ratification by the Board.
 - f. Insurance carried by the Board shall be obtained through negotiation and when deemed necessary and to the best interests of the district, by competitive bids solicited by the agent-of-record, and shall be awarded to those insurance companies who agree to furnish the coverage required at the lowest and best price consistent with good service and security.
3. Authorized insurance

The coverages set forth below are intended as guidelines to the business manager. It shall be the superintendent's determination in consultation with the Board as to whether certain perils shall be fully self-insured, partially self-insured or entirely commercially insured with professional risk bearers. Marketing conditions and the financial ability of the school district to successfully finance self-insurance or partial self-insurance shall be considered as guidelines.

The following insurance may be carried in accordance with applicable rules and regulations:

- a. Fire and allied perils insurance covering all buildings owned or occupied by the district, in amounts as authorized by the Board;

- b. Comprehensive liability covering members of the Board, the school district's officers and employees while acting in the discharge of their duties within the scope of their employment and/or under the direction of the Board. Such insurance, if permitted under the laws governing the operation of the district, shall extend maximum coverage in amounts as authorized by the Board;
- c. Fidelity bonds protecting the members of the Board against loss occasioned by fraud or dishonesty of offices and employees of the district;
- d. Workers' Compensation Insurance covering all employees of the district, in accordance with laws of the state of Oregon governing workers' compensation, sufficient to provide the benefits as prescribed by such laws;
- e. Casualty, fire and theft insurance covering all vehicles owned or operated by the Board with limits specified by Board action;
- f. Burglary and robbery insurance covering property specified by Board action;
- g. Boiler and pressure vessel property damage insurance covering steel boilers and other pressure vessels and property to limits deemed sufficient by the superintendent as authorized by the Board;
- h. All risk insurance covering any property specified by the superintendent and authorized by the Board;
- i. Sprinkler leakage insurance on property where designated by the agent-of-record and authorized by the Board;
- j. Programs of insurance in the area of employee fringe benefits such as but not limited to: hospital and medical insurance, dental insurance, life insurance, long-term disability insurance, but only in the kinds and to the limits authorized by the Board;
- k. Other insurance coverage as the Board may authorize.

Nothing in the foregoing shall be construed as a prohibition against the self-insuring of any risks, or the assumption of self-insured retentions on any risk.

- 4. Insurable value - buildings and contents
 - a. The insurable value of a building shall be defined as the replacement cost of such building less the noninsurable items set forth in the district's fire insurance forms.
 - b. The term "contents" as used in connection with insurance, shall be defined to include all personal property not specifically excluded by the terms of the standard form for fire insurance policies. The valuation of contents, for insurance purposes, shall be the replacement cost of such property.
- 5. Settlement of losses
 - a. When any property covered by insurance is lost, damaged or destroyed, a notice concerning the loss shall be sent immediately to all affected carriers or their representatives. The business manager shall act as adjuster for the Board in the settlement of losses and he/she shall sign the Proof of Loss as authorized. The superintendent shall recommend to the Board, as soon as practicable, a basis for settlement and upon adoption by the Board, the agreed amounts shall be collected from the insurance company(ies) and deposited to the credit of the district in accordance with the laws governing such collection.



Code: **EIB**
Adopted: 4/4/88
Readopted: 1/11/99
Orig. Code(s): BP 7805

Agent-Of-Record

The district may retain an agent-of-record for insurance and bonds. The agent will be designated by the Board for a period of three years with an annual review of the type and quality of service provided. The agent is responsible for assisting the district administration with the development of a sound insurance program and for writing and servicing all necessary policies and statutory bonds. The specific means of selection, minimum qualifications and responsibilities of the agent-of-record are to be developed by the superintendent in keeping with legal requirements.

END OF POLICY

Legal Reference(s):

[ORS 30.260](#) - 30.300
[ORS 278.005](#) - 278.215
[ORS 332.435](#)
[ORS 332.437](#)

Cross Reference(s):

EIA - Insurance Program

SWEET HOME SCHOOL DISTRICT 55

TABLE OF CONTENTS

SECTION F: FACILITIES DEVELOPMENT

Facilities Development Goals	FA
Facilities Planning.....	FB
Capital Construction Program.....	FC
Educational Specifications.....	FEA
Selection of Architect	FEB
Construction Contracts - Bidding and Awards	FEF
Naming New Facilities	FF
Memorials	FFA
Board Inspection and Acceptance of New Facilities	FG
Temporary District Facilities	FJ
Retirement of School Facilities.....	FL
Retirement of School Facilities.....	FL-AR
Vacated School Buildings.....	FLA
Vacated School Buildings.....	FLA-AR

** 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 581-015-0005 (18).



Code: **FA**
Adopted: 9/13/04

Facilities Development Goals

To provide and maintain facilities that offer the best possible physical environment for learning and working, the Board, in consultation with the superintendent and in consideration of the input from staff, parents and the community, aims specifically toward:

1. Providing buildings and renovations that will accommodate and facilitate those new organizational and instructional patterns that support the district's educational philosophy and instructional goals;
2. Meeting all safety requirements through the remodeling of older structures;
3. Providing building renovations as needed to meet state and federal requirements on the accessibility and usability of facilities to persons with disabilities;
4. Building design, construction and renovation that will allow low maintenance costs and the conservation of energy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.155](#)

[OAR 437-001-0760](#)

[OAR 437-002-0020 to -0075](#)

[OAR 581-022-1530](#)

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).



Code: **FB**
Adopted: 9/13/04

Facilities Planning

The Board will gather and analyze appropriate data to evaluate the district's facilities needs on a long-range basis. Such data will include, but not be limited to, enrollment projections, anticipated changes in the instructional program, analysis of community building plans, analysis of sites and evaluation of present facilities.

END OF POLICY

Legal Reference(s):

[ORS 195.110](#)

[ORS 197.295 - 197.314](#)

[ORS 332.155](#)

[OAR 581-022-1530](#)

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.



Code: **FC**
Adopted: 12/13/93
Revised/Readopted: 1/11/99, 9/13/04
Orig. Code(s): BP 7205

Capital Construction Program

The Board may submit to voters at any election date specified in Oregon Revised Statutes, the question of contracting a bonded indebtedness to build or renovate school buildings or to purchase school sites. Before such a bond election, the specific needs for facilities will be communicated to the public. Careful estimates will be made as to amounts required for **project**.

All new construction or alterations to existing buildings will ensure to the maximum extent feasible that facilities are readily accessible and usable by individuals with disabilities.

Following approval by the voters, the bonds to be issued will be advertised appropriately. The date of issue will be coordinated with tax collection dates, payments on bonds already outstanding and favorable market conditions. Disposition of the bonds will be accomplished by public sale on a competitive bid or negotiated basis as determined by the Board. The Board reserves the right to reject any and all bids.

The Board will annually appropriate district funds in the bonded debt service fund for the purpose of paying interest and principal on outstanding bonds. If sufficient funds are not available in the debt service fund, the Board will authorize by resolution an interfund loan for the purpose of meeting debt service requirements.

The capital projects fund is the fund authorized by the approval of the bond issue. Initial receipts from the sale of bonds are deposited in this fund and actual expenditures for sites, buildings and equipment are made from it. The Board will adopt an annual budget resolution authorizing withdrawal from the fund of the amounts needed to meet payments due architects, contractors and other individuals or firms. The Board will receive periodic reports on expenditures made from this fund as compared with original appropriations for various projects.

END OF POLICY

Legal Reference(s):

[ORS 195.110](#)
[ORS 197.295 - 197.314](#)
[ORS Chapter 255](#)
[ORS Chapter 294](#)
[ORS 328.205](#)
[ORS 328.542 - 328.565](#)
[ORS 332.155](#)

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Cross Reference(s):

DC - Taxing and Borrowing Authority



Code: **FEA**
Adopted: 12/13/93
Readopted: 1/11/99
Orig. Code(s): BP 6680

Educational Specifications

To ensure that all new and remodeled facilities are designed to best implement the educational program, the superintendent will provide for detailed educational specifications prior to design and construction of new buildings. These specifications will include descriptions of:

1. All activities that will take place in the building;
2. The curriculum to be housed in the building;
3. Specific architectural characteristics desired;
4. The facilities needed, equipment requirements, space relationships to other facility elements and ready accessibility and usability by persons with disabilities;
5. Pertinent budget and other governing factors.

The preparation of educational specifications serves a two-fold purpose:

1. To clarify and consolidate the thinking of administration, staff, Board and community on the needs, desires and objectives of the educational program to be conducted within the proposed facility addition;
2. To organize this information in a manner that can be easily and clearly interpreted by an architect.

The Board, superintendent, staff, students and citizen representatives and the architect should be involved in developing educational specifications. Consultants may be used when deemed necessary by the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 195.110](#)
[ORS 197.295 - 197.314](#)
[ORS 332.107](#)
[ORS 332.155](#)
[OAR 581-022-1530](#)

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).



Code: **FEB**
Adopted: 1/11/99

Selection of Architect

The district will employ a licensed architect to design the plans of each proposed building, building addition or extensive renovation.

In selecting architects, the following criteria shall include but not be limited to:

1. Experience in school construction;
2. Evidence of relevant experience in the design and construction of facilities that provide appropriate accessibility and usability for persons with disabilities;
3. Creative design ability;
4. Technical knowledge to control the design so the best results are obtained for the smallest amount of money;
5. Executive and business ability to oversee the proper performance of contracts;
6. Proven ability in all major phases of planning and construction: pre-design planning, schematic design, design development, bidding, construction;
7. Ability and temperament to work cooperatively with others, willingness to consult with staff on educational specifications;
8. Extent and experience of architectural staff in relation to the scope of the planned project.

The architect will be selected on the basis of the above criteria and will be employed under contract.

END OF POLICY

Legal Reference(s):

[ORS Chapter 279](#)
[ORS 332.107](#)
[ORS 455.642](#)

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).



Code: **FEF**
Adopted: 1/11/99

Construction Contracts - Bidding and Awards

The Board will serve as its own contract review board.

The Board will procure contracts for construction or renovation of facilities according to the provisions of state law and Oregon Administrative Rules. Pre-qualification of bidders may be required by the district.

Contractors shall be registered as required by Oregon law.

For every contract for which a bond is required, a bond with good and sufficient sureties will be required of the contractor. The purpose of the bond is to assure:

1. The obligations of the contract are faithfully performed;
2. Payment is promptly made to all persons supplying labor or materials to the contractor or subcontractor for the work provided in the contract;
3. All contributions for workers' compensation and unemployment insurance are made promptly;
4. All sums required to be deducted and retained from the contractor's and subcontractor's employees' wages are paid.

END OF POLICY

Legal Reference(s):

[ORS Chapter 279](#)



Code: **FF**
Adopted: 1/11/99

Naming New Facilities

Schools will be named by location whenever possible. Schools may be named for individual persons who have been outstanding in educational endeavors or who have worked for better schools and educational programs in the community and/or in the state. Such persons must be retired from active participation in educational activities.

Names may be presented by petition, by chosen committees or by other representative groups in the area. The Board has the final decision in naming schools.

The Board will officially name a school on or before the bid is let for construction of the school.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)



Code: **FFA**
Adopted: 1/11/99

Memorials

The Board will consider the acceptance of memorial scholarships in honor of persons who have special significance to the students, the district or the community. A room or item may be named for the person in whose honor the scholarship fund is created. A memorial plaque may be appropriately dedicated whenever a room or item is designated as a memorial in conjunction with a scholarship fund.

Offers of memorial scholarships will be submitted to the superintendent together with information concerning the purpose of the memorial and administration of the scholarship fund.

A building principal may receive items for his/her school as a memorial to a student or person having a special significance to the students of that school. Items received as memorials become the property of the district. Principals must have the superintendent's approval to accept any item that may require additional maintenance cost to the district. The superintendent may establish guidelines for the acceptance of such memorials.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.385](#)



Code: **FG**
Adopted: 1/11/99

Board Inspection and Acceptance of New Facilities

The Board shall appoint a clerk of the works.

The clerk of the works shall personally inspect each project. When the performance meets the district's expectation, the clerk of the works will recommend acceptance of performance to the superintendent. The superintendent shall sign off the project and make payment.

The superintendent may make a final inspection with or without the Board before signing off.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)



Code: **FJ**
Adopted: 1/11/99

Temporary District Facilities

The Board's aim is to have sufficient permanent facilities to meet the needs of school enrollment and the school program. Rented facilities, movable units and other emergency school housing may be inadequate for long-term public school purposes.

If circumstances require immediate space not available in public school buildings, facilities will be leased or moveable structures will be used as a temporary measure.

The Board encourages the involvement of staff, parents and the community in the decision-making process whenever possible. The superintendent will give due consideration to all such input in his/her recommendations to the Board. All final decisions regarding the use of temporary district facilities will be made by the Board.

Any such facility must conform to all appropriate federal, state and local building and land use codes, health and fire laws, environmental standards and provisions for accessibility and usability as required by the Americans with Disabilities Act.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.155](#)

[OAR 437-001-0760](#)

[OAR 437-002-0020 to -0081](#)

[OAR 437-002-0161](#)

[OAR 437-002-0180 to -0182](#)

[OAR 437-002-0360](#)

[OAR 437-002-0368](#)

[OAR 437-002-0377](#)

[OAR 437-002-0390](#)

[OAR 437-002-0391](#)

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Sections 2641-2656.

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).



Code: **FL**
Adopted: 4/14/86
Readopted: 1/11/99, 1/9/06
Orig. Code(s): BP 9410

Retirement of School Facilities

The intent of the Board is to operate existing school buildings in a prudent and fiscally sound manner. It subscribes to the concept of the community school and will maintain schools of the district as near to student populations as possible.

When the Board finds that population shifts and/or building obsolescence require consideration for the closure of one or more existing district buildings, it will seek input from citizens prior to reaching such a decision.

The superintendent is delegated the responsibility for recommending to the Board those factors that should be considered for possible school closures and the processes to be followed. The administration shall keep the Board informed of situations in the district which may lead to possible building closures.

A school will be considered for a comprehensive closing study if any of the following conditions apply:

1. The school building is inadequate by virtue of age, condition, size of site or other overriding limitations and cannot reasonably and economically be brought up to the current educational standards;
2. The school has been substantially under student enrollment capacity for a two-year period and is projected to remain so. "Substantially under capacity" is the difference between program capacity and student membership such that the students in that school could be housed adequately in one school less within the district.

When a closing study of a school is conducted, the study will include direct involvement by those attendance areas considered in the study. A closing study will be concerned with the following factors:

1. Students and Programs
 - a. Enrollment: Minimum enrollment needed for basic staffing and for providing effective, comprehensive educational programs. When a school enrollment reaches sixty (60) students or lower and it is projected that enrollment will remain at or below sixty (60) students for the following year, the school will be recommended to close. If the combined enrollments of Holley and Crawfordsville Elementary Schools reach one hundred and fifty (150) or less, the school with the smallest enrollment will be recommended to close and students will be transferred.
 - b. Educational programs: The effect on the educational program at any level in the district schools.
 - c. Student assignment: The number of students involved, and the effects of the assignment. There must be a reasonable way of reassigning students from the closed schools to another school.
 - d. Continuity of instructional and community programs.
2. Community
 - a. Population trends: Maturity of neighborhood, birth rate changes, potential changes in population and land use.
 - b. Community utilization: The accessibility and degree of use by the community.
 - c. Boundary change feasibility: Prior to a closure, the feasibility of changing attendance boundaries will be investigated and a determination made regarding the reasonableness of such an act.
3. Facility Characteristics
 - a. Size of the facility: All things being equal, the larger facilities offer more educational flexibility for the school programs than do the smaller facilities.
 - b. Physical condition of building: The future life of the building, necessary or planned building improvements, short-range and long-range maintenance and construction requirements.
 - c. Energy: Efficiency of the building on a classroom unit cost basis.

- d. Building safety: Compliance with state and federal standards, construction materials and characteristics, age of building and building equipment and accommodation of the disabled.
- e. Adequacy of site, location, access, surrounding development, traffic patterns and other environmental conditions.
- 4. Financial Factors
 - a. Savings: Net savings as they relate to personnel, programs, maintenance, operating costs.
 - b. Transportation: Identify any increases or decreases and related costs or savings, including numbers of students bused, time, distance and safety.
 - c. Costs: Net costs as they relate to moving equipment and materials, storage of equipment and materials, building security, building deterioration and maintenance.
 - d. Alternative use: Potential reuse for other district purposes, lease to others or sale to others.
- 5. Personnel: Cost resulting from reassignments, transfers and/or layoffs.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 332.155](#)

[OAR 437-001-0760](#)

[OAR 437-002-0020 to -0075](#)

[OAR 581-022-1530](#)

Toxic Substances Control Act, 15 U.S.C. Sections 2601-2629, as amended by the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. Section 2641-2656.

Cross Reference(s):

FL-AR - Retirement of School Facilities

FLA - Vacated School Buildings

FLA-AR - Vacated School Buildings



Code: **FLA**
Adopted: 4/14/86
Readopted: 1/11/99
Orig. Code(s): BP 9420

Vacated School Buildings

When a school building and site are vacated for regular classroom instructional purposes, the Board will consider the following guidelines:

- I. The alternatives for future use of the property may include:
 - A. School district usage for such functions as:
 1. Specialized educational programs;
 2. Instructional support functions;
 3. Community school center;
 4. Warehouse facilities;
 5. Other usage appropriate to building and site.
 - B. Use by lease arrangement to a public agency such as:
 1. City, county or recreational district for public recreational or educational purposes;
 2. Linn-Benton Community College for educational purposes;
 3. Other public bodies for their specified purposes.
 - C. Use by lease arrangement with a private organization such as:
 1. A neighborhood community organization;
 2. A specialized recreational or social organization;
 3. A youth organization;
 4. Other private organizations for their specified purposes.
 - D. Sale of building and site:
 1. Sale with usage restrictions and/or reversion provision in sale agreement;
 2. Sale with no future usage restrictions.
- II. Steps to be taken by the Board:
 - A. Public notice that building is to be discontinued as a school;
 - B. Establishment of a time line for public input and the Board determination of the decision on future use;
 - C. Determination by the Board if any of the alternatives listed in A., B. or C. above is feasible.

If a leasing arrangement is to be considered, appropriate safeguards will be observed. These include, but are not limited to:

1. Usage restrictions;
 2. Maintenance and upkeep responsibilities;
 3. Liability responsibilities;
 4. Scheduling responsibilities;
 5. Renewal and termination provisions;
 6. Other customary and usual leasing provisions;
 7. After one year, the lease will be reviewed and either a more permanent arrangement made or the lease cancelled.
- D. If no usage according to the alternatives listed in A., B. and C. above is determined, the following procedure will be followed:
 1. The district will retain control of the facility and provide maintenance on it for one school year after closure of the school;
 2. If, during this first year, a viable community organization is formed and makes the arrangements necessary to assume maintenance costs of the facility, lease arrangements will be considered;
 3. If during the first year after a school is closed, no viable community organization emerges, the Board will determine the appropriate disposal of the facility and site.
- E. If the property is to be sold, the following questions will be satisfactorily resolved:
 1. Prior deed restrictions or other legal obligations;
 2. Market value of property;
 3. Considerations for future usage;
 4. Method of sale to reflect district interest.

- F. As approved by the superintendent or designee, the school principal(s) involved in the transfer of students, will be responsible, with an opportunity for public input, for the dispersal of the instructional equipment and furnishings of the school.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107

[ORS 332](#).155

Cross Reference(s):

FL - Retirement of School Facilities

FL-AR - Retirement of School Facilities

FLA-AR - Vacated School Buildings



Code: **FLA-AR**
Adopted: 4/14/87
Readopted: 1/11/99
Orig. Code(s): AR 9420

Vacated School Buildings

After a decision has been made by the Board to vacate a school building for regular classroom instruction, the administration will take the following action:

1. Compilation of a list of possible future uses of the facility according to the priorities stated in the Board policy;
2. Determination of the one-year maintenance needs and provision for the security of the building as provided in the Board policy;
3. Preparation for closure of buildings as a facility for instruction will include the following:
 - a. The principal in conjunction with the superintendent will be responsible for providing for public input prior to the decision being made;
 - b. The principal will be responsible for making an inventory of all furnishings, equipment and supplies;
 - c. The principals of the closing and receiving schools, with the superintendent will make the decisions as to what materials, supplies, equipment and furnishings will be transferred with the students to the receiving school(s). Surplus items may be transferred to other schools in the district;
 - d. The principals will oversee the transfer of items, with vehicles and labor supplied by the district;
 - e. Items of historical significance will be so marked on the inventory and retained as the property of the school district;
 - f. Items which were purchased by individuals, parents clubs or community groups and donated to the school remain the property of the school district and can only be disposed of by the school district. These items may also transfer with the resident students, or be transferred for use to other district schools;
 - g. If a community lease agreement is established, items categorized in e. and f. above may be retained in the building if it is determined by the district that proper security can be maintained;
 - h. Items determined to be surplus will be stored for dispersal at a later date.

END OF REGULATION

Cross References:

FL - Retirement of School Facilities
FLA - Vacated School Buildings



Code: **FL-AR**
Adopted: 4/14/86
Readopted: 1/11/99
Orig. Code(s): AR 9410

Retirement of School Facilities

After a decision has been made by the Board to close a school building, the administration will take the following action:

1. The superintendent will notify by letter the parents of students attending the school, informing them of the reason the action is being taken and of the new arrangements for school attendance by their students;
2. The superintendent will inform affected staff members of their status and review with them their rights of transfer to other locations. Where transfers or reassignments are not possible the superintendent will implement a lay off of the work force;
3. To ensure the smoothest possible transition, the Board will direct that the school scheduled for nonoperation the following year be closed as of the end of the regular school year, unless emergency conditions dictate otherwise;
4. If emergency conditions dictate that a school be closed during the regular school year, the Board will allow the superintendent a period to execute the Board's order. The superintendent will use this period to work with parents, teachers and administrators in the sending and receiving schools to prepare students for the change.

END OF REGULATION

Legal References:

ORS 342.934

Article 13, 14, Licensed Agreement

Article 11, 12, Classified Agreement

Cross References:

FL - Retirement of School Facilities

FLA - Vacated School Buildings

FLA-AR - Vacated School Buildings

SWEET HOME SCHOOL DISTRICT 55

TABLE OF CONTENTS

SECTION G: PERSONNEL

Personnel Policies Goals	GA
Personnel: Definitions	GAA
Job Descriptions	GAB
General Personnel Policies	GB
Equal Employment Opportunities	GBA
Staff Involvement in Decision Making	GBB
Staff Ethics	GBC
Staff Conduct	GBCB
Staff Conduct	GBCB-AR
Employee Assistance.....	GBCBB
Board – Staff Communications	GBD
Mother Friendly Workplace	GBDA
Staff Health and Safety	GBE
Workers’ Compensation Insurance	GBEA
Staff Protection.....	GBEAA
Communicable Diseases	GBEB
Chronic Communicable Diseases.....	GBEB/JHCC-AR
Staff – HIV, AIDS and HBV	GBEBA
Drug-Free Workplace.....	GBEC
Pre-Employment Physicals	GBED
Drug and Alcohol Testing - Transportation Personnel	GBEDA
Drug and Alcohol Testing - Transportation Personnel	GBEDA-AR
Staff Participation in Community Activities	GBF
Staff Participation in Political Activities.....	GBG
Student Management.....	GBHB
Gifts and Solicitations	GBI
Tobacco-Free Environment.....	GBK/JFCG/KGC
Personnel Records	GBL
Staff Complaints.....	GBM
Sexual Harassment	GBN/JBA
Sexual Harassment Complaint Procedures.....	GBN/JBA-AR
Hazing/Harassment/Intimidation/Bullying/Menacing	GBNA/JFCF
Hazing/Harassment/Intimidation/Bullying/Menacing Complaint Procedures.....	GBNA/JFCF-AR
Licensed Staff Positions	GC
Required Credentials for Licensed Staff	GCA
Licensed Staff Contracts and Compensation Plans	GCB
Initial Placement on Salary Schedule.....	GCBA/GDBA
Death of an Employee	GCBAC/GDBAC
Continuation of Group Health Coverage.....	GCBC/GDBC

Family Medical Leave.....	GCBDA/GDBDA
Federal Family and Medical Leave/State Family Medical Leave.....	GCBDA/GDBDA-AR(1)
Request for Family and Medical Leave	GCBDA/GDBDA-AR(2)
Sample Letter to Employee - FMLA/OFLA Leave	GCBDA/GDBDA-AR(3)
FMLA/OFLA Notice to Employee	GCBDA/GDBDA-AR(4)
Medical Certification Form.....	GCBDA/GDBDA-AR(5)
Early Return to Work	GCBDB/GDBDB
Early Return to Work	GCBDB/GDBDB-AR
Break in Service	GCBF
Staff Recruiting	GCC/GDC
Hiring of Licensed Staff.....	GCD
Criminal History Records Checks/Fingerprinting.....	GCDA/GDDA
Criminal History Records Checks/Fingerprinting.....	GCDA/GDDA-AR
Substitute Teacher Salaries	GCEA
Job Sharing.....	GCEC/GDEC
Licensed Staff/Classified Staff Job Share	GCEC/GDEC-AR
Staff Development — Licensed	GCL
Staff Development — Licensed	GCL-AR(1)
Professional Development Plan	GCL-AR(2)
Teacher Grade Books and Lesson Plans	GCMA
Evaluation of Licensed Staff.....	GCN/GDN
Resignation of Staff.....	GCPB/GDPB
Retirement of Staff.....	GCPC/GDPC
Suspension and Dismissal of Licensed Personnel.....	GCPD
Nonschool Employment.....	GCQA/GDQA
Tutoring for Pay	GCQAB
Copyrights and Patents.....	GCQBA
Classified Staff Positions	GD
Educational Assistants.....	GDA
Substitute Classified Salaries	GDEA
Notice of Employment	GDIA
Suspension and Dismissal of Classified Personnel	GDPD

** 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 581-015-0005 (18).



Code: **GA**
Adopted: 2/8/88
Readopted: 8/10/98
Orig. Code(s): BP 3000

Personnel Policies Goals

The Board recognizes that a dynamic and efficient staff dedicated to education is necessary to maintain a constantly improving educational program. The Board is interested in its personnel as individuals, and it recognizes its responsibility for promoting the general welfare of the staff.

The district's specific personnel goals are:

1. To recruit, select and employ the best qualified personnel to staff the school system;
2. To provide staff compensation and benefit programs sufficient to attract and retain qualified employees;
3. To provide an in-service training program for all employees to improve their performance and the overall rate of retention and promotion of staff;
4. To conduct an employee appraisal program that will contribute to the continuous improvement of staff performance;
5. To assign personnel so as to ensure they are used as effectively as possible; and
6. To develop the quality of human relationships necessary to obtain maximum staff performance and satisfaction.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[ORS 342.850](#)

[OAR 581-022-1720](#)



Code: **GAA**
Adopted: 2/8/88
Revised/Readopted: 8/10/98, 9/13/04
Orig. Code(s): BP 3001, BP 3220

Personnel: Definitions

1. Licensed employees are those holding a position that requires a license issued by the state Teacher Standards and Practices Commission.
 - a. A teacher is an employee who holds a position requiring a teacher's license. Licenses will carry the appropriate endorsement.
 - b. A contract teacher means any teacher who has been regularly employed by a school district for a probationary period of not more than three successive school years and who has been re-elected for the next succeeding school year.
 - c. A probationary teacher is one who is not a contract teacher and who works at least 135 consecutive days in any school year as a teacher in the district.
 - d. A temporary teacher is any teacher employed to fill a position designated as temporary or experimental or to fill a vacancy that occurs after the opening of school because of unanticipated enrollment or because of the death, disability, retirement, resignation, contract nonextension or dismissal of a contract or probationary teacher.
 - e. A substitute teacher is any teacher who is employed to take the place of a probationary or contract teacher who is temporarily absent. A substitute teacher is employed on a day-to-day basis, without contract, and does the work of the regularly assigned teacher during the latter's absence from duty. Substitutes will not be eligible for fringe benefits and will be paid at a rate established annually by the Board in accordance with the provisions of Oregon law.
 - f. An intern teacher is a regularly enrolled student of a college or university who teaches under the supervision of the staff of such institution and of the district in order to acquire practical experience in teaching.
 - g. An administrator is an employee who has been granted administrative authority and who spends more than one-half time in the organization, direction, supervision, control or evaluation of employees in, or programs of, the district. Administrators will carry appropriate licensure.
2. Classified personnel are those employees in job positions for which no teaching or administrative licenses are required by law.
 - a. Regular classified employees are those employed in a position established by the Board requiring 20 or more hours per week for at least a full school year.
 - b. Part-time regular classified employees are those employed in a position established by the Board requiring less than 20 hours per week for at least a full school year.
 - c. Temporary classified employees are those employed to provide additional services or to replace a regular classified employee on an infrequent and irregular basis.
 - d. Substitute classified employees take the place of regular employees for periods of no more than 75 days but are not considered members of the bargaining unit and are not eligible for the benefits of regular employees.
 - e. Classified supervisory employees are those who serve in positions that exercise administrative authority or supervisory responsibility over classified employees, as indicated in the job description of such positions and as defined in ORS 243.650 (23).
3. Confidential employees are designated in accordance with Oregon law and provisions of the labor agreements between the district and its licensed and classified employees. Such employees will be excluded from any bargaining unit.

Confidential employees will be granted the benefits generally provided for classified staff in the collective bargaining agreement between the district and the classified employees' representative.

4. Supervisory employees are those individuals having authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them, or to adjust their grievances or effectively to recommend such action if the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. No nurse, charge nurse or similar nursing position shall be deemed to be supervisory unless such position has been traditionally classified as supervisory.

“Administrative employee” means an employee of the district who possesses authority to formulate and carry out administrative and/or program decisions, or who represents administration’s interest by taking or effectively recommending discretionary actions that control or implement district policy, and who has discretion in the performance of these administrative and/or program responsibilities beyond the routine discharge of duties. An “administrative employee” need not act in a supervisory capacity in relation to other employees.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#) (6), (23)
[ORS 332.505](#)
[ORS 332.554](#) (3)
[ORS 342.120](#)
[ORS 342.125](#)
[ORS 342.420](#)
[ORS 342.610](#)
[ORS 342.815](#)
[ORS 342.835](#)
[ORS 342.840](#)
[ORS 342.845](#)

[OAR 581-005-0001](#)
[OAR 584-020-0005](#)

Job York v. Portland School District, No. FDA 83-7 (August 1983).



Code: **GAB**
Adopted: 12/13/93
Revised/Readopted: 8/10/98
Orig. Code(s): BP 3002

Job Descriptions

Job descriptions serve: (1) to describe all essential functions that the individual who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation; (2) to describe attendance standards; (3) to help applicants determine the qualifications needed to fill a position; (4) to help district administrators determine which candidates to recommend for appointment; and (5) to assist administrators in the evaluation of the employee's performance of position responsibilities.

"Essential functions" as used in this policy means the fundamental job duties of the employment position. A job function may be considered essential for any of several reasons, including but not limited to the following:

1. The function may be essential because the reason the position exists is to perform the function;
2. The function may be essential because of the limited number of employees available among whom the performance of the job function can be distributed; and/or
3. The function may be highly specialized so that the individual is hired for his/her expertise or ability to perform the particular function.

"Attendance standards," as used in this policy means the regular work hours of the position, including leave and vacation provisions available through policy and/or negotiated agreements and any special attendance needs of the position as determined by the district.

Job descriptions will be developed by the superintendent in cooperation with appropriate employee groups, administrators and supervisors. Each job description shall be dated and, as revised, new dates will be affixed.

Job descriptions will be coded and retained in a document titled Job Descriptions for the Sweet Home School District. The document will be included in the district policy book as an appendix and will also be available for inspection by any district employee or patron. Each employee shall receive a copy of his/her job description. Each employee shall affix his/her signature and date after having read the job description.

Job descriptions will be updated as responsibilities change or when openings occur to ensure they adequately describe the position, essential functions and comply with state or federal laws.

END OF POLICY

Legal Reference(s):

[ORS 342.850 \(2\)\(b\)\(A\)](#)

[OAR 581-022-1720](#)

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).



Code: **GB**
Adopted: 12/13/93
Revised/Readopted: 8/10/98, 9/13/04
Orig. Code(s): BP 3100

General Personnel Policies

The quality of the professional and support staff is of primary importance in achieving the educational objectives of the district. In filling any licensed or classified position, therefore, the district will seek out and appoint the best qualified person available for the position.

The employment of candidates to fill all licensed positions will be approved by the Board upon recommendation of the superintendent. The superintendent will employ all classified employees, substitutes and part-time personnel as needed.

Notice of all regular job openings will be made available to current staff members as appropriate and in accordance with applicable provisions of the district's negotiated agreements. Vacant positions may also be advertised through professional and institutional placement agencies, appropriate employment agencies and general and specialized media. All posting will notify applicants that equal employment opportunity and treatment shall be practiced by the district. The employer's duties under the Americans with Disabilities Act, including the duty to reasonably accommodate upon request and with appropriate advance notice will be clearly stated.

Applications or inquiries concerning job openings will be received by the district office on standard district application forms. 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.

The selection process will be coordinated and supervised by the superintendent with the involvement of other appropriate administrators and supervisors.

Applicants will be recommended for employment only after the screening of current applications, a personal interview of the recommended candidate and a check of references, as appropriate, to verify training, past experience and qualifications.

Each candidate selected for a position with the district must possess or demonstrate eligibility for any license or permit required to fill the position. In addition, the individual must be insurable by the district's insurance carrier for any position requiring liability insurance coverage or bonding.

In accordance with Oregon law, the district may require any candidate as a condition of employment to hold a current, recognized first aid card. A current employee required to hold a card will obtain it within 90 days from the date on which the district gives notification.

In accordance with Oregon law, no person under 18 years of age will be employed or permitted to work for the district unless the district has on file an employment certificate adopted by the Wage and Hour Commission pursuant to Oregon law. No student under the age of 14 will be employed by the district.

Qualified personnel currently employed by the district will be given consideration in filling vacant staff positions, consistent with the policy of electing the candidate with the best qualifications. Staff members may request transfer to another position or building and such request will be considered according to the needs and best interests of the district.

Personnel selected for employment will be notified in writing of their selection. This notification will specify the assignment, the job classification, the salary or hourly rate, the length of the work week, the length of the assignment and the essential job functions. Unsuccessful applicants will be notified.

Initial assignments will be made by the superintendent or his/her designee.

The superintendent will establish regulations governing the recruitment, selection and employment of personnel in accordance with this policy.

END OF POLICY

Legal Reference(s):

[ORS 342.169](#)
[ORS 653.305](#) - 653.326

[ORS 659A.309](#)

[OAR 581-022](#)-0705 (4)

Cross Reference(s):

GBA - Equal Employment Opportunities



Code: **GBA**
Adopted: 12/13/93
Revised/Readopted: 8/10/98, 5/16/05, 12/10/07,
9/14/09
Orig Code: BP 3111

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race, color, religion, sex, sexual orientation¹, national origin, marital status, age, and disability if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008 (ADA), and Section 504 of the Rehabilitation Act of 1973. The superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments of 1972. The Title IX coordinator will investigate complaints communicated to the district alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

The superintendent will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 192.630](#)
[ORS 243.672](#)
[ORS 326.051](#)
[ORS 332.505](#)
[ORS 342.934](#)
[ORS 659.850](#)
[ORS 659.870](#)
[ORS 659A.003](#)
[ORS 659A.006](#)

[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.109](#)
[ORS 659A.142](#)
[ORS 659A.145](#)
[ORS 659A.233](#)
[ORS 659A.236](#)
[ORS 659A.309](#)

[ORS 659A.321](#)
[ORS 659A.409](#)
[ORS 659A.805](#)

[OAR 581-021-0045](#)
[OAR 581-022-1720](#)
[OAR 839-003-0000](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2006); 29 C.F.R Part 1626 (2006).

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).

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 (2006).

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

Americans with Disabilities Act Amendments Act of 2008.

¹Sexual orientation means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with in the individual's sex at birth.



Code: **GBB**
Adopted: 2/8/88
Readopted: 8/10/98
Orig. Code(s): BP 3115

Staff Involvement in Decision Making

The Board shall encourage employees to contribute their ideas for the betterment of the school district. The staff shall be asked to help in developing rules and regulations, in establishing goals and objectives, and in planning curriculum, services, budget and facilities.

In devising rules and procedures for the operation of the schools, administrators shall seek the suggestions of those employees who will be affected by such provisions. The professional staff shall be given full opportunity to contribute to curriculum development and to recommend rules and regulations pertaining to students and instruction.

The superintendent shall develop channels for the intercommunication of ideas among staff, administration and Board, and will inform the Board of staff opinion when presenting recommendations for Board actions.

END OF POLICY

Legal Reference(s):

[ORS 329.704](#)

[OAR 581-022-1720](#)

Anderson v. Central Point School District No. 6, 554 F. Supp. 600 (D. Oregon 1982); aff'd in part, 746 F. 2d 505 (9th Cir. 1984).

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



Code: **GBC**
Adopted: 2/8/88
Revised/Readopted: 8/10/98, 9/13/04, 12/12/05,
12/8/08, 8/9/10, 1/13/14, 9/8/14
Orig. Code(s): BP 3120

Staff Ethics

I. Conflict of Interest

No district employee will use his/her district position to obtain personal financial benefit or avoidance of financial detriment or financial gain or avoidance of financial detriment for relatives, household members or for any business with which the employee, household member or relative is associated.

This prohibition does not apply to any part of an official compensation package, honorarium allowed by 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 \$50 gift limit for one who has a legislative or administrative interest in any matter subject to the decision or vote of the district employee.

District employees will not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as staff members. This means that:

1. Employees will not use their position to obtain financial gain or avoidance of financial detriment from students, parents or staff;
2. Any device, publication or any other item developed during the employee's paid time shall be district property;
3. Employees will not further personal gain through the use of confidential information gained in the course of or by reason of position or activities in any way;
4. No district employee may serve as a Board or budget committee member in the district.
5. An employee will not perform any duties related to an outside job during his/her regular working hours or during the additional time that he/she needs to fulfill the position's responsibilities; nor will an employee use any district facilities, equipment or materials in performing outside work.
6. If an employee authorizes a public contract, the employee may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

If an employee has a potential or actual conflict of interest, the employee must notify his/her supervisor in writing of the nature of the conflict and request that the supervisor dispose of the matter giving rise to the conflict.

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

1. A district employee may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or a member of the household, unless he/she complies with the conflict of interest requirements of ORS Chapter 244. This rule does not apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position.
2. A district employee 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 a member of the household. An employee may still serve as a reference, provide a recommendation, or perform other acts that are part of the normal job functions of the employee.
3. More than one member of an employee's family may be hired as a regular district employee. In accordance with Oregon law, however, the district may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family.

In the *conflict of interest context*, a "member of household" means any person who resides with the employee and "relative" means:

1. The employee's spouse¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law;
2. The spouse of the employee's parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.

II. Gifts

District employees must comply with the following rules involving gifts:

Employees are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 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 district employee. All gift related provisions apply to the employee ~~and~~ their relatives, and members of their household. The \$50 gift limit applies separately to the employee, and to the employee's relatives or members of household, meaning that the employee and each member of their household and each relative can accept up to \$50 each from the same source/gift giver.

1. "Gift" means something of economic value given to an employee without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.
2. "Relative":
 - a. The employee's spouse¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law;
 - b. The spouse of the employee's parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.
3. "Member of the household" means any person who resides with the employee.

Determining the Source of Gifts

Employees 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 employee'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 district employee. If the giver does not have a legislative/administrative interest, the ethics rules on gifts do not apply and the employee 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 official decision of an employee.

A decision means an act that commits the district to a particular course of action within the employee's scope of authority and that is connected to the source of the gift's economic interest. A decision is not a recommendation or work performed in an advisory capacity. If a supervisor delegates the decision to a subordinate but retains responsibility as the final decision maker, both the subordinate and supervisor's actions would be considered a "decision."

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 employee 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 per person cost at receptions or meals the payor of the employee's admission or meal will include all costs other than any amount donated to a charity.

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 employee is \$25. This example requires that the employee does not claim the charitable contribution on personal tax returns.

¹ The term spouse includes domestic partners.

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the employee'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 employee.
3. Upon request by the employee, the source will give notice of the value of the merchandise, goods, or services received.
4. Attendance at receptions 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

Employees 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

Employees 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 of the employee 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 employee is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when an employee appears at an entertainment event for a "ceremonial purpose" at the invitation of the source of the entertainment who requests the presence of the employee at a special occasion associated with the entertainment. Examples of an appearance by an employee 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 that apply to employees.

1. Gifts from "relatives" and "members of the household" are permitted in an unlimited amount; they are not considered gifts under the ethics rules.
2. Informational or program material, publications, or subscriptions related to the recipient's performance of official duties.
3. Food, lodging, and travel generally count toward the \$50.00 aggregate amount per year from a single source with a legislative/administrative interest, with the following exceptions:
 - a. *Organized Planned Events*. Employees are permitted to accept payment for travel conducted in the employee'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 employee 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:
 - a) Federal, state, or local government;
 - b) An Oregon or federally recognized Native American Tribe; OR
 - c) Non-profit
 - (b) The employee 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 Superintendent.
 - (2) The purpose of this exception is to allow employees 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.

4. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the employee is representing the District.
“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.
5. Food or beverage consumed by employee acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(5)(b)(I)(I).
6. Waiver or discount of registration expenses or materials provided to employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement.
7. 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.
8. Reasonable expenses paid to employee for accompanying students on an educational trip.

Honoraria

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

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 employee.

END OF POLICY

Legal Reference(s):

[ORS 244.010 to 244.400](#)
[ORS 332.016](#)

[ORS 659A.309](#)
[OAR 199-005-0005 3 to-199-020-0020](#)

[OAR 584-020-0040](#)

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



Code: **GBC-AR**

Adopted: 9/14/09

Revised/Readopted: 8/9/10, 1/13/14

Staff Ethics

District employees are allowed financial benefits as identified in ORS 244.040(2), such as their official compensation package, reimbursed expenses, limited honoraria and unsolicited awards for professional achievement. District employees are prohibited from using or attempting to use his/her district position to obtain a financial gain or to avoid a financial detriment for the district employee, a relative of the employee, or any business with which the employee or a relative of the employee is associated, if the opportunity for financial gain or avoidance of a financial detriment would not otherwise be available but for the employee's position with the district. Specifically, this means that:

1. Employees will not use district equipment for personal use, unless it is available to a significant segment of the general public. This includes, but is not limited to, the personal use of the district's:
 - a. Fax machine¹;
 - b. Phones to make long distance personal calls;
 - c. District vehicles;
 - d. Professional technology equipment (e.g., wood shop, automotive shop, CAD); and
 - e. Athletic facilities (e.g., pool or weight room).

Further, the district's supplies, facilities, equipment, employees, records or any other public resources are not to be used to engage in private business interests. For example, the district's computer cannot be used to sell products on an auction website during school hours.

2. When employees are traveling on official district business, any gift given because of this travel must be either declined or passed on to the district for use for future district travel. For example, if the hotel where the employee is staying gives the employee a free night's stay on a future visit, this must be declined or given back to the district for future district travel. The frequent flyer miles earned when traveling on official district business can only be used for district travel. If the employee's spouse is traveling with the employee, the employee is responsible for all additional charges (i.e., additional room charge).
3. Employees may not use personal credit cards for district travel or other district business and receive incentives such as cash reimbursements, frequent flyer miles and other benefits based upon the dollar amount of purchases made.
4. Employees may not use discounts offered by private companies for the employee's personal benefit if the discount is only offered because of the employee's official position. For example, an office supplies store provides all teachers a 10 percent discount. Because the teachers are receiving this discount only because of their official position, they cannot use the discount to purchase personal items. Teachers may use the discount to purchase items for district use. Employees can also accept the discount if it is also available to a substantial segment of the population who are not public officials.
5. Employees may accept free passes to district extracurricular events if they are attending these events in their official capacity (i.e., chaperoning, ticket sales or managing concession sales). In order to promote employee participation in extracurricular activities, the district may include free passes in employees' official compensation packages or employees may be reimbursed by the district for the cost of admission.
6. The employee's district position is not to be used to take official action that could have a financial impact on a private business with which you, a relative or member of your household are associated. For example, if your brother owns a pest-control business which is seeking a contract with the district, you must declare an actual conflict of interest in writing, describing the nature of your conflict, and provide this to your supervisor.
7. Confidential information gained as a district employee is not to be used to obtain a financial benefit for the employee, a relative or member of the public official's household or a business with which any are associated. For example, you should not use the information that a student in your class is falling behind in math to provide the parents a referral to your sister's tutoring business.

¹The district could establish a fee schedule that would allow only district employees to pay for the personal use of the district fax machines. If the district established a fee schedule for the use of fax machines the fee schedule must be equal to or exceed the prevailing rates offered at commercial businesses.

8. District employees who mentor student teachers may not receive direct payments from sponsoring colleges or universities. The payment may be provided by the college or university to the district, which can then distribute the compensation to the teachers as an element of their official compensation package.
9. District employees must follow Oregon Government Ethics Commission guidelines for outside employment if the employee acts as a chaperone for student group trips on personal time and the district employee accepts compensation in the form of travel expenses from a private business or organization. Specifically, district employees must conduct all activities related to the trip on personal time and cannot use the classroom or school environment to plan the off-campus trip. Employees may use district facilities for this purpose only if they comply with the district's public use of facilities policy. It is not an ethics violation to accept reasonable expenses for accompanying students on an education trip.

These restrictions do not apply if the teacher is chaperoning students on a fact-finding mission that is officially sanctioned by the Board. The definition of a fact-finding mission is, in part, any activity related to a cultural or educational purpose. *See* OAR 199-005-0020(4)(a). The district employee must be directly and immediately associated with the event or location being visited. If a district employee only acts as a chaperone and does not provide instruction or guidance for the students in language usage or cultural events, the trip may not meet the requirements of ORS 244.020(5)(b)(H)(I). Further, the employee can only accept the reimbursement of reasonable travel expenses from the private company, not any further compensation.

These restrictions do not apply if the district compensates the district employee for chaperoning the trip.



Code: **GBCA**
Adopted: 8/15/11

Staff Religious Dress

All staff when on duty shall be allowed to wear religious attire, in accordance with the employee's sincerely-held religious beliefs, while maintaining religious neutrality and refraining from endorsing religion in the educational environment.

The district retains the authority to specify religious dress guidelines for staff that will prevent such matters from having an adverse impact on the educational process.

The superintendent will develop administrative regulations to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 243.650(7)
ORS 327.109
ORS 332.107
ORS 339.351
ORS 659.850
ORS 659A.030

OR. CONST., ART. I, § 5.
U.S. CONST. AMEND. I.



Staff Religious Dress

“Religious clothing” means religious dress worn in accordance with the employee’s sincerely-held beliefs, including but not limited to head coverings, jewelry, emblems and other types of religious dress.

In assessing whether the district may restrict or prohibit the wearing of religious clothing, the district should consider:

1. Whether the employee’s intent of wearing the religious clothing or by wearing the clothing is likely to be perceived by students, parents or employees to indoctrinate or proselytize students and/or create the impression that the district endorses religion or the employee’s particular religious belief.
 - a. Specific factors to be considered when assessing employee’s intent and reasonable perception should include but not be limited to:
 - (1) The size and visibility of the religious clothing;
 - (2) The inclusion of any writing or symbols on the religious clothing that communicates a direct message;
 - (3) Any accompanying verbal statements or declarations of a religious nature that goes beyond a limited explanation of the religious significance or obligation associated with the wearing of the religious clothing;
 - (4) The number of employees requesting or wearing the same or similar religious clothing in the school; and
 - (5) The reasonableness of this perception should take into account the age, background and sophistication of the student, parent or employee in the school who regularly encounters the employee.
 - b. Whether the wearing of religious clothing disrupts the educational process, harasses, intimidates, coerces or otherwise interferes with the rights of students, parents or another school employee in the district.



Code: **GBCB**
Adopted: 2/8/88
Readopted: 8/10/98
Orig. Code(s): BP 3121

Staff Conduct

The Board subscribes to the belief that one of the best methods of instruction is that of setting a good example. The Board expects the entire staff to adhere to district adopted performance standards and to set the kind of example for students that will serve them well in their own conduct and behavior, and contribute toward a school atmosphere that is congenial and friendly, but has a degree of formality.

The Board expects members of its professional staff to be familiar with the code of ethics that applies to their profession as delineated in OAR 584-020-0005 to -0035 and adhere to it in their relationships with all students, parents, co-workers and officials of the district.

At all times the Board expects school facilities and equipment to be used in a manner that will promote the general welfare of staff, students and school administrators while creating an educational atmosphere that will develop the quality of human relationships necessary to obtain maximum performance and satisfaction.

No employee will commit or attempt to induce students or others to commit any illegal acts or acts of immoral conduct. When it appears that the law has been violated by employees, the district will cooperate with law enforcement agencies.

Employees of the district, while on duty or at school functions, will not consume or be under the influence of alcoholic beverages or controlled substances.

Violations of this policy will be grounds for immediate discipline including suspension, discharge and criminal prosecution where warranted.

END OF POLICY

Legal Reference(s):

[ORS 342.175](#)

[OAR 584-020-0005 to -0035](#)

Cross Reference(s):

GBC - Staff Ethics



Code: **GBCB-AR**
Adopted: 2/8/88
Readopted: 8/10/98, 9/13/04
Orig. Code(s): AR 3121

Staff Conduct

The following work rules are published to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to any disciplinary action. Violation of these rules cannot be ignored by management. In the event an employee is found to have violated these rules, he/she will be subject to immediate discipline including suspension, discharge and criminal prosecution where warranted. The following rules are examples but are not intended to be all inclusive:

1. Theft of school property, the property of another employee, or theft occurring during working hours;
2. Falsification of any school record or employment application;
3. Deliberate damage to or destruction of school property;
4. Negligent conduct while on duty, resulting in personal injury or property damage;
5. Unlawful drug use during working hours or on school premises, or reporting for work under the influence of a controlled substance;
6. Smoking in restricted areas;
7. Unauthorized use of school equipment;
8. Use of abusive or profane language or racial slurs toward students or other employees;
9. Disorderly conduct on school property or while on duty: fighting, threatening, or attempting to inflict bodily harm on another person;
10. Engaging in immoral conduct in relation to a student or other employee;
11. Unauthorized absence or misuse of leave;
12. Insubordination: refusal to follow a supervisor's instructions.

END OF REGULATION



Code: **GBCBB**
Adopted: 2/8/88
Readopted: 8/10/98
Orig. Code(s): BP 3128

Employee Assistance

The Board recognizes chemical dependency as a treatable illness. Employees who are so diagnosed will receive the same consideration and opportunity for treatment which is extended to employees with other types of illness. On the basis of medical certification, employees with the illness of chemical dependency will qualify for the same health service benefits which are provided for other medically certified illnesses.

The Board's concern with chemical dependency is due to its effects on the employee's job performance. For purposes of this policy, chemical dependency is defined as an illness in which an employee's consumption of mood-altering chemicals repeatedly interferes with his/her job performance and/or adversely affects his/her health.

The superintendent will implement this policy, in concert with the individual's supervisor in such a manner that no employee with chemical dependency will have his/her job security or promotional opportunity affected either by the diagnosis itself or by the employee's request for treatment. If the employee refuses to accept the diagnosis and treatment, or fails to respond to treatment, and the result of such refusal or failure is such that his/her job performance continues to be affected, it will be handled in the same way that similar refusal or treatment failure would be handled for any other illness. Implementation of this policy will not require or result in any special regulations, privileges or exemptions from the standard administrative practice applicable to job performance requirements.

The confidential nature of the medical records of employees with chemical dependency will be preserved in the same manner as for all other medical records.

The purpose of this policy is to encourage recognition, early intervention and subsequent support for the chemically dependent employee.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS Chapter 475](#)
[ORS 657.176](#)
[ORS 809.260](#)

[OAR 584-020-0040 \(5\)\(e\)](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. Sections 701-707; 34 CFR Part 85, Subpart F.
Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V; 21 CFR 1308.11-1308.15 (2000).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. Sections 7101-7117.

Cross Reference(s):

GBEC - Drug-Free Workplace



Code: **GBD**
Adopted: 9/13/04
Revised/Readopted: 08/11/08

Board-Staff Communications

The Board desires to maintain open communication channels between itself and the staff. The basic line of communication will be through the superintendent. However, this policy does not restrict protected labor relations communications of bargaining unit members. The superintendent will develop and recommend to the Board processes for communications between the Board and district employees.

Communications or reports to the Board or Board committee from any staff member or members should be submitted through the superintendent. This procedure will not be construed as denying the right of any employee to address the Board about issues which are neither part of an active administrative procedure, nor disruptive to the operation of the district.

All official communications, policies and directives of staff interest and concern will be communicated to staff members through the superintendent. The superintendent will communicate as appropriate to keep staff fully informed of the Board's concerns and actions.

END OF POLICY

Legal Reference(s):

[OAR 581-022-1720](#)

Anderson v. Central Point School District No. 6, 554 F. Supp. 600 (D. Oregon 1982); aff'd in part, 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).



Code: **GBDA**

Adopted: 1/14/08

Revised/Readopted: 5/11/15, 11/12/19

Expression of Milk in the Workplace

When possible an employee must give reasonable notice of the intent to express milk to the principal. The district shall provide the employee a reasonable rest period to express milk each time the employee has a need to express milk. If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the district.

The district will make a reasonable effort to provide a location, other than a restroom or toilet stall, location in close proximity to the employee's work areas, where an employee can breast-feed her child or express milk in private, concealed from view and without intrusion by other employees or the public. "Close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. If a private location is not within close proximity to the employee's work area, the district may not include the time taken to travel to and from the location as part of the break period.

The district will make a reasonable effort to provide a location, other than a public restroom or toilet stall, in close proximity to the employee's work area, where an employee can express milk in private, concealed from view and without intrusion by other employees or the public. "Close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. If a private location is not within close proximity to the employee's work area, the district may not include the time taken to travel to and from the location as part of the break period.

¹The following locations have been identified in each facility for milk expression:

1. District office: Private office in the district office building;
2. Elementary Schools: Hawthorne, Foster, Oak Heights, Holley, Classrooms with windows covered and door locked;
3. Sweet Home Jr. High: Counselors Office with windows covered and door locked;
4. Sweet Home High School: Health Room with the windows covered and door locked;
5. Bus barn: Private office in the transportation building;
6. District Office and Maintenance: Private office in Business Office Building;

An employee who expresses milk during work hours may use the available refrigeration to store the expressed milk. The district must allow the employee to bring a cooler or other insulated food container to work for storing the expressed milk and ensure there is adequate space in the workplace to accommodate the employee's cooler or insulated food container.

This policy and a list of designated locations will be published in the employee handbook. A list of designated locations must be readily available upon request in the central office of each school facility and in the district's central office.

This policy only applies to employees who are expressing milk for children 18 months of age or younger.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 653.077](#)

[ORS 653.256](#)

¹ The list of designated locations and facilities is required to be in policy as per Oregon Revised Statute (ORS) 653.077(10)(b).



Code: **GBE**
Adopted: 12/13/93
Revised/Readopted: 8/10/98
Orig. Code(s): BP 3123

Staff Health and Safety

Through its safety program and various policies pertaining to employees, the Board will seek to ensure their safety during working hours and assist them in the maintenance of good health.

Where state requirements mandate medical examinations, employees will submit results of medical examinations to the superintendent.

The superintendent may request a medical examination for any employee if at any time he/she has reason to believe that the employee's physical or mental health is detrimental to the welfare of students or other employees. The cost of such examination will be borne by the district.

Information the district receives regarding medical examinations will be collected and maintained in separate forms and in separate files apart from personnel files. All such records will be kept confidential, maintained for a minimum of one year and released only in accordance with provisions of the Americans with Disabilities Act or other applicable law.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 329.095](#)
[ORS 453.001 - 453.275](#)

[OAR 437-001-0760](#)
[OAR 437-002-0020 to -0075](#)
[OAR 437-002-0140](#)
[OAR 437-002-0144](#)
[OAR 437-002-0145](#)
[OAR 437-002-0180 to -0182](#)

[OAR 437-002-0360](#)
[OAR 437-002-0368](#)
[OAR 437-002-0377](#)
[OAR 437-002-0390](#)
[OAR 437-002-0391](#)
[OAR 581-022-1420](#)

Cross Reference(s):

EB - Safety Program
EBA - Buildings and Grounds Inspection
EBAC - Safety Committee
EBB - Hazardous Materials
EBBA - First Aid
EBBB - Accident Reports
EBC - Emergency Procedures
EBCB - Emergency Drills



Code: **GBEA**
Adopted: 3/14/88
Readopted: 8/10/98, 9/8/03
Orig. Code: BP 4340

Worker's Compensation Insurance

Any employee who is injured while on duty shall receive compensation and expenses as prescribed by Workers' Compensation Laws.

Injured employees receiving payment for loss of time from work have two options. The employee may:

1. Elect to receive only workers' compensation benefits and not use any of his/her accumulated sick leave; or
2. Elect to receive workers' compensation benefits and use his/her accumulated sick leave to make up the difference between the amount of the workers' compensation benefits received and his/her normal salary or hourly wage. Accumulated sick leave may be used in this manner until depleted, at which time the employee will be eligible to receive only workers' compensation benefits, if any remain available.

END OF POLICY

Legal References:

ORS 243.650
ORS 344.840
ORS 656.033
ORS 657.170

OAR Chapter 437 Subdivision 40 [General Provisions]
OAR Chapter 437 Subdivision 136 [General Occupational Health Regulations]

Cross References:

Current Licensed Work Agreement
Current Classified Work Agreement



Code: **GBEAA**
Adopted: 8/14/89
Readopted: 8/10/98
Orig. Code(s): BP 3124

Staff Protection

Public policy and statutes provide that the Board will protect its employees against claims that may be entered against them as a result of carrying out their assigned responsibilities.

To protect its own financial resources as well, the Board will provide personnel with sufficient liability coverage, Workers' Compensation Insurance coverage, malpractice insurance as needed and unemployment compensation insurance.

All employees of the Board are covered by Workers' Compensation Insurance paid for by the Board. This insurance coverage is provided for all employees regardless of assignment, length of assignment and/or hours worked per day. Benefits afforded are for personal injuries or illness arising from accident or industrial diseases suffered or contracted as a result of employment.

The district, upon recommendation of the employee's immediate supervisor, may reimburse an employee when the employee's personal property is soiled, damaged or destroyed by students or nonstudents through acts of personal physical assault and when such losses occur during the employee's performance of the employee's school duties. All such losses must be reported in writing to the principal within 10 days of the occurrence.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 344.840](#)
[ORS 656.033](#)
[ORS 657.170](#)



Code: **GBEB**
Adopted: 11/12/96
Readopted: 9/13/04, 11/9/2020
Orig. Code(s): BP 3521

Communicable Disease - Staff

The district shall provide reasonable protection against the risk of exposure to communicable disease for employees while engaged in the performance of their duties. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures provided by Oregon law, by the local health department or in the *Communicable Disease Guidance* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

An employee may not attend work while in a communicable stage of a restrictable disease or when an administrator has reason to suspect that the employee has or has been exposed to any disease for which exclusion is required in accordance with law and per administrative regulation GBEB-AR - Communicable Diseases - Staff. If the disease is a reportable disease, the administrator will report the occurrence to the local health department.

Employees shall comply with all measures adopted by the district and with all rules set by Oregon Department of Human Services, Health Services, and the county health department.

Employees shall provide services to students as required by law. In cases where a restrictable or reportable disease is diagnosed and confirmed for a student, the district shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

The district shall protect the confidentiality of an employee's health condition/record to the extent possible and consistent with federal and state law.

The district will include, as part of its emergency plan, a description of the actions to be taken by district staff in the case of a declared public health emergency or other catastrophe that disrupts district operations.

The superintendent will develop administrative regulations necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 433.255](#)
[ORS 433.260](#)
[OAR 333-019-0015](#)
[OAR 437-002-0360](#)
[OAR 437-002-0377](#)
[OAR 581-022-0705](#)



Communicable Diseases – Staff

In accordance with state law, administrative rule, the local health authority and the *Communicable Disease Guidance*, the procedures established below will be followed.

1. “Restrictable diseases” are defined by rule and include but are not limited to COVID-19¹, chickenpox, diphtheria, hepatitis A, hepatitis E, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxigenic Escherichia coli (STEC) infection, shigellosis and infectious tuberculosis and may include a communicable stage of hepatitis B infection if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by the local public health administrator after determining that it poses a danger to the public’s health.
2. “Susceptible” for an employee means lacking evidence of immunity to the disease.
3. “Reportable diseases” means disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health.

Restrictable Diseases

1. An employee of the district will not attend or work at a district school or facility while in a communicable stage of a restrictable disease, including a communicable stage of COVID-19², unless authorized to do so under Oregon law. When an administrator has reason to suspect that an employee has a restrictable disease, the administrator shall send the employee home.
2. An administrator shall exclude an employee if the administrator has reason to suspect that an employee has been exposed to measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the public’s health. The administrator may request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator will report the occurrence to the local health department.
3. An administrator shall exclude an employee if the administrator has been notified by a local public health administrator or local public health officer that the employee has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.

¹ Added per OAR 333-019-1000(2).

² “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19.

4. An employee will be excluded in such instances until such time as the employee presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 - 677.525, a nurse practitioner licensed under ORS 678.375 - 678.390, local health department nurse or school nurse stating that the employee does not have or is not a carrier of any restrictable disease.
5. An administrator may allow attendance of an employee restricted for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting if the restriction has been removed by a school nurse or health care provider.
6. More stringent exclusion standards for employees from school or work may be adopted by the local health department.
7. The district's emergency plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate district response when the administrator is notified that an employee or a student has been exposed to a restrictable disease that is also a reportable disease.
3. District staff with impaired immune responses, that are of childbearing age or some other medically fragile condition, should consult with a medical provider for additional guidance³.
4. An administrator shall determine other persons who may be informed an employee's communicable disease, or that of a student's when a legitimate educational interest exists or for health and safety reasons, in accordance with law.

Equipment and Training

1. The administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The administrator or designee shall consult with the district's school nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.
3. All district personnel will be instructed annually to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA). (See policy EBBAA).

³ Refer to *Communicable Disease Guidance* published by the Oregon Health Authority and the Oregon Department of Education.



Code: **GBEB/JHCC-AR**
Adopted: 11/12/96
Readopted: 8/10/98, 9/13/04, 12/11/06
Orig Code: AR 3521

Communicable Diseases

In accordance with state law, rule and health authority communicable disease guidelines, procedures, as established below, will be followed:

School Restrictable/School Reportable Diseases

1. Restrictable diseases are communicable diseases which occur in a setting where predictable and/or serious consequences may occur to the public. School restrictable diseases are defined as a disease which can be readily transmitted in a school setting and to which students and/or employees in a school may be particularly susceptible;
2. A district employee who is diagnosed to have a school restrictable disease shall not engage in any occupation which involves contact with students as long as the disease is in a communicable stage;
3. A student who is diagnosed to have a school restrictable disease shall not attend school as long as the disease is in a communicable stage. These restrictions are removed by the written statement of the local health officer or designee or a licensed physician (with the concurrence of the local health officer) that the disease is no longer communicable to others in the school setting. For those diseases indicated by an asterisk (*) the restriction may be removed by a school nurse. For pediculosis, or head lice (indicated by a double asterisk (**)), the restriction may be removed *by nurse or office staff after visual inspection shows student is free from lice and nit infestation*. School restrictable diseases include, but are not limited to:

- | | |
|-------------------------------|---------------------------------------|
| a. Chicken pox*; | h. Pertussis (whooping cough); |
| b. Cholera; | i. Plague; |
| c. Diphtheria; | j. Rubella (German measles); |
| d. Measles; | k. Scabies*; |
| e. Meningococcal disease; | l. Staphylococcal skin infections*; |
| f. Mumps*; | m. Streptococcal infections*; |
| g. Pediculosis** (head lice); | n. Tuberculosis; |
| | o. Pandemic flu or other catastrophe. |

The school administrator may, when he/she has reasonable cause to believe the student has a school restrictable disease, exclude that student from attendance until a physician, public health nurse or school nurse certifies that the student is not infectious to others;

4. The local health officer or designee may allow students and employees with diseases in a communicable stage to continue to attend and to work in a school when measures have been taken to prevent the transmission of the disease;
5. More stringent rules for exclusion from school may be adopted by the local health department or by the district through Board-adopted policy;
6. A disease may not be considered to be a school restrictable disease unless it is listed in section 3. above, in accordance with OAR 333-019-0015 (2), it has been designated to be a school restrictable disease through Board policy or the local health administrator determines that it presents a significant public health risk in the school setting;
7. When a person is diagnosed as having diphtheria, measles, pertussis (whooping cough) or rubella (German measles), the local health officer may exclude from any school in his/her jurisdiction any student or employee who is susceptible to that disease.
8. The district's emergency preparedness plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Notification

1. Any staff member who has reason to suspect that a student is infected with a reportable, but not school restrictable disease shall so inform the school administrator. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by Oregon Health Services and county health department.
2. Employees have a responsibility to report to the district when infected with a school restrictable communicable disease unless stated otherwise by law.
3. In the event a school administrator is informed that a staff member or student may have a reportable disease, he/she will seek confirmation and assistance from the local health department to determine the appropriate district response. Reportable diseases include, but are not limited to:

a. Acquired immunodeficiency syndrome (AIDS);	p. Haemophilus influenzae-caused invasive disease;	cc. Pertussis;
b. Amebiasis;	q. Hemolytic uremic syndrome;	dd. Plague;
c. Anthrax;	r. Hepatitis (A; B; non-A, non-B and delta);	ee. Poliomyelitis;
d. Botulism;	s. HIV infection*;	ff. Psittacosis;
e. Brucellosis;	t. Leprosy;	gg. Q fever;
f. Campylobacteriosis;	u. Leptospirosis;	hh. Rabies (human and animal cases);
g. Chancroid;	v. Listeriosis;	ii. Rocky Mountain spotted fever;
h. Chlamydia trachomatis infection of the genital tract;	w. Lyme disease;	jj. Rubella (including congenital rubella syndrome);
i. Cholera;	x. Lymphogranuloma venereum;	kk. Salmonellosis (including typhoid fever);
j. Cryptosporidiosis;	y. Malaria;	ll. Shigellosis;
k. Diphtheria;	z. Measles (Rubeola);	mm. Syphilis;
l. Escherichia coli 0157-caused illness;	aa. Meningococcal disease;	nn. Tetanus;
m. Food-borne illness;	bb. Pelvic inflammatory disease, acute, nongonococcal;	oo. Trichinosis;
n. Giardiasis;		pp. Tuberculosis;
o. Gonococcal infections;		qq. Tularemia;
		rr. Yersiniosis.

*Does not apply to anonymous HIV testing.

4. With consultation and direction from the district's school nurse or appropriate health authorities, the school administrator or designee shall determine which other persons may be informed of the infectious nature of the individual student or employee within guidelines provided in statute.

Education

1. The school administrator or designee shall seek information from the district's school nurse or other appropriate health officials regarding the health needs/hazards of all students and the educational needs of the infected student.
2. The school administrator or designee shall, utilizing information obtained in section 1. above, determine an educational program for the infected student and implement same in an appropriate (regular or alternative) setting.
3. The school administrator or designee shall, from time-to-time, review the appropriateness of the educational program and the setting of each individual student.

Equipment and Training

1. The school administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The school administrator or designee shall consult with the district's school nurse or other appropriate health officials as to whether it is necessary to provide special training in the methods of protection from such communicable disease.

All district personnel will be instructed annually by the school health nurse on the proper precautions pertaining to blood and body fluid exposure.

END OF REGULATION



Code: **GBEBA**
Adopted: 9/13/04

Staff - HIV, AIDS and HBV

The district will strictly adhere in its policies and procedures to the Oregon Revised Statutes and Oregon Administrative Rules as they relate to staff infected with HIV, AIDS or HBV¹.

The district recognizes a staff member has no obligation under any circumstance to report his/her condition to the district and the staff member has a right to continue working.

If the staff member reports his/her condition to the district, strict adherence to written guidelines outlined by the staff member shall be followed.

These guidelines shall identify who may have the information, who will give the information, how the information will be given, where and when the information will be given. All such information will be held in confidence in accordance with Oregon Revised Statutes.

When informed of the infection, and with written, signed permission from the staff member, the district will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. The team shall continue to monitor the staff member's condition.

Accommodations for a staff member infected with HIV, AIDS or HBV shall be the same as with any other illness.

The district shall also develop policies and/or procedures for rumor control, infection control and public relations/media.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 342.850 \(7\)](#)
[ORS 433.008](#)
[ORS 433.045](#)
[ORS 433.260](#)

[OAR 333-012-0270](#)
[OAR 333-017-0000 \(40\)](#)
[OAR 333-018-0000](#)
[OAR 333-018-0005](#)
[OAR 333-019-0015](#)
[OAR 581-022-0705](#)

¹HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus-1



Code: **GBEC**
Adopted: 3/11/91
Readopted: 8/10/98, 9/13/04,
1/14/08
Orig. Code(s): BP 3127

Drug-Free Workplace *

No employee engaged in work in connection with a direct federal grant or contract of \$100,000 or more shall unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcohol, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. Section 812) and as further defined by regulation at 21 CFR 1308.11-1308.15.

“Workplace” is defined to mean the site for the performance of work done in connection with a federal grant or contract. That includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district where work on a federal grant is performed.

No district employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through grade 12 students with whom the employee has contact as part of employee’s district duties; or knowingly endorse or suggest the use of such drugs.

¹Each employee who is engaged in work related to a direct federal grant or contract of \$100,000 or more, shall notify his/her supervisor of his/her conviction of any criminal drug statute based on conduct occurring in the workplace, as defined above, no later than five days after such conviction.

¹Each employee who is engaged in work related to a direct federal grant or contract of \$100,000 or more, shall abide by the terms of this district policy establishing a drug-free workplace.

¹An employee who violates the terms of this policy shall be subject to discipline up to and including dismissal. The district may require that the employee satisfactorily participate in a drug abuse assistance or rehabilitation program approved by the Board. If the employee fails to satisfactorily participate in such program, employment may be suspended, his/her contract non-renewed or non-extended or he/she may be dismissed, at the discretion of the Board.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 336.222](#)
[ORS Chapter 475](#)
[ORS 657.176](#)
[ORS 809.260](#)
[OAR 584-020-0040 \(5\)\(e\)](#)

[SB 517 \(2007\)](#)

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. Sections 7101-7117.

Drug-Free Workplace Act of 1988, 41 U.S.C. Sections 701-707; 34 CFR Part 85, Subpart F.

Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V; 21 CFR 1308.11-1308.15 (2000).

¹Districts directly receiving grants or contracts of \$100,000 or more from the federal government are required to meet this obligation.



Code: **GBED**
Adopted: 12/13/93
Revised/Readopted: 8/10/98, 8/11/08
Orig. Code(s): BP 3175

Pre-Employment Physicals

The Sweet Home School District may require medical examinations after an employment offer has been made to a job applicant and before the applicant begins his/her employment duties. Any such requirement will ensure that all entering employees in the same job category will complete a medical examination regardless of disability.

All offers of employment may be made contingent on medical examination results.

Medical examinations will be conducted by a medical doctor selected by the district. District required medical examination expenses will be paid by the district.

The successful applicant must be qualified and must be able to perform the essential functions of a position with or without reasonable accommodations. The district may withdraw an offer of employment should the medical examination reveal that the individual does not satisfy certain employment criteria under the following conditions:

1. The exclusionary criteria are job related and consistent with business necessity;
2. There is no reasonable accommodation that will enable the individual with a disability to perform the essential functions of the job;
3. The medical condition poses a direct threat to the health or safety of others in the workplace and cannot be eliminated or reduced to an acceptable level by a reasonable modification of policies, practices, procedures or by the provision of auxiliary aids or services;
4. The requested or necessary accommodation would impose an undue hardship on the district, unless funding is available through other sources. Individuals with a disability may be offered an opportunity of paying for a portion of the costs that constitute an undue hardship or of personally providing the accommodation.

Information the district receives regarding medical examinations will be collected and maintained on separate forms and in separate files apart from personnel files. All such records will be kept confidential, maintained for a minimum of one year and released only in accordance with provisions of the Americans with Disabilities Act or other applicable laws.

Offers of employment for certain positions shall be contingent upon successful passage of a district-required drug test. The district will require drug tests for safety-sensitive positions (e.g. bus drivers, heavy machinery operators) and positions in which the person is responsible for students' safety and security.^a The district will designate when and where such testing will be conducted. The cost of the drug test shall be paid by the candidate and reimbursed by the district upon receipt of negative drug test results. The district will not reimburse individuals who test positive for drugs. The offer of employment will be withdrawn from candidates who test positive for drugs.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. Sections 31301-31317; 49 CFR Parts 40, 382 and 391-395 (2000).

Lanier v. City of Woodburn, 518 F3d. 1147 (9th Cir. 2008).

Cross Reference(s):

GCC/GDC - Staff Recruiting

^aBased on Lanier – "Safety sensitive" may also include positions that have heavy student contact and in loco parentis responsibility (e.g. teachers, administrators, paraprofessionals).



Code: **GBEDA**
Adopted: 1/8/96
Readopted/Revised: 8/10/98, 1/13/14
Orig. Code(s): BP 3355

Drug and Alcohol Testing - Transportation Personnel

In a continuing effort to prevent accidents and injuries resulting from the misuse of drugs and alcohol by drivers of commercial motor vehicles, the district shall establish a Drug and Alcohol Misuse Prevention Program. The district or its transportation provider shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education.

The district's program shall meet the requirements of the Omnibus Transportation Employee Testing Act of 1991.

The superintendent will develop administrative regulations as needed to implement the district's program, including such provisions for pre-employment/pre-duty, reasonable suspicion, random, post-accident, return to duty and follow-up testing as may be necessary. The regulations will include training, education and further assistance to employees to promote a drug and alcohol-free environment.

END OF POLICY

Legal Reference(s):

ORS 657.176	OAR 581-053-0531(12),(13)
OAR 581-053-0015 (7)(u)	OAR 581-053-0615(2)(c)(D)(ii)
OAR 581-053-0220(3)(h)	OAR 581-053-0620(1)(d)
OAR 581-053-0230(9)(t)	
OAR 581-053-0420(4)(b)(B)(ii)	SB 193 (2013)
OAR 581-053-0430(13),(14)	

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. Sections 31301-31317; 49 CFR Parts 40, 382 and 391-395 (2006)



Code: **GBEDA-AR**
Adopted: 9/13/04
Revised/Readopted: 1/13/14, 1/8/18

Drug and Alcohol Testing - Transportation Personnel *

The following procedures shall govern the district's drug use and alcohol misuse prevention program:

1. **Program Coordinator**

The superintendent will be designated as the district's drug use and alcohol misuse prevention program coordinator. The superintendent or his/her designee will coordinate the district's responsibilities and compliance efforts with the applicable provisions of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The superintendent or his/her designee will:

- a. Ensure that all covered employees receive written materials explaining the district's drug use and alcohol misuse prevention program requirements including:
 - (1) The district policy and administrative regulations;
 - (2) A contact person knowledgeable about the materials, policy, administrative regulations and the OTETA;
 - (3) Categories of employees covered;
 - (4) Information about the safety-sensitive functions and what period of the workday the employee is required to be in compliance. Safety-sensitive functions shall include such responsibilities as all on-duty time waiting to be dispatched, driving time, assisting or supervising loading or unloading, repairing, obtaining assistance or remaining in attendance upon a disabled vehicle. All time spent providing drug and alcohol samples, including travel time to and from the collection or testing site as needed to comply with random, reasonable suspicion, post-accident, return-to-duty or follow-up testing, will also be considered as on-duty time;
 - (5) Specific information concerning prohibited conduct;
 - (6) Circumstances under which employees will be tested;
 - (7) Procedures used in the testing process;
 - (8) The requirement that covered employees submit to drug and alcohol testing, administered in accordance with 49 CFR Part 382;
 - (9) Explanation of what constitutes a refusal to submit to a drug and/or alcohol test;
 - (10) Consequences of violations (e.g., discipline up to and including dismissal as may be required by the district and removal from safety-sensitive functions as required by the OTETA) and notification of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of drugs including the names, addresses and telephone numbers of substance abuse professionals (SAPs) and counseling and treatment programs. Such information will include the consequences for covered employees found to have a breath alcohol concentration rate of 0.02 or greater, but less than 0.04, and for those employees found to have a breath alcohol content level greater than 0.04. Minimally, no driver tested and found to have a breath alcohol concentration rate of 0.02 or greater but less than 0.04 shall be permitted to perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test;
 - (11) Information on the effects of drug use and alcohol misuse on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem (driver's or coworker's); and available methods of intervening when such problems are suspected, including confrontation, referral to an employee assistance program as available and/or referral to the administration.
- b. Ensure that employees sign statements certifying that they have received the materials;
- c. Ensure that administrators and supervisors or their designee, designated to determine reasonable suspicion receive at least 60 minutes of drug abuse training and an additional 60 minutes of alcohol misuse training. Training will include the physical, behavioral, speech and performance indicators of probable drug use and alcohol misuse;

- d. Ensure district compliance with applicable provisions of the OTETA's requirements regarding the district's management information system, retention and confidentiality of records;
- e. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug testing;
- f. Ensure selection of a site with a certified breath alcohol technician and evidential breath testing devices for alcohol testing;
- g. Ensure selection of a laboratory certified by the Department of Health and Human Services (DHHS) to conduct drug specimen analysis;
- h. Ensure selection of a qualified medical or osteopathic doctor to serve as a medical review officer (MRO) to verify laboratory drug test results;
- i. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in the OTETA;
- j. Ensure the district's drug use and alcohol misuse prevention program is maintained in at least outline form, on file and available for inspection at the district office. The district shall maintain the following:
 - (1) Information on the effects and consequences of drug and alcohol use on personal health, safety and the work environment;
 - (2) Information on the manifestations and behavioral changes that may indicate drug and alcohol use or abuse;
 - (3) Documentation that drug training for all supervisory personnel has consisted of at least 60 minutes;
 - (4) Documentation that alcohol training for all supervisory personnel has consisted of at least 60 minutes;
 - (5) Documentation of training given to employees.
- k. Ensure the establishment of clearly defined communication procedures to include the method (e.g., mail, facsimile) and frequency (e.g., monthly, daily, weekly) as well as the authorized individuals to impart and receive information to meet the documentation and confidentiality requirements of the OTETA;
- l. Ensure employee organizations receive written notice of the availability of all pertinent drug use and alcohol misuse prevention program information;

2. Pre-employment Testing

The district shall conduct pre-employment testing as follows:

- a. All offers of employment for positions as identified by Board policy and as required by the OTETA will be contingent upon drug and alcohol test results;
- b. Individuals offered employment with the district and employees transferring to positions subject to the OTETA contingent on drug and alcohol testing, must provide written consent for the release of any prior employer positive drug and failed alcohol testing results, refusals to be tested, other violations of testing regulations and, with respect to any employee who violated drug and alcohol regulations, documentation of the employee's successful completion of return-to-duty requirements (including SAP evaluations and follow-up tests) within the preceding two years;
- c. The district shall obtain and review such drug and alcohol information from previous employers of the past two years before the driver is used for the first time. The district will provide the driver's written permission for release of information to the previous employers;
- d. Release of such information may be by telephone, letters or any other method that ensures confidentiality. The district will maintain a written, confidential record of each past employer contacted;
- e. The district will not use a driver with a positive drug test or a failed alcohol test while employed with a previous employer or who refused to test while under employment with a previous employer unless the driver is in compliance with the SAP's treatment program and the OTETA's return-to-duty test

- requirements;
- f. Prior to being directed by the district to a collection site for drug and alcohol testing, the applicant will be notified that the urine sample collected shall be tested for the presence of drugs and the breath or saliva sample may be tested for the presence of alcohol;
 - g. Failure to report to the collection site for testing within the time frame specified by the district shall constitute a refusal to report for testing and result in immediate withdrawal of the employment or transfer offer;
 - h. Pre-employment drug and alcohol testing will be paid for by the district;
 - i. Tests must indicate negative drug test results and a breath alcohol content level below a 0.02. Individuals who fail to meet such drug and alcohol requirements will not be hired or transferred voluntarily or involuntarily to covered positions;
 - j. Such testing will also be required of covered employees each time an employee returns to work after a layoff period if the employee was removed from the random testing pool. As long as the employee remains in the random testing pool, additional testing or subsequent pre-employment drug and alcohol testing will not be necessary following a layoff;
 - k. The district will notify individuals offered employment with the district contingent on drug testing of the results of such testing upon request within 60 days of being notified of the disposition of the employment application;
 - l. Refusal to submit to drug and alcohol testing and/or to provide signed permission for the release of past testing information as required by the district shall result in immediate termination from employment or transfer consideration;

3. Post-accident Testing

The district shall conduct post-accident testing as follows:

- a. It is the responsibility of the employee to report for post-accident drug and alcohol testing as soon as practicable following a motor vehicle accident which occurs while the employee is performing district safety-sensitive functions in which there is a fatality or the employee receives a citation for a moving traffic violation in connection with an injury or tow-away accident:
 - (1) The employee will report to the designated collection site for post-accident drug and alcohol testing as soon as practicable following the occurrence of the accident;
 - (2) If alcohol testing has not been administered within two hours, the district will prepare and maintain on file a record stating the reasons the test was not promptly administered;
 - (3) If alcohol testing is not administered within eight hours, the district will cease attempts to administer an alcohol test and will prepare and maintain on file a record specifying why the test was not administered;
 - (4) If drug testing has not been administered within 32 hours following the accident, the district will cease attempts to administer such tests and will document why the test was not administered;
 - (5) The employee will contact the district official or designee as soon as practicable following the accident giving as much detailed information about the accident as possible (e.g., fatalities, injuries, tow-aways, traffic citation issued, etc.).
- b. The district will provide employees with necessary post-accident testing information, procedures and instructions as a part of its employee training program. Additionally, written instructions to follow in the event of an accident will be provided in district vehicles as appropriate. Instructions will include locations of drug specimen collection and alcohol testing sites and telephone number of the district drug use and alcohol misuse prevention program coordinator or other district officials to contact;
- c. The employee shall remain readily available for testing or may be deemed by the district to have refused to submit to testing. Such refusal is treated as if the district received an alcohol test result of 0.04 or greater or received a positive drug test. Nothing in this requirement shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit

- an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care;
- d. Results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by on-site federal, state and/or local law enforcement officials having independent authority for the test shall be considered to meet necessary requirements provided results of the test are obtained by the district and the tests conform to all applicable federal, state and/or local requirements;
- e. An employee who is involved in an accident involving a fatality, injury and/or tow-away as described by the OTETA is prohibited from using alcohol for eight hours after the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

4. Random Testing

The district shall conduct random drug and alcohol testing annually as follows:

- a. Not less than 25 percent of the average number of driver positions shall be tested for drugs and not less than 10 percent shall be tested for alcohol in accordance with current minimum random testing requirements of the OTETA. Any unfilled, covered positions will be included as part of the total number of positions counted by the district for testing rate purposes.
The district will meet minimum testing rates.
- b. The testing rate may be adjusted by FMCSA based on industry-wide data;
- c. The testing process shall, in fact, be random. Unless advised otherwise by their consortium, all employees will remain in the pool of drivers for each subsequent period, including vacations, holiday periods and summer recesses, whether or not they have been chosen for testing in the past;
- d. The selection of employees for random testing shall be made by a scientifically valid method. The process selected by the district will ensure that all employees shall have an equal chance of being tested each time selections are made. The district will use the following system:
 - (1) Computerized system¹:
 - (a) A random number generating program will be loaded into a computer along with the employees' social security number, payroll identification number or other comparable identification number for the drivers.
- e. All such testing shall be unannounced and dates selected spread reasonably throughout the calendar year to avoid predictability and the perception that testing is "done for the year."
- f. Following notification of testing, selected employees shall proceed to the district-selected collection site immediately or as soon as practicable;
- g. Employees shall only be tested for alcohol just before the driver is scheduled to perform his/her safety-sensitive function, during or just after performing such function;
- h. Employees off work due to leave of absence, vacation and layoff will be informed that they remain subject to random testing. Employees drawn for such testing will be notified and tested as soon as practicable upon return to duty but no later than the next selection cycle (e.g., monthly, quarterly, etc.).

5. Reasonable Suspicion Testing

The district shall conduct reasonable suspicion drug and alcohol testing as follows:

- a. The district will test covered employees when there is reasonable suspicion to believe that the employee has engaged in drug use or alcohol misuse;
- b. Reasonable suspicion will be based on specific contemporaneous, articulable observations made by a trained supervisor as designated by the district, concerning appearance, behavior, speech or body odors indicative of employee use of drugs or the misuse of alcohol. Observations of drug use may include indications of chronic and withdrawal effects of drugs and noticeable degradation of job performance that may be associated with the use of drugs;

¹The computerized system, when it can be utilized by the district, is the preferred selection method, under FMCSA guidance.⁴⁻⁸

- c. Hearsay or secondhand information is not sufficient to require an employee to submit to testing;
 - d. Alcohol testing may be authorized only if observations resulting in reasonable suspicion are made during, just preceding or just after the period of the workday that the employee is required to be in compliance with this policy, administrative regulations and applicable the OTETA provisions;
 - e. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the administrator or his/her designee authorized to make such observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier;
 - f. The district will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.
6. Referrals, Evaluation and Treatment
- The district shall provide information related to referrals, evaluation and treatment as follows:
- a. The district shall advise covered employees, who violate the drug and alcohol prohibitions, of referral services available for evaluating and resolving problems associated with the use of drugs and the misuse of alcohol. Such information will include the names, addresses and telephone numbers of SAPs and counseling and treatment programs;
 - b. An employee who engages in such prohibited conduct shall be evaluated by an SAP;
 - c. The SAP will determine what assistance if any the employee needs in resolving problems associated with drug use and alcohol misuse;
 - d. This requirement applies only to current employees and not to job applicants who refuse testing or who test positive for drugs;
 - e. This requirement shall not be interpreted to require the district to provide or pay for any rehabilitation costs or to hold a job open for an employee with or without salary;
 - f. SAPs, as referred to in these administrative regulations, means:
 - (1) Licensed physicians with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders;
 - (2) Licensed or certified psychologists, social workers or employee assistance professionals with like knowledge; and
 - (3) Alcohol and drug abuse counselors certified by the National Association of Alcoholism and Drug Abuse Counselors ("NAADAC"). This does not include state-certified counselors.
7. Return-to-Duty Testing
- Employees, if they continue employment and before they return to duty, shall comply with the following:
- a. When an employee has previously tested greater than or equal to 0.04 for alcohol, the employee must retest (return-to-duty test) with an alcohol concentration of less than 0.02;
 - b. When an employee has previously tested positive for drug use, the employee must retest (return-to-duty test) with a verified negative test result.
8. Follow-up Testing
- Employees, if they continue employment, shall comply with the following:
- a. Follow-up testing will be conducted whenever an SAP determines that an employee is in need of resolving problems associated with drug use and/or alcohol misuse;
 - b. Follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, just before or just after the driver has performed safety-sensitive functions;
 - c. Follow-up drug and alcohol testing will be unannounced²;
 - d. The number and frequency of such tests shall be determined by the SAP. Minimally, there shall be:
 - (1) At least 6 tests in the first 12 months following the driver's return to duty;

²A follow-up test shall not also serve as a random test, and vice versa.

- (2) Testing shall not exceed 60 months from the date of the employee's return to duty. The SAP, however, may terminate the follow-up testing at any time after the first six tests if he/she determines the testing is no longer needed.

9. Drug and Alcohol Testing Procedures

The district, in cooperation with contracted collection and testing facilities, shall maintain drug and alcohol testing procedures as follows:

a. Drugs

- (1) The applicant or employee reports to the district-designated collection site and provides positive identification (e.g., photo ID);
- (2) A urine sample for drug testing is provided. A "split specimen" (two urine specimen bottles) is prepared from the urine sample;
- (3) Following completion of a chain-of-custody form, both specimen bottles are forwarded to the DHHS certified laboratory for analysis. The split specimen is stored at the laboratory for later testing as may be necessary. Initial testing is performed only on one specimen bottle;
- (4) Testing results are reported to the district-selected MRO by mail or electronic transmission. Results may not be given over the phone;
- (5) The MRO will verify both negative and positive testing results;
- (6) The MRO will report the verified negative testing results to the district;
- (7) The MRO will report verified positive testing results to the applicant or employee, discuss the type of illegal substance found and determine whether there is any valid medical reason for the positive testing results;
- (8) A verified valid medical reason for a positive test result will be reported as a negative test result to the district;
- (9) If no legitimate medical reason exists for positive drug testing, the MRO will report a confirmed positive test result and identity of the substance(s) to the district;
- (10) The employee or applicant may request within 72 hours of a positive test notice that the split specimen (second bottle) be screened. Such screening costs will be paid for by the employee;
- (11) Unlike the original specimen analyzed for specific levels of controlled substances, the split specimen is analyzed only for the presence of drugs;
- (12) The MRO will report results of the second screening to the employee and the district;
- (13) The MRO will meet all OTETA requirements including review of chain-of-custody control form, administrative processing of negative test results, verification of positive testing results and maintenance of confidentiality requirements as may be applicable;
- (14) Detailed drug testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention coordinator or designee.

b. Alcohol

- (1) The employee reports to the district-designated testing site and provides positive identification;
- (2) Under the alcohol testing rule, an alcohol test result will be considered failing even if over-the-counter or legally prescribed medication is involved;
- (3) All alcohol screening tests will be conducted by:
 - (a) A qualified screening test technician using an alcohol screening device other than an evidential breath testing device.
- (4) Testing may be conducted at a DHHS certified laboratory or other location including mobile facilities equipped for such testing as may meet the requirements of the OTETA;
- (5) District supervisors should generally not be used as a breath alcohol or screening test technician for covered employees. Under certain circumstances, a properly trained district supervisor may conduct such testing in the absence of another technician;
- (6) The employee submits to breath or saliva testing;

- (7) If the result of the testing indicates an alcohol concentration rate of 0.02 or greater, a confirmation breath test is administered after at least 15 minutes, but no longer than 30 minutes, after the initial testing. All confirmation tests will be conducted using evidential breath testing devices;
- (8) The technician will report any invalid tests, confirmed failing and passing results to the district;
- (9) Employee refusal to sign forms as required (i.e., Step 2 on the Alcohol Testing Form) shall be considered as refusal to be tested;
- (10) The breath alcohol or screening test technician will meet all the OTETA requirements including such testing procedures, Alcohol Testing Form and confidentiality requirements as may be required;
- (11) Detailed alcohol testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention program coordinator or designee.

10 Positive Test Result

When the MRO determines a positive test result is valid, the MRO will report the finding to the Oregon Department of Transportation (ODOT) and the Oregon Department of Education. The person who is the subject of the test results will be notified by ODOT that the person has a right to a hearing to determine whether the test results reported will be placed in the employee's employment driving record.

11. Record Keeping/Record Reporting

The district shall maintain records of its drug use and alcohol misuse prevention program as follows:

- c. Records related to the collection process:
 - (1) Documents relating to the random selection process;
 - (2) Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
 - (3) Documents generated in connection with decisions on post-accident testing;
 - (4) Documents verifying the existence of an explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing;
 - (5) An annual calendar year report summarizing results of the district's drug use and alcohol misuse prevention program will be prepared and maintained when requested by FMCSA as part of an inspection, investigation, special study or for statistical purposes.
- d. Records related to a driver's test results, including:
 - (1) The district's copy of the alcohol testing form, including the test results;
 - (2) The district's copy of the controlled substance test custody and control form;
 - (3) Documents sent by the MRO to the district;
 - (4) Documents related to the refusal of any employee to submit to drug and/or alcohol testing;
 - (5) Documents presented by a driver to dispute the results of a drug and/or alcohol test administered in connection with the requirements of OTETA.
- e. Records related to evaluations as follows:
 - (1) Records pertaining to a determination by an SAP concerning his/her evaluation of a covered employee who tested positive for drugs, or failed an alcohol test or refused to test;
 - (2) Records concerning a driver's compliance with recommendations of the SAP.
- f. Records related to education and training as follows:
 - (1) Materials on drug use awareness and alcohol misuse including a copy of the district's policy and administrative regulations on drug use and alcohol misuse and related information;
 - (2) Driver's signed receipt of education materials;
 - (3) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and/or alcohol testing based on reasonable suspicion;

- (4) Certification that any training conducted in compliance with the OTETA meets all pertinent requirements for such training.
- g. Records related to alcohol and drug testing as follows:
 - (1) Agreements with collection site facilities, laboratories, MROs and consortia (includes breath alcohol technicians, screening test technicians and third party providers), as applicable;
 - (2) Names and positions of officials and their role in the district's drug and alcohol testing program(s);
 - (3) Semiannual laboratory statistical summaries of urinalysis as required by the OTETA and as reported by the laboratory. The district will document laboratory failures to provide statistical summaries and any district follow-up efforts to obtain such reports.
- h. Records will be retained by the district as follows:
 - (1) Five Years:
 - (a) Records of employee alcohol-testing results with results indicating an alcohol concentration of 0.02 or greater;
 - (b) Records of verified positive drug testing results;
 - (c) Documentation of refusals to take required drug and/or alcohol tests;
 - (d) Drug testing custody and control forms;
 - (e) Employee evaluation and referrals;
 - (f) A copy of each annual calendar year report summary;
 - (g) Equipment calibration documentation as applicable (See 10. a. (6), (7) and (8)).
 - (2) Two Years:
 - (a) Records related to the drug and alcohol collection process (except calibration of evidential breath testing devices).
 - (3) One Year:
 - (a) Records of negative and cancelled drug-testing results and alcohol test results with a concentration of less than 0.02.
 - (4) Indefinite Period:
 - (a) Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors and drivers shall be maintained by the district while the individual performs the functions which require training and for two years after ceasing to perform those functions.
- i. Records will be maintained in a secure location with controlled access to ensure confidentiality requirements are met as follows:
 - (1) Drug use and alcohol misuse prevention program records will be maintained at the district office. Records relating to individual employee drug and/or alcohol testing, evaluation and treatment will be maintained separately from the employee's personnel file;
 - (2) Employees are entitled upon written request to obtain copies;
 - (3) The district may disclose information in connection with employee benefit proceedings, Department of Transportation agency action against an employee or National Transportation Safety Board safety investigations;
 - (4) The district shall disclose such information to subsequent employers upon written request from the employee (in accordance with 49 CFR 382.413 (a)(1))³

³Information that must be disclosed to subsequent employers, upon receipt of proper authorization form/release signed by the employer's ex-driver: (a) Failed alcohol tests (breath alcohol content of 0.04 or greater); (b) Verified positive drug test; (c) Refusals to test.



Code: **GBF**
Adopted: 2/8/88
Readopted: 8/10/98
Orig. Code(s): BP 3131

Staff Participation in Community Activities

The Board urges the staff to participate constructively in all activities of the community which have as their objectives the improvement of the general welfare of the community, state and nation.

In their relationships with community groups, a conscientious effort should be made by all employees to make school life real and a part of community life. Employees should endeavor to know the community, its influence and its opportunities for students as well as for themselves.

It is hoped that staff members will recognize their responsibilities to community living and assume a part in the various civic and charitable projects of the community.

Each school employee is entitled to enter into political activity, provided this is done on their own time and that no political pressure is placed upon fellow employees, students or parents.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Oregon Constitution, Article XV, Section 8.



Code: **GBG**
Adopted: 2/8/88
Revised/Readopted: 8/10/98, 9/13/04
Orig. Code(s): BP 3135

Staff Participation in Political Activities

School employees may exercise their right to participate fully in affairs of public interest on a local, county, state and national level on the same basis as any citizen in a comparable position in public or private employment and within the law.

All employees of the school district are privileged within the limitations imposed by state and federal laws and regulations, to choose either side of a particular issue and support their viewpoints as they desire by vote, discussion or the persuasion of others. Such discussion and persuasion, however, will not be carried on during the performance of school duties, except in open discussion during classroom lessons that center on a consideration of all candidates for a particular office or both sides of a particular political or civil issue.

No employee will use school district facilities, equipment or supplies in connection with any political campaigning; nor will he/she use any time during the working day for campaign purposes.

On all controversial issues, employees must designate that the viewpoints they represent on the issues are personal and are not to be interpreted as the district's official viewpoint.

END OF POLICY

Legal Reference(s):

[ORS Chapter 244](#)
[ORS 260.432](#)

Oregon Constitution, Article XV, Section 8.

Cross Reference(s):

INB - Teaching about Controversial Issues



Code: **GBH/JECAC**
Adopted: 11/8/10, 5/13/19

Staff/Student/Parent Relations

The Board encourages parents to be involved in their student's school affairs and, unless otherwise ordered by the courts, an order of sole custody on the part of one parent shall not deprive the other parent of the following authority as it relates to:

1. Receiving and inspecting school records and consulting with school staff concerning the student's welfare and education, to the same extent as provided the parent having sole custody;
2. Authorizing emergency medical, dental, psychological, psychiatric or other health care for the student if the custodial parent is for practical reasons, unavailable.

It is the responsibility of the parent with sole custody to provide any court order or parental plan that curtails the rights of the noncustodial parent at the time of enrollment or any other time a court order is issued.

In case of joint custody, the District will adhere to all conditions specified and ordered by the court.

The district will use reasonable methods to identify and authenticate the identity of both parents.

END OF POLICY

Legal Reference(s):

[ORS 107.154](#)
[ORS 109.056](#)
[ORS 163-.245 – 163.257](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006); Family Educational Rights and Privacy, 34 CFR Part 99 (2006).

Protection of Pupil Rights, 20 U.S.C. § 1232 h (2006); Student Rights in Research, Experimental Programs and Testing, 34 CFR Part 98 (2006).



Code: **GBHB**
Adopted: 8/10/92
Readopted: 8/10/98
Orig. Code(s): BP 3410

Student Management

The most effective teaching and learning takes place in a positive, supportive environment. Consequences for rule infractions will include a skill building component and be handled in a manner that preserves peoples' dignity. Consequences will follow a "Continuum of Services" framework which students move through as increasing educational interventions become necessary. This may include problem-solving talks and counseling, reteaching the skills needed to behave responsibly, involvement of students in defining acceptable behavior and involvement of parents when the student refuses to accept responsibility for his/her behavior.

When problem-solving and skill development approaches have not succeeded in assisting a student whose behavior interferes with the learning environment, they can be coupled with other disciplinary actions including detention, suspension and exclusion of the student in accordance with Board policy.

The student has the right to be informed of the reasons for corrective measures. The goal of corrective measures should always be to assist students in taking responsibility for their behavior.

END OF POLICY

Legal Reference(s):

[ORS 332.061](#)

[ORS 339.240 - 339.450](#)

[ORS 659.150](#)

[ORS 659.175](#)

[OAR 581-021-0045](#)

[OAR 581-021-0046](#)

[OAR 581-021-0050 to -0075](#)

[OAR 581-022-1140](#)

Cross Reference(s):

JGA - Corporal Punishment

JGD - Suspension

JGE - Expulsion



Code: **GBI**
Adopted: 2/8/88
Revised/Readopted: 8/10/98, 1/12/09
Orig. Code(s): BP 1145

Gifts and Solicitations

Students and their parents shall be discouraged from giving gifts to district employees. The Board welcomes as appropriate the writing of letters by students to staff members expressing gratitude and appreciation.

Individual employees are discouraged from giving gifts¹ to staff members who exercise any direct or indirect administrative or supervisory jurisdiction over them. Collecting money for group gifts is discouraged except in special circumstances such as bereavement, serious illness or for retirement gifts. Staff-initiated "sunshine funds" are exempt from this policy.

Individual employees need to be accountable for maintaining integrity and avoid accepting anything of value offered by another for the purpose of influencing his/her professional judgment.

All employees are prohibited from accepting items of material value from companies or organizations doing business with the district. Material value is defined as \$50 from a single source in a single year.

No organization may solicit funds from staff members within the schools, nor may anyone distribute flyers or other materials related to fund drives through the schools without the superintendent's approval. Staff members may not be made responsible or assume responsibility for collecting money or distributing any fund-drive literature within the schools without the superintendent's approval.

The soliciting of staff by sales people, other staff or agents during on-duty hours is discouraged. Any solicitation should be reported at once to the principal or supervisor. Advertising is not allowed in the building without the superintendent's approval.

END OF POLICY

Legal Reference(s):

[ORS 244.010-244.400](#)
[ORS 339.880](#)

[OAR 584-020-0000 to -0045](#)
[OAR 199-005-0005 to 199-020-0020](#)

¹"Gift" means something of economic value given to a public official or the public official's relative or household member without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives or household members of public officials on the same terms and conditions; and something of economic value given to a public official or the public official's relative for valuable consideration less than that required from others who are not public officials. See ORS Chapter 244 for gift definition exceptions.



Code: **GBK/JFCG/KGC**
Adopted: 8/13/92
Revised/Readopted: 8/10/98, 9/13/04, 9/12/05, 10/17/05, 11/14/05,
6/13/11, 9/14/2015
Orig. Code: BP 5228

Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems

The Board recognizes its responsibility to promote the health, welfare and safety of students, staff and others on district property and at school-sponsored activities. The Board wishes to establish a school and working environment that is free of smoke, aerosols and vapors containing inhalants. Student possession, use, distribution or sale of tobacco products or inhalant delivery systems, including any smoking or use of an inhalant delivery device, on district premises, at school-sponsored activities on or off district premises, in district-owned, rented or leased vehicles, on all district grounds, including parking lots or otherwise, while a student is under the jurisdiction of the district, is prohibited.

Use, distribution or sale of tobacco products or inhalant delivery systems by staff on district property, including parking lots, at district-sponsored events, in district-owned, rented or leased vehicles or otherwise while on duty on or off district premises is prohibited. Use, distribution or sale of tobacco products or inhalant delivery systems by others on district property, in district vehicles or at district-sponsored events, on or off district premises, on all district grounds, including parking lots, is prohibited. Staff and/or all others authorized to use any private vehicles to transport district students to school-sponsored activities are prohibited from using tobacco products or inhalant delivery systems in those vehicles while students are under their care.

For the purpose of this policy, "tobacco products" is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff-in any form

For the purpose of this policy "inhalant delivery system" means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device or a component of a device; or a substance in any form sold for the purpose of being vaporized or aerosolized by a device whether the component or substance is sold or not sold separately. This does not include USFDA-approved tobacco products or other therapy products marked and sold solely for the approved purpose.

Clothing, bags, hats and other personal items used by staff and students to display, promote or advertise tobacco or inhalant delivery system products are prohibited on all district grounds, including parking lots, at school-sponsored activities or in district vehicles. Advertising is prohibited in all school-sponsored publications, in all school buildings, on district grounds, including parking lots, and at all school-sponsored events. District acceptance of gifts or funds from the tobacco products and inhalant delivery system industries is similarly prohibited. The district will not contract with other public or private alternative schools that allow student use of tobacco products or inhalant delivery systems on campus.

Student violations of this policy will lead to disciplinary action up to and including expulsion. Students may also be subject to removal from any or all extracurricular activities and/or denial or forfeiture of school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, field trips, senior trip, prom, etc.). School and/or community service may be required. A referral to law enforcement shall be made. Parents shall be notified of all violations involving their student and action taken by the school.

When considering disciplinary action for a child with disabilities, the district must follow the requirements of Board policy JGDA/JGEA - Discipline of Students with Disabilities, including those involving functional behavioral assessment, change of placement, manifestation determination, and an interim alternative educational setting.

Staff violations of this policy will lead to disciplinary action up to and including dismissal.

Violations by others will result in appropriate sanctions as determined and imposed by the superintendent or the Board.

Information about community resources and/or cessation programs to help staff and students will be provided.

The district will promote cessation resources and other positive alternatives to discipline. Tobacco use cessation programs may be established at district schools. Attendance or completion of tobacco use cessation programs by students may be allowed as a substitute to, or as a part of student discipline for possession, use, distribution or sale of tobacco products or inhalant delivery systems at the discretion of the principal. Attendance at cessation programs not offered by the district is voluntary and related costs are the individual responsibility of the staff member, student and his/her parent and private health care system.

As part of the district's tobacco use prevention activities, the superintendent shall ensure that tobacco use instructional programs as recommended by the Oregon Department of Human Services, Health Services, Tobacco Prevention and Education Program and the Oregon Department of Education, are an integral part of its drug and alcohol prevention curriculum. Programs must be integrated within the health education program and age- and developmentally-appropriate instruction provided at every level, pre-kindergarten through grade 12, with particular emphasis on grades 6 through 8. It is the expectation of the Board that prevention concepts will be integrated into the instruction of other subject areas as practicable.

Staff responsible for teaching prevention will be encouraged to collaborate with agencies and groups that conduct prevention education and to participate in ongoing professional development activities that provide basic knowledge about the effects of use of tobacco products, effective instructional techniques and program-specific activities.

The superintendent shall consult with local officials to promote enforcement of law that prohibits the use or possession of tobacco products or inhalant delivery systems by minors on or off district grounds. This policy shall be enforced at all times. The superintendent will develop administrative regulations as necessary to implement this policy, including provisions for notification of the district's policy, through such means as student/parent and staff handbooks, newsletters, inclusion on school event programs, signs at appropriate locations; disciplinary consequences; and procedures for filing and handling complaints about violations of the district's policy.

The superintendent shall ensure that the district's prevention program, policies, curricula, training and cessation programs are evaluated at regular intervals. The input of students, staff, parents and others from the community will be encouraged.

END OF POLICY

Legal Reference(s):

[ORS 167.400](#)
[ORS 332.107](#)
[ORS 336.222](#)
[ORS 336.227](#)
[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.883](#)

[ORS 431.840](#)
[ORS 433.835 to -433.990](#)

[ORAR 581-021-0050 to -0075](#)
[ORAR 581-021-0110](#)
[ORAR 581-022-0413](#)
[ORAR 581-053-0015](#)

[ORAR 581-053-0230\(9\)\(s\)](#)
[ORAR 581-053-0330\(1\)\(m\)](#)
[ORAR 581-053-0430\(12\)](#)
[ORAR 581-053-0531\(11\)](#)
[ORAR 581-053-0630](#)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2006).



Code: **GBL**
Adopted: 12/13/93
Revised/Readopted: 8/10/98, 9/8/03, 11/14/05,
7/13/2020
Orig Code: BP 3160

Personnel Records

An official personnel file will be established for each person employed by the district. Personnel files will be maintained in a central location.

All records containing employee medical condition information such as workers' compensation reports and release or permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

The superintendent will be responsible for establishing procedures regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, district employees' personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee may arrange with the personnel office to inspect the contents of their personnel file on any day the personnel office is open for business;
2. Others designated by the employee in writing may arrange to inspect the contents of the employee's personnel file in the same manner described above;
3. The comptroller or auditor, when such inspection is pertinent to carrying out their respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A Board member when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The superintendent and members of the central administrative staff designated by the superintendent;
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. Employees of the personnel office;
8. Attorneys for the district or the district's designated representative on matters of district business;
9. Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);

10. Upon request from a law enforcement agency, the Oregon Department of Human Services, the Teacher Standards and Practices Commission, or the Oregon Department of Education, in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination.

The superintendent may permit persons other than those specified above to use and to inspect personnel records when, in their opinion, the person requesting access has a legitimate official purpose. The superintendent will determine in each case, the appropriateness and extent of such access.

Release of personnel records to parties other than those listed above, will be in line with the Board policy KBA - Public Records.

END OF POLICY

Legal Reference(s):

[ORS 342.850](#)

[ORS 652.750](#)

[ORS 342.143](#)

[SB 755 \(2005\)](#)

OSEA v. Lake County School District, Case No. C-202-83, 8 PECBR 7837 (1985); rev'd, 81 Or App 623 (1986); order on remand, 9 PECBR 9501 (1987); aff'd, 93 Or App 481 (1988).

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).



Code: **GBLA**
Adopted: 11/14/05
Revised/Readopted: 1/10/11, 7/13/20

Disclosure of Information

Authorized district officials may disclose information about a former employee's job performance to a prospective employer. District officials are immune from civil liability for such disclosures under the following conditions:

1. The disclosure of information regarding the former employee's job performance is upon request of the prospective employer or the former employee. This disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was:
 - a. Knowingly false;
 - b. Deliberately misleading;
 - c. Rendered with malicious purpose; or
 - d. Violated civil right of the former employee protected under Oregon Revised Statute (ORS) 659 or ORS 659A.
2. Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);
3. The disclosure is a result of a request from law enforcement, Oregon Department of Human Services, Teacher Standards and Practices Commission, or the Oregon Department of Education in conducting an investigation related to suspected abuse or suspected sexual conduct to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;
4. No later than 20 days after receiving a request under ORS 339.374(1)(b), the district, if it has or has had an employment relationship with the applicant shall disclose the information requested **END OF POLICY**

Or. Attorney General's Public Records and Meetings Manual.

Legal Reference(s):

[ORS 30.178](#)
[ORS 339.370 - 339.374](#)
[ORS 339.378](#)
[ORS 339.388](#)
[ORS Chapter 659](#)
[ORS Chapter 659A](#)



Code: **GBM**
Adopted: 9/13/04
Revision 1st reading: 4/13/15

Staff Complaints *

It is an unlawful employment practice for an employer to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment for the reason that the employee has in good faith reported information in a manner as to disclose employer violations of any federal or state law, rule or regulation, mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

The superintendent or designee will develop a complaint procedure which will be available for all employees who contend they have been subject to a violation, misinterpretation or inappropriate application of district personnel policies and/or administrative regulations. The complaint procedure will provide an orderly process for the consideration and resolution of problems in the application or interpretation of district personnel policies.

The complaint procedure will not be used to resolve disputes and disagreements related to the provisions of any collective bargaining agreement, nor will it be used in any instance where a collective bargaining agreement provides a dispute resolution procedure. Disputes concerning an employee's dismissal, contract nonrenewal or contract nonextension will not be processed under this procedure.

Reasonable efforts will be made to resolve complaints informally.

Administrative regulations will be developed to outline procedural timelines and steps under this policy, as necessary.

END OF POLICY

Legal Reference(s):

[OAR 581-022-1720](#)
[ORS 332.107](#)
[ORS 659A.199](#)

Anderson v. Central Point School District No. 6, 554 F. Supp. 600 (D. Oregon 1982); aff'd in part, 746 F. 2d 505 (9th Cir. 1984).

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



Whistleblower *

When an employee has good faith and reasonable belief the employer has violated any federal, state or local, law, rule or regulation; has engaged in mismanagement, gross waste of funds or abuse of authority; or created a substantial and specific danger to public health and safety by its actions, and an employee then discloses or plans to disclose such information, it is an unlawful employment practice for an employer to:

1. Discharge, demote, transfer, reassign or take disciplinary action against an employee or threaten any of the previous actions.
2. Withhold work or suspend an employee.
3. Discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment.
4. Direct an employee or to discourage an employee to not disclose or to give notice to the employer prior to making any disclosure.
5. Prohibit an employee from discussing, either specifically or generally, the activities of the state or any agency of or political subdivision in the state, or any person authorized to act on behalf of the state or any agency of or political subdivision in the state, with:
 - a. Any member of the Legislative assembly;
 - b. Any Legislative committee staff acting under the direction of any member of the Legislative assembly; or
 - c. Any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district.

An employee's good faith and reasonable belief shall serve as an affirmative defense to civil or criminal charges related to the employee's disclosure of lawfully accessed information related to the violation, including information that is exempt from disclosure by public records law.

The district will use the complaint process in ¹administrative regulation KL-AR - Public Complaints Procedure to address any alleged violations of this policy.

The district shall deliver a written or electronic copy of this policy to each staff member.

END OF POLICY

Legal Reference(s):

[ORS 192.501](#) to -192.505

[ORS 659A.199](#) to -659A.224

[OAR 581-022](#)-1720

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

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

¹If the district created and has a GBM-AR - Staff Complaints, it may want to consider inserting that language here.



Code: **GBN/JBA**
Adopted: 11/9/2020

Sexual Harassment

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The district processes complaints^a or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures^b.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties^c shall include:

1. A demand or request for sexual favors in exchange for benefits;

^a Some districts choose not to use the terms “complaint” and “complainant” because they feel the stigma associated with the terms discourage victims from reporting conduct. The terms used in this policy are consistent with those included in the law. If you choose to change these terms, make sure that you are consistent and clear. Note, “Complainant” is defined under federal law.

^b Common complaint procedures that may also be involved include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy GBNA/JHFF)

^c “Third party” means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) At a school-sponsored activity or program; or 3) Off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or district staff member's ability to perform their job; or
 - c. Creates an intimidating, offensive or hostile environment.
3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.^{d}}

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person's action, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, "physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

Oregon Procedures

Reports and complaints of sexual harassment should be made to the following individual(s):

Name	Position	Phone	Email
_____	_____	_____	_____
_____	_____	_____	_____

This/These individual(s) is/are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX Coordinator.^f See GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall immediately report to a district official. The district official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;

^d The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1)(b). If the district would like to include the full statutory definition, it can do so.

^e OAR 581-021-0038 requires that the policy include a "examples of harassing behaviors covered by policy". The bracketed list in this policy reflects OSBA's recommendations. The district has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by the district's legal counsel.

^f This must be communicated elsewhere, but it is a good reason to specify it here as well.

2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to report their concerns to district officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The district will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.^g

The district may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for district electronic systems;

^g OSBA strongly recommends that the Board receive input from district administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined *by a reasonable person* to be..." 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.

5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

When a student or staff member is harassed by a third party, the district will consider the following:

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district events.

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or
2. Any terms or conditions of employment or of work or educational environment of a school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notice

When a person^h who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and

^h Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must includeⁱ:

1. Name and contact information for all person designated by the district to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or district that the student, student's parents, staff member, person or person's parent who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines.
4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
 - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
 - b. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and

ⁱ Remember confidentiality laws when providing any information.

3. Be made available to students, students' parents, staff members and member of the public at each office, at the district office and on the website of the school or district.

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity^j;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic Violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Federal Procedures

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

Reporting

^j "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The report can be made at any time.

Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this AR. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.^k

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.^l The district shall treat complainants and respondents equitably by providing supportive measures^m to the complainant and by following a grievance procedureⁿ prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.^o

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.^p The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

^k Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements.

^l (Title 34 C.F.R. § 106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

^m (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment.^m The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

ⁿ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

^o The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

^p The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

The district shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

No Retaliation

Neither the district or any person may retaliate⁹ against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

Publication

This policy shall be made available to students, parents of students and staff members. This policy shall be prominently published on the website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#) [ORS 332.107](#) [ORS 342.700](#) [ORS 342.704](#)
[ORS 342.708](#) [ORS 342.850](#) [ORS 342.865](#) [ORS 659.850](#)
[ORS 659A.006](#) [ORS 659A.029](#) [ORS 659A.030](#) [OAR 581-021-0038](#)
[OAR 584-020-0040](#) [OAR 584-020-004](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

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

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

⁹ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.



Code: **GBN/JBA-AR (1)**
Adopted: 11/9/2020

Sexual Harassment Complaint Procedures

^aReports and complaints of sexual harassment should be made to the following individual(s):

Name	Position	Phone	Email
_____	_____	_____	_____

The district official receiving the complaint shall issue the required written notice as outlined under Oregon Procedures in Board policy GBN/JBA - Sexual Harassment.

Step 1 The district official receiving the report or complaint shall promptly initiate an investigation using procedures and standards, including but not limited to, those identified in Board policy GBN/JBA - Sexual Harassment and will notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents of a reporting person, impacted person, or reported person, when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the report or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation shall be reduced to writing. The official conducting the investigation shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law within 30 days of receipt of the report or complaint.

A copy of the required written notice(s) and the date and details of notification of the notice of investigation and results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 2 If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 1 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal within 5 working days of receipt of the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board will review the decision of the superintendent or designee in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not

^a Align with same positions identified in policy.

limited to, holding a hearing, requesting additional information, and adopting the superintendent's or designee's decision. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within 30 working days following receipt of the appeal.

If the Board chooses not to hear the complaint, the superintendent's or designee's decision in Step 2 is final^b.

The superintendent is authorized to amend these procedures (including timelines) when the superintendent feels it is necessary for the efficient handling of the complaint. Notice of any amendments will be promptly provided to the parties.

Complaints against the principal may start at Step 2 and may be filed with the superintendent or designee. The superintendent or designee will cause the required notices to be provided. The superintendent or designee will investigate the complaint and will notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. If the complaint remains unresolved within 10 working days of receipt by the superintendent or designee, the complainant may appeal to the Board in Step 3.

Complaints against the superintendent or a Board member (other than the Board chair) may start at Step 3 and should be referred to the Board chair on behalf of the Board. The Board chair will cause required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Complaints against the Board chair may start at Step 3 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

^b If the Board chooses to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint or report may be obtained through the principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

**Sweet Home School District
1920 Long Street, Sweet Home OR 97386 / 541-367-7126**

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Sweet Home School District
1920 Long Street, Sweet Home OR 97386 / 541-367-7126

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____



Code: **GBNA**
Adopted: 9/13/04
Revised/Readopted: 11/13/07, 12/10/07,
5/10/10, 9/8/14,
5/13/2019

Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying - Staff

The Board is committed to providing a positive and productive learning and working environment.

Hazing, harassment, intimidation, menacing or bullying, and acts of cyberbullying of staff, or third parties, by staff is strictly prohibited and shall not be tolerated in the district.

Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is also strictly prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a report or complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board. Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion.

Individuals may also be referred to law enforcement officials. Licensed staff may be reported to Teacher Standards and Practices Commission if required by OAR 584-020-0041.

The superintendent is directed to develop administrative regulations to implement this policy. Regulations shall include descriptions of prohibited conduct, reporting and investigative procedures and provisions to ensure notice of this policy is provided to students, staff and third parties.

END OF POLICY

Legal Reference(s):

ORS 163.190	ORS 332.107
ORS 166.065	ORS 659A 006
ORS 166.155 - 166.165	ORS 659A 029
ORS 332.072	ORS 659A.103 659A 143
ORS 332.107	ORS 659A 199 – 659 224
ORS 659.030	OAR 839 003-000
ORS 163.197	OAR 839-005-0021
ORS 174.100	OAR 839-005-0030

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d)
Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. Seq. (2012).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2012); 29 C.F.R. Part 1626 (2018)
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2018); 28 C.F.R. Part 35 (2018).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2012).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).
OREGON BUREAU OF LABOR AND INDUSTRIES, *Workplace Bullying* (visited Feb. 26, 2019),
<<https://www.oregon.gov/boli/docs/WorkplaceBullyingPoster-2018.pdf>>.



Code: **GBNA-AR**
Adopted: 9/13/04
Rev: 12/10/07, 5/10/10,
9/8/14, 5/13/2019

Hazing/Harassment/Intimidation/Bullying/Menacing, or Cyberbullying Procedures - Staff

The following definitions and procedures shall be used for reporting, investigating, and resolving reports of hazing, harassment, intimidation, bullying, menacing and cyberbullying of staff or third parties.

Definitions

1. "Third parties" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.
2. "District" includes district facilities, district premises, and non-district property if the employee is at any district-sponsored, district-approved, or district-related activity or function, such as field trips or athletic events or where the employee is engaged in district business.
3. "Hazing" includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored work activity, work group or work or other such activities intended to degrade or humiliate regardless of the person's willingness to participate.
4. "Harassment" is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation^a, national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
5. "Intimidation" includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin, disability, or sexual orientation.
6. "Bullying" is a pattern of repeated mistreatment that harms, intimidates, undermines, offends, degrades, or humiliates an employee.
7. "Cyberbullying" means the use of any electronic device to convey a message in any form (e.g., text, image, audio, or video) that intimidates, harasses, or otherwise harm, insults, or humiliates another in a deliberate, repeated or hostile and unwanted manner under a person's true or false identity. In addition, any communication of this form which substantially disrupts or prevents a safe and positive working environment may also be considered cyberbullying, harass, intimidate, or bully. Staff will refrain from using personal electronic devices or district equipment to harass or stalk another person or people.

^a "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

8. “Menacing” includes, but is not limited to, any act intended to place a district employee, student, or third party in fear of imminent serious physical injury.

Reporting Procedures

Building principals and the superintendent have responsibility for investigations concerning reports of hazing, harassment, intimidation, bullying or acts of cyberbullying or menacing of staff or third parties. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Any employee or third party who has knowledge of conduct in violation of Board Policy JFCJ – Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence-Student, shall immediately report concerns to the designated district official.

Any employee or third party who has knowledge of conduct in violation of Board policy GBNA – Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff and this administrative regulation or feels they have been hazed, harassed, intimidated, bullied, cyberbullied, or menaced in violation of Board policy or this administrative regulation shall immediately report concerns to the designated district official.

All reports and information will be promptly investigated in accordance with the following procedures:

- Step I** Any reports or information on acts of hazing, harassment, intimidation, bullying, acts of cyberbullying or menacing information (e.g., complaints, rumors) shall be presented to the building principal or superintendent. Reports against the building principal shall be filed with the superintendent. Information may be presented anonymously. Reports against the superintendent shall be filed with the Board chairman. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step II** The district official receiving the reports shall promptly investigate. Parents will be notified of the nature of any reports involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the report will be reduced to writing. The district official(s) conducting the investigation shall notify the person making the report within 10 working days of receipt of information or report, and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.
- A copy of the notification letter or the date and details of notification to the report, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.
- Step III** If the person making the report is not satisfied with the decision at Step II, they may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step II decision. The superintendent or designee will arrange such meetings with the person making the report and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the appeal within 10 working days.
- Step IV** If the person making the report is not satisfied with the decision at Step III, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step III decision. The Board shall, within 20 working days, conduct a hearing at which time the person making

the report shall be given an opportunity to present the person making the report. The Board shall provide a written decision to the person making the report within 10 working days following completion of the hearing.

Reports against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Reports against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Reports against the Board chair may be made directly to the Board chair on behalf of the Board. The Board vice chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Timelines may be extended upon written agreement between both parties. This also applies to reports filed against the superintendent or any Board member.

Direct complaints of discriminatory harassment 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.

Documentation related to the incident may be maintained as a part of the employee's personnel file. Additionally, a copy of all reported acts of hazing, harassment, intimidation, bullying, acts of cyberbullying or menacing and documentation will be maintained as a confidential file in the district office.

END OF REGULATION



Code: **GC**
Adopted: 9/13/04

Licensed Staff Positions

The superintendent shall establish licensed staff positions necessary to carry out the district's instructional goals.

Positions so established may include those which carry other than classroom teaching responsibility.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[OAR 581-021-0045](#) Job York v. Portland School District, No. FDA 83-7 (August 1983).



Code: **GCA**
Adopted: 2/8/88
Readopted: 8/10/98, 1/8/18
Orig. Code(s): BP 3212

Required Credentials for Licensed Staff

All licensed staff will submit a valid teaching license and an official transcript of all college credits prior to the time they assume their duties. The transcripts will substantiate placement on the salary schedule and the teaching license will legally qualify the employee for assignment.

The district requires licensed staff to submit copies of all license endorsements to the superintendent's office. It shall be each licensed staff member's responsibility to keep all endorsements current and to submit them to the superintendent's office.

If an applicant's teaching license application with the TSPC is pending, the applicant may teach for 90 calendar days after the date of submission of the application, if the applicant has:

1. Submitted an application in the manner and form required by the TSPC, including payment of all required fees;
2. Completed a background clearance conducted by the TSPC that includes having:
 - a. Furnished fingerprints, if required;
 - b. Provided satisfactory responses to character questions in the form and manner required by the TSPC; and
 - c. Completed a criminal records check pursuant to state law and a background check through the interstate clearinghouse for revoked or suspended licenses, and is eligible for a teaching license.

The district will complete a review of the applicant's employment history prior to beginning employment.

The district will verify the employee is properly licensed on the 91st calendar day after the application was submitted to the TSPC, if the employee's license application is pending and the employee is teaching in the district.

This 90-day teaching option will only be applied to those positions of high need, specialty areas or emergency assignments as determined by the district.

The verification of licensure includes all license endorsements. It shall be each licensed staff member's responsibility to keep all endorsements current and to submit them to the superintendent's office.

END OF POLICY

Legal Reference(s):

[ORS 342.120 - 342.203](#)
[ORS 339.374](#)
[OAR Chapter 584](#)
[OAR 584-050-0035](#)
[OAR 584-200-0020](#)



Code: **GCAB**
Adopted: 2/8/10
Revised/Readopted: 4/8/13, 9/8/14

Personal Electronic Devices and Social Media - Staff

Staff possession or use of personal communication devices on district property, in district facilities during the work day and while the staff is on duty in attendance at district-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the superintendent. At no time, whether on duty or off duty, will a personal electronic device be used in a manner that interferes with staff duty and responsibility for the supervision of students.

A “personal electronic device” is a device, not issued by the district capable of electronically communicating, sending, receiving, storing, recording, reproducing, and/or displaying information and data. Personal electronic devices shall be silenced during instructional or class time, while on duty or at any other time where such use of the device would cause a disruption of school activities or interfere with work assignment. Devices which have the capability to take photographs or record video or audio shall not be used for such purposes while on district property or while a staff member is on duty in district-sponsored activities, unless as expressly authorized by the principal or designee for a use directly related to and consistent with the employee’s assigned duties. Computers, tablets, iPads or similar devices brought to school will be restricted to activities during on duty time. The district will not be liable for loss or damage to personal communication devices brought to district property and district-sponsored activities.

Staff members, while on duty and off duty, will utilize social media websites, public websites and blogs, judiciously by not posting confidential information about students, staff or district business. Staff may not post images of district facilities, staff, students, volunteers or parents without written authorization from persons with authority to grant such a release. Staff members, while on duty and off duty, will treat fellow employees, students and the public with respect while posting on social media websites, etc., in order to prevent substantial disruption in school. Communication with students using personal electronic devices will be appropriate and professional. Communication with students using personal electronic devices regarding non-school-related matters is prohibited during work hours and strongly discouraged at all other times. If communicating with students electronically regarding school-related matters, staff should use district e-mail using mailing lists to a group of students rather than individual students. Texting students during work hours should be limited to professional and/or school purposes only. Texting students while off duty is strongly discouraged. The District recommends that this type of communication be through a mass text service or where communication is copied to the students’ parents.

Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with superintendent or designee approval.

Nothing in this policy is intended in any form to limit the right of employees to engage in protected labor activities via the use of social media.

Staff are subject to disciplinary action up to and including dismissal for using a personal communication device in any manner that is illegal or violates the terms of this policy. Staff actions on social network sites, public websites, blogs and other social media, while on or off duty, which disrupt the school environment, may be subject to disciplinary action up to and including dismissal. A “disruption” for purposes of this policy includes, but is not limited to, one or more parent threats to remove their children from a particular class or particular school, actual withdrawal of student or students from a particular class or particular school and/or a threatened or actual negative impact on the learning environment. The taking, disseminating, transferring, or sharing of obscene, pornographic, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing etc.) may constitute a crime under state and/or federal law. Any person taking,

Code: **GCB**
Adopted: 2/8/88
Revised/Readopted: 8/10/98
Orig. Code(s): BP 3205

Licensed Staff Contracts and Compensation Plans

The Board recognizes that attractive compensation plans, which include adequate base salary, professional growth incentives and employee benefits, are necessary to attract and hold highly qualified and able men and women to provide an effective educational program.

The Board enters into an agreement with the teaching staff which establishes the salary schedule, benefits and working conditions for all teachers in the district.

In accordance with law, individual contracts will be issued to all professional employees as follows:

1. Probationary Contracts

All teachers new to the district will be employed on a probationary contract for one year and will continue on probationary contracts until qualified for and awarded contract teacher status.

A probationary contract is entered into by the Board with each teacher who has been employed for three years or less.

The Board may enter into agreements that provide for a shorter probationary period of not less than one year for teachers who have satisfied the three-year probationary period in another Oregon school district.

2. Contract Teachers

When a teacher employed under a probationary contract has taught three consecutive years in the district, he/she will be eligible for contract teacher status. Contract teachers shall be employed pursuant to two year contracts.

Upon recommendation of the superintendent, the Board may extend a contract teacher's employment for a new two-year term by providing written notice to the teacher no later than March 15 of the first year of the contract. Any new contract that extends the teacher's employment for a new term shall replace any prior contracts.

If the Board does not extend a contract teacher's contract by March 15 of the first year of the contract, the superintendent, or the superintendent's designee, shall place the teacher on a program of assistance for improvement. The superintendent or the superintendent's designee may, in addition, place any other teacher on a program of assistance for improvement if in the judgment of the superintendent or designee a program of assistance for improvement is needed.

Provided that the Board has not extended the teacher's contract for a new two-year term, the Board, upon recommendation of the superintendent, may elect by written notice to the teacher no later than March 15 of the second year of the teacher's contract not to extend the teacher's contract based on any ground specified in ORS 342.865. A contract teacher whose contract is not extended may appeal the nonextension to the Fair Dismissal Appeals Board.

The following special types of extra duty are also issued:

1. Extended or Extra Duty Contracts

An extended or extra duty contract will be entered into with each teacher performing assigned supplemental duties for which compensation is paid in addition to compensation allowed for regular teaching duties. Such contracts do not necessarily coincide in length with the teaching contract. Elimination of and/or assignments for extended or extra duties will be made at the discretion of the administration. Extended or extra duty assignments are year to year assignments. The district may renew or nonrenew at the discretion of the

district.

2. Administrator's Contracts

All administrators, other than the superintendent or assistant superintendent, shall serve a probationary period that does not exceed three years, unless the administrator and the district mutually agree to a shorter time period. Following a probationary period, an administrator shall be employed by the district pursuant to a three-year employment contract. An administrator may be dismissed or have a reduction in pay during the term of a contract for any reason set forth for dismissal of a teacher in ORS 342.865, or pursuant to ORS 342.934 (5). If an administrator is dismissed or has a reduction in pay during the term of the contract, the administrator may appeal to the Fair Dismissal Appeals Board in the same manner as provided for the appeal of a dismissal or a nonextension of a contract teacher. An administrator may not appeal the nonextension of a contract to the Fair Dismissal Appeals Board.

The administrator may be assigned and reassigned at will during the term of the contract.

The Board may elect not to extend the administrator's contract for any cause the Board in good faith considers sufficient. Prior to March 15 of the second year of the administrator's contract, the Board shall take one of the following actions:

- a. Issue a new three-year contract effective July 1 following the March 15 of the second year of the administrator's contract;
- b. Provide, in writing, notice that the contract will not be renewed or extended; or
- c. Extend the existing contract for a period of not more than one year.

If an administrator receives notice of contract nonextension prior to the expiration of the administrator's contract, the administrator shall have the right to fill any vacant teaching position in the district for which the contract administrator is licensed and competent as defined in ORS 342.934, provided the administrator has three years' teaching experience in Oregon that has been successful, in the judgment of the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)



Code: **GCBA/GDBA**
Adopted: 3/14/88
Readopted: 8/10/98, 9/8/03
Orig. Code(s): BP 4200

Initial Placement on Salary Schedule

At the time of initial hiring of an employee, the district shall designate the proper placement of the individual on the appropriate salary schedule on the basis of the employee's experience and preparation.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

Current Licensed Work Agreement
Current Classified Work Agreement



Code: **GCBAC/GDBAC**
Adopted: 2/8/88
Readopted: 8/10/98
Orig. Code(s): BP 3192

Death of an Employee

In the event of an employee's death, the estate of the employee shall be paid for earned vacation time in addition to wages earned and any other benefits due.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107



Code: **GCBC/GDBC**
Adopted: 3/14/88
Revised/Readopted: 8/10/98, 9/13/04
Orig. Code(s): BP 4360

Continuation of Group Health Coverage

In keeping with recent federal and state legislation, the district will extend the benefit of “continuation coverage” health insurance to all employees eligible under the law.

Coverage under this policy will be identical to that provided to other employees in like employment positions.

Eligible employees must notify the district within a 60 day period from the date of retirement, termination, reduction in hours or layoff that they choose to continue with the district-sponsored health plan. Premiums for continuation coverage will be paid by the employee.

Those former employees covered by continuation coverage are responsible for notifying the district when such coverage is no longer needed or if the necessity of moving to an individual plan occurs, whichever is sooner.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)



Code: **GCBDA/GDBDA**
Adopted: 2/8/88
Revised/Readopted: 8/10/98, 3/13/00, 9/14/09
3/8/10, 5/10/10, 8/14/17

Family Medical Leave *

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA) of 1993, the Oregon Family Leave Act (OFLA) of 1995, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act (OMFLA) of 2009 and other applicable provisions of Board policies and collective bargaining agreements regarding family medical leave.

FMLA applies to districts with 50 or more employees within 75 miles of the employee's work site, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.

OFLA and OMFLA applies to districts that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

In order for an employee to be eligible for the benefits under FMLA, he/she must have been employed by the district for at least 12 months and have worked at least 1,250 hours during the past 12-month period.

In order for an employee to be eligible for the benefits under OFLA, he/she must work an average of 25 hours per week and have been employed at least 180 calendar days prior to the first day of the family medical leave of absence. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee's eligibility for OMFLA.

Federal and state leave entitlements generally run concurrently.

The superintendent or designee will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#) HB 2744 (2009)
[ORS 342.545](#)
[ORS 659A.150 - 659A.186](#)

[OAR 839-009-0200 to-0320](#)

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 (2006).
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2006); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2008).

National Defense Authorization Act of 2008, Public Law 110-181, Section 585(a).

National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, Section 565.



Code: **GCBDA/GDBDA-AR (1)**
Adopted: 8/10/98
Revised/Readopted: 9/13/04, 12/10/07, 12/8/08,
9/14/09
3/8/10, 5/10/10, 9/9/13, 1/13/14,
8/14/17, 1/11/2021

Federal Family and Medical Leave/State Family Medical Leave

Coverage

The federal Family and Medical Leave Act (FMLA) applies to districts with 50 or more employees within 75 miles of the employee's work site, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.

The Oregon Family Leave Act (OFLA) and the Oregon Military Family Leave Act (OMFLA) applies to districts that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

Employee Eligibility

FMLA applies to employees who have worked for the district for at least 12 months (not necessarily consecutive) and worked for at least 1,250 hours during the 12-month period immediately preceding the start of the leave.

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year. In such instances, the employee need not requalify as an eligible employee, if the additional leave applied for is in the same leave year and for the same condition.

OFLA applies to employees who work an average of 25 hours or more per week during the 180 calendar days or more immediately prior to the first day of the start of the requested leave.¹ For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

An employee who has previously qualified for and has taken some portion of OFLA leave, may request additional OFLA leave within the same leave year. In such instances, the employee must requalify as an eligible employee for each additional leave requested unless one of the following exceptions apply:

¹ The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

1. A female employee who has taken 12 weeks of pregnancy disability leave need not requalify leave in the same leave year for any other purpose;
2. An employee who has taken 12 weeks of parental leave need not requalify to take an additional 12 weeks in the same leave year for sick child leave; and
3. An employee granted leave for a serious health condition for the employee or a family member need not requalify if additional leave is taken in this leave year for the same reason.

OMFLA applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.

In determining if an employee has been employed for the preceding 180 calendar days, when applicable, the employer must consider days, e.g., paid or unpaid, an employee is maintained on payroll for any part of a work week. Full-time public school teachers who have been maintained on payroll by a district for 180 consecutive calendar days are thereafter deemed to have been employed for an average of at least 25 hours per week during the 180 days immediately preceding the start date of the OFLA leave. This provision is eligible for rebuttal if for example, the employee was on a nonpaid sabbatical.

In determining average workweek, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.

Qualifying Reason

Eligible employees may access FMLA leave for the following reasons:

1. Serious health condition of the employee or the employee's covered family member:
 - a. Inpatient care;
 - b. Continuing treatment;
 - c. Chronic conditions;
 - d. Permanent, long-term or terminal conditions;
 - e. Multiple treatments;
 - f. Pregnancy and prenatal care.
2. Parental leave² (separate from eligible leave as a result of a child's serious health condition):
 - a. Bonding with and the care for the employee's newborn (within 12 months following birth);
 - b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);
 - c. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.

² Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

3. Military Caregiver Leave: leave for the care for spouse, son, daughter or next-of-kin who is a covered servicemember/veteran with a serious injury or illness;
4. Qualifying Exigency Leave: leave arising out of the foreign deployment of the employee's spouse, son, daughter or parent.

Eligible employees may access OFLA for the following reasons:

1. Serious health condition of the employee or the employee's covered family member:
 - a. Inpatient care;
 - b. Continuing treatment;
 - c. Chronic conditions;
 - d. Permanent, long-term or terminal conditions;
 - e. Multiple treatments;
 - f. Pregnancy and prenatal care.
2. Parental leave (separate from eligible leave as a result of the child's serious health condition):
 - a. Bonding with and the care for the employee's newborn (within 12 months following birth);
 - b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);
 - c. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.
3. Sick Child Leave: leave for non-serious health conditions of the employee's child. For OFLA, sick child leave includes absence to care for an employee's child whose school or child care provider has been closed³ in conjunction with a statewide public health emergency declared by a public health official.⁴
4. Bereavement Leave: leave related to the death of a covered family member.⁵

³ "Closure" for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider. OAR 839-009-0210(4).

⁴ The district may request verification of the need for sick child leave due to a closure during a statewide emergency. Verification may include:

1. The name of the child being cared for;
 2. The name of the school or child care provider that has closed or become unavailable; and
 3. A statement from the employee that no other family member of the child is willing and able to care for the child.
- With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

⁵ Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

5. Eligible employees may access OMFLA for the purpose of spending time with a spouse or same-gender domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.
6. The eligibility of an employee who takes multiple leaves for different qualified reasons during the same district designated leave period may be reconfirmed at the start of each qualified leave requested.

Definitions

1. Family member:

- a. For the purposes of FMLA, “family member” means:
 - (1) Spouse⁶;
 - (2) Parent;
 - (3) Child; or
 - (4) Persons who are “in loco parentis”.
- b. For the purposes of OFLA, “family member” means:
 - (1) Spouse;
 - (2) Registered, same-gender domestic partner;
 - (3) Parent;
 - (4) Parent-in-law;
 - (5) Parent of employee’s registered, same-gender domestic partner;
 - (6) Child;
 - (7) Child of employee’s registered, same-gender domestic partner;
 - (8) Grandchild;
 - (9) Grandparent; or
 - (10) Persons who are “in loco parentis”.

2. Child:

- a. For the purposes of FMLA, “child” means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing “in loco parentis”, who is either under the age of 18, or who is 18 years of age or older and who is incapable of self-care because of a physical or mental impairment.
- b. For the purposes of Military Caregiver Leave and Qualifying Exigency Leave under FMLA, “child” means the employee’s son or daughter on covered active duty regardless of that child’s age.
- c. For the purposes of OFLA, “child” means a biological, adopted, foster child or stepchild of the employee, the child of the employee’s same-gender domestic partner, or a child with whom the employee is or was in a relationship of “in loco parentis”.

⁶ “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

- d. For the purposes of parental and sick child leave under OFLA, the child must be under the age of 18 or an adult dependent child substantially limited by a physical or mental impairment.
3. In loco parentis:
- a. For the purposes of FMLA, “in loco parentis” means persons with day-to-day responsibility to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
 - b. For the purposes of OFLA, “in loco parentis” means person in the place of the parent having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

4. Next of kin:

For the purposes of FMLA and Military Caregiver Leave under FMLA, “next of kin” means the nearest blood relative other than the servicemember’s spouse, parent, son or daughter in the following order of priority (unless otherwise designated in writing by the servicemember):

- a. Blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions;
 - b. Brothers or sisters;
 - c. Grandparents;
 - d. Aunts and uncles; and
 - e. First cousins.
5. Covered servicemembers:

For the purposes of Military Caregiver Leave under FMLA, “covered servicemember” means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation or therapy, or is in outpatient status, or is on the temporary disability retire list for a serious injury or illness.

6. Covered veteran:

For the purposes of Military Caregiver Leave under FMLA, “covered veteran” means a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness provided they were:

- a. A member of the Armed Forces (including a member of the National Guard or Reserves);
- b. Discharged or released under conditions other than dishonorable; and
- c. Discharged within the five-year period before the eligible employee first takes FMLA, Military Caregiver Leave.

Leave Period

For the purposes of calculating an employee’s leave period, the district will use a “rolling” 12-month period measured backward from the date the employee uses any family and medical leave. The same method for calculating the 12-month period for FMLA and OFLA leave entitlement shall be used for all

employees. However, in all instances, the leave period for the purposes of OMFLA and Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district's designated 12-month leave period described above.

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district's designated leave period⁷. Spouses who work for the district may be limited to a combined 12 weeks of FMLA leave during the district's designated leave period when the purpose of the leave is for the birth of a child or to care for a child after birth, placement of an adopted or foster child or the care for an adopted or foster child after placement, or to care for the employee's parent's serious medical condition. Except in specific and unique instances, all qualified leave under FMLA counts toward an employee's leave entitlement within the district's designated leave period.

For the purposes of OFLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district's designated leave period. However, a woman is entitled to an additional, full 12 weeks of parental leave during the district's designated leave period following the birth of a child regardless of how much OFLA qualified leave she has taken prior to the birth of such child during the district's designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the district designated leave period, will be entitled to an additional 12 weeks of sick child leave under OFLA during the district's designated leave period for the purpose of caring for a child(ren) with a non-serious health condition requiring home care.⁸ Unlike FMLA, OFLA does not combine the leave entitlement for spouses working for the district. However, under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.⁹

For the purposes of OMFLA, an eligible employee is entitled to 14 days of leave per call or order to active duty or notification of a leave from deployment. When an employee also meets the eligibility requirements of OFLA, the duration of the OMFLA leave counts toward that employee's leave entitlement during the district's designated leave period.

Except as otherwise noted above, qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the district's designated leave period.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of

⁷ An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district's leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee's 26-week entitlement under Military Caregiver Leave under FMLA.

⁸ Sick child leave under OFLA need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

⁹ Exceptions to the ability to require family members from taking OFLA qualified leave at different times are when 1) employee is caring for the other employee who has a serious medical condition; 2) one employee is caring for a child with a serious medical condition when the other employee is suffering a serious medical condition; 3) each family member is suffering a serious medical condition; 4) each family member wants to take Bereavement Leave under OFLA; and 5) the employer allows the family members to take concurrent leave.

hours the eligible employee normally works per week by 12¹⁰. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek¹¹. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Intermittent Leave

With the exception of parental leave which must be taken in one continuous block of time, an eligible employee is permitted under FMLA and OFLA to take intermittent leave for any qualifying reason.

Intermittent leave is taken in multiple blocks of time (i.e., hours, days, weeks, etc.) rather than in one continuous block of time and/or requires a modified or reduced work schedule. For OFLA this includes but not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official.

When an employee is eligible for OFLA leave, but not FMLA leave, the employer:

1. May allow an exempt employee, as defined by state and federal law, with accrued paid time off to take OFLA leave in blocks of less than a full day; but
2. May not reduce the salary of an employee who is taking intermittent leave when they do not have accrued paid leave available. To do so would result in the loss of exemption under state law.

An employee's FMLA and/or OFLA intermittent leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

Holidays or days in which the district is not in operation, are not counted against the eligible employee's intermittent OFLA leave period unless the employee was scheduled and expected to work on any such day.

Alternate Work Assignment

The district may transfer an employee recovering from a serious health condition to an alternate position which accommodates the serious health condition provided:

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;

¹⁰ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

¹¹ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

3. The transfer is compliant with any applicable collective bargaining agreement;
4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA; and
5. The transfer is not used to discourage the employee from taking FMLA and/or OFLA leave for a serious health condition or to create a hardship for the employee.

The district may transfer an eligible employee who is on a foreseeable intermittent FMLA and/or OFLA leave to another position with the same or different duties to accommodate the leave, provided:

1. The employee accepts the transfer position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreements;
4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA;
5. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
6. The transfer is not used to discourage the employee from taking intermittent or reduced work schedule leave, or to create a hardship for the employee.

If an eligible employee is transferred to an alternative position, and as a result the employee works fewer hours than the employee was working in the original position, the employee's FMLA and/or OFLA leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

When an employee is transferred to alternate position as described above but such transfer does not result in a reduced schedule, time worked in any such alternate position shall not be considered for the purpose of FMLA and/or OFLA leave. An employee working in an alternate position retains the right to return to the employee's original position unless all FMLA and/or OFLA leave taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.

Special Rules for School Employees

For the purposes of FMLA, "school employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual settlement. Athletic coaches, driving instructors and special education assistants, such as interpreters for the hearing impaired, are included in this definition. This definition does not apply to teacher assistants or aides, counselors, psychologist, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

For the purposes of OFLA, "school employee" means employees employed principally as instructors in public kindergartens, elementary schools, secondary schools or education service districts.

FMLA and/or OFLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. In any such situation, the eligible school employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

When the qualified leave is foreseeable, will encompass more than 20 percent of the eligible school employee's regular work schedule during the leave period, and the purpose of such leave is to care for a family member with a serious medical condition, for a servicemember with a serious medical condition or because of the employee's own serious medical condition, the district may require the eligible school employee to:

- a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b. Temporarily transfer the eligible school employee to an alternate position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than the employee's original position.

2. Limitation on Leave Near the End of the School Year

When an eligible school employee requests leave near the end of the school year, the district may require the following:

- a. When the qualified leave begins more than five weeks before the end of the school year:
 - (1) For the purposes of FMLA leave, the eligible school employee may be required to continue taking leave until the end of the school year provided:
 - (a) The leave will last at least three weeks; and
 - (b) The employee would return to work during the three-week period before the end of the term.
 - (2) For the purposes of OFLA leave, if the reason for the leave is because of the eligible school employee's own serious health condition, the eligible school employee may be required to remain in leave until the end of the school year, provided:
 - (a) The leave will last at least three weeks; and
 - (b) The employee's return to work would occur within three weeks of the end of the school year.
- b. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within five weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided:
 - (1) The leave will last more than two weeks; and

- (2) The employee would return to work during the two-week period before the end of the school year.
- c. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within three weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided the length of the leave will last more than five working days.

If the district requires an eligible school employee to remain on leave until the end of the school year as described above, additional leave required by the employer until the end of the school year shall not count against the eligible school employee's leave entitlement.

Paid/Unpaid Leave

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Subject to any related provisions in any applicable collective bargaining agreement, the district requires the eligible employee to use any available accrued sick leave, vacation or personal leave days (or other available paid time established by Board policy(ies) and/or collective bargaining agreement) in the order specified by the district and before taking FMLA and/or OFLA leave without pay during the leave period.

The district will notify the eligible employee that the requested leave has been designated as FMLA and/or OFLA leave and, if required by the district, that available accrued paid leave shall be used during the leave period. In the event the district is aware of an OFLA or FMLA qualifying exigency, the district shall notify the eligible employee of its intent to designate the leave as such regardless of whether a request has been made by the eligible employee. Such notification will be given to the eligible employee prior to the commencement of the leave or within two working days of the employee's notice of an unanticipated or emergency leave, whichever is sooner.

When the district does not have sufficient information to make a determination of whether the leave qualifies as FMLA or OFLA leave, the district will provide the required notice promptly when the information is available but no later than two working days after the district has received the information. Oral notices will be confirmed in writing no later than the following payday. If the payday is less than one week after the oral notice is given, written notice will be provided no later than the subsequent payday.

Eligible employees who request OMFLA leave shall not be required to use any available accrued paid time off during the OMFLA leave period.

Benefits and Insurance

When an eligible employee returns to work following a FMLA or OFLA qualified leave, the employee must be reinstated to the same position the employee held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working. The eligible employee is also subject to layoff to

the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.

For the purposes of FMLA and OFLA, the district will continue to pay the employer portion of the eligible employee's group health insurance contribution (if applicable) during the qualified leave period. The eligible employee is required to pay the employee portion of any such group health insurance contribution as a condition of continued coverage.

For the purposes of FMLA qualified leave, the district's obligation to maintain the employee's group health insurance coverage will cease if the employee's contribution is remitted more than 30 calendar days late. The district will provide written notice that the premium payment is more than 30 calendar days late. Such notice will be provided within 15 calendar days before coverage is to cease.

For the purposes of OMFLA, the eligible employee is entitled to a continuation of benefits.

Fitness-for-Duty Certification

Prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. The certification will specifically address the employee's ability to perform the essential functions of the employee's job as they relate to the health condition that was the reason for the leave. If the district is going to require a fitness-for-duty certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA and/or OFLA leave. Failure to provide the certification may result in a delay or denial of reinstatement.

For the purposes of FMLA qualified leave, any costs associated with obtaining the fitness-for-duty certification shall be borne by the employee.

For the purposes of OFLA qualified leave, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.

If the leave is qualified under both FMLA and OFLA, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.

Application

Under federal and state law, an eligible employee requesting FMLA and/or OFLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district.

The district may request additional information to determine that the requested leave qualifies as FMLA and/or OFLA leave. The district may designate the employee as provisionally on FMLA and/or OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take FMLA and/or OFLA leave must follow the employer's known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. “As soon as practicable,” for the purpose of FMLA leave, means the employee must comply with the employer’s normal call-in procedures except in limited and under unique circumstances. Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee’s leave up to 30 days after the notice is ultimately given.

For the purposes of OFLA, an eligible employee is required to provide oral or written notice within 24 hours of commencement of the leave in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the district during that period of time. Failure of an employee to provide the required notice for leave covered by OFLA may result in the district deducting up to three weeks from the employee’s unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district’s notice procedures.

When an employee fails to give advance notice for both the FMLA and OFLA above, the district must choose the remedy that is most advantageous to the employee.

In all cases, proper documentation must be submitted no later than three working days following the employee’s return to work.

Medical Certification

The district may require an eligible employee to provide medical documentation, when appropriate, to support the stated reason for such leave. The district will provide written notification to an employee of this requirement within five working days of the employee’s request for leave. If the employee provides less than 30 days’ notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the district’s notification that medical certification is required.

The district may request re-certification of a condition when the minimum duration of a certification expires if continued leave is requested. If the certification does not indicate a duration or indicates that it is ongoing, the district may request re-certification at least every six months in connection with an absence.

Under federal law, a second medical opinion may be required whenever the district has reason to doubt the validity of the initial medical opinion. The health care provider may be selected by the district. The provider shall not be employed by the district on a regular basis. Should the first and second medical certifications differ, a third opinion may be required. The district and the employee will mutually agree on the selection of the health care provider for a third medical certification. The third opinion will be final. Second and third opinions and the actual travel expenses for an employee to obtain such opinions will be paid for by the district.

Second and Third Opinions

1. For the purposes of FMLA, the district may designate a second health care provider, but that person cannot be utilized by the district on a regular basis except in rural areas where health care is extremely limited. If the opinions of the employee’s and the district’s designated health care provider(s) differ, the district may require a third opinion at the district’s expense. The third health care provider must be designated or approved jointly by the employee and the district. This third opinion shall be final and binding.

2. For the purposes of OFLA, and except for leave related to sick child leave under OFLA, the district may require the employee to obtain a second opinion from a health care provider designated by the district. If the first and second verifications conflict, the employer may require the two health care providers to jointly designate a third health care provider for the purpose of providing a verification. This third verification shall be final and binding.

Notification

Any notice required by federal and state laws explaining employee rights and responsibilities will be posted in all staff rooms and the district office. Additional information may be obtained by contacting the superintendent.

Record Keeping/Posted Notice

The district will maintain all records as required by federal and state laws including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical documentation will be maintained separately from personnel files as confidential medical records.

The district will post notice of FMLA and OFLA leave requirements.

Federal vs. State Law

Both federal and state law contain provisions regarding leave for family illness. Federal regulations state an employer must comply with both laws; that the federal law does not supersede any provision of state law that provides greater family leave rights than those established pursuant to federal law; and that OFLA and FMLA leave entitlements run concurrently. State law requires that FMLA and OFLA leave entitlements run concurrently when possible.

For example, due to differences in regulations, an eligible employee who takes OFLA leave after 180 days of employment, but before they are eligible for FMLA leave, is still eligible to take a full 12 workweeks of FMLA leave after meeting FMLA's eligibility requirements. Thereafter, any eligible leave period will run concurrently, when appropriate.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

***The FMLA definition of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a

chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division



Code: **GCBDA/ GDBDA-AR (2)**
Adopted: 8/10/98
Revised/Readopted: 9/13/04, 12/10/07, 12/8/08, 9/14/09,
5/10/10, 9/9/13, 12/9/13, 1/13/14,
8/14/17, 1/11/2021

Request for Family and Medical Leave

Employee Request for Family and Medical Leave (FMLA) and/or Oregon Family Leave (OFLA)

PLEASE PRINT

Where the need for the leave may be anticipated, written request for family and medical leave must be made, if practical, at least 30 days prior to the date the requested leave is to begin. Failure to request leave in a timely manner could result in either the leave being postponed or the amount of leave available reduced up to three weeks.

Name _____ Effective date of the leave _____

Department _____ Title _____

Status: ☐ Full-time ☐ Part-time ☐ Temporary

Hire date _____ Length of service _____

Have you taken a family leave in the past 12 months? ☐ Yes ☐ No

If yes, how many work days? _____ Reason for leave _____

I request family or medical leave for one or more of the following reasons:¹

1. ☐ Because of the birth of my child and to care for him or her. (District: Use GCBDA/GDBDA-AR(3)(A) Certification Form)

Expected date of birth _____ Actual date of birth _____
Leave to start _____ Expected return date _____

2. ☐ Because of the placement of a child with me for adoption or foster care. (District: Use GCBDA/GDBDA-AR(3)(A) Certification Form)

Age of child _____ Date of placement _____
Leave to start _____ Expected return date _____

3. ☐ To care for a family member² with a serious health condition. (District: Use GCBDA/GDBDA-AR(3)(B) Certification Form)

Leave to start _____ Expected return date _____

Please check one: ☐ Spouse³ ☐ Child ☐ Parent ☐ Individual who was in *loco parentis* when the employee was a child ☐ Parent-in-law or the parent of the employee's registered domestic partner (OFLA leave only) ☐ Custodial parent ☐ Noncustodial parent ☐ Adoptive parent ☐ Stepparent ☐ Foster parent ☐ Grandparent (OFLA leave only) ☐ Grandchild (OFLA leave only).

¹ A physician's certification may be required to support a request for family and medical leave. In addition, a fitness-for-duty certification may be required before reinstatement following the leave.

² "Family member," for purposes of FMLA and OFLA leave, means the spouse, custodial parent, noncustodial parent, adoptive parent, stepparent or foster parent, biological parent, child of the employee (biological, adopted, foster or step child, a legal ward or child of the employee standing in loco parentis) or a person with whom the employee is or was in a relationship of "in loco parentis." Additionally, when defining "family member" under OFLA (but not FMLA leave), the definition includes a grandparent, grandchild, parents-in-law or the parents of the employee's registered domestic partner.

³ "Spouse" means individuals in a marriage including "common law" marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

Please state name and address of relation:

Name _____ Address _____

Does the condition render the family member unable to perform daily activities? _____

4. ☐ Sick child leave due to the closure of a child's school or child care provider.

5. ☐ For a serious health condition which prevents me from performing my job functions. (District: Use GCBDA/GDBDA-AR(3)(A) Certification Form)

Describe _____

Leave to start _____ Expected return date _____

Regarding 3 or 4 above, request intermittent (reduced workday hours) or reduced leave (fewer workdays each workweek) schedule or alternate duty (if applicable, subject to employer's approval). Please describe schedule of when you anticipate you will be unavailable to work: _____

6. ☐ To care for a child with a condition requiring home care which does not meet the definition of serious health condition and is not life threatening or terminal (OFLA leave only).

7. ☐ A qualifying exigency arising from an employee's spouse, son, daughter, or parent who is a covered servicemember as defined in GCBDA/GDBDA-AR(1), or leave for the spouse per each deployment of the spouse when the spouse has either been notified of an impending call to active duty, has been ordered to active duty, or has been deployed or on leave from deployment. (District: Use GCBDA/GDBDA-AR(3)(C) Certification Form)

8. ☐ To care for a spouse, son, daughter, parent, or next of kin⁴ who is a covered servicemember with a serious illness or injury incurred in the line of duty or active duty in the armed forces. Has leave been taken for the same servicemember and the same injury? ☐ Yes ☐ No (District: Use GCBDA/GDBDA-AR(3)(D) Certification Form) If yes, when was the leave taken and for how many work days? _____

9. ☐ For the death of a family member (OFLA only).

I understand the district requires me to use any available accrued sick leave, vacation, personal leave days or other available paid time established by Board policy(ies) and/or collective bargaining agreement) in the order specified by the district and before taking leave without pay during the leave period.

If my request for a leave is approved, it is my understanding that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end. I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the district may terminate my employment. (A fitness-for-duty certification may be required.)

I authorize the district to deduct from my paychecks any employee contributions for health insurance premiums, life insurance or long-term disability insurance which remain unpaid after my leave, consistent with state and/or federal law.

I have been provided a copy of the district's family and medical leave policy and a copy of my rights and responsibilities under the Family Medical Leave Act leave request form.

Signature of Employee: _____

⁴ "Next of kin" means the nearest blood relative of the eligible employee.



Code: **GCBDA/GDBDA-AR (4)**
Adopted: 8/10/98
Readopted: 9/13/04, 12/10/07, 12/8/08,
9/14/09, 5/10/10, 9/9/13,
12/9/13, 1/13/14, 8/14/17,
1/11/21

FMLA/OFLA Eligibility Notice to Employee

DATE: _____

TO: _____
(Employee's name)

FROM: _____
(Name of appropriate employer representative)

SUBJECT: Request for FMLA and/or OFLA Leave

On _____ (date) you notified us of your need to take family/medical leave due to:

1. _____ The birth of your child or the placement of a child with you for adoption or foster care;
2. _____ A serious health condition that makes you unable to perform the essential functions of your job;
3. _____ A serious health condition of your ☐ spouse¹, ☐ child (including the biological, grandchild, adopted or foster child or stepchild of an employee or a child with whom the employee is or was in a relationship of "in loco parentis"), ☐ parent (biological parent of an employee or an individual who stood "in loco parentis" to an employee when the employee was a child), ☐ grandparent (OFLA leave only), ☐ parent-in-law or the parent of an employee's registered domestic partner (OFLA leave only), ☐ custodial parent, ☐ noncustodial parent, ☐ adoptive parent, ☐ foster parent for which you are needed to provide care;
4. _____ Sick child leave due to the closure of a child's school or child care provider;
5. _____ An illness or injury to your child which requires home care but is not a serious health condition (OFLA leave only);
6. _____ A qualifying exigency arising from a spouse, child or parent in the Armed Forces on covered active duty, or in the National Guard or Reserves on covered active duty;
7. _____ Your spouse has been notified of an impending call to active duty, has been ordered to active duty or has been deployed or on leave from deployment;
8. _____ A serious illness or injury, incurred in the line of duty, of a covered service member who is your spouse, child, parent or next of kin;
9. _____ For the death of a family member (OFLA only).

¹ "Spouse" means individuals in a marriage, including "common law" marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

5. d. Except as noted above, in the event you do not return to work for the district after your FMLA and/or OFLA leave, and the district has paid your share of benefit premiums, you ☐ will ☐ will not be responsible for reimbursing the district the amount paid on your behalf with the exceptions noted in C.F.R. § 104 (c)(2)(B) of the FMLA.
6. ☐ You will be required to present a fitness-for-duty certification prior to being restored to employment following leave for your own serious health condition. If such certification is required but not received, your return to work may be delayed until the certification is provided. A list of essential functions for your position is attached. The fitness-for-duty certification must address your ability to perform these functions.
- ☐ You will not be required to present a fitness-for-duty certification prior to being restored to employment following leave for your own serious health condition.
7. a. You ☐ are ☐ are not a “key employee” as described in C.F.R. § 825.218 of the FMLA regulations. If you are a “key employee,” reinstatement to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to the district. (FMLA leave only.)
- b. We ☐ have ☐ have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. (FMLA leave only.) (*Explain (a) and/or (b) below.*)
8. While on FMLA and/or OFLA leave you ☐ will ☐ will not be required to furnish us with periodic reports every _____ (*indicate interval of periodic reports, as appropriate for the particular leave situation*) of your status and intent to return to work. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on this form, you ☐ will ☐ will not be required to notify us at least two workdays prior to the date you intend to report for work.
9. You ☐ will ☐ will not be required to furnish recertification relating to a serious health condition. (FMLA leave only.) (*Explain below, if necessary, including the interval between certifications as prescribed in C.F.R. § 825.308 of the FMLA regulations.*)
10. You are notified that all leave taken for the purposes of the death of a family member, counts toward the total period of authorized family leave.

Was medication, other than over-the-counter medication, prescribed? ☐ No ☐ Yes

Will the patient need to have treatment visits at least twice per year due to the condition? ☐ No ☐ Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?

☐ No ☐ Yes If yes, state the nature of such treatments and expected duration of treatment: _____

2. Is the medical condition pregnancy? ☐ No ☐ Yes If yes, expected delivery date: _____

3. Use the information provided by the district in the "To be completed by the district" section to answer this question. If the district fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition? ☐ No ☐ Yes

If yes, identify the job functions the employee is unable to perform: _____

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis or any regimen of continuing treatment such as the use of specialized equipment):

Amount of leave needed

1. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ☐ No ☐ Yes If yes, estimate the beginning and ending dates for the period of incapacity: _____

2. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ☐ No ☐ Yes

If yes, are the treatments or the reduced number of hours of work medically necessary? ☐ No ☐ Yes

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period: _____

Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week, from: _____ through: _____

3. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ☐ No ☐ Yes Is it medically necessary for the employee to be absent from work during the flare-ups? ☐ No ☐ Yes If yes, explain: _____

Based upon the employee's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the employee may have over the next six months (e.g., one episode every three months lasting one to two days):

Frequency: _____ times per week(s) _____ month(s)

Duration: _____ hours _____ day(s) per episode

Additional Information – (Identify the question number with your additional answer): _____

Signature of Health Care Provider: _____ Date: _____



CERTIFICATION OF HEALTH CARE PROVIDER
Family Member's Serious Health Condition

TO BE COMPLETED BY THE DISTRICT

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Employees may not be asked to provide more information than allowed under the FMLA regulations. The district will maintain records and documents relating to medical certification, re-certifications or medical histories of the employee's family members, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

District contact person: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached: ☐

Return this completed form on _____ (date) (must be at least 15 days after employee is notified of this requirement).

TO BE COMPLETED BY THE EMPLOYEE

Complete the information below before giving this form to your family member or his/her medical provider. The return of this form is required to obtain or retain the benefit for FMLA protections. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request.

Employee Name: _____
First Middle Last

Relationship and name of family member for whom employee will provide care: _____
Relationship

First Middle Last

If the family member is your child, please provide his/her date of birth: _____

Describe the care you will provide to your family member and estimate the leave needed to provide such care:

Employee signature

Date

TO BE COMPLETED BY THE HEALTH CARE PROVIDER

The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be the best estimate based upon your medical knowledge, experience and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown" or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), C.F.R. § 1635.3(b). Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice/Medical specialty: _____

Telephone: (_____) Fax: (_____)

Email: _____

Medical Facts

1. The approximate date the condition commenced: _____

The probable duration of the condition: _____

Was the patient admitted for an overnight stay in a hospital, hospice or residential medical care facility?

☐ No ☐ Yes If yes, date of admission: _____

List the dates(s) you treated the patient for their condition: _____

Was medication, other than over-the-counter medication, prescribed? ☐ No ☐ Yes

Will the patient need to have treatment visits at least twice per year due to the condition? ☐ No ☐ Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?

☐ No ☐ Yes If yes, state the nature of such treatments and expected duration of treatment: _____

2. Is the medical condition pregnancy? ☐ No ☐ Yes If yes, expected delivery date: _____
3. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis or any regimen of continuing treatment such as the use of specialized equipment): _____

Amount of leave needed

When answering these questions, keep in mind that your patient's need for care from the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs or the provision of physical or psychological care.

1. Will the patient be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ☐ No ☐ Yes If yes, estimate the beginning and ending dates for the period of incapacity: _____ During this time will the patient need care? ☐ No ☐ Yes
Explain the care needed by the patient and why such care is medically necessary: _____

2. Will the patient require follow-up treatment, including any time for recovery? ☐ No ☐ Yes
Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period: _____
Explain the care needed by the patient and why such care is medically necessary: _____

3. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery? ☐ No ☐ Yes Estimate the part-time or reduced work schedule the employee needs, if any: _____ hour(s) per day; _____ days per week, from: _____ through: _____
Explain the care needed by the patient and why such care is medically necessary: _____

4. Will the condition cause episodic flare-ups periodically preventing the employee from participating in normal daily activities? ☐ No ☐ Yes Is it medically necessary for the employee to be absent from work during the flare-ups? ☐ No ☐ Yes If yes, explain: _____

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next six months (e.g., one episode every three months lasting one to two days):

Frequency: _____ times per week(s) _____ month(s)

Duration: _____ hours _____ day(s) per episode

Does the patient need care during these flare-ups? ☐ No ☐ Yes Explain the care needed by the patient, and why such care is medically necessary _____

Additional Information – Identify the question number with your additional answer: _____

Signature of Health Care Provider: _____ Date: _____



Code: **GCBDA/GDBDA-AR (3)(D)**
Adopted: 9/14/09
Revised/Readopted: 5/10/10, 9/9/13, 8/14/17

MILITARY FAMILY LEAVE

(Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave)

Notice and instructions to the district:

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave due to a serious injury or illness of a covered service member to submit a certification providing sufficient facts to support the request for leave. Employees may not be asked to provide more information than allowed under the FMLA regulations 29 C.F.R. § 825.310. The district will maintain records and documents relating to medical certification, re-certifications or medical histories of employees or employees' family member, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

SECTION 1

Part A: Employee information

Complete the employee and covered service member information below before giving this form to your family member or his/her medical provider.

District name and address: SWEET HOME SCHOOL DISTRICT NO.55, 1920 Long Street, Sweet Home, OR 97386

Name of employee requesting leave to care for covered service member:

First	Middle	Last
-------	--------	------

Name of covered service member for whom employee is requesting leave to care for:

First	Middle	Last
-------	--------	------

Relationship of employee to covered service member requesting leave to care:

☐ Spouse ☐ Parent ☐ Child ☐ Next of kin

Part B: Covered service member information

1. Is the covered service member a current member of the regular Armed Forces, the National Guard, Reserves or a veteran? ☐ Yes ☐ No If current service member, please provide the covered service member's military branch, rank and unit currently assigned to: _____

If a qualifying veteran, when was the date of discharge? _____

Is the covered service member assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as medical hold or warrior transition unit)? ☐ Yes ☐ No If yes, provide the name of the medical facility or unit: _____

2. Is the covered service member on the Temporary Disability Retired List (TDRL)? ☐ Yes ☐ No

Part C: Care to be provided to the covered service member

Describe the care to be provided to the covered service member and an estimate of the leave needed to provide the care: _____

SECTION 2

(For completion by a United States Department of Defense (DOD) Health Care Provider or a Health Care Provider who is either: (1) a United States Department of Veterans Affairs (VA) health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 C.F.R. § 825.125.)

If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator). Please ensure that Section 1 above has been completed before completing this section. Please be sure to sign the form on the last page.

Part A: Health care provider information

Health care provider's name and business address: _____

Military Family Leave - GCBDA/GDBDA-AR(3)(D)

Type of Practice/Medical Specialty: _____

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private care provider; or (5) a health care provider as defined in 29 C.F.R. § 825.125.

Telephone: _____ Fax: _____

Email: _____

Part B: Medical status

1. Covered service member's medical condition is classified as (check one of the appropriate boxes):
 - ☐ (VSI) Very Seriously Ill/Injured – Illness/Injury is of such a severity that life is imminently endangered. Family members are requested at the bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)
 - ☐ (SI) Seriously Ill/Injured – Illness/Injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)
 - ☐ Other Ill/Injured – A serious injury or illness that may render the service member medically unfit to perform the duties of the member's office, grade, rank or rating.
 - ☐ None of the above. (Note to employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a "serious health condition". If such leave is requested, you may be required to complete the form *Certification of Health Care Provider for Family Member's Serious Health Condition*.)
2. Was the condition for which the covered service member is being treated incurred in line of duty on active duty in the Armed Forces? ☐ Yes ☐ No If No, did the condition exist before the beginning of active duty and aggravated by service in the line of duty while on active duty? ☐ Yes ☐ No
3. Appropriate date condition commenced: _____
4. Probable duration of condition and/or need for care: _____
5. Is the covered service member undergoing medical treatment, recuperation or therapy? ☐ Yes ☐ No
If yes, please describe medical treatment, recuperation or therapy: _____

Part C: Covered service member's need for care by family member

1. Will the covered service member need care for a single continuous period of time, including any time for treatment and recovery? ☐ Yes ☐ No If yes, estimate the beginning and ending dates for this period of time: _____
2. Will the covered service member require periodic follow-up treatment appointments? ☐ Yes ☐ No
If yes, estimate the treatment schedule: _____
3. Is there a medical necessity for the service member to have periodic care for these follow-up treatment appointments? ☐ Yes ☐ No
4. Is there a medical necessity for the covered service member to have periodic care for other than scheduled follow-up treatment appointments (e.g. episodic flare-ups of medical conditions)? ☐ Yes ☐ No
If yes, estimate the frequency and duration of the periodic care. _____

Signature of health care provider

Date



MILITARY FAMILY LEAVE

(Certification of Qualifying Exigency for Military Family Leave)

Section 1: (TO BE COMPLETED BY THE DISTRICT)

The Family Medical Leave Act (FMLA) and the Oregon Military Family Leave Act (OMFLA) provides that a district may require an employee seeking FMLA or OMFLA leave due to a qualifying exigency or due to notification of impending call to active duty or deployment to submit a certification. Employees may not be asked to provide more information than allowed under the FMLA or OMFLA regulations.

District Name and Address: _____

Superintendent information: _____

Section 2: (TO BE COMPLETED BY THE EMPLOYEE)

Complete the information below fully and completely. The FMLA or OMFLA permits the district to require that you submit a timely, complete and sufficient certification to support a request for FMLA or OMFLA leave due to a qualifying exigency or due to notification of impending call to active duty or deployment. Several questions in this section seek a response as to the frequency or duration of the qualifying exigency. Be as specific as you can; terms such as "lifetime," "unknown" or "indeterminate" may not be sufficient to determine FMLA or OMFLA coverage. Your response is required to obtain a benefit. While you are not required to provide this information, failure to do so may result in a denial of your request for qualifying leave. The district must give you at least 15 calendar days to return this form to the district.

Employee's Name: _____
First Middle Last

Name of covered military member on active duty or call to active duty status in support of a contingency operation:

First Middle Last

Relationship of covered military member to you: _____

Period of covered military member's active duty: _____

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a covered military member's active duty or call to active duty status in support of a contingency operation. Please check one of the following and attach the indicated document to support that the military member is on covered active duty or called to covered active duty status:

- ☐ A copy of the covered military member's active duty orders is attached.
- ☐ Other documentation from the military certifying that the covered military member is on active duty (or has been notified of an impending call to active duty) in support of a contingency operation is attached.
- ☐ I have previously provided the district with sufficient written documentation confirming the covered military member's active duty or call to active duty status in support of a contingency operation.

Part A: QUALIFYING REASON FOR LEAVE.

1. Describe the reason you are requesting qualifying leave due to a qualifying exigency (including the specific reason you are requesting leave): _____

2. Describe the reason you are requesting OMFLA leave (include the specific reason below, either a) an impending call or order to active duty, or b) impending leave from deployment): _____

3. A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for information briefings sponsored by the military, a document confirming the military member's Rest and Recuperation Leave; a document confirming an appointment with a third party, such as a counselor, school official or staff at a care facility; or a copy of a bill for services for the handling of legal or financial affairs. Is available written documentation supporting this request for leave attached? ☐ Yes ☐ No ☐ None available

Part B: AMOUNT OF LEAVE NEEDED.

1. The approximate date the qualifying exigency or deployment commenced or will commence is: _____
The probable duration of such exigency or deployment is: _____
2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency or deployment? ☐ Yes ☐ No
If yes, estimate the beginning and ending dates for the period of absence: _____
3. Will you need to be absent from work periodically to address this qualifying exigency/deployment?
☐ Yes ☐ No If yes, estimate the schedule of leave, including the dates of any scheduled meetings or appointments: _____

4. Estimate the frequency and duration of each appointment, meeting or leave event, including any travel time (i.e. one deployment-related meeting every month lasting four hours):
Frequency: _____ times per week(s) _____ month(s)
Duration: _____ hours _____ day(s) per episode

Part C: THIRD PARTY CERTIFICATION.

If leave is requested to meet with a third party (such as to arrange for childcare, to attend counseling, to attend meetings with school or childcare providers, to make financial or legal arrangements, to act as the covered military member's representative before a federal, state or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address and appropriate contact information of the individual or entity with whom you are meeting (i.e. either the telephone or fax number or email address of the individual or entity). This information may be used by the district to verify that the information contained on this form is accurate (FMLA only).

Name of individual _____ Title _____

Organization _____

Address _____

Telephone () _____ Fax () _____

Email _____

Describe the nature of the meeting: _____

Part D: EMPLOYEE SIGNATURE

I certify that the information I provided above is true and correct. (For OMFLA leave purposes, notice must be given by the employee within five business days of receiving an official notice.)

Signature of Employee

Date



Code: **GCBDA/GDBDA-AR (4)**
Adopted: 8/10/98
Readopted: 9/13/04, 12/10/07, 12/8/08,
9/14/09, 5/10/10, 9/9/13,
12/9/13, 1/13/14, 8/14/17,
1/11/21

FMLA/OFLA Eligibility Notice to Employee

DATE: _____

TO: _____
(Employee's name)

FROM: _____
(Name of appropriate employer representative)

SUBJECT: Request for FMLA and/or OFLA Leave

On _____ (date) you notified us of your need to take family/medical leave due to:

1. _____ The birth of your child or the placement of a child with you for adoption or foster care;
2. _____ A serious health condition that makes you unable to perform the essential functions of your job;
3. _____ A serious health condition of your ☐ spouse¹, ☐ child (including the biological, grandchild, adopted or foster child or stepchild of an employee or a child with whom the employee is or was in a relationship of "in loco parentis"), ☐ parent (biological parent of an employee or an individual who stood "in loco parentis" to an employee when the employee was a child), ☐ grandparent (OFLA leave only), ☐ parent-in-law or the parent of an employee's registered domestic partner (OFLA leave only), ☐ custodial parent, ☐ noncustodial parent, ☐ adoptive parent, ☐ foster parent for which you are needed to provide care;
4. _____ Sick child leave due to the closure of a child's school or child care provider;
5. _____ An illness or injury to your child which requires home care but is not a serious health condition (OFLA leave only);
6. _____ A qualifying exigency arising from a spouse, child or parent in the Armed Forces on covered active duty, or in the National Guard or Reserves on covered active duty;
7. _____ Your spouse has been notified of an impending call to active duty, has been ordered to active duty or has been deployed or on leave from deployment;
8. _____ A serious illness or injury, incurred in the line of duty, of a covered service member who is your spouse, child, parent or next of kin;
9. _____ For the death of a family member (OFLA only).

¹ "Spouse" means individuals in a marriage, including "common law" marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

You notified us that you need this leave beginning on _____ (date) and that you expect leave to continue until on or about _____ (date). The FMLA requires that you notify the district as soon as possible if dates of scheduled leave changes or are extended, or were initially unknown.

Except as explained below, you have a right under the FMLA and/or OFLA for up to 12 workweeks of unpaid leave in a 12-month period for the reasons listed above.² The district will use a “rolling” 12-month period measured backward from the date the employee uses any family medical leave. FMLA leave and OFLA leave generally run concurrently. In order to care for an injured service member, you are entitled to up to 26 weeks of leave in a single 12-month period.

Also, your health benefits under FMLA and OFLA must be maintained during any period of unpaid leave under the same conditions as if you continued to work, including you continuing to pay the same portion of the premiums you currently pay. You will be reinstated to the same position, or in some cases under state or federal law, to an equivalent position.

If you do not return to work following FMLA and/or OFLA leave for a reason other than: (1) the continuation, recurrence or onset of a serious health condition which would entitle you to FMLA and/or OFLA; or (2) other circumstances beyond your control, you may be required to reimburse the district for health insurance premiums paid on your behalf during your FMLA and/or OFLA leave.

This is to inform you that (*check appropriate boxes, explain where indicated*):

1. You are ☐ eligible ☐ not eligible for leave under ☐ FMLA ☐ OFLA ☐ both FMLA and OFLA.
2. The requested leave may be counted against your annual ☐ FMLA leave entitlement ☐ OFLA leave entitlement ☐ FMLA and OFLA leave entitlements.
3. You ☐ will ☐ will not be required to furnish a medical certification of a serious health condition. If required, you must furnish the certification by _____ (date) (must be at least 15 days after you are notified of this requirement).
4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We ☐ will ☐ will not require that you substitute accrued paid leave for unpaid FMLA and/or OFLA leave. If paid leave will be used, the following conditions will apply: (*Explain*)
5. a. If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA and/or OFLA leave. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments as follows: (*Set forth dates, e.g., the 10th of each month or pay periods, etc., that specifically cover the agreement with the employee.*)
5. b. You have a minimum ☐ 30-day ☐ Other: _____ (*indicate longer period, if applicable*)

grace period in which to make premium payments. If payment is not timely made, your group health insurance may be canceled. We will notify you in writing at least 15 days before the date that your health coverage will lapse. At our option, we may also pay your share of the premiums during your FMLA and/or OFLA leave as provided by Board policy and/or collective bargaining agreement, and recover these payments from you upon your return to work. We ☐ will ☐ will not pay your share of health insurance premiums while you are on FMLA and/or OFLA leave.
5. c. We ☐ will ☐ will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA and/or OFLA leave. If we do pay your premiums for other benefits, when you return from leave you ☐ will ☐ will not be expected to reimburse us for the payments made on your behalf.

² Oregon Military Family Leave Act allows for 14 days of leave per deployment.

5. d. Except as noted above, in the event you do not return to work for the district after your FMLA and/or OFLA leave, and the district has paid your share of benefit premiums, you ☐ will ☐ will not be responsible for reimbursing the district the amount paid on your behalf with the exceptions noted in C.F.R. § 104 (c)(2)(B) of the FMLA.
6. ☐ You will be required to present a fitness-for-duty certification prior to being restored to employment following leave for your own serious health condition. If such certification is required but not received, your return to work may be delayed until the certification is provided. A list of essential functions for your position is attached. The fitness-for-duty certification must address your ability to perform these functions.
- ☐ You will not be required to present a fitness-for-duty certification prior to being restored to employment following leave for your own serious health condition.
7. a. You ☐ are ☐ are not a “key employee” as described in C.F.R. § 825.218 of the FMLA regulations. If you are a “key employee,” reinstatement to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to the district. (FMLA leave only.)
- b. We ☐ have ☐ have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. (FMLA leave only.) (*Explain (a) and/or (b) below.*)
8. While on FMLA and/or OFLA leave you ☐ will ☐ will not be required to furnish us with periodic reports every _____ (*indicate interval of periodic reports, as appropriate for the particular leave situation*) of your status and intent to return to work. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on this form, you ☐ will ☐ will not be required to notify us at least two workdays prior to the date you intend to report for work.
9. You ☐ will ☐ will not be required to furnish recertification relating to a serious health condition. (FMLA leave only.) (*Explain below, if necessary, including the interval between certifications as prescribed in C.F.R. § 825.308 of the FMLA regulations.*)
10. You are notified that all leave taken for the purposes of the death of a family member, counts toward the total period of authorized family leave.



Code: **GCBDA/GDBDA-AR (5)**
Adopted: 8/10/98
Revised/Readopted: 9/13/04, 9/14/09, 8/14/17

Sample Designation Letter to Employee FMLA/OFLA Leave

The following is a sample cover letter to an employee notifying the employee that the employer is treating a request for leave as a request for FMLA and/or OFLA leave (either paid or unpaid) that will reduce the employee's FMLA and/or OFLA leave entitlement. This letter, along with the Designation Notice form (GCBDA/GDBDA-AR (6), or the FMLA/OFLA Eligibility Notice form GCBDA/GDBDA-AR (4), should be mailed to the employee within five working days after receiving enough information to determine whether the leave qualifies under FMLA or OFLA..

Dear Employee:

On (date) you advised the district that you were requesting a leave that may qualify for protected time under the Family and Medical Leave Act (FMLA) and/or the Oregon Family Leave Act (OFLA). Under our policy, a leaves of absence that qualifies for family and medical leave under federal law (FMLA), may run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave, OFLA and leave for a workers' compensation injury or illness. A leaves of absence that qualifies for family and medical leave under state law (OFLA) may run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave, but cannot run concurrently with a leave for a workers' compensation injury or illness (unless you refuse a light-duty assignment).

IF APPROVED: We have determined the purpose of your requested leave qualifies as family or medical leave under state and/or federal law. Accordingly, this letter is to notify you that the leave will be counted against your annual family and medical leave entitlement. Also attached is a form entitled Designation Notice which contains other information for you regarding federal and state family medical leave rights, including an estimate of time that will count toward your protected time.

IF NOT APPROVED: We have determined the purpose of your requested leave does NOT qualify as family or medical leave under state and/or federal law. You may be entitled to other leave time, under Board policy or the collective bargaining agreement, however the protections of FMLA/OFLA will not be observed for this leave.

If you have any questions regarding your leave, now or at any time during your leave, please contact, the business office as soon as possible.

Sincerely,

Superintendent

Enclosure: (FMLA and/or OFLA Notice form)



Designation Notice – FMLA/OFLA

Leave covered under the Family and Medical Leave Act (FMLA) and/or Oregon Family Leave Act (OFLA) must be designated as FMLA and/or OFLA-protected, and the district must inform the employee of the amount of leave that will be counted against the employee's FMLA and/or OFLA leave entitlement. In order to determine whether leave is covered under the FMLA and/or OFLA, the district may request that the leave be supported by a physician's certification. If the certification is incomplete or insufficient, the district will state in writing what additional information is necessary to make the certification complete and sufficient.

Employee Name: _____ Date: _____

We have reviewed your request for leave under the FMLA and/or OFLA and any supporting documentation that you have provided. We received your most recent information on: _____ and decided:

- ☐ Your request is approved for FMLA. All leave taken for this reason will be designated as FMLA leave.
- ☐ Your request is approved for FMLA and OFLA. This designation of leave will run concurrently.
- ☐ Your request is approved for OFLA. All leave taken for this reason will be designated as OFLA leave.

The FMLA and/or OFLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date; we are providing the following information about the amount of time that will be counted against your entitlement:

- ☐ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days or weeks will be counted against your leave entitlement: _____
- ☐ Because the leave you requested will be rescheduled, it is not possible to provide the hours, days or weeks that will be counted against your FMLA and/or OFLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised (check if applicable):

- ☐ You have requested to use paid leave during your FMLA and/or OFLA leave. Any paid leave taken for this reason will count against your FMLA and/or OFLA leave entitlement.
- ☐ We are requiring you to substitute or use paid leave during your FMLA and/or OFLA leave.
- ☐ You will be required to present a fitness-for-duty certification to be reinstated to your position. If such certification is not timely received, your return to work may be delayed until certification is provided. The Fitness-for-Duty Certification form is attached, please have your medical provider complete this form prior to the termination of your leave. A list of the essential functions of your position ☐ is ☐ is not attached. If attached, the fitness-for-duty certifications must address your ability to perform these functions:
- ☐ Additional information is needed to determine if your FMLA and/or OFLA leave request can be approved.

- ☐ The certification you have provided is not incomplete and insufficient to determine whether the FMLA and/or OFLA applies to your leave procedures. You must provide the following information no later than _____ (date) (at least 15 calendar days), unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied. The information needed to make the certification complete and sufficient is¹:
- ☐ We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

- | | |
|---|--|
| <input type="checkbox"/> Your FMLA leave request is NOT APPROVED | <input type="checkbox"/> Your OFLA leave request is NOT APPROVED. |
| <input type="checkbox"/> The FMLA does not apply to your leave request | <input type="checkbox"/> The OFLA does not apply to your leave request. |
| <input type="checkbox"/> You have exhausted your FMLA leave entitlement in the applicable 12-month period. (Note: Federal Military Leave is on a separate 12-month period.) | <input type="checkbox"/> You have exhausted your OFLA leave entitlement in the applicable 12-month period. |

¹If you fail to provide a complete and sufficient certification by the due date, we may (a) delay the commencement of your leave; or (b) withdraw any designation of FMLA leave, in which case your leave of absence may be unauthorized and subject to discipline, up to and including termination.



Fitness-for-Duty Certification

NOTE: THESE INSTRUCTIONS ARE NOT INTENDED TO BE INCLUDED WITH THE CERTIFICATION TO THE EMPLOYEE – DELETE THIS PARAGRAPH PRIOR TO REVIEW AND POSTING FOR USE. *Instructions for use of this sample form: In order to condition an employee's return to work for the employee's own serious health condition on a Fitness-for-Duty Certification form, the district must have notified the employee in the Designation Notice that a fitness-for-duty certification would be required before returning to work. If the district did not require a fitness-for-duty certification in the Designation Notice, once an employee comes back, if the district has concerns (based on evidence, not speculation) about the employee's ability to perform the job, the district can get a fitness-for-duty certification based on the Americans with Disabilities Act Amendments Act (ADAAA), rather than FMLA and OFLA. Under OFLA, the district cannot obtain a second opinion for fitness-for-duty certification, and fitness-for-duty certifications must be sought pursuant to uniformly applied policy. The district must pay any out-of-pocket expenses paid to obtain a fitness-for-duty examination. This is a sample fitness-for-duty certification.*

To: _____ Date: _____
From: _____ Subject: Fitness for Duty Certification

Family and Medical Leave for your own serious health condition ends on (date) _____. Prior to returning to work you must provide a Fitness-for-Duty Certification verifying whether you are able to return to work, if you have any job-related restrictions and the duration of any restrictions. Please take this Fitness-for-Duty Certification to your healthcare provider for completion. The district will use this Fitness-for-Duty Certification to determine if you are able to return to work after your leave.

Return the completed Fitness-for-Duty Certification to the district prior to the end of your Family and Medical Leave or by (date) _____.

Fitness-for-Duty Certification Health Care Provider Completes this Section

Instructions: Please complete all sections in order for the district to determine if the employee is able to return to duty. The employee's position description is attached to this form.

1. The employee is able to return to work full-time without restrictions: ☐ Yes ☐ No
 - a. If yes, list the effective date _____.
 - b. If no, complete the following:
 - (1) The employee will be able to return to work with no limitation on (date) _____.
 - (2) I certify that from (date) _____ to (date) _____ the above named employee will be:
 - (a) ☐ Unable to perform the physical requirements of their work; or
 - (b) ☐ Is medically incapacitated: ☐ Totally ☐ Partially**
 - ** If partially medically incapacitated, complete the following:
 - (c) Number of hours per day employee is able to work _____.
 - (d) Number of days per week employee is able to work _____.
 - (3) List any restrictions on the employee's work: _____

Printed name of health care provider

Type of practice

Signature - health care provider

Date

Health care provider: Please return the completed form to the employee/patient.

Attached: Position description/description of essential duties (district specifies which).



Code: GCBDB/GDBDB
Adopted: 12/13/93
Readopted: 8/10/98, 9/13/04
Orig.Code: BP 4341

Early Return to Work

Efforts will be made on a case by case basis to return employees, who have suffered on-the-job injuries/illnesses, back to productive employment as soon as medically possible. Returns will be based on the nature of the injury/illness, the requirements or limitations of applicable laws and limitations of the district.

In the event an employee is not able to perform essential job functions completely after an illness or injury, the district will determine whether reasonable accommodations are appropriate that would provide temporary light duty assignment, restructuring of job to include modified work days, shift or part-time work, hours of work or modifications in facilities, equipment, special aids and services. Reasonable accommodations must not result in an undue hardship on the district.

If an employee cannot be reasonably accommodated in his/her current job, the district will review alternative assignments. The employee, if qualified, will be offered an available vacant position with or without reasonable accommodations. If no other assignment is possible, the district will provide unpaid leave if recovery is ongoing and sick leave is exhausted. Unpaid leave will be provided in accordance with Oregon law.

The district will maintain job descriptions for each job category and may devise new job descriptions to fit the physical requirements of an injured worker, thus enabling an injured worker an early return to work.

The superintendent or his/her designee will develop administrative regulations necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 659A.043](#)
[ORS 659A.046](#)

[OAR 436-110-0001](#) to -0900

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).



Code: GCBDB/GDBDB-AR
Adopted: 12/13/93
Readopted: 8/10/98, 9/13/04
Orig. Code(s): AR 4341

Early Return to Work

An employee who has suffered an on-the-job illness which requires medical attention and which may result in the inability of the employee to return to his/her regular duties within 72 hours will abide by the following procedures:

1. Report the injury to the supervisor immediately after the occurrence and fill out an Employee Accident Report Form;
2. Obtain from your physician and make available to your supervisor, as detailed as possible, whatever work restrictions your physician may recommend;
3. Fill out and turn in to the business office a State of Oregon Worker's and Employer's Report of Occupational Injury or Disease Form (801);
4. Based on your physician's recommendation your supervisor will design a modified position description, work schedule and other details that would be appropriate and reasonable for your treating physician's review and approval.

The supervisor will:

1. If needed, assist the worker in contacting a treating physician;
2. If requested, provide assistance with transportation to and from the care facility;
3. Modify job positions and work schedules in accordance with the treating physician's approval for early return to work;
4. Monitor the worker's job duties to ensure the duties being performed are those approved by the treating physician;
5. Provide for the same hourly rate of pay in the modified job position that the employee was making in his/her regular job position.

These procedures will not apply to on the job injuries that are life threatening and/or injuries that require emergency care.

END OF REGULATION

Cross Reference:

GCBDB/GDBDB - Early Return to Work



Code: GCBDE/GDBDE
Adopted: 12/11/06

Military Leave of Absence

The district will grant military leave to employees on duty¹ with a uniformed service² in accordance with applicable state and federal law. Employees requesting military leave are required to provide written notice as soon as practicable following notification of military call up or reservist duty, unless precluded by military necessity.

Military leave exceeding 15 days is unpaid leave. Employees may use any accrued vacation or similar leave during the period of service exceeding 15 days.

While on military leave, the employee will receive the same benefits as other employees on leave, as well as the following:

1. The employee may continue enrollment in the district's health insurance plan. During the first 18 months of leave, the employee may be required to pay any employee contribution required of other employees on a leave of absence. If the leave extends beyond 18 months, the employee will be required to pay not more than 102 percent of the full premium;
2. Upon return from military service, the district will give retroactive employer contributions to the Public Employees Retirement System on the same basis as if the employee had not left, provided the employee was an enrolled member at the time of the leave. The employee may repay any required employee contributions over a period of three times the military service leave period or five years, whichever is less.

An employee on duty with a uniformed service is entitled to reemployment for a maximum of five years, unless retained on active duty because of war or national emergency. An individual returning from military leave shall notify the district of his/her intent to return as follows:

3. Employees who are veterans and reservists returning from training must only inform the district of their training obligations and report back at the next regularly scheduled working period.
4. Employees returning from active duty must notify the district of their intention to return to their former jobs within 90 days of release from duty.

An individual reemployed under this policy is entitled to the seniority and other currently existing rights and benefits the individual had when service started, plus the additional seniority and similar rights and benefits that would have been accrued if employment had been continuous.

This policy does not apply if the employee has been separated from service with a dishonorable or bad conduct discharge or under other than honorable conditions.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[ORS 408.290](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 42 U.S.C. §§ 300bb-1 - 300bb-8 (2006). I.R.C. § 4980B(f)(4) (2006).
Employment and Reemployment Rights of Members of the Uniformed Services, 38 U.S.C. §§ 4301-4334 (2006).

¹"Duty" means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty and absence to determine fitness for duty.

²"Uniformed service" means the Armed Forces, the National Guard, the commissioned corps of the Public Health Service and any other category of persons designated by the President in time of war or national emergency.



Code: **GCBF**
Adopted: 5/16/05
Revised: 9/11/06

Break in Service

PERS Break in Service

The Board acknowledges that all active qualified Public Employee Retirement System (PERS) members may continue to accrue service credit and benefits under PERS unless they incur a break in service.

If a break in service has occurred, the employee may retain all PERS service time and contributions as well as contributions to their Individual Account Program (IAP) that were made prior to the break.

Following a break in service any employee who returns to service in a qualifying position will have all future service time and contributions accrued under the Oregon Public Service Retirement Plan (OPSRP).

Definition:

- **“Break in Service”:** When an active or inactive PERS member in a qualifying position performs no service hours for a period of six consecutive months or longer a break of service has occurred. There are six exceptions to this rule:
 1. Members who leave for purposes that would qualify for family medical leave. However, the member must return to work in a qualifying position within 12 months of taking the leave to avoid a break in service.
 2. Members who leave for approved career development purposes. However, the member must return to work in a qualifying position within 12¹ months of taking the leave to avoid a break in service.
 3. Members absent from other employment to serve as a legislator;
 4. Members called to military duty and are later reemployed as provided under USERRA in a qualifying position regardless of the length of time the member is on official military leave. The member must be reemployed within the time limits set by USERRA after completing military service.
 5. Members absent due to a disability and who qualify for a PERS disability benefit under ORS 238.320.
 6. Members who leave employment based on the seasonal nature of their employment, as long as the member returns to employment within 12 months.
- **“Qualifying Position”:** An eligible employee that has performed at least 600 hours of service in a calendar year for an employer participating in PERS.

END OF POLICY

Legal Reference(s):

[ORS 238A.025](#)
[OAR 459-010-0010](#)

[OAR 459-070-0010](#)
[OAR 459-075 -0010 \(013\)](#)

¹See OAR 459-075-0010 for employees with less than a 12 month contract.



Code: GCC/GDC
Adopted: 12/13/93
Revised/Readopted: 8/10/98
Orig. Code(s): BP 3170

Staff Recruiting

The Board shall establish and budget for staff positions in the school system on the basis of need. It shall be the responsibility of the superintendent, with the assistance of the administrative staff, to locate suitable candidates to recommend for employment.

The search for licensed and classified employees shall extend to a variety of geographical areas and educational institutions. The characteristics of the community and the need for a heterogeneous staff from various cultural backgrounds shall be taken into consideration. All recruiting shall provide an appropriate format to ensure effective communications with all individuals, including those with disabilities and shall ensure that equal employment opportunity and treatment are practiced.

Recruitment procedures shall not overlook the talents and potential of individuals already employed by the school system. Any current employee may apply for any position for which he/she qualifies and meets the essential job functions.

Openings in the schools will be posted in sufficient time before the position is filled to permit current employees to submit applications or as otherwise stipulated in district negotiated agreements.

The Board shall officially appoint all licensed employees upon the superintendent's recommendation; however, tentative appointments may be made by the superintendent or his/her designee(s) prior to Board action.

END OF POLICY

Legal Reference(s):

ORS 326.051	ORS 659.850	ORS 659A.109	ORS 659A.236
ORS 332.505	ORS 659A.009	ORS 659A.142	ORS 659A.309
ORS 342.934	ORS 659A.029	ORS 659A.145	ORS 659A.409
ORS 659.805	ORS 659A.030	ORS 659A.233	OAR 581-021-0045

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d).
Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(e).
Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. Sections 621-634.
Age Discrimination Act of 1975, as amended, 42 U.S.C. Sections 6101-6107.
Equal Pay Act of 1963, as amended, 29 U.S.C. Section 206(d).
Rehabilitation Act of 1973, 29 U.S.C. Sections 791, 793 and 794.
Title IX of the Education Amendments of 1972, 20 U.S.C. Sections 1681-1683; 34 CFR Part 106 (2000).
Title VI of the Civil Rights Act of 1964, 42 U.S.C.A., Section 2000(d) (West 1985)
Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.A., Section 2000(e) *et seq.* (West 1985)
Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.A., Section 621 (West 1985)
Age Discrimination Act of 1975, as amended, 42 U.S.C.A., Section 6101 (West 1985)
Equal Pay Act of 1963, as amended, 29 U.S.C.A., Section 206(d) (West 1985)
Rehabilitation Act of 1973, 29 U.S.C.A., Sections 504, 791, 793 and 794 (West 1985)
Title IX of the Education Amendments of 1972, 20 U.S.C.A., Sections 1681, 1682 and 1683 (West 1985).

Cross Reference(s):

ACA - Americans with Disabilities Act	Article 13, Certified Agreement
ACA-AR - Americans with Disabilities Act	Article 11, Classified Agreement
GBA - Equal Employment Opportunities	
GBED - Pre-employment Physicals	



Code: **GCD**
Adopted: 2/8/88
Revised/Readopted: 8/10/98
Orig. Code(s): BP 3215

Hiring of Licensed Staff

Employment of licensed personnel will be by official Board action and will be made a matter of record by motion and the affirmative vote of a quorum of the Board.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[OAR 581-022-1720](#)

Job York v. Portland School District, No. FDA 83-7 (August 1983)



Code: **GCDA/GDDA**

Adopted: 1/8/96

Revised/Readopted: 8/10/98, 1/14/08, 1/11/10,
9/14/15, 1/8/18, 9/10/18,
11/12/19

Orig. Code(s): BP 3350

Criminal Records Checks and Fingerprinting

In a continuing effort to ensure the safety and welfare of students and staff, the district shall require all newly hired full-time and part-time employees¹ not requiring licensure under Oregon Revised Statute (ORS) 342.223 to submit to a criminal records check and fingerprinting as required by law. Other individuals, as determined by the district, that will have direct, unsupervised contact with students shall submit to criminal records checks and/or fingerprinting as established by Board policy and as required by law.

“Direct, unsupervised contact with students” means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision.

Pursuant to state law, a criminal records check or fingerprint based criminal records checks shall be required of the following individuals²:

1. All individuals employed as or by a contractor, whether employed part-time or full-time, and considered by the district to have direct, unsupervised contact with students;

Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day;

Any individual who is an employee of a public charter school and not requiring licensure under ORS 342.223; and

2. ³Any individual considered for volunteer service with the district who is allowed to have direct, unsupervised contact with students.

The district will provide the written notice about the requirements of fingerprinting and criminal records checks through means such as staff handbooks, employment applications, contracts or volunteer forms. The procedure for processing fingerprint collection is further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.

A subject individual shall be subject to the collection of fingerprint information, only after the offer of employment or contract from the district and may be charged a fee by the district. A subject individual may request the fee be withheld from the amount otherwise due the individual.

The district shall begin the employment of a subject individual or terms of a district contractor on a probationary basis pending the return and disposition of the required criminal records checks.

When the district is notified of a subject individual who has been convicted of any crimes prohibiting employment or contract the individual will not be employed or contracted, or if employed will be terminated.

¹ Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

² Subject individuals and requirements are further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.

³ If the district allows volunteer service and the volunteers have direct, unsupervised contact with students, this policy language is required, and districts are required to conduct criminal records checks on these volunteers.

When the district is notified of a subject individual who knowingly made a false statement as to the conviction of any crime, the individual may be employed or contracted with by the district, or if employed by the district may be terminated. A subject individual who fails to disclose the presence of convictions that would not otherwise prohibit employment or contract with the district as provided by law will not be employed or contracted with by the district.

The district's use of criminal history must be relevant to the specific requirements of the position, services or employment.

The service of a volunteer allowed to have direct, unsupervised contact with students will not begin before the return and disposition of a criminal records check.

The service of a volunteer into a position identified by the district as requiring a fingerprint-based criminal records check will not begin before the return and disposition of a state and national criminal records check based on fingerprints.

A volunteer who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number will result in immediate termination from the ability to volunteer in the district.

The superintendent shall develop administrative regulations as necessary to meet the requirements of law.

Appeals

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

END OF POLICY

Legal Reference (s):

ORS 181A.180	ORS 342.223
OR 581-021-502	ORS 342.143
ORS 181A.230	OAR 581-022-2430
ORS 326.603	ORS 326.607
ORS 332.107	ORS 336.631
OAR 414-061-0010-061-0030	
OAR 581-021-0510-021-0512	
OAR 584-050-0	



Code: **GCDA/GDDA-AR**
Adopted: 8/10/98
Readopted: 8/10/98, 9/13/04, 1/14/08,
1/11/10, 1/13/14, 1/8/18,
9/10/18, 11/12/2019

Criminal Records Checks and Fingerprinting

Requirements

1. Any individual newly hired employee^a, whether full-time or part-time, and not requiring licensure under Oregon Revised Statute (ORS) 342.223 as a teacher, administrator, personnel specialist or school nurse, shall submit to a criminal records check and fingerprinting.
2. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to undergo a criminal records check and fingerprinting with TSPC.
3. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to submit to a criminal records check and fingerprinting with TSPC.
4. Any individual hired as or by a contractor^b, whether part-time or full-time, into a position having direct, unsupervised contact with students as determined by the district shall be required to submit to a criminal records check and fingerprinting.
The superintendent will identify contractors who are subject to such requirements.
5. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day, shall be required to undergo a criminal records check and fingerprinting.
6. Any individual who is an employee of a public charter school not requiring licensure under ORS 342.223 shall be required to undergo a criminal records check and fingerprinting.^c A volunteer allowed by the district into a position that has direct, unsupervised contact with students shall undergo an in-state criminal records check.
7. A volunteer that is not likely to have direct, unsupervised contact with students will be required to undergo an in-state criminal records check.

Exceptions

A newly hired employee^d is not subject to fingerprinting if the district has evidence on file that the employee successfully completed a state and national criminal records check for a previous employer that was a school district or private school, and has not resided outside the state between the two periods of employment.

Notification

1. The district will provide the following notification to individuals subject to criminal records checks and/or fingerprinting:
 - a. Such criminal records checks and/or fingerprinting are required by law or Board policy;

^a Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(1)(b).

^b A person hired as or by a contractor and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

^c If the district allows volunteers to have direct, unsupervised contact with students, districts are required to conduct criminal records checks on these volunteers. Choose the bracketed language options in 7, 8 and/or 9 of this policy that aligns with district practice. If the district allows volunteers to have direct, unsupervised contact with students the presented language is required. Align policy IICC – Volunteers with chosen language here.

^d Any individual hired within the last three months.

- b. Any action resulting from such checks completed by the Oregon Department of Education (ODE) that impact employment, contract or volunteering may be appealed as a contested case to ODE;
 - c. All employment or contract offers are contingent upon the results of such checks;
 - d. A refusal to consent to a required criminal records check and/or fingerprinting shall result in immediate termination from employment, or contract status or the ability to volunteer in the district;
 - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts, or ODE forms (written or electronic) may result in immediate termination from employment or contract status;
 - f. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status;
 - g. A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number may result in immediate termination from the ability to volunteer in the district. The district may will remove the volunteer from the position allowing direct, unsupervised contact with students.
2. The district will provide the written notice described above through means such as staff handbooks, employment applications, contracts or volunteer forms.

Processing and Reporting Procedures

- 1. Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized finger printer as directed by the district. The district shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.
- 2. Fingerprints may be collected by one of the following:
 - a. Employing district staff;
 - b. Contracted agent of employing district; or
 - c. Local or state law enforcement agency.
- 3. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized fingerprinter.
- 4. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the district of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment, or contract or volunteering.
- 5. A copy of the fingerprinting results will be kept by the district.

Fees

- 1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district and not requiring licensure, including persons hired as or by contractors^e, shall be paid by the individual.
- 2. An individual offered a contract or employment by the district may, only upon request, request that the amount of the fee be withheld from the amount otherwise due the individual in accordance with Oregon law.

^e A person hired as or by a contractor and their employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

3. Fees associated with required criminal records checks for volunteers shall be paid by the individual.

Termination of Employment or Withdrawal of Employment/Contract Offer/Volunteer Status

1. A subject individual required to submit to a criminal records check and/or fingerprinting in accordance with law and/or Board policy will be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the district upon:
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or
 - b. Notification^f from the Superintendent of Public Instruction that the employee has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.
2. A subject individual will be terminated from employment or contract status upon notification from the Superintendent of Public Instruction that the employee has knowingly made a false statement as to the conviction of any crime.
3. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.
4. A volunteer who refuses to submit, when required, to a criminal records check in accordance with law and/or Board policy will be denied such ability to volunteer in the district.
5. If the district has been notified by the Superintendent of Public Instruction that a volunteer knowingly made a false statement or has a conviction for any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, the individual will be denied the ability to volunteer.
6. A volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form will be denied the ability to volunteer in the district.

Appeals

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested under ORS 183.413 – 183.470.

A volunteer may appeal a determination from a fingerprint-based criminal records checks by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

^f Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.



Code: GCEA
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 4210

Substitute Teacher Salaries

The district shall adhere to the requirements of the law in the employment of substitute teachers. Substitute teachers shall be paid at the daily rate established by the Oregon Department of Education. No additional benefits shall be granted by the district, except those legally required.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)

[ORS 342.420](#)

[ORS 342.610](#)

[ORS 342.815](#)

[OAR 581-005-0001](#)

[OAR 584-020-0000 to -0045](#)



Code: GCEC/GDEC
Adopted: 2/8/88
Revised/Readopted: 8/10/98
Orig. Code(s): BP 3221

Job Sharing

Job sharing shall be defined as two staff members voluntarily sharing the responsibilities and benefits of one full-time position. The sharing of a particular position will be approved if the district determines such action to be in the best interest of the district. When employees request to share a position, the district will consider the effect such action may have upon students, as well as such factors as the employee's experience, training, certification, performance, and any other factors deemed appropriate. Job sharing will not be approved when it will result in appreciable increases in costs to the district. Permission to share a position shall be granted on a year-to-year basis, with the two individuals desiring to share a position notifying the building principal by April 1 of the school year preceding the shared assignment or in accordance with applicable provisions of district negotiated agreements as appropriate.

Specific terms of employment shall be determined by the district, consistent with applicable provisions of district negotiated agreements and shall be noted in the job sharing agreement to be signed by each employee.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Eugene Education Association v. Eugene School District 4J, Case Nos. UP-8-87 and UP-18-87, 9 PECBR 9391 (1987); rev'd, 91 Or. App. 78 (1988); vacated and remanded, 306 Or. 659 (1988)



Code: **GCEC/GDEC-AR**
Adopted: 2/8/88
Revised/Readopted: 8/10/98, 9/13/04
Orig. Code(s): AR 3221

Licensed Staff/Classified Staff Job Share

Licensed Staff

When two staff members voluntarily share the responsibilities and benefits of a single position, the following will apply:

1. Teachers will cooperate in planning and implementing a pleasant learning environment. In the interest of consistent discipline, room standards of behavior shall be mutually determined and agreed upon;
2. Each teacher shall maintain attendance records and all other records required by the district;
3. Whenever a parent contact or a special conference is necessary, the involved teacher shall be responsible. If the problem is common to both teachers, a joint conference shall be scheduled. At the option of the principal, either teacher, or both, may be required to attend a staffing;
4. Each teacher shall be responsible for evaluating progress in the areas taught, and teachers shall jointly evaluate social growth. Regularly scheduled parent-teacher conferences shall be attended by both teachers unless other arrangements are agreed to with the principal;
5. Both teachers shall be in attendance at evening programs, open houses, etc. unless other arrangements are agreed to with the principal;
6. Teachers shall share responsibilities for beginning-of-year and end-of-year tasks;
7. Both teachers shall attend all building and district staff meetings unless other arrangements are agreed to with the building principal. If excused from a meeting, it is the responsibility of the teacher to get the information provided at the meeting;
8. Job sharing will be done according to contract language;
9. All fringe benefits normally accrued by an employee are divided between the two persons as agreed to by the employees and the superintendent;
10. All paid leaves normally accrued by an employee are divided proportionately between the two persons.
11. Professional leave mileage, per diem, and registration costs shall be shared by both parties;
12. Responsibilities of employment outside of the agreed upon workday, such as attendance at conferences and evening events, full day attendance at in-service, and workdays, attendance at faculty meetings, etc. shall not be compensated as extra work.

Classified Staff

When two staff members voluntarily share the responsibilities and benefits of a single position, the following will apply:

1. Job sharing will be on the basis of split days as agreed to by the employees and the superintendent;
2. All fringe benefits normally accrued by an employee are proportionately divided between the two persons. Exception may be made in cases where one employee has other coverage, and the two jointly agree in writing that all benefits be paid to one employee. Approval must be obtained from the district's provider of coverage before an employee may be dropped from the program;
3. All paid leaves normally accrued by an employee are divided proportionately between the two persons. Each employee shall earn sick leave in accordance with State law;
4. Both employees shall attend all building and district staff meetings unless excused by the building principal. If excused from a meeting, it is the responsibility of the employee to get the information provided at the meeting;
5. Responsibilities of employment outside of the agreed upon day, such as attendance at required meetings, full day attendance at in-service, and workdays, etc. shall not be compensated as extra work.



Code: **GCL**
Adopted: 12/13/93
Revised/Readopted: 8/10/98, 6/14/99, 9/13/04,
1/13/14, 4/10/17

Staff Development - Licensed

As part of the district continuous improvement plan, the district will establish a short- and long-term professional development plan for licensed staff in order to enhance professional performance and promote achievement of high standards for all students. The plan shall be developed in writing by district administration.

Professional development activities may include, but are not limited to, college courses, workshops, curriculum planning, research, travel, supervision of teacher trainees and other activities approved by the supervisor. District professional development offerings may be planned to help licensed employees meet the requirements of their licenses. The district will provide appropriate, reasonable accommodations to ensure such training, whether provided by the district or through district contracts with third parties, is made available for qualified employees with disabilities.

Requests for release time for attendance at professional development activities may be approved by the superintendent or designee as deemed appropriate by the district and with the stipulation that:

1. Requests are to be submitted sufficiently in advance to permit superintendent or designee consideration; and
2. Where release time is granted, a written report will be submitted to the administration after such meeting or conference. Where such meetings or conferences are devoted primarily or exclusively to organizational or business affairs of associations of teachers, political workshops, training sessions for consultation committees and like activities, it is not considered appropriate for the Board to expend district funds.

Meetings or conferences for which district funds are contributed — whether for fees, travel or hiring of substitutes — shall directly relate to improved student learning. Where such meetings or conferences are devoted primarily or exclusively to organizational or business affairs of associations of educators, political workshops, training sessions for consultation committees and like activities, it is not considered appropriate for the Board to expend district funds or to approve the activity for CPD credit.

Each individual licensed employee is solely responsible for ensuring accurate completion of the professional development required for licensure. Once a licensed employee completes licensure requirements, the employee must submit evidence to the employee's supervisor or professional development advisor, who will verify that the licensed employee has successfully completed the professional development requirements to the superintendent or designee, on the Teacher Standards and Practices Commission (TSPC) Professional Educational Experience Report (PEER) form.

The superintendent or designee will develop administrative regulations, staff CPD handbooks and/or other related materials as may be necessary to implement the district's qualified CPD program. Administrative regulations shall include CPD procedures and practices that incorporate plans for the district's improvement and individual building, grade level, student and employee needs and goals.

END OF POLICY

Legal Reference(s):

ORS 329.095	ORS 329.125	ORS 329.704	ORS 342.135 (2)(a)	ORS 342.138 (3)
OAR 581-022-0606	OAR 581-022-1720		ORS 342.856	

Clackamas Intermediate Education District Association v. Clackamas Intermediate Education District, Case No. C-141-77, 3 PECBR 1848 (1978).

Eugene Education Association v. Eugene School District 4J, Case No. C-93-79, 5 PECBR 3004 (1980).

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2006).

Americans with Disabilities Act Amendments Act of 2008.



Code: **GCL-AR**
Adopted: 6/14/99
Revised/Readopted: 10/11/99, 9/13/04,
1/13/14, 4/10/17

Staff Development - Licensed

The completion of professional development requirements, as set forth in Oregon Administrative Rule (OAR) Chapter 584, Division 255 by the Teacher Standards and Practices Commission (TSPC) for licensing or license renewal, is the sole responsibility of the employee.

9. Each professional licensed staff member employed by the district shall meet the standards as stated in OAR 584-420-0030 for:
 1. Learner and Learning
 - a) Learner development;
 - b) Learning differences;
 - c) Learning environments.
 2. Content
 - a) Content knowledge;
 - b) Application of content.
 3. Instructional Practice
 - a) Assessment;
 - b) Planning for instruction;
 - c) Instructional strategies.
 4. Professional Responsibility
 - a) Professional learning and ethical practice;
 - b) Leadership and collaboration.
10. The continuing professional development of each licensed staff member shall conform to the following standards for professional development as stated in OAR 584-255-0020:
 1. Learning Communities: Professional learning that increases educator effectiveness and results for all students occurs within learning communities committed to continuous improvement, collective responsibility and goal alignment;
 2. Leadership: Professional learning that increases educator effectiveness and results for all students; requires skillful leaders who: develop capacity, advocate; and create support systems for professional learning;
 3. Resources: Professional learning that increases educator effectiveness and results for all students; requires prioritizing, monitoring and coordinating resources for educator learning;
 4. Data: Professional learning that increases educator effectiveness and results for all students; uses a variety of sources and types of student, educator and system data to plan, assess and evaluate professional learning;

- (4) Plan completed as scheduled and submitted to the superintendent or designee or Board as applicable for review and verification of meeting district CPD requirements in March;
 - (5) New plan developed at time of finalization of the previous plan and after verification that the employee has met his/her district CPD requirements.
4. The number of CPD units of credit taken per year to meet district CPD program requirements may be determined by the district.
 5. The district will attempt to offer as many professional growth activities as recognized needs warrant and resources permit.
 6. Plans may be developed that totally utilize district professional growth activities and some outside district activities, or are totally completed in non-district-sponsored activities. All such plans shall be proposed to the employee's supervisor for review and approval.
 7. The responsibility for completing a plan and meeting licensure renewal requirements rests with the employee. An employee utilizing the district's CPD program to meet licensure renewal requirements shall provide documentation that the plan has been completed and he/she has analyzed the results and applied the acquired knowledge and skills to improve student learning.

The district may assist such efforts in the following ways:

- a. Provide a copy of the Board's CPD policy, regulation, CPD handbook and/or other related materials which meet Teacher Standards and Practices Commission (TSPC) requirements;
 - b. Provide an annual process for completing a portion of the license renewal requirements;
 - c. Upon the employee's request, provide a site system for record keeping in which the supervisor retains the plan and, where practical, may assist in certain record-keeping activities;
 - d. Incorporate plan development and review into an annual goal-setting cycle;
 - e. When possible, conduct applicable group meetings/conferences to assist in meeting the requirements.
8. Acceptable CPD activities for meeting district CPD program requirements shall be those reviewed and approved by the employee's supervisor and for which evidence is submitted to verify completion.
 10. Licensed individuals transferring to the district from other districts, including those educators hired without previous district experience, shall submit any CPD units of credit earned to their supervisor for review. Such credits may be used to meet individual requirements under the district's CPD program, as approved by the superintendent or designee.
 10. Completed CPD forms shall be filed in the employee's personnel file.
 11. The superintendent or designee shall verify completion of the required plan(s) and units for license renewal at the time the employee requests district verification of educational experience on the TSPC-provided Professional Educational Experience Report (PEER) form.



Code: GCL-AR (2)
Adopted: 05/03/99
Revised: 10/11/99, 10/16/03,
12/8/03, 11/13/17

PROFESSIONAL DEVELOPMENT PLAN

This form is completed at the beginning of a licensure cycle when a Preliminary, Professional or Distinguished License is issued or renewed.

Standards for Professional Development Plans

Each CPD Plan shall have as a primary purpose improved student learning by improving professional skills of educators. Each plan shall be designed to assist the educator to:

1. Achieve district, state and national standards.
2. Keep current with the development and use of best practices; and
3. Develop ways to enhance learning for a diverse student body.

Educator: _____

Supervisor/Advisor: _____

District/ESD: _____

School: _____

Assignment: _____

License:

☐

Preliminary

☐

Professional or Distinguished

CPD Option:

☐

District Building Plan

☐

Individual Plan

Domains the Plan will address:

☐

Subject Matter or Specialty

☐

Understanding Diversity

☐

Assessment Strategies

☐

State & National Education Priorities

☐

Methods & Curriculum

☐

Use of Technology in Education

Goals/Objectives of the CPD Plan:

Proposed Activities and experiences to meet your goals:

How will the Plan help you to enhance student learning?

What resources will you use to complete your Plan?

Supervisor/Advisor Signature*

Date

Educator Signature

Date _____

* *This verifies that I have reviewed the proposal and am aware of the activities required.*

REVISIONS TO PROFESSIONAL DEVELOPMENT PLAN

<p>How are you revising your Plan:</p>	<p>How are you revising your Plan:</p>
<p>_____</p> <p>Date Supervisor/Advisor</p>	<p>_____</p> <p>Date Supervisor/Advisor</p>
<p>How are you revising your Plan:</p>	<p>How are you revising your Plan:</p>
<p>_____</p> <p>Date Supervisor/Advisor</p>	<p>_____</p> <p>Date Supervisor/Advisor</p>

COMPLETION OF PROFESSIONAL DEVELOPMENT PLAN

List Professional Development Activity	Domain(s)	Number of PDUs

TOTAL PDUs _____

DOMAINS:

- 1 = Subject matter or specialty
- 2 = Assessment Strategies
- 3 = Methods and Curriculum
- 4 = Understanding Diversity
- 5 = State and National Education Priorities
- 6 = Use of Technology in Education

NOTE:

One clock hour = one PDU
 One quarter hour credit = 20 PDUs. One semester hour credit = 30 PDUs

Minimum of PDUs:
 75 for Preliminary License
 125 for Professional or Distinguished

REFLECTION ON PROFESSIONAL DEVELOPMENT PLAN

Comment briefly on your CPD activities and the effect that you observed on student learning and any adjustments you made or will make to enhance student learning. (Attach additional pages as needed.)

Supervisor/Advisor Signature*: _____ Date: _____

* *I have reviewed the results of the CPD plan and verify completion of the plan.*

The completed form is retained by the district.

Forms:PDUplanrev.doc



Staff Development

In order to strengthen and refine professional skills of district personnel, the superintendent or his/her designee will develop a staff development program for all employees.

Building site councils will be encouraged to participate in the development and implementation of the district's staff development program including provisions for the professional growth of staff.

Staff development programs, whether provided directly by the district or through district contracts with third parties, will provide appropriate reasonable accommodations to ensure such programs are available to employees with disabilities.

Each individual licensed employee is solely responsible for ensuring accurate completion of the professional development required for licensure. Once a licensed employee completes licensure requirements, the employee must submit evidence to the employee's supervisor, who will verify that the licensed employee has successfully completed the professional development requirements to the superintendent or designee, on the Teacher Standards and Practices Commission (TSPC) Professional Educational Experience Report (PEER) form.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)
[ORS 329.125](#)
[ORS 329.704](#)
[ORS 342.138](#)

[ORS 342.856](#)
[OAR 581-022-0606](#)
[OAR 581-022-1720](#)

[OAR 584-018-0205](#)
[OAR 584-255-0010 to -0030](#)

Clackamas IED Assn. v. Clackamas IED, No. C-141-77, 3 PUB. EMPL. COLL. BARG. REP. 1848 (ERB 1978).
Eugene Educ. Ass'n v. Eugene Sch. Dist. 4J, No. C-93-79, 5 PUB. EMPL. COLL. BARG. REP. 3004 (ERB 1980).
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 (2006).
Americans with Disabilities Act Amendments Act of 2008.



Code: **GCMA**
Adopted: 5/9/88
Readopted: 8/10/98
Orig. Code(s): BP 8800

Teacher Grade Books and Lesson Plans

A teacher's class record book showing individual student grades and/or student attendance should be held for a sufficient period of time after the end of the school year to allow parents or students to address any potential inaccuracies. Building principals will specify the time line for retention of such records at their own buildings.

It is understood that good teaching requires sound planning prior to instruction. It is also understood that teachers, as professionals, may make lesson plans in a variety of effective ways. Building principals may ask to review teacher lesson plans as a means of their keeping abreast of instruction or as a component of the teacher evaluation process.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 342.850](#)

[OAR 581-022-1720](#)



Code: **GCN/GDN**
Adopted: 2/8/88
Revised/Readopted: 8/10/98, 9/13/04,
5/10/10, 1/8/18

Evaluation of Staff *

An effective evaluation program is essential to a quality educational program. It is an important tool to determine the current level of a teacher's performance of the teaching responsibilities. It is also an important assessment of classified employees and current performance of their job assignments. Under Board policy, administrators are charged with the responsibility of evaluating the staff. An evaluation program provides a tool for supervisors who are responsible for making decisions about promotion, demotion, contract extension, contract nonextension, contract renewal or nonrenewal, dismissal and discipline.

The evaluations for licensed staff shall be based on the core teaching standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with teachers and any exclusive representatives of the licensed staff.

Evaluation and support systems established by the district for teachers must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems, including:

1. Four performance level ratings of effectiveness;
2. Classroom-level student learning and growth goals set collaboratively between the teacher and the evaluator;
3. Consideration of multiple measures of teacher practice and responsibility which may include, but are not limited to:
 - a. Classroom-based assessments including observations, lesson plans and assignments;
 - b. Portfolios of evidence;
 - c. Supervisor reports; and
 - d. Self-reflections and assessments.
4. Consideration of evidence of student academic growth and learning based on multiple measures of student progress, including performance data of students, that is both formative and summative. Evidence may also include other indicators of student success;
5. A summative evaluation method for considering multiple measures of professional practice, professional responsibilities and student learning and growth to determine the teacher's professional growth path;
6. Customized by each district, which may include individualized weighting and application of standards.

An evaluation using the core teaching standards must attempt to:

1. Strengthen the knowledge, skills, disposition and classroom practices of teachers;
2. Refine the support, assistance and professional growth opportunities offered to a teacher, based on the individual needs of the teacher and the needs of the students, the school and the district;
3. Allow the teacher to establish a set of classroom practices and student learning objectives that are based on the individual circumstances of the teacher, including the classroom and other assignments;

4. Establish a formative growth process for each teacher that supports professional learning and collaboration with other teachers;
5. Use evaluation methods and professional development, support and other activities that are based on curricular standards and are targeted to the needs of the teacher; and
6. Address ways to help all educators strengthen their culturally responsive practices.

Evaluation and support systems established by the district must evaluate teachers on a regular cycle. The superintendent shall regularly report to the Board on implementation of the evaluation and support systems and educator effectiveness.

Each probationary teacher shall be evaluated at least annually, but with multiple observations. The purpose of the evaluation is to aid the teacher in making continuing professional growth and to determine the teacher's performance of the teaching responsibilities. Evaluations shall be based upon at least two observations and other relevant information developed by the district.

All classified employees shall be formally evaluated at least twice during their first year of employment and at least once every 3 years thereafter.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 332.505](#)
[ORS 342.850](#)
[OAR 581-022.2405](#)

ORS342.856
OAR 581-022.2410
OAR 581-022.2415



Core Teaching Standards

The core teaching standards must:

1. Consider multiple measures of teacher effectiveness that encompass a range of appropriate administrative behaviors. These measures use multiple evaluation methods that utilize multiple measures to evaluate teacher performance which may include, but is not limited to:
 - a. Student performance;
 - b. Student assessment;
 - c. Classroom-based assessments, including observations, lesson plans and assignments;
 - d. Portfolios of evidence;
 - e. Supervisor reports; and
 - f. Self-reflections and assessments.
2. Consider evidence of student academic growth and learning based on multiple measures of student progress, including student performance data;
3. Be research based;
4. Be separately developed for each teacher; and
5. Be customized to the district, which may include individualized weighting and application of standards.

Local evaluation and support systems established by the district for teachers must be:

1. Designed with four performance level ratings of effectiveness as defined in the *Oregon Framework for Teacher and Administrator Evaluation and Support Systems*;
2. Based on significant consideration of student learning, which may include, but is not limited to:
 - a. Schoolwide academic growth, as determined by the statewide assessment system implemented by the Oregon Department of Education under ORS 329.485;
 - b. Formative and summative assessments; and
 - c. Classroom-level student learning goals set collaboratively between teachers and evaluators.
3. On a regular cycle.

Superintendents shall regularly report to the Board on implementation of the evaluation and support systems and educator effectiveness.



Code: GCPB/GDPB
Adopted: 2/8/88
Revised/Readopted: 8/10/98, 1/11/10
Orig. Code(s): BP 3240

Resignation of Staff

A licensed staff member who wishes to resign from his/her position with the district must give written notice at least 60 days prior to the date he/she wishes to leave district employment. The superintendent is authorized to accept the resignation effective the day it is received and either release the teacher immediately from further teaching or administrative obligations or inform the teacher he/she must continue teaching for part or all of the 60 day period.

Where less than a 60 day notice is given, the Board may request the Teacher Standards and Practices Commission to discipline the licensee. Exceptions due to emergency or other extenuating circumstances may be considered by the Board.

The superintendent is authorized to accept resignations of classified employees effective the day they are received.

END OF POLICY

Legal Reference(s):

[ORS 342.553](#)

[ORS 652.140](#)

[OAR 581-022-1720](#)

Pierce v. Douglas County Sch. Dist., 297 Or. 363 (1984).



Code: **GCPC/GDPC**
Adopted: 2/8/88
Revised/Readopted: 8/10/98, 1/11/21
Orig. Code(s): BP 3182

Retirement of Staff

To assist the district in its planning efforts, staff members considering retirement are encouraged to notify the district as early as possible, preferably at the beginning of the school year in which the retirement will take place.

When an employee of the district retires under PERS, that employee's employment with the district will terminate. PERS-retired individuals may apply for open positions with the district.^a

END OF POLICY

Legal Reference(s):

[ORS Chapter 237](#)
[ORS Chapter 238](#)
[ORS 243.303](#)
[ORS 342.120](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, as amended, 29 U.S.C. Sections 1161-1169.

Tax Reform Act of 1986, 29 U.S.C. Sections 1001-1461.

Oregon Constitution, Article IX, Sections 10-13.

^a There must be a break in service for retired employees returning to work.



Code: **GCPD**
Adopted: 7/10/95
Revised/Readopted: 8/10/98
Orig. Code(s): BP 3250

Suspension and Dismissal of Licensed Personnel

Suspension

The superintendent may immediately suspend any probationary, temporary or substitute licensed employee for any cause which he/she believes is in the best interest of the school district. The superintendent or his/her designee shall investigate the charges and shall comply with the procedures in the contract agreement with the Sweet Home Education Association. Suspension may be with or without pay, in the discretion of the superintendent.

Suspension of contract teachers or administrators will comply with the procedures in the Accountability for Schools for the 21st Century Law and applicable provisions of the district's negotiated agreement.

Dismissal

Satisfactory performance according to established standards and job descriptions is a prerequisite for continued employment in the district. Failure to maintain such standards and perform job requirements are cause for termination of employment, either by withholding contract renewal or by immediate dismissal.

Supervisors and principals will report in writing to the superintendent all cases involving unsatisfactory work or behavior that might lead to possible dismissal of an employee.

Probationary teachers may be dismissed or their contracts nonrenewed for any reason or reasons deemed in good faith sufficient by the Board. Written notice of intended nonrenewal and reason(s) for nonrenewal must be given to the teacher by March 15 or sooner if so specified in a collective bargaining agreement. Written notice must be given prior to Board action on the nonrenewal. Written notice of intended dismissal and reason(s) for dismissal must be given to the teacher prior to Board action on the dismissal. Probationary teachers who have been dismissed or whose contracts have not been renewed may request and shall be granted a hearing before the Board.

Contract teachers may be dismissed in accordance with the provisions of the Accountability for Schools for the 21st Century Law and applicable provisions of the district's negotiated agreement.

Temporary teachers will be released upon the termination of the designated assignment, as indicated on the contract.

The superintendent or his/her designee will develop appropriate procedures designed to safeguard the constitutional, statutory and contractual rights of employees considered for dismissal.

END OF POLICY

Legal Reference(s):

[ORS 243.672](#)
[ORS 243.706](#)
[ORS 243.756](#)
[ORS 342.835](#)
[ORS 342.865 - 342.910](#)
[ORS 342.934](#)
[ORS 652.140](#)

[OAR 584-020-0040](#)



Code: **GCQA/GDQA**
Adopted: 2/8/88
Revised/Readopted: 8/10/98, 9/13/04

Nonschool Employment

All employees are expected to accomplish those tasks required by the district.

Employees must avoid outside employment that interferes with the performance of their responsibilities and the maintenance of productive relationships with students, parents and other staff members. If outside employment interferes with job performance, the employee will be required to make a choice between district employment and outside employment.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)



Code: **GCQAB**
Adopted: 2/8/88
Readopted: 8/10/98
Orig. Code(s): BP 3265

Tutoring for Pay

It is the policy of the Board that teachers are not to tutor for remuneration any students they have in class. No tutoring for which a teacher receives a fee will be allowed in a school building or on school time.

Exceptions to this policy are as follows:

1. Private lessons, such as music lessons and other enrichment activities, which are clearly beyond the scope of the regular curriculum, may be given for remuneration outside of school time and away from school buildings;
2. Teachers may tutor for remuneration students eligible for homebound services outside of normal school hours;
3. District authorized and/or sponsored programs.

END OF POLICY

Legal Reference(s):

[ORS 244.010](#)
[ORS 332.505](#)

Cross Reference(s):

GBC - Staff Ethics/Conflict of Interest
IGBG - Homebound Instruction



Code: **GCQBA**
Adopted: 2/8/88
Readopted: 8/10/98
Orig. Code(s): BP 3140

Copyrights and Patents

Publications, materials, models and other items developed in whole or substantially by district staff on district time shall remain the property of the district.

The district may apply for copyrights and patents when deemed appropriate by the superintendent.

In the event an employee develops educational materials partly on his/her own time and partly on district time, the district reserves the right to claim full ownership. The employee, however, may petition the district for assignment of copyright or patent rights. Employees shall not attempt to copyright or patent any item described without the knowledge and consent of the superintendent.

Employees who intend to make application to patent or copyright any item shall furnish to the superintendent full, complete and prompt information and disclosure with respect to any such item.

END OF POLICY

Legal Reference(s):

Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2001).

Patents, Title 35, as amended, United States Code.

Cross Reference(s):

EGAAA - Reproduction of All Copyrighted Materials



Code: **GD**
Adopted: 12/13/93
Revised/Readopted: 8/10/98
Orig. Code(s): BP 3300

Classified Staff Positions

Classified personnel are those employees in job positions for which no teaching or administrative licenses are required by law. The district shall hire classified employees who will give conscientious attention to their duties and the welfare of students.

Regular classified employees are those employed in a position established by the Board requiring 20 or more hours per week for at least a full school year.

Classified supervisory employees are those individuals having authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them, or to adjust their grievances or effectively to recommend such action if the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment as indicated on the job description. No nurse, charge nurse or similar nursing position shall be deemed to be supervisory unless such position has been traditionally classified as supervisory.

The superintendent or his/her designee shall prepare a systematic plan for the classification of classified employee positions. The essential job functions and titles and examples of work performed are to be prescribed in a written job description for each classification. All classified positions shall be assigned an appropriate classification within the structure of the plan.

A process will be developed by the administration, to be used by classified employees requesting consideration of their positions for reclassification.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)
[ORS 332.505](#)
[ORS 659.805](#)
[ORS 659.850](#)
[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)

[ORS 659A.142](#)
[ORS 659A.145](#)
[ORS 659A.233](#)
[ORS 659A.236](#)
[ORS 659A.309](#)
[ORS 659A.409](#)

[OAR 581-021-0045](#)
[OAR 581-022-1720](#)

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d).

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(e).

Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. Sections 621-634.

Age Discrimination Act of 1975, as amended, 42 U.S.C. Sections 6101-6107.

Equal Pay Act of 1963, as amended, 29 U.S.C. Section 206(d).

Rehabilitation Act of 1973, 29 U.S.C. Sections 791, 793 and 794.

Title IX of the Education Amendments of 1972, 20 U.S.C. Sections 1681-1683; 34 CFR Part 106 (2000).

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Cross Reference(s):

GAA - Personnel: Definitions
GAB - Job Descriptions
IC/ICA - School Calendar



Code: **GDA**
Adopted: 9/8/03
Readopted/Revised: 12/8/03, 9/11/06, 4/11/11

Educational Assistants

Educational assistants shall be hired by the superintendent or designee.

All educational assistants must:

1. Have a high school diploma or the equivalent;
2. Be at least 18 years or older; and
3. Have standards of moral character as required of teachers.

In addition to the above, educational assistants providing translation services must have demonstrated proficiency and fluency, knowledge of and ability to provide accurate translations from a language other than English into English and from English into another language.

Educational assistants who work in Title I programs and provide instructional support must have:

1. Completed at least 48 semester or 72 quarter hours of college coursework; or
2. Obtained an associate's or higher degree; or
3. Met a rigorous standard of quality, and can demonstrate, through a formal state or local academic assessment, knowledge of, and the ability to assist in instructing, as appropriate, reading/language arts, writing and mathematics or reading readiness, writing readiness and mathematics readiness.

The general responsibilities of an educational assistant shall be outlined in a job description. The major responsibility shall be to assist the classroom teacher, specialist or supervisor with instruction. The educational assistants shall be under the supervision of the classroom teachers, specialist or supervisor. Other supporting tasks may include, but are not limited to: clerical support, student control, personal care, translation or parent/family involvement activities and media center or computer laboratory support.; Educational assistants shall not be used as a substitute teacher unless s/he is licensed to do so.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.505](#)
[ORS 342.120](#)

[OAR 581-022-1710 \(2\)](#)
[OAR 581-037-0005 to -0030](#)

Suggested Personnel Policy Guidelines for School Districts - Educational Assistants, Oregon Department of Education (1990).
No Child Left Behind Act of 2001, P.L. 107-110, Title I, Section 1119.

ⁱ Educational assistants may be assigned to: (1) provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher; (2) assist with classroom management, such as organizing instructional and other materials; (3) provide assistance in a computer laboratory; (4) conduct parental involvement activities; (5) provide support in a library or media center; (6) act as a translator; or (7) provide instructional services to students while working under the direct supervision of a teacher. Educational assistants may assume limited duties that are assigned to similar personnel who are not working in a program supported with Title I funds, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

These requirements do not apply to an educational assistant: (1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title I programs by acting as a translator; or (2) whose duties consist solely of conducting parental involvement activities.



Code: **GDEA**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 4220

Substitute Classified Salaries

Substitute classified employees will be employed at salary rates established by the superintendent. Substitutes will be paid at the stipulated rate for day-to-day assignments.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)



Code: **GDIA**
Adopted: 9/13/04

Notice of Employment *

The Board shall give, in writing, individual notices by May 30 to all employees for whom a teaching license is not required.

The notices shall address reasonable assurance of continued employment as covered in the Oregon Revised Statutes and Oregon Administrative Rules.

END OF POLICY

Legal Reference(s):

[ORS 332.554](#)

[OAR 581-022-1720 \(5\)](#)



Code: **GDPD**
Adopted: 7/10/95
Revised/Readopted: 8/10/98
Orig. Code(s): BP 3345

Suspension and Dismissal of Classified Personnel

Suspension

The superintendent may immediately suspend any classified employee for reason or reasons which he/she believes is in the best interest of the school district and consistent with the district's negotiated agreement. The superintendent or his/her designee shall investigate the charges and shall comply with applicable provisions of the district's negotiated agreement. Suspension may be with or without pay, at the discretion of the superintendent.

Dismissal

Classified employees may be dismissed either upon the recommendation of the immediate supervisor and the concurrence of the superintendent or direct action by the superintendent. Classified employees who have been dismissed may request and shall be granted a hearing before the Board.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.544](#)

SWEET HOME SCHOOL DISTRICT 55

TABLE OF CONTENTS

SECTION H: NEGOTIATIONS

Collective Bargaining.....	<u>HB</u>
Picketing.....	<u>HO</u>



Code: **HB**
Adopted: 3/14/88
Readopted: 3/8/99
Orig. Code(s): BP 4100

Collective Bargaining

Employees covered under the Collective Bargaining Law have the right to form, join and participate in organizations of their choosing for the purpose of representation and collective bargaining with their employer concerning employment relations.

END OF POLICY

Legal Reference(s):

[ORS Chapter 243](#)



Code: **HO**
Adopted: 3/8/99

Picketing

Public employee strikes are legal under conditions established by Oregon statutes. However, certain limitations may be imposed on picketing activities to ensure the public health and welfare.

It is ordered by the Board that:

1. Picketing activities are limited to public sidewalks and those specifically identified zones established by the district;
2. Clearly marked safety zones will be identified in which picketing activities are prohibited;*
3. Picketers are prohibited from entering district facilities for any reason whatsoever;
4. Playground and school yard areas are off limits to picketers;
5. Picketers will not block or otherwise occupy any driveway or parking lot area adjacent to any school site;
6. The district will instruct legal counsel to initiate complaint proceedings against any picketer who violates provisions of this policy.

It shall be an unfair labor practice for a public employee, a labor organization or its agent to picket; cause, induce or encourage picketing; or threaten to engage in such activity at the resident or business premises of any individual who is a member of the governing body of a public employer with respect to a dispute over a collective bargaining agreement; negotiations over employment relations if the objective or effect of the picketing:

- Induces another to cease doing business with the governing body member's business; or
- Ceases handling, transporting or dealing in goods or services produced by the governing body's business.

END OF POLICY

Legal Reference(s):

[ORS 164.205 \(5\)](#)
[ORS 243.672](#)
[ORS 243.726](#)
[ORS 332.107](#)
[ORS 339.010](#)
[ORS 339.020](#)

SWEET HOME SCHOOL DISTRICT 55

TABLE OF CONTENTS

SECTION I: INSTRUCTION

Instructional Goals	<u>IA</u>
Freedom of Expression.....	<u>IB</u>
Academic Freedom	<u>IBA</u>
Home Schooling**	<u>IBDJA</u>
School Calendar	<u>IC/ICA</u>
School Day	<u>ID</u>
Organization of Instruction	<u>IE</u>
Curriculum Development.....	<u>IF</u>
Curriculum Research/Pilot Projects	<u>IFA/IFB</u>
Pilot Projects	<u>IFA/IFB-AR</u>
21 st Century Schools Councils	<u>IFCA</u>
Curriculum Adoption	<u>IFD</u>
Curriculum Guides and Course Outlines.....	<u>IFE</u>
Curriculum Design	<u>IG</u>
Teaching about Religion	<u>IGAC</u>
Work Experience/Release	<u>IGADA</u>
HIV, AIDS, HBV and HCV Health Education**	<u>IGAEA</u>
Drug, Alcohol and Tobacco Prevention, Health Education**	<u>IGAEB</u>
Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education.....	<u>IGAI</u>
Student with Disabilities	<u>IGBA</u>
Child Identification Procedures.....	<u>IGBA-AR</u>
Records of Students with Disabilities	<u>IGBAB</u>
Confidentiality – Education Records of Students with Disabilities	<u>IGBAB-AR</u>
Special Education – Personnel	<u>IGBAC</u>
Special Education – Participation in Regular Education Programs	<u>IGBAE</u>
Special Education – Participation In Regular Education Programs	<u>IGBAE-AR</u>
Special Education – Individualized Education Program (IEP)	<u>IGBAF</u>
Special Education – Individualized Education Program (IEP)	<u>IGBAF-AR</u>
Special Education – Procedural Safeguards.....	<u>IGBAG</u>
Special Education – Procedural Safeguards.....	<u>IGBAG-AR</u>
Special Education – Evaluation Procedures	<u>IGBAH</u>
Special Education – Evaluation and Eligibility Procedures	<u>IGBAH-AR</u>
Special Education – Private Schools.....	<u>IGBAI</u>
Special Education – Private Schools.....	<u>IGBAI-AR</u>

Special Education – Free Appropriate Public Education (FAPE).....	<u>IGBAJ</u>
Special Education – Free Appropriate Public Education (FAPE).....	<u>IGBAJ-AR</u>
Special Education – Public Availability of State Application.....	<u>IGBAK</u>
Special Education – Services for Home-Schooled Students with Disabilities.....	<u>IGBAL</u>
Special Education – Services for Home-Schooled Students with Disabilities.....	<u>IGBAL-AR</u>
Talented and Gifted Students	<u>IGBB</u>
Talented and Gifted Standards Appeal Form	<u>IGBB-AR</u>
Program and Services - Talented and Gifted.....	<u>IGBBC</u>
Title I/Parental Involvement.....	<u>IGBC</u>
Homebound Instruction.....	<u>IGBG</u>
Homebound Instruction.....	<u>IGBG-AR</u>
Alternative Education Programs**	<u>IGBHA</u>
Alternative Education Notification	<u>IGBHA-AR(1)</u>
Alternative Education Notification	<u>IGBHA-AR(2)</u>
Evaluation of Alternative Education Programs	<u>IGBHA-AR(3)</u>
Evaluation of Alternative Education Programs – District Summary	<u>IGBHA-AR(4)</u>
Establishment of Alternative Education Programs	<u>IGBHB</u>
Establishment of Alternative Education Programs	<u>IGBHB-AR</u>
Course Exemptions	<u>IGBHD</u>
Expanded Options Program	<u>IGBHE</u>
Second Language	<u>IGBI</u>
Extended Instructional Programs	<u>IGC</u>
Advanced College Placement.....	<u>IGCD</u>
Co-curricular Activities.....	<u>IGD</u>
Academic Requirements for Participation in Co-curricular Activities	<u>IGD-AR</u>
Assembly of Students and Student Organizations	<u>IGDA</u>
Student Organizations	<u>IGDA-AR</u>
Student Publications.....	<u>IGDB</u>
Student Publications.....	<u>IGDB-AR</u>
Student Photographs.....	<u>IGDBA</u>
Student Performances.....	<u>IGDD</u>
Fund Raising Activities.....	<u>IGDF</u>
Student Activity Funds.....	<u>IGDG</u>
Contests for Students.....	<u>IGDH</u>
Interscholastic Athletics	<u>IGDJ</u>
Adult Education Programs	<u>IGE</u>
Instructional Arrangements/Grouping for Instruction.....	<u>IH</u>
Alternate Instructional Programs	<u>IHGA</u>

Use of Feature Films/Videos**	<u>IIABB</u>
Use of Feature Films/Videos in the School/Parent Permission Form**	<u>IIABB-AR(1)</u>
Use of Feature Films/Videos in the School/Administrative Film Review Form**	<u>IIABB-AR(2)</u>
Special Interest Materials	<u>IIAD</u>
District Libraries	<u>IIBD</u>
Instructional Television.....	<u>IIBE</u>
Electronic Communications System	<u>IIBGA</u>
Electronic Communications System	<u>IIBGA-AR</u>
Web Policy.....	<u>IIBGC</u>
Field Trips**	<u>IICA</u>
Community Resource Persons	<u>IICB</u>
School Volunteers	<u>IICC</u>
Guidance Program.....	<u>IJ</u>
Academic Achievement**	<u>IK</u>
Grading System.....	<u>IKA</u>
Final Exams.....	<u>IKAA</u>
Student Progress Reports to Parents**	<u>IKAB</u>
Grade Reduction/Credit Denial	<u>IKAD</u>
Homework.....	<u>IKB</u>
Promotion and Retention of Students**	<u>IKE</u>
Promotion and Retention of Students**	<u>IKE-AR</u>
Graduation Requirements.....	<u>IKF</u>
Graduation Exercises.....	<u>IKFB</u>
Baccalaureate Services.....	<u>IKFC</u>
High School Diplomas	<u>IKFD</u>
High School Diplomas	<u>IKFD-AR</u>
Certificate of Initial Mastery (CIM) Mastery Proficiency Standards.....	<u>IKGA</u>
Certificate of Initial Mastery (CIM) District Standards	<u>IKGA-AR</u>
Assessment Program**	<u>IL</u>
Instructional Program Renewal	<u>IM</u>
Teaching about Controversial Issues.....	<u>INB</u>
Flag Displays and Salutes	<u>INDB</u>
Animals in the School	<u>ING</u>
Animal Dissection.....	<u>INI</u>

** 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 581-015-0005 (18).



Code: **IA**
Adopted: 5/9/88
Revised/Readopted: 10/12/98, 1/11/10,
1/13/14
Orig. Code: BP 8000

Instructional Goals

In establishing an effective educational program as part of the students' total education, the district recognizes the importance of developing a partnership that promotes the involvement of staff, parents and the community.

The district is committed to a continual process of collaborative decision making and goal setting that supports the physical and cognitive growth and development of students around the following characteristics:

1. Provides equal and open access and educational opportunities for all students regardless of their linguistic background, culture, race, sex, capability or geographic location;
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 rigorous academic content standards and instruction in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and world languages;
7. Provides students with 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 the knowledge and skills that will provide the opportunities to succeed in the world of work, as members of families and as citizens;
9. Provides students with the knowledge, skills and positive attitude that lead to an active, healthy lifestyle;
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 involvement of parents and 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; and
18. Utilizes valid and reliable data for evaluating the success of curriculum, instruction, resource allocation and school improvement.

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)
[ORS 329.125](#)
[ORS 336.067](#)

[OAR 581-022-1020](#)
[OAR 581-022-1030](#)
[OAR 581-022-1210](#)

[OAR 581-022-1340](#)



Code: **IB**
Adopted: 8/10/92
Revised/Readopted: 10/12/98, 6/9/08
Orig. Code(s): BP 5260

Freedom of Expression

Students have a general right to freedom of expression within the school system. The district requires, however, that students exercise their rights fairly, respectfully and responsibly and in a respectful manner not disruptive to other individuals or to the educational process.

Freedom of Student Inquiry and Expression

1. Generally, students and student organizations are free to examine and discuss questions of interest to them and to express opinions publicly and privately within the school system, provided such examination and expression is fair and responsible and is not disruptive to other individuals or to the educational process. Students may support or oppose causes by orderly means which do not disrupt other individuals or the operation of the school.
2. In the classroom, students are free to examine views offered in any course of study, provided such examination is expressed in a responsible manner.

Freedom of Association

Students are free to organize associations to promote their common interests. Student organizations should be open to all students. Membership criteria may not exclude students on the basis of age, race, religion, color, national origin, disability, marital status or sex. Each student organization must have a staff advisor to counsel and, when necessary, supervise students in the organization. All student organizations must submit to the school a statement of purpose, criteria for membership, rules and procedures and a current list of officers. School administrators may establish reasonable rules and regulations governing the activity of student organizations.

Publications, Displays and Productions

On occasion, materials such as leaflets, newsletters, cartoons and other items including displays and productions are prepared, produced and/or distributed by students as part of the educational process and free expression in an academic community. Materials may be subject to administrative review, restricted or prohibited, however, pursuant to legitimate educational concerns. Such concerns include:

1. The material is or may be defamatory;
2. The material is inappropriate based on the age, grade level and/or maturity of the audience;
3. The material is poorly written, inadequately researched, biased or prejudiced;
4. Whether there is an opportunity for a named individual or named individuals to make a response;
5. Whether specific individuals may be identified even though the material does not use or give names;
6. The material is or may be otherwise generally disruptive to the school environment. Such disruption may occur, for example, if the material uses, advocates or condones the use of profane language or advocates or condones the commission of unlawful acts;
7. Students, parents and members of the public might reasonably perceive the materials to bear the sanction or approval of the districts

High School Student Journalists

Generally, high school student journalists have the right to exercise freedom of speech and of the press in school-sponsored media. School sponsored media means materials that are prepared, substantially written, published or broadcast by student journalists, that are distributed or generally made available, either free of charge or for a fee, to members of the student body and that are prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classrooms in which they are produced.

School-sponsored media prepared by student journalists are subject to reasonable time, place and manner restrictions, pursuant to state and federal law. School-sponsored media cannot contain material that:

1. Is libelous or slanderous;
2. Is obscene, pervasively indecent or vulgar;
3. Is factually inaccurate or does not meet journalistic standards established for school-sponsored media;
4. Constitutes an unwarranted invasion of privacy;
5. Violates federal or state law; or
6. So incites students as to create a clear and present danger of:

- a. The commission of unlawful acts on or off school premises;
- b. The violation of district policies; or
- c. The material and substantial disruption of the orderly operation of the school. A school official will base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)

[ORS 339.880](#)

[ORS 332.107](#)

[ORS 339.885](#)

HB 3279 (2007)

[OAR 581-021-0050](#)

[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2006).

Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).

Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).

U.S. CONST. amend. I; U.S. CONST. amend. XIV.

OR. CONST., art. I, § 8.

Cross Reference(s):

IGDA - Assembly of Students and Student Organizations

IGDB - Student Publications

INB - Teaching about Controversial Issues

JFI - Student Demonstrations and Petitions

KI/KJ - Public Solicitations and Advertising



Code: **IB**
Adopted: 8/10/92
Revised/Readopted: 10/12/98, 6/9/08
Orig. Code(s): BP 5260

Freedom of Expression

Students have a general right to freedom of expression within the school system. The district requires, however, that students exercise their rights fairly, respectfully and responsibly and in a respectful manner not disruptive to other individuals or to the educational process.

Freedom of Student Inquiry and Expression

1. Generally, students and student organizations are free to examine and discuss questions of interest to them and to express opinions publicly and privately within the school system, provided such examination and expression is fair and responsible and is not disruptive to other individuals or to the educational process. Students may support or oppose causes by orderly means which do not disrupt other individuals or the operation of the school.
2. In the classroom, students are free to examine views offered in any course of study, provided such examination is expressed in a responsible manner.

Freedom of Association

Students are free to organize associations to promote their common interests. Student organizations should be open to all students. Membership criteria may not exclude students on the basis of age, race, religion, color, national origin, disability, marital status or sex. Each student organization must have a staff advisor to counsel and, when necessary, supervise students in the organization. All student organizations must submit to the school a statement of purpose, criteria for membership, rules and procedures and a current list of officers. School administrators may establish reasonable rules and regulations governing the activity of student organizations.

Publications, Displays and Productions

On occasion, materials such as leaflets, newsletters, cartoons and other items including displays and productions are prepared, produced and/or distributed by students as part of the educational process and free expression in an academic community. Materials may be subject to administrative review, restricted or prohibited, however, pursuant to legitimate educational concerns. Such concerns include:

1. The material is or may be defamatory;
2. The material is inappropriate based on the age, grade level and/or maturity of the audience;
3. The material is poorly written, inadequately researched, biased or prejudiced;
4. Whether there is an opportunity for a named individual or named individuals to make a response;
5. Whether specific individuals may be identified even though the material does not use or give names;
6. The material is or may be otherwise generally disruptive to the school environment. Such disruption may occur, for example, if the material uses, advocates or condones the use of profane language or advocates or condones the commission of unlawful acts;
7. Students, parents and members of the public might reasonably perceive the materials to bear the sanction or approval of the districts

High School Student Journalists

Generally, high school student journalists have the right to exercise freedom of speech and of the press in school-sponsored media. School sponsored media means materials that are prepared, substantially written, published or broadcast by student journalists, that are distributed or generally made available, either free of charge or for a fee, to members of the student body and that are prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classrooms in which they are produced.

School-sponsored media prepared by student journalists are subject to reasonable time, place and manner restrictions, pursuant to state and federal law. School-sponsored media cannot contain material that:

1. Is libelous or slanderous;
2. Is obscene, pervasively indecent or vulgar;
3. Is factually inaccurate or does not meet journalistic standards established for school-sponsored media;
4. Constitutes an unwarranted invasion of privacy;
5. Violates federal or state law; or
6. So incites students as to create a clear and present danger of:



Code: **IBA**
Adopted: 5/9/88
Readopted: 10/12/98, 9/8/03
Orig. Code: BP 8010

Academic Freedom

The district's goal is to educate people in the democratic tradition, to foster recognition of individual freedom and social responsibility.

Academic freedom within the confines of state law and Board policy will be guaranteed to teachers in order to create, in the classroom, an atmosphere of freedom which allows students to raise questions dealing with critical issues. Academic freedom also carries with it academic responsibility that is determined by the basic ideals, goals and institutions of the local community.

The Board expects that:

1. All classroom studies will be curriculum-related, factual, objective and impartial;
2. Teachers will create and maintain an atmosphere of open-mindedness and tolerance;
3. Teachers will not attempt, directly or indirectly, to limit or control students' judgment concerning any issue, but will make certain that full and fair consideration is given to the subject and that facts are carefully examined as to their accuracy and interpretation.

END OF POLICY

Legal Reference:

Current Licensed Work Agreement



Code: **IBDJA**
Adopted: 5/9/88
Revised/Readopted: 10/12/98, 9/13/04
Orig. Code(s): BP 8770

Home Schooling**

The district recognizes parents' rights to educate their children at home as one of the exceptions to compulsory attendance under Oregon law.

District staff will assist parents in contacting Linn-Benton-Lincoln ESD as they seek more information about home schooling requirements. Staff may also assist parents by ordering texts/instructional materials for home use; parents will reimburse the district for any textbooks/instructional materials ordered for home use. District staff may consult with parents about educational programs materials or curricula in order to promote better learning for the child being taught at home.

The district will allow parents to bring their students to school for participation in the district's testing program. The district will not set aside separate testing times for home taught students, except for evaluations to determine if the student is disabled.

Students may, upon parent request, be allowed to participate in district programs such as physical education programs, instrumental and vocal music programs, or other selected options if space and materials are available. Such students must then adhere to regular attendance procedures as established by the school and must avoid disruption of said programs. Parents are responsible for transportation for students attending selected school offerings.

The district reserves the right to place a student returning from home schooling in the grade level best suited to the student's educational needs. The district will not accept home schooling experiences as credit toward high school graduation.

Home schooled students may participate in interscholastic activities if the following criteria are met:

1. The student is in compliance with all rules governing home schooling and can provide acceptable documentation of compliance to the district;
2. The student can meet the district eligibility requirements except the district or class attendance requirements;
3. The student need not meet class requirements of the voluntary association administering the interscholastic activities;
4. The student can achieve the minimum achievement test score required annually of home schooled students (Students may participate while awaiting test results.);
5. The student must fulfill the same responsibilities and standards of behavior and performance including related class or practice requirements of other students participating in the interscholastic activity. The student must meet the same standards for acceptance on the team or squad. The student must also comply with all public school requirements during the time of participation;
6. The student must reside in the attendance boundaries of the school for which the student participates.

An interscholastic activity is defined as an activity:

1. With optional student participation which complements the curriculum, encourages students' physical, academic or social development;
2. Is supervised by school personnel;
3. Is generally conducted outside the instructional day.

END OF POLICY

Legal Reference(s):

[ORS 326](#).051
[ORS 329](#).465
[ORS 339](#).030
[ORS 339](#).035
[ORS 339](#).430
[ORS 339](#).460

[OAR 581-021](#)-0026 to -0029
[OAR 581-021](#)-0033
[OAR 581-021](#)-0034
[OAR 581-021](#)-0071
[OAR 581-021](#)-0210
[OAR 581-022](#)-1350



Code: **IC/ICA**
Adopted: 3/11/91
Revised/Readopted: 10/12/98, 9/13/04
Orig. Code(s): BP 8020

School Calendar

The Board will approve the calendar for the following school year no later than its March meeting. After Board approval, any modification of the calendar will require Board action.

The calendar will include the number of student days, number of work days for staff and holidays. It will meet or exceed the state minimum requirement for instructional time.

Days lost because of unforeseen emergencies will be made up at the discretion of the board.

END OF POLICY

Legal Reference(s):

[ORS 187.010](#)
[ORS 243.650](#)
[ORS 332.075 \(1\)\(a\)](#)
[ORS 336.010](#)

[OAR 581-022-1620](#)

Article 10, Licensed Agreement
Article 14, Classified Agreement

Cross Reference(s):

ID - School Day



Code: **ID**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8040

School Day

The length of the school day will be recommended by the superintendent and approved by the Board, and will be in keeping with state requirements. Starting and ending times for the school day will be approved annually by the superintendent.

Situations or conditions that may require a departure from the established school day must have prior approval of the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 332.075](#) (2)

[ORS 332.107](#)

[OAR 581-022](#)-1620

Cross Reference(s):

Article 11, Licensed Agreement

Article 9, Classified Agreement



Code: **IE**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8050

Organization of Instruction

The overall organization plan of the school system is designed to facilitate the instructional goals of the district while meeting state, federal and local requirements.

The basic structure of the system will consist of two main divisions, the elementary division and the secondary division.

The elementary division will include the schools with kindergarten through grade six. The secondary division will consist of a junior high school for grades 7 and 8, and a senior high school for grades 9 through 12.

Instruction will be provided on all levels for all students with or without special or atypical instructional needs. All schools shall assist in the preparation and instruction that will aid students in meeting state and district curriculum and graduation requirements.

The school district will offer special instructional services to students who have disabilities which are recognized by provisions of state and federal law.

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)
[ORS 329.585](#)
[ORS 332.075 \(2\)](#)
[ORS 336.067](#)

[OAR 581-021-0045](#)

[OAR 581-021-0046](#)
[OAR 581-022-0606](#)
[OAR 581-022-0807](#)
[OAR 581-022-1020](#)
[OAR 581-022-1130](#)
[OAR 581-022-1140](#)

[OAR 581-022-1210](#)
[OAR 581-022-1340](#)
[OAR 581-022-1610](#)



Code: **IF**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8060

Curriculum Development

Within the context of district philosophy, required curriculum is defined as those goals and specific objectives which a student should meet at appropriate levels of development to function effectively as a human being and as a member of society.

Curriculum development in the Sweet Home School District will be a goal-based process. The process encompasses:

1. Identification of district goals;
2. Identification of program goals and student learning outcomes;
3. Curriculum evaluation;
4. Curriculum improvement.

The district recognizes the important role of research in keeping curriculum appropriate, significant and effective for students. The district, therefore, encourages the continuing search at the classroom, building and district level for new and improved ways to respond to different learning needs and aspirations of students to changes in society's needs to direction, and to different and changing educational expectations of the community.

Principals are expected to examine course offerings and programs. It is the responsibility of every school in the district to implement the Board adopted curriculum.

Any major program change and/or new course proposed must be approved by the superintendent prior to development and implementation in the schools. The process for securing this approval requires the identification of need, proposed goals, objectives, development plans, evaluative criteria, resource needs and the prior review and approval of other groups as appropriate.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 332.075 \(1\)](#)
[ORS 336.035](#)
[ORS 336.067](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-0606](#)
[OAR 581-022-0807](#)
[OAR 581-022-1020](#)

[OAR 581-022-1130](#)
[OAR 581-022-1140](#)
[OAR 581-022-1210](#)
[OAR 581-022-1340](#)
[OAR 581-022-1610](#)



Code: **IFA/IFB**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8061

Curriculum Research/Pilot Projects

A pilot project is defined as an educational experiment conducted in a controlled environment for a period of time sufficient to test the applicability and viability of that experiment for fulfilling present and future needs of Sweet Home Schools.

Experimental and/or pilot projects may be recommended by staff members or curriculum committees. Requests for permission to conduct such projects must be submitted to the superintendent and must be approved by the superintendent subject to compliance with state and federal laws and to Board policy and administrative regulations. Proposals will include plans for evaluation of the program.

END OF POLICY

Legal Reference(s):

[ORS 329.675 - 329.745](#)

Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232; 34 CFR Part 99 (2000).
Protection of Pupil Rights, 20 U.S.C. Section 1232h; 34 CFR Part 98 (2000).

Cross Reference(s):

DE - Revenue from State and Federal Tax Programs
IFA/IFB-AR - Pilot Projects



Code: **IFA/IFB-AR**
Adopted: 5/9/88
Revised: 10/12/98
Orig. Code(s): AR 8061

Pilot Projects

Criteria

- A. Its existence in the district makes it unique to one school or grade level.
- B. It is developed specifically to meet a need not met with a standard or adopted program currently in use in the district.
- C. It promises better results or more efficiency than currently adopted programs.
- D. It has a predetermined time of conclusion or expansion to all schools.

Proposals for Pilot Programs

Pilot programs for consideration shall follow these guidelines:

- A. Meet the criteria as stated previously;
- B. Applicants complete request form*;
- C. An experimental design is constructed and/or research data is supplied to verify the merit of the program;
- D. A cost impact* is predicted, including:
 - 1. Facilities;
 - 2. Materials/Supplies;
 - 3. Staff;
 - 4. Transportation;
 - 5. Capital outlay.

Status of Proposals

Pilot program proposals will be referred by the curriculum staff through the usual approval channels (curriculum committee and administration), and may be referred back to the originating school for more information or refinement, or may be approved or denied at any step.

PILOT PROGRAMS REQUEST FORM

Name of school: _____ Date: _____

Name of administrator: _____

Grade level for proposed program: _____

Subject area of proposed program: _____

Specific program goals this program will address:

Brief description of program:

Identified needs this program will address:

Explain why this program is better than the adopted district program:

How will you test the improved results of this program or what data can you provide which supports the contention of improved results: (Attach documents, if necessary.)



Code: **IFCA**
Adopted: 10/12/98
Revised/Readopted: 9/13/04

21st Century Schools Councils

The Board directs the superintendent to encourage community involvement in shared decision making and to foster the collaborative efforts of district personnel, students, parents and community members through 21st Century Schools Councils at each school site.

Additionally, the Board may, as deemed necessary for assisting in the administration of grants or for coordination of districtwide programs, establish 21st Century Schools Councils and/or other special committees at the district level for specific projects or issues.

The establishment and charge of the 21st Century Schools Councils shall not interfere with the duties, responsibilities and rights of the duly elected Board.

At the school site 21st Century Schools Councils shall be structured as follows:

Composition

1. 21st Century Schools Councils shall be composed of teachers, parents, classified employees and principal or principal's designee as follows:
 - a. Not more than half of the members shall be teachers;
 - b. Not more than half of the members shall be parents of students attending that school;
 - c. At least one member shall be a classified employee;
 - d. One member shall be a principal or principal's designee;
 - e. In addition, other members may be designated by the Board including, but not limited to, local school committee members, business leaders, students and members of the community-at-large.

Selection

2. Members of the 21st Century Schools Council shall be selected as follows:
 - a. Teachers shall be licensed teachers elected by licensed teachers at the school site;
 - b. Classified employees shall be elected by classified employees at the school site;
 - c. Parents shall be selected by parents of students attending the school;
 - d. Others shall be selected by the council.

Duties

3. The duties of the 21st Century Schools Council shall include, but not be limited to:
 - a. The development of plans to improve the professional growth of the school's staff;
 - b. The improvement of the school's instructional program;
 - c. The development and coordination of plans for the implementation of school improvement programs at the school in accordance with Oregon's Educational Act for the 21st Century;
 - d. The administration of grants-in-aid for the professional development of teachers and classified employees.
 - e. Advising the Board in the development of a plan for school safety and student discipline under ORS 339.333.

If the Board determines that a school site is unable to fulfill the requirement of the 21st Century Schools Council as

outlined in this policy, or if the needs of a school site require a different composition, the Board shall establish the 21st Century Schools Council in a manner that best meets the educational needs of the district.

21st Century Schools Councils may request a waiver of Board policy. Waiver requests must be submitted in writing to the superintendent. The superintendent will submit the waiver request and his/her recommendation to the Board for final approval. Policy waiver requests will be considered based on the district's mission statement, philosophy, Board adopted goals and effective schooling tenets.

All 21st Century Schools Council decisions are subject to superintendent and Board review and approval respectively. In no case will 21st Century Schools Councils abrogate any provision of the district's collective bargaining agreements, district contracts or Board policy, unless otherwise waived under the provisions of this policy or law.

21st Century Schools Councils, the duties of which include advising the Board or making decisions on behalf of the Board, shall follow the notice, meeting and record keeping requirements of the Public Meetings Law.

END OF POLICY

Legal Reference(s):

[ORS 192.660 - 192.690](#)
[ORS 243.650](#)
[ORS 243.782](#)
[ORS 329.125](#)
[ORS 329.675 - 329.745](#)
[ORS 332.172](#)
[ORS 339.333](#)

[ORS 342.513](#)
[ORS 342.545](#)
[ORS 342.553](#)
[ORS 342.608](#)
[ORS 342.610](#)
[ORS 342.613](#)
[ORS 342.650](#)

[OAR 581-020-0105](#)
[OAR 581-020-0115](#)
[OAR 581-020-0130](#)



Code: **IFD**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8063

Curriculum Adoption

Adopted curriculum guides containing the district adopted course goals, performance indicators and curriculum sequences shall be used and followed by each member of the instructional staff.

A planned course outline must include the specific course title, course overview and course goals. The statement may include the required areas of study, program goals, number of credits, course number, department, length of course, grade level(s), prerequisite, availability of credit examination, type of course (required, elective), alternative learning opportunities, performance indicators for minimum competencies, learning activities and assessment procedures.

All course offerings included in district curriculum guides must be approved by the Board. The Board will approve only those course offerings that have been reviewed and recommended by the superintendent and that conform to the standards established by the Oregon Department of Education.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)

[ORS 332.075](#)

[ORS 332.107](#)

[ORS 336.035](#)

[OAR 581-022-1130](#)

[OAR 581-022-1210](#)

Cross Reference(s):

IF - Curriculum Development

IFA/IFB - Curriculum Research/Pilot Projects



Code: **IFE**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8062

Curriculum Guides and Course Outlines

Written curriculum guides and course outlines will be:

1. Prepared for each area of instruction;
2. Implemented through the administration in the schools;
3. Reviewed periodically and revised as appropriate;
4. Used by the staff in their classroom teaching.

Proposals to add new courses or programs or to delete existing courses or programs will be considered by a curriculum committee designated by the superintendent or his/her designee. After completing its consideration, the committee will make a recommendation regarding such proposals to the superintendent and Board.

Information regarding course offerings and course descriptions will be available to all students and interested patrons of the district.

END OF POLICY

Legal Reference(s):

[ORS 332.075 \(1\)](#)
[ORS 336.035](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-0606](#)
[OAR 581-022-0807](#)
[OAR 581-022-1020](#)
[OAR 581-022-1030](#)
[OAR 581-022-1130](#)
[OAR 581-022-1140](#)
[OAR 581-022-1210](#)
[OAR 581-022-1340](#)
[OAR 581-022-1610](#)

Cross Reference(s):

IF - Curriculum Development
IFA/IFB - Curriculum Research/Pilot Projects



Code: **IG**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8100

Curriculum Design

The district curriculum is designed to provide students a range of preparation in academic areas as well as in developing values and behaviors in interpersonal relations, exploring leisure time activities, preparing for the world of work and acquiring the broad spectrum of skills necessary for success in life.

The curriculum design will ensure that:

1. Instructional objectives are defined for each grade, subject and course;
2. Skills to be taught in each grade, subject and course are clearly defined and taught consistently throughout the school system;
3. Students and parents be given information about skills to be taught in each grade, subject and course, and requirements for passing, at the beginning of the school year or semester.

At all levels provisions will be made for a wide range of individual differences in student abilities and learning rates through the use of a variety of materials, adjustments in programs and courses adapted to special needs of students.

The curriculum will meet those requirements established by federal law, state law and the Oregon Department of Education.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 332.075 \(1\)](#)
[ORS 336.035](#)
[ORS 336.057](#)
[ORS 336.067](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-0606](#)
[OAR 581-022-0807](#)
[OAR 581-022-1020](#)

[OAR 581-022-1130](#)
[OAR 581-022-1140](#)
[OAR 581-022-1210](#)
[OAR 581-022-1340](#)
[OAR 581-022-1610](#)

Cross Reference(s):

AD - Philosophy Statement
IA/IAA - Instructional Goals



Code: **IGAC**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8113

Teaching about Religion

The district is obligated to maintain neutrality in the matter of religion.

Teaching about religion will be done with sensitivity to the feelings and beliefs of all students and will be consistent with the district's educational program and with student learning objectives.

Such teaching will advance student knowledge and appreciation of the role that our religious heritage has played in the social, cultural and historical development of civilization.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 336.035](#)

United States Constitution, Amendment I.
Oregon Constitution, Article I.

Cross Reference(s):

IB - Freedom of Expression



Code: **IGADA**
Adopted: 5/9/88
Readopted: 10/12/98, 9/13/04
Orig. Code(s): BP 8114

Work Experience/Release

The district may operate cooperative education programs in the high school.

All high school students are expected to be enrolled in a full day program unless participating in an approved work experience, alternative program or other educational endeavor. Seniors in good academic standing and enrolled in a minimum of three classes may qualify for early dismissal during the regular school day so that they may work. This privilege may be revoked for attendance, behavior or credit problems.

As appropriate, work experience will take the form of career-exploratory activities, work done in shops and laboratories of the various professional technical schools and departments, or cooperative programs provided through local businesses and industries. The school system itself may provide student job experiences in certain departments.

In all instances, programs offering practical work experience will be organized and conducted solely for the purpose of providing the students with a valuable career exploratory or training experience. Federal and state requirements pertaining to the employment of minors will be observed and funded programs will meet federal and state guidelines.

END OF POLICY

Legal Reference(s):

[ORS 336.175](#)



Code: **IGAEA**
Adopted: 10/12/98
Revised/Readopted: 9/13/04

HIV, AIDS, HBV and HCV Health Education**

The Board wants the schools to play an important role in reducing the fears about HIV/AIDS/HBV/HCV¹ and in reducing the risk behaviors that lead to infection by educating students with current, factual information about the disease, i.e., how it attacks the body's system and how it is (and is not) transmitted. AIDS is a deadly disease; there is no known cure. The Board believes the best course of action is to attempt to contain or to reduce the spread of the disease by creating an informed public; one that is aware of the physiological and psychological aspects of the disease.

A curriculum shall be developed cooperatively by parents, teachers, administration, local health department staff and others. The curriculum shall present current, accurate information to help students learn infection control for preventing the spread of the HIV/AIDS/HBV/HCV-causing virus and to assist them in making decisions about protecting their health and the health of others. The curriculum shall stress the value of abstinence. Information about HIV, AIDS, HBV and HCV infections shall be included in the curriculum.

The Board adopted curriculum will be reviewed and updated biennially.

The age-appropriate curriculum shall be taught annually in grades K-12.

The district will designate a staff person to facilitate communication between the Oregon Department of Human Services, Health Services, Oregon Department of Education and teaching staff regarding this program.

The district shall develop procedures for parent notification, exemption and alternative credit.

Parents of minor students shall be notified in advance that the material regarding HIV/AIDS/HBV/HCV will be taught. Any parent may request his/her student be excused from the class under the provisions set forth in Oregon Revised Statutes and Oregon Administrative Rules.

END OF POLICY

Legal Reference(s):

[ORS 336.035 \(2\)](#)

[ORS 336.455 - 336.475](#)

[OAR 581-022-0705](#)

[OAR 581-022-1440](#)

[OAR 581-022-1910](#)

Cross Reference(s):

IGBHD - Course Exemptions

¹HIV - Human Immunodeficiency Virus, AIDS - Acquired Immune Deficiency Syndrome, HBV - Hepatitis B Virus, HCV - Hepatitis C Virus



Code: **IGAEB**
Adopted: 3/11/91
Readopted: 10/12/98, 9/13/04
Original Code(s): BP 8117

Drug, Alcohol and Tobacco Prevention, Health Education**

Students have a right to attend school in an environment conducive to learning. Since student drug, alcohol and tobacco use is illegal and harmful and interferes with both effective learning and the healthy development of students, the school has a fundamental legal and ethical obligation to prevent unlawful drug, alcohol and tobacco use and to maintain a drug-free educational environment.

After consulting with parents, teachers, school administrators, local community agencies and persons from the drug, alcohol or health service community who are knowledgeable of the latest research information, the Board will adopt a written plan for a drug, alcohol and tobacco prevention and intervention program.

Drug Prevention Program

The district's drug, alcohol and tobacco curriculum will be age-appropriate, reviewed annually and updated as necessary to reflect current research.

Drug, alcohol and tobacco prevention instruction will be integrated in the district's health education courses. Students not enrolled in health education shall receive such instruction through other designated courses. At least annually, all senior high school students shall receive such instruction. Instruction shall minimally meet the requirements set forth in Oregon Administrative Rules.

The district will include information regarding the district's intervention and referral procedures, including those for drug-related medical emergencies in student/parent and staff handbooks.

Intervention is defined as the identification and referral of students whose behavior is interfering with their potential success socially, emotionally, physiologically, and/or legally as a result of prohibited drug, alcohol and/or tobacco use.

Any staff member who has reason to suspect a student is in possession of, or under the influence of unlawful drugs, alcohol, other intoxicants or tobacco on district property, on a school bus or while participating in any district-sponsored activity, whether on district property or at sites off district property, will escort the student to the office or designated area and will report the information to the building principal or his/her designated representative.

The building principal or designee will:

1. Call the police if deemed appropriate;
2. Call the parents for a meeting;
3. Discuss the incident with student, parents if available and police if contacted;
4. Impose the penalty for violations using due process procedures;
5. Tell parents about resources which offer treatment or assistance for young people suffering from drug-, alcohol- or tobacco-related problems.

Students possessing, using and/or selling unlawful drugs, including drug paraphernalia, alcohol and tobacco on district property, in district vehicles, at district-sponsored activities on or off district grounds shall be subject to discipline up to and including expulsion. Students may also be referred to law enforcement officials.

The administration will meet with law enforcement officials to discuss:

1. Who the school should call for suspected violations of the law or other needs;
2. How school representatives should handle evidence of a suspected offense (i.e.: school staff should not taste a substance to ascertain whether or not it is a drug). What about fingerprints? Paraphernalia?
3. What questioning procedures may take place on district property;
4. Other needs of the district and law enforcement to avoid conflicts or confusion before a substance-related incident occurs.

In general, drug-related medical emergencies will be handled like a serious accident or illness. Immediate notification of the community emergency care unit is required. Trained staff members will assist the student in any way possible. Parents shall be contacted immediately. A staff member shall be designated to accompany the student to the hospital or emergency medical facility. Procedures to be taken, including those for students participating in district-sponsored activities off district grounds, shall be included in the district's comprehensive first aid/emergency plan.

District staff will actively seek funds from outside sources either independently or through coordinated efforts with other districts, community agencies or the education service district for drug-free schools grants.

Funds needed to support district activities related to unlawful drug, alcohol and tobacco prevention will be identified by source, particularly the 1986 Drug-Free Schools Act, moneys or other grants received from federal, state or local sources.

A planned staff development program that includes current drug, alcohol and tobacco prevention education, an explanation of the district's plan and staff responsibilities within that plan will be developed by the superintendent. The input of staff, parents and the community is encouraged to ensure a staff development program that best meets the needs of district students.

The district will develop a public information plan for students, staff and parents.

The district's Drug, Alcohol and Tobacco Prevention, Health Education policy, related policies, rules and procedures will be reviewed and updated as needed.

END OF POLICY

Legal Reference(s):

[ORS 163.575](#)
[ORS 336.067](#)
[ORS 336.222](#)
[ORS Chapter 475](#)
[ORS 809.260](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)
[OAR 581-022-0413](#)
[OAR 581-022-1210](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. Sections 701-707; 34 CFR Part 85, Subpart F.
Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V; 21 CFR 1308.11-1308.15 (2001).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. Sections 7101-7117.



Code: **IGAEC**
Adopted: 3/9/09

Anabolic Steroids and Performance-Enhancing Substances

The district will not tolerate the possession, selling or use of unlawful drugs or hormonal substances chemically or pharmacologically related to testosterone. In addition, the district will utilize an evidence based instructional grade K-12 program that shall prevent the use of anabolic steroids and performance-enhancing substances. The program will meet additional minimum requirements as defined by law.

Definitions

“Anabolic steroid” includes any drug or hormonal substance chemically or pharmacologically related to testosterone, all prohormones, including dehydroepiandrosterone and all substances listed in the Anabolic Steroid Control Act of 2004. Anabolic steroid does not include estrogens, progestins, corticosteroids and mineralocorticoids.

“Performance-enhancing substance” means a manufactured product or oral ingestion, intranasal application or inhalation containing compounds that contain a stimulant, amino acid, hormone precursor, herb or other botanical or any other substance other than an essential vitamin or mineral; and are intended to increase athletic performance, promote muscle growth, induce weight loss or increase an individual’s endurance or capacity for exercise.

“School district employee” means an administrator, teacher or other person employed by a school district; a person who volunteers for a school district; and a person who is performing services on behalf of a school district pursuant to a contract.

The Board directs the superintendent to ensure that anabolic steroid and performance-enhancing substance abuse by students is addressed and may be a part of the district’s Prevention Program (OAR 581-022-0413).

The district is committed to an aggressive K-12 education program to eliminate abuse of anabolic steroid and performance-enhancing substance by students.

The program shall include training for staff who are athletic directors, and/or coaches, including volunteers, at least once every four years.

Each year students and parents shall receive a code of conduct explaining expected behaviors and related consequences for violations of the conduct code which may include discipline up to and including expulsion. Students violating the code of conduct prohibiting substance abuse, possessing, selling and/or using unlawful drugs or alcohol or other prohibited substances may be subject to an assessment and, if appropriate, referred to law enforcement officials. When considering disciplinary action for a student with disabilities, the district must follow the requirements of Board policy JGDA/JGEA – Discipline of Students with Disabilities, including those involving functional behavioral assessment, change or placement, manifestation determination and an interim alternative educational setting.

END OF POLICY

Legal Reference(s):

ORS 326.051	ORS 342.726
ORS 332.107	OAR 581-022-0413
ORS 342.721	OAR 581-022-0416

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).
34 C.F.R. §§ 300.108.



Code: **IGAI**
Adopted: 10/12/98, 1/11/10
Revised/Readopted: 9/13/04, 6/9/14,
11/12/19

Human Sexuality, AIDS/HIV, Sexually Transmitted Diseases, Health Education

The district shall provide an age appropriate, comprehensive plan of instruction focusing on human sexuality, HIV/AIDS and sexually transmitted infections and disease prevention in elementary and secondary schools as an internal part of health education and other subjects.

Course material and instruction for all human sexuality education courses that discuss human sexuality shall enhance student's understanding of sexuality as a normal and healthy aspect of human development. In addition, the HIV/AIDS and sexually transmitted infections and disease prevention education and the human sexuality education comprehensive plan shall provide adequate instruction at least annually, for all students in grade 6-8 and at least twice during grades 9-12.

Parents, teachers, school administrators, local health department staff, other community representatives and persons from the medical community who are knowledgeable of the latest scientific information and effective education strategies shall develop the plan of instruction and align it with the Oregon Health Education Standards and Benchmarks.

The Board shall approve the plan of instruction and require that it be reviewed and update biennially in accordance with new scientific information and effective educational strategies.

Parents of minor students shall be notified in advance of any human sexuality, or AIDS/HIV district instruction. Any parent may request that his/her child be excused from that portion of the instructional program under the procedures set forth in ORS 336.035 (2).

The comprehensive plan of instruction shall include the following information that:

1. Promotes abstinence for school age youth and mutually monogamous relationships with an uninfected partner for adults;
2. Allays those fears concerning HIV that are scientifically groundless;
3. Is balanced and medically accurate;
4. Provides balanced accurate information and skills-based instruction on risks and benefits of contraceptives, condoms and other disease reduction measures;
5. Discusses responsible sexual behaviors and hygienic practices which may reduce or eliminate unintended pregnancy, exposure to HIV, hepatitis B/C and other sexually transmitted infections and diseases;
6. Stresses the risks of behaviors such as the sharing of needles or syringes for injecting illegal drugs and controlled substances,
7. Discusses-the characteristics of the emotional, physical and psychological aspects of a healthy relationship
8. Discusses the benefits of delaying pregnancy beyond the adolescent years as a means to better ensure a healthy future for parents and their children. The student shall be provided with statistics based on the latest medical information regarding both the health benefits and the possible side effects of all forms of contraceptives including the success and failure rates for prevention of pregnancy, sexually transmitted infections and diseases;
9. Stresses that HIV/STDs and Hepatitis B/C can be serious possible hazards of sexual contact;
10. Provides students with information about Oregon laws that address young people's rights and responsibilities relating to childbearing and parenting;
11. Advises students of consequences of having sexual relations with persons younger than 18 years of age to whom they are not married;
12. Encourages family communication and involvement and helps students learn to make responsible, respectful and healthy decisions;

13. Teaches that no form of sexual expression or behavior is acceptable when it physically or emotionally harms oneself or others and that it is wrong to take advantage of or exploit another person;
14. Teaches that consent is an essential component of healthy sexual behavior. Course material shall promote positive attitudes and behaviors related to healthy relationships and sexuality, and encourage active student bystander behavior;
15. Teaches students how to identify and respond to attitudes and behaviors which contribute to sexual violence;
16. Validates the importance of one's honesty, respect for each person's dignity and well-being, and responsibility for one's actions;
17. Uses inclusive materials, and strategies that recognizes different sexual orientations, gender identities and gender expression;
18. Includes information about relevant community resources, how to access these resources, and the laws that protect the rights of minors to anonymously access these resources and
19. Is culturally inclusive.

The comprehensive plan of instruction shall emphasize skills-based instruction that:

1. Assists students to develop and practice effective communication skills, development of self esteem and ability to resist peer pressure;
2. Provides students with the opportunity to learn about and personalize peer, media , technology and community influences that both positively and negatively impact their attitudes and decisions related to healthy sexuality, relationships and sexual behaviors, including decisions to abstain from sexual intercourse;
3. Enhances students' ability to access valid health information and resources related to their sexual health;
4. Teaches how develop and communicate sexual and reproductive boundaries;
5. Is research based, evidence based, or best practices; and
6. Aligns with the Oregon Health Education Contender Standards and Benchmarks.

All sexuality education programs emphasize that abstinence from sexual intercourse, when practiced consistently and correctly, is the only 100 percent effective method against unintended pregnancy, sexually transmitted HIV and hepatitis B/C infection and other sexually transmitted infections and diseases.

Abstinence is to be stressed, but not to the exclusion of contraceptives and condoms for preventing unintended pregnancy, HIV infection, hepatitis B/C infection, other sexually transmitted infections and diseases, and hepatitis B/C. Such courses are to acknowledge the value of abstinence while not devaluing or ignoring those students who have had or are having sexual relationships. Further, sexuality education materials, including instructional strategies and activities must not, in any way, use shame or fear based tactics.

Materials and information shall be presented in a manner sensitive to the fact that there are students who have experienced, perpetrated, or witnessed sexual abuse and relationship violence.

END OF POLICY

Legal Reference(s):

[ORS 336.035](#)
[ORS 336.107](#)
[ORS 336.455-336.475](#)

[ORS 339.370](#)
[OAR 581-022-070](#)
[OAR 581-022-1440](#)

[OAR 581-022-1910](#)



Code: **IGBA**
Adopted: 3/14/88
Revised/Readopted: 5/9/88, 10/12/99, 11/14/05, 3/10/08,
9/10/12, 9/10/18

Students with Disabilities

The district implements an ongoing system to locate, identify and evaluate all children birth to age 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services. For preschool children the district is responsible for the evaluation(s) used to determine eligibility; the designated referral and evaluation agency, LBL-ESD, is responsible for determining the eligibility of children for EI/ECSE services in accordance with OAR 581-015-2100. The district identifies all children with disabilities, regardless of the severity of their disabilities, including those who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they are advancing from grade to grade;
5. Home schooled;
6. Resident and nonresident students, including residents of other states, attending private (religious or secular) school located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance who are not enrolled in a public or private school program;
9. Above the age of compulsory school attendance who have not graduated from high school with a regular High School diploma and have not completed the school year in which they reach their 21st birthday.

The district determines residency in accordance with ORS Chapter 339 and, for the purposes of public charter school students with disabilities, in accordance with ORS Chapter 338 and ORS Chapter 339. The district enrolls all students who are five on or before September 1 of the current school year. Students with disabilities are eligible to enroll in the district through the school year in which they reach the age of 21 if they have not graduated with a regular diploma.

The district shall annually submit data to the Oregon Department of Education regarding the number of resident students with disabilities who have been identified, located and evaluated are receiving special education and related services. The district conducts an annual count of the total number of private school children attending private schools located within the boundaries of the district, and a count of all children with disabilities attending private schools located within the boundaries of the district, in accordance with OAR 581-015-2465. The district reports any additional data to ODE required by the ODE to meet the requirements of federal or state law and the applicable reporting dates.

END OF POLICY

Legal Reference(s):

ORS 332.075
ORS 338.165
ORS 339.115 to-137
ORS 343.151
ORS 343.157
ORS 343.193
ORS 343.221
ORS 343.517

ORS 343.533
OAR 581-015-2040
OAR 581-015-2045
OAR 581-015-2080
OAR 581-015-2085
OAR 581-015-2190
OAR 581-015-2195
OAR 581-015-2315

OAR 581-015-2480
OAR 581-021-0029
OAR 581-022-1340

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412 (a)(3) (2006).
Early Intervention Program for Infants and Toddlers with Disabilities, 34 C.F.R. Part 303 (2006).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.111(2006).

The comprehensive plan of instruction shall include skill based instruction that:

1. Assists students to develop and practice effective communication skills, development of self esteem and ability to resist peer pressure;
2. Provides students with the opportunity to learn about and personalize peer, media and community influences that both positively and negatively impact their decisions to abstain from sexual intercourse;
3. Enhances students' ability to access valid health information and resources related to their sexual health;
4. Teaches how to decline unwanted sexual advances, or accept the refusal of unwanted sexual advances, through the use of refusal and negotiation skills;
5. Is research based or best practices; and
6. Aligns with the Oregon Health Education Contender Standards and Benchmarks.

All sexuality education programs emphasize that abstinence from sexual intercourse, when practiced consistently and correctly, is the only 100 percent effective method against unintended pregnancy, sexually transmitted HIV and hepatitis B/C infection and other sexually transmitted diseases.

Abstinence is to be stressed, but not to the exclusion of other methods for preventing unintended pregnancy, HIV infection, hepatitis B/C infection and other sexually transmitted diseases. Such courses are to acknowledge the value of abstinence while not devaluing or ignoring those students who have had or are having sexual relationships. Further, sexuality education materials, including instructional strategies, and activities must not, in any way use shame or fear based tactics.

Materials and information shall be presented in a manner sensitive to the fact that there are students who have experienced sexual abuse.

END OF POLICY

Legal Reference(s):

[ORS 336.035](#)
[ORS 336.107](#)
[ORS 336.455-336.475](#)

[ORS 339.370](#)
[OAR 581-022-070](#)
[OAR 581-022-1440](#)

[OAR 581-022-1910](#)



Code: **IGBA-AR**
Adopted: 11/14/05
Revised/Readopted: 3/10/08, 9/10/12

Child Identification Procedures

The District's Child Find Efforts Include:

1. Public awareness. District child find activities involve local media resources and direct contact activities, such as presentations at community meetings, business group meetings, services agencies or advocacy organizations.
 - a. The district provides information about special education services in the district and the district's special education referral process to public and private facilities and public charter schools located in the district, including day care centers, homeless shelters, group homes, county jails, hospitals, medical officer and other facilities that serve children birth to 21 years old.
 - b. The district provides information about special education services and how to make a referral to any migrant education programs operating in the district.
2. Notice of confidentiality. Before any major child find activity, the district publishes notice in newspapers or other media, or both, informing parents that confidentiality requirements apply to these activities. Circulation for this notice must be adequate to inform parents within the district's jurisdiction.
3. Staff awareness. The district ensures that staff are knowledgeable of the characteristics of disabilities and the referral procedures for students, including preschool children, suspected of having disabilities.
4. Communication to parents. District staff shall inform parents about the availability of special education services in the district and provide them with information about initiating referral for special education evaluation, including the information about early intervention/early childhood special education services (EVECSE) and the designated referral and evaluation agencies with which the district collaborates.

Private School Children with Disabilities:

1. The district's child find system applies to children, including those children who are residents of another state, enrolled by their parents in private schools, located within the boundaries of the district.
2. The district's child find activities for private school students enrolled by their parents in private schools are similar to, and completed within a comparable time period, as child find activities for students in district public schools.
3. The district does not include the cost of conducting child find activities for private school students, including individual evaluations, in determining whether it has spent a proportionate share of its federal IDEA funds on parentally-placed school students with disabilities.
4. The district consults with private school representatives and parents of private school students with disabilities about how to carry out these child find activities, including:
 - a. How private school children suspected of having a disability can participate equitably; and
 - b. How parents, teachers and private school officials will be informed of the process.
5. The district child find process for parentally-placed private school students ensures the equitable participation of parentally-placed private school students with disabilities and an accurate count of such children.

Home-Schooled Students with Disabilities

1. The district collaborates with the ESD that serves the district to ensure that the district responds promptly to information about home-schooled students with suspected disabilities.
2. The district collaborates with home schooling organizations in the district's jurisdiction and provides information about special education services in the district and how to make a referral.
3. If the district has reason to suspect that a home schooled student has a disability, the district will obtain parent consent for initial evaluation. See section 8 – *Evaluation and Eligibility*.



Code: **IGBAB/JO**
Adopted: 11/14/05
Revised/Readopted: 12/12/11

Education Records/Records of Students with Disabilities

Education records are those records maintained by the district that are directly related to a student.

The primary reason for the keeping and maintaining of education records for students is to help the individual student in his/her educational development by providing pertinent information for the student, his/her teachers and his/her parents. These records also serve as an important source of information to assist students in seeking productive employment and/or post-high school education.

It is the policy of the district to keep education records for students to conform with state and federal laws and regulations.

Information recorded on official education records should be carefully selected, accurate and verifiable, and should have a direct and significant bearing upon the student's educational development.

The district will develop regulations for the maintenance, access and release of education records as well as for preserving confidentiality and for challenging the content of those records.

The district may impose certain restrictions and/or penalties until fees, fines or damages are paid. Students or parents will receive written notice at least 10 days in advance of any restrictions and/or penalties to be until the debt is paid. The notice will include the reason the student owes money to the district, an itemization of the fees, fines or damages owed and the right of parents to request a hearing. The district may pursue fees, fines or damages through a private collection agency or other method available to the district.

The district may waive fees, fines and charges if the student or parent cannot pay, the payment of the debt could impact the health and safety of the student, the cost of collection would be more than the total collected or there are mitigating circumstances, as determined by the superintendent.

Records requested by another school district to determine a student's appropriate placement may not be withheld.

The district shall give full rights to education records to either parent, unless the district has been provided legal evidence that specifically revokes these rights. However, once the student reaches age 18 those rights transfer to the student.

A copy of this policy and administrative regulations shall be made available upon request by parents and students 18 years or older or emancipated.

END OF POLICY

Legal Reference(s):

[ORS 30.864](#)
[ORS 107.154](#)
[ORS 326.565](#)
[ORS 326.575](#)
[ORS 339.260](#)

[ORS 343.177 \(3\)](#)

[OAR 581-022-1670](#)

[OAR 166-405-0010 to 166-415-0010](#)
[OAR 581-021-0210 to -0440](#)
[OAR 581-022-1660](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2006).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.501 (2006).

Cross Reference(s):

ECAB - Vandalism/Malicious Mischief/Theft
EH - Data Management
JOA - Directory Information
JOB - Personally Identifiable Information



Education Records/Records of Students with Disabilities Management

1. Student Education Record

Student education records are those records that are directly related to a student and maintained by the district, or by a party acting for the district; however, this does not include the following:

- a. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- b. Records of the law enforcement unit of the district subject to the provisions of Oregon Administrative Rule (OAR) 581-021-0225;
- c. Records relating to an individual who is employed by the district that are made and maintained in the normal course of business, that relate exclusively to the individual in that individual's capacity as an employee and that are not available for use for any other purpose. Records relating to an individual in attendance at the district who is employed as a result of his/her status as a student are education records and are not excepted under this section;
- d. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 - (1) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his/her professional capacity or assisting in a paraprofessional capacity;
 - (2) Made, maintained or used only in connection with treatment of the student; and
 - (3) Disclosed only to individuals providing the treatment. For purposes of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the district.
- e. Records that only contain information relating to activities in which an individual engaged after he/she is no longer a student at the district;
- f. Medical or nursing records which are made or maintained separately and solely by a licensed health-care professional who is not employed by the district, and which are not used for education purposes or planning.

The district shall keep and maintain a permanent record on each student which includes the:

- a. Name and address of educational agency or institution;
- b. Full legal name of the student;
- c. Student birth date and place of birth;
- d. Name of parents;
- e. Date of entry in school;
- f. Name of school previously attended;
- g. Courses of study and marks received;
- h. Data documenting a student's progress toward achievement of state standards and must include a student's Oregon State Assessment results;
- i. Credits earned;
- j. Attendance;
- k. Date of withdrawal from school; and
- l. Such additional information as the district may prescribe.

The district may also request the social security number of the student and will include the social security number on the permanent record only if the eligible student or parent complies with the request. The request shall include notification to the eligible student or the student's parent(s) that the provision of the social security number is voluntary and notification of the purpose for which the social security number will be used.

The district shall retain permanent records in a minimum one-hour fire-safe place in the district, or keep a duplicate copy of the permanent records in a safe depository in another district location.

2. Confidentiality of Student Records

- a. The district shall keep confidential any record maintained on a student in accordance with OAR 581-021-0220 through 581-021-0430.
- b. Each district shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.
- c. Each district shall identify one official to assume responsibility for ensuring the confidentiality of any personally identifiable information.

- d. All persons collecting or using personally identifiable information shall receive training or instruction on state policies and procedures.

3. Rights of Parents and Eligible Students

The district shall annually notify parents and eligible students through the district student/parent handbook or any other means that are reasonably likely to inform the parents or eligible students of their rights. This notification shall state that the parent(s) or eligible student has a right to:

- a. Inspect and review the student's education records;
- b. Request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
- c. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the applicable state or federal law authorizes disclosure without consent;
- d. Pursuant to OAR 581-021-0410, file with the Family Policy Compliance Office, United States Department of Education a complaint under 34 C.F.R. § 99.64 concerning alleged failures by the district to comply with the requirements of federal law; and
- e. Obtain a copy of the district policy with regard to student education records.

The notification shall also inform parents or eligible students that the district forwards education records requested under OAR 581-021-0255. The notification shall also indicate where copies of the district policy are located and how copies may be obtained.

If the eligible student or the student's parent(s) has a primary or home language other than English, or has a disability, the district shall provide effective notice.

These rights shall be given to either parent unless the district has been provided with specific written evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights.

When a student becomes an eligible student, which is defined as a student who has reached 18 years of age or is attending only an institution of postsecondary education and is not enrolled in a secondary school, the rights accorded to, and the consent required of, the parents transfer from the parents to the student. Nothing prevents the district from giving students rights in addition to those given to parents.

4. Parent's or Eligible Student's Right to Inspect and Review

The district shall permit an eligible student or student's parent(s) or a representative of a parent or eligible student, if authorized in writing by the eligible student or student's parent(s), to inspect and review the education records of the student, unless the education records of a student contain information on more than one student. In that case the eligible student or student's parent(s) may inspect, review or be informed of only the specific information about the student.

The district shall comply with a request for access to records:

- a. Within a reasonable period of time and without unnecessary delay;
- b. For children with disabilities before any meeting regarding an IEP, or any due process hearing, or any resolution session related to a due process hearing;
- c. In no case more than 45 days after it has received the request.

The district shall respond to reasonable requests for explanations and interpretations of the student's education record.

The parent(s) or eligible student shall comply with the following procedure to inspect and review a student's education record:

- a. Provide a written, dated request to inspect a student's education record; and
- b. State the specific reason for requesting the inspection.

The written request will be permanently added to the student's education record.

The district shall not destroy any education record if there is an outstanding request to inspect and review the education record.

While the district is not required to give an eligible student or student's parent(s) access to treatment records under the definition of "education records" in OAR 581-021-0220(6)(b)(D), the eligible student or student's parent(s) may, at his/her expense, have those records reviewed by a physician or other appropriate professional of his/her choice.

If an eligible student or student's parent(s) so requests, the district shall give the eligible student or student's parent(s) a copy of the student's education record. The district may recover a fee for providing a copy of the record, but only for the actual costs of reproducing the record unless the imposition of a fee effectively prevents a

parent or eligible student from exercising the right to inspect and review the student's educational records. The district may not charge a fee to search for or to retrieve the education records of a student.

The district shall not provide the eligible student or student's parent(s) with a copy of test protocols, test questions and answers and other documents described in Oregon Revised Statutes (ORS) 192.501(4) unless authorized by federal law.

The district will maintain a list of the types and locations of education records maintained by the district and the titles and addresses of officials responsible for the records.

Student's education records will be maintained at the school building at which the student is in attendance except for special education records which may be located at another designated location within the district. The administrator or his/her designee shall be the person responsible for maintaining and releasing the education records.

5. Release of Personally Identifiable Information

Personally identifiable information shall not be released without prior written consent of the eligible student or student's parent(s) except in the following cases:

- a. The disclosure is to other school officials, including teachers, within the district who have a legitimate educational interest.

As used in this section, "legitimate educational interest" means a district official employed by the district as an administrator, supervisor, instructor or staff support member; a person serving on a school board who needs to review an educational record in order to fulfill his or her professional responsibilities, as delineated by their job description, contract or conditions of employment. Contractors, consultants, volunteers or other parties to whom an agency or institution has outsourced institutional services or functions may be considered a school official provided that party performs an institutional service or function for which the district would otherwise use employees, is under the direct control of the district with respect to the use and maintenance of education records, and is subject to district policies concerning the redisclosure of personally identifiable information.

The district shall maintain, for public inspection, a listing of the names and positions of individuals within the district who have access to personally identifiable information with respect to students with disabilities.

- b. The disclosure is to officials of another school within the district;
- c. The disclosure is to authorized representatives of: The U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education or state and local education authorities or the Oregon Secretary of State Audits Division in connection with an audit or evaluation of federal or state supported education programs, or the enforcement of or compliance with federal or state regulations.
- d. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
 - (1) Determine eligibility for the aid;
 - (2) Determine the amount of the aid;
 - (3) Determine the conditions for the aid; or
 - (4) Enforce the terms and condition of the aid.

As used in this section "financial aid" means any payment of funds provided to an individual that is conditioned on the individual's attendance at an educational agency or institution.

- e. The disclosure is to organizations conducting studies for, or on behalf of, the district to:
 - (1) Develop, validate or administer predictive tests;
 - (2) Administer student aid programs; or
 - (3) Improve instruction.

The district may disclose information under this section only if: disclosure is to an official listed in paragraph (c) above and who enters into a written agreement with the district that:

- (1) Specifies the purpose, scope and duration of the study and the information to be disclosed;
- (2) Limits the organization to using the personally identifiable information only for the purpose of the study;
- (3) The study is conducted in a manner that does not permit personal identification of parents or students by individuals other than representatives of the organization; and
- (4) The information is destroyed when no longer needed for the purposes for which the study was conducted.

For purposes of this section, the term "organization" includes, but is not limited to, federal, state and local agencies, and independent organizations.

- f. The district may disclose information under this section only if the disclosure is to an official listed in paragraph (c) above who is conducting an audit related to the enforcement of or compliance with federal or state legal requirements and who enters into a written agreement with the district that:
 - (1) Designates the individual or entity as an authorized representative;
 - (2) Specifies the personally identifiable information being disclosed;
 - (3) Specifies the personally identifiable information being disclosed in the furtherance of an audit, evaluation or enforcement or compliance activity of the federal or state supported education programs;
 - (4) Describes the activity with sufficient specificity to make clear it falls within the audit or evaluation exception; this must include a description of how the personally identifiable information will be used;
 - (5) Requires information to be destroyed when no longer needed for the purpose for which the study was conducted;
 - (6) Identifies the time period in which the personally identifiable information must be destroyed; and
 - (7) Establishes policies and procedures which are consistent with FERPA and other federal and state confidentiality and privacy provisions to insure the protection of the personally identifiable information from further disclosure and unauthorized use.
- g. The disclosure is to accrediting organizations to carry out their accrediting functions;
- h. The disclosure is to comply with a judicial order or lawfully issued subpoena. The district may disclose information under this section only if the district makes a reasonable effort to notify the eligible student or student's parent(s) of the order or subpoena in advance of compliance, unless an order or subpoena of a federal court or agency prohibits notification to the parent(s) or student;
- i. The disclosure is to comply with a judicial order or lawfully issued subpoena when the parent is a party to a court proceeding involving child abuse and neglect or dependency matters;
- j. The disclosure is to the parent(s) of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
- k. The disclosure is in connection with a health or safety emergency. The district shall disclose personally identifiable information from an education record to law enforcement, child protective services and health-care professionals, and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. If the district determines that there is an articulable and significant threat, the district will document the information available at that time of determination and the rationale basis for the determination for the disclosure of the information from the educational records.

In making a determination whether a disclosure may be made under the health or safety emergency, the district may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. As used in this section a "health or safety emergency" includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to applicable state law, or other such reasons that the district may in good faith determine a health or safety emergency.
- l. The disclosure is information the district has designated as "directory information" (See Board policy JOA – Directory Information);
- m. The disclosure is to the parent(s) of a student who is not an eligible student or to an eligible student;
- n. The disclosure is to officials of another school, school system, institution of postsecondary education, an education service district (ESD), state regional program or other educational agency that has requested the records and in which the student seeks or intends to enroll or is enrolled or in which the student receives services. The term "receives services" includes, but is not limited to, an evaluation or reevaluation for purposes of determining whether a student has a disability;
- o. The disclosure is to the Board during an executive session pursuant to ORS 332.061. The district will use reasonable methods to identify and authenticate the identity of the parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from educational records.
- p. The disclosure is to a caseworker or other representative, who has the right to access the student's case plan, of a state or local child welfare agency or tribal organization that are legally responsible

for the care and protection of the student, provided the personally identifiable information will not be disclosed unless allowed by law.

6. Record-Keeping Requirements

The district shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. Exceptions to the record-keeping requirements shall include the parent, eligible student, school official or his/her assistant responsible for custody of the records and parties authorized by state and federal law for auditing purposes. The district shall maintain the record with the education records of the student as long as the records are maintained. For each request or disclosure the record must include:

- a. The party or parties who have requested or received personally identifiable information from the education records; and
- b. The legitimate interests the parties had in requesting or obtaining the information.

The following parties may inspect the record of request for access and disclosure to a student's personally identifiable information:

- a. The parent(s) or eligible student;
- b. The school official or his/her assistants who are responsible for the custody of the records;
- c. Those parties authorized by state or federal law for purposes of auditing the record-keeping procedures of the district.

7. Request for Amendment of Student's Education Record

If an eligible student or student's parent(s) believes the education records relating to the student contain information that is inaccurate, misleading or in violation of the student's rights of privacy or other rights, he/she may ask the building level principal where the record is maintained to amend the record.

The principal shall decide, after consulting with the necessary staff, whether to amend the record as requested within a reasonable time after the request to amend has been made.

The request to amend the student's education record shall become a permanent part of the student's education record.

If the principal decides not to amend the record as requested, the eligible student or the student's parent(s) shall be informed of the decision and of his/her right to appeal the decision by requesting a hearing.

8. Hearing Rights of Parents or Eligible Students

If the building level principal decides not to amend the education record of a student as requested by the eligible student or the student's parent(s), the eligible student or student's parent(s) may request a formal hearing for the purpose of challenging information in the education record as inaccurate, misleading or in violation of the privacy or other rights of the student. The district shall appoint a hearings officer to conduct the formal hearing requested by the eligible student or student's parent. The hearing may be conducted by any individual, including an official of the district, who does not have a direct interest in the outcome of the hearing. The hearings officer will establish a date, time and location for the hearing, and give the student's parent or eligible student notice of date, time and location reasonably in advance of the hearing. The hearing will be held within 10 working days of receiving the written or verbal request for the hearing.

The hearings officer will convene and preside over a hearing panel consisting of:

- a. The principal or his/her designee;
- b. A member chosen by the eligible student or student's parent(s); and
- c. A disinterested, qualified third party appointed by the superintendent.

The parent or eligible student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney. The hearing shall be private. Persons other than the student, parent, witnesses and counsel shall not be admitted. The hearings officer shall preside over the panel. The panel will hear evidence from the school staff and the eligible student or student's parent(s) to determine the point(s) of disagreement concerning the records. Confidential conversations between a licensed employee or district counselor and a student shall not be part of the records hearing procedure. The eligible student or student's parent(s) has the right to insert written comments or explanations into the record regarding the disputed material. Such inserts shall remain in the education record as long as the education record or contested portion is maintained and exists. The panel shall make a determination after hearing the evidence and make its recommendation in writing within 10 working days following the close of the hearing. The panel will make a determination based solely on the evidence presented at the hearing and will include a summary of the evidence and the reason for the decision. The findings of the panel shall be rendered in writing not more than 10 working days following the close of the hearing and submitted to all parties.

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.

9. Duties and Responsibilities When Requesting Education Records

The district shall, within 10 days of a student seeking initial enrollment in or services from the district, notify the public or private school, ESD, institution, agency, or detention facility or youth care center in which the student was formerly enrolled and shall request the student's education records.

10. Duties and Responsibilities When Transferring Education Records

The district shall transfer originals of all requested student education records, including any ESD records, relating to the particular student to the new educational agency when a request to transfer the education records is made to the district. The transfer shall be made no later than 10 days after receipt of the request. For students in substitute care programs, the transfer must take place within five days of a request. Readable copies of the following documents shall be retained:

- a. The student's permanent records, for one year;
- b. Such special education records as are necessary to document compliance with state and federal audits, for five years after the end of the school year in which the original was created. In the case of records documenting speech pathology and physical therapy services, until the student reaches age 21 or 5 years after last seen, whichever is longer.

Note: Education records shall not be withheld for student fees, fines and charges if requested in circumstances described in ORS 326.575 and applicable rules of the State Board of Education or such records are requested for use in the appropriate placement of a student.

Disclosure Statement

Required for use in collecting personally identifiable information related to social security numbers.

On any form that requests the social security number (SSN), the following statement shall appear just above the space for the SSN:

"Providing your social security number (SSN) is voluntary. If you provide it, the district will use your SSN for record-keeping, research, and reporting purposes only. The district will not use your SSN to make any decision directly affecting you or any other person. Your SSN will not be given to the general public. If you choose not to provide your SSN, you will not be denied any rights as a student. Please read the statement on the back of this form that describes how your SSN will be used. Providing your SSN means that you consent to the use of your SSN in the manner described."

On the back of the same form, or attached to it, the following statement shall appear:

"OAR 581-021-0250 (1)(j) authorizes districts to ask you to provide your social security number (SSN). The SSN will be used by the district for reporting, research and record keeping. Your SSN will also be provided to the Oregon Department of Education. The Oregon Department of Education gathers information about students and programs to meet state and federal statistical reporting requirements. It also helps districts and the state research, plan and develop educational programs. This information supports the evaluation of educational programs and student success in the workplace."

The district and Oregon Department of Education may also match your SSN with records from other agencies as follows:

The Oregon Department of Education uses information gathered from the Oregon Employment Division to learn about education, training and job market trends. The information is also used for planning, research and program improvement.

State and private universities, colleges, community colleges and vocational schools use the information to find out how many students go on with their education and their level of success.

Other state agencies use the information to help state and local agencies plan educational and training services to help Oregon citizens get the best jobs available.

Your SSN will be used only for statistical purposes as listed above. State and federal law protects the privacy of your records.



Code: **IGBAC**
Adopted: 11/14/05

Special Education - Personnel

Consistent with Teacher Standards and Practices Commission requirements, district personnel are appropriately and adequately prepared to implement special education and related services and have the content knowledge and skills to serve children with disabilities.

The district takes measurable steps to recruit, hire, train and retrain highly qualified personnel to provide special education and related services to children with disabilities.

The district's plan for providing personnel development programs in the district is found in Board policy GCL/GDL - Staff Development.

END OF POLICY

Legal Reference(s):

Assistance to States for the Education of Children with Disabilities, 34 CFR Sections 300.221 and 300.380 - 300.382 (2000).

Education of the Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400-1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990), as amended P.L. 105-17 (1997), as amended 108-446 (2004). [P.L. 94-142 is a well-known "short" reference to this federal legislation.]



Code: **IGBAE**
Adopted: 11/14/05
Revised/Readopted: 3/10/08

Special Education - Participation in Regular Education Programs

The district ensures that to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are nondisabled.

Special classes, separate schooling or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

END OF POLICY

Legal Reference(s):

[ORS 343.223](#)
[OAR 581-015-2040](#)
[OAR 581-015-2045](#)
[OAR 581-015-2050](#)
[OAR 581-015-2055](#)
[OAR 581-015-2060](#)
[OAR 581-015-2065](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.114-330.118 (2006).



Code: **IGBAE-AR**

Adopted: 11/14/05

Revised/Readopted: 3/10/08

Special Education - Participation in Regular Education Programs **

1. Placement Decisions of the Student

- a. The placement decision for each eligible student is:
 - (1) Made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data and the placement options;
 - (2) Made in conformity with the requirements of least restrictive environment;
 - (3) Determined at least annually, every 365 days;
 - (4) Based on the student's individualized education program (IEP); and
 - (5) As close as possible to the student's home.
- b. The student is educated in the school that he/she would attend if nondisabled unless the services identified in the IEP cannot feasibly be provided in this setting.
- c. The district ensures that:
 - (1) A continuum of placement options is available to meet the needs of students with disabilities for special education and related services and to the extent necessary to implement the individualized education program for each student with a disability;
 - (2) The continuum of placement options includes instruction in regular classes (with special education and related services and/or supplementary aids and services as identified on the IEP), special classes, special schools, home instruction and instruction in hospitals and institutions;
 - (3) Placement options, including instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions are available to the extent necessary to implement the IEP for each student with a disability.
- d. Placement teams, including the parent, select the least restrictive environment for each student, using the following decision-making process:
 - (1) Completion of the IEP, including determining the student's special education and related services, and determining the extent to which these services can be provided to the student in the regular class;
 - (2) If all IEP services cannot be provided in the regular class, identifying those that must be provided outside the regular class; however, the district will not remove a student from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum;
 - (3) For those services that must be provided outside the regular class, identifying where, on the continuum from least to most restrictive, the services can be provided;
 - (4) Placement is in the school the student would attend if not disabled, unless another arrangement is required for implementation of the IEP;
 - (5) In selecting the student's placement, the placement team considers and documents:
 - (a) All placement options considered, including placement options requested by the parent;
 - (b) Potential benefits of placement options that are considered;
 - (c) Any potential harmful effects on the student or on the quality of services that he or she needs; and
 - (d) Modifications and services considered to maintain the student in the least restrictive placement before concluding that a more restrictive setting is necessary.
 - (6) The placement team documents the placement selected, and provides a copy of the determination to the parent;
 - (7) If the selected placement is a change from previous placement, the district provides the parent with prior written notice of the change in placement; and
 - (8) If the parent requests a specific placement that the team rejects, the district provides a prior written notice of refusal.

2. Youth Incarcerated in Adult Correctional Facilities

For students otherwise entitled to FAPE, the placement team may modify the student's placement if the state has demonstrated a bona fide security or compelling penological interest that cannot be otherwise accommodated. The requirements related to least restrictive environments do not apply with respect to these modifications.

3. Nonacademic Settings

- a. The district takes steps, including providing the supplementary aids and services determined appropriate and necessary by the student's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities.
- b. Nonacademic and extracurricular services and activities include all those available to nondisabled students and may include:
 - (1) Counseling services;
 - (2) Athletics;
 - (3) Transportation;
 - (4) Health services;
 - (5) Recreational activities;
 - (6) Special interest groups or clubs;
 - (7) Referrals to agencies that provide assistance to individuals with disabilities; and
 - (8) Employment of students.



Code: **IGBAF**
Adopted: 11/14/05
Revised/Readopted: 9/10/12

Special Education - Individualized Education Program (IEP)**

An individualized education program (IEP) shall be developed and implemented for each student with disabilities in the district, kindergarten through 21, including those who attend a public charter school located in the district, are placed in or referred to a private school or facility by the district or receive related services from the district. The district is responsible for initiating and conducting the meetings to develop, review and revise the IEP of a student with disabilities. The district will ensure that one or both parents are present at each meeting or are afforded the opportunity to participate and are given a copy of the IEP. A meeting to develop an IEP shall be held within 30 calendar days of a determination that the student needs special education and related services, once every 365 days thereafter and when considering a change in the IEP or placement.

If a student is to be placed or referred to a private school or facility or attends a private or parochial school, the district will ensure that a representative of the private school or facility attends the IEP meeting. If the representative of the private school or facility is unable to attend the IEP meeting, the district shall use other methods to ensure participation including but not limited to, individual or conference telephone calls, or individual meetings.

END OF POLICY

Legal Reference(s):

ORS 343.035	OAR 581-015-0005	OAR 581-015-0603
ORS 343.149	OAR 581-015-0064 to -0070	OAR 581-015-0605
ORS 343.151	OAR 581-015-0560	OAR 581-015-0703
ORS 343.155	OAR 581-015-0568	OAR 581-015-0704
		OAR 581-015-0141(4)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.5-300.6, 300.22-300.24, 300.34, 300.43, 300.105-106, 300.112, 300.325, 300.328, 300.501



Code: **IGBAF-AR**

Adopted: 11/14/05

Revised/Readopted: 3/10/08

Special Education - Individualized Education Program (IEP)**

1. General IEP Information
 - a. The district ensures that an IEP is in effect for each eligible student:
 - (1) Before special education and related services are provided to a student;
 - (2) At the beginning of each school year for each student with a disability for whom the district is responsible; and
 - (3) Before the district implements all the special education and related services, including program modifications, supports and/or supplementary aids and services, as identified on the IEP.
 - b. The district uses:
 - (1) The Oregon standard IEP; or
 - (2) An IEP form that has been approved by the Oregon Department of Education.
 - c. The district develops and implements all provisions of the IEP as soon as possible following the IEP meeting.
 - d. The IEP will be accessible to each of the student's regular education teacher(s), the student's special education teacher(s) and the student's related services provider(s) and other service provider(s).
 - e. The district informs all teachers and service providers of their specific responsibilities for implementing the IEP accommodations, modifications and/or supports that must be provided for or on behalf of the student to fully implement the IEP, including any amendments the district and parents agreed to make between annual reviews.
 - f. The district takes steps to ensure that parents are present at each IEP meeting or have the opportunity to participate through other means.
 - g. The district ensures that each teacher and service provider is informed of:
 - (1) Their specific responsibilities for implementing the IEP specific accommodations, modifications and/or supports that must be provided for, or on behalf of the student; and
 - (2) Their responsibility to fully implement the IEP including any amendments the district and parents agreed to make between annual reviews.

The district takes whatever action is necessary to ensure that parents understand the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
 - h. The district provides a copy of the IEP to the parents at no cost.
2. IEP Meetings
 - a. The district conducts IEP meetings within 30 calendar days of the determination that the student is eligible for special education and related services.
 - b. The district convenes IEP meetings for each eligible student periodically, but not less than once per year.
 - c. At IEP meetings, the team reviews and revises the IEP to address any lack of expected progress toward annual goals and in the general curriculum, new evaluation data or new information from the parents, the student's anticipated needs, or the need to address other matters.
 - d. Between annual IEP meetings, the district and the parent may amend or modify the student's current IEP without convening an IEP team meeting using the procedures in the Agreement to Amend or Modify IEP subsection.
 - e. When the parent requests a meeting, the district will either schedule a meeting within a reasonable time or provide timely written prior notice of the district's refusal to hold a meeting.
 - f. If an agency other than the district fails to provide agreed upon transition services contained in the IEP, the district convenes an IEP meeting to plan alternative strategies to meet the transition objectives and, if necessary, to revise the IEP.
3. IEP Team Members
 - a. The district's IEP team members include the following:
 - (1) The student's parents;

- (2) The student, if the purpose of the IEP meeting is to consider the student's postsecondary goals and transition services (beginning for IEPs in effect at age 16), or for younger students, when appropriate;
- (3) At least one of the student's special education teachers or, if appropriate, at least one of the student's special education providers;
- (4) At least one of the student's regular education teachers if the student is or may be participating in the regular education environment. If the student has more than one regular education teacher, the district will determine which teacher or teachers will participate;
- (5) A representative of the district (who may also be another member of the team) who is qualified to provide or supervise the provision of special education and is knowledgeable about district resources. The representative of the district will have the authority to commit district resources, and be able to ensure that all services identified in the IEP can be delivered;
- (6) An individual, who may also be another member of the team, who can interpret the instructional implications of the evaluation results; and
- (7) At the discretion of the parent or district, other persons who have knowledge or special expertise regarding the student.

b. Student participation:

- (1) Whenever appropriate, the student with a disability is a member of the team.
- (2) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, the district includes the student in the IEP team meeting.
- (3) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, and the student does not attend the meeting, the district will take other steps to consider the student's preferences and interests in developing the IEP.

c. Participation by other agencies:

- (1) With parent or adult student written consent, and where appropriate, the district invites a representative of any other agency that is likely to be responsible for providing or paying for transition services if the purpose of the IEP meeting includes the consideration of transition services (beginning at age 16, or younger if appropriate); and
- (2) If the district refers or places a student in an ESD, state operated program, private school or other educational program, IEP team membership includes a representative from the appropriate agencies. Participation may consist of attending the meeting, conference call or participating through other means.

4. Agreement for Nonattendance and Excusal

- a. The district and the parent may consent to excuse an IEP team member from attending an IEP meeting, in whole or in part, when the meeting involves a discussion or modification of team member's area of curriculum or service. The district designates specific individuals to authorize excusal of IEP team members.
- b. If excusing an IEP team member whose area is to be discussed at an IEP meeting, the district ensures:
 - (1) The parent and the district consent in writing to the excusal;
 - (2) The team member submits written input to the parents and other members of the IEP team before the meeting; and
 - (3) The parent is informed of all information related to the excusal in the parent's native language or other mode of communication according to consent requirements.

5. IEP Content

- a. In developing the IEP, the district considers the student's strengths, the parent's concerns, the results of the initial or most recent evaluation, and the academic, developmental and functional needs of the student.
- b. The district ensures that IEPs for each eligible student includes:
 - (1) A statement of the student's present levels of academic achievement and functional performance that:
 - (a) Includes a description of how the disability affects the progress and involvement in the general education curriculum;

- (b) Describes the results of any evaluations conducted, including functional and developmental information;
 - (c) Is written in language that is understood by all IEP team members, including parents;
 - (d) Is clearly linked to each annual goal statement;
 - (e) Includes a description of benchmarks or short term objectives for children with disabilities who take alternative assessments aligned to alternate achievement standards.
- (2) A statement of measurable annual goals, including academic and functional goals, or for students whose performance is measured by alternate assessments aligned to alternate achievement standard, statements of measurable goals and short term objectives. The goals and, if appropriate, objectives:
 - (a) Meet the student's needs that are present because of the disability, or because of behavior that interferes with the student's ability to learn, or impedes the learning of other students.
 - (b) Enable the student to be involved in and progress in the general curriculum, as appropriate; and
 - (c) Clearly describe the anticipated outcomes, including intermediate steps, if appropriate, that serve as a measure of progress toward the goal.
- (3) A statement of the special education services, related services, supplementary aids and services that the district provides to the student:
 - (a) The district bases special education and related services, modifications and supports on peer-reviewed research to the extent practicable to assist students in advancing toward goals, progressing in the general curriculum and participating with other students (including those without disabilities), in academic, nonacademic and extracurricular activities.
 - (b) Each statement of special education services, related or supplementary services, aids, modifications or supports includes a description of the inclusive dates, amount or frequency, location and who is responsible for implementation.
- (4) A statement of the extent, if any, to which the student will not participate with nondisabled students in regular academic, nonacademic and extracurricular activities.
- (5) A statement of any individual modifications and accommodations in the administration of state or district wide assessments of student achievement.
 - (a) A student will not be exempt from participation in state or district wide assessment because of a disability unless the parent requests an exemption;
 - (b) If the IEP team determines that the student will take an alternate assessment in any area instead of a regular state or district wide assessment, a statement of why the student cannot participate in the regular assessment and why the alternate assessment selected is appropriate for the student.
- (6) A statement describing how the district will measure student's progress toward completion of the annual goals and when periodic reports on the student's progress toward the annual goals will be provided.

6. Agreement to Amend or Modify IEP

Between annual IEP meetings, the district and the parent may agree to make changes in the student's current IEP without holding an IEP meeting. These changes require a signed, written agreement between the district and the parent.

- a. The district and the parent record any amendments, revisions or modifications on the student's current IEP. If additional IEP pages are required these pages must be attached to the existing IEP.
- b. The district files a complete copy of the IEP with the student's education records and informs the student's IEP team and any teachers or service providers of the changes.
- c. The district provides the parent prior written notice of any changes in the IEP and upon request, provides the parent with a reserved copy of the IEP with the changes incorporated.

7. IEP Team Considerations and Special Factors

- a. In developing, reviewing and revising the IEP, the IEP team considers:
 - (1) The strengths of the student and concerns of the parent for enhancing the education of the student;
 - (2) The results of the initial or most recent evaluation of the student;

- (3) As appropriate, the results of the student's performance on any general state or districtwide assessments;
 - (4) The academic, developmental, and functional needs of the child.
 - b. In developing, reviewing and revising the student's IEP, the IEP team considers the following special factors:
 - (1) The communication needs of the student; and
 - (2) The need for assistive technology services and/or devices.
 - c. As appropriate, the IEP team also considers the following special factors:
 - (1) For a student whose behavior impedes his or her learning or that of others, strategies, positive behavioral intervention and supports to address that behavior;
 - (2) For a student with limited English proficiency, the language needs of the student as those needs relate to the IEP;
 - (3) For a student who is blind or visually impaired, instruction in Braille and the use of Braille unless the IEP team determines (after an evaluation of reading and writing skills, needs and media, including evaluation of future needs for instruction in Braille or the use of Braille, appropriate reading and writing), that instruction in Braille or the use of Braille is not appropriate; and
 - (4) For a student who is deaf or hard of hearing, the student's language and communication needs, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the student's language and communication mode.
 - (5) A statement of any device or service needed for the student to receive a Free Appropriate Public Education.
 - d. In addition to the above IEP contents, the IEP for each eligible student of transition age includes:
 - (1) Beginning not later than the IEP in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP must include:
 - (a) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training education, employment, and where appropriate, independent living skills; and
 - (b) The transition services (including courses of study) needed to assist the student in reaching those goals.
 - (2) At least one year before a student reaches the age of majority (student reaches the age of 18, or has married or been emancipated, whichever occurs first), a statement that the district has informed the student that all procedural rights will transfer at the age of majority; and
 - (3) If identified transition service providers, other than the district, fail to provide any of the services identified on the IEP, the district will initiate an IEP meeting as soon as possible to address alternative strategies and revise the IEP if necessary.
- 8. Incarcerated Youth
 - a. For students with disabilities who are convicted as adults, incarcerated in adult correctional facilities and otherwise entitled to FAPE, the following IEP requirements do not apply:
 - (1) Participation of students with disabilities in state and districtwide assessment; and
 - (2) Transition planning and transition services, for students whose eligibility will end because of their age before they will be eligible to be released from an adult correctional facility based on consideration of their sentence and eligibility for early release.
 - b. The IEP team may modify the student's IEP, if the state has demonstrated a bona fide security or other compelling interest that cannot be otherwise accommodated.
- 9. Extended School Year Services
 - a. The district makes extended school year (ESY) services available to all students for whom the IEP team has determined that such services are necessary to provide a free appropriate public education (FAPE) and.
 - b. ESY services are:
 - (1) Provided to a student with a disability in addition to the services provided during the typical school year;

- (2) Identified in the student's IEP; and
 - (3) Provided at no cost to the parent.
 - c. The district does not limit consideration of ESY services to particular categories of disability or unilaterally limit the type, amount or duration of service.
 - d. The district provides ESY services to maintain the student's skills or behavior, but not to teach new skills or behaviors.
 - e. The district's criteria for determining the need for extended school year services include:
 - (1) Regression (a significant loss of skills or behaviors) and recoupment time based on documented evidence; or
 - (2) If no documented evidence, on predictions according to the professional judgment of the team.
 - f. "Regression" means significant loss of skills or behaviors in any area specified on the IEP as a result of an interruption in education services.
 - g. "Recoupment" means the recovery of skills or behaviors specified on the IEP to a level demonstrated before the interruption of education services.
9. Assistive Technology
- a. The district ensures that assistive technology devices or assistive technology services, or both, are made available if they are identified as part of the student's IEP. These services and/or devices may be part of the student's special education, related services or supplementary aids and services.
 - b. On a case-by-case basis, the district permits the use of district-purchased assistive technology devices in the student's home or in other settings if the student's IEP team determines that the student needs access to those devices to receive a free appropriate public education. In these situations, district policy will govern liability and transfer of the device when the student ceases to attend the district.
10. Transfer Students
- a. In state:

If a student with a disability (who had an IEP that was in effect in a previous district in Oregon) transfers into the district and enrolls in a district school within the same school year, the district (in consultation with the student's parents) provides a free appropriate public education to the student (including services comparable to those described in the student's IEP from the previous district), until the district either:

 - (1) Adopts the student's IEP from the previous district; or
 - (2) Develops, adopts and implements a new IEP for the student in accordance with all of the IEP provisions.
 - b. Out of state:

If a student transfers into the district with a current IEP from a district in another state, the district, in consultation with the student's parents, will provide a free appropriate public education to the student, including services comparable to those described in the student's IEP from the previous district, until the new district:

 - (1) Conducts an initial evaluation (if determined necessary by the new district to determine Oregon eligibility) with parent consent and determines whether the student meets eligibility criteria described in Oregon Administrative Rules.
 - (2) If the student is eligible under Oregon criteria, the district develops, adopts and implements a new IEP for the student using the Oregon Standard IEP or an approved alternate IEP.
 - (3) If the student does not meet Oregon eligibility criteria, the district provides prior written notice to the parents explaining that the student does not meet Oregon eligibility criteria and specifying the date when special education services will be terminated.



Special Education - Procedural Safeguards**

Procedural Safeguards – General

A district ensures that students with disabilities and their families are afforded their procedural safeguards related to:

1. Access to students' educational records;
2. Parent and adult student participation in special education decisions;
3. Transfer of rights to students who have reached the age of majority;
4. Prior written notice of proposed district actions;
5. Consent for evaluation and for initial placement in special education¹;
6. Independent educational evaluation;
7. Dispute resolution through mediation, state complaint investigation, resolution sessions and due process hearings;
8. Discipline procedures and protections for students with disabilities, including placements related to discipline;
9. Placement of students during the pendency of due process hearings;
10. Placement of students by their parents in private schools;
11. Civil actions; and
12. Attorney's fees.

Procedural Safeguards Notice

13. The district provides to parents a copy of the Procedural Safeguards Notice, published by the Oregon Department of Education, at least once per year and upon initial referral or parent request for special education evaluation and when the parent requests a copy. The district also gives a copy to the student at least a year before the student's 18th birthday or upon learning that the student is considered emancipated.
14. The district provides the Procedural Safeguards Notice in the parent's native language or other mode of communication unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that the notice is translated orally or by other means understandable to the parent and that the parent understands the content of the notice. The district maintains written evidence that it meets these requirements.

Parent or Adult Student Meeting Participation

15. The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the student, and the provision of a free appropriate public education to the student.
16. The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - a. States the purpose, time and place of the meeting and who is invited to attend;
 - b. Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - c. Advises that the team may proceed with the meeting even if the parents are not in attendance;
 - d. Advises the parents or adult students who to contact before the meeting to provide information if they are unable to attend; and
 - e. Indicates if one of the meeting's purposes is to consider transition services or transition services needs. If so:

¹If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district: 1) may not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services; 2) may not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child; 3) the district will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and 4) the district is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education or related services.

- (1) Indicates that the student will be invited; and
 - (2) If considering transition services, identifies any agencies invited to send a representative (with parent or adult student consent).
17. The district takes steps to ensure that one or both parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - b. Scheduling the meeting at a mutually agreed upon time and place.
18. If neither parent can attend, the district will use other methods to ensure an opportunity to participate, including, but not limited to, individual or conference phone calls or home visits.
19. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)
[ORS 343.165](#)
[ORS 343.177](#)
[ORS 343.181](#)

[OAR 581-015-2000](#)
[OAR 581-015-2030](#)
[OAR 581-015-2090](#)
[OAR 581-015-2095](#)
[OAR 581-015-2190](#)
[OAR 581-015-2195](#)
[OAR 581-015-2305](#)
[OAR 581-015-2310](#)
[OAR 581-015-2325](#)
[OAR 581-015-2330](#)
[OAR 581-015-2345](#)
[OAR 581-015-2360](#)
[OAR 581-015-2385](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.500 - 300.505, 300.515, 300.517 (2006).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300 (2008).



Special Education - Procedural Safeguards**

1. Procedural Safeguards
 - a. The district provides procedural safeguards to:
 - (1) Parents, guardians (unless the guardian is a state agency) or persons in parental relationship to the student;
 - (2) Surrogate parents; and
 - (3) Students who have reached the age of 18, the age of majority, or are considered emancipated under Oregon law and to whom rights have transferred by statute, identified as adult students (called “eligible students”).
 - b. The district gives parents a copy of the *Notice of Procedural Safeguards*, published by the Oregon Department of Education (ODE):
 - (1) At least once a year; and
 - (2) At the first referral or parental request for evaluation to determine eligibility for special education services;
 - (3) When the parent (or adult student) requests a copy;
 - (4) To the parent and the student one year before the student’s 18th birthday or upon learning that the student is considered emancipated.
 - c. The *Notice of Procedural Safeguards* is:
 - (1) Provided written in the native language or other communication of the parents (unless it is clearly not feasible to do so) and in language clearly understandable to the public.
 - (2) If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in his/her native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the district has met these requirements.
2. Content of Procedural Safeguards Notice
The procedural safeguards notice includes all of the content provided in the *Notice of Procedural Safeguards* published by the Oregon Department of Education.
3. Parent or Adult Student Meeting Participation
 - a. The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the student, and the provision of a free appropriate public education to the student.
 - b. The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - (1) States the purpose, time and place of the meeting and who is invited to attend;
 - (2) Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - (3) Advises the parents or adult student that the team may proceed with the meeting even if they are not in attendance;
 - (4) Advises the parent or adult students who to contact before the meeting to provide information if they are unable to attend; and
 - (5) Indicates if one of the meeting’s purposes is to consider transition services or transition service needs. If so:
 - (a) Indicates that the student will be invited; and
 - (b) Identifies any agencies invited to send a representative.
 - c. The district takes steps to ensure that one or both of the parents of a student with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - (2) Scheduling the meeting at a mutually agreed on time and place.
 - d. If neither parent can participate, the district will use other methods to ensure participation, including, but not limited to, individual or conference phone calls or home visits.
 - e. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.

- f. The district may conduct an IEP or placement meeting without the parent or adult student if the district is unable to convince the parents or adult students that they should participate. Attempts to convince the parent to participate will be considered sufficient if the district:
 - (1) Communicates directly with the parent or adult student and arranges a mutually agreeable time and place and sends written notice to confirm the arrangement; or
 - (2) Proposes a time and place in the written notice stating that a different time and place might be requested and confirms that the notice was received.
 - g. If the district proceeds with an IEP meeting without a parent or adult student, the district must have a record of its attempts to arrange a mutually agreed upon time and place such as:
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;
 - (2) Copies of correspondence sent to the parents and any responses received; and
 - (3) Detailed records of visits made to the parents' home or place of employment and the results of those visits.
 - h. The district takes whatever action is necessary to ensure that the parent or adult student understands the proceedings at a meeting, including arranging for an interpreter for parents or adult students who are deaf or whose native language is other than English.
 - i. After the transfer of rights to an adult student at the age of majority, the district provides written notice of meetings to the adult student and parent, if the parent can be reasonably located. After the transfer of rights to an adult student at the age of majority, a parent receiving notice of an IEP meeting is not entitled to attend the meeting unless invited by the adult student or the district.
 - j. An IEP meeting does not include:
 - (1) Informal or unscheduled conversations involving district personnel;
 - (2) Conversations on issues such as teaching methodology, lesson plans or coordination of service provision if those issues are not addressed in the student's IEP; or
 - (3) Preparatory activities that district or public personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.
4. Surrogate Parents
- a. The district protects the rights of a student with a disability, or suspected of having a disability, by appointing a surrogate parent when:
 - (1) The parent cannot be identified or located after reasonable efforts;
 - (2) The student is a ward of the state or an unaccompanied homeless youth and there is reasonable cause to believe that the student has a disability, and there is no foster parent or other person available who can act as the parent of the student; or
 - (3) The parent or adult student requests the appointment of a surrogate parent.
 - b. The district secures nominations of persons to serve as surrogates. The district appoints surrogates within 30 days of a determination that the student needs a surrogate, unless a surrogate has already been appointed by juvenile court.
 - c. The district will only appoint a surrogate who:
 - (1) Is not an employee of the district or the Oregon Department of Education;
 - (2) Is not an employee of any other agency involved in the education or care of the student;
 - (3) Is free of any personal or professional interest that would interfere with representing the student's special education interests; and
 - (4) Has the necessary knowledge and skills that ensure adequate representation of the student in special education decisions. The district will provide training, as necessary, to ensure that surrogate parents have the requisite knowledge.
 - d. The district provides all special education rights and procedural safeguards to appointed surrogate parents.
 - e. A surrogate will not be considered an employee of the district solely on the basis that the surrogate is compensated from public funds.
 - f. The duties of the surrogate parent are to:
 - (1) Protect the special education rights of the student;
 - (2) Be acquainted with the student's disability and the student's special education needs;
 - (3) Represent the student in all matters relating to the identification, evaluation, IEP and educational placement of the student; and
 - (4) Represent the student in all matters relating to the provision of a free appropriate public education to the student.
 - g. A parent may give written consent for a surrogate to be appointed.
 - (1) When a parent requests that a surrogate be appointed, the parent shall retain all parental rights to receive notice and all of the information provided to the surrogate. When the district appoints a surrogate at parent request, the district will continue to provide to the parent a copy of all notices and other information provided to the surrogate.

- (2) The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the parent unless and until the parent revokes consent for the surrogate's appointment.
 - (3) If a parent gives written consent for a surrogate to be appointed, the parent may revoke consent at any time by providing a written request to revoke the surrogate's appointment;
 - h. An adult student to whom rights have transferred at age of majority may give written consent for a surrogate to be appointed. When an adult student requests that a surrogate be appointed, the student shall retain all rights to receive notice and all of the information provided to the surrogate. The surrogate, alone, shall be responsible for all matters relating to the special education of the student. The district will treat the surrogate as the adult student unless and until the adult student revokes consent for the surrogate's appointment. If an adult student gives written consent for a surrogate to be appointed, the adult student may revoke consent at any time by providing a written request to revoke the surrogate's appointment.
 - i. The district may change or terminate the appointment of a surrogate when:
 - (1) The person appointed as surrogate is no longer willing to serve;
 - (2) Rights transfer to the adult student or the student graduates with a regular diploma;
 - (3) The student is no longer eligible for special education services;
 - (4) The legal guardianship of the student is transferred to a person who is able to carry out the role of the parent;
 - (5) A foster parent or other person is identified who can carry out the role of parent;
 - (6) The parent, who previously could not be identified or located, is now identified or located;
 - (7) The appointed surrogate is no longer eligible;
 - (8) The student moves to another district; or
 - (9) The student is no longer a ward of the state or unaccompanied homeless youth.
 - j. The district will not appoint a surrogate solely because the parent or student to whom rights have transferred is uncooperative or unresponsive to the special education needs of the student.
- 5. Transfer of Rights at Age of Majority
 - a. When a student with a disability reaches the age of majority, marries or is emancipated, rights previously accorded to the student's parents under the special education laws, transfer to the student. A student for whom rights have transferred is considered an "adult student" under OAR 581-015-2000(1).
 - b. The district provides notice to the student and the parent that rights (accorded by statute) will transfer at the age of majority. This notice is provided at an IEP meeting and documented on the IEP:
 - (1) At least one year before the student's 18th birthday;
 - (2) More than one year before the student's 18th birthday, if the student's IEP team determines that earlier notice will aid transition; or
 - (3) Upon actual knowledge that within a year the student will likely marry or become emancipated before age 18.
 - c. The district provides written notice to the student and to the parent at the time of the transfer.
 - d. These requirements apply to all students, including students who are incarcerated in a state or local adult or juvenile correctional facility or jail.
 - e. After transfer of rights to the student, the district provides any written prior notices and written notices of meetings required by the special education laws to the adult student and to the parent if the parent can be reasonably located.
 - f. After rights have transferred to the student, receipt of notice of an IEP meeting does not entitle the parent to attend the meeting unless invited by the student or the district.
- 6. Prior Written Notice
 - a. The district provides prior written notice to the parent of a student, or student, within a reasonable period of time before the district:
 - (1) Proposes to initiate or change the identification, evaluation or educational placement of the student, or the provision of a FAPE to the child; or
 - (2) Refuses to initiate or change the identification, evaluation or educational placement of the student, or the provision of a FAPE to the child.
 - b. The content of the prior written notice will include:
 - (1) A description of the action proposed or refused by the district;
 - (2) An explanation of why the district proposed or refused to take the action;
 - (3) A description of each evaluation procedure, test, assessment, record or report used as a basis for the proposal or refusal;
 - (4) A statement that the parents of a student with a disability have procedural safeguards and, if this notice is not an initial referral for evaluation, how a copy of the *Procedural Safeguards Notice* may be obtained;

- (5) Sources for parents to contact to obtain assistance in understanding their procedural safeguards;
- (6) A description of other options the IEP team considered and the reasons why those options were rejected; and
- (7) A description of other factors that are relevant to the agency's proposal or refusal.
- c. The prior written notice is:
 - (1) Written in language understandable to the general public; and
 - (2) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so;
 - (3) If the native language or other mode of communication of the parent is not a written language, the district shall take steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the requirements of this rule have been met.
- 7. Consent¹ – Initial Evaluation
 - a. The district provides notice and obtains informed written consent from the parent or adult student before conducting an initial evaluation to determine whether a student has a disability (as defined by Oregon law) and needs special education. Consent for initial evaluation is not consent for the district to provide special education and related services.
 - b. The district makes reasonable efforts to obtain informed consent from a parent for an initial evaluation to determine a child's eligibility for special education services. If a parent does not provide consent for an initial evaluation or does not respond to a request for consent for an initial evaluation, the district may, but is not required to, pursue the initial evaluation of the child through mediation or due process hearing procedures. The district does not violate its child find obligations if it declines to pursue the evaluation using these procedures.
- 8. Consent – Initial Provision of Special Education Services
 - a. The district provides notice and obtains informed written consent from the parent or adult student before the initial provision of special education and related services to the student.
 - b. The district makes reasonable efforts to obtain informed consent, but if a parent or adult student does not respond or refuses consent for initial provision of special education and related services, the district does not convene an IEP meeting, develop an IEP or seek to provide special education and related services through mediation or due process hearing procedures. The district will not be considered to be in violation of the requirement to make FAPE available to the student under these circumstances. The district stands ready to serve the student if the parent or adult student later consents.
- 9. Consent – Re-evaluation
 - a. The district obtains informed parent consent before conducting any re-evaluation of a child with a disability, except:
 - (1) The district does not need written consent for a re-evaluation if the parent does not respond after reasonable efforts to obtain informed consent. However, the district does not conduct individual intelligence tests or tests of personality without consent.
 - (2) If a parent refuses to consent to the re-evaluation, the district may, but is not required to, pursue the re-evaluation by using mediation or due process hearing procedures.
 - b. A parent or adult student may revoke consent at any time before the completion of the activity for which they have given consent. If a parent or adult student revokes consent, that revocation is not retroactive.
- 10. Consent – Other Requirements
 - a. The district documents its reasonable efforts to obtain parent consent, such as phone calls, letters and meeting notes.
 - b. If a parent of a student who is home schooled or enrolled by the parents in a private school does not provide consent for the initial evaluation or the re-evaluation, or if the parent does not respond to a request for consent, the district:
 - (1) Does not use mediation or due process hearing procedures to seek consent; and
 - (2) Does not consider the child as eligible for special education services.

¹“Consent” means that the parent or adult student: a) has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought; and b) understands and agrees in writing to the carrying out of the activity for which his/her consent is sought. Consent is voluntary of the part of the parent and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and Family Education Rights and Privacy Act (FERPA).

- c. If a parent or adult student refuses consent for one service or activity, the district does not use this refusal to deny the parent or child any other service, benefit or activity, except as specified by these rules and procedures.
 - d. If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district:
 - (1) May not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services;
 - (2) May not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child;
 - (3) The district will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
 - (4) The district is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education or related services.
11. Exceptions to Consent
- a. The district does not need written parent or adult student consent before:
 - (1) Reviewing existing data as part of an evaluation or re-evaluation;
 - (2) Administering a test or other evaluation administered to all students without consent unless, before administration of that test or evaluation, consent is required of parents of all students;
 - (3) Conducting evaluations, tests, procedures or instruments that are identified on the student's individualized education program (IEP) as a measure for determining progress; or
 - (4) Conducting a screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.
 - b. The district does not need written parent consent to conduct an initial special education evaluation of a student who is a ward of the state and not living with the parent if:
 - (1) Despite reasonable efforts to do so, the district has not been able to find the parent;
 - (2) The parent's rights have been terminated in accordance with state law; or
 - (3) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
 - c. The district does not need written parental consent if an administrative law judge (ALJ) determines that the evaluation or re-evaluation is necessary to ensure that the student is provided with a free appropriate public education.
12. Independent Educational Evaluations (IEE)
- a. A parent of a student with a disability has a right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the district.
 - b. If a parent requests an independent educational evaluation at public expense, the district provides information to parents about where an independent educational evaluation may be obtained, and the district criteria applicable for independent educational evaluations.
 - c. If a parent requests an independent educational evaluation at public expense, the district, without unnecessary delay, either:
 - (1) Initiates a due process hearing to show that its evaluation is appropriate; or
 - (2) Ensures that an independent educational evaluation is provided at public expense unless the district demonstrates in a hearing that the evaluation obtained by the parent did not meet district criteria.
 - d. The district criteria for independent educational evaluations are the same as for district evaluations including, but not limited to, location, examiner qualifications and cost.
 - (1) Criteria established by the district do not preclude the parent's access to an independent educational evaluation.
 - (2) The district provides the parents the opportunity to demonstrate the unique circumstances justifying an IEE that does not meet the district's criteria.
 - (3) A parent may be limited to one independent educational evaluation at public expense each time the district conducts an evaluation with which the parent disagrees.
 - e. If a parent requests an independent educational evaluation, the district may ask why the parent disagrees with the public evaluation. The parent may, but is not required to provide an explanation. The district may not:
 - (1) Unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation;
 - (2) Except for the criteria listed above in c., impose conditions or timelines related to obtaining an IEE at public expense.

- f. The district considers an independent educational evaluation submitted by the parent, in any decision made with respect to the provision of a free appropriate public education to the student, if the submitted independent evaluation meets district criteria.
13. Dispute Resolution – Mediation
- a. The district or parent may request mediation from ODE for any special education matter, including before the filing of a complaint or due process hearing request.
 - b. The district acknowledges that:
 - (1) Mediation must be voluntary on the part of the parties, must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and may not be used to deny or delay a parent's right to a due process hearing or filing a complaint.
 - (2) Each mediation session must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.
 - (3) An agreement reached by the parties to the dispute in the mediation process must be set forth in a legally binding written mediation agreement that:
 - (a) States the terms of the agreement;
 - (b) States that all discussions that occurred during the mediation process remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
 - (c) Is signed by the parent and a representative of the district who has the authority to bind the district to the mediation agreement.
 - (4) Mediation communication is not confidential if it relates to child or elder abuse and is made to a person who is required to report abuse, or threats of physical harm, or professional conduct affecting licensure.
 - (5) The mediation agreement is enforceable in any state court of competent jurisdiction or in a district court of the United States.
14. Dispute Resolution – Complaint Investigation
- a. Any organization or person may file a signed, written complaint with the State Superintendent of Public Instruction alleging that a district or ESD is violating or has violated the Individuals with Disabilities Education Act or associated regulations within one year before the date of the complaint. Upon receiving a parent complaint, the Oregon Department of Education (ODE) forwards the complaint to the district or ESD along with a request for a district response to the allegations in the complaint.
 - b. Upon receiving a request for response from ODE, the district responds to the allegations and furnishes any requested information or documents within 10 business days.
 - c. The district sends a copy of the response to the complainant. If ODE decides to conduct an on-site investigation, district personnel participate in interviews and provide additional documents as needed.
 - d. The district and the complainant may attempt to resolve a disagreement that led to a complaint through mediation. If they decide against mediation, or if mediation fails to produce an agreement, ODE will pursue the complaint investigation.
 - e. If ODE substantiates some or all of the allegations in a complaint, it will order corrective action. The district satisfies its corrective action obligations in a timely manner.
 - f. If the district disagrees with the findings and conclusions in a complaint final order, it may seek reconsideration by ODE or judicial review in county circuit court.
15. Due Process Hearing Requests
- a. The district acknowledges that parents may request a due process hearing if they disagree with a district proposal or refusal relating to the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
 - b. The district may request a due process hearing regarding the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
 - c. When requesting a due process hearing, the district or the attorney representing the district provides notice to the parent and to ODE.
 - d. The party, including the district, that did not file the hearing request must, within 10 days of receiving the request for a hearing, send to the other party a response that specifically addresses the issues raised in the hearing request.
 - e. If the parent had not yet received prior written notice of the district's proposal or refusal, the district, within 10 days of receiving the hearing request for a due process hearing, sends to the parent a response that includes:
 - (1) An explanation of why the district proposed or refused to take the action raised in the hearing request;
 - (2) A description of other options that the district considered and the reasons why those options were rejected;
 - (3) A description of each evaluation procedure, assessment, record or report the district used as the basis for the proposed or refused action; and

- (4) A description of the factors relevant to the district's proposal or refusal.
16. Resolution Session
- a. Within 15 days of receiving a due process hearing request, the district will hold a resolution session with the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request.
 - b. This meeting will include a representative of the district who has decision-making authority for the district.
 - (1) The district will not include an attorney unless the parent brings an attorney.
 - (2) The district will provide the parent with an opportunity for the parent to discuss the hearing request and related facts so that the district has an opportunity to resolve the dispute.
 - (3) The district and parent may agree in writing to waive the resolution meeting. If so, the 45 day hearing timeline will begin the next business day, unless the district and parent agree to try mediation in lieu of the resolution session.
17. Time Limitations and Exception
- a. A parent must request a due process hearing within two years after the date of the district act or omission that gives rise to the parent's hearing request.
 - b. This timeline does not apply to a parent if the district withheld relevant information from the parent or incorrectly informed the parent that it had resolved the problem that led the parent's hearing request.
18. Hearing Costs
- a. The district reimburses the Oregon Department of Education (ODE) for costs related to conducting the hearing, including pre-hearing conferences, scheduling arrangement and other related matters.
 - b. The district provides the parent with a written or, at the option of the parent, an electronic verbatim recording of the hearing, within a reasonable time of the close of the hearing
 - c. The district does not use IDEA funds to pay attorney's fees or other hearing costs.
19. Discipline and Placement in Interim Alternative Setting

See Board policy JGDA/JGEA - Discipline of Students with Disabilities.



Code: **IGBAH**
Adopted: 11/14/05
Revised/Readopted: 3/10/08, 9/14/09, 9/10/12
9/10/18

Special Education - Evaluation Procedures

Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.

A full and individual evaluation of a student's educational needs that meets the criteria established in the Oregon Administrative Rules will be conducted before determining eligibility and before the initial provision of special education and related services to a student with a disability. The district implements an ongoing system to locate, identify and evaluate all children birth to 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services.

The district identifies all children with disabilities, regardless of the severity of their disabilities, including children who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the state;
3. Indian preschool children living on reservations;
4. Suspected of having a disability even though they are advance from grade to grade;
5. Home schooled;
6. Attending private (religious or secular) school located within the boundaries of the district;
7. Attending a public charter school located in the district;
8. Below the age of compulsory school attendance who are not enrolled in a public or private school program; ~~or~~ and
9. Above the age of compulsory school attendance who have not graduated from high school with a regular high school diploma and have not completed the school year in which they reach their 21st birthday.

The district is responsible for evaluating and determining eligibility for special education services for school-age children. The district is responsible for evaluating children who may be eligible for Early Intervention/Early Childhood Special Education (EI/ECSE) services. The district's designated referral and evaluation agency is responsible for determining eligibility.

Before conducting any evaluation or re-evaluation, the district:

1. Plans the evaluation with a group that includes the parent(s);
2. Provides prior written notice to the parent(s) that describes any proposed evaluation procedures the agency proposes to conduct as a result of the evaluation planning process; and
3. Obtains informed written consent for evaluation.

The district conducts a comprehensive evaluation or re-evaluation before:

1. Determining that a child has a disability;
2. Determining that a child continues to have a disability;
3. Changing the child's eligibility;
4. Providing special education and related services;
5. Terminating the child's eligibility for special education, unless the termination is due to graduation from high school with a regular diploma or exceeding the age of eligibility for a free appropriate public education.

Upon completion of the evaluation, the district provides the parent or eligible child a copy of the evaluation report at no cost. The evaluation report describes and explains the results of the evaluation. Upon completion of the eligibility determination, the district provides the parent or eligible child documentation of eligibility determination at no cost.

The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of education need, used to assess a child:

1. Are selected and administered so as not to be racially or culturally discriminatory;

2. Are provided and administered in the child's native language or other mode of communication and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to do so;
3. Are used for purposes for which assessments or measures are valid and reliable;
4. Are administered by trained and knowledgeable personnel; and
5. Are administered in accordance with any instructions provided by the producer of such assessments.

Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

A student must meet the eligibility criteria established in the Oregon Administrative Rules.

The district conducts re-evaluations:

1. When the educational or related services needs, including improved academic achievement and functional performance of the children warrant a re-evaluation;
2. When the child's parents or teacher requests a re-evaluation; and
3. At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.

The district does not conduct re-evaluation more than once a year, unless the parent and district agree otherwise.

If a parent has previously revoked consent for special education and related services and subsequently requests special education and related services, the district will conduct an initial evaluation of the student to determine eligibility for special education.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)

[ORS 343.157](#)

[ORS 343.164](#)

[OAR 581-015-2000](#)

[OAR 581-015-2095](#)

[OAR 581-015-2105 to-2190](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.7, 300.530 - 300.534, 300.540 - 300.543 .

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300.



Code: **IGBAH-AR**

Adopted: 11/14/05

Revised/Readopted: 3/10/08, 7/13/20

Special Education - Evaluation and Eligibility Procedures

1. Request for Initial Evaluation
 - a. Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.
 - b. Upon receiving a request from a parent or public agency for an initial evaluation, the district designates a team to determine whether an initial evaluation will be conducted.
 - (1) The district team includes the parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities.
 - (a) The team may make the decision to evaluate with or without a meeting.
 - (b) The district documents team members' input, including parents, whether or not the district convenes a meeting.
 - c. If a meeting is held, the district invites parents to participate.
 - d. If the district agency refuses an evaluation requested by the parent, the district provides the parent with prior written notice of its refusal to conduct an evaluation.
 - e. The district acknowledges the parent's rights to challenge its refusal to conduct an evaluation.
2. The initial evaluation consists of procedures:
 - a. To determine if the child has a disability; and
 - b. To identify the child's educational needs.
3. The district conducts the initial evaluation within 60 school days of receiving parental consent for evaluation unless:
 - a. The district and the parents agree in writing to extend the timeline for an evaluation to determine eligibility for specific learning disabilities;
 - b. The child moves from another district during the evaluation, the district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the district agree in writing to a specific time when the evaluation will be completed;
 - c. The parent repeatedly fails or refuses to produce the child for evaluation.
4. Reevaluation
 - a. The district conducts reevaluations:
 - (1) When the educational or related services needs, including improved academic achievement and functional performance of the child, warrant an evaluation;
 - (2) When the child's parents or teacher request a reevaluation; and
 - (3) At least every three years, unless that parent and the district agree that a reevaluation is unnecessary.
 - b. The district does not conduct reevaluation more than once a year, unless the parent and district agree otherwise.
5. Evaluation Planning
 - a. As part of an initial evaluation (if appropriate) and as part of any re-evaluation, the child's individualized education program (IEP) or individualized family service plan (IFSP) team, including the parents and other qualified professionals as appropriate, must review existing information on the child, including:
 - (1) Evaluations and information provided by the child's parents;
 - (2) Current classroom-based, local or state assessments and classroom-based observations;
 - (3) Observations by teachers and related service providers; and
 - (4) Medical, sensory, and health information.

- b. On the basis of that review and input from the child's parents, identify what additional data if any is needed to determine:
 - (1) Whether the child has a disability;
 - (2) The child's present levels of academic achievement and related development needs;
 - (3) Whether the child needs or continues to need EI/ECSE or special education and related services; and
 - (4) For reevaluation, whether the child needs any additions or modifications to the special education and related services or, for a preschool child, any additions or modification to ECSE services:
 - (a) To enable the child to meet the measurable annual goals in the child's IEP or IFSP; and
 - (b) To participate, as appropriate, in the general education curriculum or, for preschool children, appropriate activities.
6. Evaluation Procedures
 - a. The district assesses the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
 - b. The evaluation is sufficiently comprehensive to identify all of the child's special education and related needs, whether or not commonly linked to the disability category in which the child has been classified.
 - c. The evaluation includes information provided by the parent and a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child that assist in determining:
 - (1) Whether the child has a disability; and
 - (2) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
 - d. The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of educational need, used to assess a child:
 - (1) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (2) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to do so;
 - (3) Are used for the purposes for which the assessments or measures are valid and reliable;
 - (4) Are administered by trained and knowledgeable personnel; and
 - (5) Are administered in accordance with any instructions provided by the producer of the assessments.
 - e. The district selects and administers assessments to ensure that if an assessment is administered to a child with impaired sensory, manual or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure).
 - f. The district uses technically sound instruments that may assess the relative contribution of cognitive factors and behavioral factors in addition to physical or developmental factors.
 - g. The district does not use any single measure of assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.
7. Requirements if Additional Evaluation Data is not Needed to Determine Eligibility
 - a. If the child's IEP or IFSP team determines that no additional data is needed whether the child is or continues to be a child with a disability, and to determine the child's educational and developmental needs, the district provides prior written notice of that decision, the reasons for it, and the right of parents to request an assessment.
 - b. When the IEP or IFSP team determines that no additional data is needed to determine eligibility, the district does not conduct an assessment of the child unless requested to do so by the parents.
8. Evaluation Procedures for Transfer Students

When a child with disabilities transfers from one district to another district in the same school year, the district coordinates with the previous district to complete any pending assessment as quickly as possible.

9. Eligibility Determination

- a. Once evaluation is completed, the district designates an eligibility team to determine whether the child is eligible for special education services.
- b. This team includes:
 - (1) Two or more professionals, one of whom will be knowledgeable and experienced in evaluating and teaching students with the suspected disability; and
 - (2) The student's parent(s).
- c. For consideration of eligibility in the area of specific learning disabilities, the district eligibility team includes:
 - (1) A group of qualified professionals and the parent;
 - (2) The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of his or her age, or for a child of less than school age, a preschool teacher; and
 - (3) A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or other qualified professional.
- d. In interpreting evaluation data, each district team carefully considers and documents information from a variety of sources, including but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior and all required elements of the evaluation.
- e. Each eligibility team prepares a written eligibility statement that includes:
 - (1) Identification of the evaluation data considered in determining the child's eligibility, including the required evaluation components for the disability under consideration;
 - (2) A determination of whether the child meets the minimum evaluation criteria for one or more of the disability categories in Oregon Administrative Rule;
 - (3) A determination of whether the primary basis for the suspected disability is:
 - (a) A lack of appropriate instruction in reading (including the essential components of reading) or math; or
 - (b) Limited English proficiency.
 - (4) A determination of whether the child's disability has an adverse impact on the child's educational performance;
 - (5) A determination of whether, as a result of the disability, the child needs special education services;
 - (6) The signature of every team member and an indication of whether each agrees with the eligibility determination;
 - (7) For a child suspected of having a specific learning disability, the team's written report includes additional specific documentation as required by Oregon Administrative Rule.
- f. The team does not find a child eligible as a child with a disability if the determinant factor for that eligibility decision is:
 - (1) Lack of appropriate instruction in reading, including the essential components of reading instruction or lack of appropriate instruction in math; or
 - (2) Limited English proficiency; and
 - (3) The child does not otherwise meet the eligibility criteria found in Oregon Administrative Rule for the category(ies) of disability under consideration.
- g. The team finds a child eligible if the child has a disability and needs special education and related services, even though the child is advancing from grade to grade.
- h. A child may have disabilities to more than one disability category, but the team needs to find the child eligible under only one category. However, the district evaluates the child in all areas related to the suspected disability or disabilities, and the child's IEP addresses all of the child's special education needs.



Code: **IGBAI**

Adopted: 11/14/05

Revised/Readopted: 3/10/08

Special Education - Private Schools

IDEA requires special education services for two different groups of private school students: those referred or placed by the district and those enrolled by parents. The law, rules and requirements for these groups of students are vastly different. It is the policy of the district to implement differentiated procedures and services for these districts.

The district shall ensure that a student with a disability who is placed in or referred to a private school or facility by the district is provided special education and related services at no cost to the parents, is provided an education that meets the standards that apply to education provided by the district and has all of the rights of a student with a disability who is served by the district.

If a student with a disability has a free appropriate public education available to him/her and the parents choose to place the student in a private school, the district is not required to pay the cost of the student's education, including special education and related services, at the private school.

All parentally-placed private school students attending a private school within the district's boundaries will be included in the district's special education private school student count and the private school students for whom the district may provide services.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)

[OAR 581-015-2080](#)

[OAR 581-015-2085](#)

[OAR 581-015-2265](#)

[OAR 581-015-2270](#)

[OAR 581-015-2280](#)

[OAR 581-015-2450](#)

[OAR 581-015-2455](#)

[OAR 581-015-2460](#)

[OAR 581-015-2470](#)

[OAR 581-015-2480](#)

[OAR 581-015-2515](#)

[OAR 581-021-0029](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.221, 300.380 - 300.382 (2006).



Code: **IGBAI-AR**

Adopted: 11/14/05

Revised/Readopted: 9/11/06, 3/10/08

Approved Private Schools

1. Obligations of the district:
 - a. The district ensures that parents are included in any decision about their child's evaluation, eligibility, placement or provision of services.
 - b. If the district refers a student with a disability to, or places such a student in, a private school or facility as a means of providing special education and related services, the district ensures that the student receives an education that meets the standards of the state in a private preschool, school or facility approved by the Oregon Department of Education to provide such education in conformance with an IEP, and at no cost to the parents, and has all the rights of a student with a disability who is served by the district.
 - c. Before placing a student with a disability in an approved private school or preschool, the district ensures that the program has current Oregon Department of Education approval to provide special education and related services.
 - d. The district or public agency fulfills all federal and state requirements relating to the evaluation, the IEP/IFSP development and placement when determining whether to place the child in an approved private preschool or school for special education services.
 - e. For each student age three through 21, the district's or public agency's placement team, including the parent, determines whether placement in an approved private school constitutes a free appropriate public education in the least restrictive environment.
 - (1) When proposing to place a child with a disability in an approved private school or preschool, the district ensures that school-age students are district residents or preschool-age children are eligible to receive EI/ECSE or special education services.
 - (2) The district initiates and conducts an individualized education program team meeting that includes a representative of the approved private school. If a representative of the approved private school, or other member of the IEP/IFSP team is unable to attend the IEP/IFSP meeting, the district and the parent may agree to use alternative means of meeting participation such as individual or conference telephone calls, or video conferences.
 - (3) After the district initially places a student in an approved private school, any subsequent meetings to review or revise an IEP/IFSP or placement are the responsibility of the district or public agency, unless the district or public agency requests by written agreement that the approved private school initiate and conduct meetings to review and revise the IEP or IFSP.
 - (4) The district may, by written agreement, request that the approved private school initiate and conduct meetings to review and revise the IEP or IFSP. Under such an agreement the district remains responsible for ensuring the private school or preschool meets:
 - (a) All federal and state requirements related to these meetings; and
 - (b) Ensures the participation of parents and the district or public agency representative.
 - (5) The private school or preschool may not determine or implement program changes without the participation and agreement of the parents and the district or public agency representative.
 - (6) The district in which the child resides provides transportation to and from the approved private school or preschool at no cost to the parent.
 - (7) The district or public agency terminates the placement of students in a private school or preschool if the Oregon Department of Education suspends, revokes or refuses to renew the approval of a private school or preschool.
 - (a) The district ensures that every student with a disability who is placed in or referred to a private school or facility by the district as a means of providing special education and related services.
 - (i) Receives education and services that constitute a free appropriate public education in the least restrictive environment at no cost to the parents;
 - (ii) Is provided an education that meets the standards that apply to education provided by the public agency; and

- (iii) Has all of the rights of a student with a disability who is served by the public agency.
 - (b) The district ensures that all applicable federal and state requirements relating to the evaluation, eligibility, IEP development, placement and procedural safeguards are followed when determining whether the student will be placed in an approved private school for special education services.
 - (c) The district initiates and conducts an IEP meeting at which an IEP is developed based upon the needs of the student before determining placement of a student with a disability in an approved private school.
- 2. Out-of-State Placements for Special Education
 - a. The district ensures that any private educational institution located outside the state of Oregon with which it contracts to provide special education and related services to Oregon students is approved by the state educational agency of the state in which the educational institution is located. If the state does not have a formal approval process, the educational institution shall meet whatever requirements apply for private schools to serve publicly placed students in that state.
 - b. The district maintains documentation of such approval and makes it available to the Oregon Department of Education (ODE) upon request.
 - c. The district makes contractual agreements for out-of-state placements for the provision of special education and related services when, in accordance with applicable federal and state law, the district has:
 - (1) Developed an individualized education program;
 - (2) The placement team has determined that no appropriate in-state placement options are available.
- 3. District Responsibility for Students Enrolled by their Parents in Private Schools
 - a. The district provides equitable services, funded by a proportionate share of federal special education funds, for resident and nonresident students with disabilities enrolled by their parents in private schools located within district boundaries. Nonresident students include children who are residents of another state.
 - b. The district consults with private school officials about procedures and services and provides child find activities, evaluations, reevaluations and eligibility determinations comparable to those provided for the district's public schools.
 - c. The district maintains in its records and provides annually to the Oregon Department of Education, a count of the number of parentally-enrolled private school students evaluated, the number found eligible and the number to whom it provides services.
- 4. Consultation with Representatives of Private School Students with Disabilities
 - a. The district consults, in a timely and meaningful way with representatives of private schools and parents of parentally placed private school students with disabilities enrolled in private schools located within the district's boundaries.
 - b. Consultation includes:
 - (1) The child find process, including:
 - (a) How parentally-placed private school children with disabilities may participate equitably, as they do not have an individual entitlement to the same level of special education services as children enrolled in public schools; and in the child find process and how parents, teachers and private school officials will be informed of the process;
 - (b) How parents, teachers and private school officials will be informed of the process.
 - (c) How, where and by whom the special education and related services will be provided.
 - (d) The determination of the proportionate amount of federal funds available including how the amount is calculated, the proportionate share of federal funds available to serve parentally placed private school children with disabilities and how this is calculated.
 - (e) How services will be apportioned if funds are insufficient, and how and when these decisions will be made.

- (f) A written explanation of service decisions that the district provides to officials of private schools if the district disagrees with the views of the private school officials about the services to be provided or the methods of providing these services.
 - c. Written affirmation and complaint:
 - (1) The district requests a written affirmation, signed by the administrator of each private school participating in the consultation process that a timely and meaningful consultation occurred;
 - (2) If private school officials do not provide this affirmation within a reasonable period of time, the district forwards its documentation of the consultation process to the Oregon Department of Education (ODE);
 - (3) The district maintains documentation of its consultation process.
 - (4) The district acknowledges the right of a private school official to submit a complaint to the Oregon Department of Education (ODE) regarding the district's implementation of these requirements. Should such a complaint occur, the district forwards to ODE appropriate documentation, including documentation of the district's consultation process.
 - d. The district makes the final decisions with respect to the services to be provided to eligible private school students.
 - e. Child Find for Parentally-Placed Private School Children:
 - (1) The district's child find process includes all resident and nonresident parentally placed students attending private schools located within the district's boundaries.
 - (2) The district provides child find activities that are similar to, and completed within a comparable time period as child find activities for students win the district's public schools.
 - (3) The district consults with private school representatives and parents about how to implement the child find activities and how to keep parents and private school personnel informed.
 - (4) The district ensures the equitable participation of parentally placed private school students in the child find process.
 - (5) The district does not include the cost of conducting child find activities for private school students, including individual evaluations in determining whether it has spent a proportionate share of its federal IDEA funds on parentally placed private school students with disabilities.
 - (6) The district ensures an accurate count of these children is made between October 1 and December 1 of each year and uses this count in determining the amount the district spends for services in the subsequent fiscal year.
- 5. Provisions for serving students placed by their parents in private schools:
 - a. District decisions about the services that are provided to private school students with disabilities are made throughout the consultation process and in accordance with the district's plan for service parentally-placed private school students and their services plans.
 - b. The services provided to private school students with disabilities are provided by personnel meeting the same standards as personnel providing service in the district program.
 - c. The district may provide private school students with disabilities a different amount of services than students with disabilities attending public schools in the district.
 - d. The district may provide services to private school students with disabilities onsite at the student's private school, including a religious school, to the extent that services can be provided in a religiously neutral setting within the private school. These services will be provided during the student's regular school day, unless stated otherwise in the student's service plan.
 - e. If a parent of a private school student with a disability requests an IEP meeting from the resident district, the resident district will either:
 - (1) Hold an IEP meeting within a reasonable time; or
 - (2) Provide the parent with prior written notice of the district's refusal to hold an IEP meeting.
- 6. Evaluation, Reevaluation and Eligibility of Private School Students with Disabilities
 - a. The district conducts evaluations, reevaluations and eligibility determinations, in accordance with federal and state laws and regulations, for both resident and nonresident students enrolled by their parents in private schools located within district boundaries.
 - b. Eligibility for special education and related services will be determined by the district in the same manner as for public school students with disabilities.

- c. The district in which the private school is located reevaluates private school students with disabilities at least every three years to determine whether the student continues to be eligible for special education, whether the student is or is not currently receiving services under a services plan.
- d. If parents who enroll a student in a private school at their own expense do not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the district does not use due process procedures to override the lack of consent. The district does not, and is not required to, consider the child as eligible for special education services in these cases.
- e. If a parent refuses a reevaluation that is necessary to determine whether the student continues to be a student with a disability, and as a result the team cannot determine the student's continuing eligibility, the student will no longer be considered "eligible" and shall not be counted as a private school student with a disability for the purposes of the private school student count.
- f. Following an initial determination of eligibility, and upon any subsequent determination of eligibility, the district will notify the parent in writing that the resident district will make a free appropriate public education available to the student if the student is enrolled in a district program, and conducts a meeting to develop, review or revise the student's services plan.
- g. If the parent does not choose to remove the child from private school to enroll in a district public school, the district initiates and conducts a meeting to develop, review or revise the student's services plan, consistent with the procedures for IEP meetings and timeline and in light of the service provision the district has determined through the consultation process.
- h. The district in which the private school is located does not release evaluation and eligibility determination information or other personally identifiable information to the student's resident district without written parental consent, unless parents seek enrollment in the student's resident district and the resident district requests records.

7. Service Plans

- a. If a student with a disability is enrolled by a parent in a private school the district offers a services plan.
- b. The district ensures that the services plan describes the specific special education and related services the district will provide to the student in light of the services that have been determined through the consultation process.
- c. The district convenes individual meetings to develop, review and revise the services plan consistent with procedures for IEP team membership, parent participation and IEP content, to the extent appropriate.
- d. The district ensures that a representative of the private school attends each meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls.
- e. The district is not required to provide transportation from the student's home to the private school except in the following circumstances.

If necessary for the student to benefit from or participate in the services provided by the public agency, a private school student with a disability will be provided transportation:

- (1) From the student's school or the student's home to a site other than the private school; and
- (2) From the service site to the private school, or to the student's home, depending on the timing of the services.

8. Property, Equipment and Supplies

- a. The district keeps title to and exercises continuing administrative control of all property, equipment and supplies that the district acquires with IDEA funds for the benefit of private school students with disabilities.
- b. The district may place equipment and supplies in a private school for a period of time needed to implement the service plan of a private school student with disabilities or for child find purposes.
- c. The district ensures that the equipment and supplies placed in a private school:
 - (1) Are used only for implementation of special education activities; and
 - (2) Can be removed from the private school without remodeling the private school facility.
- d. The district removes equipment and supplies from a private school if:

- (1) The equipment and supplies are no longer needed for special education activities, programs or services; or
 - (2) The district determines removal is necessary to avoid unauthorized use of the equipment and supplies.
 - e. The district does not use IDEA funds for repairs, minor remodeling or construction of private school facilities.
- 9. **Separate Classes Prohibited**
The district does not use IDEA funds for classes that are organized separately on the basis of school enrollment or religion of the students if:
 - a. The classes are at the same site; and
 - b. The classes include students enrolled in public school programs and students enrolled in private schools.
- 10. **Funds and Property Not to Benefit Private Schools**
 - a. The district will not use IDEA funds to finance the existing level of instruction in a private school or to otherwise benefit the private school.
 - b. The district will use IDEA funds to meet the special education needs of students enrolled in private schools, but not for:
 - (1) The needs of a private school; or
 - (2) The general needs of the students enrolled in the private school.
- 11. **Use of School Personnel**
 - a. The district may use IDEA funds to make public school personnel available in other than public facilities:
 - (1) To the extent necessary to implement any of the requirements related to private school students with disabilities; and
 - (2) If those services are not normally provided by the private school.
 - b. The district may use IDEA funds to pay for the services of an employee of a private school to provide services to private school students if:
 - (1) The employee performs the services outside of his/her regular hours of duty; and
 - (2) The employee performs the services under public supervision and control.
- 12. **Federal Funds Available for Services**
 - a. The district calculates a proportionate share of federal funds available to provide special education and related services to private school students with disabilities using the formula specified in the Individuals with Disabilities Act (IDEA).
 - b. If the district does not expend the proportionate share of funds by the end of the fiscal year, the district obligates the remaining funds to be used in the following year.
 - c. Maintenance of Effort. The district does not include child find expenditures in determining whether the district has met its expenditure requirements for parentally placed private school students, but may include the cost of transportation required for students to access required special education services.
 - d. The district does not supplant the proportionate amount of federal funds required to be expended for parentally placed private school students.



Code: **IGBAJ**

Adopted: 11/14/05

Revised/Readopted: 3/10/08, 9/14/09, 1/13/14,
9/10/18

Special Education - Free Appropriate Public Education (FAPE)

1. The district admits all resident school age children with disabilities and makes special education and related services available at no cost to those:
 - a. Who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year, even if they have not failed or are advancing from grade to grade;
 - b. Who have not graduated with a regular high school diploma;
 - c. Who have been suspended or expelled in accordance with special education discipline provisions; or
 - d. Who reach age 21 before the end of the school year. These students remain eligible until the end of the school year in which they reach 21.
2. The district determines residency in accordance with Oregon law.
3. The district takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the district and provides a continuum of services to meet the individual special education needs of all resident children with disabilities, and children with disabilities who are enrolled in public charter schools located in the district.
4. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma.
5. State law prohibits the district from recommending to parents, or requiring a child to obtain, a prescription for medication to affect or alter thought processes, mood or behavior as a condition of attending school, receiving an evaluation to determine eligibility for early childhood special education or special education, or receiving special education services.
6. If the IEP team determines that placement in a public or private residential program is necessary to provide FAPE, the program, including nonmedical care and room and board, must be at no cost to the parents of the child.
7. If a parent revokes consent for a student receiving special education and related services, the district will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services.

END OF POLICY

Legal Reference(s):

[ORS 338.165](#)
[ORS 339.115](#)
[ORS 343.085](#)
[ORS 343.224](#)

[OAR 581-015-2020](#)
[OAR 581-015-2035](#)
[OAR 581-015-2040 to-2065](#)
[OAR 581-015-2050](#)
[OAR 581-015-2075](#)

[OAR 581-015-2530](#)
[OAR 581-015-2600](#)
[OAR 581-015-2605](#)
[OAR 581-021-0029](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.17, 300.101-110, 300.113 (2006).
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300 (2008).



Special Education - Free Appropriate Public Education (FAPE)

1. **FAPE and Age Ranges**

The district provides special education and related services to all resident school-age students with disabilities, including students enrolled in public charter schools located in the district, except as provided below.

 - a. “School-age children” are children who have reached 5 years of age but have not yet reached 21 years of age on or before September 1 of the current school year.
 - b. The district will admit an otherwise eligible student who has not yet reached 21 years of age on or before September 1 of the current school year.
 - c. An otherwise eligible person whose 21st birthday occurs during the school year will continue to be eligible for FAPE for the remainder of the school year.
 - d. The district provides FAPE to students with disabilities who have been suspended or expelled from school in accordance with the special education discipline rules.
2. **Nonacademic Services**
 - a. The district provides equal opportunity for students with disabilities for participation in nonacademic and extracurricular services and activities.
 - b. Nonacademic and extracurricular services and activities may include meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the district and assistance in making outside employment available.
 - c. The district ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of each individual child.
3. **Graduation**
 - a. A student graduating with a regular high school diploma is no longer entitled to FAPE.
(1) longer entitled to FAPE.
 - b. The district provides prior written notice a reasonable time before a student with a disability graduates with a regular high school diploma.
 - c. The district is not required to conduct a reevaluation before terminating eligibility due to graduation with a regular high school diploma.
 - d. Graduation with an alternative document:
 - (1) The district may award an alternative document meeting the criteria of the State Board of Education alternative document to a student with a disability.
 - (2) Graduation with an alternative document does not terminate eligibility, require an evaluation or require prior written notice.
 - e. The district may, but is not required to, provide special education and related services to a student who has graduated with a regular diploma.
4. **Incarcerated Youth**
 - a. The district has a plan, approved by the local Board, to provide or cause to be provided, appropriate education for children placed in a local or regional correctional facility located in the district.
 - b. The district provides FAPE for students with disabilities ages 18 through 21 incarcerated as adults in an adult correctional facility if, in the last educational setting before their incarceration:
 - (1) Were identified as students eligible for special education; and
 - (2) Had an IEP.
 - c. The district’s provisions of FAPE do not include:
 - (1) The requirements relating to participation of children with disabilities in statewide and district assessments.
 - (2) For students whose eligibility for services will end before their release, the requirements related to transition planning and transition service do not apply. The district makes this determination based on considerations of the sentence and eligibility for early release. Requirements relating to

transition planning and transition services, with respect to the students whose eligibility will end, because of their age, before they will be eligible to be released from adult correctional facilities based on consideration of their sentence and eligibility for early release.

- (3) The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. Least restrictive environment requirements do not apply with respect to these modifications.
- (4) The public agency responsible for the special education of students in an adult correctional facility is not required to provide notice of meetings to the parent after rights transfer to the student.

5. Residential Placement

If the IEP team determines that placement in a public or private residential program is necessary to provide FAPE to a student with a disability, the district ensures that the program, including nonmedical care and room and board, is provided at no cost to the parents of the student.

6. Physical Education

- a. The district makes physical education services, specially designed if necessary, available to every child with a disability receiving FAPE, unless the school enrolls children without disabilities and does not provide physical education to children without disabilities in the same grade.
- b. The district provides the opportunity to each child with a disability to participate in the regular physical education program available to nondisabled children unless the child needs specially designed physical education as prescribed in the child's IEP.
- c. If specially designed physical education is included in the child's IEP, the district must provide the services directly or make arrangements for those services to be provided through other public or private programs.
- d. If the child with a disability is enrolled full time in a separate facility, the district must ensure that the child receives appropriate physical education services.

7. Public Charter Schools

- a. The district serves children with disabilities attending public charter schools located in the district in the same manner and in accordance with applicable laws and rules governing the district's provision of services to children with disabilities in its other schools.
- b. The district shall, in consultation with the student's parent, guardian or person in parental relationship, provide FAPE to the student, in accordance with OAR 581-015-2230(1), until the district implements the IEP from the previous district or develops, adopts and implements a new IEP that meets acceptable requirements. If the information received was in effect in a previous district in another state, the district will implement the IEP in accordance with OAR 581-015-2230(2).
- c. The district provides supplementary and related services on site at a district charter school to the same extent to which the district has a policy or practice of providing such services on the site to its other public schools.
- d. A school district in which a public charter school is located must provide IDEA funds to those charter schools on the same basis as the school district provides those funds to other public schools in the district, including proportional distribution based on relative enrollment of children with disabilities, at the same time as funds are distributed to other public schools in the district.
- e. If a child with a disability enrolls in a charter school, the charter school is considered the school the child would attend if not disabled. Enrollment in any charter school is by parent choice. Enrollment in any out-of-district charter school does not require an inter-district transfer agreement.

When a student enrolls in a public charter school, the district in which the public charter school is located shall:

- a. Provide written notification of the student's enrollment to the district in which the student resides;
- b. Request, in accordance with applicable confidentiality provisions in state and federal laws, the records of the student, including all information related to an individualized education program developed for the student;

- c. Provide written notification to the student's parent, guardian or person in parental relationship to provide information about:
 - (1) The district's responsibility to identify, locate and evaluate to determine a student's need for special education and related services and to provide those special education services in the public charter school; and
 - (2) The methods by which the district may be contacted to answer questions or provide information related to special education and related services.

When a student no longer is enrolled in a public charter school for any reason other than graduation, the district in which the public charter school is located shall notify:

- a. The district in which the student resided to provide notice:
 - (1) That the student no longer is enrolled in the public charter school; and
 - (2) That the district will provide the student education records including all information related to the student's IEP if the student seeks enrollment or services from the district in which the student resides.
- b. The student's parent, guardian or person in parental relationship to provide information about:
 - (1) The responsibility of the school district in which the student resides to identify, locate and evaluation students and implement services;
 - (2) The methods by which the student's resident district may be contacted to answer questions or provide information about special education and related services; and
 - (3) The responsibility of the district to provide student records, including information related to the student's IEP, if the student seeks enrollment or services from another district, including the parent's resident district.

8. Recovery of Funds for Misclassified Students

The district ensures that students identified on the special education child count under Part B of the Individuals with Disabilities Education Act (IDEA) are limited to students who:

- a. Meet eligibility requirements under OAR 581-015-2130 to 2180;
- b. Have a current IEP that is being implemented;
- c. Are receiving a free appropriate public education.

9. Students with Disabilities under IDEA Enrolled in Public Benefits or Insurance

- 1. A district may use the State's Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for special education and related services required under IDEA, and permitted under the public benefits or insurance programs as specified below.

With regard to services required to provide FAPE to a child with disabilities under IDEA, a district:

- a. May not require parents to sign up for or enroll in public benefits or insurance programs in order for their child with disabilities to receive FAPE under the IDEA, but may pay the cost that the parent otherwise would be required to pay; and
- b. May not use the child's benefits under a public insurance program if that use would:
 - (1) Decrease available lifetime coverage or any other insurance benefit;
 - (2) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program, and that are required for the child outside of the time the child is in school;
 - (3) Increase premiums or lead to the discontinuation of insurance; or
 - (4) Risk loss of eligibility for home and community-based waiver, based on aggregate health-related expenditures, **and**
- 2. Prior to accessing a student's or parent's public benefits or insurance for the first time, and annually thereafter, the district must provide prior written notification to the student's parents and must obtain written consent¹ that:
 - a. States the personally identifiable information that may be disclosed (e.g. records or information about the services that may be provided to the student);

¹"Consent" means that the parent or adult student a) has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought and b) understands and agrees in writing to the carrying out of the activity for which his/her consent is sought. Consent is voluntary of the part of the parent and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and Family Education Rights and Privacy Act (FERPA).

- b. States the purpose of the disclosure (e.g. billing for services under IDEA);
 - c. Names the agency to which the disclosure may be made (e.g. Medicaid);
 - d. Specifies that the parent understands and agrees that the public agency may access the parent's or student's public benefits or insurance to pay for services under IDEA;
 - e. Acknowledges the district may not require parents to incur an out-of-pocket expense (i.e. payment of a deductible or co-payment incurred in filing a claim for special education or related services), but may pay the cost that the parent otherwise would be required to pay; and
 - f. Acknowledges the district may not use the student's benefits under a public insurance program, if that use would:
 - (1) Decrease available lifetime coverage of any other insured benefit;
 - (2) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school;
 - (3) Increase premiums or lead to the discontinuation of insurance; or
 - (4) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
10. Accessible Materials
- a. Districts must ensure the timely provision of print instructional materials, including textbooks that comply with the National Instructional Materials Accessibility Standards (NIMAS) for students who are blind or print disabled.
 - b. Districts must ensure the timely provision of instructional materials in accessible formats to children who need instructional materials in accessible formats, including those children who are not blind or print disabled.
11. ESY as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR
12. Assistive Technology as per administrative regulations, Special Education - Individualized Education Program (IEP) - IGBAF-AR



Code: **IGBAK**
Adopted: 11/14/05
Revised/Readopted: 3/10/08

Special Education - Public Availability of State Application

The superintendent will be responsible for ensuring that all documents relating to the district's eligibility for funds under Part B of the Individuals with Disabilities Education Act (IDEA) are available to parents of children with disabilities and to the general public for inspection, review and comment.

1. In complying with this requirement the district does not release or make public personally identifiable information.
2. Information available for public review includes, but is not limited to:
 - a. How the district implements policies, procedures and programs for special education consistent with state and federal requirements;
 - b. Performance of student with disabilities on statewide assessments;
 - c. Results of the state's general supervision and monitoring of district programs for special education, including the timeliness and accuracy of required data submissions;
 - d. District achievement of performance targets established in the State Performance Plan (SPP);
 - e. Financial information related to revenue and expenditures for students with disabilities, including but not limited to, district information about:
 - (1) Excess costs of educating students with disabilities;
 - (2) Maintaining financial support for programs and services for students with disabilities (maintenance of effort of MOE); and
 - (3) Schoolwide programs under Title I of the Elementary and Secondary Education Act (ESEA) or No Child Left Behind (NCLB);
 - (4) Annual district application for IDEA funds; and
 - (5) Official audit reports, complaints and due process hearings.
 - f. District dispute resolution information, including the resolution of state complaints and due process hearings.

END OF POLICY

Legal Reference(s):

State-Administered Programs, 34 C.F.R. § 76.304 (2006).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 34 C.F.R. 300.212 (2006).



Code: **IGBAL**
Adopted: 11/14/05

Special Education - Services for Home-Schooled Students with Disabilities**

If the district receives notice that a parent intends to home school a student with a disability, the district will offer an opportunity for an IEP meeting to consider providing special education and related services in conjunction with home schooling and will provide written notice to the parent that a free appropriate public education will be provided if the student enrolls in the district. This notice shall be provided annually as long as:

- The student remains eligible for special education; and
- The student is exempt from compulsory education as a home-schooled student; and
- The student is not receiving special education and related services from the district.

END OF POLICY

Legal Reference(s):

[ORS 339.020](#)
[ORS 339.030 \(3\)](#)
[ORS 339.035](#)
[ORS 343.165](#)

[OAR 581-015-0039](#)
[OAR 581-015-0051](#)
[OAR 581-015-0053](#)
[OAR 581-015-0066](#)
[OAR 581-015-0071 to -0075](#)
[OAR 581-015-0701](#)
[OAR 581-021-0026 to -0029](#)

Education of the Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400-1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990), as amended P.L. 105-17 (1997), as amended 108-446 (2004). [P.L. 94-142 is a well-known "short" reference to this federal legislation.]

R8/29/05 | JN



Code: **IGBAL-AR**
Adopted: 11/14/05
Revised/Readopted: 3/10/08

Special Education - Services for Home-Schooled Students with Disabilities**

1. Home Schooling for Students with Disabilities
 - a. As soon as the district learns of the parent's intent to home school or when the district is informed that a resident student with disabilities is home schooled, the district provides written notice to the parent that it stands ready to provide a free appropriate public education if the student enrolls in the district.
 - b. The district offers and documents to the parent an individualized education program (IEP) meeting to consider providing special education and related services to the student with a disability in conjunction with home schooling.
 - c. This district provides an annual written notice that it stands ready to provide a free appropriate public education if the student enrolls in the district as long as:
 - (1) The student remains eligible for special education;
 - (2) The student is exempt from compulsory education as a home-schooled student; and
 - (3) The student is not receiving special education and related services from the district.
 - d. To consider the provision of special education services, the district convenes the IEP team for a student with a disability if the IEP team determines that a free appropriate public education can be provided in conjunction with home schooling. Services may be provided in the home only to the extent that special education or related services would be provided in the home if the student was not home schooled.
 - e. The district develops an IEP consistent with the requirements for IEP team meetings, IEP team membership and IEP content, with the following exceptions:
 - (1) The student's parent shall be treated as both parent and regular education teacher of the student unless the parent designates another individual as the regular education teacher;
 - (2) Under "extent of nonparticipation in regular education" the IEP shall state that the student is exempt from compulsory school attendance and regular education is provided through home schooling; and
 - (3) The IEP will state how "satisfactory educational progress" will be determined for the student. A parent may use a privately developed plan (PDP) to determine satisfactory progress. If so, the IEP indicates that satisfactory progress will be determined by the PDP team, at parent request. If the student may enroll in a regular education class, pursuant to the district's policy for students who are home schooled, the IEP team includes a regular education teacher.
 - f. The district ensures that:
 - (1) Students with disabilities who are home schooled are reevaluated at least every three years unless waived by mutual agreement of the parent and the district, and not more than once a year unless the parent and district agree otherwise;
 - (2) If the team determines a specific evaluation is necessary to continue eligibility or to determine appropriate special education and related services for the student's IEP, and the parent refuses consent for such evaluation, or refuses to make the student available, the district will document to the parent that the district stands ready to conduct the evaluation when the parent gives consent or makes the student available;
 - (3) If the district does not have sufficient evaluation information to determine eligibility or to develop an IEP, the district is not required to complete these activities. The district will provide prior written notice if the district terminates eligibility or services under these circumstances.
2. Testing and Reporting Requirements
 - a. If a student with a disability is receiving IEP services from the district and the IEP includes a provision for IEP team assessment of satisfactory educational progress, the district:
 - (1) Completes the assessment; and
 - (2) Provides the parent with a copy of the results, including a summary statement indicating whether the student has made satisfactory educational progress in light of the student's age and disability.

- b. If a student with a disability is receiving IEP services in a core area of instruction, the district includes the student in statewide assessments, unless an exemption is requested by the parent.
- 3. Child Find
 - a. If the district suspects that a home-schooled student has a disability, the district:
 - (1) Obtains parent consent for initial evaluation; and
 - (2) Conducts an initial evaluation and determines the student's eligibility to receive special education and related services.
 - b. If the student is eligible, the district notifies the parent and offers an opportunity for an IEP meeting to consider initiation of special education and related services to the student with a disability.
 - c. If the parent refuses consent, does not respond or refuses to make the student available, the district documents to the parent that the district stands ready to conduct the evaluation when the parent gives consent or makes the student available.
- 4. School Enrollment
 - a. If the district permits partial enrollment of home-schooled students in its regular education program, the district will permit students with disabilities to participate to the same extent as nondisabled students, if appropriate, whether or not the student is receiving IEP services from the district.
 - b. A student who is exempt from compulsory school attendance as a home-schooled student with a disability will continue to be considered an exempt home-schooled student by the district even though the student receives special education and related services from the district, unless these services are the equivalent of full-time enrollment in the district; or the district permits partial enrollment of home-schooled students and, pursuant to that policy, the student attends one or more regular education classes, unless partial enrollment is the equivalent of full-time enrollment in the district.



Code: **IGAM**
Adopted: 9/11/06

Distance Learning *

The district supports distance learning as a viable methodology for delivering direct classroom instruction, program enrichment and staff development.

Licensed teachers may be assigned to a distance learning program without additional license requirements. Teachers offering instruction via live, interactive satellite must hold a current license either from the employing state or Oregon and pass a nationally recognized basic skills test.

The district may contract with the Superintendent of Public Instruction to provide online courses through the Oregon Virtual School District. The district may also allow students to access the online courses offered by the Oregon Virtual School District.

END OF POLICY

Legal Reference(s):

[ORS 342.140](#)

[ORS 342.173](#)

[ORS 342.400](#)

[ORS 354.410](#)

[ORS 354.420](#)

[ORS 354.430](#)

[OAR 584-036-0017](#)

SB 1071(Chapter 834), effective July 1, 2005



Code: **IGBB**
Adopted: 12/8/97
Readopted: 10/12/98, 9/13/04,
5/10/10
Orig. Code(s): BP 8130

Talented and Gifted Students

Philosophy

Sweet Home School District is committed to an educational program that recognizes, identifies and serves the unique needs of talented and gifted students. Talented and gifted students are those who have been identified as academically talented and/or intellectually gifted.

District staff will develop procedures for identifying academically talented and intellectually gifted students K-12. The district will develop a written plan which identifies programs or services needed to address the assessed levels of learning and accelerated rates of learning of identified students. Instructional programs and services which shall be provided will be specified in appropriate written course statements.

Identification

In order to serve academically talented and intellectually gifted students in grades K-12, the Sweet Home School District has established a written identification process which is found in the TAG Student Handbook. Included in the handbook is information regarding the following:

1. Behavioral, learning and/or performance information;
2. A nationally standardized mental ability test for assistance in identifying intellectually gifted students;
3. A nationally standardized academic achievement test for assistance in identifying academically talented students or Oregon Assessment of Knowledge and Skills (OAKS).

Identified students shall score at or above the 97th percentile on one of these tests or show potential to perform at the 97th percentile.

The Sweet Home School District will make an effort to identify talented and gifted students from special populations such as cultural and ethnic minorities, disadvantaged, underachieving gifted and disabled learners.

Careful selection of appropriate measures and a collection of behavioral learning characteristics shall be used in identifying students.

Parent Notification and Participation in Identification of a Student as Talented and Gifted

The Sweet Home School District will inform parents of the identification of their student as talented and gifted. The district shall further inform parents of program or service options available and provide them an opportunity to participate in selecting those programs or options most appropriate for the student.

Parents may, at any time, request the withdrawal of their student from programs and services provided under OAR 581-022-1320 (Oregon Administrative Rules).

Talented and Gifted Program and Services

A district written plan will be developed for talented and gifted programs and services. All appropriate written course statements shall identify the academic instructional programs and services to be provided which address the assessed levels and accelerated rates of learning in identified talented and gifted students. The superintendent will remove any administrative barriers that may exist which restrict students' access to appropriate services and will develop program and service options. These options may be, but are not limited to the following: classroom level options, building level options, district level options or extended options.

Talented and Gifted Program Appeals Procedure

An appeals procedure is available for parents who have an identification, placement or program appeal. Parents must complete the Talented and Gifted Standards Appeal Form, available at the school office. The appeals procedure is outlined below:

1. Parent will report appeals to building principal;
2. The parent will be given the Talented and Gifted Standards Appeal Form. This form must be filled out and returned to the building principal before any further consideration can be given to the appeal;
3. The building principal will forward the appeal to the superintendent within three days of receiving the appeal;
4. The superintendent shall arrange for a review committee consisting of the building TAG coordinator/teacher, the district TAG implementor and the building principal or designee;
5. This committee shall meet within five working days of receiving the written appeal from the superintendent and review all pertinent information. Their recommendation will be submitted to the superintendent within 10 working days of receiving the original appeal;
6. The committee may recommend one of the following:
 - a. The programs or services currently being provided are appropriate;
 - b. The appeal be upheld in the whole or part.
7. The superintendent shall inform the parent in writing of his/her acceptance or rejection of the recommendation of the review committee;
8. The parent may appeal the decision to the Board. The decision of the Board shall be final;
9. If the parent remains dissatisfied and has exhausted district procedures, and, if 45 or more days have elapsed since the original filing of a written appeal alleging violation of standards with the school district, an appeal to the State Superintendent of Public Instruction can be filed. The school district shall provide a copy of the appropriate Oregon Administrative Rule upon request.

END OF POLICY

Legal Reference(s):

[ORS 343.391](#)

[ORS 343.395](#)

[ORS 343.397](#)

[ORS 343.401](#)

[ORS 343.407](#)

[ORS 343.409](#)

[ORS 343.413](#)

[OAR 581-015](#)-0805 to -0825

[OAR 581-022](#)-1310



Code: **IGBB-AR**
Adopted: 3/11/91
Readopted: 10/12/98
Orig. Code(s): AR 8130

Talented and Gifted Standards Appeal Form

Student name: _____ School: _____ Grade: _____

Parent name: _____

Address: _____

Phone (daytime): _____ (evening): _____

Date of appeal: _____

Check all that apply:

Identification appeal: _____ Program appeal: _____

1. What is the nature of your complaint? _____

2. What is the district currently doing? _____

3. In your opinion, in what way is this situation a violation of state standards? _____

4. What have you done to try to resolve the situation up to this point? _____

5. What do you feel the district should be doing? _____

6. Other pertinent comments: _____

Building Principal

Date

Parent Signature

Date



Identification - Talented and Gifted

In order to serve academically talented and intellectually gifted students in grades K-12, the district directs the superintendent after due consideration of the input of staff, parents and the community to establish a written identification process.

This process shall include as a minimum:

1. Use of research based best practices to identify talented and gifted students from under-represented populations such as ethnic minorities, students with disabilities, students who are culturally and/or linguistically diverse or economically disadvantaged.
2. Behavioral, learning and/or performance information;
3. A nationally standardized mental ability test for assistance in identifying intellectually gifted students;
4. A nationally standardized academic achievement test for assistance in identifying academically talented students or Oregon Assessment of Knowledge and Skills (OAKS).

Identified students shall score at or above the 97th percentile on one of these tests. Other students who demonstrate the potential to perform at the eligibility criteria, as well as additional students who are talented and gifted may be identified.

If a parent is dissatisfied with the identification process or placement of their student, they may appeal the decision through Board policy KL - Public Complaints the accompanying administrative regulation, IGBBA-AR.

After exhausting the district's appeal procedure and receiving the district's final decision, a parent may appeal the decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rule (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of the OARs upon request.

END OF POLICY

Legal Reference(s):

[ORS 343.395](#)
[ORS 343.407](#)
[ORS 343.411](#)

[OAR 581-021-0030](#)
[OAR 581-022-1310 to -1330](#)
[OAR 581-022-1940](#)



Code: **IGBBC**
Adopted: 9/13/04
5/10/10, 11/12/19

Programs and Services - Talented and Gifted

A district written plan will be developed for programs and services. All required written course statements shall identify the academic instructional programs and services to be provided which accommodate the assessed levels and accelerated rates of learning in identified talented and gifted students. The superintendent will remove any administrative barriers that may exist which restrict students' access to appropriate services and will develop program and service options. These options may include, but are not limited to, the following:

- | | |
|--|-----------------------------|
| 1. Early Entrance | 10. Honors Classes |
| 2. Grade Skipping | 11. Block Classes |
| 3. Ungraded/Multi-age Classes | 12. Independent Study |
| 4. Cluster Grouping in Regular Classes | 13. Credit by Examination |
| 5. Continuous Progress | 14. Concurrent Enrollment |
| 6. Cross Grade Grouping | 15. Mentorship/Internship |
| 7. Compacted/Fast-Paced Curriculum | 16. Academic Competitions |
| 8. Special Full- or Part-Time Classes | 17. Magnet Programs/Schools |
| 9. Advanced Placement Classes | |

The Board has established an appeals process for parents to utilize if they are dissatisfied with the programs and services recommended for their identified talented and gifted student and wish to request reconsideration. The appeal process is identified in Board policy KL – Public Complaints** administrative regulation IGBBA-AR - Appeal Procedure for Talented and Gifted Student Identification and Placement.

The Board has established a complaint procedure to utilize has a complaint regarding the appropriateness of programs and services provided for a student identified as talented and gifted students. This complaint procedure, IGBBC-AR - Complaints Regarding the Talented and Gifted Program, is available at the district's administrative office and on the home page of the district's website. The complainant may file an appeal to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023. The district shall provide a copy of these OARs upon request.

END OF POLICY

Legal Reference(s):

[OAR 581-022-2325](#)
[OAR 581-022-2330](#)
[OAR 581-022-2370](#)
[OAR 581-022-2500](#)



Code: **IGBC**
Adopted: 10/12/98
Readopted: 9/13/04, 12/11/06, 5/14/07
2/8/16

Title I/Parental Involvement/Comparability Compliance

The Board recognizes that parent involvement is vital to achieve maximum educational growth for students participating in the district's Title I program. Therefore, in compliance with federal law and Oregon Department of Education guidelines, the district shall meet with parents to provide information regarding their school's participation in the Title I program and its requirements.

The Board directs the superintendent to ensure that such meetings are held annually and at a convenient time. All parents shall be invited to attend. Title I funds may be provided for transportation, child care, home visits or other parental involvement services, as appropriate. The superintendent shall ensure equivalence among schools in teachers, administration and other staff and in the provisions of curriculum materials and instructional supplies. To be in compliance with the requirements of P.L. 107-110, Section 1120A (c) (2) (A), the superintendent assigns teachers, administration and auxiliary personnel to the schools in such a way that substantial equivalence of personnel is ensured among the schools.

Parents shall be informed of their right to be involved in the development of the district's parental involvement policy, Title I plans and school-parent compact.

Parental Involvement Policy

A parental involvement policy shall be developed jointly and agreed upon with parents of participating students. The district shall ensure:

1. Involvement of parents in the joint development of the district's overall Title I plan and the process of school review and improvement;
2. Coordination, technical assistance and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;
3. Development of activities that promote the schools' and parents' capacity for strong parent involvement;
4. Coordination and integration of parental involvement strategies with appropriate programs as provided by law;
5. Involvement of parents in the annual evaluation of the content and effectiveness of the policy in improving the academic quality of schools served under Title I;
6. Barriers to participation by parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy or are of any racial or ethnic minority are identified. Reasonable efforts will be made to overcome barriers;
7. Findings of annual evaluations are used to design strategies for more effective parental involvement and to revise, if necessary, the requirements of this policy;
8. Parents are involved in the activities of the schools served under Title I.

Title I Plan

As a part of the district's overall Title I plan, the district shall ensure effective involvement of parents by promoting activities that support a partnership among the school, parents and the community and that promote the improvement of student achievement. Plans may be developed by participating district schools individually or collectively. District schools:

1. Shall provide assistance to parents of students served by the school in understanding such topics as the state's academic content standards and state student academic achievement standards, Title I plan requirements, state and local academic assessments and how to monitor a student's progress and work with educators to improve the achievement of their student;
2. Shall provide materials and training to help parents work with their student to improve their student's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;
3. Shall educate teachers, student services personnel, principals and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with and work with parents as equal partners, implement and coordinate parent programs and build ties between parents and the school;
4. Shall coordinate and integrate parent-involvement programs and activities with Head Start, Home Instruction Programs for Preschool Youngsters, Parents as Teachers Program, public preschool programs and other programs, to the extent feasible and appropriate;
5. Shall ensure, to the extent possible, that information related to school and parent programs, meetings and other activities is sent to the homes of participating students in a format and in a language the parent can

- understand;
6. May involve parents in the development of training of teachers, principals and other educators to improve the effectiveness of such training.
 7. May provide necessary literacy training from Title I funds received if the district has exhausted all other reasonably available sources of funding for such training;
 8. May pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child-care costs, to enable parents to participate in school-related activities;
 9. May train and support parents to enhance the involvement of other parents;
 10. May arrange school meetings at a variety of times or conduct in-home conferences between teachers or other educators in order to maximize parental involvement and participation;
 11. May establish a district wide parent advisory council to provide advice on all matters related to parental involvement in Title I programs;
 12. May develop appropriate roles for community-based organizations and businesses in parental- involvement activities;
 13. May adopt and implement model approaches to improving parental involvement.
 14. Shall provide such other reasonable support for parental involvement activities as parents may request consistent with Title I requirements.

School-Parent Compact

A school-parent compact shall be developed for each of the district's Title I schools. The compact shall:

1. Describe the school's responsibility to provide high quality curriculum and instruction in a supportive and effective learning environment that enables students to meet the state's student academic achievement standards;
2. Describe the ways in which each parent will be responsible for supporting their student's learning;
3. Stress the importance of ongoing communication between teachers and parents through annual parent-teacher conferences at the elementary school level.

The district shall, to the extent practicable, provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, parents of homeless students and parents of migratory students. Information and school reports will be provided in a format and language parents understand.

The district's policy, plan and compact shall be adopted by the Board, reviewed annually and updated periodically to meet the changing needs of parents and the school and distributed to parents of participating students in an understandable and uniform format and, to the extent practicable, in a language the parents can understand.

END OF POLICY

Legal Reference(s):

ORS 343.650

ORS 343.660

OAR 581-015-075

No Child Left Behind Act of 2001, 20 U.S.C. §§ 6311-6322 (2006).



Code: **IGBC-AR**
Adopted: 6/11/12
Readopted: 6/6/13, 2/8/16

Title I/Parental Involvement

Process for Annual Review of Parent Involvement

1. An annual meeting will be held to report to the board the status of Federal Programs. All Federal Program stakeholders will be invited to participate, discuss and offer recommendations for needed changes.
2. Parents, as stakeholders from each school, will be invited to attend.
3. A presentation will include information regarding each current fiscal year ESEA program. The programs will include, but not be limited to, Title I-A, II-A, III, VI-B, and X. Should additional program funds be allocated, the designated program will be included in the presentation.
4. A sign in sheet will be circulated and signatures of all present recorded.
5. Minutes will be transcribed and filed in accordance with common compliance requirements.
6. Documentation of this meeting will be kept for monitoring purposes and will include, but not be limited to, the invitation, attendance roster, minutes, Title I Parent Brochure, Board Policy and Administrative Regulation(s).



Code: **IGBG-AR**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): AR 8127

Homebound Instruction

Students who are identified by building staff to be eligible for homebound services should be referred to student services. (See Form 20 "Referral for Homebound Instruction"). The student services office will arrange for a physician's statement (student services form 200) to determine the student's eligibility for homebound services. They will also arrange for and assign the homebound tutor. The student services director may choose to begin homebound teaching prior to receipt of the physician's statement if the student is obviously eligible in the opinion of the director.

Classroom Teachers: The homebound student's regular teachers are to cooperate with and provide basic information to the homebound teacher. The classroom teacher will provide texts, materials and a general outline of expectations for the student while absent. The classroom teacher may also wish to give specific assignments or tests for use with the student during the absence. The classroom teacher will provide general information to the homebound teacher about the student's academic needs and relevant school behaviors.

Junior High and High School Counselors: Counselors are key liaisons between classroom teachers and homebound teachers because of the number of different instructors involved at this level. The counselor will provide the homebound teacher a copy of the student's class schedule and a copy of the building's teaching schedule, so that the homebound teacher may more easily contact teachers. Counselors may need to help arrange these meetings or let the homebound teacher know if it is not necessary to meet with certain classroom teachers.

Homebound Teacher: The teacher will stay in contact with the regular classroom teacher(s), return lessons, tests, worksheets and progress reports as appropriate. Upon completion of homebound instruction a final report indicating days seen and work completed is to be given to student services.

Parents: The student and family need to understand that homebound instruction is a temporary service and is not a replacement for regular school attendance. The goal is for the student to return to school as soon as feasible. Parents are to provide adequate quiet space for the homebound teacher without interruptions. Parents will usually be expected to assist their student with homework left by the teacher to be completed before the next home visit.

Attendance: One hour of home or hospital instruction is considered equivalent to one full day of school attendance. Student attendance may be maintained on regular school rolls or on state 3201 forms. It is recognized that this limited time with the tutor at home is not an adequate replacement for full-time school attendance. The homebound teacher should attempt to cover the same concepts and materials covered in the regular classroom, if the student's health permits.

Assignments and Grading: If the student's absence is relatively short (2 - 4 weeks), the homebound teacher will attempt to keep the student abreast of students in the regular class. If the absence is longer or significantly limits the student's learning capacity, the homebound teacher and classroom teacher should discuss an alternative academic plan for the student. For longer absences the homebound teacher will have greater responsibility for setting assignments and giving tests. It is preferable for the regular classroom teacher to assign quarter and semester grades based upon classroom work and homebound work. However, for absences of an entire grading period or more, the homebound teacher may assign grades after consultation with the teacher(s) and the director of student services.



Code: **IGBHA**
Adopted: 3/11/91
Readopted: 10/12/98, 9/13/04
6/9/08
Orig. Code(s): BP 8141

Alternative Education Programs**

The Board is dedicated to providing educational options for all students. It is recognized there will be students in the district whose needs and interests are best served by participation in an alternative education program.

A list of alternative education programs will be approved by the Board annually. The superintendent may provide for the involvement of staff, parents and the community in recommending alternative education programs for Board approval. Annual evaluation of alternative education programs will be made in accordance with ORS 336.655 and OAR 581-022-1350. The superintendent will develop administrative regulations as necessary to implement this requirement.

Alternative education programs will consist of instruction or instruction combined with counseling. These programs may be public or private. Private alternative education programs shall be registered with the Oregon Department of Education. Alternative education programs must meet all the requirements set forth in ORS 336.625, 336.631 and 336.637.

Students, upon parent request, may be placed in an alternative education program if the district determines that the placement serves the student's educational needs and interests and assists the student in achieving district and state academic content standards. Such placement must have the approval of the student's resident district and, as appropriate, the attending district. The district will also consider and propose alternative education programs for students prior to expulsion or leaving school as required by law.

The district shall pay the actual alternative education program cost or an amount equal to 80 percent of the district's estimated current year's average per-student net operating expenditure, whichever is less. The district will enter into a written contract with district-approved private alternative programs.

END OF POLICY

Legal Reference(s):

[ORS 329.035](#)
[ORS 329.485](#)
[ORS 332.072](#)
[ORS 336.135 - 336.183](#)

[ORS 336.615 - 336.665](#)
[ORS 339.030](#)
[ORS 339.250](#)

[OAR 581-021-0045](#)
[OAR 581-021-0065](#)
[OAR 581-021-0070](#)
[OAR 581-021-0071](#)
[OAR 581-022-1350](#)
[OAR 581-022-1620](#)
[OAR 581-023-0006](#)
[OAR 581-023-0008](#)

HB 2040



Code: **IGBHA-AR(1)**
Adopted: 3/11/91
Readopted: 10/12/98, 9/13/04
Orig. Code(s): AR 8141

Alternative Education Notification**

General notification of the alternative education law, the availability of existing programs and the procedures to request the establishment of new alternative education programs shall be contained in the student/parent handbook and distributed each year.

Individual notification to students and parents regarding the availability of alternative education programs will be given semiannually or when new programs become available under the following situations, as appropriate:

1. When two or more severe disciplinary problems occur within a three-year period (Severe disciplinary problems will be defined in the code of conduct.);
2. When attendance is so erratic the student is not benefitting from the educational program (Erratic attendance will be defined on a case-by-case basis.);
3. When a student's parent or emancipated student applies for exemption from attendance on a semiannual basis;
4. When an expulsion is being considered (for reasons other than a weapons policy violation);
5. When a student is expelled (for reasons other than a weapons policy violation).

Individual notification shall be **hand delivered** or sent by certified mail. Parents shall receive individual notification prior to an actual expulsion.

Notification shall include:

1. The student's action;
2. A list of alternative education programs for this student;
3. The program recommendations based upon the student's learning styles and needs;
4. Procedures for enrolling the student in the recommended program.

The superintendent will develop notification procedures in accordance with Oregon Revised Statutes.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 336.135 - 336.183](#)
[ORS 336.615 - 336.665](#)
[ORS 339.250 \(9\), \(11\)](#)

[OAR 581-021-0045](#)
[OAR 581-021-0065](#)
[OAR 581-021-0070](#)
[OAR 581-021-0071](#)
[OAR 581-021-0076](#)
[OAR 581-022-1350](#)
[OAR 581-022-1620](#)
[OAR 581-023-0006](#)
[OAR 581-023-0008](#)



Code: **IGBHA-AR(2)**
Adopted: 9/13/04

Alternative Education Notification

DATE _____

TO: Parent of _____

FROM: _____

RE: Notification of Alternative Education

Your student qualifies for alternative education as a result of the following student action:

Alternative education programs available for your student at this time consist of _____

The recommendation of district staff members for your student is _____

Procedures for enrolling your student in the recommended program are as follows: _____



Code: **IGBHA-AR(3)**
Adopted: 10/12/98
Readopted: 9/13/04, 12/8/08

Evaluation of Alternative Education Programs

Date _____

Dear Alternative Education Program Coordinator:

In accordance with OAR 581-022-1350, the district is required to evaluate alternative education programs annually. Please provide documentation required below and return to the Sweet Home School District Office at 1920 Long Street, Sweet Home, OR 97386 no later than May 31st. Please include the program name, program coordinator and telephone number.

Staff

1. Have criminal records checks requirements been met?
 - * Provide list of individuals subject to criminal records checks and copy of Form 2283 from the Oregon Department of Education.

Curriculum

1. Are students receiving instruction in the state content standards to prepare students to meet appropriate benchmark levels?
 - * Attach supportive documentation including such evidence as program overview, curriculum guide, course syllabi or other material that demonstrates that program curriculum is aligned with standards.
2. Are Oregon Statewide Assessments administered and the results reported annually to students, parents and the school district?
 - * Attach copy of summary report and sample of information reported to student, parents and the school district.

Discrimination

1. Does the program comply with nondiscrimination requirements of law - program does not discriminate based on age, disability, national origin, race, marital status, religion or sex?
 - * Attach student enrollment/withdrawal summary based on above criteria.

Registration (Private alternative programs only)

1. Is the program registered with the Oregon Department of Education?
 - * Attach copy of registration application and approval.

Site Evaluation

1. Does the program comply with health and safety statutes and rules?
 - * Attach copy of appropriate documentation, including first aid and emergency procedures plan, such as staff/student handbooks, in-service agenda, fire marshal's report, safety inspection reports, etc.

Tuition and Fees

1. Does the program comply with Oregon Revised Statutes regarding tuition and fees (ORS 337.150, 339.141, 339.147, 339.155)?
 - * Attach list of any fees required and explanation.

Contract

1. The program complies with any statute, rule or school district policy specified in the contract with the public or private alternative program.
 - * Attach as applicable.
2. Does the contract with the public or private alternative program state that noncompliance with a rule or statute may result in termination of the contract?
 - * Contract on file with district and program, as applicable.

Expenditures

1. Does the District comply with the Oregon Revised Statutes regarding expenditures (ORS 336.635 (2))?
 - * Attach annual statement of expenditures.

Superintendent

- * Compliance indicators are intended as examples only. District may modify as appropriate.



Code: **IGBHA-AR(4)**
Adopted: 10/12/98
Readopted: 9/13/04
Orig. Code(s): None

Evaluation of Alternative Education Programs - District Summary

The district's alternative education programs evaluator should complete the following and file with materials submitted by the alternative program coordinator.

Program Name _____ Date _____

Program Coordinator _____

Staff

1. ☐ Meets criteria ☐ Does not meet criteria

Curriculum

1. ☐ Meets criteria ☐ Does not meet criteria
2. ☐ Meets criteria ☐ Does not meet criteria

Discrimination

1. ☐ Meets criteria ☐ Does not meet criteria

Registration

1. ☐ Meets criteria ☐ Does not meet criteria

Site Evaluation

1. ☐ Meets criteria ☐ Does not meet criteria

Tuition and Fees

1. ☐ Meets criteria ☐ Does not meet criteria

Contract

1. ☐ Meets criteria ☐ Does not meet criteria
2. ☐ Meets criteria ☐ Does not meet criteria

District Evaluator Signature



Code: **IGBHB**
Adopted: 10/12/98
Revised/Readopted: 12/12/05

Establishment of Alternative Education Programs

The superintendent will develop alternative education program options in compliance with Oregon Administrative Rules and Oregon Revised Statutes:

1. For students who are unable to succeed in the regular programs because of erratic attendance or behavioral problems;
2. For students who have not met or who have exceeded all of Oregon's academic content standards;
3. When necessary to meet a student's educational needs and interests;
4. To assist students in achieving district and state academic content standards;
5. When a public or private alternative education program is not readily available or accessible.

Alternative education programs implemented by the district are to maintain learning options that are flexible with regard to environment, time, structure and pedagogy.

Examples of alternative education program options could include:

1. A separate school;
2. Evening classes;
3. Tutorial instruction;
4. Small group instruction;
5. Large group instruction;
6. Personal growth and development instruction;
7. Counseling and guidance;
8. Computer-assisted instruction;
9. Professional technical programs;
10. Cooperative work experience and/or supervised work experience, in accordance with the student's educational goals;
11. Instructional activities provided by institutions accredited by the Northwest Association of Schools and Colleges;
12. Supervised community service activities performed as part of the instructional program;-
13. Supervised independent study in accordance with a student's educational goals; and
14. The district's Expanded Options Program.

The superintendent will develop administrative regulations for establishing alternative education programs.

END OF POLICY

Legal Reference(s):

[ORS 329.035](#)
[ORS 329.485](#)

[ORS 332.072](#)
[ORS 336.135 - 336.183](#)

[ORS 336.615 - 336.665](#)
[ORS 339.250](#)

[OAR 581-021-0045](#)
[OAR 581-021-0065](#)
[OAR 581-021-0070](#)

[OAR 581-021-0071](#)
[OAR 581-022-1350](#)
[OAR 581-022-1620](#)

[OAR 581-023-0006](#)
[OAR 581-023-0008](#)

SB 300 (Chapter 674), effective January 1, 2006



Code: **IGBHB-AR**
Adopted: 10/12/98

Establishment of Alternative Education Programs

Proposals from parents or students for the establishment of an alternative education program shall be submitted in writing to the superintendent.

“Alternative education program” means a school or separate class group designed to assist students to achieve the goals of the curriculum in a manner consistent with their learning styles and needs.

Proposals for alternative programs shall include the following:

1. Goals;
2. Criteria for enrollment;
3. Proposed budget;
4. Staffing;
5. Location;
6. Assurance of nondiscrimination.

Proposals must be submitted to the superintendent prior to November 1 for programs to be implemented the following school year.

The superintendent may establish an evaluation committee to review proposals based on district criteria. The committee shall provide a written report to the superintendent by February 1 stating why the proposal should be accepted, rejected or modified.

The superintendent’s recommendation to accept, reject or accept with modifications will be presented to the Board for consideration by April 15.



Code: **IGBHD**
Adopted: 3/11/91
Readopted: 10/12/98
Orig. Code(s): BP 8139

Course Exemptions

The Sweet Home School District may excuse students from a state-required program or learning activity for reasons of religion, disability or other reasons deemed appropriate by the district.

An alternative to the state-required program or learning activity for credit may be provided.

When granted, the Board's approval of an alternative is based upon and includes:

1. A written statement from the student and the student's parents or guardian of the anticipated educational advantages which will result from the alternative;
2. An evaluation of the request by appropriate school personnel (the alternative should be consistent with the student's educational progress and career goals as described in OAR 581-022-1670 and OAR 581-022-1520); and
3. Other information as requested by the Board.

Following approval by the Board at one of its scheduled meetings, and upon completion of the alternative, credit shall be granted to the student.

END OF POLICY

Legal Reference(s):

[ORS 336.035 \(2\)](#)
[ORS 336.615](#)
[ORS 336.625](#)
[ORS 336.635](#)

[OAR 581-021-0071](#)
[OAR 581-022-0612](#)
[OAR 581-022-1350](#)
[OAR 581-022-1440](#)
[OAR 581-022-1910](#)
[OAR 581-022-1920](#)



Code: **IGBHE**
Adopted: 12/12/05
Revised/Readopted: 9/11/06, 6/9/08, 12/12/11

Expanded Options Program

The Board is committed to providing additional options to students enrolled in grades 11 and 12 to continue or complete their education, to earn concurrent high school and college credits and to gain early entry into post-secondary education. The district's Expanded Options Program will comply with all requirements of Oregon law.

Eligible Students

Eligible students may apply to take courses at a post-secondary institution through the Expanded Options Program. A student is eligible for the Expanded Options Program if he/she: (1) is 16 years or older at the time of enrollment in a course under the Expanded Options Program; (2) is in grade 11 or 12 or has not yet completed the required credits for grade 11 or 12, but the district has allowed the student to participate in the program; (3) has developed an educational learning plan; and (4) has not successfully completed the requirements for a high school diploma. A student who has graduated from high school may not participate.

Student Notification

Prior to February 15 of each year, the district shall notify all high school students and the students' parents of the Expanded Options Program for the following school year. The district will notify a transfer high school student or a returning dropout of the Expanded Options Program if the student enrolls after the district has issued the February 15 notice. The district will notify a high school student who has officially expressed an intent to participate in the Expanded Options Program, and the student's parent or guardian, of the student's eligibility status within 20 business days of the expression of intent.

The notice must include the following:

1. The definitions below:
 - a. **Eligible Students:** A student who is enrolled in an Oregon public school and who:
 - (1) Is 16 years or older at the time of enrollment in a course under the Expanded Options Program;
 - (2) Is in grade 11 or 12 or has not yet completed the required credits for grade 11 or 12, but the district has allowed the student to participate in the program;
 - (3) Has developed an educational learning plan as described in this policy; and
 - (4) Has not successfully completed the requirements for a high school diploma.An eligible student who has completed course requirements for graduation but has not received a diploma, may participate.
An eligible student does not include a foreign exchange student enrolled in a school under a cultural exchange program;
 - b. **Eligible Post-Secondary Institution:** A community college, a state institution of higher education listed in ORS 352.002 and the Oregon Health and Science University;
 - c. **Eligible Post-Secondary Course:** Any nonsectarian course or program offered through an eligible post-secondary institution if the course or program may lead to high school completion, a certificate, professional certification, associate degree or baccalaureate degree. An eligible post-secondary course does not include a duplicate course offered at the student's resident school. Eligible post-secondary courses include academic and professional technical courses and distance education courses;
2. Purposes of the Expanded Options Program which include the following:
 - a. To create a seamless education system for students enrolled in grades 11 and 12 to:
 - (1) Have additional options to continue or complete their education;
 - (2) Earn concurrent high school and college credits; and
 - (3) Gain early entry into post-secondary education.
 - b. To promote and support existing accelerated college credit programs and to support the development of new programs that are unique to a community's secondary and post-secondary relationships and resources;
 - c. To allow eligible students who participate in the Expanded Options Program to enroll full-time or part-time in an eligible post-secondary institution; and
 - d. To provide public funding to the eligible post-secondary institutions for educational services to eligible students to offset the cost of tuition, fees, textbooks, equipment and materials for students who participate in the Expanded Options Program.
 - e. To increase the number of at-risk students earning college credits or preparing to enroll in a post-secondary institution.

3. Financial arrangements for tuition, textbooks, equipment and materials;
4. Available transportation services;
5. The effect of enrolling in the Expanded Options Program on the student's ability to complete high school graduation requirements;
6. The consequences of failing or not completing a post-secondary course;
7. The requirement that participation in the Expanded Options Program is contingent on acceptance by an eligible post-secondary institution;
8. District time lines affecting student eligibility and duplicate course determinations;
9. The following information about eligibility for the Expanded Options Program:
 - a. Eligible students may not enroll in eligible post-secondary courses for more than the equivalent of two academic years, and eligible students who first enroll in grade 12 may not enroll in eligible post-secondary courses for more than the equivalent of one academic year;
 - b. A student who has completed the requirements for a high school diploma may not participate in the Expanded Options Program;
10. Notice(s) of any other program(s), agreements(s) or plan(s) in effect that provides access for public high school students to post-secondary courses;
11. The district's responsibility for providing any required special education and related services to the student;
12. The number of quarter credit hours that may be awarded each school year to eligible students by the resident high school;
13. The Board's process for selecting eligible students to participate in the Expanded Options Program if the district has not chosen to exceed the credit hour cap and has more eligible students who wish to participate than are allowed by the cap;
14. Information about program participation priority for at-risk students;
15. Exclusion of duplicate courses as determined by the district;
16. The process for a student to appeal the district's duplicate course determination to the Superintendent of Public Instruction or the Superintendent's designee;
17. Exclusion of post-secondary courses in which a student is enrolled if the student is also enrolled full time in the resident secondary school; and
18. Exclusion of foreign exchange students enrolled in a school under a cultural exchange program.

It is a priority for the district to provide information about the Expanded Options Program to high school students who have dropped out of school. The district shall establish a process to identify and provide those students with information about the program. The district shall send information about the program to the last-known address of the family of the student.

Enrollment Process

Prior to May 15 of each year, a student who is interested in participating in the Expanded Options Program shall notify the district of his/her intent to enroll in post-secondary courses during the following school year. A high school transfer student or returning dropout has 20 business days from the date of enrollment to indicate interest.

The district shall review with the student and the student's parent the student's current status toward meeting all state and district graduation requirements and the applicability of the proposed post-secondary course to the remaining graduation requirements.

A student who intends to participate in the Expanded Options Program shall develop an educational learning plan in cooperation with an advisory support team. An advisory support team may include the student, the student's parent and a teacher or a counselor. The educational learning plan may include:

1. The student's short-term and long-term learning goals and proposed activities; and
2. The relationship of the post-secondary courses proposed under the Expanded Options Program and the student's learning goals.

A student who enrolls in the Expanded Options Program may not enroll in post-secondary courses for more than the equivalent of two academic years. A student who first enrolls in the Expanded Options Program in grade 12 may not enroll in post-secondary courses for more than the equivalent of one academic year. If a student first enrolls in a post-secondary course in the middle of the school year, the time of participation shall be reduced proportionately. If a student is enrolled in a year-round program and begins each grade in the summer session, summer sessions are not counted against the time of participation.

Duplicate Courses

The district will establish a process to determine duplicate course designations. The district will notify an eligible student and the student's parent or guardian of any course the student wishes to take that the district determines is a duplicate course, within 20 business days after the student has submitted a list of intended courses.

A student may appeal a duplicate course determination to the Board based on evidence of the scope of the course. The scope of the course refers to the depth and breadth of course content as evidenced through a planned course statement, including content outlines, applicable state content standards, course goals and student outcomes. The Board's designee will issue a decision on the appeal within 30 business days of receipt of the appeal. If the appeal is denied by the Board, the student may appeal the district's determination to the Superintendent of Public Instruction.

Expanded Options Program Annual Credit Hour Cap

The number of quarter credit hours that may be awarded by a high school under the Expanded Options Program is limited to an amount equal to the number of students in grades 9 through 12 enrolled in the high school multiplied by a factor of 0.33. For example, the cap for a high school with 450 students in grades 9 through 12 would be 148.5 ($450 \times 0.33 = 148.5$). (The caps must be established separately for each high school.)

At the district's discretion, the district may choose to exceed both the individual high school level cap and the aggregate district level cap. If the district has more eligible students than are allowed under the credit hour cap the district shall establish a process for selecting eligible students for participation in the program. The process will give priority for participation to students who are "at-risk." An "at-risk student" means: (1) a student who qualifies for a free or reduced price lunch program; or (2) an at-risk student as defined by rules adopted by the State Board of Education if it has adopted rules to define an at-risk student. An "at-risk" student includes a student who meets state or federal thresholds for poverty as indicated by eligibility for services under any of the following provisions of the No Child Left Behind Act: (1) Title I - Improving Academic Achievement of the Disadvantaged, Part A - Improving Basic Programs Operated by Local Educational Agencies; (2) Title I, Part C - Education of Migratory Children; (3) Title I, Part D - Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk; (4) Title III - Language Instruction for Limited English Proficient and Immigrant Students; and (5) and Title X - Repeals, Redesignations, and Amendments to Other Statutes, Part C - Education of Homeless Children and Youth Program (amending subtitle B of title VII of the McKinney-Vento Homeless Educational Assistance Act).

If the district has not exceeded the credit hour cap, the district shall ensure that all eligible at-risk students are allowed to participate in the Expanded Options Program and may allow eligible students who are not at-risk to participate in the program.

Post-Secondary Institution Credit

Prior to beginning a post-secondary course, the district shall notify the student of the number and type of credits that the student will be granted upon successful completion of the course. If there is a dispute between the district and student regarding the number or type of credits that the district will or has granted to a student for a particular course, the student may appeal the district's decision using an appeals process adopted by the Board.

Credits granted to a student shall be counted toward high school graduation requirements and subject area requirements of the state and the district. Evidence of successful completion of each course and credits granted shall be included in the student's education record. A student shall provide the district with a copy of the student's grade in each course taken for credit under the Expanded Options Program. The student's education record shall indicate that the credits were earned at a post-secondary institution.

Financial Agreement

The district shall negotiate in good faith a financial agreement with the eligible post-secondary institution for the payment of actual instructional costs associated with the student's enrollment, including tuition and fees and the costs of textbooks, equipment and materials.

A district may request a waiver from the Superintendent of Public Instruction if:

1. Compliance would adversely impact the finances of the school district; or
2. The district offers dual credit technical preparation programs (i.e. two-plus-two programs, advanced placement or International Baccalaureate programs).

Student Reimbursement

Students are not eligible for any state student financial aid, but students may apply to the district for reimbursement for any textbooks, fees, equipment or materials purchased by the student that are required for a post-secondary course. All textbooks, fees, equipment and materials provided to a student and paid for by the district are the property of the district.

Transportation Services

The district may provide transportation services to eligible students who attend post-secondary institutions within the education service district boundaries of which the district is a component district.

Special Education Services

The district of a student participating in the Expanded Options Program shall be responsible for providing any required special education and related services to the student. "Related services" includes transportation and such developmental, corrective and other supportive services as are required to assist a student with a disability to benefit from special education and is consistent with Oregon administrative rules on special education. "Special education" means specifically designed instruction consistent with Oregon administrative rules to meet the unique needs of a student with a disability by adapting, as appropriate, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability and to ensure access of the student to the general curriculum. If a post-secondary institution intends to provide special education and related services to an Expanded Options Program participant, the institution shall enter into a written contract with the district of the student. The contract shall include the following at a minimum:

1. Allowance for the student to remain in the program during the pendency of any special education due process hearing unless the parents and district agree otherwise;
2. Immediate notification to the district if the institution suspects that a student participating in the program may have a disability and requires special education or related services;
3. Immediate notification to the district if the student engaged in conduct that may lead to suspension or expulsion; and
4. Immediate notification to the district of any complaint made by the parents of the student regarding the student's participation in the program at the institution.

District Alternative Programs

The Expanded Options Program does not affect any program, agreement or plan that existed on January 1, 2006 between the district and a post-secondary institution, which has been continued or renewed.

Any new program, agreement or plan that is developed after January 1, 2006 may be initiated at the discretion of the district and the post-secondary institution.

END OF POLICY

Legal Reference(s):

[ORS 329.035](#)

[ORS 329.485](#)

[ORS 332.072](#)

[OAR 581-022-1363 to -1373](#)

[ORS 336.615 - 336.665](#)

[ORS Chapter 340](#)



Code: **IGBI**
Adopted: 10/12/98

Second Language

Students whose primary language is a language other than English will be provided appropriate assistance until they are able to use English in a manner that allows effective, relevant participation in regular classroom instruction.

Parents who are not able to use English in a manner that allows effective, relevant participation in educational planning for their student will be provided with relevant written, verbal or signed communication in a language they can understand.

END OF POLICY

Legal Reference(s):

[ORS 329.465](#)

[ORS 336.074](#)

[ORS 336.079](#)

[OAR 581-021-0046](#)

[OAR 581-022-1140](#)

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d).



Code: **IGC**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8140

Extended Instructional Programs

The district may provide extended instructional programs including but not limited to summer school, travel study, honors programs, dual credit programs and advanced college placement subject to state and federal laws, Board policy and availability of funds.

END OF POLICY

Legal Reference(s):

[ORS 336.010](#)
[ORS 336.012](#)
[ORS 336.183](#)
[ORS 341.315](#)

Cross Reference(s):

IGCD - Advanced College Placement



Code: **IGCD**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8144

Advanced College Placement

Sweet Home School District may offer an advanced placement or dual credit program for students who are capable of performing college level work while in high school. All programs will be developed, implemented and evaluated under the approval of the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-022-1350](#)



Code: **IGCG**
Adopted: 12/8/08

Service Learning

The Board supports the concept of service learning as a teaching methodology and encourages its use in the schools. As used in this policy, “service learning” means a teaching/learning strategy requiring students to develop and apply knowledge and skills through challenging projects that meet real community needs. Citizenship, academic subjects and skills are taught through learning activities tied to academic content standards and/or local performance standards.

The superintendent may develop and implement service learning with the input of staff, students, parents, community and higher education, as appropriate.

Recommendations for curriculum revisions that require the addition or deletion of existing courses, represent a change in the courses and/or units of credit required for graduation and/or impact existing staffing patterns shall be submitted to the Board for approval. All other recommended changes must be submitted by the principal to the superintendent for approval.

The superintendent is directed to identify existing district policies, administrative regulations and other district practices that may be barriers to effective implementation of service learning. Identified policies will be referred to the Board for review and revision, as appropriate. The superintendent will also submit service learning funding needs to the Board as part of the budget planning process.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 336.175](#)

[ORS 336.183](#)

[ORS 341.315](#)

[OAR 581-022-1130](#)



Code: **IGD**
Adopted: 3/14/88
Readopted: 10/12/98
Orig. Code(s): BP 5680

Cocurricular Activities

The district recognizes that cocurricular activities, when properly planned and conducted in an appropriate, safe environment, represent an essential part of the educational experience. The district supports such activities and will attempt to make them available on a voluntary basis to students either during the school day, before, or after school hours. It is the district's goal to provide each student with a balanced program of academic studies and cocurricular activities to be determined by the school, parents and students.

Cocurricular activities will be organized and supervised activities conducted under the direction of the school principal or his/her designee.

All students representing their school in student government, service clubs, teams or any other school sanctioned activity will maintain good citizenship and meet established academic eligibility requirements for their building.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107

[ORS 339](#).240

[ORS 339](#).250

[OAR 581-021](#)-0050 to -0075

[OAR 581-022](#)-1680

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).

Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986).

Havercamp v. Unified School District No. 380, 689 F Supp. 1055 (D. Kan. 1986); aff'd, _F.2d_ (10th Cir. 1987).

Westside Community Board of Education v. Mergens, 496 U.S. 226 (1990).

Equal Access Act, 20 U.S.C. Sections 4071-4074.

Title IX of the Education Amendments of 1972, 20 U.S.C. Sections 1681-1683; 34 CFR Part 106 (2000).

Cross Reference(s):

IGD-AR - Academic Requirements for Participation in Cocurricular Activities



Code: **IGDA**
Adopted: 3/14/88
Revised/Readopted: 10/12/98, 9/13/04
Orig. Code(s): BP 5265

Assembly of Students and Student Organizations

Students may schedule meetings on school property, but such meetings must be scheduled in advance with the administration and shall not disrupt classes or cause any hazard to persons or property. Students may gather informally if they do not infringe upon the rights of others nor disrupt the orderly operation of the school.

Students will have the right to form organizations within the school for cultural, social, athletic and other authorized purposes which will enrich and extend their education. Such groups will follow guidelines and procedures governing student organizations in accordance with Board policy, local school requirements and laws.

No student group will deny membership to any student because of race, religion, nationality or for any reason other than related to the purpose of the organization or group.

Each student group must have a staff sponsor and a written statement of its goals, purposes and activities. Staff members will be encouraged to sponsor activities in order that such organizations may function within the school.

Approved student organizations have the right, within locally established guidelines, to use available school facilities, to have access to available communications, to share available bulletin board space in order to publicize activities and to distribute notices to publicize an approved activity.

The initiation ceremonies of any school organization will be conducted on school premises and will be under the direct supervision of a member of the staff. No initiation or other ceremony in connection with any organization will consist of "hazing" in any form.

In compliance with equal access legislation, student groups are allowed to use school facilities during noninstructional time on the same basis as political, philosophical and other noncurriculum related groups. The following components should be considered in allowing student use of a building for group meetings:

1. The meeting is voluntary and student-initiated;
2. There is no sponsorship of the meeting by school, government or its agents or employees;
3. Employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;
4. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school;
5. Nonschool persons may not direct, conduct, control or regularly attend activities of student groups.

END OF POLICY

Legal Reference(s):

[ORS 339.880](#)
[ORS 339.885](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. Sections 4071-4074.
Lamb's Chapel v. Center Moriches Union Free S.D., 508 U.S. 384 (1993).
Westside Community Board of Education v. Mergens, 496 U.S. 226 (1990).

Cross Reference(s):

IGDA-AR - Student Organizations



Code: **IGDA-AR**
Adopted: 10/12/98

Student Organizations

All members of the school community including staff, administrators and the Board are responsible for the activities that are conducted in the schools. It is important, therefore, to the orderly use of school facilities that the use of all space be approved and planned in advance. An attempt shall be made to present a balance of viewpoints.

Students may be permitted to hold meetings on school property before or after the regular student school day under the following conditions:

1. The meeting shall be scheduled in advance following Board "Use of School Building and Facilities" policies;
2. All meetings must be approved by the building principal or designee;
3. The meeting may be sponsored by school officials, official school clubs or organizations and nonschool organizations.

In addition to the rules and regulations of "Use of School Building and Facilities," the following restrictions shall apply:

1. Normal class activities shall not be interrupted;
2. The meeting shall not incite hazard to person or property;
3. No group which encourages or advocates the violation of federal laws, state laws or school laws shall be granted use of school facilities;
4. No speaker who encourages or advocates breaking the law shall be invited to speak.

If a crowd is anticipated, a crowd control plan shall be filed in the building administration office two days in advance of the meeting for final approval.

Students may have the right to gather informally during the regular student school day provided they meet the following criteria:

1. Students gathered informally shall not disrupt the orderly operation of the educational process;
2. Students gathered informally shall not infringe upon the rights of others to pursue their activities.

Student organizations may be curriculum related or voluntary student initiated clubs that are not curriculum related.

"Curriculum related" student organizations must meet one of the following:

1. Group's subject matter is actually taught (or will soon be taught) in a regularly offered course;
2. Group's subject matter concerns the body of courses as a whole; or
3. Participation in the group is required for a particular course or results in academic credit.

Voluntary student-initiated clubs must:

1. Be voluntary and student-initiated;
2. Not be sponsored by the school, the government or its agents or employees;
3. Not materially and substantially interfere with the orderly conduct of educational activities within the school;
4. Not be directed, controlled, conducted or regularly attended by "nonschool" persons.

Definitions:

1. "Noninstructional time" - time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends;
2. "Sponsorship" - act of promoting, leading or participating in a meeting. The assignment of a teacher, administrator or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

Equal Access Act preserves the authority of the school, its agents and employees to maintain order and discipline on school premises, to protect the well being of students and staff and to assure that their attendance at meetings is voluntary.

Schools may prohibit meetings which would materially and substantially interfere with the orderly conduct of educational activities within the school.

In a "limited open forum" situation, schools may not deny equal access of fair opportunity to, or discriminate against student initiated clubs on the basis of religious, political, philosophical or other content of the speech at such meetings.

If the meetings are religious, the school may not influence the form of any religious activity.



Code: **IGD-AR**
Adopted: 8/13/90
Revised/Readopted: 10/12/98, 1/11/99
Orig. Code(s): AR 5680

Academic Requirements for Participation in Cocurricular Activities

Students must meet all district academic requirements to participate in cocurricular activities. Cocurricular activities are all nonacademic activities sponsored by the school. This includes all athletic and nonathletic activities in which students participate while representing Sweet Home School District.

The district will require all students who participate in cocurricular activities to meet the following academic requirements:

1. Be properly enrolled in an approved academic program of study leading to high school graduation;
2. Maintain a 2.0 grade point average and have passing grades in all classes during the grading period;
3. Meet all OSAA requirements.

Students failing to maintain a 2.0 grade point average or receiving a failing grade (F) in a class will be put on probation. Grade checks will be made every three weeks. Probation begins the Monday following the grade check. At any time, a student may come off probation if the deficiency is corrected. During the probationary period students will be allowed to practice or be involved in the cocurricular activity but cannot participate in events or competitions.

Parent notification is mandatory and a parent conference should be held prior to the beginning of the probationary period.

The building principal is responsible for implementing this policy at the building level. The principal may make exceptions to the policy if extraordinary circumstances exist.

Cross Reference(s):

IGD - Cocurricular Activities



Code: **IGDB**
Adopted: 9/12/88
Readopted: 10/12/98, 9/13/04
Orig Code(s): BP 5275

Student Publications

District Sponsored

Students' First Amendment rights to freedom of expression and equal protection of the law will be observed regarding district-sponsored student publications. The observance of these rights must be balanced against the legitimate needs of the educational process.

Some student publications, such as yearbooks and school newspapers, may be educational devices developed as part of the curriculum to benefit primarily those who compile, edit and publish them. Staff advisors will be assigned to guide students engaged in these activities. Any commercial advertisements in such publications will conform to Board policy and administrative regulation.

Students may be required to submit publications for approval prior to distribution. When approval is required, school administrators must make available to students the standards which will be used to determine granting or denying permission to publish. Such guidelines will be specific and will be directed toward ascertaining which publications will cause substantial disruption of district activities or contain libelous or obscene content.

Prior restraints will contain precise criteria which spell out what is prohibited. A definite, brief time limit will be set within which school officials must approve or disapprove distribution. To be valid, these guidelines must prescribe a procedure for appeals from students.

All Publications

It will be the responsibility of local school administrators to develop and circulate reasonable and specific rules setting forth the time, manner and place in which distribution of student publications may occur. Students who become subject to discipline for failure to comply with distribution rules will be granted procedural due process rights.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 332.107](#)
[ORS 339.880](#)
[OAR 581-021-0050](#)
[OAR 581-021-0055](#)

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).



Code: **IGDBA**
Adopted: 3/14/88
Revised/Readopted: 10/12/98
Orig. Code(s): BP 5650

Student Photographs

Recognizing that most students and parents want to retain some permanent impression or keepsake as a reminder of their school experiences from year to year, the Board sanctions the practice of negotiations and contractual obligations between commercial photographers and the district as a service to the students and as part of the total school program. All such negotiations and contractual arrangements shall be made in accordance with the competitive procurement requirements of state law, Board policy and regulations.

No student, however, will be required to have a picture taken or will be pressured for the purchase of photographs.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS Chapter 279](#)



Code: **IGDB-AR**
Adopted: 9/13/04

Student Publications

Student publications subject to review by school administrators include those which are:

1. School sponsored (supported by district funds, equipment, etc.);
2. Part of the established curriculum;
3. Of benefit primarily to those who compile, edit and publish them;
4. Not by policy or practice open for indiscriminate use by the general public or students individually or as a group; or
5. Activities which students, parents and members of the public might reasonably perceive to bear the sanction or approval of the district.

Student publications will be reviewed by staff advisors and may be reviewed by other district administrators prior to printing and distribution. Materials may be modified or removed from publications for legitimate educational concerns. Such concerns include:

1. The material is or may be defamatory;
2. The material is inappropriate based on the age, grade level and/or maturity of the reading audience;
3. The material is poorly written, inadequately researched or biased or prejudiced;
4. Whether there is an opportunity for a named individual or named individuals to make a response;
5. Whether specific individuals may be identified even though the material does not use or give names; or
6. The material is or may be otherwise generally disruptive to the school environment. Such disruption may occur, for example, if the material uses, advocates or condones the use of profane language or advocates or condones the commission of unlawful acts.

Modifications or removal of items may be appealed in writing to the superintendent. The superintendent shall schedule a meeting within three school days of receiving the written appeal. Those present at the meeting shall include the individual(s) making the appeal, the individual(s) who made the decision to modify or remove materials and the superintendent. At the superintendent's discretion, the district's legal counsel may also attend the meeting. The superintendent shall make his/her decision within three school days of the meeting.

If the complainant is not satisfied with the decision of the superintendent, he/she may appeal to the Board under established district procedures.



Code: **IGDD**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8152

Student Performances

Certain instructors will arrange for individual students and groups to provide public performances when such performances contribute to educational process objectives and when they do not interfere with other scheduled activities or classes within the school, as follows:

1. All performances involving students will be approved by the building principal;
2. The extended use of one particular performing group will be discouraged;
3. Students participating in a performance will conduct themselves in such a way as to bring credit to their school;
4. Performances that are scheduled outside school hours are preferred. Performances during school hours are to be limited whenever possible to the class period during which the activity is usually taught to that particular student or students.

Student organizations may participate in the activities of the school district and with patriotic and civic groups in the community upon the approval of the principal. They will not be paid for participating or performing when they represent the school.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 332.107](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)

Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986).



Code: **IGDF**
Adopted: 3/9/98
Readopted: 10/12/98
Orig. Code(s): BP 5630

Fund Raising Activities

Fund raising activities are defined as solicited activities in which funds, goods or services are obtained in exchange for some product or item sold or service rendered.

The purpose of school sponsored or school sanctioned fund raising activities is to provide for funds, goods or services for approved school related activities and educational programs.

Student involvement is an important component in fund raising activities as it provides practical learning experiences and positive involvement with the community and businesses. Guidance and direction for student involvement is the responsibility of the school employee designated to be responsible for all aspects of the fund raising activity.

In deciding upon the type of fund raising activity to be conducted, groups are encouraged to consider first those projects that have social, entertainment and educational value. Projects that offer genuine service or entertainment values are much more acceptable than are projects where products or commodities are sold. The Board prefers and encourages those activities that include group participation, such as bazaars, carnivals, meal functions, bake sales, movies, dances or similar functions.

Fund raising activities shall meet the following criteria:

1. There shall be no money raising activities or campaigns without the approval of the building principal;
2. The activities shall take place for a designated purpose;
3. Participation by students and staff will be voluntary;
4. The activities will specifically disclaim the endorsement of the Sweet Home School District No. 55 Board of Education for a specific product, commercial establishment or other nonschool agency;
5. Fund raising activities should encourage bringing students, parents and others to school;
6. Fund raising shall not use or disrupt instructional time;
7. Participation may be through the donation of time, financial contributions and/or sales. Donations must be entirely voluntary and confidential. There shall be no comparison of the financial contributions of one student or family with the giving of another;
8. In considering possible fund raising campaigns, individual incentives will be discouraged in favor of group/school incentives;
9. Door-to-door solicitations are strongly discouraged for all students. If the principal approves a fund raising activity that lends itself to door-to-door solicitations, then the following will occur:
 - a. The principal will send a letter to parents explaining the fund raising activity and explaining that parents should be very cautious allowing students to go door-to-door. The principal will require that any door-to-door fund raising be done where the student is known in the neighborhood and that the student is accompanied by an adult, or in the case of older students (junior high or high school), another student;
 - b. The principal will provide written identification for the fund raiser indicating the activity being supported and the reason for the activity. Each student is required to have the written identification with him/her during the door-to-door solicitation.

END OF POLICY

Legal Reference(s):

[ORS 339.880](#)

[OAR 137-025-0020](#) to -0530
[OAR 581-022-1660 \(2\)](#)



Code: **IGDG**
Adopted: 10/12/98

Student Activity Funds

Student activity funds shall be defined as those funds which include all moneys raised or collected by and/or for school-approved student groups, excluding those moneys budgeted in the general fund.

Student activity fund moneys shall be collected and expended for the purpose of supporting the school's cocurricular activities program.

Cocurricular activities are comprised of the group of school-sponsored activities, under the guidance or supervision of qualified adults, designed to provide opportunities for students to participate in such experiences on an individual basis, in small groups or in large groups — at school events, public events or combination of these — for motivation, enjoyment and/or improvement of skills.

The building principal and the person in charge of the student activities program shall be responsible for administration of the building's student activity funds.

The student-treasurer of the school-recognized student government organization may serve as a representative of that organization in partial administration of the building's student activity funds.

All student activity fund moneys shall be receipted and deposited into a checking account administered by the business office.

All student activity fund expenditures must be approved by the building principal and the person in charge of the student activities program.

All expenditures from the general account of student activity funds shall be expended to benefit the student body as a whole and must also be approved by the school-recognized student government organization, if such organization exists.

All expenditures from a specific account of student activity funds related to other school-recognized student groups shall be expended to benefit the specific club or organization, and in so far as possible, to benefit those students currently in school who have contributed to the accumulation of those funds. Such expenditures must be approved by the members of that organization and their staff advisor.

END OF POLICY

Legal Reference(s):

[ORS 294.305 - 294.565](#)

[ORS 328.441 - 328.470](#)

[OAR 581-022-1660 \(2\)](#)



Code: **IGDH**
Adopted: 5/9/88
Readopted: 10/12/98, 9/13/04
Orig. Code(s): BP 8156

Contests for Students

The district may cooperate with individuals, community organizations and agencies desiring to sponsor activities in keeping with the purposes and educational aims of the school when such activities can be integrated into the school program without disruption or loss of instructional time for the student and without imposing an unreasonable added work load on the staff. Participation by students in contests must be approved by the superintendent.

The activity sponsor will be responsible for the preparation and circulation of all informational materials and for other administrative work required in the grading, judging or evaluation of the participants' work.

The following will be used as a guide in determining participation in contests:

1. The primary educational aims of the school and the needs and interest of students must be a consideration at all times;
2. The school must not be used to promote private or commercial interests;
3. The school must not be used for direct sales promotion of individual competitive goods or services;
4. All materials or activities initiated by private sources must be judged on grounds of their direct contribution to educational values, factual accuracy and good taste.

END OF POLICY

Legal Reference(s):

[OAR 137-025](#)-0020 to -0530



Code: **IGDJ**
Adopted: Unknown
Revised/Readopted: 10/12/98
Orig. Code(s): BP 5681

Interscholastic Athletics

The Board believes that participation in interscholastic athletics offers individual students opportunities to grow physically, intellectually and socially through their participation in team and individual sports.

Sweet Home School District will provide comparable interscholastic athletic competition for men and women students in a variety of sports. Students will be encouraged to participate on the basis of their interest and physical condition. Qualified coaching and supervisory personnel will be provided for all athletic events.

The district is a member of the Oregon School Activities Association (OSAA). The district will adhere to the policies, rules and regulations of that body, the State Board of Education and to operating procedures of the athletic league to which the district belongs.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)

[ORS 332.075 \(e\)](#)

[ORS 339.430](#)

[OAR 581-021-0034 to -0035](#)

[OAR 581-021-0045 to -0049](#)

[OAR 581-022-1680](#)

Title IX of the Education Amendments of 1972, 20 U.S.C. Sections 1681-1683; 34 CFR Part 106 (2000).

OSAA Handbook, Oregon School Activities Association.

Montgomery v. Board of Education, 188 Or. App. 63 (2003).



Code: **IGE**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8160

Adult Education Programs

The Board supports and cooperates fully with Linn-Benton Community College in order to make adult education programs available to its patrons.

END OF POLICY

Legal Reference(s):

[ORS 332.075 \(1\)](#)
[ORS 336.145](#)



Code: **IH**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8200

Instructional Arrangements/Grouping for Instruction

The district supports those instructional arrangements that will make it possible to provide for the individual needs of students and permit individual growth and continuous progress.

When school personnel find it necessary to selectively group students by ability levels for instruction, such grouping will:

1. Be reviewed frequently;
2. Be flexible so that a student's placement in one ability group is temporary;
3. Be within a heterogeneous classroom group rather than a homogeneous grouping by classroom except in special circumstances;
4. Reflect the results of more than one measure of ability;
5. Not reflect reasons of culture, economic or racial background.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 332.075 \(1\)](#)
[ORS 336.035](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-0606](#)
[OAR 581-022-0807](#)
[OAR 581-022-1030](#)
[OAR 581-022-1130](#)
[OAR 581-022-OAR 581-022-1210](#)
[OAR 581-022-1340](#)
[OAR 581-022-1610](#)
[OAR 581-022-1630](#)
[OAR 581-022-1670](#)
[OAR 581-022-1710](#)



Code: **IHGA**
Adopted: 9/13/04
Readopted/Revised: 12/12/05

Alternative Instructional Programs

In addition to the regular curriculum and courses offered, it is possible for students, with prior administrative approval, to obtain credit from the following alternative instructional programs and activities:

1. Community college courses;
2. Correspondence courses;
3. Outdoor school;
4. Educational travel;
5. Challenge tests;
6. Independent study;
7. Online courses;
8. The Expanded Options Program;
9. Others approved by the Board.

END OF POLICY

Legal Reference(s):

<u>ORS 332.072</u>	<u>OAR 581-021-0045</u>
<u>ORS 336.135 - 336.183</u>	<u>OAR 581-021-0065</u>
<u>ORS 336.615 - 336.665</u>	<u>OAR 581-021-0070</u>
<u>ORS 336.790 - 336.815</u>	<u>OAR 581-021-0071</u>
	<u>OAR 581-022-1130</u>
	<u>OAR 581-022-1350</u>
	<u>OAR 581-022-1620</u>
	<u>OAR 581-023-0006</u>
	<u>OAR 581-023-0008</u>

SB 300 (Chapter 674), effective January 1, 2006



Code: **IIA**
Adopted: 9/13/04
Revised/Readopted: 8/9/10

Instructional Resources/Instructional Materials

The Board believes that proper care and judgment should be exercised in selecting basic instructional materials. While the Board retains the authority to approve district instructional materials adoptions, it authorizes the superintendent to develop and implement administrative procedures governing how selections are determined. Such procedures will provide for administrator, staff, parent, student and community involvement and employ suitable selection criteria to ensure that the recommended instructional materials will meet the needs of the program, students, teachers and community.

The district will review instructional materials in accordance with the State Board of Education adoption cycle. Each instructional program and basic instructional materials will be reviewed on a seven-year cycle and recommendations for appropriate instructional materials will be made.

Recommended instructional materials will be free of racial, national origin, religious, disability, age, marital status or sexual bias; contain appropriate readability levels; support the district's adopted curriculum content; provide ease of teacher use; be attractive and durable and be purchased at a reasonable cost.

All basic instructional materials recommended for adoption need to be approved for use by the Board. Prior to Board approval, parents, students and interested district patrons will have the opportunity to review the recommended instructional materials and be encouraged to provide opinions about them and their use in the classrooms.

All supplementary materials and library/media resources will be selected cooperatively by teachers, principals, librarians and sometimes with the assistance of students and parents. Recommended supplementary materials and media resources will also be free of racial, national origin, religious, disability, age, marital status, sexual orientation or sexual bias; contain appropriate readability levels; support the district's adopted curriculum content; provide for ease of teacher use; be attractive and durable and be purchased at a reasonable cost.

END OF POLICY

Legal Reference(s):

[ORS 336.035](#)
[ORS 337.120](#)
[ORS 337.141](#)
[ORS 337.150](#)
[ORS 337.260](#)
[ORS 339.155](#)

[OAR 581-011-0050](#) to ~~[01190117](#)~~ [OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-1140](#)
[OAR 581-022-1520](#)
[OAR 581-022-1640](#)

No Child Left Behind Act of 2001, P.L. 107-110, Title I, Sections 1111-1120B.



Code: **IIA-AR**
Adopted: 9/13/04
Revised/Readopted: 8/9/10

Instructional Materials Selection

1. Selection of Instructional Materials
 - a. Responsibility for Selection of Materials
 - (1) The responsibility for the selection of instructional materials is delegated to the superintendent. For the purposes of this regulation the term “instructional materials” includes print and nonprint materials, including digital content of software in a format such as electronic and Internet or web-based materials or media (not equipment), whether considered classroom materials or media center materials.
 - (2) The responsibility for coordinating the distribution of instructional materials to classes will rest with the superintendent. “Instructional materials” includes any organized system which constitutes the major instructional vehicle for a given course of study or any major part of the course.
 - b. Procedure for Selection
 - (1) Media
 - (a) In purchasing materials for the media center, the librarian under supervision of the building principal will evaluate the existing collection and the curriculum needs and will consult reputable, professionally prepared selection aids and other appropriate sources. For the purpose of this procedure, the term “media” includes all materials considered part of the library collection, plus all nonprint instructional materials housed in resource centers and classrooms.
 - (b) Recommendations for purchase will be solicited from staff and students.
 - (c) Gift materials shall be judged by the district’s instructional materials objectives and selection criteria and shall be accepted or rejected by those criteria.
 - (d) Selection is an ongoing process which should include the removal of materials no longer appropriate and the replacement of lost and worn materials still of educational value.
 - (2) Instructional Materials
 - (a) Instructional materials committees may be appointed if determined by the administration to be appropriate at the time that adoption areas are determined. Appropriate subject area and instruction level will be included in each committee if that procedure is employed.
 - (b) The general criteria for materials selection shall be followed by the committees.
 - (c) The committee shall present its recommendation(s) to the superintendent.
 - (d) The superintendent shall submit the committee’s recommendation(s) to the Board.
2. Objections to Instructional Materials

Any resident of the district may raise objection to instructional materials used in the district’s educational program despite the fact that the individuals selecting such materials were duly qualified to make the selection and followed the proper procedure and observed the criteria for selecting such material.

 - a. The district official or staff member receiving a complaint regarding instructional materials shall try to resolve the issue informally. The materials shall remain in use unless removed through the procedure in section 3. f. (3) of this regulation.
 - (1) The district official or staff member initially receiving a complaint shall explain to the complainant the district’s selection procedure, criteria and qualifications of those persons selecting the material.
 - (a) The district official or staff member initially receiving a complaint shall explain to his/her best ability the particular place the objectionable material occupies in the education program and its intended educational usefulness, or refer the complaining party to someone who can identify and explain the use of the material.
 - (2) In the event that the person making an objection to material is not satisfied with the initial explanation, the person raising the questions should be referred to someone designated by the principal. If, after private counseling, the complainant desires to file a formal complaint, the person to whom the complainant has been referred will assist in filling out a Reconsideration Request Form in full.
 - (3) The individual receiving the initial complaint shall advise the principal of the initial contact no later than the end of the following school day, whether or not the complainant has apparently been satisfied by the initial contact. A written record of the contact shall be maintained by the principal.
3. Request for Reconsideration

- a. Any resident or employee of the district may formally challenge the appropriateness of instructional materials used in the district's educational program. This procedure is to provide a forum for those persons in the schools and the community who are not directly involved in the selection process.
- b. All school offices will keep on hand and make available Reconsideration Request Forms. All formal objections to instructional materials must be made on this form.
- c. The Reconsideration Request Form shall be signed by the complainant and filed with the superintendent.
- d. Within five business days of the filing of the form, the superintendent or person so designated by the superintendent shall file the material in question with the reconsideration committee. The committee shall recommend disposition to the superintendent.
- e. Generally, access to challenged material shall not be restricted during the reconsideration process. In unusual circumstances the material may be removed temporarily by following the provisions of Section 3. f. (3) of this regulation.
- f. The Reconsideration Committee
 - (1) The reconsideration committee shall be made up of nine members:
 - (a) One teacher designated annually by the superintendent;
 - (b) One school librarian designated annually by the superintendent;
 - (c) One member of the administrative staff designated annually by the superintendent;
 - (d) Five members from the community appointed annually by the Board;
 - (e) One student selected annually by the student council.
 - (2) The chairman of the committee shall not be an employee or officer of the district. The secretary shall be an employee or officer of the district.
 - (3) Special meetings may be called by the superintendent to consider temporary removal of materials in unusual circumstances. Temporary removal shall require a three-fourths vote of the committee.
 - (4) The committee shall receive all Reconsideration Request Forms from the superintendent or person designated by the superintendent.
 - (5) The procedure for the first meeting following receipt of a Reconsideration Request Form is as follows:
 - (a) Distribute copies of written request form;
 - (b) Give complainant or a group spokesman an opportunity to talk about and expand on the request form;
 - (c) Distribute reputable, professionally prepared reviews of the material when available;
 - (d) Distribute copies of challenged material as available.
 - (6) The committee may request that individuals with special knowledge be present to provide information.
 - (7) The complainant shall be kept informed by the superintendent concerning the status of the complaint throughout the committee reconsideration process. The complainant and known interested parties shall be given appropriate notice of such meetings.
 - (8) The committee shall make its decision in either open or closed session. The committee's final decision will be:
 - (a) To take no removal action;
 - (b) To remove all or part of the challenged material from the total school environment;
 - (c) To limit the educational use of the challenged material. The sole criteria for the final decision is the appropriateness of the material for its intended educational use. The vote on the decision shall be by secret ballot. The written decision and its justification shall be forwarded to the superintendent for appropriate action and to the complainant.
 - (9) A decision to sustain a challenge shall not be interpreted as a judgment of irresponsibility on the part of the professionals involved in the original selection or use of the material.
 - (10) Requests to reconsider materials which have previously been before the committee must receive approval of a majority of the committee members before the materials will again be considered. Every Reconsideration Request Form shall be acted upon by the committee.
 - (11) Committee members directly associated with the selection of the challenged material shall be excused from the committee during the deliberation on such materials. The superintendent may appoint a temporary replacement for the excused committee member, but such replacement shall be of the same general qualifications as that person excused.
 - (12) If the complainant is not satisfied with the decision, a request may be made that the matter be placed on the agenda of the next regularly scheduled meeting of the Board.



Code: **IIA-AR**
Adopted: 9/13/04
Revised/Readopted: 8/9/10

Reconsideration Request Form for Reevaluation of Instructional Material
(submit to superintendent)

Book or Other Printed Material If Applicable:

Author _____ Hardcover _____ Paperback _____ Other _____
Title _____ Publisher _____ Date of pub. _____

Digital Media If Applicable:

Title _____ Producer (if known) _____
Type of media (video, etc.) _____

Request initiated by _____ Telephone _____
Address _____ City _____ Zip _____

Person making the request represent self _____ group or organization
Name of Group _____

1. To what in the item do you object? (Please be specific, cite pages, frames, etc.)
2. In your opinion what harmful effects upon students might result from use of this item?
3. Do you perceive any instructional value in the use of this item?
4. Did you review the entire item? If not, what sections did you review?
5. Should the opinion of any additional experts in the field be considered?
____ Yes ____ No Please list suggestions if any:
6. What would you like the school to do about this material?
Do not use it with my student
Withdraw it from use
Send it back to the selector or selectors for evaluation
Other
7. In place of this item would you care to recommend other material which you consider to be of equal or superior quality for the purpose intended?
8. Do you wish to make an oral presentation to the Review Committee?
____ Yes ____ No If yes, please call the superintendent's office at 541-367-7126.

Signature: _____

Date: _____

References: _____



Code: IIABB
Adopted: 10/12/98
Revised: 03/12/01, 01/13/03

USE OF FEATURE FILMS/VIDEOS

The Board recognizes the showing of commercially produced and rated feature films and videos, or segments of such, may have a legitimate purpose in a school's educational program. However, since the content of feature films/videos customarily is designed for general audience viewing, the board feels certain precautions should be taken to ensure the showing of a particular film, or segment thereof, is consistent with the educational values espoused by the district.

Regardless of the ratings, teachers must use their professional and prudent judgment in showing videos in their entirety or in part.

Films/videos are to be used only in the context of legitimate educational purposes, in accordance with the district curriculum for the class in which it is shown.

The building administrator will monitor policy implementation and will have the final authority to make decisions as to the appropriateness of any film/video (or segment thereof) shown within the school.

Films rated G, PG, PG-13 and R, as permitted by this policy, may be shown as part of the school program at the appropriate grade level in accordance with the following requirements:

<u>Film/Video rating</u>	<u>Criteria</u>
"G"	May be shown at all grade levels without administrative or parental permission.
"PG"	<ol style="list-style-type: none">1. May be used for students in grades K-12.2. Requires written administrative and parental permission in grades K-6.
"PG-13"	<ol style="list-style-type: none">1. May be used in grades 7-12 and requires written administrative and parental permission.2. No nudity or sexual activity will be shown.3. Excerpts may be shown at teachers' discretion, with principal review, without parent permission. However, these excerpts will not include nudity or sexual activity.
"R"	<ol style="list-style-type: none">1. May be used in grades 9-12 and requires written administrative and parental permission.2. No nudity or sexual activity will be shown.3. Excerpts may be shown at teachers' discretion, with principal review, without parent permission. However, these excerpts will not include nudity or sexual activity.
Other Ratings	Full-length films/videos or segments thereof with ratings other than G, PG, PG-13 and R will not be shown in District schools.

The teacher will exercise professional judgment, in keeping with the spirit of this policy, in the use of non-rated films and videos. Questionable material requires the permission of the principal. The principal will decide if parental permission is required.

END OF POLICY

Legal References:

ORS 332.107

Cross Reference:

IIABB-AR - Sweet Home School District Film/Video Parent Permission Form
IIABB-AR - Sweet Home School District Administrative Film Review Form



Code: IIABB-AR(1)
Adopted: 10/12/98
Revised: 03/12/01

SWEET HOME SCHOOL DISTRICT
Film/Video Parent Permission Form

The Sweet Home School District Administration recognizes the showing of commercially produced and rated feature films and videos, or parts of, may have a legitimate educational purpose. We also recognize that parents need to make final determination as to the value of a particular film/video for their child. Absolutely no nudity or sexual activity will be shown in films/videos in the Sweet Home School District. With that in mind, we ask you to complete this permission form so that we can respond to your wishes.

I understand that my son/daughter will have the opportunity to view, in the classroom, a film/video, or part thereof, that is rated "_____." I also understand that there will be an alternative activity provided for any students who do not view the film/video and choose to do an alternative activity rather than other school related work.

Class: _____ Teacher: _____

Film/Video title: _____ Rating: _____

Date of Showing: _____

Curricular Value of Film/Video or segment and what will be shown**: _____

Please select one of the following options, sign this form and return it with your student to the teacher listed.

_____ I agree that _____ (name of student) may view the above mentioned film/video.

_____ I do not want _____ (name of student) viewing this film/video and select the option of an alternative activity/related school work for my student.

Signed: _____ Date: _____
(Parent/Guardian)

** For more information about the film/video, call the teacher listed above at:
_____.



Code: IIABB-AR(2)
Adopted: 10/12/98
Revised: 03/12/01

SWEET HOME SCHOOL DISTRICT
Administrative Film Review Form

Any film rated "PG" shown to grades K-6, "PG-13" shown to grades 7-12 or "R" shown to grades 9-12 must have approval by the principal prior to the film being shown.

Absolutely no nudity or sexual activity will be shown in film/videos in the Sweet Home School District.

Teacher: _____

Date: _____

Name of Film: _____

Rating of Film: _____

Class/Subject: _____

Please respond to the following questions:

1. Please describe the core knowledge, skill or concept addressed in this film that relates to your current curriculum.
2. How will this film be used in support of the academic goals/benchmarks of your curriculum?
3. What aspects of this film might be considered controversial in the eyes of parents or guardians? Will these scenes be edited out and if not how do you plan to address these aspects with your students?
4. What alternative learning opportunity will be provided for students?

Administrative Approval: _____

Date: _____



Code: **IIAD**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8313

Special Interest Materials

Supplementary printed materials from commercial, political, religious or other nonschool sources, must have the approval of the principal before being used in the schools. This approval may be given to materials that are of obvious education quality, which supplement and enrich text and reference book materials for definite school courses and which are timely and up-to-date.

The following criteria are recommended as a guide in making such decisions:

1. Any expression of a point of view must be clearly identified;
2. Any advertising that appears on or with any material will be in good taste and unobtrusive;
3. The source of all material will be clearly identifiable.

Advertising materials of commercial, political or religious nature will not be displayed or distributed in the school or on school grounds. Students may not be used as the agents for distributing nonschool materials to homes without the approval of the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 337.120](#)
[ORS 339.880](#)

[OAR 581-022-1520](#)
[OAR 581-022-1640](#)

Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2001).

Cross Reference(s):

EGAAA - Reproduction of All Copyrighted Materials
IIABB - Use of Feature Films/Videos
KJA - Printed Material



Code: **IIBD**
Adopted: 9/13/04

District Libraries

The Board will maintain a school library in the district to be directed by a licensed school librarian or other personnel.

The Board intends to provide supplies, books, encyclopedias, dictionaries and periodicals as needed in keeping with state standards.

The library, in addition to containing written materials, may contain audiovisual materials and equipment, computers and computer software.

Library services including curriculum, personnel and inventory shall be reviewed annually.

END OF POLICY

Legal Reference(s):

[ORS 332.385](#)

[ORS 337.120](#)

[OAR 581-022-1520](#)



Code: **IIBE**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8328

Instructional Television

The Board believes that certain television programs will make a contribution to instruction. When used in relation to course objectives, such programs can add to students' level of understanding. When recommending programs for student viewing, the teacher will exercise caution as follows:

1. The program will be suitable to the maturity level of students, and the subject matter will be appropriate to the curriculum. In discussion of the program, its content will be integrated with curriculum objectives;
2. The program will be free of ethnic, sex or religious bias.

Before recommending the viewing of any programs to students, the teacher will ascertain that the format and content will be suitable for them.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107



Code: **IIBGA**
Adopted: 4/14/97
Revised/Readopted: 10/12/98, 9/13/04, 9/11/06,
9/14/09, 5/11/15

Electronic Communications System

The Board is committed to the development and establishment of a quality, equitable and cost-effective electronic communications system. The system's sole purpose shall be for the advancement and promotion of learning and teaching.

The district's system will be used to provide statewide, national and global communications opportunities for staff and students.

The superintendent will establish administrative regulations for the use of the district's system including compliance with the following provisions of the Children's Internet Protection Act:

1. Technology protection measures, installed and in continuous operation, that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography or, with respect to the use of the computers by minors, harmful to minors;
2. Educating minors about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking sites and in chat rooms;
3. Monitoring the online activities of minors;
4. Denying access by minors to inappropriate matter on the Internet and World Wide Web;
5. Ensuring the safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications;
6. Prohibiting unauthorized access, including so-called "hacking" and other unlawful activities by minors online;
7. Prohibiting unauthorized disclosure, use and dissemination of personal information regarding minors;
8. Installing measures designed to restrict minors' access to materials harmful to minors.

The superintendent will establish administrative regulations for use of the district's system by staff using their own personal electronic devices to download and store district proprietary information including personally recognizable information about the district students or staff. Regulations shall insure compliance with privacy rights under applicable federal and state laws and regulations, including but not limited to the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act of 2008 (GINA) and the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

The administrative regulations will be consistent with sound guidelines as may be provided by the education service district, the Oregon Department of Education and/or the Government Standards and Practices Commission and will include a complaint procedure for reporting violations.

The superintendent will also establish administrative regulations for use of the district's electronic communications system to comply with copyright law.

Failure to abide by district policy and administrative regulations governing use of the district's system may result in the suspension and/or revocation of system access. Additionally, student violations will result in discipline up to and including expulsion. Staff violations will also result in discipline up to and including dismissal. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions. Fees, fines or other charges may also be imposed.

END OF POLICY

Legal Reference(s):

[ORS 30.765](#)
[ORS 133.739](#)
[ORS 163.435](#)
[ORS 164.345](#)
[ORS 164.365](#)
[ORS 167.060](#)

[ORS 167.065](#)
[ORS 167.070](#)
[ORS 167.080](#)
[ORS 167.087](#)
[ORS 167.090](#)
[ORS 167.095](#)

[ORS Chapter 192](#)
[ORS 332.107](#)
[ORS 336.222](#)
[ORS 339.250](#)
[ORS 339.260](#)
[ORS 339.270](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)



Code: **IIBGA-AR**
Adopted: 10/18/01,
Revised/Readopted: 9/11/06, 9/10/07, 12/8/08,
9/14/09, 4/13/15

Electronic Communications System

Definitions

1. "Technology protection measure," as defined by the Children's Internet Protection Act (CIPA) means a specific technology that blocks or filters Internet access to visual depictions that are:
 - a. Obscene, as that term is defined in Section 1460 of Title 18, United States Code;
 - b. Child pornography, as that term is defined in Section 2256 of Title 18, United States Code; or
 - c. Harmful to minors.
2. "Harmful to minors" as defined by CIPA means any picture, image, graphic image file or other visual depiction that:
 - a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
 - b. Depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 - c. Taken as a whole, lacks serious literary, artistic, political or scientific value to minors.
3. "Sexual act; sexual contact" as defined by CIPA have the meanings given such terms in Section 2246 of Title 18, United States Code.
4. "Minor" as defined by CIPA means an individual who has not attained the age of 17. For the purposes of Board policy and this administrative regulation, minor will include all students enrolled in district schools.
5. "Inappropriate matter" as defined by the district means material that is inconsistent with general public education purposes, the district's mission and goals.¹
6. "District proprietary information" is defined as any information created, produced or collected by district staff for the business or education purposes of the district including but not limited to student information, staff information, parent or patron information, curriculum, forms and like items used to conduct the district's business.
7. "District software" is defined as any commercial or staff developed software acquired using district resources.

General District Responsibilities

The district will:

1. Designate staff as necessary to ensure coordination and maintenance of the district's electronic communications system which includes all district computers, e-mail and Internet access;
2. Provide staff training in the appropriate use of the district's system including copies of district policy and administrative regulations. Staff will provide similar training to authorized system users;
3. Cooperate fully with local, state or federal officials in any investigation relating to misuse of the district's system;
4. Use only properly licensed software, audio or video media purchased by the district or approved for use by the district. The district will comply with the requirements of law regarding the use, reproduction and distribution of copyrighted works and with applicable provisions of use or license agreements;
5. Install and use desktop and/or server virus detection and removal software;
6. Provide technology protection measures that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography, or with respect to the use of computers by minors, harmful to minors. A supervisor or other individual authorized by the building principal may disable the technology protection measures to enable access for bona fide research or other lawful purposes, as deemed appropriate;
7. Prohibit access by minors, as defined by CIPA and this regulation, to inappropriate matter on the Internet and World Wide Web;
8. Provide staff supervision to monitor the online activities of students to prevent unauthorized access, including "hacking" and other unlawful activities online, and ensure the safety and security of minors when authorized to use e-mail, chat rooms and other forms of direct electronic communication;

¹As inappropriate matter is not defined in the CIPA or regulations, districts should define the scope of what it will regard as inappropriate matter. The language provided in #5. is intended as a guide only.

9. Provide student education about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking and social media web sites and in chat rooms;
10. Determine which users and sites accessible as part of the district's system are most applicable to the curricular needs of the district and may restrict user access, accordingly;
11. Determine which users will be provided access to the district's e-mail system;
12. Program its computers to display a message reinforcing key elements of the district's Electronic Communications System policy and regulation when accessed for use;
13. Notify appropriate system users that:
 - a. The district retains ownership and control of its computers, hardware, software and data at all times. All communications and stored information transmitted, received or contained in the district's information system are the district's property and are to be used for authorized purposes only. Use of district equipment or software for unauthorized purposes is strictly prohibited. To maintain system integrity, monitor network etiquette and ensure that those authorized to use the district's system are in compliance with Board policy, administrative regulations and law, the school administrators may routinely review user files and communications;
 - b. Files and other information, including e-mail, sent or received, generated or stored on district servers are not private and may be subject to monitoring. By using the district's system, individuals consent to have that use monitored by authorized district personnel. The district reserves the right to access and disclose, as appropriate, all information and data contained on district computers and district-owned e-mail system;
 - d. E-mail sent or received by a Board member or employee in connection with the transaction of public business may be a public record and subject to state archivist rules for retention and destruction;
 - e. Information and data entered or stored on the district's computers and e-mail system may become discoverable evidence if a public records request is made or a lawsuit is filed against the district. "Deleted" or "purged" data from district computers or e-mail system may be retrieved for later public records disclosure or disciplinary purposes, as deemed necessary by the district;
 - f. The district may set quotas for system disk usage.
 - g. Passwords used on the district's system are the property of the district and must be provided to their supervisor or designated district personnel, as appropriate. Passwords that have not been provided to the district are prohibited;
 - h. Transmission of any materials regarding political campaigns is prohibited.
14. Ensure all student, staff and nonschool system users complete and sign an agreement to abide by the district's electronic communications policy and administrative regulations. All such agreements will be maintained on file.
15. Notify users of known copyright infringing activities and deny access to or remove the material.

System Access

1. Access to the district's system is authorized to:
Board members, district employees, students in grades K-12, with parent approval and when under the direct supervision of staff, and district volunteers, district contractors or other members of the public as authorized by the system coordinator or district administrators consistent with the district's policy governing use of district equipment and materials.
2. Students, staff, Board members, volunteers, district contractors and other members of the public may be permitted to use the district's system for personal use, in addition to official district business, consistent with Board policy, general use prohibitions/guidelines/etiquette and other applicable provisions of this administrative regulation. Personal use of district-owned computers including Internet and e-mail access by employees is prohibited during the employee's work hours. Additionally, Board member and employee use of district-owned computers may be permitted only when such use does not violate the provisions of ORS 244.040 and use is under the same terms and conditions that access is provided to the general public under the district's policy governing use of district equipment and materials.

SHSD Wireless Access:

SHSD Public is defined as wireless access for general use, with student level access. SHSD Private is defined as wireless access for district owned electronic equipment, with staff level access.

Students and staff may use a privately owned electronic “Internet ready” device on the SHSD Public wireless network. They are prohibited from using the SHSD Private wireless network with personal data devices. The SHSD Private wireless network is for district owned devices only. Under special circumstances, staff may be given Private access for their personal device with the express authorization of the Technology Department.

By connecting to the SHSD Wi-Fi, users accept the terms of the district’s electronic policies and administrative regulations. The technology devices students and staff bring to school are their sole responsibility. The District assumes no responsibility for personal devices or data if they are lost, loaned, damaged or stolen. Personal devices may be subject to investigation of misuse in accordance with District Policy.

During the school day, the use of a privately owned electronic device is to support and enhance instructional activities. Students are prohibited from accessing the Internet using any external internet service. As we have no way to filter these and therefore would not be CIPA compliant.

No privately owned electronic device may be connected to the SHSD network by a network cable plugged into a data outlet without the Technology Department’s authorization. Network access for privately owned devices is provided via Wi-Fi access only.

No student shall establish a wireless ad-hoc or peer-to-peer network using his/her electronic device or any other wireless device while on school grounds. This includes, but is not limited to using a privately owned electronic device as a cabled or wireless hotspot.

Voice, video, and image capture applications may only be used with teacher or administrator permission.

Sound should be muted unless the teacher or administrator grants permission for use of sound associated with the instructional activities. A teacher or administrator may permit the use of ear buds or other types of headphones.

The privately owned electronic device owner is the only person allowed to use the device.

No District owned academic or productivity software may be installed on personal devices, unless approved by the District and allowed by specific software license.

No student or staff member shall use any computer or device to illegally collect any electronic data or disrupt networking services.

Violation of SHSD policies, local, state and/or federal laws while using a personal electronic device on the SHSD wireless network will result in appropriate disciplinary and/or legal action as specified in the Student Handbook and Code of Student Conduct, School Board Policy as well as by local, state and/or federal law.

The SHSD and personnel cannot attempt to repair, correct, troubleshoot, or be responsible for malfunctioning personal hardware or software.

General Use Prohibitions/Guidelines/Etiquette

Operation of the district’s system relies upon the proper conduct and appropriate use of system users. Students, staff and others granted system access are responsible for adhering to the following prohibitions and guidelines which require legal, ethical and efficient utilization of the district’s system.

1. Prohibitions

The following conduct is strictly prohibited:

a. Attempts to use the district’s system for:

- (1) Unauthorized solicitation of funds;
- (2) Distribution of chain letters;
- (3) Unauthorized sale or purchase of merchandise and services;
- (4) Collection of signatures;

- (5) Membership drives;
- (6) Transmission of any materials regarding political campaigns.
- b. Attempts to upload, download, use, reproduce or distribute information, data, software, or file share music, videos or other materials on the district's system in violation of copyright law or applicable provisions of use or license agreements;
- c. Attempts to degrade, disrupt or vandalize the district's equipment, software, materials or data or those of any other user of the district's system or any of the agencies or other networks connected to the district's system;
- d. Attempts to evade, change or exceed resource quotas or disk usage quotas;
- e. Attempts to send, intentionally access or download any text file or picture or engage in any communication that includes material which may be interpreted as:
 - (1) Harmful to minors;
 - (2) Obscene or child pornography as defined by law or indecent, vulgar, profane or lewd as determined by the district;
 - (3) A product or service not permitted to minors by law;
 - (4) Harassment, intimidation, menacing, threatening or constitutes insulting or fighting words, the very expression of which injures or harasses others;
 - (5) A likelihood that, either because of its content or the manner of distribution, it will cause a material or substantial disruption of the proper and orderly operation of the school or school activity;
 - (6) Defamatory, libelous, reckless or maliciously false, potentially giving rise to civil liability, constituting or promoting discrimination, a criminal offense or otherwise violates any law, rule, regulation, Board policy and/or administrative regulation.
- f. Attempts to gain unauthorized access to any service via the district's system which has a cost involved or attempts to incur other types of costs without specific approval. The user accessing such services will be responsible for these costs;
- g. Attempts to post or publish personal student contact information unless authorized by the system coordinator or teacher and consistent with applicable Board policy pertaining to student directory information and personally identifiable information. Personal contact information includes photograph, age, home, school, work or e-mail addresses or phone numbers or other unauthorized disclosure, use and dissemination of personal information regarding students;
- h. Attempts to arrange student meetings with anyone on the district's system, unless authorized by the system coordinator or teacher and with prior parent approval;
- i. Attempts to use the district's name in external communication forums such as chat rooms without prior district authorization;
- j. Attempts to use another individual's account name or password, failure to provide the district with individual passwords or to access restricted information, resources or networks to which the user has not been given access.
- k. Connecting wirelessly or directly to the district's network with non-district owned devices including but not limited to; laptop or desktop computers, PDAs (IPaqs, Dell Axim, etc.) or network sniffing equipment. Such devices will be immediately disabled pending further action.
- l. Attaching non-district owned network or computing devices, or equipment not authorized by the Technology Department, to the district's network or any device connected to the network. Such devices include, but are not limited to; wireless access points, hubs, switches, routers, firewalls, servers and desktop or laptop computers.

2. Guidelines/Etiquette

Appropriate system use etiquette is expected of all users and is explained in district training sessions.

Complaints

Complaints regarding use of the district's Electronic Communications System may be made to the teacher, principal, employee's supervisor or system coordinator. The district's established complaint procedure will be used for complaints concerning violations of the district's Electronic Communications System policy and/or administrative regulation. See Board policy KL-Public Complaints.

Violations/Consequences

1. Students

- a. Students who violate general system user prohibitions shall be subject to discipline up to and including expulsion and/or revocation of district system access up to and including permanent loss of privileges.
- b. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions.

- c. Disciplinary action may be appealed by parents, students and/or a representative in accordance with established district procedures.
- 2. Staff
 - a. Staff who violate general system user prohibitions shall be subject to discipline up to and including dismissal in accordance with Board policy, collective bargaining agreements and applicable provisions of law.
 - b. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions.
 - c. Violations of applicable Teacher Standards and Practices Commission (TSPC), Standards for Competent and Ethical Performance of Oregon Educators will be reported to TSPC as provided by OAR 584-020-0041.
 - d. Violations of ORS 244.040 will be reported to GSPC.
- 3. Others
 - a. Other guest users who violate general system user prohibitions shall be subject to suspension of system access up to and including permanent revocation of privileges.
 - b. Violations of law will be reported to law enforcement officials or other agencies, as appropriate, and may result in criminal or civil sanctions.

Telephone/Membership/Other Charges

- 1. The district assumes no responsibility or liability for any membership or phone charges including, but not limited to, long distance charges, per minute (unit) surcharges and/or equipment or line costs incurred by any home usage of the district's system.
- 2. Any disputes or problems regarding phone services for home users of the district's system are strictly between the system user and his/her local phone company and/or long distance service provider.

Information Content/Third Party Supplied Information

- 1. System users and parents of student system users are advised that use of the district's system may provide access to materials that may be considered objectionable and inconsistent with the district's mission and goals. Parents should be aware of the existence of such materials and monitor their student's home usage of the district's system accordingly.
- 2. Opinions, advice, services and all other information expressed by system users, information providers, service providers or other third-party individuals are those of the providers and not the district.
- 3. System users may, with supervising teacher or system coordinator approval, order services or merchandise from other individuals and agencies that may be accessed through the district's system. These individuals and agencies are not affiliated with the district. All matters concerning merchandise and services ordered including, but not limited to, purchase terms, payment terms, warranties, guarantees and delivery are solely between the seller and the system user. The district makes no warranties or representation whatsoever with regard to any goods or services provided by the seller. district staff and administration shall not be a party to any such transaction or be liable for any costs or damages arising out of, either directly or indirectly, the actions or inactions of sellers.
- 4. The district does not warrant that the functions or services performed by or that the information or software contained on the system will meet the system user's requirements or that the system will be uninterrupted or error-free or that defects will be corrected. The district's system is provided on an "as is, as available" basis. The district does not make any warranties, whether express or implied including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein.



Code: **IIBGA-AR**

Student Internet Use Agreement

Permission is valid as long as the student remains at the school attended when permission was given.
Permission must be renewed if, and when, the student moves to another school.

A parent/guardian may revoke this permission at any time with written notification to the school.

Following you will find information that must be reviewed. It is required that this completed, signed agreement be returned prior to your student being allowed or denied access to the internet.

Student Section

Student Name _____ Grade _____

School _____

I have read the district's Electronic Communications System policy and administrative regulation and agree to abide by their provisions. I understand that violation of these provisions will result in discipline up to and including revocation of system access, suspension or expulsion from school and related privileges and/or referral to law enforcement officials.

Student Signature _____ Date _____

Parent/Guardian Section

I have read the district's Electronic Communications System policy and administrative regulation. I will monitor my student's use of the system and his/her potential access to the world-wide Internet and will accept responsibility for supervision in that regard if and when my student's use is not in a school setting.

- ☐ I give my permission for my student to access networked computer services such as electronic mail and the internet through district approved access.
- ☐ I DO NOT give my permission for my student to access the district's networked computer services.

In consideration for the privilege of using the district's Electronic Communications System and in consideration for having access to the public networks, I hereby release the district, its personnel and any institutions with which it is affiliated, from any and all claims and damages of any nature arising from use of, or inability to use, the district system, including, but not limited to, claims that may arise from the unauthorized use of the system to purchase products or services. I understand a user can be held liable for damages caused by intentional misuse of the system.

Signature of Parent/Guardian: _____

Printed Name of Parent/Guardian: _____

Home Address _____

Date _____ Home Phone Number _____



Code: IIBGA-AR

Request for Non-Student District Network/E-Mail Account

I have read the district's Electronic Communications System policy and administrative regulation and agree to abide by their provisions. I understand that violation of these provisions will result in suspension or revocation of system access and related privileges and/or referral to law enforcement officials.

In consideration for the privilege of using the district's Electronic Communications System and in consideration for having access to the public networks, I hereby release the district, its personnel and any institutions with which it is affiliated, from any and all claims and damages of any nature arising from use of, or inability to use, the district system, including, but not limited to, claims that may arise from the unauthorized use of the system to purchase products or services. I understand a user can be held liable for damages caused by intentional misuse of the system.

◆ STAFF ◆

Please fill out this form and return to your library contact person or the Technology Department at the District Office.

Name: _____ Date: _____

School: _____ Department: _____

Preferred Network/Email Password: _____

Passwords must be at least eight (8) characters long, of which two (2) must be numbers and/or symbols!!

◆ NON-STAFF ◆

Please fill out this form and return to a library contact person or the Technology Department at the District Office.

Printed Name of User: _____

Signature _____

Home Address _____

Date: _____ Home Phone Number _____ Cell Phone Number _____

WELCOME TO THE SHSD NETWORK!

▲ FOR NETWORK ADMINISTRATOR'S USE ONLY ▲

Date Account Activated: _____

Your Network/Email User Name is: _____

Your Network/Email Password is: _____

Your Complete E-mail Address is: firstname.lastname@sweethome.k12.or.us



Code: **IIBGC**
Adopted: 5/12/97
Revised/Readopted: 10/12/98, 10/08/01, 4/11/11
Orig. Code: BP 8332

Web Policy

- A. District Web Site
 - 1. The district may establish a Web site. Material appropriate for placement of the district Web site includes: district information, school information, teacher or class information, student projects and student extracurricular organization information. Personal, non-educationally-related information will not be allowed on the district Web site.
 - 2. The superintendent will designate a district Web publisher, responsible for maintaining the official district Web site and monitoring all district Web activity. The Web publisher will develop style and content guidelines for official district and school Web materials and develop procedure for the placement and removal of such material. All official district material originating from the district posted on the district Web site must be approved through a process established by the district Web publisher.
- B. School Web Pages
 - 1. The building principal will designate a school Web publisher, responsible for managing the school Web site and monitoring class, teacher, student and extracurricular Web pages. All official material originating from the school will be consistent with the district style and content guidelines and approved through a process established by the school Web publisher. The school Web publisher will develop additional guidelines for the school Web site.
- C. Teacher Web Pages
 - 1. Teachers may establish Web pages for use with class activities or that provide a resource for parents, students or teachers. Teachers will be responsible for maintaining their class or educational resource sites. Teacher Web pages will not be considered official material but will be developed in such a manner as to reflect well upon the district and school.
- D. Staff Web Pages
 - 1. Staff may develop Web pages that provide a resource for others. Staff will be responsible for maintaining their resource sites. Staff Web pages will not be considered official material, but will be developed in a manner as to reflect well upon the district.
- E. Student Web Pages
 - 1. Students may create a Web site as part of a class activity. Material presented on a student class activity Web site must meet the educational objectives of the class activity.
 - 2. With the approval of the building principal or Web publisher, students may establish personal Web pages. Material presented in the student's personal Web site must be related to the student's educational and career preparation activities.
 - 3. It will not be considered a violation of a student's right to free speech to require removal of material that fails to meet established educational objectives or that is in violation of a provision of the Acceptable Use policy or student disciplinary code. However, student material may not be removed on the basis of disagreement with the views expressed by the student.
 - 4. Student Web pages must include the following notice: "This is a student Web page. Opinions expressed on this page shall not be attributed to the Sweet Home School District or Linn-Benton-Lincoln ESD."
 - 5. Student Web pages will be removed at the end of the school year unless special arrangements are made. A notice will be provided to students prior to such removal.
- F. Extracurricular Organization Web Pages
 - 1. With the approval of the building principal, extracurricular organizations may establish Web pages. Material presented on the organization Web page must relate specifically to organization activities.
 - 2. Organization Web pages must include the following notice: "This is a student extracurricular

organization Web page. Opinions expressed on this page shall not be attributed to the Sweet Home School District or Linn-Benton-Lincoln ESD."

G. Web Page Design

1. All district Acceptable Use policy provisions will govern material placed on the Web.
2. Web pages may:
 - a. Contain directory information of students unless parents have submitted in the "Student Information Opt-Out" form, IIBGC-AR, to the principal stating they do not want directory information about their student shared.
 - b. Display photographs or videos of any identifiable individual unless parents have notified the principal in writing not to share their child's directory information.
 - c. Not contain copyrighted or trademarked material belonging to others unless written permission to display such material has been obtained from the owner. There will be no assumption that the publication of copyrighted material on a Web site is within the fair use exemption.
3. Material placed on the Web site is expected to meet academic standards of proper spelling, grammar and accuracy of information.
4. Students may retain the copyright on the material they create that is posted on the Web. District employees may retain the copyright on the material they create and post if appropriate under district policies.
5. All Web pages should carry a stamp indicating when it was last updated and the E-mail address of the person responsible for the page.
6. All Web pages should have a link that will help users find their way to the appropriate home page.
7. Users should retain a backup copy of their Web pages.

END OF POLICY

Legal References:

ORS 30.765	ORS 167.090	OAR 581-021-0050
ORS 163.435	ORS 167.095	OAR 581-021-0055
ORS 164.365	ORS Chapter 192	OAR 584-020-0040
ORS 167.060	ORS 336.222	
ORS 167.065	ORS 339.250	
ORS 167.070	ORS 339.260	
ORS 167.080	ORS 339.270	
ORS 167.087		

Children's Internet Protection Act, 47 U.S.C. Sections 254 (h) and (l); 47 CFR Section 54.520 (2001)
Copyrights, Title 17, as amended, United States Code 19 CFR Part 133 (2000)
Oregon Attorney General's Public Records and Meeting Manual pp. 22-24, Appendix H, Department of Justice (1999)
Drug-Free Schools and Communities Act of 1986, 20 U.S.C. Section 7105
Drug-Free Workplace Act of 1988, P.L. 100-690, Title V, subtitle D, Sections 5151-5160, 102 Stat. 4305-4308
Controlled Substances Act, 21 U.S.C. Section 812, scheduled I through V, 21 CFR 1308.11-1308.15 (2000)
Drug-Free Schools and Communities Act Amendments of 1989, P.L. 101-226, 103 Stat. 1928 et. seq
Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000)
Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000)

Cross References:

EGAAA - Reproduction of All Copyrighted Materials



Code: IIBGC-AR
Adopted: 4/11/11
Readopted:

Web Policy Student Information Opt-Out

Background

At Sweet Home School District we like to showcase our students and all the positive things they do. We enjoy sharing our stories with the student body, the community of Sweet Home and beyond. School and student life is shared via a variety of methods including but not limited to print, video, and web. As parents and community members using these resources is a great way to stay “connected” and see what is happening inside our school and district.

Special Security Concerns

We realize that there are situations where sharing of simple student information (name, photo, age, etc) could pose a security risk (custody issues, witness protection, etc). We work with families to help protect students in any case where certain issues are present.

Family Educational Rights and Privacy Act (FERPA)

We adhere to the FERPA guidelines and allow for student privacy when requested with this form by parents or legal guardians of students.

Managing the Release of Student Information

While it is technically impossible to prevent your student from being seen in a public setting we take student privacy and safety very serious. If you fill out this form your student will be EXCLUDED from any communication channel created by the school that could leave the school. Please note that we don’t send out or publish your home address or phone number. If you are worried about your home address or phone numbers being shared, we don’t share home addresses or phone numbers.

“Opting-Out” Means Privacy at the Cost of Exclusion

If you need to protect your student’s privacy it will mean that your student is excluded from appearing in various media and communication channels. This means being excluded from pictures, showcasing of student work, and potentially many other things as well. It is our hope that the amount of students excluded from these outlets is very small.

How We Manage Privacy and Exclusion

If you need to opt-out your student from appearing in various publications and outlets it will mean they are either blocked out of pictures (see images below), or quietly asked to remove themselves from scenes that are to be photographed, etc. If you decide to have your student excluded from these various forms of communication it is strongly recommended that you talk with them about the decision so that they can fully understand the reasoning behind it. Furthermore, we ask that you tell your student to try and help the school by removing themselves from situations that are being photographed to help and avoid your student from having to be singled out.

By Opting-Out you understand that your student will be:

- Excluded from Team pictures, activity pictures, yearbook, newspaper, television, and website.
- Excluded from showing off student work.
- Excluded from special interest stories and articles
- Excluded from school videos
- Excluded from appearing alongside classmates on school/district website.



Student Information Opt-Out

By Opting-Out you understand that your student will be:

- Excluded from Team pictures, activity pictures, yearbook, television, and website.
- Excluded from showing off student work
- Excluded from special interest stories and articles
- Excluded from school videos
- Excluded from appearing alongside classmates on school/district website
- Excluded from any medium or outlet that could make its way off school grounds



Name of Student: _____

Names of Parent(s) or Legal Guardian: _____

Address: _____

Phone number: _____

Email: _____

Optional – Reasons for Opt-Out: _____

Return the completed form to the main office by _____



Code: **HCA**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8340

Field Trips**

Field trips and other student activities involving travel may be authorized by the superintendent or his/her delegated representative when such trips and/or activities contribute substantially to the achievement of desirable educational goals and when appropriate parent/guardian approval is secured. In planning and authorizing such trips, primary consideration will be given the educational values to be derived and the safety and welfare of the students involved.

All out-of-state travel must have prior Board approval.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107

[ORS 336](#).183

[ORS 339](#).155

[OAR 581-022](#)-1020

Cross Reference(s):

EEAE - Student Transportation in Private Vehicles

KK - Loitering – Trespass



Code: **IICB**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8350

Community Resource Persons

For effective learning it is useful to invite appropriate persons not on the district educational staff to speak to or to meet with groups of students as part of the educational process.

The following guidelines will be followed in order to uphold students' freedom to learn while also recognizing obligations which the exercise of freedom entails:

1. The teacher/sponsor and school building administrator are expected to exercise judgment and to investigate fully proposed resource persons;
2. Teachers/Sponsors should encourage the use of resource persons representing various approaches or points of view on a given topic in order to afford students a more comprehensive understanding of it;
3. The ideas presented and the resource person invited to present them will have a demonstrable relation to the curricular or cocurricular activity in which the participating students are involved;
4. The teacher/sponsor responsible for inviting the resource person, or any member of the school administration, has the right and duty to interrupt or suspend any proceedings if the conduct of the resource person is judged to be in poor taste or endangering the health and safety of students and staff.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Equal Access Act, 20 U.S.C. Sections 4071-4074.

Westside Community Board of Education v. Mergens, 496 U.S. 226 (1990).

Cross Reference(s):

INB - Teaching about Controversial Issues



Code: **ICC**
Adopted: 5/9/88
Readopted: 10/12/98, 9/13/04,
11/12/19
Orig. Code(s): BP 8360
:

School Volunteers

Community patrons who voluntarily contribute their time and talents to the improvement and enrichment of the public schools' instructional and other programs are valuable assets. The Board encourages constructive participation of groups and individuals in the school to perform appropriate tasks during and after school hours under the direction and supervision of professional personnel.

Services of volunteers may be accepted by the Board, the superintendent central office administrators, building principals, vice and assistant building principals, directors, district wide chairpersons or persons designated by them to handle this responsibility.

The responsible school personnel will identify appropriate tasks for volunteers and will plan activities for them so they may become skilled in performing those tasks.

A volunteer authorized by the district for service into a position that allows direct, unsupervised contact with students shall undergo an in-state criminal records check. A volunteer that will not likely have direct, unsupervised contact with students will be required to undergo an in-state criminal records check.

A volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form will be denied the ability to volunteer in the district

Nonexempt employees^a may be permitted to volunteer to perform services for the district provided the volunteer activities do not involve the same or similar type of services^b as the employee's regularly assigned duties. In the event a nonexempt employee volunteers to perform services for the district that are the same or similar as the employee's regularly assigned duties, the Board recognizes that under the Fair Labor Standards Act (FLSA), overtime or compensatory time must be provided.

Volunteers will not teach, but may reinforce skills taught by the professional staff. Volunteers may not provide transportation to students in their personal vehicles for any school sponsored activities unless prior approval of the superintendent or building principal has been granted.

The administration is responsible for the recruitment, use, coordination and training of volunteers. These assignments will be carried out as directed or delegated by the superintendent. Every effort should be made to use volunteer resources in a manner which will ensure maximum contribution to the welfare and educational growth of students.

END OF POLICY

Legal Reference(s):

[ORS 326.607](#) Cross Reference(s): GCDA/GDDA - Criminal History Records Checks/Fingerprinting, KMB - Community Volunteers KMB - Community Volunteers

[ORS 332.107](#) GCDA/GDDA - Criminal History Records Checks/Fingerprinting, KMB - Community Volunteers

^aThere are three types of FLSA exemptions: those for executive, administrative and professional employees. Generally, employees who are exempt under the executive, administrative or professional exceptions must primarily perform executive, administrative or professional duties at least 50 percent of the employee's time.

^bInstructional assistant duties are generally viewed to be the same type of service, supervising and instructing students, as coaching.



Code: **IJ**
Adopted: 5/9/88
Revised/Readopted: 10/12/98, 4/13/09,
1/11/21
Orig. Code(s): BP 8370
READOPT First reading: 12/14/2020

School Counseling Program

The district's coordinated comprehensive school counseling program supports the academic, career, social-emotional, and community involvement development of all students. Each school will have a comprehensive counseling program for students in grades K-12, which will be based on the Oregon Department of Education's *Oregon's Framework for Comprehensive School Counseling Programs*.¹

The district will adopt program goals, which will assist students to:

1. Understand and utilize the educational opportunities and alternatives available to them;
2. Meet academic standards;
3. Establish tentative career and educational goals;
4. Create and maintain an education plan and education portfolio;
5. Demonstrate the ability to utilize personal qualities, education and training, in the world of work;
6. Develop decision-making skills;
7. Obtain information about self;
8. Accept increasing responsibility for their own actions, including the development of self-advocacy skills;
9. Develop skills in interpersonal relations, including the use of effective and receptive communication;
10. Utilize school and community resources;
11. Demonstrate and discuss personal contributions to the larger community; and
12. Know where and how to utilize personal skills in making contributions to the community.

Materials used in the counseling program will be free of content that may discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, age, disability, or marital status, or that which permits or requires different treatment of students on such basis unless such differences cover the same occupation and interest areas and the use of such different material is shown to be essential to the elimination of discrimination.

¹ Oregon Department of Education - [Comprehensive School Counseling](#)

Consistent with individual rights and the counselor's obligations as a professional, the counseling relationship and resulting information may be protected as privileged communications by Oregon law.²

END OF POLICY

Legal Reference(s):

[ORS 40.245](#)

[ORS 326.565](#)

[ORS 326.575](#)

[ORS 329.603](#)

[ORS 336.187](#)

[OAR 581-021-0013](#)

[OAR 581-021-0046\(7\)](#)

[OAR 581-022-2030](#)

[OAR 581-022-2055](#)

[OAR 581-022-2060](#)

[OAR 581-022-2250](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2019).

² See ORS 40.245.



Child Development Specialist Program

The district offers the services of a child development specialist to grade K-8 students and their families residing in attendance areas of the schools. A child development specialist may serve as counseling staff trained to assist in implementing the comprehensive school counseling program.

The district will meet the following requirements:

1. The district will submit a written plan describing the program to the Oregon Department of Education for approval.
2. Upon approval of the plan, by ODE the district may submit a child development specialist candidate application for ODE approval.
3. The district shall conduct an annual review of the program and submit any changes to ODE for re-authorization of the program.
4. Each child development specialist employed by the district shall complete an annual evaluation of the specialist's child development plan to be included with the district's updated plan.



Code: **IK**
Adopted: 5/9/88
Revised/Readopted: 10/12/98, 12/8/08,
9/8/14
Orig. Code(s): BP 8400

Academic Achievement

The Board believes it important that teachers have as much and as accurate knowledge of student achievement as possible in order to assess his/her needs and growth; thus, a sharing of information, among parent and student, is essential.

The district shall ensure that all students have the opportunity to demonstrate a level of proficiency progress toward mastery. Students who have not met or who exceed all of the standards at any grade level, will be offered additional services or alternative public education options.

The Board directs staff to follow these guidelines in measuring and determining student progress:

1. Parents and students will be informed least annually of their student's progress toward achieving the academic content standards, including but not limited to:
 - a. Information on progress in each subject area to meet or exceed the academic content standards at the student's current grade level or course content level, including major goals used to determine the information;
 - b. Specific evidence of student progress toward mastery of a continuum of academic knowledge and skills (academic content standards) of a subject area, upon request from a parent;
 - c. Evidence of the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the district;
 - d. Student scores on all state and local assessments indicating any of the requirements that have been waived for the district or the individual and time periods for the waiver; and
 - e. Student progress toward completion of diploma requirements to parents of students in grades 9-12, including credits earned, demonstration of extended application and demonstration of the Essential Skills.
2. Parents will be alerted and conferred with when a student's performance or attitude becomes unsatisfactory or shows marked or sudden deterioration;
3. Insofar as possible, distinctions will be made between a student's attitude and his/her academic performance. Absenteeism and misconduct shall not be a sole criterion for the reduction of grades;
4. At comparable levels, the school system will strive for consistency in grading and reporting except as this is inappropriate for certain classes or certain students;
5. When no grades are given but the student is evaluated informally in terms of his/her own progress, the school staff will also provide a realistic appraisal of the student's standing in relation to his/her grade level;
6. When grades are given, the school staff will take particular care to explain the meaning of marks and symbols to parents.

END OF POLICY

Legal Reference(s):



Code: **IKA**
Adopted: 5/9/88
Readopted: 10/12/98, 9/13/04, 9/9/13,
9/8/14
Orig. Code(s): BP 8410

Grading and Reporting System

The district's reporting system shall be based on Board-adopted course content and clearly show the student and parent whether the student is achieving course requirements at the student's current grade level, or course content level; shall be based on the student's progress toward mastery of a continuum of academic knowledge and skills; and may be based on the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the district. Absenteeism or misconduct shall not be the sole criterion for the reduction of a student's grades.

Letter grades will be used in the district.

Grading will be conducted on a twelve-week basis. The twelve-week grade will be based on many factors, such as: classroom assignments, both oral and written; class participation; special assignments; research; activities of various types and kinds; and special contributions.

At the beginning of the grading period students and parents will be informed regarding the basis of the grades and the methods to be used in determining them.

END OF POLICY

Legal Reference(s):

[ORS 329.485](#)

[OAR 581-021-0022](#)

[OAR 581-022-1670](#)



Code: **IKAA**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8411

Final Exams

Final course examinations are an appropriate means by which to evaluate student mastery of a given body of knowledge and/or concepts. Final examinations may be used at the discretion of the building principal.

Final exams are encouraged at the high school level as an instructional method through which students organize and synthesize new information. Final exams should be more than just a recitation of facts; they should utilize higher order thinking skills as applied to the course content.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-022-1670](#)



Code: **IKAB**
Adopted: 5/9/88
Readopted: 10/12/98, 9/13/04, 9/9/13,
9/8/14
Orig. Code(s): BP 8412

Student Progress Reports to Parents**

Parents may be annually informed of their student's progress toward achieving the academic content standards, including but not limited to:

1. Information on progress in each subject area to meet or exceed the academic content standards of the student's current grade level or course content level, including major goals used to determine the information;
2. Specific evidence of student progress toward mastery of a continuum of academic knowledge and skills (academic content standards) of a subject area, upon request from a parent;
3. Evidence of the student's progress in a continuum of knowledge and skills that are not academic and that may include student behaviors that are defined by the district;
4. Student scores on all state and local assessments indicating any of the requirements that have been waived for the district, or the individual and time periods for the waiver; and
5. Student progress toward completion of diploma requirements to parents of students in grades 9-12, including credits earned, demonstration of extended application and demonstration of the Essential Skills.

The school will report a student's progress to the student and to his/her parents. The report will be clear, concise and accurate, and will provide a basis of understanding among teachers, parents and students for the benefit of the individual student. The Board directs the administration to develop progress report forms or cards in accordance with this policy.

In an effort to promote effective communications with individuals with disabilities, the school will provide progress reports in an alternative format upon request and with appropriate advance notice.

Full consideration will be given to the requests of the person with a disability in the selection of appropriate auxiliary aids and services.

END OF POLICY

Legal Reference(s):

[ORS 107.154](#) [ORS 329.485](#)
[OAR 581-022-1670](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2011); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2011).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2006); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2006).
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 (2006).
ADA Amendments Act of 2008

Cross Reference(s):

IK - Academic Achievement
IKA - Grading System



Code: **IKAD**
Adopted: 10/12/98

Grade Reduction/Credit Denial

Grade reduction or credit denial determinations may include student attendance. Student attendance may not be a sole criterion. However, if attendance is a factor, prior to a grade reduction or credit denial, the following shall occur:

1. The teacher will identify how the attendance and class participation is related to the instructional goals of the subject or course;
2. Parents and students will be informed;
3. Due process procedures are available to the student when the grade is reduced or credit denied for attendance rather than academic reasons;
4. Reasons for nonattendance are considered and the grade is not reduced or credit denied based upon absences due to:
 - a. Religious reasons;
 - b. A student's disability; or
 - c. An excused absence, as determined by the district's policy.

END OF POLICY

Legal Reference(s):

[ORS 339.260](#)
[ORS 339.280](#)



Code: **IKB**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8415

Homework

Homework is considered an integral part of the instructional program. The term “homework” refers to an assignment to be prepared outside of class or during a period of supervised study in class.

The purposes of homework are to improve the learning processes, to aid in the mastery of skills and to create and stimulate interest on the part of the student.

Homework is a learning activity which should increase in complexity with the maturity of the student. Homework assignments will be reasonable in length and will be used to reinforce or practice skills already introduced by the teacher. Homework will not be used as a discipline measure.

Teachers will make meaningful assignments, the purposes of which will be clearly understood by both the teacher and the student.

The information for any homework assignment will be clear and specific so that the student can complete the assignment. All written assignments will be corrected and returned to the student.

Homework will not require the use of reference materials not readily available in most homes, school libraries or the public library, and will require the use of those materials only when the student has had instruction in the use of them.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107

[OAR 581-022](#)-1670



Code: **IKE**
Adopted: 5/9/88
Readopted: 10/12/98, 9/13/04
Orig. Code(s): BP 8418

Promotion and Retention of Students**

Students should reach a standard of achievement reflecting reasonable mastery of material in order to be promoted to the next grade.

Students who do not achieve this standard may be retained. Students may also be retained if they are socially, emotionally, mentally or physically immature.

Students will normally progress annually from grade to grade. Exceptions may be made when, in the judgment of the professional staff, such exceptions are in the best educational interest of the students involved. Exceptions will always be made after prior notification and explanation to the student's parents, but the final decision will rest with school authorities.

Retention should be considered only after other options have been pursued and parents informed.

Acceleration or double promotion will be used only in extremely special circumstances. Such a decision will involve a team composed of parents, classroom teacher, school psychologist and building principal.

END OF POLICY

Legal Reference(s):

[OAR 581-022-1130](#)
[OAR 581-022-1670](#)



Code: **IKE-AR**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): AR 8418

Promotion and Retention of Students**

When it becomes apparent that a student is not making sufficient growth to be prepared to go on to the next grade level for the next school year, several events should happen:

1. While it is important to keep parents informed of a student's progress during the course of the school year, it is especially important to do so if retention (repeating a grade) is being considered. If the teacher feels that retention is a possibility, he/she will notify the principal and parents. Parents should be aware of potential retention by the end of the third grading period, except under unusual circumstances. Third quarter conferences are generally a good time to discuss potential retention with parents;
2. The decision to retain should be made by a team comprised of at least the classroom teacher, building principal and parents. In a number of cases it may be important to include other specialists. If doubts are raised about the student's ability or special circumstances that may be inhibiting learning, an evaluation should be scheduled with student services staff;
3. A decision about retention should examine the student's ability, achievement, social skills, physical size, emotional maturity and age;
4. The decision of promotion versus retention should focus on whether the student has a reasonable chance of success at the next grade level and whether the student's best long-term educational interests are being addressed;
5. If retention at kindergarten is being considered, staff should weigh the relative merits of retention to a half-day kindergarten and first grade, and the future potential of retention at first grade.

Whenever possible and advisable, the student will be assigned to a different teacher for the second year in a grade.

Only in quite unusual circumstances should a student be retained twice in the elementary grades. Such a retention should be made only after appropriate psycho-educational testing is completed and results shared with the parents and other team members.

If the team's decision is not acceptable to the parents, they may appeal to the superintendent or his/her designee. Further appeal may be made to the Board.



Code: **IKF**
Adopted: 12/12/05
Revised/Readopted: 9/10/07, 6/9/08, 12/8/08, 1/11/10,
9/13/10, 6/13/11, 12/12/11,
1/13/14, 1/8/2018, 9/10/18,
5/13/2019, 11/12/19

Graduation Requirements

The Board will establish graduation requirements for the awarding of a Sweet Home High School diploma, honors diploma, Oregon diploma, modified diploma, extended diploma and alternative certificate which meet or exceed state requirements. A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is received by the student's parent or guardian or by the student if the student is 18 years of age or older or emancipated.

If the district requires diploma requirements beyond the state requirements, the district shall grant a waiver for those requirements to any student who, at any time from grade 9 to 12, was:

1. A foster child¹;
2. Homeless;
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker; or
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

For any student identified above, the district shall accept any credits earned by the student in another district or public charter school, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that district or public charter school.

1. Sweet Home High School Diploma

A Sweet Home High School Diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits which include at least:

- Three credits of mathematics (at Algebra I level or higher);
- Four credits of English;
- Three credits of science;
- Three credits of social sciences;
- One credit in health education;
- One credit in physical education;
- Three credits in applied arts, the arts or world language;
- Two credits in career electives; and
- Four elective credits.

2. Honors Diploma

Sweet Home High School's Honors Diploma will be awarded to students who successfully complete the following requirements and a minimum of 24 credits:

1. Maintain a four-year cumulative grade average of 3.5 or higher;
2. Must complete 2 years of a foreign language;

Complete all requirements of the Sweet Home High School Diploma and specific departmental requirements detailed in the Sweet Home High School curriculum guide.

The district shall offer students credit options provided the method for obtaining such credits is described in the student's personal education plan and the credit is earned by meeting requirements described in OAR 581-022-2025.

¹As defined in ORS 30.297.

To receive a diploma, honors diploma or modified diploma, in addition to credit requirements, as outlined in OAR 581-022-2000 and OAR 581-0232-2010, respectively, a student must:

1. Demonstrate proficiency in the essential skills² of Reading, writing and apply mathematics;
2. Develop an education plan and build an education profile;
3. Demonstrate extended application through a collection of evidence; and
4. Participate in career-related learning experiences.

Essential Skills

The district will allow English Language Learner (ELL) students to demonstrate proficiency in all required Essential Skills.

The district will develop procedures to provide assessment options as described in the *Test Administration Manual*, in the ELL student's language of origin and will develop procedures to ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.

Essential Skills Appeal

The district will follow Board policy KL - Public Complaints in the event of an appeal for the denial of a diploma based on the Essential Skills graduation requirement. The district will retain student work samples and student performance data to ensure that sufficient evidence is available in the event of an appeal.

3. Modified Diploma

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic standards adopted by the State Board of Education for a diploma while receiving reasonable modifications and accommodations. A Modified Diploma may only be awarded to a student who meets the eligibility criteria below:

1. Has a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
2. Has a documented history of a medical condition that creates a barrier to achievement.
3. Having met the above eligibility criteria, a modified diploma will be awarded to students, who while in grade nine through completion of high school, complete 24 credits which shall include:
 - Three credits in English;
 - Two credits in mathematics;
 - Two credits in science;
 - Two credits in social sciences;
 - One credit in health education;
 - One credit in physical education; and
 - One credit in applied arts, the arts or a world language.
 - Two credits in career area electives
 - Ten credits in electives

Districts may make modifications to the assessment for students who seek a modified diploma when the following conditions are met:

1. For a student on an IEP, any modifications to work samples must be consistent with the requirements established in the IEP. Modifications are changes to the achievement level, construct, or measured outcome of an assessment. This means that IEP or school teams responsible for approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard.
2. For a student not on an IEP, any modifications to work samples must have been provided to the student during their instruction in the content area to be assessed; and in the year in which the student is being assessed and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

Students not on an IEP or a Section 504 Plan may not receive a modified OAKS assessment.

²This graduation requirement applies to students who receive a high school diploma on or after September 1, 2011

A student's school team shall decide that a student should work toward a modified diploma no earlier than the end of grade six and no later than two years before the student's anticipated exit from high school.

A student's school team may decide that a student who was not previously working towards a modified diploma should work towards one when the student is less than two years from anticipated exit from high school if the documented history has changed.

4. Extended Diploma

An extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a diploma while receiving modifications and accommodations. To be eligible for an extended diploma, a student must:

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits in a self-contained special education classroom and will include:
 - Two credits of mathematics;
 - Two credits of English;
 - Two credits of science;
 - Three credits of history, geography, economics or civics;
 - One credit of health;
 - One credit of physical education; and
 - One credit of the arts or a world language.
2. Four years of attendance.
3. Have a documented history of:
 - a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
 - b. A medical condition that creates a barrier to achievement; or
 - c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

Beginning in grade five or after a documented history to qualify for an extended diploma has been established, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma, an extended diploma and an alternative certificate.

5. Alternative Certificates

Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, modified diploma or extended diploma. To receive an Alternative Certificate a student must participate in an alternate assessment beginning no later than grade six and lasting for two or more assessment cycles. Alternative certificates will be awarded based on individual student needs and achievement.

OTHER DISTRICT RESPONSIBILITIES

The district will ensure that students have onsite access to the appropriate resources to achieve a diploma, modified diploma, extended diploma or alternative certificate at each high school. The district will provide age-appropriate and developmentally appropriate literacy instruction to all students until graduation.

The district may not deny a student the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason the student has the documented history listed under the above modified diploma or extended diploma requirements.

The district may award a modified diploma or extended diploma to a student only upon the written consent of a student who is emancipated or has reached the age of 18 at the time the modified or extended diploma is awarded, or the student's parent or guardian. The district shall receive the written consent during the school year in which the modified diploma or extended diploma is awarded. A student who is emancipated or has reached the age of 18 at the time the modified diploma or extended diploma is awarded may sign the consent.

A student shall have the opportunity to satisfy the requirements for a modified diploma, extended diploma or alternative certificate in either four years after starting the ninth grade, or until the student reaches the age of 21, if the student is entitled to a public education until the age of 21 under state or federal law.

A student may satisfy the requirements for a modified diploma, extended diploma or alternative certificate in less than four years but not less than three years. In order to satisfy the requirements for a modified diploma, an

extended diploma or an alternative certificate in less than four years, the student's parent or guardian or a student who is emancipated or has reached the age of 18 must provide written consent which clearly states the parent, guardian or student is waiving the fourth year and/or years until the student reaches the age of 21. A copy of the consent will be forwarded to the district superintendent who will annually report to the Superintendent of Public Instruction the number of such consents.

A student who qualifies to receive or receives a modified diploma, an extended diploma, or an alternative certificate shall have the option of participating in a high school graduation ceremony with the student's class.

A student who receives an extended diploma or alternative certificate shall have access to instructional hours, hours of transition services are designed to meet unique needs of the student and when added together provide a total number of hours of instruction or services and hours of other services that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school.

The district will award to students with disabilities a document certifying successful completion of program requirements. No document issued to students with disabilities educated in full or in part in a special education program shall indicate that the document is issued by such a program. When a student who has an individualized education program ("IEP") completes high school, the district will give the student an individualized summary of performance.

Eligible students with disabilities are entitled to a Free Appropriate Public Education ("FAPE") until the age of 21, even if they have earned a modified diploma, an extended diploma, an alternative certificate or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, extended diploma or alternative certificate is contingent on the IEP team determining the student's continued eligibility and special education services are needed.

Students and their parents will be notified by grade five of graduation and diploma requirements and progress towards meeting the same.

The district will issue a high school diploma, upon request and pursuant to Oregon law (ORS 332.114), to a person or a representative of a deceased person who served in the U.S. Armed Forces³ and was discharged or released under honorable conditions.

The district shall establish conduct and discipline consequences for student-initiated test impropriety. "Student-initiated test impropriety" means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

END OF POLICY

Legal Reference(s):

ORS 329.095

ORS 329.451

ORS 329.479

ORS 332.107

ORS 332.114

ORS 339.115

ORS 339.505

ORS 343.295

OAR 581-022-1910

OAR 581-022-2000

OAR 581-022-2010

OAR 581-022-2015

OAR 581-022-2020

OAR 581-022-2025

OAR 581-022-2030

OAR 581-022-2115

OAR 581-022

OAR 581-022-2505

Test Administration Manual, published by the OREGON DEPARTMENT OF EDUCATION (FEBRUARY 4, 2016).

³The policy applies to any person who:

1. Served in the Armed Forces of the U.S. at any time during:
 - a. World War I;
 - b. World War II;
 - c. The Korean Conflict; or
 - d. The Vietnam War;
2. Served in the Armed Forces of the U.S. and was physically present in:
 - a. Operation Urgent Fury (Grenada);
 - b. Operation Just Cause (Panama);
 - c. Operation Desert Shield/Desert Storm (Persian Gulf War);
 - d. Operation Restore Hope (Somalia);
 - e. Operation Enduring Freedom (Afghanistan); or
 - f. Operation Iraqi Freedom (Iraq);
3. Served in the Armed Forces of the U.S. in an area designated as a combat zone by the President of the U.S.



Code: **IKFA**
Adopted: 6/9/08
Revised/Readopted: 12/12/11

Early Graduation

A student who wishes to graduate from high school in less time than the ordinary grade 9-12 sequence may request permission to complete graduation requirements on an altered schedule. The student and his/her parents will consult with high school guidance personnel to develop a graduation plan. Their intention to accomplish this plan will be stated in writing to the high school principal.

A student may satisfy graduation requirements in less than four years by successfully completing his/her plan. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is received by the student's parent or guardian, or by the student if s/he is 18 years of age or older or emancipated.

END OF POLICY

Legal Reference(s):

[ORS 329.465](#)

HB 2606 (2007)

[ORS 339.030](#)

HB 2848 (2007)

[OAR 581-022-0102\(18\)](#)

[OAR 581-022-1130](#)

[OAR 581-022-1210](#)

[OAR 581-022-1350](#)



Code: **IKFB**
Adopted: 8/14/95
Revised/Readopted: 10/12/98, 1/11/10,
12/12/11, 1/11/21
Orig. Code(s): BP 8422

Graduation Exercises

The Board believes that completion of the requirements for a diploma, modified diploma, an extended diploma or alternative certificate from the public schools is an achievement that improves the community as well as the individual, the Board wishes to recognize that achievement in a publicly celebrated graduation exercise.

Graduation programs are planned by Sweet Home High School on dates determined annually by the Board. To be eligible to participate in graduation exercises, a student must be in good standing and complete requirements for one of the following by the end of the calendar year designated for seniors: a Sweet Home High School Diploma, an Honors Diploma, a Modified Diploma, an Extended Diploma or an Alternative Certificate.

To assist students in planning for graduation, Sweet Home High School will communicate a written plan to parents on an annual basis delineating graduation requirements, the process of notification regarding student progress and personalized information identifying if a senior is on target for a diploma.

Students completing their educational programs through other organizations and institutions may not participate in Sweet Home High School's commencement exercises. Examples of these programs include the military services, Linn-Benton Community College school completion program, and the Oregon Department of Education GED program. These programs usually have recognition ceremonies for students completing their requirements.

The district's valedictorian(s), salutatorian(s) or others at the discretion of the principal or designee may be permitted to speak as part of the district's planned graduation program. All speeches will be reviewed and approved in advance by the principal or designee.

All students in good standing^a who have successfully completed the requirements for a high school diploma, or qualifies to receive or receives a modified diploma, an extended diploma or an alternative certificate shall have the option to participate in graduation exercises.

A student shall be allowed to wear a dress uniform issued to the student by a branch of the U.S. Armed Forces if the student:

1. Qualifies to receive a high school diploma, a modified diploma, an extended diploma or an alternative certificate; and
2. Has completed basic training for, and is an active member of, a branch of the U.S. Armed Forces.

END OF POLICY

Legal Reference(s):

^a A student may be denied participation in graduation exercises for conduct that violates board policy, administrative regulation and/or code of conduct provisions.



Code: **IKFC**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8423

Baccalaureate Services

Groups, composed of interested students and their families, may plan and organize baccalaureate services that are religious in nature. Attendance at such services shall be entirely voluntary with students and school personnel acting as private individuals.

School district funds, including paid staff time, will not be used for baccalaureate services. Groups planning baccalaureate services may rent and use school facilities under terms, conditions and rates prescribed by the district.

END OF POLICY

Legal Reference(s):

[ORS 327.109](#)
[ORS 336.067](#)

[ORS 339.420](#)



Code: **IKFD**
Adopted: 11/9/92
Readopted: 10/12/98, 9/8/03, 1/11/10
Orig. Code: BP 8424

High School Diplomas

In order to appropriately recognize differing levels of performance, the district offers the following diplomas and certificates:

1. The Sweet Home High School Diploma will be awarded to students successfully completing required state and district credit requirements and attendance requirements;
2. The Honors Diploma will be awarded to students who have met the requirements for the Regular Diploma and who have also completed additional requirements in math, science, foreign language and honors courses in English and social studies;
3. The Oregon Diploma will be awarded to students successfully completing required state and district credit requirements and district attendance requirements.
4. The Modified Diploma will be awarded to students meeting the district requirements for the Modified Diploma and who fulfill district attendance requirements;
5. The Extended Diploma will be awarded to students meeting the district requirements for the Extended Diploma and who fulfill district attendance requirements.
6. The Alternative Certificate will be awarded to students on an individualized education program who have completed an appropriate plan of course work and fulfilled district attendance requirements.

END OF POLICY

Legal References:

ORS 329.035
ORS 332.107

OAR 581-022-1130
OAR 581-022-1210
OAR 581-022-1350

Cross Reference:

IKFD-AR - High School Diplomas



Code: **IKFD-AR**
Adopted: 11/9/92
Readopted: 10/12/98, 9/8/03, 1/11/10
Orig. Code: AR 8424

High School Diplomas

Attendance Requirements

Students are required to attend secondary school for four years at 85 percent or better attendance. However, early and delayed graduation are available to students when agreed upon by the student, parents, school counselor and principal.

Students who have left Sweet Home High School and who wish to receive a diploma from Sweet Home High School must be in attendance the last nine weeks of their senior year or be in an approved educational alternative such as college enrollment.

Graduation Ceremony

Participation in the commencement ceremony will be restricted to those students who have completed the requirements of their respective diploma. Students earning a State of Oregon Diploma will be allowed to participate in graduation ceremonies.

Graduation Documents

Six different documents are offered to students at the completion of their high school experience.

1. **Sweet Home High School Diploma**

A Sweet Home High School Diploma will be awarded to students in grades 9 through 12 who complete a minimum of 26 credits which include at least:

- Three credits of mathematics;
- Four credits of English;
- Two credits of science;
- Three credits of social sciences;
- One credit in health education;
- One credit in physical education;
- One credit in career and technical education, the arts or second language;
- Four credits in career electives; and
- Seven elective credits.

2. **Honors Diploma**

Any student who intends to pursue an Honors Diploma must declare their intention by the end of their Freshman year. They must fill out an *Intention to Pursue Honors Diploma* form, which can be obtained in the Guidance Office. This form must be signed by the student and the parent or guardian. An Honors Diploma is required to be considered for Valedictorian and Salutatorian. Sweet Home High School's Honors Diploma will be awarded to students who successfully complete the following requirements:

1. Maintain a four year cumulative grade average of 3.5 or higher (*a pass/no pass grade will not be accepted for any classes required for the honors diploma*);
2. Complete all requirements of the Sweet Home High School Diploma and courses including, but not limited to, the following units of credit and approved courses:
 - Three credits of mathematics (or completion of math credit through Algebra 2)
 - Three credits of science (Physical Science, Honors Biology, College Prep Physics, Chemistry or Biology)
 - Four credits of English (requires English 1, 2 (H), 3 (H), 4), CP English or AP English)
 - Three and one-half credits of social science (World History, Geography, American History Honors, Government Honors, and Advanced Placement American History or Advanced Placement U.S. Government)
 - Two credits of a second language
 - Four credits in career Area electives; and
 - Six credits of electives.

3. **Oregon Diploma**

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits which include at least:

- Three credits of mathematics;
- Four credits of English;
- Two credits of science;
- Three credits of social sciences;
- One credit in health education;
- One credit in physical education; and
- One credit in career and technical education, the arts or second language.

The district may award a diploma to a student who does not satisfy these requirements if the student has exceeded the academic content standards for, or displays proficiency in, mathematics or English as demonstrated on Oregon state assessments¹.

Students receiving their diploma in 2012 will need to complete three credits of science, three credits in the arts, career/technical education or a second language (in any one or combination thereof) and four credits of electives. Students who receive their diploma in 2014 must complete their math credits at the Algebra I level and higher.

In addition to credit requirements, as outlined in OAR 581-022-1130, a student must:

1. Demonstrate proficiency in the essential skills²;
2. Develop an education plan and build an education profile;
3. Demonstrate extended application through a collection of evidence; and
4. Participate in career-related learning experiences.

4. Modified Diploma

A modified diploma will be awarded to students who have demonstrated the inability to meet the full set of academic standards established by the State Board of Education for a diploma while receiving reasonable modifications and accommodations. To be eligible for a modified diploma a student must:

1. While in grade nine through completion of high school, complete 24 credits which shall include:
 - Three credits of English;
 - Two credits of mathematics;
 - Two credits of science;
 - Two credits of social sciences;
 - One credit of health;
 - One credit of physical education; and
 - One credit of career technology, the arts or a second language.
2. Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
3. Have a documented history of a medical condition that creates a barrier to achievement.

5. Extended Diploma

An extended diploma will be awarded to students who have demonstrated the inability to meet the full set of academic content standards for a diploma while receiving modifications and accommodations. To be eligible for an extended diploma, a student must:

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits in a self-contained special education classroom and will include:
 - Two credits of mathematics;
 - Two credits of English;
 - Two credits of science;
 - Three credits of history, geography, economics or civics;
 - One credit of health;
 - One credit of physical education; and
 - One credit of the arts or a second language.
2. Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
3. Have a documented history of a medical condition that creates a barrier to achievements; and
4. Participate in an alternate assessment beginning no later than grade six and lasting for two or more assessment cycles; or
5. Have a serious illness or injury that occurs after grade eight, that changes the student's ability to participate in grade level activities and that results in the student participating in alternate assessments.

6. Alternative Certificates

Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, modified diploma or extended diploma. To receive an Alternative Certificate a student must participate in an alternate assessment beginning no later than grade six and lasting for two or more assessment cycles. Alternative certificates will be awarded based on individual student needs and achievement. A student who receives a modified diploma, extended diploma or alternative certificate will have the option of participating in a high school graduation ceremony with the student's class.

Additional Options for Earning Units of Credit

College Credit

Except in special instances requiring principal or designee approval, specific classes required for graduation (non-elective) are to be taken at Sweet Home High School. Otherwise students may earn credits toward graduation through college courses.

¹These graduation requirements apply to students who receive a high school diploma on or after July 1, 2009.

²This graduation requirement applies to students who receive a high school diploma on or after September 1, 2011. Each student shall demonstrate proficiency in essential skills adopted by the State Board of Education as provided in OAR 581-022-0615.

1. College courses numbered 100 or above are counted credit for each 3 quarter hours or two semester hours.
2. College courses numbered 0 to 99 are counted a credit for each 3 quarter hours or 2 semester hours.
3. A maximum of three credits earned in college courses may be counted toward graduation.
4. Prior approval of a counselor is required.

Work Experience Programs

Students participating in the work experience program will receive credit as predetermined by the school.

1. Students in other programs must apply to the work experience coordinator prior to their work for credit approval.
2. Credit will be granted as appropriate.
3. Grading will be Pass or Fail.

Independent Study

Gaining credit through independent study will be considered only for cases of exceptional circumstances.

1. Students shall develop a plan of study and submit it to a sponsoring teacher.
2. Department chairperson approval is required.
3. Approval shall be gained at least one week prior to the semester.
4. The completed work must be approved by both the sponsoring teacher and the department chairperson for credit to be granted.
5. No more than two credits toward graduation may be earned by independent study without administrative approval.

Personalized Course Plan

Students may develop a personalized graduation plan which substitutes chosen classes for district mandated classes. The intent is to meet a student's highly individualized needs and it is expected the plan generally be more demanding than the standard graduation requirements.

The following steps are required:

1. A meeting with a counselor to obtain information about the program;
2. Completing the Personalized Course Plan sheet;
3. Obtaining counselor approval by January of the student's junior year.

All plans need to be approved by the Board.

It should be noted that since this plan involves a specific agreement between the student and the local district, in most cases the plan will not be transferrable to other districts.

Transfer Students

Transfer students seeking to graduate from Sweet Home High School are required to meet the minimum graduation requirements adopted by the Sweet Home School District.

New students entering Sweet Home High School will have their transcript evaluated by the principal or designee and acceptance of transfer credit will be determined at the discretion of the district. Credits and attendance from standard secondary schools will be accepted as though they had been completed in the district.

Attendance credit and value of prior classroom credits for students transferring from private schools, alternative schools, nonstandard schools or programs, or foreign schools are determined solely by Sweet Home School District. Credit earned through home schooling will not be accepted toward satisfying graduation requirements of Sweet Home High School.

Early Graduation

In rare circumstances students may choose to complete all state and district graduation requirements in less than 12 years of study. Early graduation may be permitted provided that:

1. Parents and student request early graduation in writing to the principal no earlier than the beginning of the student's junior year;
2. There is an educational or vocational reason agreed upon by the school administration, parents and student for the student to leave school early.
3. Student has completed, or will have completed, all the requirements for graduation at Sweet Home High School.
4. Student must maintain a 2.75 G.P.A., with no F's.

Delayed Graduation

Students may be unable to complete the graduation requirements in 12 years of study and may choose to continue their education provided that:

1. The student has demonstrated the desire to participate in his/her education as determined by the school administration;
2. The student or parent has in writing requested a delayed graduation;
3. The student continues to maintain satisfactory progress as evidenced by regular attendance and passing grades.



District Standards

Second Language

Proficiency in a second language means demonstrating an ability to listen, speak, sign, read, write and apply culturally appropriate practices to real-life situations in a language other than English at a level determined by the district.

A district second language committee appointed by the superintendent or designee will convene to determine the district's expected level of proficiency in the following areas:

1. Oral/Signed communication: The use of spoken or sign language to communicate the content of a message to others and to comprehend the content of messages received;
2. Reading: The ability to comprehend general meanings and specific details contained in written or video texts;
3. Writing: The ability to convey content through legible and comprehensible text;
4. Culture: The ability to demonstrate and recognize cultural products and perspectives appropriate to the cultures studied.

The Arts

Proficiency in the arts includes creating, performing or presenting art, recognizing artistic qualities in works of art and understanding the historical and cultural contexts in which art is created. The arts include music, visual art, dance, theater and other areas deemed appropriate by the district.

A district arts committee appointed by the superintendent or designee will convene to determine the district's expected level of proficiency in the following areas:

1. Aesthetics and Art Criticism: The ability to respond to, explain and analyze works of art based on technical, organizational and aesthetic elements;
2. Historical and Cultural Perspectives: Understanding how works of art relate to the time periods and cultures in which they were created and how certain works of art from various periods and cultures are related;
3. Create, Present and Perform: Demonstrate ideas, skills and techniques in the arts.

Physical Education

Proficiency in physical education means demonstrating expressive and efficient movement, lifetime fitness and appropriate self-management and responsible social behavior.

A district physical education committee appointed by the superintendent or designee will convene to determine the district's expected level of proficiency in the following areas:

1. Motor Skill Competency: Demonstration of competency in a variety of physical activities and motor skill proficiency in one physical activity;
2. Movement Concepts and Principles: Application of movement concepts and principles to the development of motor skills;
3. Rules and Strategies: Application of appropriate rules and strategies to physical activities, games and sports;
4. Lifestyle: Providing evidence of engaging in a physically active lifestyle;
5. Physical Fitness: Demonstrating ways to achieve and maintain a health-enhancing level of physical fitness; and
6. Individual Differences: Demonstrating responsible behavior and respect for differences among people during physical activities.

Assessment

Methods of proficiency assessment may include, but are not limited to:

1. Tests;
2. Challenge tests;
3. Work samples;
4. Out-of-school experiences;
5. Individual teacher evaluations;
6. Portfolios;
7. Interviews; or
8. Others, as deemed appropriate.

Waivers

Students wishing a waiver of the second language or the arts Certificate of Initial Mastery requirements may do so by submitting a request in writing to the superintendent. The request must detail the rationale for the waiver of the requirement. Examples of reasonable requests include, out-of-district, out-of-state student transfers and others, as deemed appropriate by the superintendent.



Code: **IKH**
Adopted: 9/11/06
Revised/Readopted: 5/11/15

Credit for Proficiency

The district shall grant required and elective credit towards a diploma or a modified diploma, provided the method for accruing such credit is described in the student's personal education plan and the student earns the credit by one or more of the options below.

A district may grant credit to a student if the student demonstrates defined levels of proficiency or mastery of recognized standards, i.e., knowledge and skills, (e.g., state academic content standards and essential skills, industry-based or other national or international standards) by one or more of the following options:

1. Successfully completing classroom or equivalent work (e.g., supervised independent study, career-related learning experiences, project based learning) that meets Common Curriculum Goals and academic content standards required by Oregon Administrative Rule (OAR) 581-022-1210;
2. Successfully completing classroom or equivalent work, in class or out of class, where hours of instruction may vary;
3. Successfully passing an appropriate exam;
4. Providing a collection of work or other assessment evidence; or
5. Providing documentation of prior learning activities or experiences (e.g., certification of training, letters, diplomas, awards, etc.).

The Board directs the superintendent to develop an administrative regulation that establishes criteria for granting proficiency credit.

END OF POLICY

Legal Reference(s):

[ORS 329.885](#)
[ORS 332.107](#)
[ORS 336.177](#)
[ORS 336.615 to -336.665](#)
[OAR 581-022-0102](#)
[OAR 581-022-1130](#)
[OAR 581-022-1131](#)
[OAR 581-022-1140](#)
[OAR 581-022-1350](#)
[OAR 581-023-0008](#)



Code: **IKI**
Adopted: 4/10/17

Academic Integrity

The Board desires to encourage the development of critical thinking skills in students, to show them the benefits of setting and accomplishing goals and to help the student realize the satisfaction and reward of learning.

Students are expected to put forth their best effort on tests and assignments. Students are expected to demonstrate respect toward their instructors and peers by encouraging and facilitating learning. Engaging in various forms of cheating or academic dishonesty does not permit students to realize the full extent of the educational experience or their full academic potential.

Students are encouraged to converse with others and assist other students except when it is inconsistent with testing or assignment instructions. This dialogue or exchange of ideas both inside and outside the classroom helps facilitate learning by everyone. Assisting others is prohibited when it would constitute academic dishonesty. Prohibited events include, but are not limited to, using or sharing prohibited study aides or other written materials on tests or assignments. Academic dishonesty also includes sharing, collaborating or communicating with others on tests or assignments, before or during tests or assignments, in violation of directions by the class instructor. Academic dishonesty may also include knowingly sharing false information or knowingly misleading another to reach a false answer or conclusion.

Violation of this policy may result in discipline as deemed appropriate by the instructor or administration, based on the nature and seriousness of the offense. Discipline may involve the district prohibiting the student from participating in school-sponsored activities or events; denial or revocation of school-conferred titles, distinctions, honors or privileges; or suspension or expulsion^a.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021-0050 to -0075](#)

^aUse of suspension or expulsion as discipline for a student in violation of this policy is limited to criteria found in Oregon Revised Statute (ORS) 339.250.



Code: **IL**
Adopted: 5/9/88
Readopted: 10/12/98, 9/13/04, 12/8/08,
4/11/16
Orig. Code(s): BP 8500

Assessment Program**

The district's assessment program shall be designed for the purpose of determining district and school program improvement and individual student needs including the requirements of the Oregon Administrative Rules. Each year the district shall determine each student's progress toward achieving federal, state and local achievement requirements.

Assessments shall be used to measure the academic content standards and Essential Skills and to identify students who meet or exceed the performance standards and Essential Skills adopted by the State Board of Education.

Accordingly, the district shall maintain the following assessment program:

1. Criterion-reference assessments, including performance-based assessments, content-based assessments and other valid methods as may be required by state and federal requirements;
2. Assessment of Essential Skills;
3. Individual diagnostic and ability evaluations in all grades when students have been referred and parental permission obtained;
4. Assessments by individual teachers;
5. Optional schoolwide and grade levelwide assessments, as recommended by the superintendent and as approved by the Board.

It is the intent of the Board that progress be measured in a manner that clearly enables the student and parents to know whether the student is making progress toward meeting or exceeding academic content standards and Essential Skills. District, school and individual results shall be reported to the Board, parents and the community, as prescribed by law.

The district shall make additional services or alternative educational or public school options available to any student who has not met or has exceeded all of the state-required academic content standards. Additionally, students in schools receiving Title I moneys that have been identified by the Oregon Department of Education (ODE), will be provided supplemental services and public school options as required by law.

The district shall not discriminate in the methods, practices and materials used for assessment, evaluating and counseling students on the basis of race, color, national origin, religion, sex, sexual orientation, age, disability or marital status. Discrimination complaints shall be processed in accordance with established procedures. Staff will receive in-service education in the use of designated assessments and interpretation of assessment results.

A student may opt-out of the Smarter Balanced and/or alternate Oregon Extended Assessments in English language arts and mathematics as provided in state law. The district shall provide the required notice and necessary forms to the student. The district shall provide supervised study time for students who are excused from participating in the assessment. A student may be excused from the Oregon Statewide Assessment Program for disability or religious reasons. Parents and adult students will be provided the required notices¹ that include a time frame in which

¹Districts are required to provide notice twice each year: once at the beginning of the year; and second time at least 30 days prior to the administration of the test. The 30-day notice must first be provided during the 2015-2016 school year. The beginning of the year notice must first be provided during the 2016-2017 school year.



Code: **IM**
Adopted: 10/12/98

Instructional Program Renewal

The district is dedicated to a continuous system of instructional program renewal. This renewal process shall include identification of school and district needs for improvement of student achievement at the school and district levels. To this end, the district shall conduct self-evaluations that consider a review of test results and other evaluative information including, but not limited to, demographics, other student performance data, student access to and utilization of educational opportunities and staff characteristics.

The input of staff, students, parents and the local community will be encouraged.

A written district improvement plan shall be developed and implemented based on the district's self-evaluation and consistent with applicable Oregon Revised Statutes and Oregon Administrative Rules. Such plan, where appropriate, shall include, but not be limited to:

1. Continuous short-term and long-term staff development;
2. Programs and policies to achieve a safe educational environment;
3. Local efficiencies and efforts to make better use of resources.

The district's plan shall be revised and updated on a biennial basis. The superintendent will ensure that test results and district improvement plan progress are reviewed annually and reported to the community.

A copy of the district's plan will be maintained as a public record available for public inspection and submitted to the Oregon Department of Education upon request.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)
[ORS 329.155](#)

[OAR 581-022-0606](#)
[OAR 581-022-1020](#)
[OAR 581-022-1130](#)
[OAR 581-022-1210](#)
[OAR 581-022-1340](#)



Code: **IMB**
Adopted: 12/8/08

Student Achievement Program

The Board recognizes that the key work of school boards is to establish and promote a clear vision of student achievement as the top priority of the district. Student achievement, as defined by the district, may include, but is not limited to the following:

1. Tests and other assessment results;
2. Student attendance and drop-out rates;
3. Diploma attainment;
4. Post secondary institution enrollment rates including trade/apprenticeship programs and military enlistments;
5. Advanced placement, honors, international baccalaureate and other accelerated course completion rates;
6. Grade point average (GPA) by class, grade level and school;
7. Others, as identified by the district.

The superintendent will ensure development and implementation of a districtwide program for student achievement improvement that engages district stakeholders in a continuous improvement planning process that provides for annual review, revision as needed and reports to the community. The district's program will be reflected in school and district improvement plans and will include, but not be limited to, the following:

1. Self evaluation of current and prior disaggregated student achievement and behavioral data, including student and community demographics, student access to and utilization of educational opportunities to meet standards and stakeholder satisfaction;
2. Data-driven goal setting utilizing Oregon Department of Education recommended and/or local methods;
3. Action planning including provisions for accountability, professional staff development, steps to ensure a safe, educational environment conducive to learning, identification of local efficiencies and resources, steps to assure all students have access to the educational opportunities needed to meet the high standards of the state and district, resource allocation and realignment strategies needed to support improvement efforts.

The Board will, in striving for continuous improvement, annually review district and individual school data on student achievement, prioritize, allocate and realign resources as necessary.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)

[OAR 581-022-1020](#)
[OAR 581-022-1030](#)

[OAR 581-022-1130](#)



Student Achievement Program

The district's comprehensive student achievement program planning efforts will be guided by the following key actions:

1. The superintendent will convene a student achievement improvement committee consisting of Board members, administrators, staff, parents and other community stakeholders. The purpose of the committee will be to:
 - a. Establish a clear vision of student achievement as the top priority of the district;
 - b. Define student achievement and identify specific state and local performance benchmarks and district goals based on self-evaluation data;
 - c. Develop an action plan clearly linked to specific benchmarks and goals for improving student achievement performance. The plan will be reflected in school and district improvement plans;
 - d. Develop strategies for annually monitoring, reviewing and revising, as necessary, the action plan and school and district improvement plans;
 - e. Report student achievement performance results annually to the school community.
2. Self-evaluation data needed to assess student achievement performance progress, set benchmarks, establish goals and develop action plans will be compiled and disaggregated annually at the district and building level. Data may include, but will not be limited to:
 - a. Numbers of district students who take statewide assessment tests, who meet, fail to meet or who exceed state and local standards; levels of achievement by building, grade level, class and growth in performance;
 - b. Results on district tests and other assessments, including the Scholastic Aptitude Test (SAT), American College Test (ACT), etc.;
 - c. Grade point average (GPA) results by class, grade level and school;
 - d. Percentage of students enrolled in, and completion rates, for advanced courses at the middle and high school levels;
 - e. Drop-out and completion rates by building, grade level, class and district;
 - f. Post secondary enrollment, including community colleges, trade/apprenticeship programs and military enlistments;
 - g. Student, teacher and community demographics;
 - h. Student behavioral/disciplinary referral/attendance data, and participation in co-curricular and extracurricular activities as an indicator of student success in school;
 - i. Previous school and district improvement plan results to determine which components were successful, which were not and degree to which specific strategies were implemented;
 - j. Survey results of stakeholder satisfaction.
3. District-identified benchmarks and goals for the improvement of student achievement will reflect needs of school subpopulations, be clearly stated, measurable and based on Oregon Department of Education (ODE) guidelines (Quintile Method, Progress Toward Meeting Standards Methods, Individual Aggregate Method, Benchmark Aggregate Method or Composite Method) or other methods as deemed appropriate by the district;
4. The district's action plan to meet identified, specific benchmarks and goals for the improvement of student achievement is subject to superintendent [review and Board] approval. The plan will include, but not be limited to:
 - a. Short- and long-term professional development to provide teachers with the knowledge and skills necessary to assure students make progress in meeting local and statewide academic content standards and district goals;
 - b. Steps to assure a safe educational environment conducive to learning;

- c. Identification of local efficiencies and resources (e.g., private and public partnerships, targeting of state and federal funds, ESD efficiency reviews, etc.);
 - d. Steps to assure that all students have access to the educational opportunities necessary for them to meet the high standards of the state and district;
 - e. Recommendations for allocation and realignment of district resources to support student achievement improvement efforts. For example:
 - (1) Curriculum revision to ensure K-12 alignment with state and local academic content standards;
 - (2) Establishment of appropriate educational alternatives for students who exceed academic content standards, for students who are not meeting academic content standards and accommodations for students with special needs. Such alternatives may include before or after school and summer school tutoring, remediation or enrichment activities and programs;
 - (3) Staffing needs, assignments and reassignment;
 - (4) Instructional materials needs;
 - (5) Fully and equitably integrate technology in curriculum with the primary focus on achieving identified benchmarks and goals.
 - f. Strategies to develop collaborative relationships with community businesses and child-centered organizations with a focus on consensus building for the improvement of student achievement as a community priority.
5. Accountability to assure the district's action plan is implemented will be a shared responsibility of staff, administrators and the Board. Minimally, the superintendent will ensure:
- a. Specific administrative responsibility for implementing action plan strategies and assuring that the activity takes place in the manner described is assigned, monitored and evaluated;
 - b. Data analysis results are included as an essential component of the teacher goal setting and evaluation process and as a basis for staff development;
 - c. Public recognition of student achievement and staff efforts is provided;
 - d. Specific recommendations are developed for visible change for lack of success;
 - e. Principals at the building level compile all necessary disaggregated data for the district's self-evaluation, to enable an in-depth assessment of student achievement and comprehensive recommendations to meet identified benchmarks and goals;
 - f. Student performance results on identified benchmarks and goals are annually reported to the community in conjunction with state assessment results, district and school improvement plan progress and the district's status in relation to Oregon Administrative Rules, Division 022 standards as required by the ODE;
 - g. Communications strategies are developed and implemented for keeping stakeholders informed, including specific activities for providing information on student achievement improvement progress and feedback through surveys, forums and other similar methods.
 - h. Report progress to all items above annually to the Board.



Code: **INB**
Adopted: 5/9/88
Readopted: 10/12/98
Orig. Code(s): BP 8720

Teaching about Controversial Issues

The Board affirms three basic rights of the student:

1. The right to study controversial issues that have political, economic or social significance on which, at his/her level, he/she will begin to have an opinion;
2. The right to study under competent instruction in an atmosphere free from bias and prejudice;
3. The right of access to all relevant information freely available in the school or public libraries.

The Board supports teaching about controversial issues in the schools. The presentation and discussion of controversial issues will be on an informative basis. Teachers will present both sides of controversial issues and guard against giving their personal opinions until students have had an opportunity to find, collect and assemble factual material on the subject; to interpret the data without prejudice; to reconsider assumptions and claims and to reach their own conclusions. By refraining from expressing personal views before and during the period of research and study, the teacher will encourage students to search after truth and to think for themselves. The development of an ability to meet issues without prejudice and to withhold judgments while facts are being collected, assembled, weighed and relationships seen before drawing inferences or conclusions, is among the most valuable outcomes of the public educational system.

Emotional criticism and the promotion of a cause within the classroom are inappropriate and unscholarly. The teacher's attitude will be that of the true scholar, which is truth-seeking, open minded and tolerant.

Before launching a class in the study of an obviously controversial topic, a teacher will discuss with the principal:

1. Its appropriateness to the course;
2. Its appropriateness for the maturity level of the students;
3. The approach to instruction;
4. The teaching materials to be used.

END OF POLICY

Legal Reference(s):

[ORS 336.067](#)

[OAR 581-022-1020](#)

[OAR 581-022-1910](#)

United States Constitution, Amendment I.
Oregon Constitution, Article 1.

Cross Reference(s):

IB - Freedom on Expression
IBA - Academic Freedom
IICB - Community Resource Persons



Code: **INDB**
Adopted: 4/10/00
Revised/Readopted: 12/9/13, 1/13/14

Flag Displays and Salutes

A United States flag and an Oregon flag shall be displayed on or near each school building under the control of the Board or used by the district, during school hours, except in unsuitable weather and at any other time the Board deems proper.

The district shall obtain and display a United States flags of an appropriate size for each classroom.

Students shall receive instruction in respect for the national flag and be provided an opportunity to salute the United States flag at least once each week by reciting *The Pledge of Allegiance*.

A flag salute may be implemented at assemblies, before or after school, at lunch, special events, home room class, athletic contests or at other times deemed appropriate by the principal. Individual staff members and students who do not participate in the salute must maintain a respectful silence during the salute.

END OF POLICY

Legal Reference(s):

ORS 336.067

ORS 339.875

West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943).



Code: **ING**
Adopted: 5/9/88
Revised/Readopted: 10/12/98, 1/10/11,
2/10/14, 4/10/17

Animals in District Facilities

Only service animals¹ serving persons with a disability and animals approved by the superintendent that are part of an approved district curriculum or cocurricular activity are allowed in district facilities.

Animals, except those service animals serving persons with a disability may not be transported on a school bus.

Approved animals must be adequately cared for and appropriately secured. Only the teacher or students designated by the teacher are to handle the animals.

Animals serving the disabled would be an exception to this policy.

If animals are to be kept in the classroom on days when classes are not in session, arrangements must be made for their care.

END OF POLICY

Legal Reference(s):

[ORS 346.620](#)

[ORS 659A.400](#)

[OAR 581-053-0230\(9\)\(j\)](#)

[OAR 581-053-0330\(1\)\(q\)](#)

[OAR 581-053-0430\(16\)](#)

[OAR 581-053-0531\(15\)](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2006); 28 CFR §§ 35.104, 35.136 (2006).
ct Americans with Disabilities AAmendments Act of 2008.

¹The American with Disabilities Act definition of “service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Companion and comfort animals are not considered service animals. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition. The law and its regulations also make an allowance for miniature horses.



Code: **ING-AR**
Adopted: 8/9/10
Revised/Readopted: 1/10/11, 2/10/14,
9/8/14, 4/10/17

Animals in District Facilities

If the animal is a service animal¹, please answer the following questions:

1. Is the service animal required due to a disability? _____

2. What work or task has the service animal been trained to perform²?

If an animal is not a service animal, the district staff may request emergency contact information.

1/31/17 | PH

¹The American with Disabilities Act definition of “service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Companion and comfort animals are not considered service animals. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. The law and its regulations also make an allowance for miniature horses.

²The district may request this information if the nature of the work or task the assistance animal is trained, or is being trained to do or perform, is not readily apparent.



Code: **INI**
Adopted: 12/12/05

Animal Dissection

District students in grades K through 12 may refuse to dissect any vertebrate or invertebrate animal. In addition, the student's parents may refuse to allow the student to dissect the animal.

The district shall allow the student to participate in an alternative dissection exercise to demonstrate competency in the coursework. This exercise may include videos, DVDs, CD-Roms, films, computer programs, models, books, clay modeling or transparencies.

A teacher may not discriminate against or lower the grade of a student for not participating in the dissection exercise.

The district shall notify students who have dissection as part of their coursework and the parents of those students about the provisions of this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

SB 383 (Chapter 460), effective July 1, 2005

SWEET HOME SCHOOL DISTRICT 55

TABLE OF CONTENTS

SECTION J: STUDENTS

Student Policy Objectives	<u>JAA</u>
Equal Educational Opportunities	<u>JB</u>
Sexual Harassment.....	<u>JBA/GBN</u>
Sexual Harassment Complaint Procedures	<u>JBA/GBN-AR</u>
Section 504 – Students.....	<u>JBAA</u>
Attendance	<u>JE</u>
Compulsory Attendance	<u>JEA</u>
Compulsory Attendance Notices and Citations	<u>JEA-AR</u>
Early Admission to School**	<u>JEBA</u>
Early Admission to School**	<u>JEBA-AR</u>
School Admissions	<u>JEC</u>
School Admissions	<u>JEC-AR</u>
Admission of Resident Students	<u>JECA</u>
Dual Enrollment.....	<u>JECOA</u>
Admission of Nonresident Students.....	<u>JECB</u>
Exchange Students.....	<u>JECBA</u>
Admission of Foreign Exchange Students	<u>JECBA-AR</u>
Intradistrict Transfer Students.....	<u>JECBB</u>
Intradistrict Transfer Procedures.....	<u>JECBB-AR</u>
Homeless Students	<u>JECBD</u>
Homeless Students	<u>JECBD-AR</u>
Attendance Boundaries	<u>JECC</u>
Assignment of Students to Schools.....	<u>JECCA</u>
Assignment of Students to Schools.....	<u>JECCA-AR</u>
Assignment of Students to Classes	<u>JECD</u>
Student Withdrawal from School.....	<u>JECE</u>
Student Absences and Excuses	<u>JED</u>
Truancy	<u>JEDA</u>
Students Leaving School Prior to Dismissal**	<u>JEDB</u>
Closed Campus**	<u>JEFA</u>
Release Time for Religious Instruction**	<u>JEFB</u>
Student Rights and Responsibilities.....	<u>JF</u>
Student/Parent Handbooks.....	<u>JFA</u>
Student Government	<u>JFBA</u>

Duties of Students	<u>JFC</u>
Duties of Students	<u>JFC-AR</u>
Student Dress Code**	<u>JFCA</u>
Dress and Grooming	<u>JFCA-AR</u>
Care of District Property by Students**	<u>JFCB</u>
Student Conduct on Buses	<u>JFCC</u>
Secret Societies – Gangs.....	<u>JFCEA</u>
Personal Communication Devices	<u>JFCEB</u>
Personal Communication Devices	<u>JFCEB-AR</u>
Hazing/Harassment/Intimidation/Bullying/Menacing	<u>JFCF/GBNA</u>
Tobacco-Free Environment	<u>JFCG/KGC/GBK</u>
Tobacco Use by Students.....	<u>JFCG-AR</u>
Drug and Alcohol Abuse by Students.....	<u>JFCH/JFCI</u>
Drug and Alcohol Abuse by Students.....	<u>JFCH/JFCI-AR</u>
Weapons in Schools.....	<u>JFCJ</u>
Laser Pointers	<u>JFCL</u>
Threats of Violence.....	<u>JFCM</u>
Profanity.....	<u>JFCN</u>
Students of Legal Age.....	<u>JFD</u>
Students of Legal Age.....	<u>JFD-AR</u>
Pregnant and Parenting Students	<u>JFE</u>
Individualized Plan for Pregnant And/Or Parenting Teens	<u>JFE-AR</u>
Married Students.....	<u>JFF</u>
Student Searches	<u>JFG</u>
Student Searches	<u>JFG-AR</u>
Student Complaints.....	<u>JFH</u>
Student Demonstrations and Petitions	<u>JFI</u>
Student Discipline.....	<u>JG</u>
Corporal Punishment**	<u>JGA</u>
Use of Restraint and Seclusion	<u>JGAB/JGAB-AR</u>
Detention of Students**	<u>JGB</u>
Suspension	<u>JGD</u>
Short-Term Exclusion from School	<u>JGD-AR</u>
Discipline of Disabled Students**	<u>JGDA/JGEA</u>
Special Education - Discipline	<u>JGDA/JGEA-AR</u>
Expulsion**	<u>JGE</u>
Student Environment	<u>JH</u>
Student Insurance.....	<u>JHA</u>

Student Health Services and Requirements	<u>JHC</u>
Student Health Services and Requirements	<u>JHC-AR</u>
Physical Examinations**	<u>JHCA</u>
Physical Examinations	<u>JHCA-AR</u>
Immunization Records**	<u>JHCB</u>
Immunization Requirements	<u>JHCB-AR</u>
Communicable Disease Control	<u>JHCC</u>
Students - HIV and HBV**	<u>JHCCA</u>
Students - HIV, AIDS**	<u>JHCCB</u>
Administering Non-Injectable Medications to Students**	<u>JHCD</u>
Administering Non-Injectable Medications to Students	<u>JHCD-AR</u>
Administering Injectable Medications to Students	<u>JHCDA</u>
Psychological Testing of Students**	<u>JHDA</u>
Student Safety Instruction.....	<u>JHF</u>
Supervision of Students**	<u>JHFA</u>
Student Safety Patrol	<u>JHFB</u>
Student Bicycle Use.....	<u>JHFC</u>
Student Vehicle Use.....	<u>JHFD</u>
Student Vehicle Use.....	<u>JHFD-AR</u>
Suspension of Driving Privileges.....	<u>JHFDA</u>
Request for Suspended Driving Privilege.....	<u>JHFDA-AR</u>
Reporting Suspected Child Abuse	<u>JHFE</u>
Reporting of Suspected Child Abuse	<u>JHFE-AR</u>
Reporting Requirements Regarding Sexual Conduct with Students.....	<u>JHFF</u>
Suicides and Accidental Deaths.....	<u>JHH</u>
Guidelines for Developing a Crisis Response Plan for Suicides and Accidental Deaths	<u>JHH-AR</u>
Crisis Prevention and Response.....	<u>JHHA</u>
Student Awards and Scholarships.....	<u>JJ</u>
Student Gifts and Solicitations.....	<u>JL</u>
Student Fees, Fines and Charges	<u>JN</u>
Student Fees, Fines and Charges	<u>JN-AR</u>
Withholding Records for Nonpayment of Fees	<u>JNA</u>
Education Records**	<u>JO</u>
Education Records Management**	<u>JO-AR</u>
Directory Information**	<u>JOA</u>
Personally Identifiable Information**	<u>JOB</u>
Legal Name of Students.....	<u>JOC</u>
Media Access to Students	<u>JOD</u>

** 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 581-015-0005 (18).



Code: **JAA**
Adopted: 3/14/88
Revised/Readopted: 8/10/98, 1/11/10
Orig. Code: BP 5000

Student Policy Objectives

Through its student policies, the Board seeks to advance goals which:

1. Enhance equal educational opportunities for all students;
2. Promote regular attendance;
3. Ensure that all students' constitutional rights as citizens in a democracy have practical meaning and application;
4. Develop, in students, a sense of personal responsibility for their actions;
5. Assure student safety, health and welfare;
6. Deal justly and constructively with all students in matters of discipline;
7. Help all students feel they are valued as individual persons in the school environment;
8. Support all students' academic growth beyond proficiency in academic content standards;
9. Encourage the attainment of individual goals by all students;
10. Support the physical and cognitive growth and development of all students.

END OF POLICY

Legal Reference(s):

ORS 329.015	HB 2362 (2009)
ORS 329.025	HB 2693 (2009)
ORS 329.035	
ORS 332.107	
OAR 581-022-1030	



Code: **JB**
Adopted: 3/14/88
Revised/Readopted: 8/10/98, 9/13/00
5/16/05, 6/9/08, 1/11/21

Equal Educational Opportunity

Every student of the district will be given equal educational opportunities regardless of age, sex, sexual orientation¹, race, religion, color, national origin, disability, marital status, familial status, parental status, linguistic background, culture, socioeconomic status, capability or geographic location.

No student will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or activity conducted by the district or denied access to facilities in the district.

A student or parent may also access and use the district's general complaint procedure through Board policy KL - Public Complaints.

All reports, complaints or information will be investigated.

The district will communicate the availability of policy and available complaint procedures to students and their parents through available district communication systems and will be published to the district website and made available at the district office during regular business hours.

A student of the district may not be subjected to retaliation by the district for the reason that the student has in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation.

END OF POLICY

Legal Reference(s):

ORS 326.051	OAR 581-021-0045
ORS 329.025	OAR 581-021-0046
ORS 329.035	OAR 581-022-1140
ORS 336.067	
ORS 336.082	<u>SB 2 (2007)</u>
ORS 336.086	
ORS 342.123 ORS Chapter 659	ORS Chapter 659A

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d).

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(e).

Rehabilitation Act of 1973, 29 U.S.C. Sections 791, 793 and 794.

Title IX of the Education Amendments of 1972, 20 U.S.C. Sections 1681-1683; 34 CFR Part 106 (2000).

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Cross Reference:

AC – Nondiscrimination

¹ Sexual orientation means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behaviors differs from that traditionally associated with the individual's sex at birth.

¹ "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behaviors differs from that traditionally associated with the individual's sex at birth.



Sexual Harassment

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The district processes complaints¹ or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure and JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures².

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties³ shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or district staff member's ability to perform their job; or

¹ Some districts choose not to use the terms "complaint" and "complainant" because they feel the stigma associated with the terms discourage victims from reporting conduct. The terms used in this policy are consistent with those included in the law. If you choose to change these terms, make sure that you are consistent and clear. Note, "Complainant" is defined under federal law.

² Common complaint procedures that may also be involved include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), [Hazing,]Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy JHFF/GBNAA)

³ "Third party" means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) At a school-sponsored activity or program; or 3) Off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

- c. Creates an intimidating, offensive or hostile environment.
3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.⁴

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person's action, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to,⁵ physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

Oregon Procedures

Reports and complaints of sexual harassment should be made to the following individual(s):

Name	Position	Phone	Email
_____	_____	_____	_____

This/These individual(s) is/are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX Coordinator.⁶ See JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall report to a district official. The district official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

⁴ The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1)(b). If the district would like to include the full statutory definition, it can do so.

⁵ OAR 581-021-0038 requires that the policy include a "examples of harassing behaviors covered by policy". The bracketed list in this policy reflects OSBA's recommendations. The district has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by the district's legal counsel.

⁶ This must be communicated elsewhere, but it is a good reason to specify it here as well.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to report their concerns to district officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The district will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.⁷

The district may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

When a student or staff member is harassed by a third party, the district will consider the following:

{⁷ OSBA strongly recommends that the Board receive input from district administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined *by a reasonable person* to be..." 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district events.

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or
2. Any terms or conditions of employment or of work or educational environment of a school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notice

When a person⁸ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include⁹:

⁸ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

⁹ Remember confidentiality laws when providing any information.

1. Name and contact information for all person designated by the district to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines.
4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
 - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
 - b. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and
3. Be made available to students, students' parents, staff members and member of the public at each office, at the district office and on the website of the school or district.

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity¹⁰;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic Violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Federal Procedures

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.*

Reporting

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The report can be made at any time.

The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this AR. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.¹¹

¹⁰ "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))

¹¹ Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements.

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.¹² The district shall treat complainants and respondents equitably by providing supportive measures¹³ to the complainant and by following a grievance procedure¹⁴ prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.¹⁵

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.¹⁶ The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

The district shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and

¹² (Title 34 C.F.R. §106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

¹³ (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment.¹³ The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

¹⁴ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

¹⁵ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

¹⁶ The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

No Retaliation

Neither the district or any person may retaliate¹⁷ against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

Publication

This policy shall be made available to students, parents of students and staff members. This policy shall be prominently published in the student handbook and on the district website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 332.107](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

[ORS 342.850](#)
[ORS 342.865](#)
[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.030](#)
[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

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

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

¹⁷ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.



Sexual Harassment

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The district processes complaints¹ or reports of sexual harassment under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure and JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures².

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties³ shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or district staff member's ability to perform their job; or

¹ Some districts choose not to use the terms "complaint" and "complainant" because they feel the stigma associated with the terms discourage victims from reporting conduct. The terms used in this policy are consistent with those included in the law. If you choose to change these terms, make sure that you are consistent and clear. Note, "Complainant" is defined under federal law.

² Common complaint procedures that may also be involved include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), [Hazing,]Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence and Domestic Violence – Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy JHFF/GBNAA)

³ "Third party" means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) At a school-sponsored activity or program; or 3) Off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

- c. Creates an intimidating, offensive or hostile environment.
3. Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.⁴

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person's action, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to,⁵ physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

Oregon Procedures

Reports and complaints of sexual harassment should be made to the following individual(s):

Name	Position	Phone	Email
_____	_____	_____	_____

This/These individual(s) is/are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX Coordinator.⁶ See JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall report to a district official. The district official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

⁴ The statutory definition (ORS 342.704) for sexual harassment includes separate definitions with slightly different language for students, staff members and third parties. The language used in this policy comes from OAR 581-021-0038(1)(b). If the district would like to include the full statutory definition, it can do so.

⁵ OAR 581-021-0038 requires that the policy include a "examples of harassing behaviors covered by policy". The bracketed list in this policy reflects OSBA's recommendations. The district has discretion in what is included in this list. If listing behaviors not reflected in OSBA recommendations, please have the list reviewed by the district's legal counsel.

⁶ This must be communicated elsewhere, but it is a good reason to specify it here as well.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to report their concerns to district officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The district will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.⁷

The district may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment:

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

When a student or staff member is harassed by a third party, the district will consider the following:

{⁷ OSBA strongly recommends that the Board receive input from district administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined *by a reasonable person* to be..." 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;
2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement if necessary, at district events.

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or
2. Any terms or conditions of employment or of work or educational environment of a school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notice

When a person⁸ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include⁹:

⁸ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

⁹ Remember confidentiality laws when providing any information.

1. Name and contact information for all person designated by the district to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines.
4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
 - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
 - b. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and
3. Be made available to students, students' parents, staff members and member of the public at each office, at the district office and on the website of the school or district.

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity¹⁰;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic Violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Federal Procedures

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.*

Reporting

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The report can be made at any time.

The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this AR. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.¹¹

¹⁰ "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))

¹¹ Note the difference in requirements for Title IX and Oregon law. It makes sense to align these requirements.

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.¹² The district shall treat complainants and respondents equitably by providing supportive measures¹³ to the complainant and by following a grievance procedure¹⁴ prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.¹⁵

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.¹⁶ The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

Notice

The district shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and

¹² (Title 34 C.F.R. §106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

¹³ (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment.¹³ The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

¹⁴ This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

¹⁵ The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

¹⁶ The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

No Retaliation

Neither the district or any person may retaliate¹⁷ against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

Publication

This policy shall be made available to students, parents of students and staff members. This policy shall be prominently published in the student handbook and on the district website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 332.107](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

[ORS 342.850](#)
[ORS 342.865](#)
[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.030](#)
[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

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

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

¹⁷ Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.



Federal Law (Title IX) Sexual Harassment Complaint Procedure

Additional Definitions

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary or secondary school.¹

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent² and requesting that the district investigate the allegation of sexual harassment.³

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment.⁴ The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures.

Formal Complaint Procedures

Upon receipt of a formal complaint, the district will provide the parties⁵ written notice of the following:

1. Notice of the district’s grievance process, including any informal resolution process.

¹ This standard is not met when the only official with knowledge is the respondent.

² “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

³ A complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

⁴ Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

⁵ Parties include the complainant and the respondent, if known.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details⁶ known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the district's code of conduct⁷ that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

Investigation

The Title IX Coordinator will coordinate the district's investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.⁸
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.⁹ The district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

⁶ Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

⁷ The district is encouraged to review Board policy JFC and codes of conduct found in handbooks for applicable language.

⁸ The district cannot access, consider, disclose, or otherwise use a party's records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's capacity, and which are maintained in connection with the provision of treatment to the party, unless the district obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

⁹ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.¹⁰ Prior to completion of the investigative report, the district must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the district has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹¹ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person's status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the district to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the district must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the district, or anyone participating on behalf of the district, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Determination of Responsibility

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

¹⁰ This includes the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

¹¹ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.

The standard to be used for formal complaints in determining whether a violation has occurred is the [preponderance of the evidence¹²] [clear and convincing evidence¹³] standard.

The person deciding the question of responsibility (the “decision-maker”) must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

9. Identification of the allegations potentially constituting sexual harassment;
10. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
11. Findings of fact supporting the determination;
12. Conclusions regarding the application of the district’s code of conduct to the facts;
13. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions the district imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the district’s education program or activity will be provided by the district to the complainant; and
14. The district’s procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions¹⁴ may include:

15. [Discipline up to and including suspension and expulsion;
16. Removal from various activities, committees, extra-curricular, positions, etc.
17. Disqualification for awards and honors;

¹² A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹³ A clear and convincing evidence standard of evidence is understood to mean concluding that a fact is highly probable to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹⁴ Districts should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

18. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.¹⁵

Other remedies may include:

19. Educational programming

Dismissal of a Formal Complaint

The district must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

20. Would not constitute sexual harassment, even if proved;
21. Did not occur in the district's education program or activity¹⁶; or
22. Did not occur against a person in the United States.

The district may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

23. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
24. The respondent is no longer enrolled or employed by the district; or
25. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the district must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the district from continuing any investigation and taking action under a different process. The district may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Informal Resolution

If the district receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the district may offer an optional informal resolution process, provided that the district:

¹⁵ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be “non-disciplinary” and “non-punitive.”

¹⁶ Includes locations, events, or circumstances over which the district exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. (Title 34 C.F.R. §106.44(a))

26. Provides written notice to the parties disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
27. Obtains the parties' voluntary written consent to the informal resolution process; and
28. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Appeals

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within 15 days of the decision, on the following bases:

29. Procedural irregularity that affected the outcome of the matter;
30. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
31. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
32. Additional bases may be allowed, if made available equally to both parties.

When an appeal is filed, the district must:

33. Notify the other party in writing;
34. Implement appeal procedures equally for both parties;
35. Ensure the decision-maker(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
36. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
37. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
38. Issue a written decision describing the result of the appeal and the rationale for the result; and
39. Provide the written decision simultaneously to both parties.

Timelines

The district will complete the following portions of the grievance process within the specified timelines:

40. General grievance process (from receipt of formal complaint to determination of responsibility: [90] days;
41. Appeals (from receipt of appeal): [60] days;
42. Informal resolution process: [60] days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁷ with written notice to the parties.

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁸

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions about evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the district's website.¹⁹

¹⁷ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

¹⁸ This includes creating a record for each investigation. This record must include:

- Supportive measures, or reasons why the response was not clearly unreasonable under the circumstances;
- Basis for the conclusion that the district's response was not deliberately indifferent; and
- What measures were taken to restore or preserve equal access to the district's educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

Most records (including training) must be retained for at least seven years.

¹⁹ If a district does not have a website, the district must make these materials available upon request for inspection by members of the public.

Section 504 – Students

The district recognizes its responsibility to provide a free, appropriate public education to students with disabilities under Section 504 of the Rehabilitation Act of 1973. Accordingly, no otherwise qualified individual with disabilities shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any district program or activity or those provided by the district through contractual or other arrangements. District aids, benefits and services will afford qualified students with disabilities equal opportunity to obtain the same result, gain the same benefit or reach the same level of achievement as students without disabilities in the most integrated setting appropriate to the student's needs. Programs and activities shall be accessible to and usable by individuals with disabilities as prescribed by law.

A qualified individual with disabilities under Section 504 is an individual who has a physical or mental impairment¹ that substantially limits one or more major life activities²; has a record of such an impairment; or is regarded as having such an impairment.

In compliance with the provisions of Section 504, the district will:

1. Provide written assurance of nondiscrimination in accordance with application procedures whenever the district receives federal money;
2. Designate an employee to coordinate compliance with Section 504;
3. Provide procedures to resolve complaints of discrimination under Section 504;
4. Provide notice to students, parents, employees, including those with vision or hearing impairments, of the district's policy and compliance with law assuring nondiscrimination in admission or access to, or treatment, in district programs, activities or employment. Notice will be included in student/parent and staff handbooks and other materials as appropriate;
5. Annually identify and locate all Section 504 qualified students with disabilities in the district who are not receiving a free appropriate³, public education;
6. Ensure that tests and other evaluation materials have been validated, are administered by trained personnel, are tailored to assess educational need and are not based on IQ scores, and reflect what the tests purport to measure.
7. Provide nonacademic and extracurricular services⁴ and activities in such a manner as to afford students with disabilities an equal opportunity for participation in such services and activities;

¹Impairments which may substantially limit major life activities, even with the help of medication or aids/devices include, but are not limited to, chronic asthma and severe allergies, blindness or visual impairment, cancer, diabetes, deafness or hearing impairment, heart disease and mental illness.

²Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks and learning.

³Appropriate education means the provision of regular or special education and related aids and services that are designed to meet the student's individual educational needs as adequately as the needs of persons without disabilities are met and are based upon adherence to appropriate procedural requirements of 34 CFR 104.34, 104.35 and 104.36 concerning educational setting, evaluation and placement and procedural safeguards.

⁴Nonacademic and extracurricular services and activities may include, but are not limited to, counseling services, transportation, health services, athletics, intramurals, clubs or organization activities, referrals to agencies which provide assistance to persons with disabilities and employment of students, including both employment by the district and assistance by the district in making available outside employment.

8. Annually notify students with disabilities and their parents or guardians of the district's responsibilities under Section 504, including those with limited proficiency in English and those with vision or hearing impairments;
9. Provide parents or guardians with procedural safeguards, including notification of their right:
 - a. To be notified in writing of any decisions made by the district concerning the identification, evaluation or educational placement of their student pursuant to Section 504. The district will request parental consent prior to conducting an evaluation of the student;
 - b. To examine, copy and request amendments of the student's educational records;
 - c. To request an impartial hearing, with opportunity for participation by the student's parents or guardian and representation by counsel regarding district decisions concerning identification, evaluation or educational placement of their student. A review procedure will be provided.

Students identified as qualified individuals with disabilities under Section 504 shall be placed in the regular educational environment unless it is demonstrated by the district that the education of the student with the use of related aids and services in such a placement cannot be achieved satisfactorily. All placement decisions will be made by an evaluation team comprised of persons designated by the superintendent or designee, knowledgeable about the student, the meaning of the evaluation data and placement options.

Students will be reevaluated periodically, but no less than every three years. Additionally, before implementing discipline that constitutes a significant change in the placement (i.e., expulsion, serial suspensions which exceed 10 school days in a school year, a series of suspensions each of which is 10 or fewer school days in duration but that creates a pattern of exclusion), the district shall conduct a reevaluation of the student to determine whether the misconduct in question is caused by the student's disability and, if so, whether the student's current educational placement is appropriate.

If it is determined that the misconduct of the student is caused by the disability, the district's team will continue the evaluation, following the requirements of Section 504 and the Americans with Disabilities Act (ADA) for evaluation and placement to determine whether the student's current educational placement is appropriate. Due process procedures that meet the requirements of the IDEA may be used to meet the procedural safeguards of law. If it is determined that the misconduct is not caused by the student's disability, the student may be excluded from school in the same manner as are similarly situated students who do not have disabilities.

A student identified as a qualified individual with disabilities under Section 504, who is also covered by the Individuals with Disabilities Education Act, will be disciplined in accordance with Board policy JGDA/JGEA - Discipline of Disabled Students and accompanying administrative regulation.

A reevaluation will also be required before any other significant change in placement (i.e., transferring a student to alternative education, graduation from high school, significantly changing the composition of the student's class schedule, such as from regular education to the resource room, etc.).

END OF POLICY

Legal Reference(s):

[ORS 192.630](#)
[ORS 326.051 \(1\)\(e\)](#)
[ORS 659.850](#)

[ORS 659.865](#)
[ORS 659A.103](#)
[ORS 659A.109](#)

[OAR 581-015-0054](#)
[OAR 581-021-0045](#)
[OAR 581-021-0046](#)

[OAR 581-021-0049](#)
[OAR 581-022-1140](#)

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Rehabilitation Act of 1973, 29 U.S.C. Sections 791, 793 and 794.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details⁶ known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the district's code of conduct⁷ that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

Investigation

The Title IX Coordinator will coordinate the district's investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.⁸
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.⁹ The district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

⁶ Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

⁷ The district is encouraged to review Board policy JFC and codes of conduct found in handbooks for applicable language.

⁸ The district cannot access, consider, disclose, or otherwise use a party's records that are made of maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's capacity, and which are maintained in connection with the provision of treatment to the party, unless the district obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

⁹ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.¹⁰ Prior to completion of the investigative report, the district must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the district has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹¹ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person's status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by the district to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the district must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the district, or anyone participating on behalf of the district, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Determination of Responsibility

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

¹⁰ This includes the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

¹¹ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.

The standard to be used for formal complaints in determining whether a violation has occurred is the [preponderance of the evidence¹²] [clear and convincing evidence¹³] standard.

The person deciding the question of responsibility (the “decision-maker”) must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

9. Identification of the allegations potentially constituting sexual harassment;
10. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
11. Findings of fact supporting the determination;
12. Conclusions regarding the application of the district’s code of conduct to the facts;
13. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions the district imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the district’s education program or activity will be provided by the district to the complainant; and
14. The district’s procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions¹⁴ may include:

15. [Discipline up to and including suspension and expulsion;
16. Removal from various activities, committees, extra-curricular, positions, etc.
17. Disqualification for awards and honors;

¹² A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹³ A clear and convincing evidence standard of evidence is understood to mean concluding that a fact is highly probable to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹⁴ Districts should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

18. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.¹⁵

Other remedies may include:

19. Educational programming

Dismissal of a Formal Complaint

The district must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

20. Would not constitute sexual harassment, even if proved;
21. Did not occur in the district's education program or activity¹⁶; or
22. Did not occur against a person in the United States.

The district may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

23. A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
24. The respondent is no longer enrolled or employed by the district; or
25. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the district must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the district from continuing any investigation and taking action under a different process. The district may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Informal Resolution

If the district receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the district may offer an optional informal resolution process, provided that the district:

¹⁵ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be "non-disciplinary" and "non-punitive."

¹⁶ Includes locations, events, or circumstances over which the district exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. (Title 34 C.F.R. §106.44(a))

26. Provides written notice to the parties disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
27. Obtains the parties' voluntary written consent to the informal resolution process; and
28. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Appeals

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within 15 days of the decision, on the following bases:

29. Procedural irregularity that affected the outcome of the matter;
30. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
31. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
32. Additional bases may be allowed, if made available equally to both parties.

When an appeal is filed, the district must:

33. Notify the other party in writing;
34. Implement appeal procedures equally for both parties;
35. Ensure the decision-maker(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
36. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
37. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
38. Issue a written decision describing the result of the appeal and the rationale for the result; and
39. Provide the written decision simultaneously to both parties.

Timelines

The district will complete the following portions of the grievance process within the specified timelines:

40. General grievance process (from receipt of formal complaint to determination of responsibility: [90] days;
41. Appeals (from receipt of appeal): [60] days;
42. Informal resolution process: [60] days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁷ with written notice to the parties.

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁸

Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision-makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions about evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the district's website.¹⁹

¹⁷ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

¹⁸ This includes creating a record for each investigation. This record must include:

- Supportive measures, or reasons why the response was not clearly unreasonable under the circumstances;
- Basis for the conclusion that the district's response was not deliberately indifferent; and
- What measures were taken to restore or preserve equal access to the district's educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

Most records (including training) must be retained for at least seven years.

¹⁹ If a district does not have a website, the district must make these materials available upon request for inspection by members of the public.



Code: **JEA**
Adopted: 9/13/04
Revised/Readopted: 9/10/12, 4/11/16

Compulsory Attendance

Except when exempt by Oregon law, all students between ages 6 and 18 who have not completed the 12th grade are required to regularly attend a public full-time school during the entire school term.

All students five of age who have been enrolled in a public school are required to attend regularly while enrolled in the public school.

Persons having legal control of a student between the ages 6 and 18, who has not completed the 12th grade, are required to have the student attend and maintain the child in regular attendance during the school term. Persons having legal control of a student who is five years of age and has enrolled the child in a public school, are required to have the student attend and maintain the child in regular attendance during the school term.

Under the superintendent's direction and supervision, attendance supervisors shall monitor and report any violation of the compulsory attendance law to the superintendent or designee. Failure to send a student and to maintain a student in regular attendance is a Class C violation.

The district will develop procedures for issuing a citation.

A parent who is not supervising his/her student by requiring school attendance may also be in violation of Oregon Revised Statute (ORS) 163.577 (1) (c). Failing to supervise a child is a Class A violation.

In addition, under policy JHFDA - Suspension of Driving Privileges, the district may report students with 10 consecutive days unexcused absence or 15 cumulative days unexcused absences in a single semester to the Oregon Department of Transportation.

Exemptions from Compulsory School Attendance

In the following cases, students shall not be required to attend public schools full-time:

1. Students being taught in a private or parochial school in courses of study usually taught in kindergarten through grade 12 in the public schools, and in attendance for a period equivalent to that required of students attending public schools.
2. Students proving to the Board's satisfaction that they have acquired equivalent knowledge to that acquired in the courses of study taught in kindergarten through grade 12 in the public schools.
3. Students being taught, by a private teacher, the courses of study usually taught in kindergarten through grade 12 in the public school for a period equivalent to that required of students attending public schools.
4. Students being educated in the home by a parent:
 - a. When a student is taught or is withdrawn from a public school to be taught by a parent or private teacher, the parent or teacher must notify the Education Service District (ESD) in writing within 10 days of such occurrence. In addition, when a home-schooled student moves to a new ESD, the parent shall notify the new ESD in writing, within 10 days, of the intent to continue home schooling. The ESD superintendent shall acknowledge receipt of any notification in writing within 90 days of receipt of the notification. The ESD is to notify, at least annually, school districts of home-schooled students who reside in their district;
 - b. Each student being taught by a parent or private teacher shall be examined no later than August 15,

- (3) Procedures for home-schooled students with disabilities are set out in OAR 581-021-0029.
 - c. Examinations testing each student shall be from the list of approved examinations from the State Board of Education;
 - d. The examination must be administered by a neutral individual qualified to administer tests on the approved list provided by the Oregon Department of Education;
 - e. The person administering the examination shall score the examination and report the results to the parent. Upon request of the ESD superintendent, the parent shall submit the results of the examination to the ESD;
 - f. All costs for the test instrument, administration and scoring are the responsibility of the parent;
 - g. In the event the ESD superintendent finds that the student is not showing satisfactory educational progress, the ESD superintendent shall provide the parent with a written statement of the reasons for the finding, based on the test results and shall follow the guidelines in Oregon Revised Statutes and Oregon Administrative Rules.
- 5. Students excluded from attendance as provided by law;
 - 6. An exemption may be granted to the parent of any student 16 or 17 years of age who is lawfully employed full-time, lawfully employed part-time and enrolled in school, a community college or alternative education program as defined in ORS 336.615.

END OF POLICY

Legal Reference(s):

[ORS 153.018](#)
[ORS 163.577](#)
[ORS 336.615 - 336.665](#)
[ORS 339.010 - 339.090](#)
[ORS 339.925](#)
[ORS 339.990](#)
[ORS 807.065](#)
[ORS 807.066](#)
[ORS 809.410 \(40\)](#)
[OAR 581-021-0026](#)
[OAR 581-021-0029](#)
[OAR 581-021-0071](#)
[OAR 581-021-0077](#)
HB 4014 (2012)



Compulsory Attendance Notices and Citations**

Compulsory attendance citations may be issued by the superintendent or designee as a means to enforce the compulsory attendance law. All such citations shall be issued according to the following procedures:

1. **Attendance Supervisor**
The attendance supervisor shall:
 - a. Determine that the parent or guardian has either failed to enroll his/her student or to maintain the student in regular attendance. Regular attendance shall mean attendance which does not include more than eight unexcused one-half day absences or the equivalent in any four-week period in which school is in session;
 - b. Verify the compulsory attendance violation through such means as matching attendance supervisor records with classroom teacher records;
 - c. Provide written compulsory attendance noncompliance notification to the parent or guardian within 24 hours of verification of the violation. If the student is a youth offender on parole or probation, at the same time notice is given to the parent or other person, the attendance supervisor shall notify the student's parole or probation officer of the absence;
 - d. Serve the notification personally or by certified mail. The notification will be written in the native language of the parent or guardian;
 - e. Ensure that notification includes a statement requiring the student to appear on the next school day following receipt of the notice and to maintain regular attendance for the remainder of the school year;
 - f. Provide a copy of the notice and pertinent attendance records to the superintendent or designee at the time notice is given to the parent or guardian;
 - g. Notify the superintendent within three days of knowledge that the parent or guardian receiving the notification has not complied with the notice.
2. **Superintendent or Designee**
The superintendent or designee will:
 - a. Review the compulsory attendance noncompliance notice and pertinent student attendance records;
 - b. If citation appears warranted, prior to issuing the citation, provide written notification to the parent or guardian. The notice will be written in the language of the parent or guardian. The notice will be delivered personally or by certified mail and will state that:
 - (1) The student is required to attend regularly, a school full-time during the school year;
 - (2) Failure to send the student to school and to maintain the student in regular attendance is a Class C violation;
 - (3) A citation of up to \$150 for violation of compulsory attendance laws may be issued by the superintendent or designee;
 - (4) The parent has the right to request:
 - (a) An evaluation to determine if the student should have an individualized education program (IEP), if the student does not have one; or
 - (b) A review of the student's current IEP.
 - (5) The parent or guardian and student are required to attend a conference with the superintendent or designee. The date, time and place of conference will be specified. This conference may not be scheduled until after an evaluation or review as described in item 4. above, if requested by the parent, has been completed;
 - (6) Failure to attend the conference or failure to send the student to school following the conference may result in the issuance of a citation.

3. Conference

The superintendent or designee will conduct a conference with the parent or guardian and student. Auxiliary aids and services will be provided upon advance request. The superintendent or designee will:

- a. Review Oregon's compulsory attendance law and the student's attendance record;
- b. Determine the reasons for the noncompliance;
- c. Develop a plan for student attendance improvement (contract, etc.);
- d. Refer the parent or guardian and student to other agencies as necessary (i.e., Building Support Team; Youth Services Team; Oregon Department of Human Services, Community Human Services; Juvenile Department; etc.);
- e. Discuss the potential consequences for continued compulsory attendance noncompliance, including the potential for the issuance of a citation and the consequences for violation of the Board's student conduct and truancy policies.

4. Citation

Compulsory attendance noncompliance citations may be issued by the superintendent or designee. The superintendent or designee shall:

- a. Determine that the parent or guardian has continued to fail to enroll his/her student in school or maintain the student in regular attendance following a conference or has refused to attend the conference as required;
- b. Contact the clerk of the court for the county and determine which court will hear the case and when;
- c. Ensure official representing the district will be available to present evidence of the violation at the time and date specified;
- d. Determine whether the local court's interpretation of ORS 339.925 requires the student be named as defendant. Complete form accordingly;
- e. Complete Uniform Compulsory Attendance Citation and Complaint form as follows:
 - (1) Specify appropriate court, district, circuit, municipal or justice;
 - (2) Specify when the court will hear the case, including date, time and location of the court appearance at the bottom of the form;
 - (3) Provide all pertinent defendant information, including the name and address of the parent or guardian. Only one adult should be named as the defendant;
 - (4) Provide all pertinent offense information, including the period of time during which the absences occurred;
 - (5) Ensure the minimum number of absences constituting irregular attendance as defined in law has in fact occurred. Excused absences should not be counted for purposes of this citation;
 - (6) Provide all pertinent student information including the grade, date of birth, length of time in the school district and parent(s) name(s). The Oregon Department of Education will compile this information at the end of the calendar year to determine trends in excessive absenteeism;
 - (7) Provide date superintendent's or designee's prior notification of attendance requirements, consequences including possibility of citation and conference meeting date was sent;
 - (8) Ensure that the prior notice was served to the same parent or guardian who is named as the defendant in the citation;
 - (9) Provide district name, date, superintendent's name and signature. If the superintendent has designated another district official to issue citations, such delegation will be documented and the delegated official's name and signature will appear on the form;
 - (10) Personally serve (not mail) the citation;
 - (11) Complete time and date citation was issued, name, title and signature of district official serving the citation;
 - (12) Ensure the parent or guardian is served with the goldenrod (bottom) copy;
 - (13) Ensure the white and yellow copies are sent to the appropriate court, immediately after the citation is served;

- (14) Ensure the pink copy is retained by the district. Additional information may be maintained on the back of the pink copy, including the dates the attendance supervisor's and the superintendent's or designee's notifications were sent, dates of contact with parents or guardians and names of school staff who have been involved with the issue;
 - (15) Consult with district's attorney to assist in these procedures, as necessary.
- f. Maintain student attendance records in accordance with applicable education records laws.

SWEET HOME SCHOOL DISTRICT NO. 55

1920 Long Street
Sweet Home, OR 97386
Phone: 541-367-7126

***** ATTENDANCE SUPERVISOR'S NONENROLLMENT NOTICE *****

Date _____
Parent(s)/Guardian _____
Address _____

Dear _____,
(Parent/Guardian)

A determination has been made that your student, _____, has not
(student's name)
enrolled in school and has not been exempted from compulsory attendance in school, under provisions of ORS
339.030.

In accordance with Oregon law, you are hereby notified that you must enroll your student at _____
School no later than the next school day following receipt of this notice and maintain your student in regular
attendance for the remainder of the school year.

Please be advised that failure to comply with Oregon's compulsory attendance law is a Class C violation and may
result in a compulsory attendance citation and complaint issued by the superintendent and a fine by a court of up to
\$150.

You may request an evaluation to determine if your student should have an individualized education program (IEP),
or request a review of your student's current IEP.

If you have questions, please contact _____ at _____.
(name) (telephone)

Sincerely,

Principal

cc: Principal
Superintendent

SWEET HOME SCHOOL DISTRICT NO. 55
1920 Long Street
Sweet Home, OR 97386
Phone: 541-367-7126

***** ATTENDANCE SUPERVISOR'S IRREGULAR ATTENDANCE NOTICE *****

Date _____
Parent(s)/Guardian _____
Address _____

Dear _____,
(Parent/Guardian)

A determination has been made that your student, _____, is not
(student's name)
maintaining regular attendance as required by ORS 339.065.

Regular attendance is defined by Oregon law as attendance which does not include more than eight unexcused one-half day absences or the equivalent in any four-week period school is in session.

According to school attendance records, your student has had unexcused absences from school _____ days on the following dates: _____.

You are hereby notified that you must send your student to school no later than the next school day following receipt of this notice and maintain your student in regular attendance for the remainder of the school year.

Please be advised that failure to comply with Oregon's compulsory attendance law is a Class C violation and may result in a compulsory attendance citation and complaint issued by the superintendent and a fine by a court of up to \$150.

If you have questions, please contact _____ at _____.
(name) (telephone)

Sincerely,

Principal

cc: Principal
Superintendent



Code: **JEBA**
Adopted: 4/11/94
Readopted: 8/10/98, 4/9/18
Orig. Code(s): BP 5113

Early Entrance**

A student is considered six years of age and will be admitted into a public school if his/her fifth birthday occurs on or before September 1. A student whose sixth birthday occurs after that date may be admitted to the first grade if he/she has maintained regular attendance in any grade of a public full-time school during the entire school term.

A student will be admitted to kindergarten if his/her fifth birthday occurs on or before September 1, or is a kindergarten student transferring from a public school in another district.

Early entry into school may be allowed for a student whose fifth birthday occurs after September 1, but not later than November 30 and whose needs would best be met in the school program based on an analysis by qualified professional staff of his/her:

1. Cognitive development;
2. Social development;
3. Physical development.

The superintendent shall identify screening processes and instruments which will provide a dependable assessment of the preceding criteria.

Parents will be required to pay the cost of the special testing involved.

END OF POLICY

Legal Reference(s):

[ORS 327.006](#)
[ORS 336.092](#)

[ORS 336.095](#)
[ORS 339.115](#)

[ORS 343.395](#)
SB 321 (2015)

Sweet Home School District 55

Code: JEBA-AR
Adopted: 4/9/2018
Orig. Code(s): JEBA-AR

Early Entrance into Kindergarten

Early entry into kindergarten may be allowed for a child whose fifth birthday occurs after September 1st and whose needs would best be met in the school program based on an analysis by the Early Admission Team. Only data from the assessments by the Early Admissions Teams will be accepted. Only students residing within the Sweet Home School District and meet early entry requirements will be assessed. The following areas will be assessed:

1. Cognitive development;
2. Social development;
3. Physical development.

The superintendent shall identify screening processes and instruments, which will provide a dependable assessment for determining early entry qualifications.

Assessment

The nature of the assessment will require the services of a qualified school staff. The recommended assessment instruments may include, but are not limited to the following:

1. Oregon Kindergarten Assessment;
2. Kindergarten Early Entry Screening Test;
3. DIBLES (fluency and comprehension)

A child may be considered for early entry who demonstrates significantly advanced academic and social emotional skills as determined by the school early entry committee. Members of the committee are: kindergarten or first grade teachers, building principal, and a member of the school support services staff.

Procedures

The following steps will be implemented with regard to evaluating candidates for early entry into kindergarten/first grade based upon a District evaluation:

1. Complete district adopted Request for Early Entry Form and submit to the Sweet Home School District Office by May 1st prior to school year of admission;
2. A parent interview is conducted by the building administrator.
3. An early entry screening test is administered to the child by the administrator or designee.



4. Upon successful completion (top quartile) of the early screening test, the child will be assessed, at a cost of \$250 (nonrefundable) paid by the parents, for cognitive and social development. The assessment fee will be waived for families that qualify for free and reduced lunch. After receipt of payment and signed Consent to Evaluate, the building administrator or designee will administer the tests and formulate results;
5. DIBLES and/or, the Oregon Kindergarten Assessment and/or an Adaptive Behavior Assessment are administered by building administrator or designee (ESD specialist, kindergarten teacher, Title 1 teacher or first grade teacher). Test scores must be in the top quartile.
6. The Early Entry Team will:
 - a. Using the data from the assessments, a recommendation from the Early Entry Team as to the student's entrance in school will be made to the superintendent no later than May 31st; Test scores must be in the top quartile.
 - b. Conference with parents to share results and decision.
7. The superintendent will make the final determination for admission. The determination will not be subject to appeal.

Sweet Home School District 55

Code: JEBA-AR (2)
Revised/Reviewed: 4/9/2018
Orig. Code(s): JEBA-AR

Request for Early Entry

Child's Name: _____ Date of Birth: _____

Parent's Name: _____

Address: _____

Phone: _____

Child's Previous Educational Experience: _____

Briefly explain the reason for early entry: _____

Signature of Parent/Guardian

Date

Request for Early Entry – JEBA-AR (2)

Sweet Home School District 55

Code: JEBA-AR (4)
Revised/Reviewed: 4/9/2018
Orig. Code(s): JEBA-AR (4)

Consent for Evaluation

Dear _____,

_____ has been referred for an evaluation. The
Early Entry Team is proposing the following:

___ To evaluate your child's cognitive, social and physical abilities for early entry into
Kindergarten.

This proposal is based on the parent's formal request following the district adopted Early
Entrance procedure.

Sincerely,

Name and Title: _____

Phone: _____

Consent for Evaluation

We request your consent to gather data. Data will be used to make a recommendation to the
Superintendent.

The evaluation assessment(s) and/or test(s) we plan to use include the following:

___ I give my permission for the evaluation. I understand my consent is voluntary and may be
revoked any time before the evaluation process begins.

___ I refuse permission for the evaluation.

Signature (Parent/Guardian/Surrogate Parent)

Date



Code: **JECA**
Adopted: 1/8/96; 3/14/88
Revised/Readopted: 8/10/98, 9/13/04, 6/9/08, 9/10/12, 9/9/13
Orig. Code(s): BP 5110; BP 5130

Admission of Resident Students

School-age students who live within the district attendance area between the ages of 5-19 shall attend school without paying tuition.

1. Students who turn 19 years of age during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year.
2. The Board may admit otherwise eligible students who are not receiving special education and who have not yet attained 21 years of age prior to the beginning of the current school year if they are shown to be in need of additional education in order to receive a diploma. These students may attend school without paying tuition for the remainder of the school year.
3. The Board shall admit otherwise eligible students who have not yet attained age 21 prior to the beginning of the current school year if the student is receiving special education services and:
 - a. Has not yet received a regular high school diploma; or
 - b. Has received a modified diploma, an extended diploma or an alternative certificate.
4. Students with disabilities voluntarily placed outside the home by their parent may continue to attend the school the student was attending prior to the placement as a district resident when the student's parent and school staff can demonstrate it is in the student's best interest.
5. The Board may, based on district criteria, deny regular school admission to students who have become residents and who are under expulsion from another school district for reasons other than a weapons policy violation.
6. The Board shall deny for at least one calendar year from the date of the expulsion, regular school admission to students who have become residents and who are under expulsion from another school district for a weapons policy violation.
7. The Board may, based on district criteria, provide alternative programs of instruction to students expelled for a weapons policy violation.

END OF POLICY

Legal Reference(s):

ORS 109.056	ORS 339.133
ORS 327.006	ORS 339.134
ORS 339.115	ORS 433.267

Cross Reference(s):

JECA-AR - Resident Students



Code: **JECAA**
Adopted: 8/14/95
Revised/Readopted: 8/10/98
Orig. Code(s): BP 5165

Dual Enrollment

Students who qualify as legal residents will be permitted to enter tuition free any district school with dual enrollment in another public or private school as long as that public or private school meets the requirements of ORS 339.030 (1). Dual enrollment shall be implemented by the superintendent or his/her designee and shall be subject to the following regulations:

1. A student must reside within the Sweet Home School District with his/her parents or with a person who has been determined by the district as having met the test of “in loco parentis”;
2. A student must meet the requirements of age for admission;
3. A student is subject to the rules and regulations of the district regarding registration, enrollment and participation during his/her association with the district;
4. A student must select his/her class or classes from the program schedule adopted for the school in the district and restrict his/her choices to courses not available in the private or public school in which he/she is primarily enrolled. Modifications of this program schedule to accommodate part-time enrollee requests will be made only when it can be done without detracting from the effectiveness of the district’s program or exceeding the established budget;
5. A student is subject to provisions of Oregon school law concerning attendance during the time he/she is enrolled and the records of the district shall include this information. A student’s accumulation of partially attended days shall be reported to the Oregon Department of Education in terms of equated full days;
6. A student shall receive grades and evaluation comparable to those recorded for all other students, and a grade report shall be made to the student and parents;
7. A student shall be provided textbooks/instructional materials for the courses in which he/she is enrolled, when these textbooks/instructional materials are provided for regularly enrolled students. Textbooks/Instructional materials provided without charge or rented through the district may be used only in programs of the district’s schools;
8. A student shall have the same library privileges as regularly enrolled students but shall not be permitted to use library services of the district for a class of another school’s program.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 339.030](#)
[ORS 339.035](#)



Code: **JECAC/GBH**
Adopted: 11/8/10, 5/13/19

Staff/Student/Parent Relations**

The Board encourages parents to be involved in their student's school affairs and, unless otherwise ordered by the courts, an order of sole custody on the part of one parent shall not deprive the other parent of the following authority as it relates to:

1. Receiving and inspecting school records and consulting with school staff concerning the student's welfare and education, to the same extent as provided the parent having sole custody;
2. Authorizing emergency medical, dental, psychological, psychiatric or other health care for the student if the custodial parent is.

It is the responsibility of the parent with sole custody to provide any court order or parental plan that curtails the rights of the noncustodial parent at the time of enrollment or any other time a court order is issued.

In case of joint custody, the District will adhere to all conditions specified and ordered by the court.

The district will use reasonable methods to identify and authenticate the identity of both parents.

END OF POLICY

Legal Reference(s):

<u>ORS 107.154</u>	ORS 107.106
<u>ORS 109.056</u>	
<u>ORS 163-.245 – 163.257</u>	
ORS 107.101	
ORS 107.102	

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2006); Family Educational Rights and Privacy, 34 CFR Part 99 (2006).

Protection of Pupil Rights, 20 U.S.C. § 1232 h (2006); Student Rights in Research, Experimental Programs and Testing, 34 CFR Part 98 (2006).



Code: **JEC-AR**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): AR 5110

School Admissions

1. Application for admission to school will be made by registering at the school which is located in the attendance zone within which the student resides.
2. Application for admission by students who reside outside of the district will be made to the district office. School assignments of nonresident students will be approved by the superintendent.
3. The principal or other person in charge of registration for each school or program will be responsible for the receipt of all applications for admission, the conduct of registration procedures and for certification that all admission requirements and prerequisites have been properly met by the student.
4. Students entering an Oregon school for the first time will be required to provide documentary proof of their date of birth.
5. The student, parent or guardian will provide the following information for each registering student. An adult student will not be required to provide information about the adult student's parent or guardian, but will provide the appropriate items of information about himself/herself: (a) full name of the student; (b) full name, home address and work address of each parent, guardian or other person having custody or control of the minor student for the purpose of admission; (c) the home and work telephone numbers of each parent, guardian or other responsible adult or, in each case, the telephone number through which each person may be contacted at home and at work; (d) the name and telephone number of a person or persons who should be contacted in case of an emergency; (e) the name, address and telephone number of the student's physician, clinic or other person or agency where the student's medical records are located; (f) the date of registration.
6. The principal may require the submission of evidence of residency, in order to determine whether the student is eligible to attend the public schools or program without payment of nonresident tuition.

Cross Reference(s):

JEC - School Admissions



Code: **JECB**

Adopted: 3/14/88, 8/14/95

Revised/Readopted: 8/10/98, 9/13/04, 9/11/06,
12/12/11, 5/12/14, 9/8/14,
5/13/19

Admission of Nonresident Students

The district may enroll nonresident students as follows:

1. Interdistrict Transfer Agreement. By written consent of the affected school boards. The student becomes a “resident pupil” of the attending district thereby allowing the attending district to receive State School Fund moneys;
2. Tuition Paying Student. By unilaterally admitting with tuition a nonresident student whereby neither district is eligible for State School Fund moneys;
3. Court Placement. If a juvenile court determines it is in the student’s best interest, a student placed in a substitute care program outside the district will continue to be considered a resident student and allowed to attend the school the student attended prior to placement. The public agency placing the student in a substitute care program will be responsible for the transportation of the student, if public agency funds are available.

The Board shall deny regular school admission to nonresident students who are under expulsion from another school district for a weapons policy violation. The Board may, based on district criteria, deny regular school or alternative education program admission to nonresident students who are under expulsion from another district for reasons other than a weapons policy violation.

Admission by Consent of Both the Affected Boards or Consent for Admission of a Tuition Paying Student

Annually, by March 1¹, the Board shall establish the number of student transfer requests into the district, and out of the district, to which consent will be given for the upcoming school year.

The Board may not consider nor ask for any information from the student about race, religion, sex, sexual orientation, ethnicity, national origins, disability, health, whether a student has an individual education program (IEP) or the terms of that IEP, identified as talented and gifted, income level, residence, proficiency in English, athletic ability or academic records. The Board may not request or require the student to participate in an interview, tour any of the schools or facilities, or otherwise meet with any representatives of the school or district prior to the district deciding whether to give consent.

The Board may ask for the student’s name, contact information, date of birth, grade level and whether the student is currently expelled.

¹The district must annually make this determination by a date set by the Board.

The Board may revise the maximum number of students to whom consent will be given at a time other than the annual date established by the Board if there are no pending applications for consent.

If the Board decides not to give consent to a student the Board must provide a written explanation to the student.

The Board may determine the length of time the consent is given. Any limitations in length of time must be applied consistently among all students to whom consent is given.

The district is not required to provide transportation outside the boundaries of the district. The student will be allowed to use existing bus routes and transportation services of the district. Transportation will be provided if required by federal law.

The attending district is responsible for a free appropriate public education for those students on an IEP.

END OF POLICY

Legal Reference(s):

ORS 109.056	ORS 343.221
ORS 294.100	ORS 433.267
ORS 327.006	
ORS 329.485	
ORS 335.090	
ORS 339.115 - 339.133	
ORS 339.141	
ORS 339.250	

HB 3681 (2011)

Letter Opinions, Office of the Attorney General (March 15, April 18, June 30, 1988).

OR. DEP'T OF EDUC., ODE EXECUTIVE MEMORANDA 23-1988-89, 42-1994-95.

ⁱThe district must annually make this determination by a date set by the Board. March 1st by the Board



Interdistrict Transfers

Parents or guardians¹ desiring an exception to their students' enrollment in their resident district will file an Interdistrict Transfer Application with the Sweet Home Public School District.

Consent by Affected Boards and Tuitioned Students

Interdistrict transfers will be considered on a case-by-case basis. When an interdistrict transfer application is approved, the parent or guardian will be responsible for transportation of the student to and from the requested district.

Interdistrict applications will only be approved for one school year and must be resubmitted annually.

Parents or guardians may request that a transfer be rescinded at any time. Such requests will be effective at the end of the semester in which they are received unless the principals involved and the district administration agree to implement the request sooner.

Athletic eligibility for inter-district transferred students will be governed by OSAA guidelines.

Transfer requests for students with an existing Individualized Education Program will also require the approval of the IEP team with members from both the sending and receiving districts.

Consent of Board for the District in which the School is Located

By March 1, the Board shall establish the number of students, if any, that will be given admission for the following school year under this process. Resident students will have first opportunity to request an intradistrict transfer prior to the placement for nonresident student to a specific school.

Nonresident students must make application no later than April 1, for admission in the following school year. Applications must be submitted to the district office.

If the number of applications exceeds the number of admissions to be given, an equitable lottery process will be used to determine admission. This lottery process may give priority to applicants who currently have siblings enrolled in the district. Priority cannot be given over an intradistrict transfer request. If the district determines that admission will not be given to any students under this process there is no district obligation to give admission to siblings

Once the student has been given admission, the student is considered a resident for all educational programs and remains a resident of the district until the student:

1. Graduates from high school;
2. Is no longer required to be admitted to the school district under ORS 339.115; or
3. Enrolls in a school in a different district.

By May 1, prior to the next school year, the district shall provide written notification of the student receiving admission, to the district where the student's legal residence is located.

¹ 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.



Code: **JECBA**
Adopted: 3/14/88
Revised/Readopted: 8/10/98
Orig. Code(s): BP 5133

Exchange Students

Sweet Home School District will accept exchange students annually who meet residence requirements of the district and who are participants in district approved exchange programs.

Exchange students on a J-1 Visa are not required to pay tuition. Exchange students on an F-1 Visa are required to pay tuition at the established district rate. F-1 student admission is limited to secondary schools and attendance may not exceed 12 months.

Exchange students must comply with immunization requirements set forth in state law.

Once admitted, exchange students become subject to all district policies and regulations governing students.

END OF POLICY

Legal Reference(s):

[ORS 339.133](#)

[ORS 433.267](#)

[OAR 581-022-1130](#)

Illegal Immigration and Immigration Reform Act of 1996, 8 U.S.C. Sections 1101, 1221, 1252, 1324, 1363, 1367.



Code: **JECBA-AR**
Adopted: 3/14/88
Revised/Readopted: 8/10/98, 5/16/05
Orig Code: AR 5133

Admission of Foreign Exchange Students

Prerequisites

1. State department guidelines stipulate that a group-sponsored student must obtain school approval and family placement before leaving his/her home country.
2. Foreign students attending district schools through group-sponsored exchange programs must obtain a "J-1" Visa from the U.S. Department of Immigration and Naturalization Service which they must show upon registration. Approved group-sponsored exchange programs are those designated by the United States Information Agency and officially recognized by the Board. Foreign students on a J-1 Visa are not required to pay tuition.
3. Foreign students attending district schools through private sponsorship must obtain an "F-1" Visa and prior approval required by the Immigration and Naturalization Service. Pursuant to federal law, foreign students on an "F-1" Visa may only attend secondary schools within the district and are required by law to pay the district's established tuition rate for the period of attendance. The period of attendance may not exceed 12 months.
4. The student or sponsoring organization will provide all dues and fees unless the district elects to pay.

Program Guidelines

1. Candidates will be selected from foreign exchange programs at the discretion of the building administrator.
2. In addition, up to two students may be accepted at any one time from short-term programs at the discretion of the building administrator.
3. All potential organizations or individuals will obtain approval from the high school administrator by July 1 for the coming school year. Applications may not be accepted after July 1.
4. The high school administration reserves the right to terminate attendance if the student does not comply with the high school academic/behavioral standards that apply to that student.
5. A foreign student will receive an honorary High School diploma, unless his/her prescribed course of study includes completion of requirements for a standard diploma. Counselors will review an appropriate course of study and will give a written recommendation to the student. The recommendation will specify either an honorary or standard diploma. All full-year students may participate in graduation ceremonies regardless of diploma received.



Code: **JECBB**
Adopted: 9/13/04
Revised/Readopted: 3/11/13

Intradistrict Transfer Students

With the superintendent's approval, the district may grant the request of a resident student to attend another high school, provided the receiving school agrees to that request.

Students who attend a district school identified as persistently dangerous, or who are victims of a violent criminal offense occurring in or on the grounds of the school the student attends, may transfer to a safe public school in the district.

The superintendent will develop administrative regulations, as necessary, to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 329.497](#)

[ORS 332.107](#)

[OAR 581-021-0045](#)

No Child Left Behind Act of 2001, P.L. 107-110, Title I, Section 1116 and Title IX, Section 9532.

Elementary and Secondary Education Act (ESEA) Flexibility Waiver; July 18, 2012.



Code: **JECBB-AR**
Adopted: 9/13/04
Revised/Readopted: 3/11/13

Intradistrict Transfer Procedures

The following procedure will govern consideration of a request by a parent for his/her student to attend a district school other than the one within the student's regular attendance boundary:

General Parent/Student Requests for Intradistrict Transfer

1. Resident students and their parents will be notified on an annual basis of intradistrict transfer options available;
2. Requests to transfer will be considered on a space-available basis and subject to the following criteria:
 - a. A financial, educational, safety or health condition affecting the student would likely be improved as a result of the transfer. "Would likely be improved" means it is probable, in the judgment of the district, that the nature and effect of the benefit to be received will be real and meaningful;
 - b. Attendance at the school is nearer to the parent's place of work or to the location of child care;
 - c. The parent has moved and the place of residence is now located outside the attendance boundary of the student's assigned school, but remains within district boundaries and completion of the current school year in the student's school is in the student's best interest;
 - d. There is some other special hardship or detrimental condition affecting the student or his/her immediate family which would be alleviated as a result of the transfer. "Special" means a circumstance or factor not generally applicable to other students or families. "Hardship" and "detrimental condition" apply to any circumstance or factor which has a harmful effect on the student or his/her immediate family, and is not restricted to a financial, educational, safety or health condition;
 - e. A program/activity is offered only at the receiving school.
3. Requests that a student attend a district school other than the student's assigned school within his/her regular attendance boundary must be made by the parent (or emancipated minor or student age 18 or older) and submitted in writing on forms provided by the district to the principal or designee of the school the student currently attends, no later than March 31. Later requests may be considered in unusual circumstances, at the district's discretion. Written requests must include a clear statement as to how the requested transfer meets district criteria;
4. The building principals of the sending and receiving schools will consult and must mutually agree to the transfer. If either principal objects, the request will be denied;
5. The sending school principal or designee will notify the parent that the request has been granted or denied, no later than August 15;
6. Students who apply for an intradistrict transfer and are not accepted at the time of application because of space availability or No Child Left Behind Act of 2001 (NCLBA) transfers will be placed on a waiting list in the order in which the applications are received. Such applications will be considered for approval at a later date as space becomes available;
7. Transportation will be the responsibility of the parent. In certain circumstances, district transportation may be appropriately provided, on a space-available basis. Existing bus routes and loading areas will not, however, be disrupted or altered in order to accommodate an intradistrict transfer;
8. Approved transfers will be reevaluated at the conclusion of each school year by the building principal of the receiving school. Continuation of the transfer may be denied based on such considerations as space limitations, student behavior, attendance, academic performance or failure to continue an educational program for which the transfer request was originally approved;
9. In the event building capacity is reached with attendance area residents or students from outside the attendance area who have transferred under provisions of NCLBA, transfer students may be asked to enroll in another school or return to their school of origin;
10. An approved transfer granted to a student will not obligate the district to approve subsequent requests from another student in the same family;

11. Student violations of Board policy, administrative regulation or school rules may result in revocation of the transfer at any time at the discretion of the district, in addition to discipline imposed.

Safe Public School Choice Transfer Requests

In the event a district school is identified by the Oregon Department of Education (ODE) as persistently dangerous, or a student has been a victim of a violent criminal offense while in or on the grounds of a school the student attends, a transfer to meet the safe public school choice requirements of NCLBA will be provided, subject to the following:

1. The district will provide notification to parents of all students attending a school identified as persistently dangerous of their student's right to transfer. The notice will:
 - a. Be in writing, provided within 10 school days from the time the district becomes aware that the school has been identified by ODE as persistently dangerous or from the time a parent or student has notified the district that the student has been the victim of a violent criminal offense as defined by ODE;
 - b. Inform parents that their student is eligible to attend another public school in the district due to the identification of the school as persistently dangerous, or inform the parent of a student who has been the victim of a violent criminal offense, as defined by ODE, while in or on the grounds of a school the student attends, that their student is eligible to attend another public school in the district;
 - c. Identify each public school in the district, including public charter schools, that the parent may select;
 - d. Explain why the choices made available may have been limited including, as applicable, that no choices are currently available; and
 - e. Describe the performance and quality of those schools of choice. Parents may request more detailed information and may ask to see a school's academic report card.
2. The transfer will be to a safe district school;
3. Requests to transfer must be in writing (standard mail, fax or e-mail) and submitted to the school office for consideration generally no later than 20 school days from the district notice. The district will confirm requests;
4. The district will consider the education needs and preferences of the student and parent. Parents may decline the assigned school;
5. Approved transfers will generally occur within 30 school days from the time the district learns that the school has been identified as persistently dangerous. A student who has been the victim of a violent criminal offense will be transferred as soon as practicable;
6. Transfers may be temporary or permanent but will minimally be in effect as long as the student's original school is identified as persistently dangerous. Transfers for a student who has been the victim of a violent criminal offense will remain in effect until such time as may be appropriate, based on the safety and welfare of the student. The district will consider the educational needs of all transfer students as well as other factors affecting the student's ability to succeed if returned to the transferring school;
7. The district may provide transportation using federal funds or through cooperative agreements with local victims assistance units.

In the event a district school is identified by ODE as persistently dangerous, or a student has been a victim of a violent criminal offense while in or on the grounds of a school the student attends and there is not another school in the district for the student to transfer to, the district may develop an agreement with a neighboring district to accept transfer students. The development of such agreements is at the discretion of the district. Transfer approval will be in accordance with established Board policy and administrative regulation.

Special Education and Public School Choice

The district will ensure that students with disabilities are provided a free appropriate public education (FAPE) in their school of choice, consistent with the Individuals with Disabilities in Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act. In offering choice to students with disabilities, the district may match the abilities and needs of a student with disabilities to the possible schools that have the ability to provide the student with FAPE.

- d. If the matter is not resolved at that level, the Superintendent shall issue the District's decision.
2. Once the District's decision has been reached, the parent/guardian shall be provided with a written explanation of the District's decision and the parent/guardian's right to appeal such a decision. ([Form JECBD-AR-3](#): Written Notification Form; [JECBD-AR-4](#): Dispute Resolution Form)

F. ENROLLMENT/WITHDRAWAL OF HOMELESS STUDENTS:

1. The Principal or designee shall notify the homeless liaison when a homeless student is identified. ([Form JECBD-AR-7](#): Student Residency Statement)
2. The school shall provide the parent/guardian with an Information for Parents sheet. ([Form JECBD-AR-5](#))
3. If a homeless student arrives at school without a parent/guardian, the student shall be enrolled and the District's Homeless Liaison notified. The liaison shall contact the parent/guardian and complete the enrollment process. Students must meet the District's age eligibility criteria for enrollment.
4. Homeless students qualify for free breakfast and lunch. ([Form JECBD-AR-6](#))
5. When students enroll without records (i.e., transcripts/grade reports, birth certificate, immunizations/health records) the Principal or designee shall:
 - a. Contact the former school to request the student's records and discuss immunization information and tentative placement;
 - b. Create a cumulative record if it is determined that the records are not available;
 - c. Refer the student to public health and provide follow-up to ensure that the student has been immunized, if there are no immunization records;
6. Parents/guardians shall provide the school with contact information.
7. Withdrawal: Homeless students often leave school without officially withdrawing. If the school is contacted by another district for a homeless student's records, requested information shall be provided and school records sent within 15 days to the receiving school district.

G. ROLE OF THE HOMELESS LIAISON:

The role of the District's Homeless Liaison is to provide that:

1. Homeless students:
 - a. Are identified by school personnel;
 - b. Enroll in and have an equal opportunity to succeed in school;
 - c. Receive educational services for which they are eligible;
 - d. Are referred to the District's Homeless Liaison in order to receive health and dental care services for which they are eligible;
2. Parents/guardians of homeless students are made aware of educational and other opportunities available to their children and are provided with a meaningful opportunity to participate in their children's education;
3. Public notices of the educational rights of homeless students are disseminated in schools and such places as family shelters and soup kitchens;
4. Enrollment disputes are resolved in compliance with State guidelines and, in the event that such a dispute involves an unaccompanied student, that the student is enrolled immediately pending the resolution of the dispute;
5. The parent/guardian is informed of the transportation services provided, including transportation to the school of origin.
6. School personnel, service providers and advocates working with homeless students and their families are informed of the liaison's duties.

END OF POLICY

Legal Reference(s):

[ORS 109.056](#)

[ORS 294.100](#)

[ORS 327.006](#)

[ORS 339.115](#)

[ORS 339.133](#)

[ORS 433.267](#)

[OAR 581-021-0045](#)

[OAR 581-021-0046](#)

McKinney-Vento Homeless Education Assistance Improvements Act of 2001, P.L. 107-110, 42 U.S.C. Sections 11431-11435.

No Child Left Behind Act of 2001, P.L. 107-110, Title I, Section 1115.

Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000).

Letter Opinions, Office of the Attorney General (March 15, April 18, June 30, 1988).

Oregon Department of Education, Memos #23-1988-89, #42-1994-95



Code: **JECBD-AR**
Adopted: 4/10/17

Homeless Students

Definitions

1. “Enrollment” means attending classes and participating fully in school activities.
2. “School of origin” means the school that a student attended when permanently housed or the school in which the student was last enrolled.

When the student has completed the final grade served by the school of origin, the term “school of origin” shall include the designated receiving school at the next grade level for all feeder schools.

3. “Homeless student” means individuals who lack a fixed, regular and adequate nighttime residence and includes:
 - a. Students who are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
 - b. Students who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
 - c. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; and
 - d. Migratory students who qualify as homeless because the students are living in circumstances described in a.-c.
4. “Unaccompanied student” includes a student not in the physical custody of a parent or guardian.

Assignment to School

The district shall, according to the student’s best interest, continue the student’s education in the school of origin for the duration of homelessness, or enroll the student in a district school that nonhomeless students who live in the attendance area in which the student is actually living are eligible to attend.

In determining the best interest of the student, the district shall:

1. Presume that keeping the student in their school of origin is in their best interest, unless doing so is contrary to the request of the student’s parent or guardian;
2. Provide a written explanation, including a statement regarding the right to appeal, if the district sends a homeless student to a school other than the school of origin or a school requested by the parent or guardian;

3. Ensure that the district's liaison helps with placement or enrollment decisions for an unaccompanied student; and considers the request of the student, and provides a notice of the right to appeal on placement and enrollment decisions.

Enrollment

The district shall immediately enroll the student in the school selected even if the student is unable to produce records normally required for enrollment, such as academic records, medical records, proof of residency or other documentation.

The district shall immediately contact the school last attended to obtain relevant academic and other student records.

If the student needs to obtain immunizations, or immunization or medical records, the district shall immediately refer the parent or guardian to the district's liaison, who will help in obtaining necessary immunizations or records.

A student shall be granted enrollment even if he or she has missed application or enrollment deadlines during any period of homelessness.

Records

Any records ordinarily maintained by the district, including immunization or medical records, academic records, birth certificates, guardianship records and evaluations for special services or programs, shall be maintained so that the records are available, in a timely fashion, when a homeless student enters a new school or district, consistent with state and federal law.

Enrollment Disputes

If a dispute arises over school selection, enrollment or eligibility, the student shall be immediately admitted to the school requested, pending resolution of the dispute.

The parent or guardian of the student shall be provided with a written explanation of the district's decision regarding school selection, including the rights of the parent, guardian or student to appeal the decision through the McKinney-Vento Act dispute resolution and appeal process, including final appeal to the Oregon Department of Education (ODE) State Coordinator.

The student, parent or guardian shall be referred to the district's liaison, who shall ensure the resolution process is carried out as expeditiously as possible. In the case of an unaccompanied student, the district's liaison shall ensure the student is immediately enrolled in school pending the resolution of the dispute.

Services

Each homeless student shall be provided with services comparable to services offered to other students, including the following:

1. Transportation services;
2. Education services for which the student is eligible, such as:
 - a. Title I¹;
 - b. Special education;
 - c. Programs for English Learners;
 - d. Career and technical education;
 - e. Talented and gifted programs.
3. School nutrition programs.

Coordination

The district shall coordinate the provision of services to homeless students with local social service agencies, and other agencies or programs providing services to homeless students and their families. Services will also be provided in cooperation with other districts on interdistrict issues, such as transportation, transfer of school records, and issues concerning appropriate credit for full or partial course work completed at a prior school to ensure that homeless students have access to available educational and related services.

District Liaison

The district's liaison shall ensure that:

4. Homeless students are identified;
5. Homeless students enroll in and have a full and equal opportunity to succeed in district schools;
6. Homeless families and students have access to and receive educational services through Head Start, Early Intervention and preschool services;
7. Homeless families and students receive educational services for which they are eligible, and referrals to health- care services, dental services, mental health service and other appropriate services;
8. Parents of homeless students are informed of the educational and related opportunities available to the students and are provided with meaningful opportunities to participate in the education of their students;
9. Public notice of the educational rights of homeless students is distributed where such students receive services (e.g., schools, shelters, public libraries and soup kitchens);

¹All homeless students are automatically eligible for Title I services, regardless of their current academic performance.

10. Enrollment disputes are mediated through McKinney-Vento Act dispute resolution procedures;
11. The parents of a homeless students, or any unaccompanied student, is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school selected;
12. School personnel, service providers and advocates working with homeless students and their families are informed of the liaison's duties.

The district's liaison shall coordinate and collaborate with the ODE state coordinator, community and school personnel responsible for the provision of educational and related services to homeless students.



Code: **JECBD-AR 1**
Adopted: 4/9/07

Date _____

Homeless Education Program Title I

Enrollment in School of Origin Request Form for Homeless Students

This form should be completed by the school for each homeless child or sibling group seeking enrollment at school of origin. Give completed form to school administrator or Homeless Liaison to make the best interest determination for school enrollment. Contact the Homeless Education Program (HEP) office at 541-367-7115 with questions. Fax completed form to the HEP office at 541-367-7199.

Name of student(s) (PLEASE PRINT) _____

Birth Date(s) _____ Grade(s) _____

Current living situation: _____
_____ Agency _____
_____ Affidavit (doubled up) _____
_____ Hotel / Motel _____
_____ Campground _____
_____ Other _____

Current Address: _____

Name of parent/guardian (PLEASE PRINT) _____

Telephone Number: _____

If not available, phone number of someone who can be contacted and their relationship, if any. _____

Anticipated length of stay at the above location: _____

Are there known personal safety issues? ____ Yes ____ No

If yes, explain: _____

Is there a need for special instruction? (Special Education or related services) ____ Yes ____ No

If yes, explain: _____

Are there other issues to be considered when determining school selection? ____ Yes ____ No

If yes, explain: _____

School of Origin _____ **Enrollment Date** _____

Has student been withdrawn? _____ If so, what was the withdraw date? _____

Approximate distance in miles to the school of origin: _____

-----**School Use Only**-----

Administrator's best interest determination: _____

School of Origin - If transportation to school of origin is needed, contact Homeless Liaison at 541-367-7114.

Local School - Complete Written Notification Form (JECBD-AR-3). Written Notification Form was given to parent on _____ (date)

Signature of Administrator or Homeless Liaison _____



Code: **JECDA**
Adopted: 1/10/11

Transcript Evaluation

The district recognizes the importance of transcript evaluation to determine the value of credits earned, number of years of school attendance and placement for students transferring to district schools from other public, Department of Defense Education Activity (DoDEA), private or alternative schools, including those who have been receiving homeschool based courses, online or other distant learning methods.

Transfer credits and attendance may be accepted or rejected at the discretion of the district consistent with Oregon Administrative Rules. Validation of credit may be required.

The superintendent will develop administrative regulations to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 326.565](#)

[OAR 581-021-0210](#)

[OAR 581-021-220](#)

10 U.S.C. §§ 1209, 1211 (2010).

32 U.S.C. § 502(f) (2010).



Code: **JECBD-AR 2**
Adopted: 4/9/07

Homeless Education Program Title I

Procedure for Transportation of Homeless Students to School of Origin

To arrange transportation for homeless students to a school of origin:

1. Have parent/guardian complete Student Residency Statement (SRS) (Form JECBD-AR-7) and fax to the Homeless Education Program (HEP) office at 541-367-7199. Note – If “none of the above” is marked on the SRS form, the student does not qualify as homeless under the federal definition and is not eligible to receive transportation to the school of origin.
2. School should complete Enrollment in School of Origin Request Form for Homeless Students (Form JECBD-AR-1) and fax to the HEP office at 541-367-7199 to determine feasibility.

Homeless Education Program

Joan Pappin, Homeless Liaison
Office – 541-367-7114
Fax – 541-367-7199

Sweet Home School District No. 55
1920 Long Street
Sweet Home, OR 97386
Email – joan_pappin@sweethome.k12.or.us



Code: **JECBD-AR 3**
Adopted: 4/9/07

Homeless Education Program Title I

Written Notification Form Enrollment Decision for Homeless Students

This form should be completed by a school administrator or Homeless Liaison when the parent's request to return to the school of origin is denied. Fax completed form to the HEP office at 541-367-7199.

Date: _____

Person completing form: _____

Title: _____

School _____

In compliance with Section 722(g)(3)(E) of the McKinney-Vento Homeless Assistance Act of 2001, the following written notification is provided to:

Parent or Guardian _____

Student(s) _____

After reviewing your request to enroll the student(s) listed above, the enrollment request is denied. This determination was based upon:

You have the right to appeal this decision by completing a Dispute Resolution Form (which is provided) or provide your explanation verbally to the Sweet Home School District's Homeless Liaison: Joan Pappin, 541-367-7114.

In addition:

- The student listed above has the right to be immediately admitted in the school in which enrollment is sought pending resolution of the dispute.
- You may contact the state coordinator:
Donna Bolt
Homeless Education Specialist
Oregon Department of Education
Office – 503-947-5781
FAX – 503-378-5156
- You may seek the assistance of advocates or attorneys.



Code: **JECBD-AR 4**
Adopted: 4/9/07

Homeless Education Program (HEP)
Title I

Dispute Resolution Form
Enrollment Decision for Homeless Students

This form should be completed by the parent or guardian when a dispute arises over school enrollment. The information may be shared verbally with the Homeless Liaison instead of completing this form. The Homeless Liaison can be contacted at 541-367-7114.

Date submitted: _____

Student(s): _____

Person completing form: _____

Relation to student(s): _____

I may be contacted at (phone or e-mail): _____

I wish to appeal the enrollment decision made by: _____

School: _____

You may include a written explanation to support your appeal in this space or provide your explanation verbally.

_____ I have been provided with a written explanation of the school's decision:

____ Yes ____ No

Signature of person submitting dispute: _____

Return to local school.

-----**For School Use**-----

Fax a copy of this completed form to the HEP office at 541-367-7199. Maintain the original at school.

Date received by Homeless Liaison _____



Information for Parents
McKinney-Vento Homeless Assistance Act

If your family lives in any of the following situations:

- ☐ In a shelter or motel
- ☐ In a campground, car, abandoned building, on the street or other inadequate shelter
- ☐ Without a permanent address and /or permanent housing
- ☐ Share housing with relatives or others because you lost your housing or cannot afford housing

Then, your children have certain educational rights or protections under the McKinney-Vento Homeless Education Assistance Act. Your children have the right to:

- ☐ Immediately enroll and attend classes without having health and school records with you.
- ☐ Receive the same special programs and services, if needed, as provided to all other children served in these programs.
- ☐ Receive transportation to school as with any other child in your school zone.
- ☐ Request enrollment in the school where you are living or in the school attended when you were permanently housed (school of origin). If you request your child to attend the school of origin, the school administrator or Homeless Liaison will determine if it is feasible.
- ☐ If you request enrollment in the school of origin and the school determines that it is NOT feasible, the school must provide a written explanation. You have the right to appeal the decision. Your child will be enrolled in the school you request pending resolution of the dispute.
- ☐ If you request enrollment in the school of origin and the school determines that it is feasible, you may request transportation to and from the school of origin.

Sweet Home School District Homeless Liaison
541-367-7114

State Homeless Education Specialist
Donna Bolt: 503-947-5781



Code: **JECBD-AR 6**
Adopted/Revised: 4/9/07

Homeless Education Program (HEP) Title I

Procedure for Free Lunch for Homeless Students

Homeless children are immediately eligible for free lunch when authorized by the Homeless Liaison. Free lunch for homeless students will extend to the end of the school year.

To obtain free lunch for a homeless student complete the following steps:

1. Parent/guardian must complete and sign a Student Residency Statement (SRS) – Form JECBD-AR-7.
*Note- If “none of the above” is marked on the SRS form, the student does not qualify as homeless under the federal definition.
2. Completed SRS forms indicating a homeless situation should be faxed to the HEP office at 541-367-7199.
3. Upon receipt of the SRS form indicating a homeless situation, the Homeless Liaison will contact the school Cafeteria Manager and Food and Nutrition Services about the student’s immediate qualification for free lunch.

Contact the HEP office at 541-367-7114 with any questions.



Code: **JECBD-AR 7**
Adopted: 4/9/07, 4/10/17

Homeless Education Program (HEP)
STUDENT RESIDENCY STATEMENT

School _____ Date _____

Child's Name (PLEASE PRINT) _____ Birth date: _____ Grade: _____

Siblings (PLEASE PRINT): _____

Name _____ Birth date _____ School _____

Name _____ Birth date _____ School _____

Name _____ Birth date _____ School _____

Information provided on this form is confidential.

1. Do you live in any of these following situations?

_____ sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (example: evicted from home, cannot afford housing, etc.)

_____ in a motel, hotel, campground or similar setting due to lack of alternative adequate accommodations

_____ in emergency or transitional shelters such as domestic violence or homeless shelters or transitional housing, or other shelter or agency

_____ have a primary nighttime residence that is a place not designed for or ordinarily used as a regular sleeping accommodation for humans

_____ in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

_____ none of the above

2. How long do you anticipate living at this location? _____

Parent or Guardian's Signature

Date

Children living in homeless situations have certain rights under the McKinney-Vento Homeless Assistance Act under No Child Left Behind. Please contact your local school or the Homeless Education Program at 541-367-7114 with any questions.

SCHOOL USE: Send the completed form through courier mail to the HEP office in the Student Services Department of the District Office or fax to 541-367-7115.



Code: **JECC**
Adopted: 3/14/88
Readopted: 8/10/98, 9/13/04
Orig. Code(s): BP 5140

Attendance Boundaries

The planning and establishment of attendance area boundaries shall be the responsibility of the superintendent. Students will attend the school in the attendance area in which they reside unless assigned to another school outside their attendance area by the administration.

Schools offering optional programs shall offer such programs to all students. Final selection of students for a program remains the responsibility of the building principal. The building principal shall be responsible for developing guidelines in the selection of student for optional programs. Guidelines for student selection shall adhere to Oregon laws and reflect the program goals.

END OF POLICY

Legal Reference(s):

[ORS 329.485](#)

[ORS 332.107](#)

[OAR 581-021-0045](#)

No Child Left Behind Act of 2001, P.L. 107-110, Title I, Section 1116 and Title IX, Section 9532.



Code: **JECCA**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5150

Assignment of Students to Schools

Students will attend the school in the attendance area in which they reside unless they have approved in-district transfers on file. Transfers are subject to annual application.

Parents must provide transportation for transfer students if not available on existing bus routes.

Attendance areas are subject to annual adjustment to balance student enrollment.

All transfers must be approved by the superintendent or his/her designee and the building principals.

END OF POLICY

Legal Reference(s):

[ORS 329.485](#)

[ORS 332.107](#)

[OAR 581-021-0045](#)

No Child Left Behind Act of 2001, P.L. 107-110, Title I, Section 1116 and Title IX, Section 9532.



Code: **JECCA-AR**
Adopted: 3/14/88
Revised/Readopted: 8/10/98, 9/13/04
Orig. Code(s): AR 5150

Assignment of Students to Schools

Elementary students will attend the elementary school within the boundaries of the school attendance area in which they legally reside.

Exceptions may be made if the sending and receiving building principals agree that allowing the student to attend a school outside his/her regular attendance area has educational merit. Examples of reasons for transferring students are:

1. When a student needs special educational services;
2. When a student is being retained in a grade level;
3. When the student may have a sibling or family member in his/her classroom;
4. When a student's health problem warrants special consideration.
5. When necessary to meet the "No Child Left Behind" requirements.

Exceptions may also be made at the option of district administrators when there is a need to achieve balance in class sizes at a given grade level. Students whose residence changes from one school to another within the district during the course of a school year may continue in their current school placement if that continuation is acceptable to the building principal. Parents will provide necessary transportation if not available on existing routes.

A student who moves from the district after the beginning of the second semester may be granted permission to complete the school year in a district school by the superintendent or his/her designee.

Cross Reference:

JECCA - Assignment of Students to Schools



Code: **JECD**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5155

Assignment of Students to Classes

The assignment of students to classes is the responsibility of the building principal or his/her designee. Students transferring from a school accredited by the Oregon Department of Education will be enrolled at the grade level and with the course credits indicated by the records of the previous school. Students transferring from schools not accredited, from correspondence programs or from home schooling will be assigned by the building principal or his/her designee to the grade or courses best suited to the student's needs and abilities.

END OF POLICY

Legal Reference(s):

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)



Code: **JECDA**
Adopted: 1/10/11

Transcript Evaluation

The district recognizes the importance of transcript evaluation to determine the value of credits earned, number of years of school attendance and placement for students transferring to district schools from other public, Department of Defense Education Activity (DoDEA), private or alternative schools, including those who have been receiving homeschool based courses, online or other distant learning methods.

Transfer credits and attendance may be accepted or rejected at the discretion of the district consistent with Oregon Administrative Rules. Validation of credit may be required.

The superintendent will develop administrative regulations to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 326.565](#)

[OAR 581-021-0210](#)

[OAR 581-021-220](#)

10 U.S.C. §§ 1209, 1211 (2010).

32 U.S.C. § 502(f) (2010).



Code: **JECDA-AR**
Adopted: 12/9/08
Revised/Readopted: 1/10/11

Transcript Evaluation Procedures

The principal or designee will conduct an evaluation of transfer student transcripts and other documentation as may be required to: determine the value of course credits earned; acceptance or rejection of credit and grades; the number of years of school attendance or equivalent; and subsequent placement of students in district schools.

Awarding of Credits

- 1) Students, including dependants of an active duty or deployed member in the uniformed service of the United States, transferring from a standard Oregon public school, ~~or~~ another state's standard school, or Department of Defense Education Activity (DoDEA) school will receive credit for previously completed courses and attendance on the same basis credit and attendance are accepted for such courses completed in district schools consistent with OAR 581-022-1131.
- 2) Students transferring from another district's approved alternative education program or a private alternative education program registered with the Oregon Department of Education (ODE) or other state's department of education will receive credit for previously completed courses and attendance on the same basis credit and attendance are accepted for such courses completed in district schools consistent with OAR 581-022-1131.
- 3) Students transferring from an alternative education program not registered as provided above, will not be eligible to receive credit for previously completed course work or attendance in such programs.
- 4) Students transferring from an accredited private school will receive credit for previously completed courses and attendance on the same basis credit and attendance are accepted for such courses completed in district schools consistent with OAR 581-022-1131.

Credits earned for classes of a sectarian nature will not be accepted. Students may be required to submit course descriptions, or other documentation as may be deemed necessary, to determine whether a course is primarily sectarian in nature.

- 5) Students transferring from a non-accredited private school may receive credit for those courses that have the same or substantially similar course content and hours of instruction as existing district courses consistent with OAR 581-022-1131.
- 6) Students transferring from a home school based courses under ORS 339.035, online or other distance learning may receive credit for previously completed course work and attendance by:
 - a. Successfully passing an appropriate challenge exam;
 - b. Providing portfolio/work sample evidence which demonstrates equivalent knowledge or skill;
 - c. Providing documentation of prior learning activities or experiences (e.g., certification of training, hours of instruction, letters, etc.).

Credit approval will be granted only when the student has demonstrated by clear and convincing evidence that he/she has achieved the same level of knowledge or skill as would have been accomplished by successful completion of the district course(s) for which credit has been requested consistent with OAR 581-022-1131.

- 7) Students may be required to submit course descriptions or other documentation as deemed necessary, including hours of instruction, to assist district officials in determining credit and attendance to be accepted. Such information may be gathered by phone.

Validation of Credit

1. The district may, at its discretion, require validation of credit from students transferring from nonaccredited schools and nonregistered alternative programs, by requiring that the student complete an assessment or provide equivalent portfolio/work sample evidence consistent with OAR 581-022-1131.
2. The district may conditionally accept credit from students transferring from nonaccredited schools and nonregistered alternative programs consistent with OAR 581-022-1131. Students not meeting course requirements at the four week mark, may be required to undergo further written or oral assessment.
3. Students unable to validate credit will be scheduled/rescheduled at the appropriate grade/course level and the credit(s) in question denied.

Grade-Level Placement

Students will be placed in the grade level or course best suited to their needs, based on the district's evaluation of the student's transcript and/or other documentation, assessment, portfolio/work sample evidence, etc. as may be required by the district.

If the student is unable to provide appropriate documentation, the principal or designee will make the grade level determination based upon district-administered assessment(s) as deemed appropriate.

Grades/GPA Academic Awards

1. Students transferring from the following programs may receive, subject to procedures established by the district, the grades/GPA value earned from the student's previous school(s), program(s) for purposes of determining a student's cumulative GPA, academic recognition and awards (e.g., Top 10, valedictorian, salutatorian, etc.):
 - a. Standard Oregon schools, other states' standardized schools, or Department of Defense Education Activity (DoDEA) schools;
 - b. Another district's approved alternative program;
 - c. A private alternative program registered with ODE or another state's department of education;
 - d. An accredited private school.

The district may include other schools and programs such as nonaccredited, nonregistered and home-school based courses, online or other distant learning methods as deemed appropriate.

Appeals

Transcript evaluation decisions may be appealed to the superintendent.



Code: **JECE**
Adopted: 8/10/92
Readopted: 8/10/98, 9/13/04
Orig. Code(s): BP 5195

Student Withdrawal from School

The Board believes in educating all students. If a student intends to withdraw from school for any reason, the school office must be notified.

If the withdrawal is being considered because of severe disciplinary problems, erratic attendance, impending expulsion or exemption from compulsory attendance, the district will notify the student and his/her parents of alternative education programs.

Additionally, the district may notify the Oregon Department of Transportation of the withdrawal from school of a student who is at least 15 years of age and under 18 years of age as provided by ORS 339.257 and Board policy JHFDA- Suspension of Driving Privileges.

A withdrawal slip must be completed and all necessary requirements fulfilled before withdrawal is complete.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)

[ORS 332.107](#)

[ORS 336.635](#)

[ORS 336.645](#)

[ORS 336.665](#)

[ORS 339.030](#)

[ORS 339.250](#)

[OAR 581-021-0045](#)

[OAR 581-021-0065](#)

[OAR 581-021-0070](#)

[OAR 581-021-0071](#)

[OAR 581-022-1350](#)

[OAR 581-022-1620](#)

[OAR 581-023-0006](#)

[OAR 581-023-0008](#)



Code: **JECF**
Adopted: 9/10/12
Revised/Readopted: 3/11/13

Interdistrict Transfer of Resident Students **

The district offers a variety of programs and services designed to meet the individual needs of its students. Nevertheless, the Board recognizes there may be circumstances that arise in which a resident student may benefit from attendance in another public school in the state. Consequently, a student who resides within district boundaries may be released to attend school in another district that agrees to accept the student. The agreement will be by written consent of the affected school boards or designees whereby the student becomes a “resident student” of the attending district, allowing the attending district to receive State School Fund moneys. Any additional fees or tuition costs are the responsibility of the parent.

The superintendent may consider for approval requests that meet one or more of the following criteria:

1. The student has not met or has exceeded all of the academic content standards and appropriate additional services or alternative educational options may better be met in another district;
2. A financial, educational, safety or health condition affecting the student would likely be improved as a result of the transfer. “Would likely be improved” means it is probable, in the judgment of the district, that the nature and effect of the benefit to be received will be real and meaningful;
3. Attendance at the school in the nonresident district is nearer to the parent’s place of work or to the location of child care;
4. There is some other special hardship or detrimental condition affecting the student or his/her immediate family which would be alleviated as a result of the transfer. “Special” means a circumstance or factor not generally applicable to other students or families. “Hardship” and “detrimental condition” apply to any circumstance or factor which has a harmful effect on the student or his/her immediate family, and is not restricted to a financial, educational, safety or health condition.

When the district approves the release of a resident student under the above criteria, the student or his/her parent(s) will be solely responsible for transportation. The Board recognizes that resident students under the Individuals with Disabilities Act (IDEA) remain the primary responsibility of the district. District consideration of transfer requests by students under IDEA will meet the requirements of state and federal law.

A student who resides within district boundaries may make a request to attend school in another district that agrees to accept the student. The agreement will be by written consent of the attending district only whereby the student becomes a “resident student” of the attending district, allowing the attending district to receive State School Funding. When the attending district approves the admission of the student, the attending district shall notify the district in which the student resides no later than May 1. The student or his/her parent(s) will be solely responsible for transportation to the attending district. Students under the Individuals with Disabilities Act (IDEA) will become the primary responsibility of the attending district.

Additionally, the interdistrict transfer of resident students will be permitted, as appropriate, to meet the requirements of the No Child Left Behind Act of 2001 (NCLBA).

An interdistrict transfer¹ may also be permitted in the event a student has been a victim of a violent criminal offense occurring in or on the grounds of a school the student attends or the student attends a school identified as persistently dangerous, and all other district schools the student may transfer to are also identified as persistently dangerous or there is no other district school to which the student may transfer. The transfer must be to a safe school.

¹Districts are encouraged, but not required to explore other appropriate options such as an agreement with a neighboring district to accept transfer students, if there is not another school in the district for the transferring student.

A homeless student residing in the district and the student's parent, or in the case of an unaccompanied student, the district's liaison for homeless students, may request that the student attend his/her school of origin², located out-of-district. The request will be considered based on the best interest of the student. The student may continue in his/her school of origin for the duration of the student's homelessness when the student's family becomes homeless during or between an academic year, or for the remainder of the academic year if the student becomes permanently housed during the school year. Transportation to an out-of-district school will be provided through an interdistrict agreement.

The superintendent is directed to establish procedures for the review of student requests to attend school in another district.

END OF POLICY

Legal Reference(s):

[ORS 109.056](#)
[ORS 327.006](#)
[ORS 329.485](#)
[ORS 332.107](#)
[ORS 335.090](#)

[ORS 339.115 - 339.133](#)
[ORS 339.141](#)
[ORS 339.250](#)
[ORS 343.221](#)
[ORS 433.267](#)

[OAR 581-022-0705](#)

HB 3681 (2011)

Illegal Immigration and Immigration Reform Act of 1996, 8 U.S.C. §§ 1101, 1221, 1252, 1224, 1363, 1367 (2006).
McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42 U.S.C. §§ 11431-11435 (2006).
No Child Left Behind Act of 2001, 20 U.S.C. §§ 6316, 7912 (2006).

²“School of origin” means the school that the student attended when permanently housed or the school in which the student was last enrolled.



Code: **JECF-AR**
Adopted: 9/10/12
Revised/Readopted: 3/11/13

Interdistrict Transfer of Resident Students

General Parent/Student Requests for Interdistrict Transfer (Requiring the consent of both districts)

The following procedure will govern consideration of a request by a student who resides within district boundaries and who is requesting district approval for a transfer to attend school in another district:

1. A parent will request the release of his/her student by completing the appropriate district form;
2. A completed form must include the basis for the request and the signature of the Board chair or superintendent or designee of the district which the student seeks to attend;
3. The completed form must be submitted to the district office;
4. The Board chair or superintendent or designee will grant or deny the request for release according to established Board policy criteria and notify the parent in writing of his/her decision within 15 calendar days;
5. If the release is granted, it will specify the length of the release or the condition or event which would cause the release to be terminated;
6. If the release is granted, the district will notify the nonresident district and make necessary arrangements for the transfer of the student's education records;
7. If the request is denied, parents will be notified of the right to appeal the decision to the Board by sending a written request to the superintendent or designee within 10 calendar days;
8. The Board will hear the appeal at its next regularly scheduled Board meeting;
9. A final decision will be made by the Board within 20 calendar days following the Board hearing. The Board's decision will be communicated to the parent in writing;
10. All releases granted by the district will be limited to the school year in which the transfer is approved. Annual application will be required no later than June 1 for the following school year.

Requests for Interdistrict Transfer (Requiring the consent of only the attending district)

A student who resides within district boundaries may make a request to attend school in another district that agrees to accept the student. The agreement will be by written consent of the attending district only whereby the student becomes a "resident student" of the attending district, allowing the attending district to receive State School Funding. The student who resides within the district must complete the application process in the district in which the student wishes to attend.

Safe Public School Choice Transfer Requests

In the event a district school is identified by ODE as persistently dangerous, or a student has been a victim of a violent criminal offense while in or on the grounds of a school the student attends and there is not another school in the district for the student to transfer to, the district may develop an agreement with a neighboring district to accept transfer students. The development of such agreements is at the discretion of the district. Transfer approval will be in accordance with established Board policy and administrative regulation.

Record Keeping

A file of all interdistrict transfer requests will be maintained at the district office.



Code: **JED**
Adopted: 9/13/04
Revised/Readopted: 12/12/11,
11/12/2019

Student Absences and Excuses

It is the student's responsibility to maintain regular attendance in all assigned classes. A student's absence from school or class will be excused under the following circumstances:

1. Illness, including mental and behavioral health of the student;
2. Illness of an immediate family member when the student's presence at home is necessary;
3. Emergency situations that require the student's absence;
4. Student is a dependent of a member of the U.S. Armed Forces^a who is on active duty or who is called to active duty. The student may be excused for up to seven days during the school year;
5. Field trips and school-approved activities;
6. Medical (dental) appointments. Confirmation of appointments may be required;
7. Other reasons deemed appropriate by the school administrator when satisfactory arrangements have been made in advance of the absence.

Each school shall notify a parents or guardians by the end of the school day if their child has an unplanned absence. The notification will be either in person, by telephone or another method identified in writing by the parent or guardian. If the parent or guardian cannot be notified by the above methods, a message shall be left, if possible.

Additionally, the superintendent will develop procedures whereby those students who are considered truant may be subject to the following penalties: detention, suspension^b and/or ineligibility to participate in athletics or other activities
END OF POLICY

Legal Reference(s):

[ORS 109.056](#) [ORS 339.030](#) [ORS 339.065](#) [ORS 339.420](#) [OAR 581-021-0046](#)
[OAR 581-021-0050](#) [OAR 581-023-0006](#) (11) HB 3197

^a U.S. Armed Forces includes the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; reserve components of the Army, Navy, Air Force, Marines Corps and Coast Guard of the United States; and the National Guard of the United States and the Oregon National Guard.

^b The use of out-of-school suspension or expulsion for discipline of a student in the fifth grade or below, is limited to:

1. Nonaccidental conduct causing serious physical harm to a student or employee;
2. When a school administrator determines, based on the administrator's observation or upon a report from an employee, the student's conduct poses a threat to the health or safety of students or employees; or
3. When the suspension or expulsion is required by law.



Code: **JEDA**
Adopted: 9/13/04, 9/14/15

Truancy

Truancy is defined as absence from school without permission.

The district believes irregular attendance is one of the factors associated with student failure and frustration with the school experience. A fundamental purpose for insisting on punctual, regular school attendance is to help each student develop habits of responsibility.

With these beliefs in mind, the district will develop procedures that foster a partnership with parents in the early detection of truancy, related counseling and appropriate consequences¹.

END OF POLICY

Legal Reference(s):

[ORS 339.040](#) - 339.090

[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021](#)-0050 to -0075

¹Expulsion may not be used to address truancy. (ORS 339.250 (2)(b)(B))



Code: **JEDB**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5170

Students Leaving School Prior to Dismissal**

No school, individual grade or individual student may be dismissed before the regular dismissal hour except with the approval of the principal.

No student is to be permitted to leave the school grounds prior to dismissal hour at the request of, or in the company of anyone other than a school employee, police officer, court official or parent of the student, unless the permission of the parent has been first secured. If any police or court official requests the dismissal of a student from a classroom, every reasonable effort shall be made to notify the parent at once, except in the investigation of child abuse.

END OF POLICY

Legal Reference(s):

[ORS 107.154](#)
[ORS 163.245 - 163.257](#)
[ORS 332.107](#)

Cross Reference(s):

KN - Relations with Law Enforcement Agencies



Code: **JEFA**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5180

Closed Campus**

The Sweet Home School District campuses for students in grades K - 8 are closed from the time of arrival on campus until classes are dismissed at the end of the school day. No student is to leave at any time, for any reason, except under the following conditions:

1. A specific need verified by parent and approved by the school;
2. Students who have parent and school approved work release schedules;
3. Participation in sanctioned school activities.

Sweet Home High School's campus is closed as described above except for the lunch period. At all other times of the school day high school students will abide by the above described requirements.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Cross Reference(s):

JEFB - Release Time for Religious Instruction



Code: **JEFB**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5185

Release Time for Religious Instruction**

Upon written request of the parent a student attending public schools may be excused from school for religious instruction as provided by law.

END OF POLICY

Legal Reference(s):

[ORS 339.420](#)

[ORS 659.850](#)

[OAR 581-021-0046](#)

[Dilger v. School District 24CJ](#), 222 Or. 108 (1960).



Code: **JF**
Adopted: 8/10/92
Readopted/Revised: 8/10/98, 5/12/14
Orig. Code(s): BP 5200

Student Rights and Responsibilities **

The Board has the responsibility to afford students the rights that are theirs by virtue of guarantees offered under federal and state constitutions and statutes. In connection with rights are responsibilities that must be assumed by students. In its pursuit to provide students with a high quality education, the Sweet Home School District recognizes the following:

1. The importance of parents, educators and students in understanding their rights and responsibilities;
2. The importance of parents, educators and students in forming a partnership to support the education process;
3. The importance of parents, educators and students in treating one another with mutual respect, despite differences of opinion;
4. The importance of establishing and maintaining a school climate which values and supports the learning of students;
5. With every right comes responsibilities.

Among these rights and responsibilities are the following:

1. Civil rights — including the rights to equal educational opportunities and freedom from discrimination; the responsibility not to discriminate against others;
2. The right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school;
3. The right to due process of law with respect to suspension, expulsion and decisions which the student believes injure his/her rights;
4. The right to free inquiry and expression; the responsibility to observe reasonable rules regarding these rights;
5. The right to privacy, which includes privacy in respect to the student's school records;

Students have the right to know the behavior standards expected of them as well as to know the consequences of misbehavior.

It is the Board's belief that as part of the educational process students should be made aware of their legal rights and of the legal authority of the Board to make and delegate authority to its staff to make rules regarding the orderly operation of the schools. The rights and responsibilities of students, including standards of conduct, will be made available to students, their parents, and employees through information distributed annually.

END OF POLICY

Legal Reference(s):

[ORS 332.061](#)
[ORS 332.072](#)
[ORS 337.150](#)
[ORS 339.155](#)

[ORS 339.240](#)
[ORS 339.250](#)
[ORS 659.850](#)
[ORS 659.865](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-021-0050 to -0075](#)
[OAR 581-022-1140](#)

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).
Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986).

Cross Reference(s):

JFC - Duties of Students
Student Rights and Responsibilities Handbook
JFA – Student/Parent Handbooks



Code: **JFA**
Adopted: 8/10/92
Readopted: 8/10/98, 9/13/04
Orig. Code(s): BP 5205

Student/Parent Handbooks

Parents and students shall be provided with the district's Student Rights and Responsibilities Handbook / Student/Parent Handbook distributed annually the first week of school. These handbooks are designed to help students understand what is expected of them and how they can benefit from their educational opportunities. Students and parents are encouraged to read handbooks and retain them for future reference.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107



Code: **JFBA**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5211

Student Government

The student councils of Sweet Home School District have been designed to provide students with an opportunity to participate in school affairs. Council members are selected to their positions in accordance with rules established at the school level.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107



Code: **JFC**
Adopted: 8/10/92
Readopted/Revised: 8/10/98, 9/8/03, 9/13/04,
5/12/14
Orig. Code(s): BP 5201

Student Conduct**

The Board expects student conduct to contribute to a productive learning climate. Students shall comply with the district's written rules, pursue the prescribed course of study, submit to the lawful authority of district staff and conduct themselves in an orderly manner at school during the school day or during district-sponsored activities. Student conduct in Sweet Home School District shall be based on respect and consideration of human rights. All students are required to:

1. Assume basic responsibility for their behavioral choices regarding academic performance, adult and peer relations, and school rules and expectations;
2. Obey the statutes of the State of Oregon and local ordinances as applicable;
3. Comply with the written rules of the Board as specified in the *Student Rights and Responsibilities Handbook* (published by the district), pursue the prescribed course of study and submit to the lawful authority of teachers and school officials;
4. Behave in a socially acceptable manner, which includes using suitable language, treating other people fairly, refraining from racial or sexual harassment or discrimination by words or actions, or placing another person or person's property in reasonable fear of harm, respecting personal and public property and refraining from physical aggression;
5. Obey the rules and regulations developed in their school.

Students who violate these requirements and who make irresponsible choices or demonstrate out of control behavior will be subject to the enforcement of consequences necessary to develop or maintain the expected behavior or be liable for expulsion from school.

Before any consequence for unacceptable conduct is enforced, the student shall be informed of what he/she has done which has brought about the consequence, and the student shall be given an opportunity to explain his/her conduct.

A student handbook, code of conduct, or other document shall be developed by district administration in cooperation with staff, and will be made available and distributed to parents, students and employees outlining student conduct expectations and possible disciplinary actions, including consequences for disorderly conduct, as required by the No Child Left Behind Act of 2001 (NCLBA). In addition, each school in the District shall publish a student/parent handbook detailing additional rules specific to that school.

No student will be punished for conduct which occurs out of school, except at school-related or supervised functions, at a bus stop or traveling to and from school, or if the behavior damages school property.

Consequences for unacceptable behavior will always be appropriate to the student's age, physical condition and the nature of the misconduct. Physical punishment or psychologically hurtful consequences such as ostracism, ridicule or rejection shall not be used. Suspension or expulsion may be used, subject to specific guidelines and procedures contained in the *Student Rights and Responsibilities Handbook*.

END OF POLICY

Legal Reference(s):

ORS 339.240
ORS 339.250

ORS 339.260
ORS 659.150

OAR 581-021-0050 to -0075

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).

Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986).

Leslie Shorb v. Donald L. Grotting and Powers School District No. 31, Case No. 00CV-0255 (Coos County Circuit Court) (June 1, 2000).

Ferguson v. Phoenix Talent School District #4, 172 Or. App. 389 (2001).

No Child Left Behind Act of 2001, P.L. 107-110, Title IX, Section 9532.

Cross Reference(s):

JF - Student Rights and Responsibilities

JFC-AR - Duties of Students



Code: **JFCA**
Adopted: 8/10/92
Readopted: 8/10/98
Orig. Code(s): BP 5221

Student Dress Code**

Student dress and grooming is the responsibility of the individual and his/her parents in cooperation with district guidelines:

1. Dress and grooming shall be clean and in keeping with health, sanitary and safety practices;
2. When a student is participating in special activities, dress and grooming shall not, in the judgment of those responsible for that activity, substantially disrupt the activity or constitute a threat to the health and safety of the student or others;
3. Students choosing to dress in a manner which is disruptive to the learning environment or not in keeping with health, sanitary and safety practices may be denied the opportunity to participate in the educational program or activity;
4. Clothing and other accessories worn for the purpose of identifying youth gang membership or youth gang support clearly interferes with the learning process and school climate. Such clothing and accessories are prohibited on school district property and at school sponsored events.

END OF POLICY

Legal Reference(s):

[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021](#)-0050 to -0075

Cross Reference(s):

JFCA-AR - Dress and Grooming

JFCEA - Secret Societies - Gangs



Code: **JFCA-AR**
Adopted: 8/10/92
Readopted: 8/10/98
Orig. Code(s): AR 5221

Dress and Grooming

Dress and grooming while in school are primarily the responsibility of students and parents. However, students may be directed to change dress or grooming if it substantially disrupts the educational program or school climate, is unclean, or threatens the health or safety of the student or others.

Displays including pictures, symbols or wording on clothing or accessories are prohibited if they are:

1. Vulgar or insulting;
2. Alcohol or drug related;
3. Sexually suggestive;
4. Identify or support gang membership; or
5. Ridicule a particular person or group.

If a student's dress or grooming is judged inappropriate, the student may be counseled, asked to change, asked to wear the specific item inside out, sent home or subject to disciplinary action if violations persist.



Code: **JFC-AR**
Adopted: 8/10/92
Revised/Readopted: 8/10/98
Orig. Code(s): AR 5201

Duties of Students

The district defines education as including both the academic growth of students and the skill development students need to assume responsibility for themselves and to benefit from being in school. It can no longer be assumed students will develop responsible behaviors without staff consciously addressing responsible behavior training in school.

As with all learning, skill acquisition occurs best in a positive, inviting environment. Responsible behavior should be taught, modeled, practiced and positively recognized. When it does not occur, it should be viewed as a skill deficit. Problem-solving, re-teaching and consequences should follow.

At the beginning of each school year, all classroom teachers will develop, post in their rooms and teach the classroom rules for behavior they expect their students to follow. These rules, as well as classroom procedures, are to be taught at the beginning of the year and reviewed as necessary throughout the year. The rules should stress positive student behavior and be approved by the building principal to assure consistency with building and district behavior management plans.

The teacher's student management program should include instructional and classroom management methods teachers will use in dealing with both appropriate and inappropriate student behavior. For those students who receive appropriate instruction and practice in developing self-discipline and responsibility and still demonstrate irresponsible behavior, a continuum of increasing educational interventions will be followed.

At the beginning of each school year, each principal will review his/her building level student management plan which has been developed with input from his/her staff, students and parents. This plan will include: (1) building level interventions which recognize students displaying responsible behavior; and (2) intervention options available to the teachers and students when students have not responded positively to classroom level consequences.

District level interventions should be accessed after a sufficient trial period with building level responses. Resources available at this level include district support services and Linn-Benton-Lincoln Education Service District evaluation and consultation services.

If, after consultation with district-level staff, implementation of consultation advice and a reasonable time period, it is felt that the methods applied at the building level are insufficient to correct the behavior and the behavior is considered to be one which might lead to special education placement rather than further disciplinary action, the building principal will follow the district's referral process to obtain a student evaluation. Upon completion of the evaluation, an IEP team composed as required by law will determine the eligibility of a student for placement in a special education program. If eligible for special education, the IEP team would develop an IEP and determine placement and programming. The building-level special education staff will provide and coordinate the service.

If the complete evaluation indicated in the preceding paragraph results in a recommendation of placement in a building-level special education program, placement proceeds. If the recommendation is for placement in a self-contained program, the recommendations shall be reviewed with the special education coordinator.

If the student is placed in a self-contained program and after implementation and a sufficient trial period, it appears that the placement is not appropriate, alternative placements shall be considered.

The Continuum of Services for Managing Student Behavior which the district follows is recommended by the Oregon Department of Education and is briefly described below.

A CONTINUUM OF SERVICES FOR MANAGING STUDENT BEHAVIOR

Step	Responsibility	Placement/Procedure	Primary Processes
1	Classroom teacher	Regular classroom placement	<ul style="list-style-type: none"> a. Examination of instructional, curriculum and teaching methods b. Examination of social/cultural factors c. Classroom management process d. Teacher intervention and modification of above, as needed e. Consultation with parents
2	Classroom teacher and school staff	Regular classroom placement and referral to school resources/school discipline system	<ul style="list-style-type: none"> a. Team problem-solving process focused on casual factors and services needed b. Schoolwide student management process c. Review of Step 1 processes
3.	Classroom teacher, school and district staff	Regular classroom placement or alternative educational program and request for district resources	<ul style="list-style-type: none"> a. District/Building team process for developing written behavior plan with student b. Coordination of behavior plan by specified staff member c. Review of Step 2 processes
4.	Classroom teacher, school and district staff	Request for special education evaluation. Placement in a special building program and/or regular classroom.	<ul style="list-style-type: none"> a. Team process to determine eligibility for special education b. If eligible, IEP team process to determine placement and program c. If ineligible, return to Step 3 processes
5.	School staff including special education	Placement within district resources and referral to community resources	<ul style="list-style-type: none"> a. IEP process to evaluate continuing need for special education b. IEP process to plan services and review continued need for restrictive educational placement

Cross References:

JF - Student Rights and Responsibilities
JFC - Duties of Students



Code: **JFCB**
Adopted: 3/14/88
Readopted: 8/10/98, 9/13/04
Orig. Code(s): BP 5222

Care of District Property by Students**

It is each student's responsibility to show respect for all district property. Any student who willfully damages or defaces district property will be disciplined and charged restitution for costs related to his/her acts.

The Board declares its intent to hold students and their parents responsible for the full costs of restitution including prosecution to the full extent of the law if such costs are not paid. Notice of the district's intent will be provided annually in the student/parent handbook as required by law.

END OF POLICY

Legal Reference(s):

[ORS 339.250](#)
[ORS 339.260](#)
[ORS 339.270](#)

[OAR 581-021](#)-0050 to -0075

Cross Reference(s):

ECAB - Vandalism/Malicious Mischief/Theft
EEACC - Rules/Procedures Governing Pupils Riding School Buses



Code: **JFCC**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5224

Student Conduct on Buses

Students who ride buses are subject to the rules and regulations of the State Board of Education, the state of Oregon and the Sweet Home School District.

Students must observe the rules posted within each bus and must observe all other rules and regulations of the district pertaining to transportation of students.

Students riding the bus are subject to the authority of the driver, the teacher or administrator and/or other designated authority when on a field trip or school-sponsored activity or event.

The school district will establish procedures for dealing with misconduct or disobedience of these rules and regulations.

END OF POLICY

Legal Reference(s):

[ORS 332.405](#)

[OAR 581-021-0050 to -0075](#)

[OAR 581-053-0010](#)

Cross Reference(s):

EEACC - Rules/Procedures Governing Pupils Riding School Buses



Code: **JFCEA**
Adopted: 6/8/92
Revised/Readopted: 8/10/98
Orig. Code(s): BP 5225

Secret Societies - Gangs

The Sweet Home School District Board feels that the presence of gangs and gang activities can cause a substantial disruption of, or material interference with, school and school activities. A “gang” as defined in this policy means a group that identifies itself through the use of a name, unique appearance or language, including hand signs, the claiming of geographical territory or the espousing of a distinctive belief system that frequently results in criminal activity. By this policy, the Board acts to prohibit existence of gangs and gang activities as follows:

No student on or about school property or at any school activity:

1. Shall wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other things which are evidence of membership or affiliation in any gang;
2. Shall commit any act or omission or use any speech, either verbal or nonverbal (gestures, handshakes, etc.), showing membership or affiliation in a gang;
3. Shall use any speech or commit any act or omission in furtherance of the interests of any gang or gang activity, including, but not limited to:
 - a. Soliciting others for membership in any gangs;
 - b. Requesting any person to pay protection or otherwise intimidating or threatening any person;
 - c. Committing any other illegal act or other violation of school district policies;
 - d. Inciting other students to act with physical violence upon any other person.

END OF POLICY

Legal Reference(s):

[ORS 336](#).109

[ORS 339](#).240 - 339.280

[ORS 339](#).885

[ORS 659](#).850

[OAR 581-021](#)-0050 to -0075

Olesen v. Board of Education of School District No. 228, 676 F. Supp. 820 (N.D. Ill. 1987).

Neuhaus v. Federico, 12 Or. App. 314, 319, 505 P.2d 939 (1973).

Burkitt, et al v. School District No. 1, 195 Or. 471, 246 P.2d 566 (1952).

Tinker v. Des Moines Community School District, 393 U.S. 503 (1969).



Code: **JFCEB**
Adopted:
Revised/Readopted: 10/19/09

Personal Communication Devices

Students may be allowed to use and possess personal communication devices on district property and at school-sponsored activities provided such devices are not used in any manner that may disrupt the learning environment, school-sponsored activities or violate Board policies, administrative regulations, school or classroom rules, state and federal law. As used in this policy, a “personal communication device” is a device that emits an audible signal, vibrates, displays a message or image or otherwise summons or delivers a communication to the possessor of the device.

The district will not be liable for personal communication devices brought to district property and school sponsored activities.

The superintendent is directed to develop administrative regulations and/or approve school rules as necessary to ensure that student use of such devices is consistent with this policy. Administrative property and at school-sponsored activities, consequences for violations and such other provisions as the superintendent may deem necessary. The superintendent is responsible for ensuring that pertinent provisions of Board policies, administrative regulations and school rules governing personal communications devices are included in student/parent or guardian handbooks, reviewed annually and updated as necessary.

END OF POLICY

Legal Reference(s):

[ORS 109.056](#)
[ORS 125.005\(4\)](#)
[ORS 125.300-125.325](#)
[ORS 332.107](#)
[ORS 419B.373](#)
[OAR 581-015-0005\(18\)](#)

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 581-015-0005 (18).



Code: **JFCEB-AR**
Adopted:
Revised/Readopted: 10/19/09

Personal Communication Devices

Principals may permit grade appropriate student use and possession of personal communication devices on district grounds subject to the following:

1. Personal communication devices shall not be used in a manner that disrupts the educational process, school programs or activities, or in a manner that violates law, Board policy, administrative regulation or school rules;
2. Unless as authorized in advance by the building principal or designee for health or safety reasons, or in the event of an emergency situation that involves imminent physical danger, devices shall be turned on and operated only before and after the regular school day. Personal communication devices at the high school may be used during the student's lunch break, between classes and at break. They may not be used at any time in the proximity of any class, school activity or event that may be in session or in progress during those times;
3. At no time will any personal communication device which allows for a wireless, unfiltered connection to the Internet be allowed to be used for such purposes while on district property or while the student is engaged in school-sponsored activities;
4. Cellular telephones which have the capability to take still or motion images shall not be used to take inappropriate or obscene photos.
5. The district shall not be responsible for loss, theft or damage to personal communication devices brought to district property or school-sponsored events;
6. Personal communication devices must not be displayed in plain view during prohibited times of use;
7. Personal communication devices such as Palm Pilots, personal digital assistants (PDAs) and laptop computers, may be used as electronic study aids during the school day if provided as a part of a student's individualized education plan (IEP), or if permission is received from the student's teacher;
8. The use of personal communication devices in any way to send or receive messages, data or information that would pose a threat to academic integrity, contribute to or constitute academic dishonesty is strictly prohibited;
9. The use of personal communication devices in any manner that would violate the confidentiality or privacy rights of another individual is strictly prohibited;



Code: **JFCF**
Adopted: 8/14/95
Revised/Readopted: 8/10/98, 9/13/04, 12/10/07
5/10/10, 9/10/12, 12/14/15, 5/13/19
11/12/19

Harassment/Intimidation/Bullying/Menacing/Cyberbullying/Teen Dating Violence/Domestic Violence – Student**

The Board in its commitment to providing a safe positive, and productive learning environment for all students will consult with parents/guardians, employees, volunteers, students, administrators, and community representatives in developing this policy in compliance with applicable Oregon law.

Harassment, intimidation, bullying, menacing, and acts of cyberbullying by students, staff and third parties toward students is strictly prohibited. Teen dating violence is unacceptable behavior and prohibited.

Retaliation against any person who is a victim of, who reports, is thought to have reported, files a complaint about an act of harassment, intimidation of bullying, and act of cyberbullying, or teen dating violence, or otherwise participates in an investigation or inquiry is also strictly prohibited. A person who engages in retaliatory behavior will be subject to consequences and appropriate remedial action. False charges shall also be regarded as a serious offense and will result in appropriate remedial action.

Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

The principals and the superintendent are responsible for ensuring that this policy is implemented.

Definitions

“District” includes district facilities, district premises, and non-district property if the student is at any district-sponsored, district-approved, or district-related activity or function, such as field trips or athletic events where students are under the jurisdiction of the district.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to district grounds, at any district-sponsored activity, on district-provided transportation or at any official district bus stop, that may be based on, but not limited to, the protected class status of a person, having the effect of:

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or
3. Creating a hostile educational environment including interfering with the psychological well being of the student.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation¹, national origin, marital status, familial status, source of income or disability.

“Teen dating violence” means:

¹ Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behaviors differs from that traditionally associated with the individual’s sex at birth.

1. A pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or
2. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

“Domestic violence” means abuse as defined by Oregon Revised Statute (ORS) 107.705 between family and/or household members, as those terms are described in ORS 107.705.

Cyberbullying” is the use of any electronic communication device to harass, intimidate or bully.

“Retaliation” means any acts of, including but not limited to, harassment, intimidation or bullying or cyberbullying toward the victim, a person in response to an actual or apparent reporting of, or participation in the investigation of, harassment, intimidation or bullying, teen dating violence, acts of cyberbullying, or retaliation.

“Menacing” includes, but is not limited to, any act intended to place a district employee, student or third party in fear of imminent serious physical injury.

Reporting

Principals will take reports and conduct a prompt investigation of any report of any act of harassment, intimidation or bullying, menacing, cyberbullying, or teen dating violence. Any employee who has knowledge of conduct in violation of this policy shall immediately report concerns to the principal or designee who has overall responsibility for all investigations. Any employee who has knowledge of incidents of teen dating violence that took place on district property, at a district-sponsored activity or in a vehicle used for district-provided transportation shall immediately report the incident to the principal or their designee. Failure of an employee to report an act of harassment, intimidation or bullying, or an act of cyberbullying to the principal or their designee may be subject to remedial action, up to and including dismissal. Remedial action may not be based solely on an anonymous report.

Any student who has knowledge of conduct in violation of this policy or feels they have been harassed, intimidated, bullied, menaced, a victim of teen dating violence or acts of being cyberbullied in violation of this policy shall immediately report their concerns to the principal. A student or volunteer may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate district official. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report their concerns to the principal or their designee who has overall responsibility for all investigations.

This report may be made anonymously. A student or volunteer may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate district official.

Complaints against the principal shall be filed with the superintendent. Complaints against the superintendent shall be filed with the Board chair.

The person who makes the report shall be notified when the investigation has been completed and, as appropriate, the findings of the investigation and any remedial action has been taken. The person who made the report may request that the superintendent review the actions taken in the initial investigation, in accordance with district complaint procedures.

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. The district may also file a request with the Oregon Department of Transportation to suspend the driving privileges or the right to apply for driving privileges of a student 15 years of age or older who has been suspended or expelled at least twice for menacing another student or employee, willful damage or injury to district property or for the use of threats, intimidation, harassment or coercion. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or Board.

The district shall incorporate into existing training programs for students’ information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying and acts of cyberbullying.

Training and Education

The district shall incorporate into existing training programs for students, information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, and acts of cyberbullying and this policy.

The district shall incorporate age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grade 7 through 12.

The district shall incorporate into existing training programs for staff, information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, teen dating violence and domestic violence, and acts of cyberbullying and this policy.

The superintendent shall be responsible for ensuring annual notice of this policy is provided. This may be done in a student handbook and/or on the district Web site.

Domestic violence posters provided by the Oregon Department of Education (ODE) shall be posted in clearly visible locations on school campuses in accordance with rules adopted by ODE.

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)
[ORS 166.065](#)
[ORS 166.155 - 166.165](#)
[ORS 174.100\(6\)](#)
[ORS 332.072](#)
[ORS 332.107](#)

[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.351 - 339.364](#)
[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-021-0055](#)

[OAR 581-022-1140](#)
HB 4077 (2012)
SB 1555 (2012)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).



Harassment/Intimidation/Menacing/Bullying/Cyberbullying/ Teen Dating Violence Reporting Procedures – Student

The superintendent has responsibility for developing procedures to conduct investigations concerning harassment, intimidation, or bullying, acts of cyberbullying and incidents of teen dating violence. The investigator(s) shall be a neutral party having had no involvement in the complaint presented. This will generally be done by the principal or their designee.

All reports will be investigated in accordance with the following procedures:

- Step 1 Any reports or information on acts of harassment, intimidation, or bullying, acts of cyberbullying, or incidents of teen dating violence shall be presented to the building principal or designee. Reports against the principal shall be filed with the superintendent. Reports against the superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The district official receiving the report shall promptly investigate. Parents will be notified of the nature of any substantiated complaint involving their student. The principal or designee will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the report will be reduced to writing. The principal or designee conducting the investigation shall notify the person making the report within 10 working days of receipt of the information or report, and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action as warranted is determined.
- A copy of the notification letter or the date and details of notification to the person making the report, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent when Step 2 is appealed.
- Step 3 If the person making the report is not satisfied with the decision at Step 2, they may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the person making the report and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant's appeal within 10 working days.
- Step 4 If the person making the report is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the person making the report shall be given an opportunity to present the report. The Board shall provide a written decision to the person making the report within 10 working days following completion of the hearing.

Reports against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Reports against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Reports against the Board chair may be made directly to the Board vice chair on behalf of the Board. The Board vice chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board

may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Timelines may be extended upon written agreement between both parties. This also applies to reports filed against the superintendent or any Board member.

Direct reports related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights.

Documentation related to the incident may be maintained as a part of the student's education records. Additionally, a copy of all reported acts of harassment, intimidation, bullying, cyberbullying and incidents of teen dating violence and documentation that reaches the level of the superintendent and/or School Board will be maintained as a confidential file in the district office.



Code: **JFCFA/GBNAA**
Adopted: 9/11/06

Cyberbullying

The Board is committed to providing a positive and productive learning and working environment. Any form of harassment using electronic devices, commonly known as “cyberbullying,” by students, staff or third parties is prohibited and will not be tolerated in the district. “Cyberbullying” is the use of any electronic communication device to convey a message in any form (text, image, audio or video) that defames, intimidates, harasses or is otherwise intended to harm, insult or humiliate another in a deliberate, repeated or hostile and unwanted manner under a person’s true or false identity. In addition, any communication of this form which disrupts or prevents a safe and positive educational or working environment may also be considered cyberbullying. Students and staff will refrain from using personal communication devices or district property to harass or stalk another.

The district will take any report of cyberbullying seriously and will investigate credible reports promptly. Students are encouraged to report an incident immediately to a teacher or principal, who will take appropriate action. Students who make a report are expected, but not required, to preserve evidence of cyberbullying. For example, a student may save or bring a copy of an email, text message, picture or other electronic transmission that the student believes was intended harm, insult or humiliate.

Students whose behavior is found to be in violation of this policy will be subject to loss of privileges, discipline, up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or Board. The district may also report individuals to law enforcement if necessary.

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)
[ORS 166.065](#)
[ORS 166.155 - 166.165](#)
[ORS 332.072](#)

[ORS 332.107](#)
[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.351 - 339.364](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-021-0055](#)
[OAR 581-022-1140](#)



Code: **JFCG/KGC/GBK**
Adopted: 8/13/92
Revised/Readopted: 8/10/98, 9/13/04, 9/12/05, 10/17/05, 11/14/05,
4/11/16
Orig. Code: BP 5228

Tobacco-Free Environment

The Board recognizes its responsibility to promote the health, welfare and safety of students, staff and others on district property and at school-sponsored activities. In light of scientific evidence that use of tobacco is hazardous to health, and to be consistent with district curriculum and Oregon law, it is the intent of the Board to establish a tobacco-free environment as of January 1, 2006. Consequently, student possession, use, distribution or sale of tobacco, including any smoking device, on district premises, at school-sponsored activities on or off district premises or otherwise while the student is under the jurisdiction of the school, is prohibited. Tobacco use distribution or sale by staff on district property, at district sponsored events, in district-owned, rented or leased vehicles or otherwise while on duty is prohibited. Tobacco use distribution or sale by others on district property, in district vehicles or at district sponsored events is also prohibited. Staff or others authorized to use private vehicles to transport district students to school-sponsored activities are prohibited from using tobacco in those vehicles while students are under their care.

For the purposes of this policy, "tobacco" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew, snuff, in any form.

Clothing, bags, hats and other personal items used by staff and students to display, promote or advertise tobacco products are prohibited on district grounds, at school-sponsored activities or in district vehicles. Tobacco advertising is prohibited in all school-sponsored publications, in school buildings and at all school-sponsored events. District acceptance of gifts or funds from the tobacco industry is similarly prohibited.

Student violations of this policy will lead to disciplinary action up to and including expulsion. Students may also be subject to removal from any or all extracurricular activities and/or denial or forfeiture of school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, field trips, senior trip, prom, etc.). School and/or community service may be required. A referral to law enforcement may be made. Parents shall be notified of all violations involving their student and action taken by the school.

Staff violations of this policy will lead to disciplinary action up to and including dismissal. Violations by others will result in appropriate sanctions as determined and imposed by the superintendent or Board.

Information about community resources and/or cessation programs to help staff and students overcome tobacco use will be provided.

The district will promote cessation resources and other positive alternatives to discipline. Tobacco use cessation programs may be established at district schools. Attendance or completion of tobacco use cessation programs by students may be allowed as a substitute to, or as a part of student discipline for possession, use, distribution or sale of tobacco at the discretion of the building principal. Attendance at cessation programs not offered by the district is voluntary and related costs are the individual responsibility of the staff member, student and his/her parent and private health-care system.

As part of the district's tobacco use prevention activities, the superintendent shall ensure that tobacco use instructional programs as recommended by the Oregon Department of Human Services, Health Services, Tobacco Prevention and Education Program and the Oregon Department of Education are an integral part of its drug and alcohol prevention curriculum. Programs must be integrated within the health education program and age- and developmentally-appropriate instruction provided at every level, pre-kindergarten through grade 12, with particular

(continued)

alcohol prevention curriculum. Programs must be integrated within the health education program and age- and developmentally-appropriate instruction provided at every level, pre-kindergarten through grade 12, with particular emphasis on grades six through eight. It is the expectation of the Board that tobacco use prevention concepts will be integrated into the instruction of other subject areas as practicable.

Staff responsible for teaching tobacco use prevention will be encouraged to collaborate with agencies and groups that conduct tobacco use prevention education and to participate in ongoing professional development activities that provide basic knowledge about the effects of tobacco use, effective instructional techniques and program-specific activities.

The superintendent shall consult with local officials to promote enforcement of law that prohibits the possession of tobacco by minors on or off district grounds.

The superintendent will develop administrative regulations as necessary to implement this policy, including provisions for notification of the district's policy, through such means as student/parent and staff handbooks, newsletters, inclusion on school event programs, signage at appropriate locations; disciplinary consequences; and procedures for filing and handling complaints about violations of the district's policy.

The superintendent shall ensure that the district's tobacco use prevention program, policies, curricula, training and cessation programs are evaluated at regular intervals. The input of students, staff, parents and others from the community will be encouraged.

END OF POLICY

Legal Reference(s):

<u>ORS 332.107</u>	<u>OAR 581-021-0050 to -0075</u>
<u>ORS 336.222</u>	<u>OAR 581-022-0413</u>
<u>ORS 336.227</u>	<u>OAR 581-053-0015</u>
<u>ORS 339.240</u>	<u>OAR 581-053-0545 (4)(c)(R,S,T)</u>
<u>ORS 339.250</u>	<u>OAR 581-053-0550 (5)(t,u,v)</u>
<u>ORS 433.835 - 433.990</u>	

Pro-Children Act of 1994, 20 U.S.C. Sections 6081-6084. (2006).



Code: JFCG-AR

Adopted: 9/12/05

Revised/Readopted: 10/17/05, 9/14/15

Discipline for Use, Possession, Distribution or Sale of Tobacco Products or Inhalant Delivery Systems

The following guidelines will govern possession, use, distribution and sale of tobacco products or inhalant delivery systems, or violation of the district's prohibition of tobacco product or inhalant delivery system promotional items, including clothing, bags, hats and other personal items by students on district property or at school-sponsored activities.

Violation will result in the following:

- 1st offense - Conference with parents
- 2nd offense - Detention
- 3rd offense - In-school suspension
- 4th offense - Out-of-school suspension
- 5th offense - Expulsion from school

At any grade or offense level, as either an alternative to, or as a part of discipline, school or community service and/or attendance and successful completion of cessation and/or education classes or behavior modification plans may be assigned at the discretion of the principal or designee. Attendance at such classes not offered by the district will be voluntary and any associated costs are the sole responsibility of the student and his/her parent. A referral to law enforcement and/or local public health authority may be made.



Use of Tobacco Products, Alcohol, Drugs or Inhalant Delivery Systems**

Student substance abuse, possession, use, distribution or sale of tobacco products, inhalant delivery systems, alcohol or unlawful drugs, including drug paraphernalia or any substance purported to be an unlawful drug, on or near any district property or grounds, including parking lots, or while participating in school-sponsored activities is prohibited and will result in disciplinary action. If possession, use, distribution or sale occurred near district grounds, disciplinary action may include removal from any or all extracurricular activities and/or denial or forfeiture of any school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.). If possession, use, distribution or sale occurred on district grounds, at school-sponsored activities or otherwise while the student was under the jurisdiction of the school, students will be subject to discipline up to and including expulsion. Denial and/or removal from any or all extracurricular activities and/or forfeiture of any school honors or privileges may also be imposed. A student may be referred to law enforcement officials. Parents will be notified of all violations involving their student and subsequent action taken by the school.

A referral to community resources and/or cessation programs designed to help the student overcome tobacco product, inhalant delivery system, alcohol or unlawful drug use may also be made. The costs of such programs are the individual responsibility of the parent and the private health care system.

Clothing, bags, hats and other personal items used to display, promote or advertise tobacco products, inhalant delivery systems, alcohol or unlawful drugs are prohibited on all district grounds, including parking lots, at school-sponsored activities and in district vehicles.

Any person under age 21 possessing a tobacco product or inhalant delivery system on district property, in a district facility or while attending a district-sponsored activity is in violation of state law and is subject to a court-imposed fine.

Any person who distributes, sells or allows to be sold, tobacco products or any substance sold for the purpose of being smoked, vaporized or aerosolized, in any form, a tobacco-burning or inhalant delivery system device, to a person under 21 years of age is in violation of state law and is subject to a court-imposed fine.

An “unlawful drug” is any drug as defined by the Controlled Substances Act including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). As used in this policy, unlawful drug also means possession, use, sale or supply of prescription and nonprescription drugs in violation of Board policy and any accompanying administrative regulation.

Unlawful delivery of a controlled substance to a student or minor within 1,000 feet of district property is a Class A felony, as provided by ORS 475.904.

END OF POLICY

Legal Reference(s):

ORS 153.018 ORS 161.605 ORS 161.625 ORS 163.575 ORS 332.107 ORS 336.067 OAR 581-022-2045 OAR 581-053-0230(9)(s) OAR 581-053-0330(1)(m)-(o)	ORS 336.222 ORS 336.227 ORS 339.240 ORS 339.250 ORS 339.883 ORS 431.840 OAR 581-053-0430(12)-(14) OAR 581-053-0531(11)-(13)	ORS 431.845 ORS 431A.175 ORS 433.835 to -433.990 ORS Chapter 475 OAR 581-021-0050 to -0075 OAR 581-021-0110 OAR 581-053-0630 OAR 584-020-0040
--	--	--

SB 754 (2017)

Controlled Substances Act, 21 U.S.C. § 812 (2017); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2017).

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2017).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2017).



Code: **JFCH/JFCI**
Adopted: 3/11/91
Readopted: 8/10/98, 9/8/03,
4/11/16
Orig. Code: BP 5227

Drug and Alcohol Abuse by Students

A student shall not possess, use, transmit, traffic in or be under the influence of such substances as amphetamines, barbiturates, marijuana, narcotic or hallucinogenic drugs, alcohol or intoxicants of any kind on the school grounds, or off the school grounds while attending a school activity, function or event. This prohibition includes the possession, use, sale or supply of drug paraphernalia. If a student violates this rule, the administration will follow the procedures established in the *Student/Parent Rights and Responsibilities Handbook* and will notify the parents. If there has been a violation of the law, the appropriate law enforcement agencies may be notified.

All prescription drugs are to be registered with the school administration. A responsibility of the school district is to attempt to maintain a drug-free school environment so that learning can take place, to educate students so that they are aware of the issues and problems related to the use of drugs and substances, to identify students who have chemical abuse problems, to refer students for treatment services which are beyond the scope of the schools, and to work with other community agencies in solving the problems related to substance abuse.

Therefore, the district will maintain a K-12 drug and alcohol prevention curriculum, develop and maintain a system of identification and referral, keep the community aware of the issues in the district and the approaches being used by the district for combatting substance abuse and establish working relationships with community groups to help address the issues of chemical abuse.

END OF POLICY

Legal References:

ORS 161.605	ORS 336.22750	OAR 581-021-0050 to -0075
ORS 161.625	ORS 339.240	OAR 581-022-0413
ORS 336.067	ORS 339.250	OAR 581-053-0015
ORS 332.107		OAR 581-053-0545 (4)(c)(R,S,T)
ORS 336.067		OAR 581-053-0550 (5)(t,u,v)
ORS 336.222	ORS Chapter 475	

Controlled Substances Act, 21 U.S.C. 812, Section 202, schedules I through V,
21 C.F.R. 1300.11 through 1300.15.

"Pro-Children Act of 1994"

Cross References:

JFCH/JFCI-AR - Drug and Alcohol Abuse by Students
JHCD - Administering Medicines to Students
—*Student/Parent Rights and Responsibilities Handbook*



Code: **JFCH/JFCI-AR**
Adopted: 3/11/91
Revised: 8/10/98, 4/11/16
Orig. Code(s): AR 5227

Drug and Alcohol Abuse by Students

The purpose of any school policy must relate to the welfare and well being of the individual student, staff member and the school population in general. The following procedures are designed to provide a consistent means for handling drug related difficulties while recognizing the needs and rights of all parties involved, within the confines of the law and sensible judgment. All reasonable effort has been made to establish procedures to help students, teachers, parents and administrators to aid students experiencing a drug related difficulty, while ensuring discipline and safety for individuals and the total school population.

Guidelines for Handling Drug Related Incidents

1. An emergency situation related to drug use will be recognized and treated as a medical emergency. All standard medical emergency procedures will be followed. In such instances, the student will not be left alone. The school nurse will be summoned immediately, and if necessary, additional medical help will be secured. The following procedures are to be carried out:
 - a. In such an emergency the principal will be responsible for all necessary investigation to be carried out. The principal or his/her authorized delegate may search the student's locker and remove any apparent drug substance. If the student must be taken to a medical facility, he/she will be accompanied by the principal or his/her authorized delegate;
 - b. If there is ever a question of a student's safety, professional medical personnel will be notified immediately;
 - c. Maintaining the confidentiality of such situations, particularly the knowledge of there being drugs involved will be the responsibility of all parties involved. Such information will be limited to the initial parties who are in knowledge of the situation and may only be extended to medical personnel, the school principal, superintendent and drug counselor. Parental notification should consist of reporting a medical emergency and describing symptoms to the parents;
 - d. All substances discovered at the emergency scene or subsequently uncovered will be turned over by the school principal or authorized delegate to medical personnel for identification and aid in the treatment of the emergency;
 - e. Parents will be notified immediately of the incident as a medical emergency;
 - f. Law enforcement authorities will be notified by school personnel when the safety of the emergency victim or general school population is at risk.
2. Students seeking drug related help or advice from school personnel will be informed of the availability of professional help and the rights of minors to such help.
 - a. A staff member may report such an incident or request advice from the school counselor or nurse.
 - b. The students should be fully informed about services that are available, their rights to receive the services and confidentiality. The student should be encouraged to seek such help.
 - c. The teacher involved in such circumstances is obligated to guard the confidentiality of the student.
 - d. There is no need for disciplinary action in this situation.
 - e. Parents or any individual excepting the nurse and counselor may not be notified without written consent of the student.
 - f. Law enforcement involvement is not warranted in this situation.
3. Occasionally, a student will contact a staff member in regard to the drug usage of another student. Any response must be made in consideration of the indirect source of information. Such a student should be encouraged to relay information about help and students' rights to the student with the problem.



Code: **JFCIA**
Adopted: **5/9/16**

Student Drug Testing – Extracurricular Activity Participants

As part of the district's substance abuse prevention efforts, mandatory drug testing will be required of all students, grades 9-12 participating in extracurricular activities in order to:

1. Provide for student participants' health and safety;
2. Undermine the effects of peer pressure; and
3. Encourage participation in treatment programs, at parent expense, for the student participants with substance abuse problems.

Extracurricular activities are defined as district-sponsored athletics and other interscholastic activities which are sanctioned by Oregon School Activities Association (OSAA) (e.g., dance, band/choir, and cheerleading).

No participant shall be penalized academically for testing positive for illegal and performance-enhancing drugs. Test results will not be documented in any student's education records. Information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities absent a valid and binding subpoena or other legal process, which the district shall not solicit. In the event of a subpoena or other legal process, the district will notify the student's parents at least 72 hours prior to releasing information.

Students may be tested prior to participation in extracurricular activities. Random testing will be conducted periodically thereafter by a method determined by the district to assure the integrity, confidentiality and random nature of the selection process.

No district employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through 12 students with whom the employee has contact as part of the employee's district duties; or knowingly endorse or suggest the use of such drugs.

The superintendent will develop administrative regulations to implement the drug-testing program in accordance with the provisions of law.

END OF POLICY

ORS 329.095		
ORS 332.107	ORS 339.250	OAR 581-021-0050 to 0075
ORS336.222	ORS 342.721	OAR 581-022-0413
ORS 336.227	ORS 342.723	OAR 581-022-0416
ORS 339.240	ORS Chapter 475	

Vernonia Sch. Dist 47j v. Acton, 515 U.S. 646 (1995).
Bd. Of Educ. Of Indep. Scho. Dist. No. 92 of Pottawatomie County v. Earls, 536 U.S. 822 (2002).
Weber v. Oakridge Sch. Dist. 76, 184 OR. App. 415 (2002).

- a. Such information will generally be maintained on a one to one basis, although the school counselor or nurse may be contacted.
 - b. The student who contacts a staff member should be encouraged to try to get the student with a problem to personally contact someone who can help.
 - c. The confidentiality of such information is the responsibility of the staff member who has been contacted. No contact further than the school nurse or counselor should be made.
4. When a student has been caught with drugs and it is suspected that the student is selling or dispensing the drug, or look alike drugs, the situation will be investigated.
- a. Investigation will be conducted by the principal or his/her authorized delegate. Because of the severity of this situation, extreme care should be exercised during all investigation. If available information indicates, the student will be questioned by the principal who will request the surrender of all substances. The principal will search a student's locker in the presence of a second staff member.
 - b. Help will be provided through a mandated appointment with a school designated drug counselor or referral to appropriate drug and alcohol program.
 - c. Confidentiality will be the responsibility of the staff members involved. Distribution of information will be limited to the student, staff involved, school counselor, nurse, principal and superintendent.
 - d. Discipline may include a formal hearing before the superintendent or Board consistent with all aspects of due process requirements. As a result of this hearing, further disciplinary action may be taken.
 - e. Parents will be notified as soon as adequate supportive information is collected.
 - f. Law enforcement authorities will be notified in such instances.
5. In instances of suspicion of a nonstudent selling or dispensing drugs on school property, the situation will be investigated and all necessary procedures will be followed.
- a. Investigation will be the primary responsibility of the school principal with full cooperation from all school and staff members.
 - b. Law enforcement authorities will be provided with all information.

Cross Reference:

JFCH/JFCI - Drug and Alcohol Abuse by Students

Code: **JFCA-AR**
Adopted: 8/10/92
Readopted: 8/10/98
Orig. Code(s): AR 5221

Dress and Grooming

Dress and grooming while in school are primarily the responsibility of students and parents. However, students may be directed to change dress or grooming if it substantially disrupts the educational program or school climate, is unclean, or threatens the health or safety of the student or others.

Displays including pictures, symbols or wording on clothing or accessories are prohibited if they are:

1. Vulgar or insulting;
2. Alcohol or drug related;
3. Sexually suggestive;
4. Identify or support gang membership; or
5. Ridicule a particular person or group.

If a student's dress or grooming is judged inappropriate, the student may be counseled, asked to change, asked to wear the specific item inside out, sent home or subject to disciplinary action if violations persist.



Code: **JFCIA**
Adopted: 5/9/16
Re-Adopted: 8/14/2017

Student Drug Testing – Extracurricular Activity Participants

As part of the district’s substance abuse prevention efforts, mandatory drug testing will be required of students, grades 9-12 participating in extracurricular activities in order to:

1. Provide for student participants’ health and safety;
2. Undermine the effects of peer pressure; and
3. Encourage participation in treatment programs, at parent expense, for the student participants with substance abuse problems.

Extracurricular activities are defined as district-sponsored athletics and other interscholastic activities which are sanctioned by Oregon School Activities Association (OSAA) (e.g., dance, band/choir, and cheerleading.

No participant shall be penalized academically for testing positive for illegal and performance-enhancing drugs. Test results will not be documented in any student’s education records. Information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities absent a valid and binding subpoena or other legal process, which the district shall not solicit. In the event of a subpoena or other legal process, the district will notify the student’s parents at least 72 hours prior to releasing information.

A minimum of 20% of student-athletes will be randomly tested at the start of each season and 20% before the conclusion of the season for a total of 40% per season. The district shall assure the integrity, confidentiality and random nature of the selection process.

No district employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through 12 students with whom the employee has contact as part of the employee’s district duties; or knowingly endorse or suggest the use of such drugs.

The superintendent will develop administrative regulations to implement the drug-testing program in accordance with the provisions of law.

END OF POLICY

ORS 329.095
ORS 332.107
ORS336.222
ORS 336.227
ORS 339.240

ORS 339.250
ORS 342.721
ORS 342.723
ORS Chapter 475

OAR 581-021-0050 to 0075
OAR 581-022-0413
OAR 581-022-0416

Vernonia Sch. Dist 47j v. Acton, 515 U.S. 646 (1995).
Bd. Of Educ. Of Indep. Scho. Dist. No. 92 of Pottawatomie County v. Earls, 536 U.S. 822 (2002).
Weber v. Oakridge Sch. Dist. 76, 184 OR. App. 415 (2002).



Code: **JFCIA-AR**
Adopted: 5/9/16

Student Drug Testing

Definitions

1. "Illegal drug" is any drug which an individual may not sell, possess, use, distribute or purchase under state law, or as defined in schedules I through V of the Controlled Substances Act (21 U.S.C. § 812) including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). As used in this policy, "illegal drug" also means possession, use, sale or supply of prescription and nonprescription medication - in violation of Board policy JHCD - Administering Noninjectable Medicines to Students and accompanying administrative regulation and JHCDA - Administering Injectable Medicines to Students. "Illegal drug" shall also include alcohol.
2. "Performance-enhancing drug" includes anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed or other athletic ability. The term "performance-enhancing drug" does not include dietary or nutritional supplements such as vitamins, minerals and proteins which can be lawfully purchased in over-the-counter transactions.
3. "Prescription medication" means any noninjectable drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken either internally or externally by a student under the written direction of a physician. Prescription medication does not include dietary food supplements.
4. "Nonprescription medication" means only commercially prepared, non-alcohol-based medication to be taken at school that is necessary for the student to remain in school. This shall be limited to eyes, nose and cough drops, cough suppressants, analgesics, decongestants, antihistamines, topical antibiotics, anti-inflammatories and antacids that do not require written or oral instructions from a physician. Nonprescription medication does not include dietary food supplements.

Consent

Each student wishing to participate in athletics and/or extracurricular activities and the student's parent(s) shall consent in writing to drug testing. Written consent shall be in the form attached to this administrative regulation. No student shall be allowed to participate in athletics and/or extracurricular activities without such consent.

Selection

All student athletes and extracurricular activity participants may be tested at the beginning of the athletic season or extracurricular activity in which they participate. In addition, selection for random testing will be by lottery from a pool of all students participating in athletic and/or extracurricular activity programs in the district at the time of the drawing.

The superintendent shall take reasonable steps to assure the integrity, confidentiality and random nature of the selection process including, but not limited to, assuring that:

5. The names of all participating students are in the pool;
6. The person drawing names has no way of knowingly choosing or failing to choose particular students for testing;

7. The identity of students drawn for testing is not known to those involved in the selection process at the time of selection.
8. The selection process is observed by at least two adults.

Testing

Samples will be collected at a mutually convenient time on the same day the student is selected for testing or, if the student is absent on that day, on the day of the student's return to school. If a student is unable to produce a sample at any particular time, they will remain, drink water, and wait until they are able to provide the sample. All students selected for testing will be given the option of providing samples in private. Students who refuse to provide a sample will be considered to have tested positive and will be subject to the procedures listed below.

The test will test for one or more illegal drugs. The superintendent shall decide prior to selection of students which illegal drugs shall be screened. Samples will not be screened for the presence of any substance other than an illegal drug or for the existence of any physical condition other than drug intoxication.

Positive Test Results

If the student's test results indicate the presence of illegal drugs, the following will occur:

9. The student or parent may request a second test be administered within 72 hours of a positive test notification. The student may voluntarily disclose use of prescription medication which may have affected the outcome of the test;
10. If the second sample tests negative, the student and parent will be notified and no further action will be taken. If the second sample tests positive, notification will be made and a meeting will be scheduled with the student, the parent(s) and the principal or designee.

Discipline

Due process procedures will be followed for all discipline arising from violation of the district's policy.

First Positive Result

1. Notify student and parent(s);
2. Meeting scheduled by the principal or designee, with the parent(s) and student;
3. Suspension from participation in all games/activities for two weeks with the length of the suspension being at the discretion of the head coach and Athletic Director, beginning with the first contest, and the participant must miss a minimum of one contest.

Second Positive Result (In any two consecutive calendar years)

1. Notify student and parent(s);
2. Meeting scheduled by the principal or designee, with the parent(s) and student;
3. Suspension from participation in all games/activities for the remainder of the season or eight (8) weeks, whichever is longer. If less than eight weeks remain in the season, the suspension will resume with the first week of contests of the next season/year in which the student participates.

Third Positive Result (In any two consecutive calendar years)

1. Notify student and parent(s);
2. Meeting scheduled by the principal or designee, with the parent(s) and student;
3. **Any further offenses during the student/athlete's time at Sweet Home High School will result in a full suspension from athletic/activity programs for the remainder of the current season and the next two athletic/activity seasons for which the student is eligible.**

The Athlete's suspension may be reduced to the remainder of the current season and one additional OSAA season if the athlete completes the following prior to begin reinstated:

1. Completes eight weeks of counseling outside of Sweet Home High School.
2. Appeals in writing for reinstatement to the Athletic Director.
3. Student submits to a drug test upon reinstatement and additional periodic testing.

Appeal Process

A student who has been determined to be in violation of the district's drug testing policy shall have the right to appeal the decision to the superintendent or his/her designee. The appeal must be submitted to the superintendent, in writing, within five calendar days following the meeting with the principal or designee. The student will remain ineligible to participate in athletics and/or extracurricular activities pending the appeal.

The superintendent or his/her designee will determine whether the original finding was justified.

The superintendent's decision shall be final. If dissatisfied with the superintendent's decision, the student may appeal to the Board by providing notice within five calendar days of the superintendent's decision.

Relationship to Student Discipline Policies

Normal disciplinary measures which may affect eligibility are still applicable for violations which do not arise from these testing procedures.

Student Drug Testing – Extracurricular Activity Participants

I understand that my performance as an athlete and/or participant in extracurricular activities and the reputation of my school are dependent, in part, on my conduct as an individual. I hereby agree to accept and abide by the Board policies, administrative regulations and rules of the Sweet Home School District.

I also authorize Sweet Home School District to conduct a test for drug use on a urine specimen which I provide. I also authorize the release of my information concerning the results of such a test to the district and to my parent(s).

This shall be deemed a consent pursuant to the Family Educational Rights and Privacy Act for the release of the above information to the parties named above.

I have received a copy of this release. I have read and understand the district policy JFCIA and administrative regulation JFCIA-AR.

Student Signature

Date

Parent Signature

Date



Code: **JFCJ**
Adopted: 8/14/95
Readopted: 8/10/98, 4/10/00, 9/13/04,
2/13/12, 9/10/12, 6/9/14
Orig. Code: BP 5280

Weapons in Schools

Students shall not bring, possess, conceal or use a weapon or replica of a weapon on or at district property, activities under the jurisdiction of the district or interscholastic activities administered by a voluntary organization approved by the State Board of Education (i. e., Oregon Schools Activities Association).

For purposes of this policy, and as defined by state and federal law, weapons includes:

1. "Dangerous weapon" - any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. "Deadly weapon" - any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. "Firearm" – instrument, article or substance specifically designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, ~~or~~ any firearm silencer, or any destructive device.
4. Destructive device - any explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line throwing, safety or similar device.

Weapons may also include, but not be limited to, knives, metal knuckles, straight razors, noxious or irritating gases, poisons, unlawful drugs or other items fashioned with the intent to use, sell, harm, threaten or harass students, staff members, parents and patrons.

Replicas of weapons, fireworks and pocket knives are also prohibited by Board policy. Exceptions to the district's replicas prohibition may be granted only with prior building principal approval for certain curriculum or school-related activities.

Prohibited weapons, replicas of weapons, fireworks and pocket knives are subject to seizure or forfeiture.

In accordance with Oregon law, any employee who has reasonable cause to believe a student or other person has, within the previous 120 days, unlawfully been in possession of a firearm or destructive device as defined by this policy, shall immediately report such violation to an administrator, his/her designee or law enforcement. Employees who report directly to law enforcement shall also immediately inform an administrator.

Administrators shall promptly notify the appropriate law enforcement agency of staff reports received and at any other time there is reasonable cause to believe violations have occurred or that a student has been expelled for bringing, possessing, concealing or using a dangerous or deadly weapon, firearm or destructive device. Parents will be notified of all conduct by their student that violates this policy.

Employees shall promptly report all other conduct prohibited by this policy to an administrator.

Students found to have brought, possessed, concealed or used a firearm in violation of this policy or state law shall be expelled for a period of not less than one year. All other violations of the policy will result in discipline up to and including expulsion and/or referral to law enforcement as appropriate. The superintendent may, on a case-by-case basis, modify this expulsion requirement. The district may also request suspension of a student's driving privileges or the right to apply for driving privileges with the Oregon Department of Transportation, as provided by law.

Special education students shall be disciplined in accordance with federal law and Board policy JGDA/JGEA, Discipline of Disabled Students, and accompanying administrative regulations. Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

Weapons under the control of law enforcement personnel or a person who has a valid license under ORS 166.291 and 166.292 are permitted. The superintendent may authorize other persons to possess weapons for courses, programs and activities approved by the district and conducted on district property, including but not limited to, hunter safety courses, weapons-related vocational courses or weapons-related sports.

The district may post a notice at any site or premise off district grounds that at the time is being used exclusively for a school program or activity. The notice shall identify the district as the sponsor, the activity as a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370.

In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A “school zone,” is defined by federal law means in or on school grounds or within 1,000 feet of school grounds.

“Gun-Free School Zone: signs may be posted in cooperation with city and/or county officials as appropriate. Violations, unless otherwise excepted by law or this policy shall be reported to the appropriate law enforcement agency.

END OF POLICY

Legal References:

ORS 161.015	ORS 339.250	OAR 581-021-0050-0075
ORS 166.210 - 166.370	ORS 339.260	OAR 581-053-0010 (5)
ORS 166.382	ORS 339.315	OAR 581-053-0015 (7)(k)
ORS 332.107	ORS 339.327	OAR 581-053-0545 (4)(c),(w)
ORS 339.115	ORS 809.060	OAR 581-053-0550 (5)(y)
ORS 339.240	ORS 809.260	

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2006).
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).
Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2006).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).



Code: **JFCL**
Adopted: 3/8/99

Laser Pointers

Due to the potential for the disruption of the school environment and the risk of permanent eye damage, student use or possession of laser pointers while on district property, while attending a district-sponsored activity on or off district property or while traveling to or from any school event is prohibited.

Any student found to be in violation of this policy will have the laser pointer confiscated and be subject to discipline, up through and including expulsion. Confiscated pointers will be taken to the principal's office for the parents to retrieve.

Staff wishing to use laser pointers for instructional purposes shall do so only with prior building administrator approval.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 339.250](#)

[OAR 581-021-0065](#)

[OAR 581-021-0070](#)

Education of the Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400-1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990), as amended P.L. 105-17 (1997). [P.L. 94-142 is a well-known "short" reference to this federal legislation.]



Code: **JFCM**
Adopted: 4/10/00
Revised/Readopted: 9/13/04, 9/14/09, 1/11/21

Threats of Violence

The Board is committed to promoting healthy relationships and a safe learning environment. To this end, student threats of harm to self or others, threatening behavior or acts of violence, including threats to severely damage any district property, shall not be tolerated on district property or at activities under the jurisdiction of the district.

Students shall be instructed of the responsibility to inform a teacher, counselor or administrator regarding any information or knowledge relevant to conduct prohibited by this policy. Parents and others will be encouraged to report such information to the district. Staff shall immediately notify an administrator of any threat, threatening behavior or act of violence the staff member has knowledge of, has witnessed or received. All reports will be promptly investigated.

Students found in violation of this policy shall be subject to discipline up to and including expulsion. The superintendent or designee shall notify the parent or guardian of any student in violation of this policy and the disciplinary action imposed. A referral to law enforcement shall be made for any infraction involving a student bringing, possessing, concealing or using a weapon or destructive device as prohibited by state and federal law and Board policy.

The district shall enforce this policy consistently, fairly and without bias against any student, including a student from a protected class as defined in Oregon Revised Statute 659.850.

The principal shall, in determining appropriate disciplinary action, consider:

1. Immediately removing from the classroom setting¹ any student who has threatened to injure another person or to severely damage district property;
2. Placing the student in a setting where the behavior will receive immediate attention from an administrator, counselor, licensed mental health professional or others;
3. Requiring the student to be evaluated by a licensed mental health professional before allowing the student to return to the classroom setting¹.

The district may enter into contracts with licensed mental health professionals to perform student evaluations. Funds for evaluations, other disciplinary options or other procedures as may be required by law and this policy shall be provided by the district.

The superintendent or designee shall attempt to notify:

1. The parent or guardian of a student when the student's name appears on a targeted list at school that threatens violence or harm to the students on the list, or when threats of violence or harm to the student are made by another student at school;

¹ A student removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the principal is able to show good cause that an evaluation could not be completed in that time period.

2. Any district employee whose name appears on a targeted list at school threatening violence or harm to the district employee and when threats of violence or harm are made by a student or others at school.

The superintendent or designee shall attempt to notify the above persons by telephone or in person promptly and within 12 hours of discovery of a targeted list or learning of a threat. Regardless, the superintendent or designee shall issue a written follow-up notification within 24 hours of discovery of a targeted list or learning of a threat.

The principal will provide necessary information regarding threats of violence to law enforcement, child protective services and health care professionals in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. Additionally, the principal may provide such information to other school officials, including teachers within the district or other districts who have a legitimate educational interest in the student(s) consistent with state and federal education records laws and district policies.

The district or person participating in good faith in making the notification required by ORS 339.327 is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the notification.

END OF POLICY

Legal Reference(s):

ORS 161.015	ORS 166.210 - 166.370	ORS 332.107	OAR 581-053-0230(9)(k)
ORS 339.115	ORS 339.240	ORS 339.250	OAR 581-053-0330(1)(r)
ORS 339.327	OAR 581-053-0430(17)	OAR 581-021-0050 - 021-0075	OAR 581-053-0010(5) OAR 581-053-0531(16)
OAR 581-043-0630			

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2018).

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (2018).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).



Code: **JFCN**
Adopted: 4/12/93
Readopted: 8/10/98, 4/10/00
Orig. Code: BP 5255

Profanity

The district and community believe that students in the Sweet Home schools shall behave in a positive, socially acceptable manner which includes using suitable language, free from profanity. Profanity is obscene, vulgar or disrespectful language. It also includes materials, gestures, actions or unacceptable decorations on clothing or personal belongings.

Our belief is that if students can speak appropriately any of the time, they can speak appropriately all of the time. Therefore, students who choose to behave irresponsibly can expect disciplinary action.

The actions are presented here in increasing order of seriousness:

1. Unintentional use:
 - a. Informal talk;
 - b. Conference/Parent involvement;
 - c. Disciplinary action.
2. Casual/Sensational use:
 - a. Conference;
 - b. Parent involvement;
 - c. Disciplinary action.
3. Abusive/Disrespectful/Threatening use:
 - a. Disciplinary action;
 - b. Short suspension;
 - c. Long suspension.
4. Malicious use:
 - a. Short suspension;
 - b. Long suspension;
 - c. Expulsion.

END OF POLICY

Legal References:

ORS 332.107

OAR 581-021-0050 to -0055

Cross References:

GBHB - Student Management
JF - Student Rights and Responsibilities
JFC - Duties of Students
JFC-AR - Duties of Students



Code: **JFD**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5229

Students of Legal Age

An emancipated minor living in the district is considered a resident of the district. A minor claiming to be emancipated must submit proof in form of an affidavit from his/her parents, court (marriage license or directive) or public official having jurisdiction.

END OF POLICY

Legal Reference(s):

[ORS 109.510](#)
[ORS 109.520](#)
[ORS 419B.550](#)
[ORS 419B.552](#)
[ORS 419B.555](#)
[ORS 419B.558](#)

Cross Reference(s):

JFF - Married Students



Code: **JFD-AR**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): AR 5229

Students of Legal Age

Students who are 18 years of age or older and who have not previously demonstrated themselves to be emancipated minors would be considered to be residents of the school district in which their parents or guardian reside. Students 18 years of age or older and whose parents do not reside within the Sweet Home School District may attend as resident students if they can demonstrate that they have established a residence within the district and are financially responsible for themselves.



Code: **JFE**
Adopted: 5/9/88
Revised/Readopted: 8/10/98
Orig. Code(s): BP 8125

Pregnant and Parenting Students

A pregnant and/or parenting student shall be encouraged to continue with an educational program and to participate in all school-sponsored activities unless physically unable. The district shall ensure that pregnant and parenting students receive special services as temporarily necessitated by their condition.

Neither pregnancy nor parenting constitute an exemption from Oregon compulsory attendance law.

No pregnant or parenting student shall be excluded from the public schools on the basis of pregnancy or parenthood.

The district shall, in considering and obtaining special services for pregnant and parenting students:

1. Inform pregnant and parenting students and their parents of the availability of such services in the school district, education service district or in the community;
2. Facilitate the provision of such services, including counseling, life skills and parenting education, child care, transportation, career development and health and nutrition services to pregnant and parenting students;
3. Inform pregnant and parenting students and their parents of the availability of resources provided by other agencies, including health and social services;
4. Provide educational programs and schedules that address the individual learning styles and needs of pregnant and parenting students;
5. Develop individualized educational programs or services, or both, to address the needs of pregnant and/or parenting students when their educational needs cannot be met by the regularly provided school program.

The superintendent will develop administrative regulations as necessary to ensure compliance with the provisions of state and federal law.

END OF POLICY

Legal Reference(s):

[ORS 109.520](#)

[ORS 336.640](#)

[OAR 581-021-0046](#)

Cross Reference(s):

JECA - Admission of Resident Students



Code: **JFE-AR**
Adopted: 8/10/98
Revised/Readopted: 5/13/13

Individualized Plan for Pregnant and/or Parenting Teens

District School _____ Date _____

STUDENT INFORMATION

Student Name: _____

Age: _____ Date of Birth: _____ Phone: _____

Pregnant? Yes ___ No ___ Due Date: _____ Doctor: _____

Parenting? Yes ___ No ___ Number of Children: _____ Ages/Names: _____

Living Situation: _____

Sources of Financial Support: _____

Education Status: Grade 6, 7, 8, 9, 10, 11, 12 On Track for Graduation? Yes ___ No ___ Number of Credits Behind? _____

Date of Enrollment in Individualized Plan: _____

PROGRAM INFORMATION: Check whether service is to be provided and paid for by family, school or agency.
If agency, please indicate source. Briefly describe service to be provided. _____

EDUCATION

Describe: SHHS Diploma GED

Provided by:

Paid for by:

Family [] Family []

School [] School []

Agency [] Agency []

TRANSPORTATION

Describe: Car Parents Bus Walk

Provided by:

Paid for by:

Family [] Family []

School [] School []

Agency [] Agency []

CHILD CARE

Describe: Early Head Start Day Care Family

Provided by:

Paid for by:

Family [] Family []

School [] School []

Agency [] Agency []

LIFE SKILLS TRAINING

Describe: SHHS

Provided by:

Paid for by:

Family [] Family []

School [] School []

Agency [] Agency []

PARENTING EDUCATION

Describe: LCH Pregnancy Center SHHS

Provided by:

Paid for by:

Family [] Family []

School [] School []

Agency [] Agency []

CAREER DEVELOPMENTDescribe: SHHS

Provided by:

Paid for by:

Family ☐Family ☐School ☐School ☐Agency ☐Agency ☐**HEALTH AND NUTRITION SERVICES**Describe: WIC OHP SNAP

Provided by:

Paid for by:

Family ☐Family ☐School ☐School ☐Agency ☐Agency ☐**COUNSELING**Describe: SHHS Linn Co Mental Health

Provided by:

Paid for by:

Family ☐Family ☐School ☐School ☐Agency ☐Agency ☐**OTHER SOCIAL SERVICES**Describe: TANF OHP

Provided by:

Paid for by:

Family ☐Family ☐School ☐School ☐Agency ☐Agency ☐

I have been informed of the services available for pregnant and parenting students in the district and I have received information about the availability of resources provided by other agencies, including health and social services.

Signature of Student_____
Date_____
Signature of Parent *(optional)*_____
Date_____
Signature of School Representative_____
Date**TERMINATION DATA**

Date of termination from program: _____

Reason *(check one)*:

____ Nonattendance

____ Moved

____ Completed HS degree

____ Completed GED

____ Returned to regular school program

____ Other

Comments: _____



Code: **JFF**
Adopted: 5/9/88
Readopted: 8/10/98
Orig. Code(s): BP 8137

Married Students

Married students under 21 years of age residing in the district are considered to be of legal age and are urged to complete requirements for their high school diploma. They shall be governed by the same regulations as apply to other students and they may participate in school activities under the same terms and conditions as other students.

END OF POLICY

Legal Reference(s):

[ORS 109.520](#)
[ORS 659.850](#)



Code: **JFG**
Adopted: 3/14/88
Readopted: 8/10/98, 9/8/03, 9/13/04,
5/11/15
Orig. Code(s): BP 5245

Student Searches

The Board seeks to ensure a learning environment which protects the health, safety and welfare of students and staff. To assist the Board in attaining these goals, district officials may, subject to the requirements below, search a student's person and property, including property assigned by the district for the student's use. Such searches may be conducted at any time on district property or when the student is under the jurisdiction of the district at school-sponsored activities.

All student searches conducted by the district shall be subject to the following requirements:

1. The district official shall have individualized, "reasonable suspicion" based upon specific and articulated facts to that the student personally poses or is in possession of some item that poses an immediate risk or serious harm to the student, school officials and/or others at the school;
2. The search shall be "reasonable in scope." That is, the measures used are reasonably related to the objectives of the search, the unique features of the official's responsibilities, and the area(s) which could contain the item(s) sought and not excessively intrusive in light of the age, sex, maturity of the student and nature of the infraction.

Routine inspections of district property assigned to students may be conducted at any time.

Use of drug-detection dogs and metal detectors, or similar detection devices, may be used only on the express authorization of the superintendent.

District officials may seize any item which is evidence of a violation of law, Board policy, administrative regulation or school rule, or which the possession or use of is prohibited by such law, policy, regulation or rule.

Students may be searched by law enforcement officials on district property or when the student is under the jurisdiction of the district. Law enforcement searches ordinarily shall be based upon a warrant. District officials will attempt to notify the student's parent(s) in advance and will be present for all such searches, whenever possible.

The superintendent shall develop an administrative regulation for implementing this policy in a manner which protects students' rights and provides a safe learning environment without unreasonable interference. Provisions for staff, student and parent notice of the Board's policy and accompanying regulation shall be included.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[OAR 581-021-0050 to -0075](#)
[New Jersey v. T.L.O.](#), 469 U.S. 325 (1985).



Code: **JFG-AR**
Adopted/readopted: 9/13/04, 5/16/05,
5/11/15

Student Searches**

1. Definitions

- a. “Reasonable suspicion” is based upon specific and articulated facts to believe that the student personally poses or is in possession of some item that poses a risk of immediate and serious harm to the student, school officials and/or others at the school. The official’s knowledge may be based upon relevant past experience of the official, observation by the official and/or credible information from another person.
 - (1) “Past experience” may provide the district official with information relevant to the violation as well as information which enables the official to evaluate the credibility of information from another person.
 - (2) “Credible information from another person” may include information which the district official reasonably believes to be true provided by another district employee, a student, a law enforcement or other government official or some other person.
- b. “Reasonable in scope” means that the manner and extent of the search are reasonably related to the objectives of the search, the unique features of the official’s responsibilities, and limited to the particular student or students most likely to be involved in the infraction and the area(s) which could contain the item(s) sought, and not excessively intrusive in light of the student’s age, sex, maturity and the nature of the infraction.

2. Routine Inspection of District Property Assigned to Students

- a. Lockers, desks and other storage areas provided by the school and assigned to a particular student(s) are the property of the district, remain in the possession of the district and are under the control of the building principal. Students have no expectation of privacy regarding these items/areas.
- b. Students may use district-owned storage areas for the limited purpose of temporarily keeping items needed for attendance and participation in school instructional and activity programs only. No other purpose is permitted.
- c. Students shall be provided notification that district-owned storage areas assigned to students are subject to routine inspection without prior notice for the following reasons:
 - (1) Ensure that no item which is prohibited on district premises is present;
 - (2) Ensure maintenance of proper sanitation;
 - (3) Ensure mechanical condition and safety;
 - (4) Reclaim overdue library books, texts or other instructional materials, property or equipment belonging to the district.

3. Voluntary Consent

When a district official has the requisite justification to search either a particular district-owned storage area assigned to a student, or the clothing or the personal property of a student, the official has the option of making a search or asking the student to voluntarily provide the item(s) sought. Before making a search, the official should ordinarily ask for the student’s voluntary consent by requesting the student to empty the contents of the storage area, clothing or personal property. If the student refuses consent for his/her personal property, the official may elect to contact the student’s parents to obtain consent for the search of personal property.

4. Procedures

- a. With the requisite justification, a school official may search an individual student, a district-owned storage area assigned to a student or the personal property of a student. Personal property of a student includes, but is not limited to, wallets, purses, lunch boxes/sacks, book bag, backpack or other containers used to carry belongings.
- b. All searches of a student or a student’s personal property shall be based on reasonable suspicion/risk of immediate and serious harm and shall be reasonable in scope. A “strip search,” requiring a student to remove clothing down to the student’s underwear or including underwear is prohibited by the district.

- c. Searches will generally be conducted by a building administrator or by other school personnel only as authorized by the building administrator. In certain circumstances a building administrator may be assisted by a law enforcement official(s).
 - d. The student will generally be permitted to be present during a search of a district-owned storage area assigned to the student or during a search of the student's personal property. The student's presence is not required, however.
 - e. Search of a student's clothing will be limited to the student's "outer clothing" only. "Outer clothing" means the student's coat, jacket or other such outerwear garments worn by a student. A search of the clothing may include the search of a container inside the clothing, provided that the container is of a size and shape to hold the object of the search.
 - f. Searches of a student's outer clothing will be conducted by a district official of the same sex as the student, whenever possible.
 - g. Where the object of the search may be felt by a "pat down" of clothing or personal property, the district official may first pat the clothing or property in an attempt to locate the object before searching inside the clothing or property.
 - h. Searches will be conducted in privacy, out of the view of other students, staff and others and in the presence of an adult witness of the same sex as the student, whenever possible.
 - i. Any item removed from the student as a result of the above procedures which is not evidence of a violation of a law, Board policy, administrative regulation or school rule may be returned to the student, as appropriate.
5. Other Searches¹
- a. Student vehicles may be parked on district property on the condition that the student and his/her parent(s) allows the vehicle and its contents, upon reasonable suspicion/risk of immediate serious harm, to be examined.

If a student or parent(s) refuses to allow access to a vehicle when requested under the circumstances described above, the student's privilege of bringing a vehicle onto district property will be terminated for the remainder of the school year. Law enforcement officials may be notified.
 - b. Metal detectors, including walk-through and hand-held devices, may be used when the superintendent determines that there is a need for such detectors based upon reasonable information of a history of:
 - (1) Weapons or dangerous objects found at school, on district property, at a school function or in the vicinity of the school; or
 - (2) Incidents of violence involving weapons at a school, on district property, at a school function or in the vicinity of the school.
Upon positive detection, a student will be asked to voluntarily remove the metal item. If the student refuses consent, the student will be held (will not be allowed further entrance into the building) and any personal property will be seized and secured while the parent(s) and law enforcement officials are summoned.
 - c. Drug-detection dogs may be used when the superintendent determines that there is a need for use of such dogs based upon reasonable information of a history of:
 - (1) Drugs and/or drug paraphernalia use/possession at school, on district property, at a school function or in the vicinity of the school; or
 - (2) Incidents of violence or health emergencies involving drugs and/or drug paraphernalia at a school, on district property, at a school function or in the vicinity of the school.
After such need has been determined, drug-detection dogs may be used to sniff out contraband in district-owned storage areas or in student vehicles parked on district property upon reasonable suspicion to believe that contraband is in the area or vehicle.

¹Consult with legal counsel prior to implementing procedures in this section, modifying as appropriate to meet local needs.

- Drug-detection dogs will not be used for general or “dragnet” searches.
- d. Body fluid searches of students for the presence of alcohol or drugs are prohibited by the district unless specifically authorized by the Board as part of its athlete drug-testing program.
 - e. The district may deploy breathalyzer devices at extracurricular events and activities. Students may be subject to testing procedures as a prerequisite to attending the event/activity. If a student refuses testing, he/she will be detained and parents will be contacted to come and take the student home.

6. Discipline

- a. Possession or use of unauthorized, illegal, unhealthy or unsafe materials will result in the following:
 - (1) Seizure of the material:
 - (a) Property, the possession of which is a violation of law, Board policy, administrative regulation or school rule will be returned to the parent or, if also a violation of law, turned over to law enforcement officials or destroyed by the district as deemed appropriate by the building principal;
 - (b) Stolen property will be returned to its rightful owner;
 - (c) Unclaimed property may be disposed of in accordance with Board policy.
 - (2) Discipline up to and including expulsion and notification given to law enforcement officials as appropriate or as otherwise required by law or Board policy.

7. Documentation

- a. Building administrators shall document all searches.
- b. Documentation shall consist of the following:
 - (1) Name, age and sex of student;
 - (2) Time and location of search;
 - (3) Justification for search and nature of the reasonable suspicion/risk of immediate and serious harm;
 - (4) Description of the object(s) of the search;
 - (5) Type/Scope of search (areas/items searched);
 - (6) Results of search, prohibited material(s) found, disposition of the material(s) seized and discipline imposed;
 - (7) Name of the witness to the search;
 - (8) Name of the district official conducting the search;
 - (9) Contacts with law enforcement and name/position of the contact(s).
- c. Documentation will be maintained as a part of the student’s education records and retained in accordance with applicable Oregon Administrative Rules governing records’ retention.

8. Notice

- a. Notice of the Board’s policy and this administrative regulation will be provided to staff, students and their parent(s) annually, through as staff and student/parent handbooks.

9. Cooperation with Law Enforcement Officials

- a. Building administrators will meet with law enforcement officials to review:
 - (1) Official contact protocols;
 - (2) Applicable Board policies and administrative regulations;
 - (3) Circumstances in which the district will generally be requesting local law enforcement involvement in student searches and suspected crimes;
 - (4) Handling of searches and evidence when involving law enforcement officials.

Student Search Form

1. Name, age and sex of student: _____

2. Time and location of search: _____
3. Basis for search and nature of reasonable suspicion. What factors caused you to have a reasonable suspicion that the search of this student, his/her person or property or property assigned by the district for student use, would turn up of some item that posed a risk of immediate and serious harm to the student, school officials and/or others at the school? Describe.

4. Describe areas and items searched: _____

5. What did the search yield? Were any prohibited items/materials seized? Were seized items/materials turned over to police? Parents? Other? Why or why not? Explain and include name(s)/Position(s) of law enforcement contacts.

6. Was discipline imposed? Why or why not?

7. Name and title/position of the witness to the search: _____

8. Name and title/position of district official conducting the search: _____



Code: **JFH**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5250

Student Complaints

It is the philosophy of Sweet Home School District that students have an inherent right to express their personal grievances and that the school has a responsibility to address itself to those expressed grievances.

The student should first discuss the complaint with the teacher, counselor or administrator involved. If the results are not satisfactory, the student should report the matter to the principal, and the principal will arrange for a hearing to review the complaint. The hearing procedures are described in BDE-AR (8).

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Cross Reference(s):

BDE-AR (8) - Student Grievances



Code: **JFI**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5261

Student Demonstrations and Petitions

Demonstrations

Students are permitted to hold demonstrations on school property under the following conditions:

1. The demonstration must be scheduled with the principal in advance. A crowd control plan must be presented;
2. The demonstration must not disrupt classroom activities;
3. The demonstration must not present a threat to the safety of students or staff or a hazard to school property;
4. No resource person may be present unless prior clearance is approved by the principal.

Petitions

Students may petition for a change in school policies and procedures. Circulation of such petitions must be reviewed by the building principal prior to circulation and must be submitted to the superintendent upon completion. The superintendent will forward petitions as appropriate.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 332.107](#)

[OAR 581-021-0050](#)
[OAR 581-021-0055](#)

Cross Reference(s):

IB - Freedom of Expression
IGDA - Assembly of Students and Student Organizations

Refer to Civil Disturbance in *Emergency Plan*.



Code: **JG**
Adopted: 9/13/04
Revised/Readopted: 5/12/14,
9/14/15

Student Discipline

Discipline in the district is based upon a philosophy designed to produce behavioral changes that will enable students to develop the self-discipline necessary to remain in school and to function successfully in their educational and social environments.

The major objectives of the district discipline program are to teach the following fundamental concepts for living:

1. Understanding and respect for individual rights, dignity and safety;
2. Understanding and respect for the law, Board policies, administrative regulations and school rules;
3. Understanding of and respect for public and private property rights.

The Board seeks to ensure a school climate which is appropriate for learning and which assures the safety and welfare of personnel and students. The superintendent will develop administrative regulations whereby those students who disrupt the educational setting or who endanger the safety of others will be offered corrective counseling and be subject to disciplinary sanctions that are age appropriate, and to the extent practicable, that uses approaches that are shown through research to be effective.

The district shall enforce consistently, fairly and without bias all student conduct policies, administrative regulations and school rules.

A student whose conduct or condition is seriously detrimental to the school's best interests may be suspended. Students may be expelled for any of the following circumstances: a) when a student's conduct poses a threat to the health or safety of students or employees; b) when other strategies to change the student's behavior have been ineffective, except that expulsion may not be used to address truancy; or c) when required by law. The district shall consider the age of the student and the student's past pattern of behavior prior to imposing the suspension or expulsion. The district will ensure careful consideration of the rights and needs of the individual concerned, as well as the best interests of other students and the school program as a whole.

The use of out-of-school suspension or expulsion for discipline of a student in the fifth grade or below, is limited to:

1. Nonaccidental conduct causing serious physical harm to a student or employee;
2. When a school administrator determines, based on the administrator's observation or upon a report from an employee, the student's conduct poses a threat to the health or safety of students or employees; or
3. When the suspension or expulsion is required by law.



Code: **JGA**
Adopted: 8/14/89
Revised/Readopted: 8/10/98
Orig. Code(s): BP 5310

Corporal Punishment**

The use of corporal punishment in any form is strictly prohibited in the Sweet Home School District. No student will be subject to the infliction of corporal punishment.

Corporal punishment is defined as the willful infliction of, or willfully causing the infliction of, physical pain.

No teacher, administrator, other school personnel or school volunteer will subject a student to corporal punishment or condone the use of corporal punishment by any person under his/her supervision or control. Permission to administer corporal punishment will not be sought or accepted from any parent or school official.

Staff members are authorized to employ reasonable physical force when in their professional judgment, the physical force is necessary to prevent a student from harming self, others or doing harm to school district property. Physical force shall not be used to discipline or punish a student. The superintendent shall inform all staff members and volunteers of this policy.

END OF POLICY

Legal Reference(s):

[ORS 161.205](#)

[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021-0050 to -0075](#)

[OAR 584-020-0040](#)

Cross Reference(s):

JF - Student Rights and Responsibilities

JFC - Duties of Students



Code: **JGAB**
Adopted: 8/20/07
Revised/Readopted: 12/12/11, 5/12/14, 9/8/14,
1/8/18, 11/12/19

Use of Restraint or Seclusion

The Board is dedicated to the development and application of best practices within the district's public educational/behavioral programs. The Board establishes this policy and its administrative regulation to define the circumstances that must exist and the requirements that must be met prior to, during, and after the use of restraint or seclusion as an intervention with district students.

The use of the following types of restraint on a student in the district is prohibited:

1. Chemical restraint.
2. Mechanical restraint.
3. Prone restraint.
4. Supine restraint.
5. Any restraint that involves the intentional and nonincidental use of a solid object, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
6. Any restraint that places, or creates a risk of placing, pressure on a student's neck or throat.
7. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.
8. Any restraint that impedes, or creates a risk of impeding, breathing.
9. Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts.
10. Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.
11. Any action designed for the primary purpose of inflicting pain.

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of staff, contractors or volunteers of the district.

Restraint may be imposed on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

Seclusion may be used on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and
2. Less restrictive interventions would not be effective.

If restraint or seclusion is used on a student, by trained staff or other staff available in the case of an emergency when trained staff are not immediately available due to the unforeseeable nature of the emergency, e.g., teacher, administrator, or volunteer, it will be used only for as long as the student's behavior poses a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Students will be continuously monitored by staff for the duration of the restraint or seclusion.

Definitions

1. "Restraint" means the restriction of a student's actions or movements by holding the student or using pressure or other means.

"Restraint" does not include:

- a. Holding a student's hand or arm to escort the student safely and without the use of force from one area to another;
- b. Assisting a student to complete a task if the student does not resist the physical contact; or
- c. Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under Oregon Revised Statute (ORS) 339.288 and the intervention is necessary to:
 - (1) Break up a physical fight;
 - (2) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
 - (3) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.

2. "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving.

"Seclusion" does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control; if the student is in a setting from which the student is not physically prevented from leaving.

3. "Serious bodily injury" means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.
4. "Mechanical restraint" means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

"Mechanical restraint" does not include:

- a. A protective or stabilizing device ordered by a licensed physician; or
- b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.

5. "Chemical restraint" means a drug or medication that is used on a student to control behavior or restrict freedom of movement that is not prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice for standard treatment of the student's

medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice.

6. "Prone restraint" means a restraint in which a student is held face down on the floor.
7. "Supine restraint" means a restraint in which a student is held face up on the floor.

Any student being restrained or secluded within the district whether in an emergency or as a part of a plan shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards as outlined in Oregon Administrative Rule (OAR) 581-021-0568.

The district shall utilize the¹ training program of restraint or seclusion for use in the district. As required by state regulation, the selected program shall be one approved by the Oregon Department of Education (ODE) and include, but not limited to, positive behavior support, conflict prevention, de-escalation and crisis response techniques. Any program selected by the district must be in compliance with state and federal law with respect to the use of restraint and seclusion.

An annual review of the use of restraint and seclusion during the preceding school year shall be completed and submitted to ODE to ensure compliance with district policies and procedures.

The results of the review and annual report shall be documented and shall include at a minimum:

1. The total number of incidents involving restraint;
2. The total number of incidents involving seclusion;
3. The total number of seclusions in a locked room;
4. The total number of students placed in restraint;
5. The total number of students placed in seclusion;
6. The total number of incidents that resulted in injuries or death to students or staff as a result of the use of restraint or seclusion;
7. The total number of students placed in restraint or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the district to decrease the use of restraint and seclusion for each student;
8. The total number of restraint or seclusion incidents carried out by untrained individuals;
9. The demographic characteristics² of all students upon whom restraint or seclusion was imposed;
10. The total number of rooms available for use by the district for seclusion of a student and a description of the dimensions and design of the rooms.

This annual report shall be made available to the public at the district's main office and on the district's website and to the Board.

At least once each school year the parents and guardians of students of the district shall be notified about how to access the report.

¹ The district must identify the program utilized for training.

² Including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

The district shall investigate all complaints regarding the use of restraint and/or seclusion practices according to the procedures outlined in Board policy KL - Public Complaints and KL-AR - Public Complaint Procedure. The complaint procedure is available at the district's administrative office and is available on the home page of the district's website.

The complainant, who is a student, a parent or guardian of a student attending school in the district or a person who resides in the district, may appeal a district's final decision to the Deputy Superintendent of Public Instruction pursuant to OAR 581-022-2370. This appeal process is identified in administrative regulation KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction.

The superintendent shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to the use, reporting, and written documentation of the use of restraint or seclusion by district staff.

END OF POLICY

Legal Reference(s):

[ORS 161.205](#)
[ORS 339.250](#)
[ORS 339.285](#)
[ORS 339.288](#)
[ORS 339.291](#)
[ORS 339.294](#)
[ORS 339.297](#)

[ORS 339.300](#)
[ORS 339.303](#)

[OAR 581-021-0061](#)
[OAR 581-021-0550](#)
[OAR 581-021-0553](#)
[OAR 581-021-0556](#)

[OAR 581-021-0559](#)
[OAR 581-021-0563](#)
[OAR 581-021-0566](#)
[OAR 581-021-0568](#)
[OAR 581-021-0569](#)
[OAR 581-021-0570](#)
[OAR 581-022-2370](#)



Code: **JGAB-AR**
Adopted: 8/20/07
Revised/Readopted: 12/12/11, 5/12/14,
11/12/19

Use of Restraint or Seclusion

Procedure

1. If restraint or seclusion continues for more than 30 minutes, school staff will attempt to immediately notify parents or guardians verbally or electronically.
2. Following an incident involving the use of restraint or seclusion, school staff will provide parents or guardians of the student the following:
 - a) Verbal or electronic notice of the incident by the end of the school day when the incident occurred.
 - b) Written documentation of the incident within 24 hours that provides:
 - (1) A description of the restraint or seclusion including:
 - (a) The date of the restraint or seclusion;
 - (b) The times the restraint or seclusion began and ended; and
 - (c) The location of the incident.
 - (2) A description of the student's activity that prompted the use of restraint or seclusion;
 - (3) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted;
 - (4) The names of staff of the district who administered the restraint or seclusion;
 - (5) A description of the training status of the staff of the district who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian; and
 - (6) Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.
3. If the restraint or seclusion was administered by a person without training, the administrator will ensure written notice is issued to the parent or guardian of the student that includes the lack of training, and the reason why a person without training administered the restraint or seclusion. The administrator will ensure written notice of the same to the superintendent.
4. An administrator will be notified as soon as practicable whenever restraint or seclusion has been used.
5. If restraint or seclusion continues for more than 30 minutes the student must be provided with adequate access to bathroom and water every 30 minutes. If restraint or seclusion continues for more than 30 minutes, every 15 minutes after the first 30 minutes, an administrator for the district must provide written authorization for the continuation of the restraint or seclusion, including providing documentation for the reason the restraint or seclusion must be continued. Whenever restraint or seclusion extends beyond 30 minutes, staff of the district will immediately attempt to verbally or electronically notify a parent or guardian.
6. A district Restraint and/or Seclusion Incident Report must be completed and copies provided to those attending the debriefing meeting for review and comment. The completed Restraint and/or Seclusion Incident Report Form shall include the following:
 - a. Name of the student;

- b. Name of staff member(s) administering the restraint or seclusion;
 - c. Date of the restraint or seclusion and the time the restraint or seclusion began and ended;
 - d. Location of the restraint or seclusion;
 - e. A description of the restraint or seclusion;
 - f. A description of the student's activity immediately preceding the behavior that prompted the use of restraint or seclusion;
 - g. A description of the behavior that prompted the use of restraint or seclusion;
 - h. Efforts to de-escalate the situation and alternatives to restraint or seclusion that were attempted;
 - i. Information documenting parent or guardian contact and notification.
7. A documented debriefing meeting must be held within two school days after the use of restraint or seclusion; staff members involved in the intervention must be included in the meeting. The debriefing team shall include an administrator. Written notes shall be taken and a copy of the written notes shall be provided to the parent or guardian of the student.
 8. If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the Department of Human Services within 24 hours of the incident.
 9. If serious bodily injury or death of a staff member occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided to the superintendent within 24 hours of the incident, or to the union representative for the affected person, if applicable.
 10. The district will maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.

Restraint and/or seclusion as a part of a behavioral support plan in the student's Individual Education Program (IEP) or Section 504 plan.

1. Parent participation in the plan is required.
2. The IEP team that develops the behavioral support plan shall include knowledgeable and trained staff, including a behavioral specialist and a district representative who is familiar with the restraint and seclusion training practices adopted by the district.
3. Prior to the implementation of any behavioral support plan that includes restraint and/or seclusion, a functional behavioral assessment must be completed. The assessment plan must include an individual threshold for reviewing the plan.
4. When a behavior support plan includes restraint or seclusion the parents may be provided a copy of the district Use of Restraint or Seclusion policy at the time the plan is developed.
5. If a student is involved in five incidents in a school year, the team, including a parent or guardian of the student, will form for the purpose of reviewing and revising the student's behavior plan.

Use of restraint and/or seclusion in an emergency by school administrator, staff or volunteer to maintain order or prevent a student from harming them self, other students or school staff.

Use of restraint and/or seclusion under these circumstances with a student who does not have restraint and/or seclusion as a part of their IEP or Section 504 plan, is subject to all of the requirements established by Board policy and this administrative regulation with the exception of those specific to plans developed in an IEP or 504 plan.



Code: **JGD**
Adopted: 8/14/95
Revised/Readopted: 8/10/98, 9/8/03, 9/13/04,
9/14/15
Orig. Code(s): BP 5330

Suspension

Suspension temporarily removes from a student the right of attending school and/or school activities. The length of the suspension shall be determined by the severity of the act and previous deportment of the student but shall not extend beyond 10 school days.

In specific circumstances, a suspension may be continued until some specific pending action occurs such as physical or mental examination, incarceration by court action or pending an expulsion hearing. The district may require a student to attend school during nonschool hours as an alternative to suspension.

Suspensions may be made by a principal or vice principal after reviewing available information.

Students who are suspended may not participate in activities directed or sponsored by the district. Students who violate these provisions may be referred to law enforcement officials and may be charged with criminal trespassing.

Eligible special education students cannot be denied educational services or related services if it is determined that their violation of rules is a manifestation of their disability.

END OF POLICY

Legal Reference(s):

[ORS 339.240](#)

[ORS 339.250](#)

[OAR 581-021-0050](#)

[OAR 581-021-0065](#)

Cross Reference(s):

JGD-AR - Short-Term Exclusion from School

JGDA/JGEA - Discipline of Disabled Students

JGDA/JGEA-AR - Special Education - Discipline

Student Rights and Responsibilities Handbook



Code: **JGDA/JGEA**

Adopted: 11/30/90

Revised/Readopted: 8/10/98, 9/13/04, 10/9/06, 3/10/08

Discipline of Disabled Students**

When considering student disciplinary procedures that may result in removal of the student, the district follows all special education procedures and ensures the parent and the student are afforded the procedural safeguards of the Individuals with Disabilities Education Act (IDEA) if:

1. The student is receiving IEP services;
2. For the student not yet identified as a student with a disability, the district had knowledge that the student had a disability and needed special education.

For a violation of a code of conduct, the district may remove a student with a disability from a current educational placement to an appropriate interim alternative educational setting, another setting, or suspension, for up to 10 school days in a school year to the same extent, and with the same notice, as for students without disabilities, if the removals do not constitute a pattern. The district may remove a student with disabilities for additional periods of up to 10 days if the removals do not constitute a pattern. The determination regarding whether a series of removals constitutes a pattern is subject to review in an expedited due process hearing.

Disciplinary removal of a student with a disability constitutes a change in the student's educational placement when the removal is for more than 10 consecutive school days, or the removal is for more than 10 cumulative school days and constitutes a pattern of removals. When considering whether to order a disciplinary change of placement the district may consider any unique circumstances on a case-by-case basis. Any decision to initiate a disciplinary change in placement requires a determination of whether the conduct leading to the disciplinary removal was caused by, or was substantially related to, the student's disability or was a direct result of the district's failure to implement the student's IEP.

For a violation involving drugs, weapons or the infliction of serious bodily injury, the district may remove a student with a disability from the student's current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days in a school year without regard to whether the behavior is a manifestation of the student's disability. This removal is considered a change in placement.

The district will provide educational services to a student who is suspended or expelled for more than 10 school days in a school year. These services may be provided in a different location or interim alternative educational setting as determined by the IEP and placement teams.

END OF POLICY

Legal Reference(s):

ORS 326.565	OAR 581-015-2400
ORS 326.575	OAR 581-015-2405
ORS 336.187	OAR 581-015-2410
ORS 339.240	OAR 581-015-2415
ORS 339.250	OAR 581-015-2420
ORS 339.252	OAR 581-015-2425
ORS 339.260	OAR 581-015-2430
ORS 343.177	OAR 581-015-2435
	OAR 581-015-2440

Individuals with Disabilities Education Act (IDEA, 20 U.S.C. § 1415 (k) (2006).

Assistance to States for the Education of Children with Disabilities, 34 CFR § 300.507 and § 300.508(a)-(c); §§ 300.510 - 300.514; §§ 300.530 - 300.536.



Code: **JGDA/JGEA-AR**

Adopted: 8/10/92

Revised/Readopted: 8/10/98, 9/13/04, 10/9/06, 3/10/08

Discipline of Disabled Students**

Definition

1. The district applies the following definitions when considering disciplinary action:
 - a. "Behavioral intervention plan" means an individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior and increase or teach an alternative appropriate behavior.
 - b. "Current educational placement" means the type of educational placement of the student as described in the student's "annual determination of placement" document at the time of the disciplinary removal. It does not mean the specific location or school but the types of placement on the continuum of placement options.
 - c. "Disciplinary removal" means suspension, expulsion or other removal from school for disciplinary reasons, including removals pending completion of a risk assessment. It does not include:
 - (1) Removals by other agencies;
 - (2) Removals for public health reasons (e.g. head lice, immunizations, communicable diseases, etc.);
 - (3) In-school suspensions if the student continues to have access to the general curriculum and to special education and related services as described in the student's IEP, and continues to participate with nondisabled students to the extent they would in their current placement; or
 - (4) Bus suspensions, unless the student's IEP includes transportation as a related service, the district makes no alternative transportation arrangements for the student, and the student does not attend school as a result of the bus suspension.
2. "Functional behavioral assessment" means an individualized assessment of the student that results in a team hypothesis about the function of a student's behavior and, as appropriate, recommendations for a behavior intervention plan.
3. "Suspension" means any disciplinary removal other than expulsion.

Disciplinary Change of Placement

1. Disciplinary removal of a student with a disability constitutes a change in the student's educational placement when:
 - a. The removal is for more than 10 consecutive school days; or
 - b. The removal is for more than 10 cumulative school days and constitutes a pattern of removals.
2. The district may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary change in placement.

Manifestation Determination

1. Within 10 days of any decision to initiate a disciplinary change in placement of a student with a disability, the district convenes a manifestation determination meeting.
2. The district follows all required special education procedures for determining whether a student's conduct that led to a disciplinary removal from school was caused by, or had a substantial relationship to, the student's disability or was a direct result of the district's failure to implement the student's IEP.

Disciplinary Removals for up to 10 School Days

1. The district may remove students with disabilities from their current educational placement, to an appropriate interim alternative educational setting, another setting, or suspension, for up to 10 school days in a school year to the same extent, and with the same notice, for violation of a code of conduct as for students without disabilities. These removals are not considered a change in placement.
2. During disciplinary removals for up to 10 school days:
 - a. The district is not required to provide access to special education and the general curriculum unless students without disabilities are provided access during this time.
 - b. The district is not required to determine whether the student's behavior resulting in the disciplinary removal is a manifestation of the student's disability.

- c. The district counts days of suspension for the purposes of procedural safeguards as follows:
 - (1) Suspensions of a half day or less will be counted as a half day; and
 - (2) Suspensions of more than a half day will be counted as a whole day;
 - (3) If a student moves from another district in Oregon, any days of suspension from the former district apply, unless the district does not have knowledge of previous suspensions.

Disciplinary Removals of More than 10 Cumulative School Days and Pattern of Removal

1. The district may remove students with disabilities from their current educational placement to an appropriate interim alternative educational setting, another setting or suspension for additional periods of up to 10 days in a school year to the same extent, and with the same notice as for students without disabilities, if the removals do not constitute a pattern. These removals do not constitute a change in placement.
2. In determining whether removals of additional periods of up to 10 school days constitute a pattern or removals, school personnel will consider, on a case by case basis:
 - a. Whether the behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
 - b. Additional factors such as the length of each removal, the total number of days of removal, and the proximity of removals to one another.
3. During removals of additional periods of up to 10 school days in a school year that do not constitute a pattern, the district will provide services that are necessary to enable the student to:
 - a. Continue to participate in the general education curriculum;
 - b. Progress toward achieving the goals in the student's IEP; and
 - c. The services and location for delivery of services in this section will be determined by school personnel, in consultation with at least one of the student's teachers, or by the student's IEP team.
4. The determination regarding whether a series of removal constitutes a pattern is subject to review in an expedited due process hearing.

Removal to an Interim Alternative Educational Setting for Not More Than 45 Days by the District under Special Education Circumstances

1. The district may remove a student with disabilities from the student's current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days in a school year for a drug or weapon violation, or for infliction of serious bodily injury, without regard to whether the behavior is manifestation of the student's disability. This removal is considered a change in placement. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order such a removal.
2. For the purpose of determining a drug or weapon violation or serious bodily injury, the district will apply the following definitions:
 - a. "Drug" means illegal drug or controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or otherwise legally possessed. It does not include alcohol or tobacco.
 - b. "Drug violation" means the use, possession, sale or solicitation of drugs at school or a school function.
 - c. "Infliction of serious bodily injury" means serious bodily injury caused by a student to another person while at school, on school premises or at a school function under the jurisdiction of ODE or a district.
 - d. "Serious bodily injury" means bodily injury, which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
 - e. "Weapon" means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 ½ inches in length.
 - f. "Weapon violation" means carrying a weapon to school or to a school function or acquiring a weapon at school.
3. On the date that the district decides to remove a student to an interim alternative educational placement because of a drug or weapon violation or for serious bodily injury, the district notifies that parent(s) of the decision and gives the parent(s) a Procedural Safeguards Notice.

4. Within 10 school days of any decision to remove the student to an interim alternative educational placement because of a drug or weapon violation or for serious bodily injury, the district:
 - a. Convenes a meeting to determine whether the behavior is a manifestation of the student's disability; and
 - b. Conducts, as appropriate, a functional behavior assessment, and develops a behavior intervention plan based on the functional behavior assessment that is designed to address the behavior so it does not recur.

Removal to an Interim Alternative Educational Setting for Not More than 45 Days by Administrative Law Judge for Injurious Behavior

1. The district may request an expedited due process hearing to obtain an administrative law judge's order to remove a student to an interim alternative educational setting for not more than 45 school days if the student is exhibiting injurious behavior. For the purpose of this request, "injurious behavior" is defined as behavior that is substantially likely to result in injury to the student or to others.
2. The interim alternative educational setting must meet the requirements of the "Interim Alternative Educational Setting" section.

Interim Alternative Educational Setting

When a student with a disability is placed in an interim alternative educational setting, the setting:

1. Is determined by the student's IEP; and
2. Enables the student to:
 - a. Continue to participate in the general curriculum, although in another setting;
 - b. Progress toward achieving the goals in the student's IEP; and
 - c. Receive services and modifications designed to address the misconduct that led to placement in the interim alternative educational setting and to prevent the misconduct from recurring.

Placement Pending Appeal

If a parent disagrees with the manifestation determination or any decision about placement related to the disciplinary removal and requests a due process hearing, the student will remain in the interim alternative educational setting pending the decision of the administrative law judge, or until the end of the disciplinary removal, whichever is shorter, unless the parent and district agree to another placement pending the hearing.

Conduct and Outcome of a Manifestation Determination

1. Within 10 school days of any decision to change the placement of a student with a disability for disciplinary reasons, the district convenes a manifestation determination meeting.
2. The team that determines whether a student's behavior that led to a disciplinary removal from school was caused by, or had a substantial relationship to the student's disability or was a direct result of the district's failure to implement the student's IEP, includes the parent(s), district representatives and other relevant members of the IEP team, as determined by the parent and district.
 - a. The team reviews all relevant student information, including the student's IEP, teacher observations and information provided by the parent.
 - b. The team concludes that the conduct in question is a manifestation of the student's disability if it determines the behavior was caused by, or had a substantial relationship to, the child's disability, or if it was the direct result of the district's failure to implement the IEP.
3. If the team determines that the district did not implement the student's IEP or identifies other deficiencies in the student's IEP or placement, the district corrects the identified deficiencies immediately.
4. Regardless of whether the behavior was a manifestation of the student's disability, the district may remove the student to an interim alternative educational setting for weapons or drug violations or for infliction of serious bodily injury for up to 45 days.
5. When behavior is a manifestation of disability.

If the team concludes that the behavior was a manifestation of the student's disability:

 - a. The district will not proceed with a disciplinary removal for more than 10 days.
 - b. The district conducts a functional behavioral assessment and develops behavior plan to address the behavior that led to the disciplinary action. If the district has already conducted a functional behavioral assessment or, if the student already has a behavior intervention plan regarding that behavior, the district reviews, modifies as necessary and implements the plan to address the behavior.

- c. The district may review and revise the student's IEP and placement through normal IEP and placement processes.
 - d. The district may enter into an agreement with the parent to change the student's placement as part of the modification of the behavioral intervention plan.
 - e. If the district believes that maintaining the current placement of the child is substantially likely to result in injury to the student or to others, the district appeal the decision of the manifestation determination team by requesting an expedited due process hearing. An administrative law judge who concludes that maintaining the current educational placement is substantially likely to result in injury to the student or to others may order a change in placement to an interim alternative educational setting for no more than 45 days.
6. When behavior is not a manifestation of disability.
- If the IEP team determines that the student's behavior is not a manifestation of the student's disability the district may proceed with disciplinary removals, in the same manner and for the same duration, as would be applied to students without disabilities. If the district takes such action, applicable to all students, the district:
- a. Notifies the parent(s) of the decision to remove the student on the date that decision is made and gives the parents a Procedural Safeguards Notice;
 - b. Give the parent(s) prior written notice of any proposed change in placement;
 - c. Provides services to the student in an interim alternative educational setting that is determined by the IEP team; and
 - d. Provides, as appropriate, a functional behavioral assessment, develops appropriate behavioral interventions to address the behavior and implements those interventions.

Protections for Students not yet Eligible for Special Education

- 1. The district will follow all special education disciplinary procedures for a student who has not yet been identified as a student with a disability if the district had knowledge that the student had a disability and needed special education.
- 2. The district is presumed to have such knowledge if, before the behavior that precipitated the disciplinary action occurred:
 - a. The student's parent(s) expressed a concern in writing to supervisory or administrative school personnel, or to a teacher of the student, that the student is in need of special education and related services;
 - b. The student's parent(s) requested a special education evaluation of the student; or
 - c. The student's teacher or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the district's special education director or other district supervisory personnel.
- 3. The district is not presumed to have knowledge of a disability if:
 - a. The parent has not allowed an evaluation of the student or has refused the initial provision of special education services to the student; or
 - b. The student has been evaluated and found not eligible for special education services.
- 4. If the district did not have knowledge before taking disciplinary action against the student, the district may take the same disciplinary actions as applied to students without disabilities who engaged in comparable behaviors. However:
 - a. If a special education evaluation is requested, or if the district initiates a special education evaluation, the evaluation will be conducted in an expedited manner.
 - b. Until the evaluation is completed, the student may remain in the educational placement determined by school personnel, which may include suspension, expulsion or placement in alternative education.
 - c. Upon completion of the evaluation, if the student is determined to be a student with a disability, the district will conduct an IEP meeting to develop an IEP and determine placement and will provide special education and related services in accordance with the IEP.
 - d. The district will apply the IDEA discipline protections beginning on the date of the eligibility determination.



Code: **JGD-AR**
Adopted: 3/14/88
Readopted: 8/10/98, 4/10/00, 9/13/04
Orig. Code(s): AR 5330

Short-Term Exclusion from School

Dear _____:

This letter is to inform you that your student is to be excluded from school for a period of _____ school days.

_____ is being excluded from school because of

Such conduct is in violation of _____

_____ is not to return to school until _____.

While he/she will be permitted to attend school then, his/her conduct clearly demonstrates a need for you and me to confer. I would prefer to talk with you prior to _____'s return to school.

Please contact me at your earliest convenience.

Sincerely,

Name of Principal (or designee)

Address

Name of District Superintendent



Code: **JGE**
Adopted: 8/14/95
Revised/Readopted: 8/10/98, 9/13/04,
9/14/15
Orig. Code(s): BP 5340

Expulsion**

Expulsion is the termination of the student's right to attend school and school activities for a substantial period of time. Expulsion of a student will not extend beyond one calendar year.

Oregon law requires the expulsion from school for a period of not less than one calendar year of any student who is determined to have brought a weapon to school under the jurisdiction of the district. The superintendent is allowed by law to modify the expulsion requirement on a case-by-case basis. A weapon is defined as:

1. "Firearm" as defined in 18 U.S.C. 921; or
2. "Dangerous weapon" or "deadly weapon" as defined in ORS 161.015.

A principal, after reviewing available information, may recommend to the superintendent that a student be expelled.

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^a or by certified mail^b at least five days prior to the scheduled hearing. Notice shall include: (1) the specific charge or charges; (2) the conduct constituting the alleged violation, including the nature of the evidence of the violation and reason for expulsion; (3) a recommendation for expulsion; (4) the student's right to a hearing; (5) when and where the hearing will take place; and (6) the right to representation;
2. The Board may expel, or may delegate the authority to decide on an expulsion to the superintendent or superintendent's designee, who may also act as the 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 designated by the Board will conduct the hearing and will not be associated with the initial actions of the building administrators;
3. Expulsion hearings will be conducted in private and will not be open to the general public unless the student or the students' parents request an open session;
4. In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the district will provide a translator;
5. The student shall be permitted to have a representation present at the hearing to advise and to present arguments. The representation may be an attorney and/or parent. The school district's attorney may be present;
6. The student shall be afforded the right to present his/her version of the charges and to introduce evidence by testimony, writings or other exhibits;
7. The student shall be permitted to be present and to hear the evidence presented by the district;
8. The hearings officer or the student may record the hearing;
9. Strict rules of evidence shall not apply to the proceedings. However, this shall not limit the hearings officer's control of the hearing;
10. If the Board is conducting the expulsion hearing, the Board may designate the Board chair or a third party as the hearings officer. 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. The hearings officer will provide to the Board, findings as to the facts, the recommended decision and whether or not the student has committed the alleged conduct. This will include the hearings officer's recommended decision on

^aThe person serving the notice shall file a return of service. (OAR 581-021-0070)

^bWhen "certified mail is given to a parent of a suspended student, the notice shall be placed in the mail at least five days before the date of the hearing." (OAR 581-021-0070)

disciplinary action, if any, including the duration of any expulsion. This material will be available in identical form to the Board, the student if age 18 or over and the students' parents at the same time. Following the review by the Board of the hearings officer's recommendation, the Board will make the final decision regarding the expulsion;

11. If the Board has delegated authority to the superintendent or designee to act as the hearings officer, the superintendent may designate him or herself, or a third party, as the hearings officer. The hearings officer's decision is final. However, a decision of the hearings officer may be appealed by the parent or the student if age 18 or over to the Board for review. If the decision of the hearings officer is appealed to the Board for review, the findings as to the facts and the hearings officer's decision will be submitted to the Board, and will be available in identical form to the Board, the student and the students' parents at the same time. At its next regular or special meeting the Board will review the hearings officer's decision and will affirm, modify or reverse the decision;
12. A 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 held by the hearings officer, the following will not be made public:
 - a. The name of the minor student;
 - b. The issues involved, including a student's confidential medical record and that student's educational program;
 - c. The discussion;
 - d. The vote of Board members, which may be taken in executive session when considering an expulsion.

Prior to expulsion, the district must propose alternative programs of instruction or instruction combined with counseling to the student expelled for reasons other than a weapons policy violation. The district must document to the parent of the student that proposals of alternative 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](#)

Cross Reference(s):

BDE-AR(6) - Appeals from Administrative Hearings
BDE-AR(7) - Student Records



Code: **JH**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5405

Student Environment

All school employees shall take appropriate measures to ensure the health and safety of all students. Students are expected to abide by the rules regarding health and safety established by the district and described in the Student/Parent Handbook.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-022-1420](#)

Cross Reference(s):

EB - Safety Program



Code: **JHA**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5470

Student Insurance

Membership in a group accident insurance program will be made available to students each year. In arranging for this insurance, the Board will make every reasonable attempt to contract with a company offering comprehensive insurance at economical rates. Purchase of this insurance will constitute an agreement between the student/parent and the insurance company, not the school. However, information on the plan will be made available through the schools. Participation in the group plan is optional.

Parents must verify that a student is covered by an insurance program prior to participation in school sports.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 332.107](#)
[ORS 332.435](#)

Cross Reference(s):

EIA - Insurance Program



Code: **JHC**
Adopted: 3/14/88
Revised/Readopted: 8/10/98, 9/8/03, 1/11/10

Student Health Services and Requirements

Although the district's primary responsibility is to educate students, the students' health and general welfare is also a major Board concern. The Board believes school programs should be conducted in a manner that protects and enhances student and employee health and is consistent with good health practices.

The nurse(s) employed by the district shall be licensed to practice as a registered nurse or nurse practitioner in Oregon and will function as an integral member of the instructional staff, serving as a resource person to teachers in securing appropriate information and materials on health-related topics.

The district shall provide:

1. One registered nurse or school nurse for every 125 medically fragile students;
2. One registered nurse or school nurse or one licensed practical nurse under the supervision of a registered nurse or school nurse for each nursing-dependent student; and
3. One registered nurse or school nurse for every 225 medically complex students.

The district may use the most cost effective means available to meet the above requirements¹.

The district shall maintain a prevention-oriented health services program which provides:

1. Pertinent health information on the students, as required by Oregon statutes or rules;
2. Health appraisal to include screening for possible vision or hearing problems;
3. Health counseling for students and parents, when appropriate;
4. Health-care and first-aid assistance that are appropriately supervised and isolates the sick or injured child from the student body;
5. Control and prevention of communicable diseases as required by Oregon Department of Human Services, Health Services, and the county health department;
6. Assistance for students in taking prescription and/or nonprescription medication according to established district procedures;
7. Services for students who are medically fragile or have special health-care needs;
8. Integration of school health services with school health education programs.

The Board directs its district health staff to coordinate with health personnel from other public agencies in matters pertaining to health instruction or the general health of students and employees.

In accordance with the requirements of the No Child Left Behind Act of 2001, the district recognizes its responsibility to notify parents in advance of any nonemergency, invasive physical examination² or screening that is required as condition of attendance; administered and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students.

Notification will be provided at least annually at the beginning of the school year or when enrolling students for the first time in school and will include the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

Procedures shall be developed and implemented to carry out this policy. All district employees will be apprised of their responsibilities in this area. Parents shall have the opportunity to request their students be exempt from participation in vision or hearing screening. The district will abide by those requests.

END OF POLICY

Legal Reference(s):

[OAR 581-022-0705](#)

[OAR 581-022-1420](#)

[OAR 581-022-1440](#)

Protection of Pupil Rights, 20 U.S.C. § 1232h (2006); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2006)

Cross References:

JHC-AR – Student Health Services
JHCA – Physical Examinations
JHCB – Immunization Records

JHCC – Communicable Disease Control
JHCD – Administering Medicines to Students

¹This nursing ratio requirement becomes effective July 1, 2011.

²The term "invasive physical examination", as defined by law, means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening. The term does not include any physical examination or screening that is permitted or required by state law, including physical examinations or screenings that are permitted without parental notification.



Code: **JHC-AR**
Adopted: 3/14/88
Revised/Readopted: 8/10/98, 9/8/03, 4/11/11
Orig. Code: AR 5415

Student Health Services and Requirements

EMERGENCY HEALTH CARE

Realizing that situations will vary from building to building, the following general guidelines are recommended:

1. The teacher and/or administrator takes the student to the health room unless moving the victim would risk further injury;
2. First aid is given immediately by a qualified person to prevent any further injury or to reduce discomfort. IF LIFE THREATENING EMERGENCY, CALL AMBULANCE IMMEDIATELY;
3. If more skilled treatment is needed the student's information form is pulled and:
 - a. The parent/guardian is notified;
 - b. If parent is unable to act (get permission to):
 - (1) Contact the family physician or dentist;
 - (2) If the family physician is not available have an understanding that the student will be sent to Lebanon Community Hospital Emergency Room if medical care is indicated;
 - (3) Arrange appropriate transportation.
 - c. If parent cannot be found and/or notified:
 - (1) Contact family physician or dentist;
 - (2) If this cannot be done, transport student to Lebanon Community Hospital Emergency Room;
 - (3) Arrange for appropriate transportation;
 - (4) As soon as possible, notify school administrator of action taken;
 - (5) Continue attempts to contact parent/guardian;
 - (6) Arrange return transportation if all attempts to get parent still result in failure.
4. The accident or illness is noted on the daily log in the health room or on the secretary's desk. If indicated, an accident report is filed. A copy is sent to the business office and another placed in the student's folder.

School Responsibilities

Each school shall require one staff member for each 60 students to hold a current, recognized first aid card or establish an emergency response team. Such team shall consist of no less than six persons who hold current first aid/CPR cards and who are trained annually in the district and building emergency plans.

First aid supplies shall be available in every health room. A first aid kit should be available to the team for every athletic event.

911 should be called for any emergency.

A Student Information Form is kept current on each student. This form lists emergency phone numbers, family physician and physical disabilities or allergies or sensitivity to medication that a student might have. This form should be in the school office.

The school should have a copy of the school district plan for disasters.

All emergency plans and/or procedures should be accessible for immediate use. The names of staff currently trained in First Aid/CPR should be posted in the school office.

Health Facilities and Supplies

Each building shall provide a separate space away from other students that is adequately equipped for providing first aid. It should be located in a place that allows for proper supervision of ill or injured students. Having these students sit in the main office where others pass frequently should be avoided. Use of the facilities as a faculty lounge/restroom, storage room, etc. is discouraged.

Each building shall have first aid supplies in accordance with the Oregon State Health Division, Occupational Health Regulations. Subject to said regulations no other items shall be stored in the first aid container without physician's approval.

State Required Items

- 10 gauze pads (at least 3"x3")
- 2 gauze pads (approximately 8"x10")
- 1 adhesive bandage 1"
- 2 gauze bandages 1"
- 2 gauze bandages 2"
- 2 triangular bandages
- 1 package wound cleansing agent
- 1 pair scissors
- 1 blanket (50"x80" minimum)

May Be Included in Kit

- Splints
- Adhesive tape
- Gauze pads (misc. sizes)
- Ammonia ampoules
- Tweezers

Supplies shall be kept in a moisture/dustproof container clearly marked and readily accessible and not locked. Supplies shall be kept in a central area as well as in potentially hazardous areas around the building, such as

gymnasiums, workshops, science labs, home economics classrooms, art classrooms and cafeterias.

The location of first aid supplies shall be made known to building personnel, and the supplies shall be readily accessible to all.

PHYSICAL EXAMS AND HEALTH SCREENING

Physical examinations are requested for students at the following times:

1. Kindergarten, first grade or entering an Oregon school system for the first time;
2. Prior to participation in extra curricular activities in grades 6 - 12 involving physical exertion and then every two years thereafter for any student participating.

Any student in grades 6 --12 participating in extra curricular activities involving physical exertion must have had a physical exam by a licensed physician. These examinations are required prior to participation and then once every two years and will follow protocol and be documented on the form adopted by the State Board of Education. However, each year parents are to complete and sign the Annual Interval History Form. This requirement includes cheerleading, dance team and all other related extra curricular activities involving physical exertion.

The physical examination form and the Oregon Immunization Status Form will be the database for initiating the Oregon Health Record Card. Each year the results of the periodic vision and hearing screenings are recorded, along with any other pertinent medical information.

Any significant problems that become apparent through the health appraisal will be discussed with the parent, appropriate staff members and student, if applicable, and referrals made to appropriate resources.

Vision Screening

The purpose of vision screening is to detect any potential visual deficits and refer appropriate students for further evaluation.

Screening is done in grades 1-8. Vision testing in grades 9-12 is done by referral to the school nurse. -The students are screened using the Standard Snellen Vision Charts. Results are recorded on the Oregon School Health Card.

After the initial screening, any youngster with a Snellen score of 20/40 in one or both eyes will be tested individually. If the second screening confirms a score of 20/40 or more, the nurse will contact the parents by telephone or in writing with a recommendation for referral to the eye doctor of the parents' choosing.

In the case of a student with a severe visual impairment, the nurse is responsible to ascertain appropriate resource people and obtain medical records. When educational intervention is recommended, a conference with the teacher and principal is recommended to initiate further special education services.

Hearing Screening

The district screens students in grades K-1-2-3 and elementary students new to the district. Speech clinicians will routinely screen students who have previously had indications of hearing problems. Other students may be screened by referral to the nurse or speech clinician.

The purpose of the screening is to identify students with hearing impairments and refer them to appropriate medical resources. Any student who does not pass the initial screening will be rechecked. If the clinician then feels that the student needs medical attention, the parent will be notified and the student referred for further evaluation. This referral can be made by either the nurse or the clinician.

Scoliosis Screening

Early identification and treatment of scoliosis can prevent permanent deformities. In order to make the initial identification the district conducts annual screenings for scoliosis in grades 6-7-8. This is carried out by the school nurse and P.E. personnel. After the screening, the parents of these students suspected of having any of the symptoms of scoliosis are notified in writing or by phone of the advisability of further evaluation by the family physician. The nurse is available to help families find the necessary diagnostic and treatment facility.

Dental Health Education and Screening

A prevention oriented dental education program is conducted throughout the district. This is done by the nurse and designated volunteers for grades K-1 and three. Toothbrushes are available for teachers to conduct a dry brushing program in the classroom. Dental screening is done during the dental program and referrals sent home on students who are in need of further evaluation and treatment.



Code: **JHCA/JHCB**
Adopted: 3/14/88
Readopted: 8/10/98, 9/8/03, 1/10/11,
5/12/14
Orig. Code: BP 5425

Immunizations, Physical Examinations and Vision Screening/Eye Examination**

Immunization

Proof of immunization must be presented prior to the time of initial enrollment in school or within 30 days of transfer to the district. Proof consists of a signed Certificate of Immunization Status form documenting either evidence of immunization or a religious, philosophical beliefs and/or medical exemption.¹

No student will be allowed to enroll or continue school attendance without first presenting evidence of compliance with Oregon Revised Statutes and Oregon Administrative Rules requiring immunization.

The administrator or designee is authorized to exclude any student from school attendance for noncompliance with the statutes and rules. The administrator or designee will notify the parent in writing of the reason for the exclusion, stating that the student will continue to be excluded until the student has complied with the requirements. The notice will also inform the parent that a hearing will be afforded upon request.

The district will comply with the Oregon Department of Human Services, Health Services, rules related to the district's immunization registry and the associated tracking and recall systems. This compliance shall include the waiver of the requirement of consent for release of information from or providing information to and the waiver of issues of confidentiality in regard to immunization records.

Physical Examination

The Board recommends that all students initially enrolling in school have a physical examination. Parents will be asked to complete a district Health History form when initially enrolling their students in the district and when registering them for seventh grade.

All students participating in athletic programs are required to submit to the district a School Sports Pre-participation Examination² form prior to their initial participation in a district athletic program. The form is to be completed and signed by a parent and physician giving permission for the student to participate.

A student who is subsequently diagnosed with a significant illness or has had a major surgery is required to have a physical examination prior to further participation in extracurricular sports.

Students who continue to participate in extracurricular sports in grades 7 through 12 shall be required to complete a physical examination once every two years, thereafter.

Vision Screening or Eye Examination

The parents of a student who is 7 years of age or younger and is beginning an education program with the district for the first time shall, within 120 days of beginning the education program, submit a certification that:

1. The student has received a vision screening or eye examination; and
2. Any further examination, treatments or assistance necessary.

The certification is not required if the parent or guardian provides a statement to the district that:

1. The student submitted a certification to a prior education provider; or
2. The vision screening or eye examination is contrary to the religious beliefs of the student or the parents or guardian of the student.

The policy is in effect for all students not exempted for religious, philosophical beliefs or medical reasons.³

END OF POLICY

¹Documentation requirements for exemptions are outlined in ORS 433.267.

²Form available at www.osaa.org.

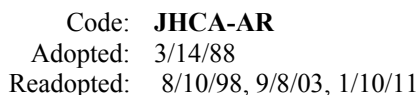
³Documentation required for exemption is outlined in ORS 433.267.

Legal Reference(s):

[ORS 326.580](#)
[ORS 336.479](#)
[ORS 433.235 - 433.280](#)
[OAR 333-019-0010](#)

[OAR 333-050-0010 to -0120](#)
[OAR 581-021-0041](#)
[OAR 581-022-0705](#)
HB 3000 (2013)

OREGON SCHOOL ACTIVITIES
ASSOCIATION, OSAA HANDBOOK



Revised January 2011

BIRTHDATE: _____

PHONE: _____

Medical Provider Please review with the athlete details of any positive answers.

Parent/Guardian's Statement:

Signature Parent/Guardian: _____ Date: _____

Physical Examinations- JHCA-AR

School Sports Pre-Participation Examination , Part 2: Medical Provider Completes

Revised January 2011

NAME: _____				BIRTHDATE: ____/____/____			
Height: _____	Weight: _____	% Body Fat (optional): _____	Pulse: _____	BP: ____/____ (____/____, ____/____)			
Vision: R 20/____	L 20/____	Corrected: Y N	Pupils: Equal Unequal	Rhythm: Regular Irregular			

MEDICAL	NORMAL	ABNORMAL FINDINGS	INITIALS*
Appearance			
Eyes/Ears/Nose/Throat			
Lymph Nodes			
Heart: Pericardial activity			
1st & 2nd heart sounds			
Murmurs			
Pulses: brachial/femoral			
Lungs			
Abdomen			
Skin			

MUSCULOSKELETAL

Neck			
Back			
Shoulder/arm			
Elbow/forearm			
Wrist/hand			
Hip/thigh			
Knee			
Leg/ankle			
Foot			

* Station-based examination only

CLEARANCE

_____ Cleared

_____ Cleared after completing evaluation/rehabilitation for: _____

_____ Not cleared for: _____ Reason: _____

Recommendations: _____

Name of Medical Provider (print/type): _____ Date: _____

Address: _____ Phone: _____

Signature of Medical Provider: _____

ORS 336.479, Section 1 (3) "A school district shall require students who continue to participate in extracurricular sports in grades 7 through 12 to have a physical examination once every two years." Section 1(5) "Any physical examination required by this section shall be conducted by a (a) physician possessing an unrestricted license to practice medicine; (b) licensed naturopathic physician; (c) licensed physician assistant; (d) certified nurse practitioner; or a (e) licensed chiropractic physician who has clinical training and experience in detecting cardiopulmonary diseases and defect.

SUGGESTED EXAM PROTOCOL FOR THE PHYSICIAN

Revised January 2011

☐ MUSCULOSKELETAL

Have patient:

1. Stand facing examiner
2. Look at ceiling, floor, over shoulders, touch ears to shoulders
3. Shrug shoulders (against resistance)
4. Abduct shoulders 90 degrees, hold against resistance
5. Externally rotate arms fully
6. Flex and extend elbows
7. Arms at sides, elbows 90 degrees flexed, pronate/supinate wrists
8. Spread fingers, make fist
9. Contract quadriceps, relax quadriceps
10. "Duck walk" 4 steps away from examiner
11. Stand with back to examiner
12. Knees straight, touch toes
13. Rise up on heels, then toes

To check for:

AC joints, general habitus
Cervical spine motion
Trapezius strength
Deltoid strength
Shoulder motion
Elbow motion
Elbow and wrist motion
Hand and finger motion, deformities
Symmetry and knee/ankle effusion
Hip, knee and ankle motion
Shoulder symmetry, scoliosis
Scoliosis, hip motion, hamstrings
Calf symmetry, leg strength

☐ **MURMUR EVALUATION** – Auscultation should be performed sitting, supine and squaring in a quiet room using the diaphragm and bell of a stethoscope.

Auscultation finding of:

1. S1 heard easily; not holosystolic, soft, low-pitched
2. Normal S2 Tetralogy,
3. No ejection or mid-systolic click
4. Continuous diastolic murmur absent
5. No early diastolic murmur
6. Normal femoral pulses
(Equivalent to brachial pulses in strength and arrival)

Rules out:

VSD and mitral regurgitation
ASD and pulmonary hypertension
Aortic stenosis and pulmonary stenosis
Patent ductus arteriosus
Aortic insufficiency
Coarctation

☐ **MARFAN'S SCREEN** – Screen all men over 6'0" and all women over 5'10" in height with echocardiogram and slit lamp exam when any two of the following are found:

1. Family history of Marfan's syndrome (this finding alone should prompt further investigation)
2. Cardiac murmur or mid-systolic click
3. Kyphoscoliosis
4. Anterior thoracic deformity
5. Arm span greater than height
6. Upper to lower body ratio more than 1 standard deviation below mean
7. Myopia
8. Ectopic lens

☐ **CONCUSSION** -- When can an athlete return to play after a concussion?

After suffering a concussion, no athlete should return to play or practice on the same day. Previously, athletes were allowed to return to play if their symptoms resolved within 15 minutes of the injury. Studies have shown that the young brain does not recover that quickly, thus the Oregon Legislature has established a rule that no player shall return to play following a concussion on that same day and the athlete must be cleared by an appropriate health care professional before they are allowed to return to play or practice.

Once an athlete is cleared to return to play they should proceed with activity in a stepwise fashion to allow their brain to readjust to exertion. The athlete may complete a new step each day. The return to play schedule should proceed as below following medical clearance:

- Step 1: Light exercise, including walking or riding an exercise bike. No weightlifting.
- Step 2: Running in the gym or on the field. No helmet or other equipment.
- Step 3: Non-contact training drills in full equipment. Weight training can begin.
- Step 4: Full contact practice or training.
- Step 5: Game play.

If symptoms occur at any step, the athlete should cease activity and be re-evaluated by a health care provider.

581-021-0041 Form and Protocol for Sports Physical Examinations

The State Board of Education adopts by reference the form entitled "School Sports Pre-Participation Examination May 2010" that must be used to document the physical examination and sets out the protocol for conducting the physical examination. Medical providers conducting physicals on or after June 30, 2010 must use the form dated May 2010.

NOTE: The form can be found on the Oregon School Activities Association (OSAA) Website www.osaa.org.

Stat. Auth: ORS 326-051

Stats. Implemented: ORS 336.479

Hist.: ODE 24-2002, f. & cert. ef. 11-15-02; ODE 29-2004(Temp), f. & cert. ef. 9-15-04 thru 2-25-05; ODE 4-2005, f. & cert. ef. 2-14-05



Code: **JHCB**
Adopted: 12/11/89
Revised/Readopted: 8/10/98, 9/13/04
Orig. Code(s): BP 5420

Immunization Records**

As a condition of attendance in any school in the district, every student shall submit one of the following statements unless the school already has on file a record indicating the month and year that the student has received immunizations against the communicable diseases prescribed by the Health Division:

1. A statement signed by the parent certifying that the student has received the prescribed immunizations;
2. A statement signed by the parent, a physician or a representative of the local health department that describes the manner in which the student has begun the immunization process;
3. A statement signed by a physician or a representative of the local health department that the student should be exempted from receiving the specified immunization because of indicated medical diagnosis;
4. A statement signed by the parent that the student has not been immunized because the student is being reared as an adherent to a religion, the teaching of which is opposed to such immunization;
5. A statement signed by the parent of a student transferring to the district from another school district, that the parent will have the required records sent to the district within 30 days of initial enrollment.

If, after review by the district, the records do not comply, or are not received within 30 days as provided in paragraph #1, 5., the district shall notify the local health department and transmit records to the department for evaluation. If the student is determined to be in noncompliance, the health department shall issue an exclusion order and shall send copies of the order to the parent and the district. On the effective date of the order, the student shall be excluded from school and shall not be allowed to attend school until the immunization requirements are met. The student shall be readmitted to school when, in the judgment of the health department, the student is in compliance with immunization requirements.

Immunization requirements as stated above shall not remove parental liability under compulsory attendance laws.

The district will comply with the **Oregon Department of Human Services, Health Services** rules related to the district's immunization registry and the associated tracking and recall systems. This compliance shall include the waiver of the requirement of consent for release of information from or providing information to and the waiver of issues of confidentiality in regard to immunization records.

END OF POLICY

Legal Reference(s):

[ORS 433.235 - 433.280](#)

[OAR 333-019-0010](#)

[OAR 333-019-0015](#)

[OAR 333-050-0010 to -0120](#)

[OAR 581-022-0705](#)

Cross Reference(s):

JHCB-AR - Immunization Requirements



Code: **JHCB-AR**
Adopted: 12/11/89
Readopted: 8/10/98, 9/8/03
Orig. Code: AR 5420

Immunization Requirements

In keeping with the district's philosophy of prevention of communicable diseases, the district adheres strictly to the state requirements regarding immunizations. Minimum requirements for complete immunization are as follow:

Requirements for complete immunization:

Diphtheria/Tetanus
containing vaccine
(DTP, DT, Td of DtaP)

Five doses* unless:

- A. The 4th dose was received at or after 4 years of age, in which case only 4 doses are required; or
- B. The 3rd dose was received at or after the student's 7th birthday. If so, the student is complete with three doses; or
- C. For children enrolled before school year 1998/99, if the 1st dose was received at or after the first birthday and the 3rd dose was received at or after 4 years of age, the student is complete with three doses.

Polio
(OPV, TOPV, IPV)

Four doses* unless:

- A. The 3rd dose was given at or after the 4th birthday in which case the student is complete with three doses, or
- B. The student is 18 years of age or older. Polio vaccination at or after the eighteenth birthday is not required.

Measles

One dose, must be received at or after 12 months of age.

Two doses are needed for certain grades. See phase in schedule below:

SY 2002/03:
SY 2003/04:
SY 2004/05:
SY 2005/forward:

Kindergarten, 1st, 2nd, 3rd, 4th, 7th, 8th and 9th grade.
Kindergarten, 1st, 2nd, 3rd, 4th, 7th, 8th, 9th and 10th grade.
Kindergarten, 1st, 2nd, 3rd, 4th, 7th, 8th, 9th, 10th and 11th grade.
All students grades K-12.

Rubella

One dose, must be received at or after 12 months of age.

Mumps

One dose, must be received at or after 12 months of age.

Hepatitis B

Three doses for certain grades. See phase in schedule below:

SY 2002/03:
SY 2003/04:
SY 2004/05:
SY 2005/forward:

Kindergarten, 1st, 2nd, 3rd, 4th, 7th, 8th and 9th grade.
Kindergarten, 1st, 2nd, 3rd, 4th, 7th, 8th, 9th and 10th grade.
Kindergarten, 1st, 2nd, 3rd, 4th, 7th, 8th, 9th, 10th and 11th grade.
All students grades K-12.

Varicella

(Chickenpox)

Up to two doses are needed. If the first dose was given prior to age 13 years and after 12 months of age, only one dose is needed. See phase in schedule below:

SY 2002/03:
SY 2003/04:
SY 2004/05:
SY 2005/06:
SY 2006/forward:

Kindergarten, 1st, 2nd, 7th, 8th and 9th grade.
Kindergarten, 1st, 2nd, 3rd, 7th, 8th, 9th and 10th grade.
Kindergarten, 1st, 2nd, 3rd, 4th, 7th, 8th, 9th, 10th and 11th grade.
Kindergarten, 1st, 2nd, 3rd, 4th, 7th, 8th, 9th, 10th and 11th and 12th grade.
All students grades K-12.

Students entering school for the first time in Oregon who were born in a country outside the United States, Australia, Austria, Belgium, Canada, Denmark, Finland, France, West Germany, Great Britain, Greece, Ireland, Italy, Luxembourg, New Zealand, Norway, Portugal, Spain, Sweden or Switzerland, must show evidence of the Mantoux method tuberculin skin test performed and read no more than three months prior to enrollment, according to Oregon Health Division administrative rules. Documentation of evaluation for communicable tuberculosis must be presented prior to school entry.

Immunization information is to be recorded on the Certificate of Immunization Status Form provided by the Health Division. Enrolling students should present this information at the time of enrollment or meet one of the other requirements listed in ORS 433.267 and in Board policy JECD. Transferring students have 30 days within which to provide this information.

The school nurse in conjunction with building administrators shall be the parties responsible for district compliance. Schools will cooperate with the nurse in obtaining immunization information from parents and in counseling students and families to meet the requirements of the immunization law.

The school nurse, in cooperation with building administrators, is to provide immunization information to Linn-Benton-Lincoln ESD and Linn County Health Department. The district nurse is to work closely with the health department as the department conducts its review of immunization data and prepares exclusion orders. The nurse will coordinate the exclusion of local students identified by the health department from district schools. The transportation department will cooperate with the nurse and building administrators during this exclusion period. The district nurse will coordinate the re-entry of students as they meet immunization requirements and are allowed to re-enter school.



Code: **JHCC**
Adopted: 2/8/88; 3/14/88
Revised/Readopted: 8/10/98, 12/11/06,
1/8/18, 11/9/2020
Orig. Code(s): BP 3520; BP 5422

Communicable Diseases - Students

The district shall provide reasonable protection against the risk of exposure to communicable disease for students. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures as provided for by Oregon law, by the local health department or in the *Communicable Disease Guidance* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA). Services will ~~not~~ be provided to students as required by law.

A student will not attend school while in a communicable stage of a restrictable disease or when an administrator has reason to suspect that any susceptible student has or has been exposed to any disease for which the student is required to be excluded in accordance with law and per administrative regulation JHCC-AR - Communicable Diseases - Students. If the disease is a reportable disease, the administrator will report the occurrence to the local health department. The administrator will also take whatever reasonable steps it considers necessary to organize and operate its programs in a way which both furthers the education and protects the health of students and others.

The district may, for the protection of both the student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting.

The district will include, as a part of its emergency plan, a description of the actions to be taken by district personnel in the case of a declared public health emergency or other catastrophe that disrupts district operations.

The district shall protect the confidentiality of each student's health condition ~~and~~ record to the extent possible and consistent with federal and state law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

The superintendent will develop administrative regulations necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 431.150 to -431.57](#)
[ORS 433.001 to -433.526](#)
[OAR 333-018](#)

[OAR 333-019-0010](#)
[OAR 333-019-0014](#)
[OAR 437-002-0360](#)

[OAR 437-002-0377](#)
[OAR 581-022-2220](#)

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (2017).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2017); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).



Communicable Diseases – Student

In accordance with state law, administrative rule, the local health authority and the *Communicable Disease Guidance*, the procedures established below will be followed.

1. “Restrictable diseases” are defined by rule and include but are not limited to COVID-19¹, chickenpox, diphtheria, hepatitis A, hepatitis E, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxigenic Escherichia coli (STEC) infection, shigellosis and infectious tuberculosis, and may include a communicable stage of hepatitis B infection if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by the local public health administrator² after determining that it poses a danger to the public’s health.
2. “Susceptible” for a child means lacking documentation of immunization required under OAR 333-050-0050.
3. “Reportable disease” means a disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health.

Restrictable Diseases

1. A student of the district will not attend a district school or facility while in a communicable stage of a restrictable disease, including a communicable stage of COVID-19², unless authorized to do so under Oregon law. When an administrator has reason to suspect any child has a restrictable disease, the administrator shall send the student home.
2. An administrator shall exclude a susceptible child from school if the administrator has reason to suspect that the student has been exposed measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the public’s health. The administrator may request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator will report the occurrence to the local health department.
3. An administrator shall exclude a student if the administrator has been notified by a local public health administrator or local public health officer that the student has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.

¹ Added per OAR 333-019-1000(2).

² “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19.

4. A student will be excluded in such instances until such time as the student or the parent or guardian of the student presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 - 677.525, a nurse practitioner licensed under ORS 678.375 - 678.390, local health department nurse or school nurse stating that the student does not have or is not a carrier of any restrictable diseases.
5. The district may, for the protection of both the student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting. A student may remain in an alternative educational setting until such time as a certificate from a physician, physician assistant, nurse practitioner, local health department nurse or school nurse states that the student does not have or is not a carrier of any restrictable disease, or until such time as a local public health administrator states that the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. A restrictable disease exclusion for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may be removed by a school nurse or health care provider.

More stringent exclusion standards for students from school may be adopted by the local health department.

The district's emergency preparedness plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by the Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate district response when the administrator is notified that a student or an employee has been exposed to a restrictable disease that is also a reportable disease.
3. An administrator shall determine other persons who may be informed of a student's communicable disease when a legitimate educational interest exists or for health and safety reasons accordance with law.

Education

1. The administrator or designee shall seek information from the district's school nurse or other appropriate health officials regarding the health needs/hazards of all students and the impact on the educational needs of a student diagnosed with a restrictable disease or exposed to a restrictable disease.
2. The administrator or designee shall, utilizing information obtained above, determine an educational program for such a student and implement the program in an appropriate (i.e., regular or alternative) setting.
3. The administrator or designee shall review the appropriateness of the educational program and the educational setting of each individual student diagnosed with a restrictable disease.

Equipment and Training

1. The administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The administrator or designee shall consult with the district's school nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.
3. All district personnel will be instructed annually use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA). (*See policy EBBAA*).



Code: **JHCC/GBEB -AR**
Adopted: 11/12/96
Readopted: 8/10/98, 9/13/04, 12/11/06
Orig Code: AR 3521

Communicable Diseases

In accordance with state law, rule and health authority communicable disease guidelines, procedures, as established below, will be followed:

School Restrictable/School Reportable Diseases

1. Restrictable diseases are communicable diseases which occur in a setting where predictable and/or serious consequences may occur to the public. School restrictable diseases are defined as a disease which can be readily transmitted in a school setting and to which students and/or employees in a school may be particularly susceptible;
2. A district employee who is diagnosed to have a school restrictable disease shall not engage in any occupation which involves contact with students as long as the disease is in a communicable stage;
3. A student who is diagnosed to have a school restrictable disease shall not attend school as long as the disease is in a communicable stage. These restrictions are removed by the written statement of the local health officer or designee or a licensed physician (with the concurrence of the local health officer) that the disease is no longer communicable to others in the school setting. For those diseases indicated by an asterisk (*) the restriction may be removed by a school nurse. For pediculosis, or head lice (indicated by a double asterisk (**)), the restriction may be removed *by nurse or office staff after visual inspection shows student is free from lice and nit infestation*. School restrictable diseases include, but are not limited to:

- | | |
|-------------------------------|---------------------------------------|
| a. Chicken pox*; | h. Pertussis (whooping cough); |
| b. Cholera; | i. Plague; |
| c. Diphtheria; | j. Rubella (German measles); |
| d. Measles; | k. Scabies*; |
| e. Meningococcal disease; | l. Staphylococcal skin infections*; |
| f. Mumps*; | m. Streptococcal infections*; |
| g. Pediculosis** (head lice); | n. Tuberculosis; |
| | o. Pandemic flu or other catastrophe. |

The school administrator may, when he/she has reasonable cause to believe the student has a school restrictable disease, exclude that student from attendance until a physician, public health nurse or school nurse certifies that the student is not infectious to others;

4. The local health officer or designee may allow students and employees with diseases in a communicable stage to continue to attend and to work in a school when measures have been taken to prevent the transmission of the disease;
5. More stringent rules for exclusion from school may be adopted by the local health department or by the district through Board-adopted policy;
6. A disease may not be considered to be a school restrictable disease unless it is listed in section 3. above, in accordance with OAR 333-019-0015 (2), it has been designated to be a school restrictable disease through Board policy or the local health administrator determines that it presents a significant public health risk in the school setting;
7. When a person is diagnosed as having diphtheria, measles, pertussis (whooping cough) or rubella (German measles), the local health officer may exclude from any school in his/her jurisdiction any student or employee who is susceptible to that disease.
8. The district's emergency preparedness plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Notification

1. Any staff member who has reason to suspect that a student is infected with a reportable, but not school restrictable disease shall so inform the school administrator. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by Oregon Health Services and county health department.
2. Employees have a responsibility to report to the district when infected with a school restrictable communicable disease unless stated otherwise by law.
3. In the event a school administrator is informed that a staff member or student may have a reportable disease, he/she will seek confirmation and assistance from the local health department to determine the appropriate district response. Reportable diseases include, but are not limited to:

a. Acquired immunodeficiency syndrome (AIDS);	p. Haemophilus influenzae-caused invasive disease;	cc. Pertussis;
b. Amebiasis;	q. Hemolytic uremic syndrome;	dd. Plague;
c. Anthrax;	r. Hepatitis (A; B; non-A, non-B and delta);	ee. Poliomyelitis;
d. Botulism;	s. HIV infection*;	ff. Psittacosis;
e. Brucellosis;	t. Leprosy;	gg. Q fever;
f. Campylobacteriosis;	u. Leptospirosis;	hh. Rabies (human and animal cases);
g. Chancroid;	v. Listeriosis;	ii. Rocky Mountain spotted fever;
h. Chlamydia trachomatis infection of the genital tract;	w. Lyme disease;	jj. Rubella (including congenital rubella syndrome);
i. Cholera;	x. Lymphogranuloma venereum;	kk. Salmonellosis (including typhoid fever);
j. Cryptosporidiosis;	y. Malaria;	ll. Shigellosis;
k. Diphtheria;	z. Measles (Rubeola);	mm. Syphilis;
l. Escherichia coli 0157-caused illness;	aa. Meningococcal disease;	nn. Tetanus;
m. Food-borne illness;	bb. Pelvic inflammatory disease, acute, nongonococcal;	oo. Trichinosis;
n. Giardiasis;		pp. Tuberculosis;
o. Gonococcal infections;		qq. Tularemia;
		rr. Yersiniosis.

*Does not apply to anonymous HIV testing.

4. With consultation and direction from the district's school nurse or appropriate health authorities, the school administrator or designee shall determine which other persons may be informed of the infectious nature of the individual student or employee within guidelines provided in statute.

Education

1. The school administrator or designee shall seek information from the district's school nurse or other appropriate health officials regarding the health needs/hazards of all students and the educational needs of the infected student.
2. The school administrator or designee shall, utilizing information obtained in section 1. above, determine an educational program for the infected student and implement same in an appropriate (regular or alternative) setting.
3. The school administrator or designee shall, from time-to-time, review the appropriateness of the educational program and the setting of each individual student.

Equipment and Training

1. The school administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The school administrator or designee shall consult with the district's school nurse or other appropriate health officials as to whether it is necessary to provide special training in the methods of protection from such communicable disease.

All district personnel will be instructed annually by the school health nurse on the proper precautions pertaining to blood and body fluid exposure.

END OF REGULATION



Code: **JHCCA**
Adopted: 8/10/98
Revised/Readopted: 9/13/04, 9/9/13

Students – HIV, HBV and AIDS **

The district will adhere strictly in policies and procedures to the Oregon Revised Statutes and the Oregon Administrative Rules as they relate to a student infected with HIV or HBV, or diagnosed with AIDS¹.

The district recognizes a parent (student) has no obligation to inform the district of an HIV, HBV or AIDS condition and that the student has a right to attend school.

If the district is informed of such a student, written guidelines shall be requested of the parent (student). These guidelines shall include who may have the information, who will give the information, how the information will be given and where and when the information will be given.

When informed of the infection, and with written permission from the parent (student), the district will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. The team shall continue to monitor the student's condition.

Notification of alternative education programs shall be made to the parent or eligible student, if an HIV, HBV or AIDS student withdraws from school.

The district shall also develop procedures for rumor control, infection control, student accommodations and public relations/media.

END OF POLICY

Legal Reference(s):

[ORS 326.565](#)
[ORS 326.575](#)
[ORS 332.061](#)
[ORS 336.187](#)

[ORS 339.030](#)
[ORS 339.250](#)
[ORS 433.008](#)
[ORS 433.045](#)

[OAR 333-012-0265](#)
[OAR 333-012-0270](#)
[OAR 333-018-0000](#)
[OAR 333-018-0005](#)

[OAR 581-022-0705](#)
[OAR 581-022-1660](#)

Oregon School Health Services Manual: Communicable Diseases Appendix IV.
Guidelines for Schools with Children Who have Bloodborne Pathogens, Oregon Department of Education 2012.

¹HIV - Human Immunodeficiency Virus; HBV - Hepatitis B Virus; AIDS - Acquired Immune Deficiency Syndrome



Code: **JHCCB**
Adopted: 8/10/98
Readopted: 9/13/04

Students - HIV, AIDS**

This policy applies to special risk students five years or younger who are HIV as well as all students with AIDS.

“Special risk” students as used in this policy and as defined by the Oregon Department of Human Services, Health Services means students who lack control of their body secretions or who display behaviors such as biting, spitting or scratching and/or who have uncoverable, oozing lesions.

The district shall adhere strictly in policies and procedures to the Oregon Revised Statutes and Oregon Administrative Rules as they relate to a student infected with HIV or AIDS¹.

A student with HIV or AIDS must notify the district superintendent for continued educational services.

If the parent or student does not notify the school district, the Oregon Department of Human Services, Health Services or local health department will issue an order to exclude the student from school, or the parent (student) may voluntarily withdraw from school. In either case, the district must notify the student and parent of alternative education programs.

If the district is informed, written guidelines shall be requested of the parent (student). These guidelines shall include who may have the student information, who will give the information, how the information will be given and where and when the information will be given.

After the Oregon Department of Human Services, Health Services or local health department evaluates the student’s risks to others, including any restrictions which may be required, this condition will be reported by the parents to the district.

When informed and with written permission from the parent (student), the district will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. Monitoring of the student’s condition shall be included.

The district shall also develop policies and/or procedures for rumor control, infection control, student accommodations and public relations/media.

END OF POLICY

Legal Reference(s):

[ORS 326.565](#)
[ORS 326.575](#)
[ORS 332.061](#)
[ORS 336.187](#)
[ORS 339.030](#)

[ORS 339.250](#)
[ORS 433.008](#)[ORS 433.045](#)
[ORS 433.255](#)
[ORS 433.260](#)
[OAR 333-012-0270](#)

[OAR 333-018-0000](#)
[OAR 333-018-0005 \(1\)](#)
[OAR 333-018-0030](#)
(3)(a)(C),(D)
[OAR 333-019-0031](#)

[OAR 581-022-0705](#)
[OAR 581-022-1660](#)
[OAR 581-022-1910](#)

Guidelines for Schools with Children Who Have Hepatitis B Virus or Human Immunodeficiency Virus Infection, Oregon Health Division (1995).

¹HIV- Human Immunodeficiency Virus, AIDS - Acquired Immune Deficiency Syndrome



Code: **JHCCF**
Adopted: 9/9/13, 4/10/17

Pediculosis (Head Lice)

(Excludes students infested with either live lice or nits.
Does not allow attendance of students with nits.)

The Board recognizes that district programs should be conducted in a manner that protects and enhances student and employee health and is consistent with recognized health practices. Consequently, in order to prevent the spread of pediculosis (head lice) in the school setting, district staff shall institute guidelines for classrooms that will assist in the prevention of and the spread of head lice. A student with a suspected case of lice shall be referred to the school nurse or administrator for an assessment. A student found with live lice or nits (lice eggs) will be excluded from school attendance. The district recognizes that the Oregon Health Authority, Public Health Division, no longer requires exclusion of a student for the presence of nits and allows the discretion of the district. A student excluded from school will be readmitted after an assessment by designated personnel to confirm no live lice or nits are present, and may be subject to period checks.

Successful treatment of head lice requires a coordinated approach and may involve the use of anti-louse products, combing and implementation of preventative measures recommended by health authorities. Treatment information will be provided by the district to parents of students found to have contracted head lice. It is the district's intent to encourage elimination of the current infestation and to prevent a repeat episode.

The superintendent will develop administrative regulations, as necessary, to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 433.255](#)
[ORS 433.260](#)

[OAR 333-019-0010](#)
[OAR 437-002-0360](#)
[OAR 581-022-0705](#)



Pediculosis (Head Lice)

(Excludes students infested with either live lice or nits. Does not allow attendance of students with nits.)

A student found to have contracted head lice will be subject to the following procedures:

1. Suggested school measures for head lice control, as provided in *Communicable Disease*¹ issued through the Oregon Department of Education;
2. Periodic head lice checks of students are not recommended however, screening recommendations are as follows:
 - a. Criteria for screening an individual for lice are:
 - i. Persistent itching or scratching;
 - ii. Known exposure to sibling or other close contact with head lice (e.g., seat mate in classroom, locker partners, overnight sleep activities, scouts, etc.); or
 - iii. Self (student or parent) referral.
 - b. Three nonrelated cases of head lice in a classroom within 10 consecutive school days requires that all students in the classroom be screened by the following school day;
 - c. If there is infestation among three percent of the entire student population within 10 consecutive school days, there should be a screening of all students in the school within one week. Multiple cases from a single household count as one case for purposes of calculating the percent of students infested.
3. Students found to have contracted head lice will be excluded from school (Oregon Administrative Rule (OAR) 333-019-0010);
4. Treatment information, district policy requirements and readmittance provisions will be provided to the parent. A parents will be advised to:
 - a. Use a lice-killing agent that a health care provider, school nurse or local health authority has recommended on all family members who have symptoms of infestation;
 - b. Follow the personal and household cleaning instructions provided by the district, health care provider or local health authority, as appropriate; and
 - c. Remove all nits after treatment.
5. Following treatment, the student may be readmitted to school. A parents must either accompany their student to school for readmittance or provide a signed statement that treatment has been initiated;
6. The student will be subject to screening by designated personnel to determine the treatment's effectiveness. The student will be readmitted to school or denied admittance, as appropriate. The absence of live lice or nits is required for readmittance. In the event the student is not readmitted to school, parents will be notified;
7. A students who has been readmitted to school will be subject to follow-up screening by designated personnel;
8. The parent should contact their local health department in the event additional assistance and/or information is needed regarding the treatment of the student, other family members, close contacts and the home environment (e.g., bedding, linens, grooming equipment, etc
9. A students with chronic head lice may be referred for follow-up to the school's nurse or local health department, as appropriate;
10. A parent who identifies head lice on their student(s) at home should complete treatment prior to the readmission of their student, as required above. A parent is also encouraged to notify the school of their student's condition so that appropriate preventative measures may be implemented at school.

¹<http://www.oregon.gov/ode/students-and-family/healthsafety/Documents/commmdisease.pdf>



Medications/***

The district recognizes that administering a medication to a student and/or permitting a student to administer a medication to themselves, may be necessary when the failure to take such medication during school hours would prevent the student from attending school, and recognizes a need to ensure the health and well-being of a student who requires regular doses or injections of a medication as a result of experiencing a life-threatening allergic reaction or adrenal crisis¹, or a need to manage hypoglycemia, asthma or diabetes. Accordingly, the district may administer or a student may be permitted to administer to themselves prescription (injectable and noninjectable) and/or nonprescription (noninjectable) medication at school.

The district shall designate personnel authorized to administer medications to students. Training shall be provided to designated personnel as required by law in accordance with guidelines approved by the Oregon Department of Education (ODE).

A current first-aid and CPR card is required for designated personnel.

When a licensed health care professional is not immediately available, personnel designated by the district may administer to a student, epinephrine, glucagon or another medication to a student as prescribed and/or allowed by Oregon law.

The district reserves the right to reject a request for district personnel to administer, or to permit a student to administer to themselves, a medication when such medication is not necessary for the student to remain in school.

The superintendent and/or designee will require that an individualized health care plan and allergy plan is developed for every student with a known life-threatening allergy, and an individualized health care plan for every student for whom the district has been given proper notice of a diagnosis of adrenal insufficiency. Such a plan will include provisions for administering medication and/or responding to emergency situations while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity.

A student may be allowed to self-administer a medication for asthma, diabetes, hypoglycemia or severe allergies as prescribed by an Oregon licensed health care professional, upon written and signed request of the parent or guardian and subject to age-appropriate guidelines. This self-administration provision also requires a written and signed confirmation the student has been instructed by the Oregon licensed health care professional on the proper use of and responsibilities for the prescribed medication.

A request to the district to administer or allow a student to self-administer prescription medication or a nonprescription medication that is not approved by the Food and Drug Administration (FDA) shall include a signed prescription and treatment plan from a prescriber² or an Oregon licensed health care professional. written request and permission form signed by a student's parent or guardian, unless the student is allowed to access medical care without parental consent under state law³, is required and will be kept on file.

¹Under proper notice given to the district by a student or student's parent or guardian.

²A registered nurse who is employed by a public or private school, ESD or local public health authority to provide nursing services at a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.

If the student is deemed to have violated Board policy or medical protocol by the district, the district may revoke the permission given to a student to self-administer medication.

Prescription and nonprescription medication will be handled, stored, monitored, disposed of and records maintained in accordance with established district administrative regulations governing the administration of prescription or nonprescription medications to students, including procedures for the disposal of sharps and glass.

A process shall be established by which, upon parent or guardian written request, a back-up prescribed autoinjectable epinephrine is kept at a reasonably, secure location in the student's classroom as provided by state law.

A premeasured dose of epinephrine may be administered by designated personnel to any student or other individual on school premises who a staff member believes, in good faith, is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

This policy shall not prohibit, in any way, the administration of recognized first aid to a student by district employees in accordance with established state law, Board policy and administrative regulation.

A school administrator, teacher or other district employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of prescription and/or nonprescription medication, subject to state law.

A school administrator, school nurse, teacher or other district employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of a student's self-administration of medication, when that person in good faith assisted the student in self-administration of the medication, subject to state law.

A school administrator, school nurse, teacher or other district employee designated by the school administration is not liable in a criminal action or for civil damages, when that person in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy, who is unable to self-administer the medication, subject to state law.

The district and the members of the Board are not liable in a criminal action or for civil damages when a student or individual is unable to self-administer medication, when any person in good faith administers autoinjectable epinephrine to a student or individual, subject to state law.

The superintendent shall develop administrative regulations as needed to meet the requirements of law, Oregon Administrative Rules and the implementation of this policy.

END OF POLICY

Legal Reference(s):

³Subject to ORS 109.610, 109.640 and 109.675.

[ORS 109.610](#)
[ORS 109.640](#)
[ORS 109.675](#)
[ORS 332.107](#)
[ORS 339.866](#) to -339.871

[ORS 433.800](#) to -433.830
[ORS 475.005](#) to -475.285
[OAR 166-400-0010](#)(17)
[OAR 166-400-0060](#)(29)

[OAR 333-055-0000](#) to -0035
[OAR 581-021-0037](#)
[OAR 581-022-2220](#)
[OAR 851-047-0030](#)
[OAR 851-047-0040](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2017); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).
OREGON HEALTH AUTHORITY AND OREGON DEPARTMENT OF EDUCATION, *Medication Administration in Oregon Schools: A Manual for School Personnel* (2016).



Code: **JHCD/JHCDA -AR**
Adopted: 3/11/91
Readopted/Revised: 8/10/98, 3/8/99, 9/8/03, 1/14/08,
8/9/10, 1/13/14, 1/12/15,
5/11/15, 9/14/15, 1/8/18, 9/10/18
Orig. Code: AR 5423

Medications/***

Students may, subject to the provisions of this administrative regulation, have prescription or nonprescription medication administered by designated personnel, or may be permitted to administer prescription or nonprescription medication to themselves.

1. Definitions:

- a. "Medication" means any drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken internally or externally but not injected except for premeasured doses of epinephrine, medication to treat adrenal insufficiency and glucagon to treat severe hypoglycemia. Medication includes any prescription for bronchodilators or auto injectable epinephrine prescribed by a student's Oregon licensed health care professional for asthma or severe allergies.
- b. "Prescription medication" means any medication that under federal or state law requires a prescription by a prescriber.
- c. "Nonprescription medication" means medication that under federal law does not require a prescription from a prescriber.
- d. "Adrenal crisis" means adrenal crisis as defined in Oregon Revised Statute (ORS) 433.800.
- e. "Adrenal insufficiency" means adrenal insufficiency as defined in ORS 433.800.
- f. "Notice of a diagnosis of adrenal insufficiency" means written notice to the district from a student or the parent or guardian of a student who has been diagnosed as adrenal insufficient with a copy of an order from the student's primary care provider that includes the student's diagnosis, description of symptoms indicating the student is in crisis, prescription for medication to treat adrenal insufficiency crisis and instructions for follow-up care after medication to treat adrenal insufficiency crisis has been administered.
- g. Prescriber¹ means a doctor of medicine or osteopathy, a physician assistant licensed to practice by the Board of Medical Examiners for the state of Oregon, an Oregon-licensed, advance practice registered nurse with prescriptive authority, a dentist licensed by the Board of Dentistry for the state of Oregon, an optometrist licensed by the Board of Optometry for the state of Oregon, a naturopathic physician licensed by the Board of Naturopathy for the state of Oregon or a pharmacist licensed by the Board of Pharmacy for the state of Oregon.
- h. "Qualified trainer" means a person who is familiar with the delivery of health services in a school setting and who is a registered nurse licensed by the Oregon State Board of Nursing, a doctor of medicine or osteopathy or a physician assistant licensed by the Board of Medical Examiners for the state of Oregon or a pharmacist licensed by the Board of Pharmacy for the state of Oregon.
- i. "Severe allergy" means a life-threatening hypersensitivity to a specific substance such as food, pollen, ~~or~~ dust or insect sting.
- j. "Asthma" means a chronic inflammatory disorder of the airways that requires ongoing medical intervention.
- k. "Designated personnel" means the school personnel designated to administer medication pursuant to district policy and procedure.

2. Designated Staff/Training

¹A registered nurse who is employed by a public or private school, ESD or local public health authority to provide nursing services at a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.

- a. The principal will designate personnel authorized to administer prescription or nonprescription medication to a student while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in a before-school or after-school care programs on school-owned property and in transit to or from school or a school-sponsored activity, as required by Oregon law. The principal will supervise and ensure building and activity practices and procedures are consistent with the requirements of law, rules and this administrative regulation.
- b. The principal will ensure the training required by Oregon law is provided to designated personnel. Training must be conducted by a qualified trainer. Training will be provided annually to designated personnel authorized to administer medication to students. The first year and every third year of training requires in-person instruction; during the intervening years, designated personnel may complete an online training that has been approved by the Oregon Department of Education (ODE) so long as a trainer is available within a reasonable amount of time following the training to answer questions and provide clarification.
- c. Training will provide an overview of applicable provisions of Oregon law, administrative rules, district policy and administrative regulations and include, but not be limited to, the following: safe storage, handling, monitoring medication supplies, disposing of medications, record keeping and reporting of medication administration and errors in administration, emergency medical response for life-threatening side effects, allergic reactions or adrenal insufficiency and student confidentiality. Materials as recommended and/or approved by the ODE will be used.
- d. A copy of the district's policy and administrative regulation will be provided to all staff authorized to administer medication to students and others, as appropriate.
- e. A statement that the designated personnel has received the required training will be signed by the staff member and filed in the district office.

3. Administering Premeasured Doses of Epinephrine to a Student or Other Individual

A premeasured dose of epinephrine may be administered by trained, designated personnel to any student or other individual on school premises who the personnel believe, in good faith, is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

4. Administering of Medication to a Student Experiencing Symptoms of Adrenal Crisis

A student experiencing symptoms of adrenal crisis while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from a school or a school-sponsored activity, may be treated by designated personnel and shall be subject to the following:

- a. Upon notice of a diagnosis of adrenal insufficiency, as defined in Oregon Administrative Rule (OAR) 581-021-0037, the building principal will designate one or more school personnel to be responsible for administering the medication to treat adrenal insufficiency;
- b. The designated personnel will successfully complete training to administer medication to treat a student who has adrenal insufficiency and is experiencing symptoms of adrenal crisis in accordance with the rules adopted by the Oregon Health Authority;
- c. The student or the student's parent or guardian must provide adequate supply of the student's prescribed medication to the district;
- d. The district will require the development of an individualized health care plan for the student that includes protocols for preventing exposures to allergens, and establishes if or when a student may self-carry prescription medication when the student has not been approved to self-administer medication;
- e. In the event that a student experiences symptoms of adrenal crisis and the designated personnel determines the medication to treat adrenal insufficiency should be administered, any available staff member will immediately call 911 and the student's parent or guardian.

5. Administering Medications to a Students

- a. A request to permit designated personnel to administer medication to a student may be approved by the district and is subject to the following:
 - (1) A written request for designated personnel to administer prescription medication to a student, if because of the prescribed frequency schedule, the medication must be given while the student is in school, at a school-sponsored activity, while under the supervision of school personnel and in transit to or from school or a school-sponsored activity, must be submitted to the school office and shall include:
 - (a) The written permission of the student's parent or guardian or the student if the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675; and
 - (b) The written instruction from prescriber for the administration of the medication to the student that includes:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Method of administration;
 - (iv) Dosage;
 - (v) Frequency of administration;
 - (vi) Other special instructions from the prescriber, if any; and
 - (vii) Signature of the prescriber.
 - (c) The prescription label prepared by a pharmacist at the direction of the prescriber, will be considered to meet this requirement if it contains the information listed in (i)-(vi) above.
 - (2) A written request for designated personnel to administer nonprescription medication to a student must be submitted to the school office and is subject to the following:
 - (a) The nonprescription medication is necessary for the student to remain in school;
 - (b) The nonprescription medication is provided in the original manufacturer's container by the parent or guardian of the student;
 - (c) The written instruction from the student's parent or guardian for the administration of the nonprescription medication includes:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Method of administration;
 - (iv) Dosage;
 - (v) Frequency of administration;
 - (vi) Other special instructions, if any; and
 - (vii) Signature of the student's parent or guardian.

If the written instruction is not consistent with the manufacturer's guidelines for the nonprescription medication, the written instruction must also include a written order allowing the inconsistent administration signed by a prescriber.

- (d) If the nonprescription medication is not approved by the Food and Drug Administration (FDA), a written order from the student's prescriber is required and will include:
 - (i) Name of the student;

- (ii) Name of the medication;
 - (iii) Dosage;
 - (iv) Method of administration;
 - (v) Frequency of administration;
 - (vi) A statement that the medication must be administered while the student is in school;
 - (vii) Other special instructions, if any; and
 - (viii) Signature of the prescriber.
- b. An individualized health care and allergy plan will be developed for a student with a known life-threatening allergy and will include protocols for preventing exposures to allergens and procedures for responding to life-threatening allergic reactions while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity, and will include a determination on if or when the student may self-carry prescription medication if the student has not been approved to self-administer medication;
- c. -It is the student's parent or guardian's, or the student's if the student is allowed to seek medical care without parental consent, responsibility to ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;
- d. It is the student's parent or guardian's, or the student's if the student is allowed to seek medical care without parental consent, responsibility to ensure that the school is informed in writing of any changes in medication instructions;
- e. In the event a student refuses medication, the parent or guardian will be notified immediately, except where a student is allowed to seek medical care without parental consent. No attempt will be made to administer medication to a student who refuses a medication;
- f. Any error in administration of a medication will be reported to the parent or guardian immediately, except where a student is allowed to seek medical care without parental consent, and documentation will be made on the district's Accident/Incident Report form. Errors include, but are not limited to, administering medication to the wrong student, administering the wrong medication, dose, frequency of administration, or method of administration;
- g. Medication shall not be administered until the necessary permission form and written instructions have been submitted as required by the district.

6. Administration of Medication by a Student to Themselves

- a. A student, including a student in grade K through 12 with asthma or severe allergies, may be permitted to administer medication to themselves without assistance from designated personnel and is subject to the following:
 - (1) A student must demonstrate the ability, developmentally and behaviorally, to self-administer prescription medication and must have:
 - (a) A permission form from a parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675, and other documentation requested by the district must be submitted for self-medication of all prescription medications;
 - (b) If the student has asthma, diabetes and/or a severe allergy, Aa medication that is prescribed by a prescriber and a written treatment plan developed by a prescriber or other Oregon licensed health care professional for managing of the student's asthma, diabetes and/or severe allergy, and directs use by the student while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care programs on school-owned property and in transit to or from school or a school-sponsored activity. The prescriber will include acknowledgment that the student has been instructed in the correct and responsible use of the prescribed

- medication;
 - (b) The permission to self-administer the medication from a building administrator and a prescriber or registered nurse practicing in a school setting.
- (2) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication and must have:
- (a) The written permission of the student's parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675;
 - (b) The student's name affixed to the manufacturer's original container; and
 - (c) The permission to self-administer medication from a building administrator.
- (3) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication that is not approved by the FDA and must have:
- (a) The written permission of the student's parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675; and
 - (b) A written order from the student's prescriber that includes:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Dosage;
 - (iv) Method of administration;
 - (v) Frequency of administration;
 - (vi) A statement that the medication must be administered while the student is in school;
 - (vii) Other special instructions, if any; and
 - (viii) Signature of the prescriber.
- b. The student may have in his/her possession only the amount of medication needed for that school day, except for manufacturer's packaging that contains multiple dosage, the student may carry one package, such as, but not limited to, auto injectable epinephrine or bronchodilators/inhalers;
 - c. Sharing and/or borrowing of any medication with another student is strictly prohibited;
 - d. For a student who has been prescribed bronchodilators or epinephrine, the designated personnel will request; that the parent or guardian provide backup medication for emergency use by that student. Backup medication, if provided, will be kept at the student's school in a location to which the student has immediate access in the event the student has an asthma and/or severe allergy emergency;
 - e. ~~i~~ Upon written request from a parent or guardian, and with a prescriber's written statement that the lack of immediate access to a backup auto injectable epinephrine may be life threatening to a student, and the location the school stores backup medication is not located in the student's classroom, a process shall be established to allow the backup auto injectable epinephrine to be kept in a reasonably secure location in the student's classroom;
 - f. A student shall not administer medication to themselves until the necessary permission form and written instructions have been submitted as required by the district;
 - g. Permission for a student to administer medication to themselves may be revoked if the student violates the Board policy and/or this administrative regulation;
 - h. A student may be subject to discipline, up to and including expulsion, as appropriate;
 - i. A student permitted to administer medication to themselves may be monitored by designated personnel to monitor the student's response to the medication.

7. Handling, Monitoring and Safe Storage of Medication Supplies for Administering Medication to Students

- a. Medication administered by designated personnel to a student or self-administered by a student, must be delivered to the school; in its original container, accompanied by the permission form and written instructions, as required above.
- b. Medication in capsule or tablet form and categorized as a sedative, stimulant, anticonvulsant, narcotic analgesic or psychotropic medication will be counted by designated personnel in the presence of another district employee upon receipt, documented in the student's medication log and routinely monitored during storage and administration. Discrepancies will be reported to the principal immediately and documented in the student's medication log. For such medication not in capsule or tablet form, standard measuring and monitoring procedures will apply.
- c. Designated personnel will follow the written instructions of the prescriber and the student or the student's parent or guardian, and training guidelines as may be recommended by the ODE for administering all forms of prescription and/or nonprescription medications.
- d. Medication will be secured as follows:
 - (1) Non-refrigerated medications will be stored in a locked cabinet, drawer or box used solely for the storage of medication;
 - (2) Medications requiring refrigeration will be stored in a locked box in a refrigerator;
 - (3) Access to medication storage keys will be limited to the principal and designated personnel.
- e. Designated personnel will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times, not left unattended after administering and that the medication container is properly sealed and returned to storage.
- f. In the event medication is running low or an inadequate dosage is on hand to administer the medication, the designated personnel will notify the student's parent or guardian or the student (in situations involving ORS 109.610, 109.640 and 109.675) immediately.

8. Emergency Response

- a. Designated personnel will notify 911 or other appropriate emergency medical response systems and administer first aid, as necessary, in the event of life-threatening side effects that result from district-administered medication or from student self-medication or allergic reactions. The parent or guardian, school nurse and principal will be notified immediately.
- b. Minor adverse reactions that result from district-administered medication or from student self-medication will be reported to the parent or guardian immediately, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675.
- c. Any available district staff will immediately call 911 and the student's parent or guardian if the designated personnel believes the student is experiencing symptoms of adrenal crisis and plans to administer medication.

9. Disposal of Medications

- a. Medication not picked up by the student's parent or guardian, or the student when allowed pursuant to ORS 109.610, 109.640 and 109.675, at the end of the school year or within five school days of the end of the medication period, whichever is earlier, will be disposed of by designated personnel in a non-recoverable fashion as follows:
 - (1) Medication will be removed from its original container and personal information will be destroyed;
 - (2) Solid medications will be crushed, mixed or dissolved in water, liquid medications will be mixed or dissolved in water; and
 - (3) Mixed with an undesirable substance, e.g., coffee grounds, kitty litter, flour; and
 - (4) Placed in impermeable non-descriptive containers, e.g., empty cans or sealable bags, and placed in the trash.

Prescriptions will be flushed down the toilet **only** if the accompanying patient information specifically instructs it is safe to do so.

Other medication will be disposed of in accordance with established training procedures including sharps and glass.

- b. All medication will be disposed of by designated personnel in the presence of another school employee and documented as described in Section 10, below.

10. Transcribing, Recording and Record Keeping

- a. A medication log will be maintained for each student administered medication by the district. The medication log will include, but not be limited to:
 - (1) The name of the student, name of medication, dosage, method of administration, date and time of administration, frequency of administration and the name of the person administering the medication;
 - (2) Student refusals of medication;
 - (3) Errors in administration of medication;
 - (4) Incidents of emergency and minor adverse reaction by a student to medication;
 - (5) Discrepancies in medication supply;
 - (6) Disposal of medication including date, quantity, manner in which the medication was destroyed and the signature of the staff involved.
- b. All records relating to administration of medications, including permissions ~~slips~~ and written instructions, will be maintained in a separate medical file apart from the student's education records file unless otherwise related to the student's educational placement and/or individualized education program. Records will be retained in accordance with applicable provisions of OAR 166-400-0010(17) and OAR 166-400-0060(29).
- c. Student health information will be kept confidential. Access shall be limited to those designated personnel authorized to administer medication to students, the student and his/her parents or guardian. Information may be shared with other staff with a legitimate educational interest in the student or others as may be authorized by the parent or guardian in writing or others as allowed under state and federal law.

9/28/17 | PH



Code: **JHDA**
Adopted: 3/14/88
Readopted: 8/10/98, 9/13/04
Orig. Code(s): BP 5500

Psychological Testing of Students**

Psychological evaluations will be administered to students only by certified or licensed psychologists or by licensed psychiatrists employed for this purpose or by interns under their supervision. Adherence to this policy will ensure quality psychological services and will protect the educational rights, dignity and privacy of students and parents.

Psychological evaluations will be made only after informed and written consent of the student's parent or surrogate is obtained, unless the student is of legal age to give his/her informed and written consent. Psychological data will be only one of several criteria for determining any change in a student's educational program. Psychological data older than three years will not be used as a basis for prescriptive teaching or placement.

To ensure confidentiality of psychological records, written parental consent is required prior to the release of psychological data. The aforementioned act further requires: (1) the signature of all persons, agencies or organizations desiring access to the records of students; (2) the right of parents to inspect all psychological records pertaining to their student; (3) the opportunity for a hearing to challenge the contents of their student's psychological records; and (4) students, age 18 and older, rights heretofore accorded to parents.

END OF POLICY

Legal Reference(s):

[OAR 581-021-0030](#)
[OAR 581-021-0046 \(7\)](#)
[OAR 581-022-1670](#)

Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000).
Protection of Pupil Rights, 20 U.S.C. Section 1232h; 34 CFR Part 98 (2000).

Cross Reference(s):

JO - Education Records



Code: **JHF**
Adopted: 3/14/88
Readopted: 8/10/98, 9/13/04
Orig. Code(s): BP 5510

Student Safety Instruction

Instruction in courses in professional technical, science, homemaking, art, physical education and health will include and emphasize safety and accident prevention.

The objectives of safety instruction will include the following as applicable to each unit of work in each course to help students:

1. Learn how to work, play and exercise safely and how to prevent accidents;
2. Learn proper procedures so as to reduce the possibility of accidents;
3. Develop habits of good housekeeping, proper storage and handling of materials;
4. Become familiar with personal protective devices and the proper clothing to be worn for safety purposes;
5. Develop skills in the safe use of tools and equipment;
6. Learn how to cooperate with others in the promotion and operation of a safety program in the school.

Safety instruction will precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors will teach and enforce all safety rules set up for the particular courses. These will include, but not be limited to, the wearing of protective eye devices in appropriate activities.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)

[OAR 581-022-1420](#)

Cross Reference(s):

EB - Safety Program



Code: **JHFA**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5520

Supervision of Students**

The district expects all students to be under assigned adult supervision at all times when they are in school, on school grounds, traveling under school auspices or engaging in school-sponsored activities. School personnel assigned this supervision are expected to act as reasonably prudent adults in providing for the safety of the students in their charge.

In keeping with this expected prudence, no teacher or other staff member will leave his/her assigned group unsupervised except as an arrangement has been made to take care of an emergency.

During school hours or while engaging in school-sponsored activities, students will be released only to the custodial parent or other authorized persons.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)
[ORS 332.107](#)

Cross Reference(s):

JEDB - Students Leaving School Prior to Dismissal



Code: **JHFB**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5530

Student Safety Patrol

Elementary school principals are authorized to maintain student safety patrols in order to assist students crossing streets. Safety patrol programs must follow state-approved guidelines.

END OF POLICY

Legal Reference(s):

[ORS 339.650 - 339.665](#)

[OAR 581-021-0100](#)



Code: **JHFC**
Adopted: 3/14/88
Revised/Readopted: 8/10/98
Orig. Code(s): BP 5540

Student Bicycle Use

Students may ride bicycles to school. Bicycle riders must observe safe and lawful practices. All bicycle riders under the age of 16 must comply with Oregon helmet laws.

Bicycles must be parked in a designated area on school grounds and should be locked. The district assumes no responsibility or liability for loss or damage to bicycles.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS Chapter 814](#)

[OAR 581-021-0050](#)

Cross Reference(s):

ECD - Traffic and Parking Controls



Code: **JHFD**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5550

Student Vehicle Use

All students who drive vehicles to school are subject to parking and driving rules developed by the principal and to the provisions of state law.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.445](#)
[ORS 339.260](#)
[ORS 806.060 - 806.080](#)

[OAR 581-021-0050](#)

Cross Reference(s):

ECD - Traffic and Parking Controls
JFG - Search and Seizure



Code: **JHFD-AR**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): AR 5550

Student Vehicle Use

1. No student vehicle will be permitted to leave the school grounds while school is in session without the permission of the school administration.
2. Local and state traffic laws must be obeyed.
3. All vehicles must be parked in approved and designated areas.
4. Students are not allowed to loiter in parking areas during school hours.
5. Speed limit on school property is 10 mph.
6. Unnecessary noise, dangerous driving and/or misuse of any vehicle will not be tolerated.
7. The school administrator may revoke the student's right to bring a vehicle on campus or to use the vehicle during noon lunch break.

Cross Reference(s):

JHFD - Student Vehicle Use



Code: **JHFE**
Adopted: 3/14/88
Revised/Readopted: 8/10/98, 9/13/04, 11/14/05, 12/10/07, 9/14/09,
8/9/10, 12/12/11
Orig Code: BP 5560

Reporting of Suspected Child Abuse

Any district employee who has reasonable cause to believe that any child with whom he/she has come in contact has suffered abuse or neglect, as defined in state law, or that any adult with whom he/she is in contact has abused a child, will immediately notify the Oregon Department of Human Services, or the local law enforcement agency. The district employee shall also immediately inform his/her supervisor, principal or superintendent.

Child abuse by district employees will not be tolerated. All district employees are subject to this policy and the accompanying administrative regulation. If a district employee is a suspected abuser, reporting requirements remain the same. The district will designate the superintendent to receive reports of child abuse by district employees and specify the procedures to be followed upon receipt of a child abuse report. The district will post in each school building the name and contact information of the person designated to receive child abuse reports, as well as the procedures the superintendent will follow upon receipt of a report. When the superintendent takes action on the report, the person who initiated the report must be notified.

Upon request, the district shall provide records of investigations of suspected child abuse by a district employee or former district employee to law enforcement, Department of Human Services or Teachers Standards and Practices Commission.

Any district employee participating in good faith in the making of a report, pursuant to this policy and Oregon law and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of any such report. Further, the initiation of a report in good faith about suspected child abuse may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected child abuse by a district employee in good faith, the student will not be disciplined by the Board or any district employee. Intentionally making a false report of child abuse is a Class A violation.

The district shall establish written procedures to provide annual training: 1) for district staff in the prevention and identification of child abuse and on the obligations of district employees under ORS 419B.005 as directed by Board policy to report suspected child abuse; 2) for parents and legal guardians of students attending district schools on the prevention, identification of child abuse and the obligation of district employees to report suspected child abuse, separate from district staff training; and 3) designed to prevent child abuse available to students attending district operated schools. The superintendent shall implement such regulations as are necessary to accomplish the intent of this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 339.370](#)
[ORS 339.372](#)
[ORS 339.375](#)

[ORS 339.377](#)
[ORS 418.746 to-418.751](#)
[ORS 418.990](#)

[ORS 419B.005 to-419B.050](#)

Letter Opinion, Office of the OR Attorney General (May 25, 1984)
Letter Opinion, Office of the OR Attorney General (Aug. 18, 1986)
Greene v. Camreta, 588 F. 3d 1011 (9th Cir, 2009)



Code: **JHFE-AR 1**
Adopted: 8/10/98
Revised/Readopted: 9/13/04, 11/14/05, 9/14/09, 8/9/10,
9/10/18

Reporting of Suspected Child Abuse

Reporting

Any district employees having reasonable cause to believe that any child with whom the employee comes in contact has suffered abuse, or that any person with whom the employee comes in contact has abused a child, shall orally report or cause an oral report to be immediately made by telephone or otherwise to the local office of the Oregon Department of Human Services, or to a law enforcement agency within the county where the person making the report is at the time of his/her contact. The district employee should also immediately inform his/her supervisor, principal or superintendent.

If known, such report shall contain the names and addresses of the child, the child's parents or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, the explanation given for the suspected abuse, any other information which the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

A written record of the child abuse report shall be made by the employee suspecting the child abuse. The written record may be made using Sweet Home's child abuse reporting form which includes at a minimum:

1. The name and position of the person making the report;
2. The name and position of any witness to the report;
3. A description of how the report was made (i.e., phone or other method);
4. The name of the agency and individual who took the report;
5. The date and time that the report was made; and
6. The names of persons who received a copy of the written report.

The written record of the child abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the employee's supervisor and/or superintendent.

When the district receives a report of suspected child abuse by one of its employees, and the superintendent determines that there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave until the Department of Human services or a law enforcement agency either: 1) determines that the report is unfounded or that the report will not be pursued; or 2) determines that the report is founded and the education provider takes the appropriate disciplinary action against the district employee. If the Department of Human services or a law enforcement agency is unable to determine whether the child abuse occurred the district may either reinstate the employee or take disciplinary action at the district's discretion.

The written record of each reported incident of child abuse, action taken by the district and any findings as a result of the report shall be maintained by the district.

Definitions

1. Oregon law recognizes these types of abuse:
 - a. Physical;
 - b. Neglect;
 - c. Mental injury;
 - d. Threat of harm;
 - e. Sexual abuse and sexual exploitation.
2. Child means an unmarried person who is under 18 years of age.

Confidentiality of Records

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection. The disciplinary records of a district employee or former district employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502. Therefore, if a district employee or former employee is convicted of a crime listed in ORS 342.143, the district that is or was the employer of that employee when the crime was committed shall disclose the disciplinary records of the employee to any person upon request. However, prior to the disclosure of a disciplinary record the district shall remove any personally identifiable

information from the record that would disclose the identity of a child, a crime victim or a district employee who is not the subject of the disciplinary record.

Failure to Comply

Any district employee who fails to report a suspected child abuse as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A district employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law.

If an employee fails to report suspected child abuse or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined.

Cooperation with Investigator

The district staff shall make every effort in suspected child abuse cases to cooperate with investigating officials as follows:

1. Any investigation of child abuse will be directed by the Oregon Department of Human Services or law enforcement officials as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the school administrator, unless the school administrator is the subject of the investigation. When an administrator is notified that the Department of Human Services or law enforcement would like to interview a student at school, the administrator must request that the investigating official demonstrate that he/she has a warrant, court order, exigent circumstances or parental consent to interview the student. The administrator or designee should not deny the interview based on the investigator's refusal to sign the form. If the student is to be interviewed at the school, the administrator or designee shall make a private space available. The administrator or designee of the school may at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification the administrator shall refuse access to the student. Law enforcement officers wishing to remove a student from the premises shall present themselves at the office and contact administrator or designee. The officer shall sign the student out on a form to be provided by the school;
2. When the subject matter of the interview or investigation is identified to be related to suspected child abuse, district employees shall not notify parents;
3. The principal or representative shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.



Code: JHFE-AR (2)

Adopted: 9/10/18

Revised/Readopted:

Abuse of a Child Investigations Conducted on District Premises

The Department of Human Services (DHS) or a law enforcement agency has the authority to conduct an investigation of a report of child abuse on school premises according to Oregon Revised Statute (ORS) 419B.045. The school administrator must be notified that the investigation is to take place, unless the administrator is a subject of the investigation. The investigator is not required to reveal information about the investigation to the school as a condition of conducting the investigation.

After the investigator provides adequate identification, school staff shall allow access to the child and provide a private space for conducting the interview. The investigator shall be advised by a school administrator or a school staff member of a child's relevant disabling conditions, if any, prior to any interview with the child. The school administrator or designee may, at the investigator's discretion, be present to facilitate the investigation. School staff may only notify DHS, the law enforcement agency or school employees that are necessary to enable the investigation. School staff may not notify any other persons, including the child's parent(s) or guardian(s).

Investigator Name (Printed)

Name of Agency

Name of Worker's/Investigator's Supervisor

Supervisor Contact Information

Investigator Position and Badge or ID Number

Student Name

School

Investigator Signature

Date

☐ Investigator refused to sign. District staff should not deny entry based on refusal to sign.

FOR COMPLETION BY DISTRICT STAFF

- ☐ Student not available for interview
- ☐ Student refused to be interviewed
- ☐ Administrator participated in interview

Name of Administrator Notified

Name of Office Staff Involved

Name of Participating Administrator

This form should be placed in a separate secure file and not in the student's file.



Abuse of a Child Investigations Conducted on District Premises

Any investigation of abuse of a child will be directed by the Oregon Department of Human Services or law enforcement officials as required by law. When an administrator is notified that the Department of Human Services or law enforcement would like to interview a student at school, the administrator must request that the investigating official provide the information below. Failure to meet one of the five criteria may result in the administrator's refusal to allow the student interview on district property.

I, _____ (Name) of _____ (Agency)
declare that I have the authority to conduct this student interview based on the following:

1. ☐ Warrant (attach copy)
2. ☐ Court order (attach copy)
3. ☐ Exigent circumstances (briefly describe): _____

4. ☐ Parental consent
Parent or guardian's name: _____
Date consent granted: _____
5. ☐ This interview is not considered a "seizure" pursuant to state and federal law.

Signature of interviewer

Date

Name of student to be interviewed

Date of interview

- ☐ Student not available for interview

Name of school official (administrator/designee) receiving this form

- ☐ Student refused to be interviewed

This form should be placed in a separate file and not in student's educational record file.



Code: **JHFF**
Adopted: 1/11/10
Revised/Readopted: 8/9/10, 1/10/11, 9/10/12,
9/9/13, 9/10/18

Reporting Requirements Regarding Sexual Conduct with Students

Sexual conduct by district employees, contractors or agents¹ of the district will not be tolerated. All district employees, contractors and agents of the district are subject to this policy.

“Sexual conduct” as defined by Oregon law is any verbal or physical conduct by a school employee that is sexual in nature; directed toward a kindergarten through grade 12 student; unreasonably interferes with a student’s educational performance; and creates an intimidating, hostile or offensive educational environment. The definition for sexual conduct does not include behavior that would be considered child abuse as outlined by Oregon law and district Board policy JHFE and JHFE-AR - Reporting of Suspected-Abuse of a Child.

Any district/~~school~~ employee, contractor agent of the district or volunteer who has reasonable cause to believe that another district/~~school~~ employee, contractor, or agent of the district or volunteer has engaged in sexual conduct with a student must immediately notify his/her immediate supervisor.

When the district receives a report of suspected sexual conduct by a district employee, the district may decide to place the employee on paid administrative leave or in a position that does not involve direct, unsupervised contact with students while conducting an investigation. When the district receives a report of suspected sexual conduct by a contractor² or agent of the district, the district may decide to suspend services of that contractor or place the agent in a position that does not involve direct, unsupervised contact with students while conducting an investigation. An investigation is a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the complainant, witnesses, the district employee, the contractor, the agent of the district or the student who is the subject of the report. If the subject of the report is a district employee represented by a contract or a collective bargaining agreement, the investigation must meet any negotiated standards of an employment contract or agreement.

If, following the investigation, the report is substantiated, the district will inform the district employee, contractor or agent of the district that the report has been substantiated and provide information regarding the appeal process. The employee may appeal the district’s decision through the appeal process provided by the district’s collective bargaining agreement. The employee, contractor or agent of the district may appeal the district’s decision through an appeal process administered by a neutral third party. A volunteer may appeal the district’s decision through the district’s complaint procedure. A substantiated report means a report of abuse or sexual conduct ~~is one~~ that: a) an educational provider has reasonable cause to believe is founded based on the available evidence after conducting an investigation; and b) involves conduct that the educational provider determines is sufficiently serious to be documented in the employee’s personnel file or the student’s education recorded, and in the administrative file for the contractor or agent of the district. The district will not serve as a reference for a contractor or agent of the district that has a substantiated report.

If the district employee, contractor or agent of the district decides not to appeal the determination or if the determination is sustained after an appeal, a record of the substantiated report will be placed in the employee’s personnel file or in the administrative file for the contractor or agent of the district. The employee, contractor or agent of the district will be notified that this information may be disclosed to a potential employer.

¹ An “agent” is a person authorized to act on behalf of another (called the principal) to create legal relations with a third party.

² The district is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the district shall notify the company and request another company employee be assigned to complete the work.

The district will post in each school building the name and contact information of the person designated to receive sexual conduct reports, as well as the procedures the superintendent will follow upon receipt of a report. In the event that the designated person is the suspected perpetrator, the Board chair shall receive the report. When the superintendent takes action on the report, the person who initiated the report must be notified.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected sexual conduct by a district employee, a contractor or an agent of the district in good faith, the student will not be disciplined by the Board or any district employee.

The district will provide annual training to district employees, parents and students regarding the prevention and identification of sexual conduct. The district will provide to employees, a contractor or an agent of the district at the time of hire a description of conduct that may constitute sexual conduct and a description of records subject to disclosure if a sexual conduct report is substantiated.

Educational providers shall follow hiring and reporting procedures as outlined in ORS 339.370~~4~~ for all district employees.

END OF POLICY _____

Legal Reference(s):

[ORS 339.370 to-339.400](#)

[ORS 418.746 to-418.751](#)

[ORS 419B.005 to-419B.045](#)



Code: **JHFF-AR**
Adopted: 2/8/16

Sexual Conduct Complaint Form

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of person allegedly engaging in sexual conduct: _____

Date and place of incident or incidents: _____

Description of sexual conduct: _____

Name of witnesses (if any): _____

Evidence of sexual conduct, e.g., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____



Code: **JHH**
Adopted: 8/14/89
Readopted: 8/10/98, 7/13/20
Orig. Code(s): BP 5465

Student Suicide Prevention

The district shall develop a comprehensive student suicide prevention plan for students in kindergarten through grade 12.

[The district may consult with state or national suicide prevention organizations, the Oregon Department of Education (ODE), school-based mental health professionals, parents, guardians, employees, students, administrators and school boards associations when developing the required plan.]

The plan shall include, at a minimum:

1. Procedures relating to suicide prevention, intervention and activities that reduce risk and promote healing after a suicide;
2. Identification of the school officials responsible for responding to reports of suicidal risk;
3. A procedure by which a person may request the district to review the actions of a school in responding to suicidal risk;
4. Methods to address the needs of high-risk groups, including:
 - a. Youth bereaved by suicide;
 - b. Youth with disabilities, mental illness or substance abuse disorders;
 - c. Youth experiencing homelessness or out of home settings, such as foster care; and
 - d. Lesbian, gay, bisexual, transgender, queer and other minority gender identity and sexual orientation, Native American, Black, Latinx, and Asian students.
5. A description of, and materials for, any training to be provided to employees as part of the plan, which must include:
 - a. When and how to refer youth and their families to appropriate mental health services; and
 - b. Programs that can be completed through self-review of suitable suicide prevention materials.
6. Supports that are culturally and linguistically responsive;
7. Procedures for reentry into a school environment following a hospitalization or behavioral health crisis¹; and

¹ “Behavioral health crisis” as defined by Oregon Administrative Rule (OAR) 581-022-2510, means a disruption in an individual’s mental or emotional stability or functioning resulting in an urgent need for immediate treatment to prevent a serious deterioration in the individual’s mental or physical health.

8. A process for designating staff to be trained in an evidence-based suicide prevention program.²

The plan must be written to ensure that a district employee acts only within the authorization and scope of the employee's credentials or licenses.

The plan must be available annually to the community of the district, including district students, their parents and guardians, and employees and volunteers of the district, and readily available at the district office and on the district website.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 339.343](#)

[OAR 581-022-2510](#)

Legal Reference(s):

[ORS 332.107](#)

Kelson v. The City of Springfield, 767 F. 2d 651 (9th Cir. 1985).

Cross Reference:

JHH-AR - Guidelines for Developing a Crisis Response Plan for Suicides and Accidental Deaths

² ODE will provide a list of available programs.



Code: **JHHA**
Adopted: 9/13/04

Crisis Prevention and Response *

The district recognizes that schools are subject to a number of potentially disruptive events. These events include major crises. No school is immune no matter the size or location.

Being prepared for crises can enhance the district's effectiveness in responding to smaller incidents.

The district knows that schools cannot be sanctuaries. The challenge, however, is to protect students and staff as much as possible in an increasingly violent world.

Although there is no guarantee that a district will ever be completely safe from crime, the following security measures will be taken to lessen the chance of violence occurring on school grounds:

1. The district will establish an advisory committee comprised of school officials, law enforcement officials, other youth-service providers, parents and students. The committee will plan what safety measures are needed and how they can be implemented, as well as regularly review school safety and security measures;
2. Building administrators will participate in staff development activities targeting security and promoting greater responsibility in working with the Board and district to implement site security programs;
3. The district will develop a comprehensive crisis management plan that incorporates resources available through other governmental and community agencies;
4. A school communications network will be established that links classrooms, playground and other supervisors with the office or security staff as well as with local law enforcement and fire departments;
5. Staff will be informed and regularly updated on safety plans through in-service training. The training will include licensed staff, classified staff, part-time employees and substitute teachers, and may include parents and community volunteers;
6. Parents and community volunteers will be used to help monitor surrounding neighborhoods and supervise the district grounds before, during and after school;
7. Access points to district grounds will be limited and monitored during the school day. Visitors shall sign in at the office and wear an identification pass. Delivery entrances used by vendors will be checked regularly;
8. Students will be taught to take responsibility for their own safety by reporting suspicious individuals or unusual activity on district grounds and by learning personal safety and conflict-resolution techniques;
9. The district curriculum committee will identify K-12 programs and activities that focus on teaching students nonviolence, pro-social skills, conflict resolution, law-related education and good decision making;
10. Building safety committees will review, identify and make recommendations regarding site safety and security concerns as a part of the regular building inspection.

To protect against intrusion the district will not only analyze the facilities to make illegal entry as difficult as possible but will develop a crisis plan so that each staff member and student knows what to do in an emergency.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-022-1420](#)



Code: **JHH-AR**
Adopted: 9/14/90
Readopted: 8/10/98
Orig. Code(s): AR 5465.1

Guidelines for Developing a Crisis Response Plan for Suicides and Accidental Deaths

I. Building Level Responsibilities and Activities

- A. If incident occurs during school day on school property:
 - 1. Remain with the victim;
 - 2. Send the first available student to get the nearest adult;
 - 3. Call 911 or the appropriate emergency number and be prepared to provide the following information:
 - Age (range) of victim;
 - Sex of victim;
 - What happened?;
 - Location of victim.
 - 4. Arrange for someone to meet the ambulance;
 - 5. Notify the office that there is an emergency;
 - 6. Principal or designee informs parents or guardian of incident. (Note: Sensitivity to parent/guardian wishes should be observed when carrying out the plan);
 - 7. Principal or designee contacts superintendent or designee at district office who implements district level responsibilities (See II below);
 - 8. Principal or designee contacts building crisis management team that consists of building principal, supporting administrator(s), counselor(s) and other designated support staff;
 - 9. Building crisis management team implements building action plan to include, but not limited to the following:
 - a. Inform staff and students:
 - (1) If after school hours, contact other staff as appropriate;
 - (2) Send written announcement to teachers, to be followed by: schoolwide public address system announcement, individual classroom visits and/or a scheduled schoolwide assembly;
 - (3) Provide opportunity for students to ask questions and/or express concerns immediately. Support staff assists as needed in small groups, classrooms or general assembly. School counselors available;
 - (4) Brief students on right to privacy, "I'm sorry, I'd rather not talk about that"; responses to media or interested others;
 - (5) Announce to students and staff whether or not classes will be held, closed or open campus and adherence to school rules;
 - (6) Hold school staff meeting at the earliest possible convenience to provide information and to debrief.
- B. If incident occurs outside of school jurisdiction (either time or place) follow steps A. 7-9.
- C. Post-incident activities at building level
 - 1. Provide continuing information which may include:
 - a. Hold parent meeting as soon as possible to provide information and assistance to parents about how to talk with their children about what happened;
 - b. Provide faculty updates;
 - c. Provide follow-up forums for students.
 - 2. Follow-up care
 - a. Provide student support groups.
 - b. Make available "safe rooms" for students for counseling or other support.

Guidelines for Developing a Crisis Response Plan for Suicides and Accidental Deaths – JHH-AR
(continued)

- c. Make available names and phone numbers of staff and counselors who are available 24 hours a day.
- d. Consider establishing faculty support groups.
- e. Monitor students "at risk" of suicide.
- 3. Miscellaneous considerations
 - a. Consider mandatory gatherings to ensure covering those who may have needs but won't come to voluntary meetings.
 - b. Provide release time for building crisis management team.

II. District Level Responsibilities and Activities

- A. Superintendent or designee prepares statement for media.
- B. Superintendent or designee maintains contact with media.
- C. Superintendent or designee contacts all other administrators.
- D. Superintendent or designee contacts Board members.
- E. Superintendent or designee will maintain communication between buildings, district office, Board and community resources.
- F. Superintendent or designee makes contact with legal counsel as needed.



Code: **J1**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5600

Student Awards and Scholarships

The professional staff will maintain a set of criteria and procedures for presenting awards to students for scholarships, distinguished service or participation in school activities.

Principals will review and approve proposed trophies, prizes, scholarships or other awards from nonschool donors.

All honors, awards and scholarships will be conferred under the supervision of the principal. Principals will forward to the Board each June a list of students who have won such awards.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.385](#)



Code: **JL**
Adopted: 3/14/88
Readopted: 8/10/98
Orig. Code(s): BP 5620

Student Gifts and Solicitations

The solicitation of charitable contributions from students will be restricted to activities approved by the superintendent. Any charitable organization desiring to distribute flyers or other materials to students in connection with fund drives may do so with the approval of the superintendent.

The Board also expects the solicitation of money for gifts for activity sponsors, teachers or other individuals to be under full school control.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 339.880](#)



Code: JN
Adopted: 3/14/88
Revised/Readopted: 8/10/98, 9/13/04, 5/16/05,
12/12/11
Orig Code: BP 5640

Student Fees, Fines and Charges

The Board recognizes the need for student fees to fund certain school activities which are not sufficiently funded by the district.

No student will be denied an education because of his/her inability to pay supplementary fees.

No student, however, is exempt from charges for lost or damaged books, locks, materials, supplies and equipment.

All student fees and charges, both optional and required, will be listed and described annually in the student/parent handbook, or in some other written form, and distributed to each student. Students will be advised of the due dates for such fees and charges as well as of possible penalties for failure to pay them.

In accordance with the law and with Board policy, restrictions and/or penalties may be imposed until such fees, fines or charges are paid.

The district may waive all or a portion of the debt if one of the following conditions are met:

1. The school district determines that the student or the parent or guardian of the student is unable to pay the debt;
2. The payment of the debt could impact the health or safety of the student;
3. The cost to notify the student and his/her parents would cost more than the potential total debt collected relating to the notice; or
4. There are mitigating circumstances as determined by the superintendent of the school district that preclude the collection of the debt.

Education records shall not be withheld for student fees, fines and charges if requested in circumstances described in ORS 326.575 and applicable rules of the State Board of Education or such records are requested for use in the appropriate placement of a student.

Prior to collection of debts, the superintendent will ensure that notice has been provided as required by ORS 339.260 and 339.270.

END OF POLICY _____

Legal Reference(s):

ORS 326.565
ORS 326.575

ORS 339.115
ORS 339.155

ORS 339.260
ORS 339.270



Code: **JNA**
Adopted: 3/14/88
Revised/Readopted: 8/10/98
Orig. Code(s): BP 5705

Withholding Records for Nonpayment of Fees

The principal of each school may withhold the grade reports, diploma or other records of the student who owes a fee or has lost or willfully damaged or injured district property, until the student or the parent of the student has paid the amount owed.

The student's parent shall be given written notice of the possible withholding at least 10 days in advance of the actual withholding.

Notice shall include itemization of fees and/or cost of property. The parents may have a hearing on the question of withholding the student's records by a written request during the 10 days in advance of the actual withholding.

The school district may waive the amount owed if the student/family is unable to pay.

The parent of the student shall be liable for damages.

The withholding of records pursuant to this Board policy shall not prevent inspection of student records by a parent or prevent transfer of student records to another school district.

END OF POLICY

Legal Reference(s):

[ORS 326.565](#)
[ORS 326.575](#)
[ORS 339.115](#)
[ORS 339.155](#)
[ORS 339.260](#)
[ORS 339.270](#)



Code: **JN-AR**
Adopted: 3/14/88
Revised/Readopted: 8/10/98
Orig. Code(s): AR 5640

Student Fees, Fines and Charges

Student Fees

Fees will not be charged students as a condition of admission to the instructional program of the district.

However, the district may collect the following fees as allowed by law:

1. Towel usage fees;
2. Supplies made available by the district for use by the student in special projects, in excess of those required by the minimum course requirements and at the student's option, become the personal property of the student;
3. The purchase of a Student Body Card, yearbooks, school paper and caps and gowns;
4. Deposits against breakage or loss of equipment or supplies.

Students who lack the funds to pay the above fees and, due to circumstances beyond their control cannot earn the necessary funds, may have their fees waived as approved by the principal.

Cross Reference(s):

JN - Student Fees, Fines and Charges



Code: **JO**
Adopted: 8/8/94
Readopted: 8/10/98, 9/13/04
Orig. Code(s): BP 5700

Education Records**

Education records are those records maintained by the district that are directly related to a student.

The primary reason for the keeping and maintaining of education records for students is to help the individual student in his/her educational development by providing pertinent information for the student, his/her teachers and his/her parents. These records also serve as an important source of information to assist students in seeking productive employment and/or post-high school education.

It is the policy of the district to keep education records for students to conform with state and federal laws and regulations.

Information recorded on official education records should be carefully selected, accurate and verifiable, and should have a direct and significant bearing upon the student's educational development.

The district will develop regulations on the maintenance, access and release of education records as well as for preserving confidentiality and for challenging the content of those records.

The district shall withhold the grade reports, diploma and records of students or former students who owe fees, fines or damages of \$50 or more, and may withhold the grade reports, diploma and records of students or former students who owe less than \$50, until those fees, fines or damages are paid. Students or parents will receive written notice at least 10 days in advance of withholding stating the district's intent to withhold records until debt is paid. The notice will include the reason the student owes money to the district, an itemization of the fees, fines or damages owed and the right of parents to request a hearing. The notice will also state the district may pursue the matter through a private collection agency or other method available to the district.

The district may waive fees, fines and charges if the student or parent cannot pay, the payment of the debt could impact the health and safety of the student, the cost of collection would be more than the total collected or there are mitigating circumstances, as determined by the superintendent.

Records requested by another school district to determine a student's appropriate placement may not be withheld.

The district shall give full rights to education records to either parent, unless the district has been provided legal evidence that specifically revokes these rights. However, once the student reaches age 18 those rights transfer to the student.

A copy of this policy and administrative regulations shall be made available upon request by parents and students 18 years or older or emancipated.

END OF POLICY

Legal Reference(s):

[ORS 30.864](#)
[ORS 107.154](#)
[ORS 326.565](#)
[ORS 326.575](#)
[ORS 339.260](#)

[ORS 343.177 \(3\)](#)

[OAR 581-022-1670](#)

[OAR 166-405-0010](#) to 166-415-0010
[OAR 581-021-0210](#) to -0440
[OAR 581-022-1660](#)

Education of the Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400-1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990), as amended P.L. 105-17 (1997). [P.L. 94-142 is a well-known "short" reference to this federal legislation.]
Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000).
Assistance to States for the Education of Children with Disabilities, 34 CFR Section 300.501 (2000).

Cross Reference(s):

ECAB - Vandalism/Malicious Mischief/Theft
EH - Data Management
JOA - Directory Information
JOB - Personally Identifiable Information



Code: **IGBAB/JO**
Adopted: 11/14/05
Readopted: 12/12/11, 9/10/12

Education Records/Records of Students with Disabilities

Education records are those records maintained by the district that are directly related to a student.

The primary reason for the keeping and maintaining of education records for students is to help the individual student in his/her educational development by providing pertinent information for the student, his/her teachers and his/her parents. These records also serve as an important source of information to assist students in seeking productive employment and/or post-high school education.

It is the policy of the district to keep education records for students to conform with state and federal laws and regulations.

Information recorded on official education records should be carefully selected, accurate and verifiable, and should have a direct and significant bearing upon the student's educational development.

The district will develop regulations for the maintenance, access and release of education records as well as for preserving confidentiality and for challenging the content of those records.

The district may impose certain restrictions and/or penalties until fees, fines or damages are paid. Students or parents will receive written notice at least 10 days in advance of any restrictions and/or penalties to be imposed until the debt is paid. The notice will include the reason the student owes money to the district, an itemization of the fees, fines or damages owed and the right of parents to request a hearing. The district may pursue fees, fines or damages through a private collection agency or other method available to the district.

The district may waive fees, fines and charges if the student or parent cannot pay, the payment of the debt could impact the health and safety of the student, the cost of collection would be more than the total collected or there are mitigating circumstances, as determined by the superintendent.

Records requested by another school district to determine a student's appropriate placement may not be withheld.

The district shall give full rights to education records to either parent, unless the district has been provided legal evidence that specifically revokes these rights. However, once the student reaches age 18 those rights transfer to the student.

A copy of this policy and administrative regulations shall be made available upon request by parents and students 18 years or older or emancipated.

END OF POLICY

Legal Reference(s):

[ORS 30.864](#)
[ORS 107.154](#)
[ORS 326.565](#)
[ORS 326.575](#)
[ORS 339.260](#)

[ORS 343.177 \(3\)](#)

[OAR 581-022-1670](#)

[OAR 166-405-0010](#) to 166-415-0010
[OAR 581-021-0210](#) to -0440
[OAR 581-022-1660](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g -2011); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2011).

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.501 (2006).

Cross Reference(s):

ECAB - Vandalism/Malicious Mischief/Theft
EH - Data Management
JOA - Directory Information
JOB - Personally Identifiable Information



Education Records/Records of Students with Disabilities Management

1. Student Education Record

Student education records are those records that are directly related to a student and maintained by the district, or by a party acting for the district; however, this does not include the following:

- a. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- b. Records of the law enforcement unit of the district subject to the provisions of Oregon Administrative Rule (OAR) 581-021-0225;
- c. Records relating to an individual who is employed by the district that are made and maintained in the normal course of business, that relate exclusively to the individual in that individual's capacity as an employee and that are not available for use for any other purpose. Records relating to an individual in attendance at the district who is employed as a result of his/her status as a student are education records and are not excepted under this section;
- d. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 - (1) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his/her professional capacity or assisting in a paraprofessional capacity;
 - (2) Made, maintained or used only in connection with treatment of the student; and
 - (3) Disclosed only to individuals providing the treatment. For purposes of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the district.
- e. Records that only contain information relating to activities in which an individual engaged after he/she is no longer a student at the district;
- f. Medical or nursing records which are made or maintained separately and solely by a licensed health-care professional who is not employed by the district, and which are not used for education purposes or planning.

The district shall keep and maintain a permanent record on each student which includes the:

- a. Name and address of educational agency or institution;
- b. Full legal name of the student;
- c. Student birth date and place of birth;
- d. Name of parents;
- e. Date of entry in school;
- f. Name of school previously attended;
- g. Courses of study and marks received;
- h. Data documenting a student's progress toward achievement of state standards and must include a student's Oregon State Assessment results;
- i. Credits earned;
- j. Attendance;
- k. Date of withdrawal from school; and
- l. Such additional information as the district may prescribe.

The district may also request the social security number of the student and will include the social security number on the permanent record only if the eligible student or parent complies with the request. The request shall include notification to the eligible student or the student's parent(s) that the provision of the social security number is voluntary and notification of the purpose for which the social security number will be used.

The district shall retain permanent records in a minimum one-hour fire-safe place in the district, or keep a duplicate copy of the permanent records in a safe depository in another district location.

2. Confidentiality of Student Records

- a. The district shall keep confidential any record maintained on a student in accordance with OAR 581-021-0220 through 581-021-0430.
- b. Each district shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.
- c. Each district shall identify one official to assume responsibility for ensuring the confidentiality of any personally identifiable information.

- d. All persons collecting or using personally identifiable information shall receive training or instruction on state policies and procedures.

3. Rights of Parents and Eligible Students

The district shall annually notify parents and eligible students through the district student/parent handbook or any other means that are reasonably likely to inform the parents or eligible students of their rights. This notification shall state that the parent(s) or eligible student has a right to:

- a. Inspect and review the student's education records;
- b. Request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
- c. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the applicable state or federal law authorizes disclosure without consent;
- d. Pursuant to OAR 581-021-0410, file with the Family Policy Compliance Office, United States Department of Education a complaint under 34 C.F.R. § 99.64 concerning alleged failures by the district to comply with the requirements of federal law; and
- e. Obtain a copy of the district policy with regard to student education records.

The notification shall also inform parents or eligible students that the district forwards education records requested under OAR 581-021-0255. The notification shall also indicate where copies of the district policy are located and how copies may be obtained.

If the eligible student or the student's parent(s) has a primary or home language other than English, or has a disability, the district shall provide effective notice.

These rights shall be given to either parent unless the district has been provided with specific written evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights.

When a student becomes an eligible student, which is defined as a student who has reached 18 years of age or is attending only an institution of postsecondary education and is not enrolled in a secondary school, the rights accorded to, and the consent required of, the parents transfer from the parents to the student. Nothing prevents the district from giving students rights in addition to those given to parents.

4. Parent's or Eligible Student's Right to Inspect and Review

The district shall permit an eligible student or student's parent(s) or a representative of a parent or eligible student, if authorized in writing by the eligible student or student's parent(s), to inspect and review the education records of the student, unless the education records of a student contain information on more than one student. In that case the eligible student or student's parent(s) may inspect, review or be informed of only the specific information about the student.

The district shall comply with a request for access to records:

- a. Within a reasonable period of time and without unnecessary delay;
- b. For children with disabilities before any meeting regarding an IEP, or any due process hearing, or any resolution session related to a due process hearing;
- c. In no case more than 45 days after it has received the request.

The district shall respond to reasonable requests for explanations and interpretations of the student's education record.

The parent(s) or eligible student shall comply with the following procedure to inspect and review a student's education record:

- a. Provide a written, dated request to inspect a student's education record; and
- b. State the specific reason for requesting the inspection.

The written request will be permanently added to the student's education record.

The district shall not destroy any education record if there is an outstanding request to inspect and review the education record.

While the district is not required to give an eligible student or student's parent(s) access to treatment records under the definition of "education records" in OAR 581-021-0220(6)(b)(D), the eligible student or student's parent(s) may, at his/her expense, have those records reviewed by a physician or other appropriate professional of his/her choice.

If an eligible student or student's parent(s) so requests, the district shall give the eligible student or student's parent(s) a copy of the student's education record. The district may recover a fee for providing a copy of the record, but only for the actual costs of reproducing the record unless the imposition of a fee effectively prevents a

parent or eligible student from exercising the right to inspect and review the student's educational records. The district may not charge a fee to search for or to retrieve the education records of a student.

The district shall not provide the eligible student or student's parent(s) with a copy of test protocols, test questions and answers and other documents described in Oregon Revised Statutes (ORS) 192.501(4) unless authorized by federal law.

The district will maintain a list of the types and locations of education records maintained by the district and the titles and addresses of officials responsible for the records.

Student's education records will be maintained at the school building at which the student is in attendance except for special education records which may be located at another designated location within the district. The administrator or his/her designee shall be the person responsible for maintaining and releasing the education records.

5. Release of Personally Identifiable Information

Personally identifiable information shall not be released without prior written consent of the eligible student or student's parent(s) except in the following cases:

- a. The disclosure is to other school officials, including teachers, within the district who have a legitimate educational interest.

As used in this section, "legitimate educational interest" means a district official employed by the district as an administrator, supervisor, instructor or staff support member; a person serving on a school board who needs to review an educational record in order to fulfill his or her professional responsibilities, as delineated by their job description, contract or conditions of employment. Contractors, consultants, volunteers or other parties to whom an agency or institution has outsourced institutional services or functions may be considered a school official provided that party performs an institutional service or function for which the district would otherwise use employees, is under the direct control of the district with respect to the use and maintenance of education records, and is subject to district policies concerning the redisclosure of personally identifiable information.

The district shall maintain, for public inspection, a listing of the names and positions of individuals within the district who have access to personally identifiable information with respect to students with disabilities.

- b. The disclosure is to officials of another school within the district;
- c. The disclosure is to authorized representatives of: The U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education or state and local education authorities or the Oregon Secretary of State Audits Division in connection with an audit or evaluation of federal or state supported education programs, or the enforcement of or compliance with federal or state regulations.
- d. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
 - (1) Determine eligibility for the aid;
 - (2) Determine the amount of the aid;
 - (3) Determine the conditions for the aid; or
 - (4) Enforce the terms and condition of the aid.

As used in this section "financial aid" means any payment of funds provided to an individual that is conditioned on the individual's attendance at an educational agency or institution.

- e. The disclosure is to organizations conducting studies for, or on behalf of, the district to:
 - (1) Develop, validate or administer predictive tests;
 - (2) Administer student aid programs; or
 - (3) Improve instruction.

The district may disclose information under this section only if: disclosure is to an official listed in paragraph (c) above and who enters into a written agreement with the district that:

- (1) Specifies the purpose, scope and duration of the study and the information to be disclosed;
- (2) Limits the organization to using the personally identifiable information only for the purpose of the study;
- (3) The study is conducted in a manner that does not permit personal identification of parents or students by individuals other than representatives of the organization; and
- (4) The information is destroyed when no longer needed for the purposes for which the study was conducted.

For purposes of this section, the term "organization" includes, but is not limited to, federal, state and local agencies, and independent organizations.

- f. The district may disclose information under this section only if the disclosure is to an official listed in paragraph (c) above who is conducting an audit related to the enforcement of or compliance with federal or state legal requirements and who enters into a written agreement with the district that:
 - (1) Designates the individual or entity as an authorized representative;
 - (2) Specifies the personally identifiable information being disclosed;
 - (3) Specifies the personally identifiable information being disclosed in the furtherance of an audit, evaluation or enforcement or compliance activity of the federal or state supported education programs;
 - (4) Describes the activity with sufficient specificity to make clear it falls within the audit or evaluation exception; this must include a description of how the personally identifiable information will be used;
 - (5) Requires information to be destroyed when no longer needed for the purpose for which the study was conducted;
 - (6) Identifies the time period in which the personally identifiable information must be destroyed; and
 - (7) Establishes policies and procedures which are consistent with FERPA and other federal and state confidentiality and privacy provisions to insure the protection of the personally identifiable information from further disclosure and unauthorized use.
- g. The disclosure is to accrediting organizations to carry out their accrediting functions;
- h. The disclosure is to comply with a judicial order or lawfully issued subpoena. The district may disclose information under this section only if the district makes a reasonable effort to notify the eligible student or student's parent(s) of the order or subpoena in advance of compliance, unless an order or subpoena of a federal court or agency prohibits notification to the parent(s) or student;
- i. The disclosure is to comply with a judicial order or lawfully issued subpoena when the parent is a party to a court proceeding involving child abuse and neglect or dependency matters;
- j. The disclosure is to the parent(s) of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
- k. The disclosure is in connection with a health or safety emergency. The district shall disclose personally identifiable information from an education record to law enforcement, child protective services and health-care professionals, and other appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. If the district determines that there is an articulable and significant threat, the district will document the information available at that time of determination and the rationale basis for the determination for the disclosure of the information from the educational records.

In making a determination whether a disclosure may be made under the health or safety emergency, the district may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. As used in this section a "health or safety emergency" includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to applicable state law, or other such reasons that the district may in good faith determine a health or safety emergency.
- l. The disclosure is information the district has designated as "directory information" (See Board policy JOA – Directory Information);
- m. The disclosure is to the parent(s) of a student who is not an eligible student or to an eligible student;
- n. The disclosure is to officials of another school, school system, institution of postsecondary education, an education service district (ESD), state regional program or other educational agency that has requested the records and in which the student seeks or intends to enroll or is enrolled or in which the student receives services. The term "receives services" includes, but is not limited to, an evaluation or reevaluation for purposes of determining whether a student has a disability;
- o. The disclosure is to the Board during an executive session pursuant to ORS 332.061. The district will use reasonable methods to identify and authenticate the identity of the parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from educational records.
- p. The disclosure is to a caseworker or other representative, who has the right to access the student's case plan, of a state or local child welfare agency or tribal organization that are legally responsible

for the care and protection of the student, provided the personally identifiable information will not be disclosed unless allowed by law.

6. Record-Keeping Requirements

The district shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. Exceptions to the record-keeping requirements shall include the parent, eligible student, school official or his/her assistant responsible for custody of the records and parties authorized by state and federal law for auditing purposes. The district shall maintain the record with the education records of the student as long as the records are maintained. For each request or disclosure the record must include:

- a. The party or parties who have requested or received personally identifiable information from the education records; and
- b. The legitimate interests the parties had in requesting or obtaining the information.

The following parties may inspect the record of request for access and disclosure to a student's personally identifiable information:

- a. The parent(s) or eligible student;
- b. The school official or his/her assistants who are responsible for the custody of the records;
- c. Those parties authorized by state or federal law for purposes of auditing the record-keeping procedures of the district.

7. Request for Amendment of Student's Education Record

If an eligible student or student's parent(s) believes the education records relating to the student contain information that is inaccurate, misleading or in violation of the student's rights of privacy or other rights, he/she may ask the building level principal where the record is maintained to amend the record.

The principal shall decide, after consulting with the necessary staff, whether to amend the record as requested within a reasonable time after the request to amend has been made.

The request to amend the student's education record shall become a permanent part of the student's education record.

If the principal decides not to amend the record as requested, the eligible student or the student's parent(s) shall be informed of the decision and of his/her right to appeal the decision by requesting a hearing.

8. Hearing Rights of Parents or Eligible Students

If the building level principal decides not to amend the education record of a student as requested by the eligible student or the student's parent(s), the eligible student or student's parent(s) may request a formal hearing for the purpose of challenging information in the education record as inaccurate, misleading or in violation of the privacy or other rights of the student. The district shall appoint a hearings officer to conduct the formal hearing requested by the eligible student or student's parent. The hearing may be conducted by any individual, including an official of the district, who does not have a direct interest in the outcome of the hearing. The hearings officer will establish a date, time and location for the hearing, and give the student's parent or eligible student notice of date, time and location reasonably in advance of the hearing. The hearing will be held within 10 working days of receiving the written or verbal request for the hearing.

The hearings officer will convene and preside over a hearing panel consisting of:

- a. The principal or his/her designee;
- b. A member chosen by the eligible student or student's parent(s); and
- c. A disinterested, qualified third party appointed by the superintendent.

The parent or eligible student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney. The hearing shall be private. Persons other than the student, parent, witnesses and counsel shall not be admitted. The hearings officer shall preside over the panel. The panel will hear evidence from the school staff and the eligible student or student's parent(s) to determine the point(s) of disagreement concerning the records. Confidential conversations between a licensed employee or district counselor and a student shall not be part of the records hearing procedure. The eligible student or student's parent(s) has the right to insert written comments or explanations into the record regarding the disputed material. Such inserts shall remain in the education record as long as the education record or contested portion is maintained and exists. The panel shall make a determination after hearing the evidence and make its recommendation in writing within 10 working days following the close of the hearing. The panel will make a determination based solely on the evidence presented at the hearing and will include a summary of the evidence and the reason for the decision. The findings of the panel shall be rendered in writing not more than 10 working days following the close of the hearing and submitted to all parties.

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.

9. Duties and Responsibilities When Requesting Education Records

The district shall, within 10 days of a student seeking initial enrollment in or services from the district, notify the public or private school, ESD, institution, agency, or detention facility or youth care center in which the student was formerly enrolled and shall request the student's education records.

10. Duties and Responsibilities When Transferring Education Records

The district shall transfer originals of all requested student education records, including any ESD records, relating to the particular student to the new educational agency when a request to transfer the education records is made to the district. The transfer shall be made no later than 10 days after receipt of the request. For students in substitute care programs, the transfer must take place within five days of a request. Readable copies of the following documents shall be retained:

- a. The student's permanent records, for one year;
- b. Such special education records as are necessary to document compliance with state and federal audits, for five years after the end of the school year in which the original was created. In the case of records documenting speech pathology and physical therapy services, until the student reaches age 21 or 5 years after last seen, whichever is longer.

Note: Education records shall not be withheld for student fees, fines and charges if requested in circumstances described in ORS 326.575 and applicable rules of the State Board of Education or such records are requested for use in the appropriate placement of a student.

Disclosure Statement

Required for use in collecting personally identifiable information related to social security numbers.

On any form that requests the social security number (SSN), the following statement shall appear just above the space for the SSN:

"Providing your social security number (SSN) is voluntary. If you provide it, the district will use your SSN for record-keeping, research, and reporting purposes only. The district will not use your SSN to make any decision directly affecting you or any other person. Your SSN will not be given to the general public. If you choose not to provide your SSN, you will not be denied any rights as a student. Please read the statement on the back of this form that describes how your SSN will be used. Providing your SSN means that you consent to the use of your SSN in the manner described."

On the back of the same form, or attached to it, the following statement shall appear:

"OAR 581-021-0250 (1)(j) authorizes districts to ask you to provide your social security number (SSN). The SSN will be used by the district for reporting, research and record keeping. Your SSN will also be provided to the Oregon Department of Education. The Oregon Department of Education gathers information about students and programs to meet state and federal statistical reporting requirements. It also helps districts and the state research, plan and develop educational programs. This information supports the evaluation of educational programs and student success in the workplace."

The district and Oregon Department of Education may also match your SSN with records from other agencies as follows:

The Oregon Department of Education uses information gathered from the Oregon Employment Division to learn about education, training and job market trends. The information is also used for planning, research and program improvement.

State and private universities, colleges, community colleges and vocational schools use the information to find out how many students go on with their education and their level of success.

Other state agencies use the information to help state and local agencies plan educational and training services to help Oregon citizens get the best jobs available.

Your SSN will be used only for statistical purposes as listed above. State and federal law protects the privacy of your records.



Code: **JOA**
Adopted: 8/14/95
Revised/Readopted: 8/10/98, 9/13/04, 9/14/09, 9/10/12,
1/8/2018
Orig Code: BP 5710

Directory Information**

“Directory information” means those items of personally identifiable information contained in a student education record which is not generally considered harmful or an invasion of privacy if released. The following categories are designated as directory information. The following directory information¹ may be released to the public through appropriate procedures:

1. Student’s name;
2. Student’s address;
3. Student’s telephone listing;
4. Student’s electronic address;
5. Student’s photograph;
6. Date and place of birth;
7. Major field of study;
8. Participation in officially recognized sports and activities;
9. Weight and height of athletic team members;
10. Dates of attendance;
11. Grade level;
12. Degrees, honors or awards received;
13. Most recent previous school or program attended.

Public Notice

The district will give annual public notice to parents of students in attendance and students 18 years of age or emancipated. The notice shall identify the types of information considered to be directory information, the district’s option to release such information and the requirement that the district must, by law upon request, release secondary students’ names, addresses and telephone numbers to military recruiters and/or institutions of higher education, unless parents or eligible students request the district withhold this information. Such notice will be given prior to release of directory information.

Exclusions

Exclusions from any or all directory categories named as directory information or release of information to military recruiters and/or institutions of higher education must be submitted in writing to the principal by the parent, student 18 years of age or emancipated student within 15 days of annual public notice. A parent or student 18 years of age or an emancipated student may not opt out of directory information to prevent the district from disclosing or requiring a student to disclose their names, identifier, institutional email address in a class in which the student is enrolled or from requiring a student to disclose a student ID card or badge that exhibits information that has been properly designated directory information by the district in this policy.

Directory information shall be released only with administrative direction.

Directory information considered by the district to be detrimental will not be released.

Information will not be given over the telephone except in health and safety emergencies.

At no point will a student’s Social Security Number or student identification number be considered directory information. The district shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

¹For the health, safety and welfare of students, the district may want to consider limiting this list. Consider deleting #2, 3, 4, 6, 7, 10, 11, 12 and/or 13; recommend deleting the word ‘degrees’ in #12 if kept.

END OF POLICY

Legal Reference(s):

[ORS 30.864](#)

[ORS 107.154](#)

[ORS 326.565](#)

[ORS 326.575](#)

[ORS 336.187](#)

[OAR 581-021](#)-0220 to -0430

[OAR 581-022](#)-1660

HB 3464 (2017)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1427 (2017).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2017); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Every Student Succeeds Act of 2015, 20 U.S.C. § 7908 (2017).



Code: **JOB**
Adopted: 8/14/95
Revised/Readopted: 8/10/98, 9/10/12,
9/9/13
Orig. Code(s): BP 5715

Personally Identifiable Information**

Personally identifiable information includes, but is not limited to:

1. Student's name, if excluded from directory information, as requested by the student/parent in writing;
2. Name of the student's parents or other family member;
3. Address of the student or student's family, if excluded from directory information, as requested by the student/parent in writing;
4. Personal identifier such as the student's social security number, student ID number or biometric record;
5. A list of personal characteristics that would make the student's identity easily traceable such as student's date of birth, place of birth and mother's maiden name;
6. Other information alone or in combination that would make the student's identity easily traceable.
7. Other information requested by a person who the district reasonably believes knows the identity of the student to whom the educational record relates.

Prior Consent to Release

Personally identifiable information will not be released without prior written and dated consent of the parent, student 18 years or older or emancipated.

Notice of and/or request for release of personally identifiable information shall specify the records to be disclosed, the purpose of disclosure and the identification of person(s) to whom the disclosure is to be made.

Exceptions to Prior Consent

The district may disclose personally identifiable information without prior consent under the following conditions:

1. To personnel within the district who have legitimate educational interests;
2. To personnel of an education service district or state regional program who have legitimate educational interests where the student is enrolled or is receiving services;
3. To personnel of another school, another district or institution or post secondary education who have legitimate educational interests where the student seeks or intends to enroll;
4. To authorized representatives of the U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education or state and local education authorities or the Oregon Secretary of State Audits Division in connection with an audit or evaluation of federal or state-supported education programs or the enforcement of, or compliance with federal or state supported education programs or the enforcement of or compliance with federal or state regulations;
5. To personnel determining a financial aid request for the student;
6. To personnel conducting studies for or on behalf of the district;
7. To personnel in accrediting organizations fulfilling accrediting functions;
8. To comply with a judicial order or lawfully issued subpoena;
9. For health or safety emergency;
10. By request of a parent of a student who is not 18 years of age;
11. By request of a student who is 18 or older or emancipated;
12. Because information has been identified as "directory information."
13. To the courts when legal action is initiated;
14. To a court and state and local juvenile justice agencies;
15. A judicial order or lawfully issued subpoena when the parent is a party to a court proceeding involving child abuse and neglect or dependency matters;
16. To a caseworker or other representative of a state or local child welfare agency or tribal organization that are legally responsible for the care and protection of the student including educational stability of children in foster care.

END OF POLICY



[ORS 107.154](#)

[ORS 326.565](#)

[ORS 336.187](#)

[OAR 581-021-0220 to -0430](#)

[OAR 581-022-1660](#)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2006).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2011)

Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2011).

Uninterrupted Scholars Act (USA), 2013 (P.L. 112-278, Jan. 14, 2013), 20 U.S.C. § 1221.

Cross Reference(s):

EEACCA - Video Cameras on Transportation Vehicles

JO - Education Records

JO-AR - Education Records Management

JOA - Directory Information

Code: **JOC**
Adopted: 9/13/04

Legal Names of Students

The district will consider requests to use names other than the student's legal name. Such requests, if honored, will be cross referenced on all student education records and on other district records with the student's legal name.

Legal names will be changed by the district only upon receipt of a copy of a court order.

END OF POLICY

Legal Reference(s):

[OAR 581-022](#)-1670



Code: **JOD**
Adopted: 8/10/98

Media Access to Students

The Board recognizes the important role the media serves in reporting information about the district's programs, services and activities. Therefore, the district will make every reasonable effort to provide media access to students.

School administrators shall be authorized to grant permission and set parameters for media access to students in their respective schools. The media may interview and photograph students involved in instructional programs and school activities including athletic events. Such media access shall not be unduly disruptive and shall comply with Board policies and district goals.

Media representatives shall be required to report to the administration for prior approval before accessing students involved in instructional programs and activities not attended by the general public.

Information obtained by media representatives directly from students does not require parental approval prior to publication by the media. Parents who do not want their student interviewed or photographed by the media may direct their student accordingly.

District employees may release student information to the media only in accordance with applicable provisions of the education records law and Board policies governing directory information and personally identifiable information.

Parents will be advised of the district's media access to students policy at the time of the student's registration and each fall in the student/parent handbook.

END OF POLICY

Legal Reference(s):

[ORS 30.864](#)
[ORS 107.154](#)
[ORS 326.565](#)

[ORS 326.575](#)
[ORS 339.260](#)

[OAR 581-021-0210 to -0440](#)
[OAR 581-022-1660](#)

Education of the Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400-1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990), as amended P.L. 105-17 (1997). [P.L. 94-142 is a well-known "short" reference to this federal legislation.]
Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000).

Cross Reference(s):

JOA - Directory Information
JOB - Personally Identifiable Information



Code: **JODA**
Adopted: 2/8/88
Readopted: 8/10/98
Orig. Code(s): BP 3420

Student Interviews

Individual students may not be interviewed by any person, except an employee of the district, without the approval of the administration. No administrator of the district shall grant such an interview unless he/she deems it essential to the welfare or the best interests of the student or as may be required by court order.

END OF POLICY

Legal Reference(s):

[ORS 329.150](#)
[ORS 419B.015](#)

Letter Opinion, Office of the Attorney General (August 18, 1986).



Code: **KA/KAA**
Adopted: 5/9/88
Revised: 3/8/99
Orig. Code(s): BP9000

School-Community Relations Goals and Objectives

The Board will be responsible for informing the general public about operations of the school system. The Board believes in involving citizens in the work of the schools so they can help solve educational problems. An effective school-community relations program is a combination of these beliefs and the following ideas and practices:

1. A positive attitude toward the schools, as expressed by each person on the school staff in daily contacts with other staff members, parents and people of the community;
2. A systematic, honest and continuing effort to discover what the citizens think and what they want to know; to interpret the schools' programs, problems and accomplishments; to correct misinformation and to supply all desired information;
3. An active partnership between the school and the community, in which professional educators and laymen work together toward improvement of the total educational program;
4. An active interest on the part of every staff member in the needs of the community to find ways to make the community a better place to live.

The ultimate goal of school public relations is to improve the quality of education for all children in a democratic society. To achieve this goal, and to evaluate progress toward it, the district establishes the following objectives:

1. To develop public understanding of all aspects of school operation, to ascertain public attitudes toward issues in education and to discover the public's aspirations for the education of their children;
2. To secure adequate financial support for a sound educational program;
3. To help citizens feel a more direct responsibility for the quality of education provided by their schools;
4. To earn the good will, respect and confidence of the public with regard to the schools' staff and services;
5. To foster public understanding of the need for constructive change, and solicit public advice on how we can achieve our educational goals;
6. To involve citizens in the work of the school and the solving of educational problems;
7. To promote a genuine spirit of cooperation between the school and the community, and to set up channels for sharing the leadership in improving community life.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Cross Reference(s):

BDDG/BDDK - Minutes
KBA - Public Records
KG - Community Use of School Facilities



Code: **KAB**
Adopted: 9/13/04

Parental Rights

The Board recognizes the importance of promoting parental input in decision making related to their student's health and general well-being, in determining district and student needs for educational services, in program development and district operations. To assist the district in this effort, and in accordance with the No Child Left Behind Act of 2001 (NCLBA), the district affirms the right of parents, upon request, to inspect:

1. A survey created by a third party before the survey is administered or distributed by the district to a student, including any district survey containing "covered survey items"¹ as defined by NCLBA;
2. Any instructional material used by the district as part of the educational curriculum for the student;
3. Any instrument used in the collection of personal information from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose.

As provided by law, parents of district students will also, upon request, be permitted to excuse their student from "covered activities"² as defined by NCLBA. The rights provided to parents under this policy, transfer to the student when the student turns 18 years old, or is an emancipated minor under applicable state law.

The superintendent will ensure that activities requiring parental notification are provided as required by law and that reasonable notice of the adoption or continued use of this policy is provided to parents of students enrolled in district schools. The input of parents will be encouraged in the development, adoption and any subsequent revision of this policy.

The superintendent shall develop administrative regulations to implement this policy, including provisions as may be necessary to ensure appropriate notification to parents of their rights under federal law and district procedures to request review of covered materials, excuse a student from participating in covered activities and protect student privacy in the event of administration or distribution of a survey to a student.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Protection of Pupil Rights, 20 U.S.C. Section 1232h; 34 CFR Part 98 (2000).

¹Covered survey items under NCLBA include one or more of the following items: political affiliations or beliefs of the student or the student's family; sex behavior or attitudes; illegal, antisocial, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student's parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

²Covered activities requiring notification under NCLBA include activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose; the administration of any survey containing one or more of covered survey items; and any nonemergency, invasive physical examination or screening that is required as a condition of attendance and administered and scheduled by the school in advance. See the administrative regulation for additional definitions.



Code: **KAB-AR**
Adopted: 9/13/04
Revised/Readopted: 9/14/09

Parental Rights

The following definitions and procedures will be used to implement the parental rights requirements of the No Child Left Behind Act (NCLBA):

Definitions

1. "Survey," as defined by federal law and as used in Board policy and this regulation, includes an evaluation. It does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act;
2. "Covered survey items" means one or more of the following items: political affiliations or beliefs of the student or the student's family; mental and psychological problems of the student or the student's family; sex behavior or attitudes; illegal, antisocial, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student's parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program;
3. "Covered activities" requiring notification under NCLBA means those activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose; the administration of any survey containing one or more covered survey items; and any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance and not necessary to protect the immediate health and safety of the student, or of other students. This provision does not apply to physical examinations or screenings that are permitted or required by law, including physical examinations or screenings permitted without parental notification;
4. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control;
5. "Instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments;
6. "Personal information" means individually identifiable information including a student or parent's first and last name; a home or other physical address (including street name and the name of the city or town); telephone number; or a social security identification number;
7. "Invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion or injection into the body. It does not include a hearing, vision or scoliosis screening and does not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification.

Requests to Inspect Materials

Parents may inspect surveys, instructional materials or instruments used to collect personal student information for marketing purposes before such items are administered or distributed by a school to a student as follows:

1. Requests may be directed to the school office by phone or in person;
2. Requests must be received by the district no later than [five] working days following receipt of notification by the district of its intent to administer or distribute such items;
3. Materials may be reviewed at the school office or mailed by the district;
4. Requests to mail materials must be accompanied by a self-addressed, stamped envelope.

Requests to Excuse Student from Covered Activities

A parent may request that his/her student be excused from participation in any of the following covered activities:

1. The collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information to others;
2. Any district or third party survey;
3. The administration of nonemergency, invasive physical examinations or screenings.

All such requests must be:

1. Directed to the principal in writing;
2. Received by the district no later than five working days following receipt of notification by the district of its intent to administer or distribute such items.

2. Received by the district no later than [five] working days following receipt of notification by the district of its intent to administer or distribute such items.

Student Privacy

The district recognizes its responsibility to protect student privacy in the event of administration or distribution of a survey to a student containing one or more covered survey items.

A student's personal information that may be collected as a result of such surveys will be released only with prior, written parental permission.

Notification

Each building principal shall be responsible for ensuring appropriate notification to parents of their rights under federal law, Board policy and this regulation. Accordingly, notification will:

1. Be made at least annually at the beginning of the school year or at other times during the school year when enrolling students for the first time in school;
2. Include the specific or approximate dates during the school year when covered activities are scheduled or expected to be scheduled.



Code: **KB**
Adopted: 5/9/88
Readopted: 3/8/99
Orig. Code(s): BP 9010

Public Information Program

The district will make every attempt to:

1. Keep the public informed about the policies, administrative operation, objectives and educational programs of the schools;
2. Provide the means for furnishing full and accurate information, favorable and unfavorable, together with interpretation and explanation of school plans and programs.

In meeting these goals, the district will place great importance upon the role of the teacher as communicator and interpreter of the school program to parents and the general public. Further, it is recognized that there are times when direct communication between school officials and the community is necessary. At such times, it will be the policy of the Board to encourage and provide these opportunities.

The superintendent will develop procedures and techniques for assuring a continuous and free-flowing line of communication between the staff and the district's residents. These procedures will include provisions for regular publications from each school to the parents of that school community.

The Board supports the right of the people to know about programs and services of their schools and will make every effort to disseminate information. Each principal is authorized to use all means available to keep parents and others of his/her particular school's community informed about the school's program and activities.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107



Code: **KBA**
Adopted: 12/14/87; 5/9/88
Revised/Readopted: 3/8/99, 9/13/04, 6/9/08, 12/8/08,
12/12/11, 1/13/14
Orig. Code(s): BP 1337, BP 1338; BP 9020

Public Records

“Public record” means any information that:

1. Is prepared, owned, used or retained by the district;
2. Is related to an activity, transaction or function of the district; and
3. Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the district.

Public record does not include messages on voice mail or on other telephone message storage and retrieval systems or spoken communication that is not recorded.

Board meetings and records will be matters of public information subject to such restrictions as are set by federal law or regulation, by state statute or by pertinent court rulings.

The Board’s official minutes, its written policies and its financial records will be available at the superintendent’s office for inspection by any citizen desiring to examine them during hours when the superintendent’s office is open. All such information will be made available to individuals with disabilities in an appropriate format upon request and with appropriate advance notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

The Board supports the right of the people to know about programs and services of their schools and will make every effort to disseminate information. Each principal is authorized to use all means available to keep parents and others of his/her particular school’s community informed about the school’s program and activities.

No records will be released for inspection by the public or any unauthorized persons — either by the superintendent or any other person designated as custodian for district records — if such disclosure would be contrary to the public interest, as described in state law.

If a copy of a record is requested, the district will provide a single certified copy. If a request to inspect a record is made and the public record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If not available in the form requested, it will be provided in the form the public record is maintained. If a person who is a party to a civil judicial proceeding to which the district is a party or who has filed notice under ORS 30.275 (5)(a), asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of district records and at the same time to the district’s attorney.

Employee and volunteer addresses, electronic mail addresses (other than district electronic mail addresses assigned by the district to district employees), social security numbers, dates of birth and telephone numbers contained in personnel records maintained by the district are exempt from public disclosure pursuant to ORS 192.445 and ORS 192.502 (3). Such information may be released only upon the written request of the employee or volunteer or as otherwise provided by law. This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member. District electronic mail addresses assigned by the district to district employees are not exempt. Additionally, the district will not disclose the identification badge or card of an employee without the employee’s written consent if the badge or card contains the employee’s photograph and the badge or card was prepared solely for internal use by the district to identify district employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

Upon receipt of a request, the district will respond as soon as practicable and without unreasonable delay. The district may request additional information or clarification from the requester for the purpose of expediting the district’s response to the request. Further, the district is responsible for providing an estimate of the time the district requires before the public records may be inspected or copies of the records will be provided.

Upon receipt of a request, the district will respond as soon as practicable and without unreasonable delay. The response must acknowledge the receipt of the request and one of the following:

1. A statement that the district does not possess, or is not the custodian of, the public record.
2. Copies of all requested public records for which the district does not claim an exemption from disclosure under ORS 192.410 to 192.505.
3. A statement that the district is the custodian of at least some of the requested public records, an estimate of the time the district requires before the public records may be inspected or copies of the records will be provided and an estimate of the fees that the requester must pay as a condition of receiving the public records.
4. A statement that the district is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by the district within a reasonable time.

5. A statement that the district is uncertain whether the district possesses the public record and that the district will search for the record and make an appropriate response as soon as practicable.
6. A statement that state or federal law prohibits the district from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction. A statement under this paragraph must include a citation to the state or federal law relied upon by the district.

The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the district for the actual cost of making copies of public records for the public. There will be no additional charge for auxiliary aids and services provided for qualified persons with disabilities.

Requests for copies of documents shall be in writing and will be presented to the superintendent's office.

END OF POLICY

Legal Reference(s):

ORS Chapter 192
OAR 137-004-0800
OAR 166-400

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).
OR. DEPT OF JUSTICE, OR. ATT'Y GENERAL'S PUBLIC RECORD AND MEETINGS MANUAL.
Americans with Disabilities Act Amendments Act of 2008.



Code: **KBA-AR**
Adopted: 12/13/93
Revised/Readopted: 3/8/99, 12/8/08
Orig. Code(s): AR 1337

Public Records

In compliance with Oregon law the following guidelines apply to the dissemination, inspection and examination of the public records of the district:

1. All requests for information must be made through the Superintendent's Office located at 1920 Long Street, Sweet Home, OR 97386.
2. Requests for information concerning sensitive, technical or emotional issues may be required to be submitted in writing and the district will respond in writing within a time frame consistent with the request. Reasonable accommodations will be provided for persons with disabilities upon request and with appropriate advance notice;
3. Where the labor effort exceeds 30 minutes, labor, material and out-of-pocket charges will be reimbursed to the district. Labor will be calculated at the hourly rate of the employee affected. Materials and out-of-pocket charges will be reimbursed at the established rate of \$0.25 per page.

Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge;
4. The district reserves the right to restrict the inspection of some public records to the district's facilities;
5. Information will be made available to individuals with disabilities in an appropriate format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.



SWEET HOME SCHOOL DISTRICT NO. 55
Sweet Home, Oregon

PUBLIC RECORDS INSPECTION REQUEST

Date _____

Time _____

I, _____ (name), request that the superintendent make available for inspection the following records:

1. _____

2. _____

As a qualified disabled person under the Americans with Disabilities Act of 1990, I request that the following auxiliary aids and services be made available:

I ☐ request or ☐ do not request that the school district produce a copy of the records described above.

I agree to pay the costs required by school district administrative regulation, KBA-AR.

Signature of Requestor

Signature of Superintendent or Designee



Code: **KBCA**
Adopted: 5/9/88
Readopted: 3/8/99
Orig. Code(s): BP 9030

News Releases

It is important that information about district activities and issues be provided to the community in a way which will create and maintain a dignified and professionally responsible image for the district.

The procedures listed below will be followed in giving official information to the news media:

1. The Board chairman will be the official spokesperson for the Board, except as this duty is delegated to the superintendent;
2. News releases which are of a districtwide nature or pertain to established district policy will be the responsibility of the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 192.640](#)
[ORS 332.107](#)



Code: **KBCAA**
Adopted: 5/9/88
Readopted: 3/8/99
Orig. Code(s): BP 9050

Announcements

Facilities of the press, radio and television shall be utilized by the district in order to acquaint citizens of the district with all aspects of the school program. It shall be the policy of the district to make announcements and release information impartially and simultaneously to interested news media of the area. No announcement by the community or nonschool agency, organization or individual may be made on school grounds or in school buildings during school hours without the approval of the building administrator.

END OF POLICY

Legal Reference(s):

[ORS 192.640](#)
[ORS 332.107](#)



Code: **KBCE**
Adopted: 5/9/88
Readopted: 3/8/99
Orig. Code(s): BP 9040

Sports and Special Events News Coverage

News media coverage of sports and other special events is encouraged. Radio and/or television broadcasts of events will be arranged through the superintendent's office.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107



Code: **KC**
Adopted: 5/9/88
Readopted: 3/8/99
Orig. Code(s): BP 9100

Community Involvement in Decision Making

The Board endorses the concept that community participation in the affairs of the schools is essential if the school system and the community are to maintain mutual confidence and respect and work together to improve the quality of education for students. The Board will exert every effort to identify the desires of the community and to be responsive, through its actions, to those desires.

All citizens of the district will be encouraged to express their ideas, concerns and judgments about the schools through such means as:

1. Written suggestions or proposals;
2. Presentations at hearings;
3. Responses to surveys made through interviews, written instruments or other means;
4. Comments at meetings of the Board;
5. Service on citizens' advisory committees.

The advice of the public will be given careful consideration. In the evaluation of such advice, the first concern will be for the educational program as it affects students. The Board's final decision may depart from this advice when in the judgment of the staff and the Board such advice is not consistent with goals adopted by the Board, good educational practice, or within reach of the financial resources available.

END OF POLICY

Legal Reference(s):

[ORS 329.125](#)
[ORS 332.107](#)

Cross Reference(s):

BCF - Advisory Committees to the Board
BDDH - Public Participation in Board Meetings
BDE - Public Hearings
IFCA - 21st Century Schools Councils



Code: **KG**
Adopted: 5/9/88
Readopted: 3/8/99
Orig. Code(s): BP 9200

Community Use of School Facilities

The facilities of the district will be made available, under capable and responsible adult supervision, for community activities of an educational, recreational or civic nature. The use of district facilities for partisan, political or sectarian purposes may be granted with specific approval of the superintendent. The use of buildings or other property of the district shall not be granted to any organization or to any individual listed as subversive by the Attorney General of the United States. The administration is authorized to cancel building use permits when it is apparent that such action is necessary for the best interests of the district.

The school has first priority for the use of district facilities. Other usage will be on a first come first served basis at the discretion of the building principal.

The superintendent will develop rules, regulations and fee schedules for the use of district facilities.

END OF POLICY

Legal Reference(s):

[ORS 330](#).430

[ORS 332](#).107

[ORS 332](#).172



Code: **KG-AR**
Adopted: 3/12/90
Readopted: 3/8/99, 4/14/03, 10/13/03, 9/10/12
Orig. Code: AR 9200

APPLICATION AND FEES FOR USE OF DISTRICT FACILITIES (new fee schedule effective as of September 1, 2003)

Priority for Use of District Facilities

Groups using facilities will be classified as follows, with priority for use in the order listed. The school principal will determine the classification of the applicant, and fees to be assessed.

- Class I
 - 1. School/District sponsored activities for students.
 - 2. School/District sponsored activities for parents.
 - 3. School Parent Organizations' sponsored activities.
 - 4. District related activities.
 - 5. Governmental related organizations conducting official business.
 - 6. Youth serving organizations for the purpose of conducting youth activities.
- Class II Non-profit groups
- Class III Profit Groups

Regulations Governing Use of District Facilities

- There will be no drinking of intoxicating liquors in the buildings or on the premises.
- No building will be opened to community usage without the presence of a school custodian or other authorized school employee unless previous arrangements with the building principal have been made. All school employees who supervise facility use at a time other than their regular working hours will be paid by the district and the district will be reimbursed by the user.
- Equipment and furniture such as projectors, public address systems, pianos, spotlights, etc., shall be used and moved only with the approval of the building principal. A charge may be imposed if serviced and operated by school personnel.
- Application for building use will be received at the building no later than seven days prior to use.
- Any organization sponsoring the use of the buildings or grounds shall provide a supervisor without cost to the district for the entire time they are in use and shall assume full liability for any accidents to person or property that may occur upon the grounds or in the buildings during the time school grounds or buildings are in use under its supervision.
- Decorations will be flameproof and will not be fastened by nails or screws to any part of the building without permission of the building principal.
- A charge will be imposed for any additional cleaning or maintenance occurring from the sponsoring organization's use.
- The use of buildings or other property of the district shall not be granted to any organization or to any individual listed as subversive by the Attorney General of the United States.
- Additional regulations governing the use of the buildings or grounds may be required by the building principal, subject to the approval of the superintendent.

Special Facilities and Equipment

The use of district facilities will be under the cognizance of a school employee designated by the principal.

- Gymnasium
School gymnasiums may be used for purposes and activities appropriate to the facility. Appropriate gym shoes are required.
- Cafeteria
Kitchen facilities may be used only under supervision of a regularly employed cafeteria worker or appropriate school employee.

Groups using the kitchen and cafeteria facilities for dinners or banquets will be charged a rental fee for use of the kitchen, labor expenses of cafeteria and custodial personnel, rental fee for use of the cafeteria and the cost of the food and supplies used.

Administration

- Applications for use of district facilities will be submitted to the school principal on application forms provided by the district. The applications must be signed by an adult who will be responsible for the care of the facility. Applications must be submitted to the building principal at least seven days prior to use.
- No group will be admitted into the building before an adult supervisor arrives who is responsible for the use and care of the facility.
- The school principal's responsibilities are:
 - ✓ To determine the proper category of the applicant;
 - ✓ To ascertain that the applicant will fit into the building use calendar and district policy;
 - ✓ To determine that the proposed activity will not interrupt the school program;
 - ✓ To determine that the proposed activity will not be harmful to the facility.
- The school principal will forward the application and appropriate recommendations, including fee assessment, if any, to the business office.
- The business office will be responsible for collecting appropriate charges.
- Fees for building use will be determined annually by the business manager.
- Exceptions to the above policy, procedures and fees may be adjusted at the discretion of the superintendent.

FEE SCHEDULE FOR SCHOOL FACILITY USE

- During regular hours of school operation, 8:00 a.m. – 10:00 p.m. Monday through Friday during the school year and 8:00 a.m. – 4:00 p.m. Monday through Friday during the summer. Cafeteria regular hours are 8:00 a.m. – 2:30 p.m. Monday through Friday during the school year.

CLASS	CUSTODIAL LABOR	CAFETERIA LABOR	GYM	CLASSROOM	MULTI- PURPOSE	KITCHEN	AUDITORIUM
I	0	0	0	0	0	0	0
II	\$20.00/hr	\$17.00/hr	\$5.00/hr	\$3.00/hr	\$5.00/hr	\$10.00/hr	\$20.00/hr
III	\$20.00/hr	\$17.00/hr	\$20.00/hr	\$10.00/hr	\$20.00/hr	\$30.00/hr	\$40.00/hr

- ❖ Labor charge applies to use for employee(s), if required. If not during regular working hours, rate will be calculated at time and one-half.
- ❖ Fees may be assessed for the use of chairs and/or tables.



SWEET HOME SCHOOL DISTRICT NO. 55

APPLICATION FOR USE OF DISTRICT FACILITY

◆ TO BE COMPLETED BY APPLICANT ◆

Applicant - organization or individual _____ Date of application _____

Name of school or facility desired _____ Room/Area to be used _____

Activity is: One time only _____ Semi-Weekly _____ Weekly _____ Semi-Monthly _____ Monthly _____

Time: _____ am/pm to _____ am/pm Day of week: _____ Date: _____
(circle one) (circle one) (if one time only)

If weekly or monthly, specify - Date starts: _____ Date ends: _____

Describe activity: _____

Is activity revenue generating? _____ Admission charge or fee: _____

Equipment needed: _____

Adult supervisor in charge of the activity at the district facility will be: _____

Name _____ Address _____ Phone _____

In consideration of the district's granting the permission above requested, the applicant hereby binds itself to the terms and conditions printed on the bottom half of this application. Signature necessary at bottom of page. Read before signing.

◆ TO BE COMPLETED BY PRINCIPAL ◆

Will the facility be used on regular school day? _____

If not, can arrangements be made for an appropriate school employee to supervise the use of the facility? _____

I have examined the application and, in accordance with district policy, recommend that the application be:

APPROVED: _____ NOT APPROVED: _____ Remarks: _____

Estimated charges: _____ Base charge: _____ Cafeteria labor: _____ Stage equipment: _____

Custodial labor: _____ Building use charge: _____ Kitchen use: _____ Food supplies: _____

Special instructions: _____

Signature – Building Principal or Supervisor _____

◆ FACILITY USAGE TERMS AND CONDITIONS ◆

In consideration of the district's granting permission to applicant to use its school facility as requested on this page, applicant hereby binds itself to the following terms and conditions:

1. Applicant shall be solely responsible for loss or damage to property or injury or death of any person or persons arising out of or connected in any way with the use of district facilities by the applicant;
2. Applicant accepts the facilities, including the premises and equipment, in the condition then existing, and expressly releases the district, its directors, officers, agents, employees and representatives, from any and all claims, damage, loss, expense and causes of action or causes of suit, arising out of or resulting from the use of the facilities by the applicant;
3. Applicant shall pay the usual fees and charges applicable to such use as established by the district;
4. Applicant shall reimburse the district for all damages to the premises or property resulting from such use other than ordinary wear and depreciation as determined by the building principal;
5. Applicant agrees to conform to all rules and regulations of the district, a copy of which has been received by applicant;
6. Applicant shall provide adequate supervision and shall be responsible for any improper conduct of the audience, both individually and collectively, while on district premises or utilizing district facilities;
7. Applicant agrees that the use of the facilities and this permit shall be revocable by the district at any time at the option of the district;
8. The following conditions apply only on non-school district sponsored events:

Applicant hereby agrees to indemnify and hold harmless the district, its directors, officers, agents, employees and representatives, from and against any and all claims, loss, damage, expense, injury or death and from all causes of action or causes of suit, and from all costs and expenses, including attorneys' fees, connected therewith, arising out of or connected directly or indirectly with the use of the facility by the applicant, however and wherever cause, and whether or not caused by any negligence on the part of the district or the condition of the premises or facility.

◆ ALCOHOL, TOBACCO & DRUGS ARE PROHIBITED ON DISTRICT PROPERTY ◆

Name of applicant: _____ Home Phone: _____ Business Phone: _____

Address: _____ City, State, Zip _____

Signature - Applicant: _____

copies: Participant, School, Business Office



Code: **KGA**
Adopted: 5/9/88
Readopted: 3/8/99
Orig. Code(s): BP 9210

Public Sales on District Property

Public sales of goods or services on district property must be approved by the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.172](#)



Code: **KGB**
Adopted: 5/9/88
Readopted: 3/8/99, 9/13/04, 9/11/06
Orig. Code(s): BP 9220

Public Conduct on District Property

No person on district property will:

1. Injure or threaten to injure another;
2. Damage the property of another or of the district;
3. Initiate or circulate a report, one knows to be false, concerning an alleged hazardous substance, impending fire, explosion, catastrophe or other emergency that will take place in or upon a school;
4. Violate parking regulations;
5. Drive a vehicle in an unsafe manner;
6. Conduct himself/herself in such a manner as to impede, delay or otherwise interfere with the orderly conduct of the educational program of the district or any other activity taking place on school property which has been authorized by the Board, superintendent, building principal or other authorized administrator;
7. Enter any portion of school premises at any time for purposes other than those which are lawful and authorized by the Board;
8. Possess an unauthorized loaded or unloaded firearm or any other instrument used as a dangerous or deadly weapon as defined in law and Board policy;
9. Consume, sell, give or deliver alcoholic beverages or controlled chemical substances;
10. People under the age of 18 shall not use or possess tobacco products in other than a designated smoking area.
11. Wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other things which are evidence of membership or affiliation in any gang. Use speech or commit any act or omission in furtherance of the interests of any gang or gang activity. A "gang" is defined as a group that identifies itself through the use of a name, unique appearance or language including hand signs, claiming of geographical territory or the espousing of a distinctive belief system that frequently results in criminal activity;
12. Willfully violate other rules and regulations adopted by the Board designed to maintain public order on school property.

Persons having no legitimate purpose or business on district property or violating or threatening to violate the above rules may be referred to law enforcement officials.

END OF POLICY

Legal Reference(s):

[ORS 161.015](#)
[ORS 164.245](#)
[ORS 164.255](#)

[ORS 166.025](#)
[ORS 166.155 - 166.165](#)
[ORS 166.210 - 166.370](#)

[ORS 336.109](#)
[ORS 806.060 - 806.080](#)
[OAR 584-020-0040 \(4\)\(e\),\(g\)](#)

Gun-Free Schools Act of 1994, 20 U.S.C. Section 8921.

Pro-Children Act of 1994, 20 U.S.C. Sections 6081-6084.

Gun-Free School Zones Act of 1990, 18 U.S.C. Sections 921(a) (25), (26) and 922(q); as amended by P.L. 104-208, Section 101(f) (1996) and P.L. 103-322, Section 320904 (1994).

Cross Reference(s):

ECAB - Vandalism/Malicious Mischief/Theft
ECD - Traffic and Parking Controls
JFCEA - Secret Societies – Gangs
KGC - Smoking on District Premises by Public



Code: **GBK/JFCG/KGC**
Adopted: 8/13/92
Revised/Readopted: 8/10/98, 9/13/04, 9/12/05, 10/17/05, 11/14/05,
6/13/11
Orig. Code: BP 5228

Tobacco-Free Environment

The Board recognizes its responsibility to promote the health, welfare and safety of students, staff and others on district property and at school-sponsored activities. In light of scientific evidence that use of tobacco is hazardous to health, and to be consistent with district curriculum and Oregon law, it is the intent of the Board to establish a tobacco-free environment as of January 1, 2006. Consequently, student possession, use, distribution or sale of tobacco, including any smoking device, on district premises, at school-sponsored activities on or off district premises or otherwise while the student is under the jurisdiction of the school, is prohibited. Tobacco use distribution or sale by staff on district property, at district sponsored events, in district-owned, rented or leased vehicles or otherwise while on duty is prohibited. Tobacco use distribution or sale by others on district property, in district vehicles or at district sponsored events is also prohibited. Staff or others authorized to use private vehicles to transport district students to school-sponsored activities are prohibited from using tobacco in those vehicles while students are under their care.

For the purposes of this policy, "tobacco" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew, snuff, in any form, nicotine or nicotine delivering devices, chemicals or devices that produce the physical effect of nicotine substances or any other tobacco substitute (e.g., e-cigarettes). This does not include FDA approved nicotine replacement therapy products used for the purpose of cessation.

Clothing, bags, hats and other personal items used by staff and students to display, promote or advertise tobacco products are prohibited on district grounds, at school-sponsored activities or in district vehicles. Tobacco advertising is prohibited in all school-sponsored publications, in school buildings and at all school-sponsored events. District acceptance of gifts or funds from the tobacco industry is similarly prohibited.

Student violations of this policy will lead to disciplinary action up to and including expulsion. Students may also be subject to removal from any or all extracurricular activities and/or denial or forfeiture of school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, field trips, senior trip, prom, etc.). School and/or community service may be required. A referral to law enforcement may be made. Parents shall be notified of all violations involving their student and action taken by the school.

Staff violations of this policy will lead to disciplinary action up to and including dismissal. Violations by others will result in appropriate sanctions as determined and imposed by the superintendent or Board.

Information about community resources and/or cessation programs to help staff and students overcome tobacco use will be provided.

The district will promote cessation resources and other positive alternatives to discipline. Tobacco use cessation programs may be established at district schools. Attendance or completion of tobacco use cessation programs by students may be allowed as a substitute to, or as a part of student discipline for possession, use, distribution or sale of tobacco at the discretion of the building principal. Attendance at cessation programs not offered by the district is voluntary and related costs are the individual responsibility of the staff member, student and his/her parent and private health-care system.

As part of the district's tobacco use prevention activities, the superintendent shall ensure that tobacco use instructional programs as recommended by the Oregon Department of Human Services, Health Services, Tobacco Prevention and Education Program and the Oregon Department of Education are an integral part of its drug and

Tobacco-Free Environment – JFCG/KGC/GBK

alcohol prevention curriculum. Programs must be integrated within the health education program and age- and developmentally-appropriate instruction provided at every level, pre-kindergarten through grade 12, with particular emphasis on grades six through eight. It is the expectation of the Board that tobacco use prevention concepts will be integrated into the instruction of other subject areas as practicable.

Staff responsible for teaching tobacco use prevention will be encouraged to collaborate with agencies and groups that conduct tobacco use prevention education and to participate in ongoing professional development activities that provide basic knowledge about the effects of tobacco use, effective instructional techniques and program-specific activities.

The superintendent shall consult with local officials to promote enforcement of law that prohibits the possession of tobacco by minors on or off district grounds.

The superintendent will develop administrative regulations as necessary to implement this policy, including provisions for notification of the district's policy, through such means as student/parent and staff handbooks, newsletters, inclusion on school event programs, signage at appropriate locations; disciplinary consequences; and procedures for filing and handling complaints about violations of the district's policy.

The superintendent shall ensure that the district's tobacco use prevention program, policies, curricula, training and cessation programs are evaluated at regular intervals. The input of students, staff, parents and others from the community will be encouraged.

END OF POLICY

Legal Reference(s):

<u>ORS 332.107</u>	<u>OAR 581-021-0050 to -0075</u>
<u>ORS 336.222</u>	<u>OAR 581-022-0413</u>
<u>ORS 336.227</u>	<u>OAR 581-053-0015</u>
<u>ORS 339.240</u>	<u>OAR 581-053-0545 (4)(c)(R,S,T)</u>
<u>ORS 339.250</u>	<u>OAR 581-053-0550 (5)(t,u,v)</u>
<u>ORS 433.835 - 433.990</u>	

Pro-Children Act of 1994, 20 U.S.C. Sections 6081-6084. (2006).



Code: **KGD**
Adopted: 5/9/88
Readopted: 3/8/99, 9/13/04
Orig. Code(s): BP 9240

Use of District Facilities During Disasters

During the time of natural or manmade disasters, the district, after meeting its responsibility to the students, will permit its physical facilities to be used by the **governmental agencies** for **emergency services**.

END OF POLICY

Legal Reference(s):

[ORS 332](#).107
[ORS 332](#).172



Code: **KGE**
Adopted: 5/9/88
Revised/Readopted: 3/8/99
Orig. Code(s): BP 9250, BP 9255

Care of District Properties

All district property is to be used in the manner in which it was intended. Any group using the district buildings or grounds shall assume all liability for any accidents or destruction of property that may occur during the time such buildings or grounds are in use under its supervision or in any way resulting therefrom. In cases of deliberate destruction or of deliberate misuse leading to destruction of district property, an assessment in the amount of damage will be made against the responsible individual.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 332.172](#)



Code: **KGF/EDC**
Adopted: 4/4/88
Readopted: 3/8/99, 9/13/04
Orig. Code(s): BP 7320

Authorized Use of School-Owned Equipment and Materials

School district materials and equipment will be used only for school purposes by district personnel.

Exceptions to this policy must be approved by the superintendent or designee **and authorized use shall be consistent with ORS Chapter 244.**

END OF POLICY

Legal Reference(s):

[ORS Chapter 244](#)
[ORS 332.107](#)

[OAR 584-020-0040](#)

Oregon Government Standards and Practices Laws, A Guide for Public Officials, Oregon Government Standards and Practices Commission (Dec. 1993).

Cross Reference(s):

KG - Community Use of School Facilities



Code: **KH**
Adopted: 5/9/88
Readopted: 3/8/99
Orig. Code(s): BP 9310

Public Gifts and Donations

Consistent with the laws of this state, the Board may accept money or property donated for the use or benefit of the district and use such money or property for the purpose for which it was donated. Upon receipt of gifts, grants, donations and/or titles to property the district shall have sole and complete control of same.

The superintendent is authorized to accept gifts to the district and others whom he/she may designate will be authorized to accept gifts for particular schools on behalf of the Board. All major gifts will be reported to the Board and publicly announced. After acceptance, the Board will officially thank the donor.

In instances where the superintendent or designee doubts the appropriateness or usefulness of an offered gift, the gift may be declined or the matter may be referred to the Board.

Presentation of memorials or other awards shall be fittingly recognized by the Board. Such recognition shall in no case be considered as a testimonial or endorsement by the school system.

END OF POLICY

Legal Reference(s):

[ORS 294.326](#)
[ORS 332.075](#)
[ORS 332.107](#)
[ORS 332.385](#)

Cross Reference(s):

GBI - Gifts and Solicitations
IIAC - Library Materials Selection and Adoption
JI - Student Awards and Scholarships



Code: **KI/KJ**
Adopted: 5/9/88
Readopted: 3/8/99, 4/10/00, 9/13/04
Orig. Code(s): BP 9320

Commercial Advertising/Merchandise Sales

It is the intent of the Board to protect the teaching and learning environment from advertising, merchandise sales and the promotion of products and services by commercial, cultural, organizational or other nonschool interests in district schools. Schools are not the appropriate forums to be used to advertise, promote or disseminate materials for commercial, profit-oriented businesses. Consequently, the district prohibits employees or other persons acting on behalf of the district to enter into any contract or agreement for:

1. Exclusive advertising of any product or service through district programs, services or activities to any person, business or corporation;
2. Any product or service that requires the dissemination of advertising materials to staff, students, parents or others, or that allows any person, business or corporation to gather or obtain information from students for market research or other nonschool purposes;
3. Endorsement of a product or service or which implies district endorsement;
4. Naming rights to district property in exchange for goods, services or monetary considerations.

“Commercial advertising,” as used in this policy means the use by any person, company, business or corporation, for personal or private gain, of any district media including, but not limited to, school newspaper, yearbook or other printed material, flyer or circular; radio, television, video or any other electronic technology; or indoor or outdoor signage designed to:

1. Transmit a message offering any goods or services;
2. Cause or induce any other person to purchase any goods or services;
3. Increase demand for any goods or services.

Contracts entered into prior to the implementation date of this policy will not be renewed.

This prohibition includes the solicitation and sale of travel services to students by any person or group that sells, provides, furnishes, contracts for, arranges or advertises travel services on district property, at activities under the jurisdiction of the district and at interscholastic activities administered by a voluntary organization approved by the State Board of Education (i.e., Oregon School Activities Association). This includes the sale of services to students.

Only when advertising, promotional materials or merchandise sales are for noncommercial purposes may they be posted, distributed, used or sold in or by the schools. The superintendent or designee will evaluate and approve or disapprove all requests from district staff and nonschool interests.

The superintendent may, at his/her option, refer specific requests to the Board for action.

The superintendent will develop administrative regulations as needed for the implementation of this policy.

END OF POLICY

Legal Reference(s):

[ORS 279.015 \(2\)\(a\)](#)
[ORS 332.107](#)
[ORS 332.593](#)
[ORS 339.880](#)
[ORS 646.185](#)

32 Op Atty Gen 209 (1965).
46 Op Atty Gen 239 (1989).



Code: KJA
Adopted: 5/9/88
Readopted: 3/8/99, 9/8/03
Orig. Code: BP 9360

Materials Distribution

Printed materials relating to official school business and functions shall be printed and distributed by the district to the community. With regard to distribution of printed materials within the premises of school grounds or school buildings in the district by the community or non school agency, organization or individual, no printed materials may be distributed during school hours without the approval of the building principal or superintendent.

END OF POLICY

Legal References:

ORS 332.107

Opinion of the Attorney General, Vol. __, pl __ (No. 8204, April 26, 1989)



Code: **KK**
Adopted: 3/14/88
Readopted: 3/8/99
Orig. Code(s): BP 5290

Loitering — Trespass

Visitors are permitted on school premises so long as their presence is for constructive purposes and school officials approve of the visit. Visitors in the school building or on the school grounds during a normal school day shall first come to the main school office and arrange to conduct their business. All visitors will follow district policy, regulations and school rules. No individual may loiter or trespass in or near a school building or grounds. As defined herein, loitering means not having any reason or relationship involving custody of or responsibility for a student or upon inquiry, not having a specific legitimate reason for being there. Trespass is defined as being present in an unauthorized place or refusing to leave when ordered to do so by duly constituted authority.

END OF POLICY

Legal Reference(s):

[ORS 164.245](#)
[ORS 164.255](#)
[ORS 166.025](#)
[ORS 166.155 - 166.165](#)
[ORS 332.107](#)

Cross Reference(s):

BG - Board-Staff Communications

SWEET HOME SCHOOL DISTRICT 55

TABLE OF CONTENTS

SECTION K/L: DISTRICT-COMMUNITY RELATIONS

School-Community Relations Goals and Objectives.....	KA/KAA
Parental Rights.....	KAB
Parental Rights.....	KAB-AR
Public Information Program	KB
Public Records**	KBA
Public Records	KBA-AR
News Releases	KBCA
Announcements	KBCAA
Sports and Special Events News Coverage	KBCE
Community Involvement in Decision Making.....	KC
Community Use of School Facilities	KG
Application and Fees for Use of District Facilities.....	KG-AR
Public Sales on District Property	KGA
Public Conduct on District Property	KGB
Tobacco-Free Environment	KGC/GBK/JFCG
Use of District Facilities During Disasters	KGD
Care of District Properties	KGE
Authorized Use of School-Owned Equipment and Materials.....	KGF/EDC
Public Gifts and Donations	KH
Commercial Advertising/Merchandise Sales.....	KI/KJ
Materials Distribution	KJA
Loitering — Trespass.....	KK
Public Complaints.....	KL
Public Complaints about District Personnel	KLD
Public Complaints about District Personnel	KLD-AR
Relations with Law Enforcement Agencies.....	KN
Relations with Law Enforcement Agencies.....	KN-AR
Public Charter Schools.....	LBE
Public Charter Schools.....	LBE-AR
Compliance with Standards	LGA
Complaint Procedure	LGA-AR

** 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 581-015-0005 (18).



Code: **KL -AR**
Adopted: 5/11/15

Public Complaint Procedure

Initiating a Complaint: Step One

Any member of the public who wishes to express a complaint may discuss the matter with the school employee. It is the intent of the district to solve problems and address all complaints as close as possible to their origin.

The Administrator: Step Two

If the complainant is unable to resolve a problem or concern at step one, within five working days of the meeting with the employee, the complainant may file a written, signed complaint with the Principal. The principal shall evaluate the evidence and render a decision within five working days after receiving the complaint.

The Superintendent: Step Three

If such a discussion with the principal does not resolve the, within 10 working days of the meeting with the principal the complainant, if he/she wishes to pursue the action, shall file a signed, written complaint with the superintendent clearly stating the nature of the complaint and a suggested remedy. (A form is available, but is not required.)

The superintendent shall investigate the complaint, confer with the complainant and the parties involved and prepare a written report of his/her findings and his/her conclusion within 10 working days after receiving the written complaint.

The Board: Step Four

If the complainant is dissatisfied with the superintendent's findings and conclusion, the complainant may appeal the decision to the Board within five working days of receiving the superintendent's decision. The Board may hold a hearing to review the findings and conclusion of the superintendent, to hear the complainant and to take such other evidence as it deems appropriate. Generally all parties involved, including the school administration, will be asked to attend such meeting for the purposes of presenting additional facts, making further explanations and clarifying the issues.

The Board may elect to hold the hearing in executive session if the subject matter qualifies under Oregon Revised Statutes.

The complainant shall be informed of the Board's decision within [20] working days from the hearing of the appeal by the Board.

SWEET HOME SCHOOL DISTRICT
COMPLAINT FORM

TO: _____ Name of School

Person Making Complaint _____

Telephone Number _____ Date _____

Nature of Complaint:

Suggested Correction:

Office Use: Disposition of Complaint:

Signature:

Date:

cc: District Office



Code: **KL**
Adopted: 5/9/88
Readopted: 3/8/99, 9/13/04,
5/11/15
Orig. Code(s): BP 8340

Public Complaints

Complaints will be handled and resolved as close to their origin as possible.

Although no member of the community will be denied the right to petition the Board for redress of a grievance, the complaints will be referred through the proper administrative channels for solution before investigation or action by the Board. Exceptions are complaints that concern Board actions, operations or policies.

The Board advises the public that the proper channeling of complaints involving instruction, discipline or learning materials may follow this path but is not required:

1. Teacher;
2. School principal;
3. Superintendent;
4. Board.

Any complaint about school personnel **other than the superintendent** will be investigated by the administration before consideration and action by the Board. The Board will not hear charges against employees in open session unless an employee requests an open session.

While speakers may during public meetings offer objective criticism of school operations and programs, the Board will not hear personal complaints concerning district personnel nor against any person connected with the school system. To do so could expose the Board to a charge of being party to slander and would prejudice any necessity to act as the final review of administrative recommendations regarding the matter. The Board chairman will direct the patron to the appropriate means for Board consideration and disposition of legitimate complaints involving individuals.

END OF POLICY

Legal Reference(s):

[ORS 192.610 - 192.690](#)

[ORS 332.107](#)

[OAR 581-022-1940](#)

Anderson v. Central Point School District No. 6, 554 F. Supp. 600 (D. Oregon 1982); aff'd in part, 746 F.2d 505 (9th Cir. 1984).

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

Cross Reference(s):

KLD - Public Complaints about District Personnel



Code: **KLD**
Adopted: 9/14/89
Readopted: 3/8/99, 5/11/15
Orig. Code(s): BP 9341

Public Complaints about District Personnel

Constructive criticism of the schools is welcome when it is motivated by a sincere desire to improve the quality of the educational program.

The Board places trust in its employees and desires to support their actions in such a manner that employees are freed from unnecessary, spiteful or negative criticism and complaints.

Whenever a complaint about personnel is made directly to the Board as a whole or to a Board member as an individual, it will be referred to administration for study and possible solution. The individual employee involved will be advised of the nature of the complaint and given every opportunity for explanation, comment and presentation of the facts as he/she sees them.

If it appears necessary, the administration, the person who made the complaint or the employee involved may request a meeting with the Board for the purposes of fuller study and a decision by this body. A meeting with the Board will take place only after the proper channels for the complaint have been followed according to board policy KL. Generally all parties involved, including the school administration, will be asked to attend such a meeting for the purposes of presenting additional facts, making further explanations and clarifying the issues.

The Board will conduct such meetings in as fair and just a manner as possible. The Board may request a disinterested third party to act as moderator to help reach a mutually satisfactory solution.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)

[ORS 332.107](#)

[OAR 581-022-1940](#)

Code: **KLD-AR**
 Adopted: 8/14/89
 Readopted: 3/8/99, 5/11/15
 Orig. Code(s): AR 9341

Public Complaints about District Personnel

- [illegible]

6. In your opinion, what can be done to resolve your concern? _____

7. Whom have you contacted in the district to resolve your concern?

Witnesses: _____

Person issuing complaint: _____
(Print name) (Signature)

Address: _____
(Date signed)

Home phone: _____ Work phone: _____

(Use additional pages as needed)



Code: **KN**
Adopted: 3/8/99
Revised/Readopted: 8/9/10

Relations with Law Enforcement Agencies

The Board recognizes that districtwide cooperation with law enforcement agencies is essential for the protection of staff and students, for maintaining a safe environment in district schools and for safeguarding district property.

Programs and activities designed to enrich district curriculum and to develop and promote good citizenship and a healthy attitude toward law enforcement agencies and officials will be encouraged by the district. Law enforcement participation in such programs and activities is encouraged.

Law enforcement officials may enter school facilities if a crime has been committed on district property or to investigate matters concerning staff and students upon request initiated by either agency officials or by district administrators.

The superintendent will develop administrative regulations to implement this policy, including procedures for handling investigations, administrator requests for assistance and required referrals to law enforcement agencies.

END OF POLICY

Legal Reference(s):

[ORS 329.150](#)
[ORS 419B.015](#)

[ORS 419B.045](#)

Letter Opinion, Office of the Attorney General (August 18, 1986).
Greene v. Camreta, 588 F. 3d 1011 (9th Cir, 2009)

Cross Reference(s):

JFG - Search and Seizure



Relations with Law Enforcement Agencies

School-Police Liaison Program

1. The superintendent or designee will serve as the program coordinator for the district's School-Police Liaison Program.
2. Each year the administration will meet with law enforcement officials to discuss:
 - a. Whom the school/law enforcement official should call for suspected violations of the law occurring on district property or other common needs;
 - b. How school representatives should handle evidence of a suspected crime/contraband, etc.;
 - c. Board policy and procedures related to law enforcement officials' requests for access to and questioning of students on district property and district parent notification requirements;
 - d. Applicable provisions of district emergency plans and security procedures;
 - e. Special event needs.
3. District curriculum will be reviewed annually to include K-12 age-appropriate instruction in safety, violence prevention/conflict resolution and citizenship to increase students' awareness of their rights and responsibilities within society. Instruction will emphasize prevention.
4. Law enforcement involvement in district safety programs and activities will be encouraged.
5. Active involvement of related community agencies and organizations will be encouraged in an effort to broaden the reference base in the development of district programs and activities and to establish a link for sharing resources.

Law Enforcement Initiated Requests

Interviews/Investigations of Students

1. Interviews or investigations by law enforcement officials not based on allegations of child abuse, a warrant for an arrest or search or probable cause that an illegal act or crime is occurring or has been committed on district property, may be permitted upon request and with principal or designee approval.
2. The law enforcement official shall contact the administrator, properly identify himself/herself, inform the administrator of the nature of the investigation and provide the name of the student to be interviewed.
3. The administrator shall verify and record the identity of the law enforcement official or other authority.
4. Requests to interview a student during school hours should be, in the opinion of the administrator, important and urgent to justify interrupting school activities.
5. The administrator will attempt to notify the student's parent(s) prior to granting the interview.
6. If the parent(s) cannot be contacted, the administrator may grant permission for the questioning to proceed if the student agrees to be interviewed or in the event of compelling emergency circumstances.
7. If the administrator has been unable to contact the parent(s) then the administrator shall make a reasonable attempt to notify the parent(s) as soon as possible after the interview.
8. All such interviews shall be conducted in privacy, out of the view of staff, students and others.
9. An administrator shall be present at all times during the interview unless the student's parent(s) is present and asks the administrator not to participate or the district official is otherwise prohibited from being present by law.
10. The administrator shall maintain a written record of all such interviews conducted.

Questioning of a Student Suspected of a Crime, Arrest or Taking a Student into Custody

1. When a student is a suspect in a criminal act and is to be questioned by a law enforcement official for the purpose of establishing involvement in the act, questioning will be allowed on district property only with parental consent. Normally, such questioning should occur outside school hours, off district property.
2. At no time will a student be released to an officer without one of the following:
 - a. A warrant;
 - b. A court order;
 - c. Arrest;
 - d. Protective custody resulting from child abuse investigation;
 - e. Permission of the parent.
3. In all cases, other than child abuse cases, where a student is to be taken from the building by a law enforcement official, the administrator will verify the official's identity and make a reasonable effort to notify the student's parent(s). Law enforcement officials have the primary responsibility for notifying the parent(s) in such instances.
4. Any investigation of child abuse will be directed by the Oregon Department of Human Services, Community Human Services, or law enforcement officials as required by law. The administrator or designee will request documentation from the investigating official demonstrating that the official has a warrant, a court order, exigent circumstances or parental consent to conduct the interview. If the investigating official does not have this documentation, the administrator may deny the official's request to interview the student on school property. The administrator or designee may be present at the interview of the student at the discretion of the investigating official. When the subject matter of the interview or investigation involves child abuse, administrators and school employees shall not notify the parent.

Administrator-Initiated Requests

On occasion, principals may need, or be required to seek law enforcement assistance. Any student violation of the district's weapons policy shall be reported to the appropriate law enforcement agency. Child abuse also requires immediate referral to the Oregon Department of Human Services, Community Human Services, or law enforcement officials. Additionally, principals and/or designee(s) may report to law enforcement officials, other violations of law occurring on district property or at school-sponsored activities, as deemed appropriate.



Code: **LBE**
Adopted: 2/14/00
Revised/Readopted: 11/13/06, 9/10/12, 5/11/15

Public Charter Schools

The district recognizes that public charter schools offer an opportunity to create new, innovative and more flexible ways of educating students in an atmosphere of learning experiences based on current research and development. Public charter schools shall demonstrate a commitment to the mission and diversity of public education while adhering to one or more of the following goals:

1. Increase student learning and achievement;
2. Increase choices of learning opportunities for students;
3. Better meet individual student academic needs and interests;
4. Build stronger working relationships among educators, parents and other community members;
5. Encourage the use of different and innovative learning methods;
6. Provide opportunities in small learning environments for flexibility and innovation;
7. Create new professional opportunities for teachers;
8. Establish additional forms of accountability for schools; and
9. Create innovative measurement tools.

Public charter schools may be established as a new public school, from an existing public school or a portion of the school or from an existing alternative education program. A public charter school may not convert an existing tuition-based private school into a charter school, affiliate itself with a nonsectarian school or religious institution or encompass all the schools in the district unless the district is composed of only one school.

The Board will not approve any public charter school proposal when it is deemed that its value is outweighed by any direct identifiable, significant and adverse impact on the quality of the public education of students residing in the district. To meet the eligibility criteria for Board approval, a public charter school proposal must meet the requirements of Oregon Revised Statutes, Oregon Administrative Rules, Board policy and regulation. Upon request of the Board, the public charter school applicant must furnish in a timely manner any other information the Board deems relevant and necessary to conduct a complete and good faith evaluation of the charter school proposal.

The district will determine if it has any unused or underutilized buildings. Buildings may be made available for public charter school use, subject to Board approval. Approved use may be limited to instructional purposes only. Appropriate-use fees will be determined by the Board. Public charter school use outside the district's instructional day will be subject to Board policy KG - Community Use of District Facilities and accompanying administrative regulation.

The district will not provide instructional materials, lesson plans or curriculum guides for use in a public charter school.

The public charter school employer will be determined with each proposal. If the Board is the employer, the terms of the current collective bargaining agreement will be examined to determine which parts of the agreement apply. If the Board is not the sponsor of the public charter school, it shall not be the employer and will not collectively bargain with public charter school employees.

The district will annually calculate the number of students residing in the district who are enrolled in a virtual public charter school. When the percentage is three percent or above, the district may choose to not approve additional students for enrollment to a virtual public charter school, subject to the requirements in 581-026-0305(2).

The district is only required to use data that is reasonably available to the district including but not limited to the following for such calculation:

1. The number of students residing in the district enrolled in the schools within the district;
2. The number of students residing in the district enrolled in public charter schools located in the district;
3. The number of students residing in the district enrolled in virtual public charter schools;

4. The number of home-schooled students who reside in the district and who have registered with the educational service district; and
5. The number of students who reside in the district enrolled in private schools located within the school district.

A parent may appeal a decision of a school district to not approve a student for enrollment to a virtual public charter school to the State Board of Education.

The superintendent will develop administrative regulations for public charter schools to include the proposal process, review and appeal procedure and charter agreement provisions.

END OF POLICY

Legal Reference(s):

ORS 181.539	ORS 339.155	OAR 581-020-0301 to -0375
ORS 326.603	ORS 342.125	OAR 581-020-1342
ORS 326.607	ORS 342.127	
ORS 327.077	ORS 342.143	
ORS 327.109	ORS 342.165	
ORS 329.045	ORS 342.175	
ORS 332.107	ORS 342.180	
ORS 337.150	ORS 342.232	
ORS Chapter 338	ORS 342.815	
ORS 339.141	ORS 659.155	
ORS 339.147		

No Child Left Behind Act of 2001, P.L. 107-110, Title I, Sections 1111-1120B.



Code: **LBE-AR**
Adopted: 2/10/00
Readopted/Revised: 9/13/04, 11/14/05, 11/13/06
7/21/08, 12/08/08, 8/9/10, 12/12/11,
9/10/12, 1/13/14, 9/8/14, 5/11/15

Public Charter Schools

I. Definitions

- A. Applicant means any person or group that develops and submits a written proposal for a public charter school to the district.
- B. Public charter school means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between the district and an applicant.
- C. Virtual Public Charter School means a public charter school that provides online courses, but does not primarily serve students in a physical location.
 - 1. For the purpose of this definition, an online course is a course in which instruction and content are delivered on a computer using the internet, other electronic network or other technology such as CDs or DVDs; the student and teacher are in different physical locations for the majority of instructional time; the student is not required to be in a physical location of a school while participating in the course; and the online instruction is integral to the academic program of the charter school.
 - 2. For the purpose of this definition, primarily serving students in a physical location means that more than 50 percent of the core courses offered are not online courses; more than 50 percent of the total number of students attending the school are not receiving instructional services in an online course; and more than 50 percent of the school's required instructional hours are not through an online course.
- D. Remote and necessary school district means a school district that offers kindergarten through grade 12 and has: (a) an average daily membership (ADM), as defined in ORS 327.006, in the prior fiscal year of less than 110; and (b) a school that is located, by the nearest traveled road, more than 20 miles from the nearest school or from a city with a population of more than 5,000.
- E. Sponsor means the district Board.

II. Proposal Process

- A. The public charter school applicant shall submit the proposal to the district no later than January 31 for a September starting date.¹
- B. To be considered complete, the proposal for a public charter school shall include the following:
 - 1. The identification of the applicant;
 - 2. The name of the proposed public charter school;
 - 3. A description of the philosophy and mission of the public charter school;
 - 4. A description of any distinctive learning or teaching techniques to be used;
 - 5. A description of the curriculum of the public charter school;
 - 6. A description of the expected results of the curriculum and the verified methods of measuring and reporting results that will allow comparisons with district schools;
 - 7. The governance structure, public charter school board membership, selection, duties and responsibilities;
 - 8. The projected enrollment including the ages or grades to be served;
 - 9. The target population of students the public charter school is designed to serve;
 - 10. The legal address, facilities and physical location of the public charter school and applicable occupancy permits and health and safety approvals;
 - 11. A description of admission policies and application procedures;
 - 12. The statutes and rules that shall apply to the public charter school;
 - 13. The proposed budget and financial plan including evidence that the proposed budget and financial plan are financially sound;

¹The date shall be at least 180 days prior to the date that the public charter school would begin operating and give a reasonable period of time for the school district board to complete the approval process and the public charter school to begin operating by the beginning of the school year.

14. A sound financial management system that includes:
 - a. A description of a sound financial management system for the public charter school. The sound financial management system must minimally have:
 - (1) Accounting and financial record-keeping procedures which reflect Generally Accepted Accounting Principals (GAAP);
 - (2) Procedures reflecting cash management, investment practices and financial reporting;
 - (3) Balance sheets reflecting assets, expenditures and liabilities;
 - (4) Segregation of duties for individuals performing cash management and investment practices; and
 - (5) Processes for reflecting annual review of such systems by both charter school and sponsor.
 - b. An explanation of how the budget and accounting system:
 - (1) Is compatible with the budget and accounting system of the sponsor of the school; and
 - (2) Complies with the requirements of the uniform budget and accounting system adopted by rule of the State Board of Education under ORS 327.511.
 - c. A plan for having the financial management system in place at the time the school begins operating.
15. The standards for behavior and the procedures for the discipline, suspension or expulsion of students;
16. The proposed school calendar, including the length of the school day and length of the school year;
17. A description of the proposed school staff and required qualifications of teachers including a breakdown of professional staff who hold a valid teaching license issued by Teacher Standards and Practices Commission (TSPC) and those who do not hold a license but are registered with TSPC. (At least one-half of the full-time equivalent teaching and administrative staff of the public charter school shall be licensed.);
18. The date upon which the public charter school would begin operating;
19. The arrangements for any necessary special education and related services for students with disabilities who qualify under IDEA and special education or regular education and related services for students who qualify under Section 504 of the Rehabilitation Act of 1973 who may attend the public charter school;
20. Information on the manner in which community groups may be involved in the planning and development process of the public charter school;
21. The term of the charter;
22. The plan for performance bonding or insuring the public charter school, including buildings and liabilities;
23. A proposed plan for the placement of public charter school teachers, other employees and students upon termination or nonrenewal of a charter;
24. The manner in which the public charter school program review and fiscal audit will be conducted;
25. In the case of a district school's conversion to charter status, the following additional criteria must be addressed:
 - a. The alternate arrangements for students who choose not to attend the public charter school and for teachers and other school employees who choose not to participate in the public charter school;
 - b. The relationship that will exist between the public charter school and its employees including terms and conditions of employment.
26. The district will not complete the review required under ORS 338.055 of an application that does not contain the required components listed in ORS 338.045 (2)(a) -(y). A good faith determination of incompleteness is not a denial for purposes of requesting state board review under ORS 338.075;
27. In addition to the minimum requirements enumerated in ORS 338.045 (2)(a) - (y), the district, under ORS 338.045 (3), may require the applicant to submit any of the following information as necessary to add detail or clarity to the minimum requirements or that the Board considers relevant to the formation or operation of the public charter school:
 - a. Curriculum, Instruction and Assessment
 - (1) Description of a curriculum for each grade of students, which demonstrates in detail alignment with Oregon's academic content standards;
 - (2) Description of instructional goals in relationship to Oregon's academic content standards and benchmarks;

- (3) A planned course statement class taught in the program, including related content standards, course criteria, assessment practices and state required work samples that will be collected;
 - (4) Documentation that reflects consideration of credits for public charter school course work a student may perform at any other public school;
 - (5) Explanation of grading practices for all classes and how student performance is documented;
 - (6) Explanation of how the proposed academic program will be aligned with that of the district. (If an applicant is proposing an elementary level public charter school, please describe how the curriculum is aligned at each grade level with the district's curriculum, including an explanation of how a student in the public charter school will be adequately prepared to re-enter the district's public school system after completing the charter school's program.);
 - (7) Description of the student assessment system, including how student academic progress will be measured at each grade level and any specific assessment instruments that will be used;
 - (8) Description of the plan for reporting student progress to parents, students and the community;
 - (9) Description of policies and procedures regarding diplomas and graduation;
 - (10) Description of policies and practices for meeting the needs of students who are not successful in the regular program;
 - (11) Identification of primary instructional materials by publisher, copyright date, version and edition for each academic content area in each grade;
 - (12) Identification of major supplementary material in core academic content areas and the criteria for use with students;
 - (13) Description of how the public charter school will meet the unique learning needs of students working above and below grade level, including but not limited to talented and gifted students;
 - (14) Description of how the public charter school staff will identify and address students' rates and levels of learning;
 - (15) Description of strategies the public charter school staff will use to create a climate conducive to learning and positive student engagement;
 - (16) Documentation that demonstrates improvements in student academic performance over time (both individual and program/grade level) from any private alternative school operated by the public charter school applicant, if applicable;
 - (17) Description of how teachers will utilize current student knowledge and skills to assist in the design of appropriate instruction;
 - (18) Identification of how the public charter school will provide access to national assessments such as PSAT, SAT and ACT, if applicable;
 - (19) Description of parental involvement, content of planned meetings and how the school will adjust any meeting to meet the needs of working parents;
 - (20) Description of distance learning options available to students, including the grade levels and amount of instruction offered to students, if applicable.
- b. State and Federal Mandates/Special Education
- (1) Description of how the public charter school will meet any and all requirements of No Child Left Behind, which also specifically addresses adequate yearly progress (AYP) and the safe schools aspects of the law.
 - (2) Description of how the public charter school will collect AYP information on all subgroup populations in the school;
 - (3) Description of specific program information regarding curriculum and how specially designed instruction is delivered for special education students. (Include methodologies, data collection systems and service delivery models used.);
 - (4) Description of how the public charter school will serve the needs of talented and gifted students, including screening, identification and services;
 - (5) Description of how the public charter school will deliver services and instruction to English Language Learners (ELL), including descriptions of curriculum, methodology and program accommodations;

- (6) Description of how the public charter school will work with the district to comply with Section 504 accessibility requirements and nondiscrimination requirements in admissions and staff hiring;
 - (7) Explanation of how the public charter school will work with the district to implement Child Find requirements;
 - (8) Explanation of how the public charter school will work with the district to manage IDEA 2004 mandates regarding eligibility, IEP and placement meetings;
 - (9) Explanation of how the public charter school will work with the district in which the public charter school is located to implement accommodations and modifications contained in the IEP or Section 504 plan;
 - (10) Explanation of how the public charter school will work with the district to include parents in implementing IEPs;
 - (11) Explanation of how the public charter school intends to work with the district in which the public charter school is located to provide special education services for eligible students.
- c. Teacher Certification
- (1) Identification regarding the training and/or certification of staff, including areas of industry training, endorsements and Teacher Standards and Practices Commission (TSPC) licensure;
 - (2) Explanation of how the public charter school will meet the federal mandate of “highly qualified” teachers contained in No Child Left Behind;
 - (3) Identification of which teachers are Oregon Proficiency-based Admission Standards System (PASS) trained by content areas and year of training or re-training, if applicable;
 - (4) Explanation of how the public charter school will comply with TSPC requirements for all staff, including all TSPC Oregon Administrative Rules pertaining to its staff.
- d. Professional Development
- (1) Provide the public charter school’s plan for comprehensive professional development for all staff;
 - (2) Identification of how the public charter school’s licensed staff will obtain their required Continuing Professional Development units for licensure renewal.
- e. Budget
- (1) Explanation of projected budget item for PERS contributions that would be required of the public charter school;
 - (2) Description of planned computer and technology support;
 - (3) Description of planned transportation costs, if applicable;
 - (4) Explanation of projected budget items for teaching salaries and other personnel contracts;
 - (5) Explanation on facilities costs, including utilities, repairs, and rent;
 - (6) Copies of municipal audits for any other public charter school operated by the public charter school applicant, if applicable.
- f. Policy
- (1) Copies of any policy that the public charter school intends to adopt which address expectations of academic standards for students and transcribing of credits;
 - (2) Copies of any policy that the public charter school intends to adopt on student behavior, classroom management, suspensions and expulsions, which must contain an explanation of how the charter school will handle a student expelled from another district for reasons other than a weapons violation;
 - (3) Descriptions and copies of any policy that the public charter school intends to adopt regarding corporal punishment;
 - (4) Copies of any policy that the public charter school intends to adopt regarding dispensing of medication to students who are in need of regular medication during school hours;
 - (5) Description of procedures on how the public charter school will handle disciplinary referrals and how they will impact student promotion and advancement;
 - (6) Copies of any policy that the public charter school intends to adopt regarding reviewing and selecting instructional materials;
 - (7) Copies of any policy that the public charter school intends to adopt regarding solicitation/advertising/fundraising by nonschool groups;
 - (8) Copies of any policy that the public charter school intends to adopt regarding field trips;

- (9) Copies of any policy that the public charter school intends to adopt regarding student promotion and retention;
 - (10) Copies of any policy that the public charter school intends to adopt regarding student publications;
 - (11) Copies of any policy that the public charter school intends to adopt regarding staff/student vehicle parking and use;
 - (12) Copies of any policy that the public charter school intends to adopt regarding diplomas and graduation, and also participation in graduation exercises;
 - (13) Copies of any policy that the public charter school intends to adopt regarding student/parent/public complaints;
 - (14) Copies of any policy that the public charter school intends to adopt regarding visitors;
 - (15) Copies of any policy that the public charter school intends to adopt regarding staff discipline, suspension or dismissal.
- g. Other Information
- (1) Plans for use of any unique district facilities including, but not limited to, gymnasiums, auditoriums, athletic fields, libraries, cafeterias, computer labs and music facilities;
 - (2) Plans for child nutrition program(s);
 - (3) Plans for student participation in extracurricular activities pursuant to Oregon School Activities Association and Board policy, regulations and rules;
 - (4) Plans for counseling services;
 - (5) Explanation of contingency plans for the hiring of substitute professional and classified staff;
 - (6) Description of how the public charter school will address the rights and responsibilities of students;
 - (7) Description of how the public charter school will handle situations involving student, possession, use or distribution of illegal drugs, weapons, flammable devices and other items that may be used to injure others;
 - (8) Copies of program reviews conducted by other school districts that may have referred students to another public charter school operated by the public charter school applicant, if applicable;
 - (9) Description of the typical school day for a student, including a master schedule, related activities, breaks and extracurricular options;
 - (10) Description of how student membership will be calculated, including a description of the type of instruction and location of instruction that contributes to Average Daily Membership (ADM).
 - (11) Documentation and description of how long most students remain in the program, and documentation of student improvement in academic performance, disciplinary referrals, juvenile interventions, or any other disciplinary action while in the program;
 - (12) Explanation of the legal relationship between the public charter school and any other public charter school, if applicable. (Please provide any contracts or legal documents that will create the basis of the relationship between the entities. Please also provide all financial audits and auditor's reports.);
 - (13) If a public charter school applicant is operating any other public charter school, documentation that the public charter school applicant has established a separate Oregon nonprofit corporation, legally independent of any other public charter school in operation;
 - (14) If a public charter school applicant has not secured a facility at the time of submitting a public charter school proposal, a written and signed declaration of intent that states: If given any type of approval (conditional or unconditional), the public charter school applicant promises to provide to the school district liaison, at least sixty (60) days before the intended date to begin operation of the public charter school, proof that it will be able to secure, at least thirty (30) days before the intended date to begin operation of the public charter school, a suitable facility, occupancy and safety permits and insurance policies with minimum coverages required by the school district in school board policy and administrative regulation LBE that sets forth the requirements and process for the school board in reviewing, evaluating and approving a public charter school.

If the public charter school applicant fails to provide proof of an ability to secure a facility and all necessary occupancy and safety permits and insurance that is required by the school district as a condition of approval by the due date, it will withdraw its application to begin operation of a public charter school for the upcoming school year.

By signing this document, I affirm that I am authorized to make the promises stated above on behalf of the public charter school applicant. I understand that failure to fulfill the conditions listed above will result in an approval becoming void, and will automatically revoke any type of approval that the school board previously granted to the public charter school applicant.

Name
On behalf of the [ADD APPLICANT'S NAME]

Date

The public charter school applicant will organize and label all information required in section 27 to correspond to the requested numbers.

Each member of the proposed public charter school's governing body must provide an acknowledgment of understanding of the standards of conduct and the liabilities of a director of a nonprofit organization in ORS 65.

III. Proposal Review Process

- A. The superintendent may appoint an advisory committee to review public charter school proposals and submit a recommendation to the Board. The committee will consist of district representatives, community members and others as deemed appropriate.
- B. Within 30 business days of receipt of a proposal, the district will notify the applicant as to the completeness of the proposal and identify the specific elements of the proposal that are not complete. The district shall provide the applicant with a reasonable opportunity to complete the proposal.
- C. Within 60 days after the receipt of a complete proposal that meets the requirements of law and the district, the Board shall hold a public hearing on the provisions of the public charter school proposal.
- D. The Board must evaluate a proposal in good faith using the following criteria:
 1. The demonstrated sustainable support for the proposal by teachers, parents, students and other community members, including comments received at the public hearing;
 2. The demonstrated financial stability of the proposed public charter school including the demonstrated ability of the school to have a sound financial management system that:
 - a. Is in place at the time the school begins operating; and
 - b. Is compatible with the budget and accounting system of the sponsor of the school; and
 - c. Complies with the requirements of the uniform budget and accounting system adopted by rule of the State Board of Education under ORS 327.511.
 3. The capability of the applicant in terms of support and planning to provide comprehensive instructional programs;
 4. The capability of the applicant in terms of support and planning to provide comprehensive instructional programs to students identified by the applicant as academically low achieving;
 5. The adequacy of the information provided as required in the proposal criteria;
 6. Whether the value of the public charter school is outweighed by any directly identifiable, significant and adverse impact on the quality of the public education of students residing in the district. A "directly identifiable, significant and adverse impact" is defined as an adverse loss or reduction in staff, student, program or funds that may reduce the quality of existing district educational programs. This may include, but not be limited to, the following current data as compared to similar data from preceding years:
 - a. Student enrollment;
 - b. Student teacher ratio;
 - c. Staffing with appropriately licensed or endorsed personnel;
 - d. Student learning and performance;
 - e. Specialty programs or activities such as music, physical education, foreign language, talented and gifted and English as a second language;
 - f. Revenue;
 - g. Expenditure for maintenance and upkeep of district facilities.]
 7. Whether there are arrangements for any necessary special education and related services;

8. Whether there are alternative arrangements for students, teachers and other school employees who choose not to attend or be employed by the public charter school if the public charter school is converting an existing district school.
 9. The prior history, if any, of the applicant in operating a public charter school or in providing educational services.
- E. The Board must either approve or deny the proposal within 30 days of the public hearing.
- F. Written notice of the Board's action shall be sent to the applicant. If denied, the notice must include the reasons for the denial with suggested remedial measures. The applicant may then resubmit the proposal. The Board must either approve or deny the resubmitted proposal within 30 days. The Board may, with good cause, request an extension in the approval process timelines from the State Board of Education.

IV. Terms of the Charter Agreement

- A. Upon Board approval of the proposal, the Board will become the sponsor of the public charter school. The district and the applicant must develop a written charter agreement, subject to Board approval, which shall act as the legal authorization for the establishment of the public charter school.
- B. The charter agreement shall be legally binding and must be in effect for a period of not more than five years but may be renewed by the district.
- C. The district and the public charter school may amend a charter agreement through joint agreement.
- D. It is the intent of the Board that the charter agreement be detailed and specific to protect the mutual interests of the public charter school and the district. The agreement shall incorporate the elements of the approved proposal and will address additional matters, statutes and rules not fully covered by law or the proposal that shall apply to the public charter school including, but not limited to, the following:
 1. Sexual harassment (ORS 342.700, 342.704);
 2. Pregnant and parenting students (ORS 336.640);
 3. Special English classes for certain children (ORS 336.079);
 4. Student conduct (ORS 339.250);
 5. Alcohol and drug abuse program (ORS 336.222);
 6. Student records (ORS 326.565);
 7. Oregon Report Card (ORS 329.115);
 8. Recovery of costs associated with property damage (ORS 339.270);
 9. Use of school facilities (ORS 332.172);
 10. Employment status of public charter school employees:
 - a. Public charter school law requires the following:
 - (1) Employee assignment to a public charter school shall be voluntary;
 - (2) A public charter school or the sponsor of the public charter school may be considered the employer of any employees of the public charter school;
 - (3) If the Board is not the sponsor of the public charter school, it shall not be the employer and shall not collectively bargain with the employees;
 - (4) A public charter school employee may be a member of a labor organization or organize with other employees to bargain collectively. The bargaining unit may be separate from other bargaining units of the district;
 - (5) The public charter school governing body shall control the selection of employees at the public charter school;
 - (6) The Board shall grant a leave of absence to any employee who chooses to work in the public charter school. The length and terms of the leave of absence shall be set by collective bargaining agreement or by Board policy; however, the length of leave of absence may not be less than two years unless:
 - (a) The charter of the public school is terminated or the public charter school is dissolved or closed during the leave of absence; or
 - (b) The employee and the Board have mutually agreed to a different length of time.
 - (7) An employee of a public charter school operating within the district who is granted a leave of absence and returns to employment with the district shall retain seniority and benefits as an employee, pursuant to the terms of the leave of absence.
 - b. The terms and conditions of employment addressed in the agreement may include, but need not be limited to, the following provisions:

- (1) A proposed plan for the placement of teachers and other school employees upon termination or nonrenewal of the charter;
 - (2) Arrangements for employees who choose not to be employed or participate in the public charter school, if a district school has been converted to a public charter school;
 - (3) Salary for professional staff or wages for classified staff;
 - (4) Health benefits;
 - (5) Leaves, including timing, commencement and duration of leave; voluntary and involuntary termination and return to work; whether the leave is paid or unpaid; and a description of benefits upon termination of leave (i.e., same, similar or available position and salary schedule placement);
 - (6) Work year;
 - (7) Working hours;
 - (8) Discipline and dismissal procedures;
 - (9) Arrangements to secure substitutes;
 - (10) Arrangements to ensure that 50 percent of the total full-time equivalent teaching and administrative staff are licensed;
 - (11) Hiring practices;
 - (12) Evaluation procedures.
11. Student enrollment, application procedures and whether the public charter school will admit nonresident students and on what basis:
- a. Public charter school law requires the following:
 - (1) Student enrollment shall be voluntary. If the number of applicants exceeds the capacity, students shall be selected through a lottery process. If the public charter school has been in operation one or more years, priority enrollment will be given to those students who:
 - (a) Were enrolled in the public charter school the prior year;
 - (b) Have siblings who are presently enrolled in the public charter school and who were enrolled the prior year;
 - (c) Only when the public charter school is party to a cooperative agreement for the purpose of forming a partnership to provide educational services, reside in:
 - i) The public charter school's sponsoring district; or
 - ii) A district which is a party to the cooperative agreement.
 - (2) A public charter school may not limit student admission based on ethnicity, national origin, race, religion, disability, sex, sexual orientation, income level, proficiency in the English language or athletic ability but may limit admission within a given age group or grade level.
12. Transportation of students:
- a. Public charter school law requires the following:
 - (1) The public charter school shall be responsible for providing transportation for its students and may negotiate with the district for the provision of transportation services;
 - (2) The district shall provide transportation for public charter school students pursuant to ORS 327.043. Resident public charter school students will be transported under the same conditions as students attending private or parochial schools located along or near established district bus routes. The district shall not be required to add or extend existing bus routes;
 - (3) Public charter school students who reside outside the district may use existing bus routes and transportation services of the district in which the public charter school is located;
 - (4) Any transportation costs incurred by the district shall be considered approved transportation costs.
13. The plan for performance bonding or insuring the public charter school sufficient to protect the district. Documentation shall be submitted prior to agreement approval.
- a. Insurance:²
 - (1) Commercial General Liability Insurance in an amount of not less than \$1,000,000 combined single limit per occurrence/\$3,000,000 annual aggregate covering the public charter school, the governing board, employees and volunteers against liability for

²Insurance requirements for individual public charter schools may vary and should be reviewed by legal counsel and an insurance representative.

damages because of personal injury, bodily injury, death or damage to property including the loss of use thereof. Coverage to include, but not limited to, contractual liability, advertisers' liability, employee benefits liability, professional liability and teachers' liability;

- (2) Liability Insurance for Directors and Officers in an amount not less than \$1,000,000 each loss/\$3,000,000 annual aggregate covering the public charter school, the governing board, employees and volunteers against liability arising out of wrongful acts and employment practices. Continuous "claims made" coverage will be acceptable, provided the retroactive date is on the effective date of the charter;
 - (3) Automobile Liability Insurance in an amount not less than \$1,000,000 combined single limit covering the public charter school, the governing board, employees and volunteers against liability for damages because of bodily injury, death or damage to property, including the loss of use thereof arising out of the ownership, operation, maintenance or use of any automobile. The policy will include underinsured and uninsured motorist vehicle coverage at the limits equal to bodily injury limits;
 - (4) Workers' Compensation Insurance shall also be maintained pursuant to Oregon laws (ORS Chapter 656). Employers' liability insurance with limits of \$100,000 each accident, \$100,000 disease each employee and \$500,000 each policy limit;
 - (5) Honesty Bond to cover all employees and volunteers. Limits to be determined by the governing board, but no less than \$25,000. Coverage shall include faithful performance and loss of moneys and securities;
 - (6) Property Insurance shall be required on all owned or leased buildings or equipment. The insurance shall be written to cover the full replacement cost of the building and/or equipment on an "all risk of direct physical loss basis," including earthquake and flood perils.
- b. Additional requirements:
- (1) The district shall be an additional insured on commercial general and automobile liability insurance. The policies shall provide for a 90-day written notice of cancellation or material change. A certificate evidencing all of the above insurance shall be furnished to the district;
 - (2) The public charter school shall also hold harmless and defend the district from any and all liability, injury, damages, fees or claims arising out of the operations of the public charter school operations or activities;
 - (3) The district shall be loss payee on the property insurance if the public charter school leases any real or personal district property;
 - (4) The coverage provided and the insurance carriers must be acceptable to the district.
- c. If the district and the public charter school enter a cooperative agreement with other school districts for the purpose of forming a partnership to provide educational services, then the agreement must be incorporated into the charter of the public charter school.
- d. In addition to any other terms required to be in the charter agreement, a virtual public charter school must have in the charter of the school, a requirement that the school:
1. Monitor and track student progress and attendance; and
 2. Provide student assessments in a manner that ensures that an individual student is being assessed and that the assessment is valid.

V. Public Charter School Operation

- A. The public charter school shall operate at all times in accordance with the public charter school law, the terms of the approved proposal and the charter agreement.
- B. Statutes and rules that apply to the district shall not apply to the public charter school except the following, as required by law, shall apply:
 1. Federal law, including applicable provisions of the No Child Left Behind Act of 2001;
 2. Public records law (ORS 192.410 to 192.505);
 3. Public meetings law (ORS 192.610 to 192.690);
 4. ORS Chapters 279A, 279B and 279C (Public Contracting Code);
 5. ORS 326.565, 326.575 and 326.580 (student records);
 6. Municipal audit law (ORS 297.405 to 297.555 and 297.990);
 7. Criminal records check (ORS 181.534, 326.603, 326.607, 342.223 and 342.232);

8. Textbooks (ORS 337.150);
 9. ORS 339.119 (considerations for educational services);
 10. ORS 336.840 (use of personal electronic devices);
 11. Tuition and fees (ORS 339.141, 339.147 and 339.155);
 12. Discrimination (ORS 659.850, 659.855 and 659.860);
 13. Tort claims (ORS 30.260 to 30.300);
 14. ORS Chapter 657 (Employment Department law);
 15. Health and safety statutes and rules;
 16. Any statute or rule listed in the charter;
 17. The statewide assessment system developed by the Oregon Department of Education (ODE) for Mathematics, Science and English under ORS 329.485 (2);
 18. The academic content standards and instruction (ORS 329.045);
 19. Any statute or rule that establishes requirements for instructional time;
 20. Prohibition of infliction of corporal punishment (ORS 339.250 (12));
 21. Reporting of suspected abuse of a child and sexual conduct, and training on prevention and identification of abuse and sexual conduct (ORS 339.370, 339.372, 339.388 and 339.400);
 22. Diploma, modified diploma, extended diploma and alternative certificate standards (ORS 329.451);
 23. Statutes and rules that expressly apply to public charter schools;
 24. Statutes and rules that apply to special government body ORS 174.117, or public body ORS 174.109;
 25. ORS Chapter 338.
- C. The public charter school may employ as a teacher or administrator a person who is not licensed by the TSPC; however, at least one-half of the total full-time equivalent teaching and administrative staff at the public charter school shall be licensed by the commission, pursuant to ORS 342.135, 342.136, 342.138 or 342.140.
 - D. A board member of the school district in which the public charter school is located may not serve as a voting member of the public charter school's board, yet may serve in an advisory capacity.
 - E. The public charter school shall participate in the Public Employees Retirement System.
 - F. The public charter school shall not violate the Establishment Clause of the First Amendment to the United States Constitution or Section 5, Article I of the Oregon Constitution, or be religion based.
 - G. The public charter school shall maintain an active enrollment of at least 25 students, unless the public charter school is providing educational services under a cooperative agreement entered into for the purpose of forming a partnership to provide educational services.
 - H. The public charter school may sue or be sued as a separate legal entity.
 - I. The public charter school may enter into contracts and may lease facilities and services from the district, education service district, state institution of higher education, other governmental unit or any person or legal entity.
 - J. The public charter school may not levy taxes or issue bonds under which the public incurs liability.
 - K. The public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.
 - L. The district shall offer a high school diploma, modified diploma, extended diploma, alternative certificate to any public charter school student located in the district who meets the district's and state's standards for a high school diploma, modified diploma, extended diploma, alternative certificate.
 - M. A high school diploma, modified diploma, extended diploma, alternative certificate issued by a public charter school shall grant to the holder the same rights and privileges as a high school diploma, modified diploma, extended diploma, alternative certificate issued by a nonchartered public school.
 - N. Upon application by the public charter school, the State Board of Education may grant a waiver of certain public charter school law provisions if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost. This waiver request must specify the reasons the public charter school is seeking the waiver and further requires the public charter school to notify the sponsor if a waiver is being considered.

VI. Virtual Public Charter School Operation

- A. In addition to the other requirements for a public charter school, a virtual public charter school must have:
 1. A plan for academic achievement that addresses how the school will improve student learning and meet academic content standards required by ORS 329.045;

2. Performance criteria the school will use to measure the progress of the school in meeting the academic performance goals set by the school for its first five years of operation;
 3. A plan for implementing the proposed education program of the school by directly and significantly involving parents and guardians of students enrolled in the school and involving the professional employees of the school;
 4. A budget, business plan and governance plan for the operation of the school;
 5. An agreement that the school will operate using an interactive, Internet-based technology platform that monitors and tracks student progress and attendance in conjunction with performing other student assessment functions;
 6. An agreement to employ only licensed teachers who are highly qualified as described in the Federal No Child Left Behind Act of 2001;
 7. A plan that ensures:
 - a. All superintendents, assistant superintendents and principals of the schools are licensed by the TSPC to administrate; and
 - b. Teachers who are licensed to teach by the TSPC and who are highly qualified as described in the federal No Child Left Behind Act of 2001 teach at least 95 percent of the school's instructional hours.
 8. A plan for maintaining student records and school records, including financial records, at a designated central office of operations;
 9. A plan to provide equitable access to the education program of the school by ensuring that each student enrolled in the school:
 - a. Has access to and use of a computer and printer equipment as needed;
 - b. Is offered an Internet service cost reimbursement arrangement under which the school reimburses the parent or guardian of the student, at a rate set by the school, for the costs of obtaining Internet service at the minimum connection speed required to effectively access the education program provided by the school; or
 - c. Has access to and use of computer and printer equipment and is offered Internet service cost reimbursement.
 10. A plan to provide access to a computer and printer equipment and the Internet service cost reimbursement as described in (8) above by students enrolled in the school who are from families that qualify as low-income under Title I of the federal Elementary and Secondary Education Act of 1965 (20 USC 6301 et seq);
 11. A plan to conduct school-sponsored optional educational events at least six times each school year at locations selected to provide convenient access to all students in the school who want to participate;
 12. A plan to conduct biweekly meetings between teachers and students enrolled in the school, either in person or through the use of conference calls or other technology;
 13. A plan to provide opportunities for face-to-face meetings between teachers and students enrolled in the school at least six times each school year;
 14. A plan to provide written notice to both the sponsoring district and the district in which the student resides upon enrollment or withdrawal for a reason other than graduation from high school:
 - a. If notice is provided due to enrollment, then the notice must include the student's name, age, address and school at which the student was formerly enrolled;
 - b. If notice is provided due to withdrawal for a reason other than graduation from high school, then notice must include the student's name, age, address, reason for withdrawal (if applicable) and the name of the school in which the student intends to enroll (if known).
 15. An agreement to provide a student's education records to the student's resident school district or to the sponsor upon request of the resident school district or sponsor.
- B. The sponsor of a virtual public charter school or a member of the public may request access to any of the documents described in (A) above.
- C. If a virtual public charter school or the sponsor of a virtual public charter school contracts with a for-profit entity to provide educational services through the virtual public charter school, the for-profit entity may not be the employer of any employees of the virtual public charter school.
- D. The following limitations apply:
1. School board members of the virtual public charter school's sponsoring district may not be:
 - a. An employee of the virtual public charter school;
 - b. A member of the governing body of the virtual public charter school;

- c. An employee or other representative of any third-party entity with which the virtual public charter school has entered into a contract to provide educational services.
2. Members of the governing body of the virtual public charter school may not be an employee of a third-party entity with which the virtual public charter school intends to enter or has entered into a contract to provide educational services;
3. If a third-party entity contracts with a virtual public charter school to provide educational services to the school, then:
 - a. No third-party entity's employee or governing board member may attend an executive session of the sponsoring district's school board;
 - b. No virtual public charter school employee may promote the sale or benefits of private supplemental services or classes offered by the third-party entity;
 - c. The educational services must be consistent with state standards and requirements;
 - d. The virtual public charter school must have on file the third-party entity's budget for the provision of educational services, including itemization of:
 - (1) The salaries of supervisory and management personnel and consultants who are providing educational or related services for a virtual public charter school in this state; and
 - (2) The annual operating expenses and profit margin of the third-party entity for providing educational services to a virtual public charter school in this state.

VII. Charter Agreement Review

- A. The public charter school shall report at least annually on the performance of the school and its students to the State Board of Education and the district.
- B. The Board or designee shall visit the public charter school at least annually to assure compliance with the terms and provisions of the charter.
- C. The public charter school shall be audited annually in accordance with the Municipal Audit Law. After the audit, the public charter school shall forward a copy of the audit to ODE and the following to the sponsoring district:
 1. A copy of the annual audit;
 2. Any statements from the public charter school that show the results of operations and transactions affecting the financial status of the charter school during the preceding annual audit period for the school; and
 3. Any balance sheet containing a summary of the assets and liabilities of the public charter school and related operating budget documents as of the closing date of the preceding annual audit period for the school.
- D. The sponsoring district may request at any time an acknowledgment from each member of the public charter school governing body that the member understands the standards of conduct and liabilities of a director of a nonprofit organization.
- E. The public charter school shall submit to the Board quarterly financial statements that reflect the school's financial operations. The report shall include, but not be limited to, revenues, expenditures, loans and investments.

VIII. Charter School Renewal

- A. The first renewal of a charter shall be for the same time period as the initial charter. Subsequent renewals of a charter shall be for a minimum of five years but may not exceed 10 years.
- B. The Board and the public charter school shall follow the following timeline unless a different timeline has been agreed upon by the Board and the public charter school:
 1. The public charter school shall submit a written renewal request to the Board for consideration at least 180 days prior to the expiration of the charter;
 2. Within 45 days after receiving a written renewal request from a public charter school, the Board shall hold a public hearing regarding the renewal request;
 3. Within 30 days after the public hearing, the Board shall approve the charter renewal or state in writing the reasons for denying charter renewal;
 4. If the Board approves the charter renewal, the Board and the public charter school shall negotiate a new charter within 90 days unless the Board and the public charter school agree to an extension of the time period. Notwithstanding the time period specified in the charter, an expiring charter shall remain in effect until a new charter is negotiated;

5. If the Board does not renew the charter, the public charter school may address the reasons stated for denial of the renewal and any remedial measures suggested by the Board and submit a revised request for renewal to the Board;
6. If the Board does not renew the charter based on the revised request for renewal or the parties do not negotiate a charter contract within the timeline established in this policy, the public charter school may appeal the Board's decision to the State Board of Education for a review of whether the Board used the process required by Oregon law in denying the charter renewal.
 - a. If the State Board of Education finds that the Board used the appropriate process in denying the request for renewal, it shall affirm the decision of the Board. A public charter may seek judicial review of this order.
 - b. If the State Board of Education finds that the Board did not use the appropriate process in denying the request for renewal, it shall order the Board to reconsider the request for renewal. If after reconsideration the Board does not renew the charter, the public charter school may seek judicial review of the Board's decision.
7. The Board shall base the charter renewal decision on a good faith evaluation of whether the public charter school:
 - a. Is in compliance with all applicable state and federal laws;
 - b. Is in compliance with the charter of the public charter school;
 - c. Is meeting or working toward meeting the student performance goals and agreements specified in the charter or any other written agreements between the Board and the public charter school;
 - d. Is fiscally stable and used the sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter agreement; and
 - e. Is in compliance with any renewal criteria specified in the charter of the public charter school.
8. The Board shall base the renewal evaluation described above primarily on a review of the public charter school's annual performance reports, annual audit of accounts and annual site visit and review and any other information mutually agreed upon by the public charter school and the Board.
9. For purposes of this section, the phrase "good faith evaluation" means an evaluation of all criteria required by this section resulting in a conclusion that a reasonable person would come to who is informed of the law and the facts before that person.

IX. Charter School Termination

- A. The public charter school may be terminated by the Board for any of the following reasons:
 1. Failure to meet the terms of an approved charter agreement or any requirement of ORS Chapter 338 unless waived by the State Board of Education;
 2. Failure to meet the requirements for student performance as outlined in the charter agreement;
 3. Failure to correct a violation of federal or state law;
 4. Failure to maintain insurance;
 5. Failure to maintain financial stability;
 6. ~~On or after July 1, 2011:~~ Failure to maintain, for two or more consecutive years, a sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter under ORS 338.065;
 7. Failure to maintain the health and safety of the students.
- B. If a charter school is terminated by the Board for any reason listed in sections A. 1 through A. 6, the following shall occur:
 1. The district shall give the public charter school a 60-day written notification of its decision;
 2. If the grounds for termination include failure to maintain financial stability or failure to maintain a sound financial management system, the sponsor and the public charter school may agree to develop a plan to correct deficiencies. The plan to correct deficiencies will follow the process as per ORS 338.105;
 3. The district shall state the grounds for termination and deliver notification to the business office of the public charter school;
 4. The public charter school may request a hearing by the district. The request must be made in writing and delivered to the business address of the sponsor;
 5. Within 30 days of receiving the request for a hearing, the sponsor must provide the public charter school with the opportunity for a hearing on the proposed termination;
 6. The public charter school may appeal the decision to terminate to the State Board of Education;

7. If the public charter school appeals the decision to terminate to the State Board of Education, the public charter school will remain open until the State Board issues its final order;
 8. If the State Board's final order upholds the decision to terminate and at least 60 days have passed since the notice of intent to terminate was received by the public charter school, the district's sponsorship of the public charter school will terminate;
 9. The final order of the State Board may be appealed under the provision of ORS 183.484;
 10. Throughout the ORS 183.484 judicial appeals process the public charter school shall remain closed;
 11. If terminated or dissolved, assets of the public charter school purchased by the public charter school with public funds, shall be given to the State Board of Education.
- C. If the public charter school is terminated by the Board for any reason related to student health or safety as provided in section A. 7, the following shall occur:
1. If the district reasonably believes that a public charter school is endangering the health or safety of the students enrolled in the public charter school, the district may act to immediately terminate the approved charter and close the public charter school without providing the notice required in section B. 1;
 2. A public charter school closed due to health or safety concerns may request a hearing by the sponsor. Such a request must be made in writing and delivered to the business address of the district;
 3. Within 10 days of receiving the request for a hearing, the district must provide the public charter school with the opportunity for a hearing on the termination;
 4. If the district acts to terminate the charter following the hearing, the public charter school may appeal the decision to the State Board of Education;
 5. The State Board will hold a hearing on the appeal within 10 days of receiving the request;
 6. The public charter school will remain closed during the appeal process unless the State Board orders the district not to terminate and to re-open the public charter school; and
 7. The final order of the State Board may be appealed under the provisions of ORS 183.484.
- D. If the public charter school is terminated, closed or dissolved by the governing body of the public charter school, it shall be done only at the end of a semester and with 180 days' notice to the district, unless the health and safety of the students are in jeopardy. Such notice must be made in writing and be delivered to the business address of the sponsor.
- Assets of a terminated, closed or dissolved public charter school that were obtained with grant funds will be dispersed according to the terms of the grant. If the grant is absent any reference to ownership or distribution of assets of a terminated, closed or dissolved public charter school, all assets will be given to the State Board of Education for disposal.

X. District Immunity

The district, members of the Board and employees of the district are immune from civil liability with respect to the public charter school's activities.



Code: **LBEA**
Adopted: 5/11/15

Resident Student Denial for Virtual Public Charter School Attendance**

(This policy is required if the district plans to deny a student the right to attend a virtual public charter school.)

The district will annually, calculate the percentage of the number of students residing in the district, who are enrolled in a virtual public charter school not sponsored by the district. When the established percentage is more than three percent, the district will not approve additional students enrollment to a virtual public charter school, subject to the requirements in Oregon Administrative Rule (OAR) 581-026-0305 (2).

The district may send a notice of approval or disapproval to a parent¹ of a student who has sent a notice to the district of intent to enroll the student in a virtual public charter school not sponsored by the district (See OAR 581-026-0305 (3)).

The district is only required to use data that is reasonably available to the district, including but not limited to the following for such calculation:

1. The number of students residing in the district enrolled in the schools within the district;
2. The number of students residing in the district enrolled in public charter schools located in the district;
3. The number of students residing in the district enrolled in virtual public charter schools;
4. The number of home-schooled students who reside in the district and who have registered with the educational service district; and
5. The number of students who reside in the district enrolled in private schools located within the school district.

A parent may appeal a decision of a district to not approve a student enrollment to a virtual public charter school to the State Board of Education under OAR 581-026-0310.

END OF POLICY

Legal Reference(s):

[ORS 338.125](#)
[OAR 581-026-0305](#)
[OAR 581-026-0310](#)
[OAR 581-022-1940 \(1\)\(b\)](#)

¹"Parent" means parent, legal guardian or person in "parental relationship" as defined in Oregon Revised Statute (ORS) 339.133.



Code: **LGA**
Adopted: 3/11/91
Readopted: 3/8/99, 5/11/15
Orig. Code(s): BP 9345

Compliance with Standards

The Board recognizes the need to comply with the educational standards as outlined by the State Board of Education.

It is also recognized that a school district may petition the State Superintendent of Public Instruction for a waiver of a specific standard. A petition shall specify the reason(s) the district is seeking the waiver and other relevant information. If it is determined the request conforms with the intent of the standards, the state superintendent shall recommend the waiver to the State Board of Education.

The district will maintain a record of any waiver which has been requested by the district and approved by the State Board of Education.

Procedures shall be developed whereby residents of the district or any parent of students attending school in the district may make an appeal or complaint alleging violation of standard. The district shall also include a procedure for direct appeal to the State Superintendent of Public Instruction of an alleged standards violation.

END OF POLICY

Legal Reference(s):

[ORS 327.103](#)

[ORS 329.085](#)

[ORS 336.035 - 336.088](#)

[OAR 581-022-0102 to -1940](#)

[ORS 327.102](#)

Complaint Procedure

Any complainant who resides in the district or any parent of students attending school in the district qualifies to participate in the procedure described below:

1. Complaint filed with superintendent;
2. Superintendent reviews complaint;
3. Superintendent meets with complainant and attempts to resolve complaint;
4. If complainant is dissatisfied with the resolution or 45 days has elapsed since the complaint was filed with the superintendent, the complainant may direct an appeal to the State Superintendent of Public Instruction. The appeal must be in writing and must contain:
 - (a) The name and address of the person bringing the appeal, and the district in which that person resides;
 - (b) The name and address of the district which is alleged to have violated standards; and
 - (c) A brief statement indicating how the district is alleged to have violated standards.
5. Upon receipt of the appeal, the state superintendent shall give notice of the appeal by sending a copy of the appeal, via certified mail, to the school district. Within 30 days of receipt of notice, the district shall file a written report with the state superintendent which shall include:
 - (a) A statement of facts;
 - (b) A statement of action, if any, taken in response to the complaint, or, if none was taken, the reason(s) therefore;
 - (c) A stipulation, if one was reached, of the settlement of the complaint; and
 - (d) A list of any complaint filed with another agency by the party, concerning the subject of the appeal.The state superintendent may for good cause extend the time for the filing of a report by the district.
6. Upon receipt of the report, the state superintendent shall review the appeal and report and determine whether a violation of standards has been properly alleged, and that the requirements contained in Sections 1 - 5 of this rule have been satisfied. After this determination, the state superintendent may dismiss the appeal or may notify all parties that the appeal has been accepted.

If the appeal is accepted, the state superintendent shall take such action as is deemed appropriate, including but not limited to:

- (a) Appointing a conciliator to meet with the parties to work toward a settlement. If no settlement is reached within 45 days, the state superintendent may schedule a contested case hearing as provided in ORS 183.410 to 183.470 or allow additional time for conciliation;
 - (b) Scheduling a visit to the district to determine whether the district is in compliance with standards; or
 - (c) Appointing a fact-finder to conduct an investigation and file a written report which shall indicate whether the fact-finder believes the allegations in the appeal are supported by fact.
7. At any time during an appeal the parties may agree to settle the matter(s) of issue. The party bringing the appeal may at any time file a written request that the appeal be withdrawn. When such a request is received the state superintendent shall terminate all further action regarding the appeal.
9. After a final review, the state superintendent may find the district deficient pursuant to ORS 327.103.

CITIZEN’S COMPLAINT
VIOLATION OF STATE STANDARDS

(To be completed by complainant)

Name of complainant: _____

Address: _____

City and state: _____

Telephone: _____

Is complainant a resident of Sweet Home School District No. 55? ☐ Yes ☐ No

Is complainant a parent or guardian of a child attending a Sweet Home School District No. 55 school?
☐ Yes ☐ No

What standard is alleged to be violated? _____

Briefly describe the violation. _____

What is the recommendation(s) to rectify the alleged violation? _____

Complainant’s signature

(Supporting documents may be attached.)

Date received in district superintendent’s office: _____

Signature of person receiving complaint: _____

SWEET HOME SCHOOL DISTRICT NO. 55
Sweet Home, Oregon

INDEX

Nondiscrimination	AC
Americans with Disabilities Act	ACA
Americans with Disabilities Act	ACA-AR
Philosophy Statement	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	BBAAA
Board Elections	BBB
Board Member Qualifications	BBBA
Board Members Oath of Office	BBBB
Board Member Resignation	BBC
Board Member Removal from Office	BBD
Vacancies on the Board	BBE
Board Member Ethics	BBF
Board Member Conflicts of Interest	BBFA
Board Organization/Board Organizational Meeting	BC/BCA
Board Officers	BCB
Board-Superintendent Relationship	BCD
Board Committees	BCE
Advisory Committees to the Board	BCF
Advisory Committees to the Board	BCF-AR
Consultants to the Board	BCH
Regular School Board Meetings	BD/BDA
Special Board Meetings	BDB
Emergency Board Meetings	BDBA
Executive Sessions	BDC
Executive Sessions – News Media	BDC-AR
Board Member Voting	BDD

** 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 581-015-0005 (18).

Board Meeting Agenda	BDDB/BDDC
Quorum	BDDD
Conduct of Board Meetings	BDDF
Minutes	BDDG/BDDK
Public Participation in Board Meetings	BDDH
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(7)
Student Suspension	BDE-AR(8)
Expulsion	BDE-AR(9)
Title I Complaint Resolution	BDE-AR(10)
Board Work Sessions	BE
Board Policy Development	BF
Board Policy Adoption and Amendment	BFC
Distribution of Policies, Rules and Administrative Regulations	BFC-AR
Administrative Regulations	BFCA
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
Administration Goals and Objectives	CA/CAA
Superintendent	CB
Qualifications and Duties of the Superintendent	CBA
Recruitment and Appointment of Superintendent	CBB
Superintendent's Contract	CBC
Superintendent's Consulting Activities	CBF

** 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 581-015-0005 (18).

Evaluation of the Superintendent	CBG
Administrative Organization	CC
Line and Staff Relations	CCB
Administrative Positions	CCC
Evaluation of Administrative Staff	CCG
Superintendent's Management Team	CD
School Principal	CF
Development of Administrative Regulations	CHA
Handbooks	CHCA
Administration in Policy Absence	CHD
Temporary Administrative Arrangements	CI
Program Consultants	CK
Layoff/Recall - Administrative Personnel	CPA
Layoff/Recall - Administrative Personnel	CPA-AR
Fiscal Management Goals	DA
District Budget	DB
Budget Calendar	DBC
Budget Preparation	DBE
Budget Committee	DBEA
Selection of Budget Committee Members	DBEA-AR
Organization of Budget Committee	DBEB
Budget Hearing	DBG
Adopt Budget, Certify Levy, Make Appropriations	DBH
Budget Amendment Procedures	DBI
Budget Implementation	DBJ
Budget Transfer Authority	DBK
Taxing and Borrowing Authority	DC
Funding Proposals and Applications	DD
Revenues from State and Federal Tax Programs	DE
Revenues from Nontax Sources	DF
Investment of Funds	DFA
Grants from Private Sources	DFC
Gate Receipts and Admissions	DFE
Free Admissions	DFEA
Income from Program-Related Sales and Services	DFG

** 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 581-015-0005 (18).

Depository of Funds	DG
Authorized Signatures/Check-Writing Services	DGA
Bonded Employees and Officers	DH
Fiscal Accounting	DI
Types of Funds	DIB
Special Funds	DIBA
Financial Reports and Statements	DIC
Property Inventory Record	DID
Fixed Assets	DIDA
Audits	DIE
Student Activities Fund Management	DIEA
Purchasing	DJ
Petty Cash Accounts	DJB
Bidding Requirements	DJC
Exemptions from Competitive Bidding	DJC-AR
Personal Services Contracts	DJCA
Personal Services Contracts	DJCA-AR
Local Purchasing	DJID
Cooperative Purchasing	DJE
Vendor Relations	DJG
Payment Procedures	DK
Pay Day	DLA
Method of Payroll Payment	DLAA
Salary Deductions	DLB
Payroll Advances	DLBA
Expense Reimbursements	DLC
Staff Expense Reimbursement	DLC-AR
Cash in School Buildings	DM
Disposal of School Property	DN
Support Services Goals	EA
Safety Program	EB
Buildings and Grounds Inspections	EBA
Safety Committee	EBAC
Safety Committee	EBAC-AR
Accident Prevention and Safety Procedures	EBB

** 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 581-015-0005 (18).

Regulations regarding the Application of Pesticides	EBB-AR
First Aid**	EBBA
Injury/Illness	EBBB
Emergency Procedures	EBC
Emergency Drills	EBCB
Emergency Closures	EBCD
Emergency School Closures	EBCD-AR
Management of Buildings and Grounds	EC
Buildings and Grounds Security	ECA
Buildings and Grounds Security	ECA-AR
Access to Buildings	ECAA
Vandalism/Malicious Mischief/Theft**	ECAB
Buildings and Grounds Maintenance/Renovations	ECB
Traffic and Parking Controls	ECD
Energy Conservation	ECF
Receiving and Warehousing	EDA
District Property	EDB
Maintenance and Control of Instructional Materials/Equipment	EDBA
Authorized Use of School-Owned Equipment and Materials	EDC/KGF
Student Transportation Services	EE
Payment in Lieu of Transportation	EEAA
School Bus Scheduling and Routing	EEAB
School Bus Safety Program	EEAC
Vehicle Maintenance	EEACB
Rules/Procedures Governing Pupils Riding School Buses	EEACC
Discipline Procedures for District Approved Student Transportation	EEACC-AR
Video Cameras on Transportation Vehicles	EEACCA
Video Cameras on Transportation Vehicles	EEACCA-AR
Use of District Activity Vehicles for Student Transportation	EEACD
Loading and Unloading	EEACE
Student Transportation in Private Vehicles	EEAE
Proof of Liability Insurance	EEAE-AR
District Vehicles	EEBA
District Vehicles	EEBA-AR
School Activity Trips	EEBAB

** 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 581-015-0005 (18).

Use of Private Vehicles for District Business	EEBB
Vehicle Insurance	EEBC
Food Services Management	EF
District Nutrition and Food Services**	EFAA
Reimbursable School Meals and Milk Programs	EFAA-AR
Vending Machines and School Stores	EFC
Food Service to Outside Organizations	EFF
Reproduction of All Copyrighted Materials	EGAAA
Guidelines for the Use of Copyrighted Materials	EGAAA-AR
Mail and Delivery Services	EGAB
Cellular Telephones	EGACA
Cellular Telephones	EGACA-AR
Data Management	EH
Insurance Program	EIA
Insurance Program	EIA-AR
Agent-Of-record	EIB
Facilities Development Goals	FA
Facilities Planning	FB
Capital Construction Program	FC
Educational Specifications	FEA
Selection of Architect	FEB
Construction Contracts - Bidding and Awards	FEF
Naming New Facilities	FF
Memorials	FFA
Board Inspection and Acceptance of New Facilities	FG
Temporary District Facilities	FJ
Retirement of School Facilities	FL
Retirement of School Facilities	FL-AR
Vacated School Buildings	FLA
Vacated School Buildings	FLA-AR
Personnel Policies Goals	GA
Personnel: Definitions	GAA
Job Descriptions	GAB
General Personnel Policies	GB
Equal Employment Opportunities	GBA

** 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 581-015-0005 (18).

Staff Involvement in Decision Making	GBB
Staff Ethics	GBC
Staff Conduct	GBCB
Staff Conduct	GBCB-AR
Employee Assistance	GBCBB
Board – Staff Communications	GBD
Staff Health and Safety	GBE
Workers’ Compensation Insurance	GBEA
Staff Protection	GBEAA
Communicable Diseases	GBEB
Chronic Communicable Diseases	GBEB/JHCC-AR
Staff – HIV, AIDS and HBV	GBEBA
Drug-Free Workplace	GBEC
Pre-Employment Physicals	GBED
Drug and Alcohol Testing - Transportation Personnel	GBEDA
Drug and Alcohol Testing - Transportation Personnel	GBEDA-AR
Staff Participation in Community Activities	GBF
Staff Participation in Political Activities	GBG
Student Management	GBHB
Gifts and Solicitations	GBI
Personnel Records	GBL
Disclosure of Information	GBLA
Staff Complaints	GBM
Sexual Harassment	GBN/JBA
Sexual Harassment Complaint Procedures	GBN/JBA-AR
Hazing/Harassment/Intimidation/Bullying/Menacing - Staff	GBNA
Hazing/Harassment/Intimidation/Bullying/Menacing Complaint Procedures - Staff	GBNA-AR
Licensed Staff Positions	GC
Required Credentials for Licensed Staff	GCA
Licensed Staff Contracts and Compensation Plans	GCB
Initial Placement on Salary Schedule	GCBA/GDBA
Death of an Employee	GCBAC/GDBAC
Continuation of Group Health Coverage	GCBC/GDBC
Family Medical Leave	GCBDA/GDBDA
Federal Family and Medical Leave/State Family Medical Leave	GCBDA/GDBDA-AR(1)

** 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 581-015-0005 (18).

Request for Family and Medical Leave	GCBDA/GDBDA-AR(2)
Military Family Leave	GCBDA/GDBDA-AR(3)
FMLA/OFLA Eligibility Notice to Employee	GCBDA/GDBDA-AR(4)
Family Leave Sample Letter	GCBDA/GDBDA-AR(5)
Designation Notice - FMLA/OFLA Leave	GCBDA/GDBDA-AR(6)
Early Return to Work	GCBDB/GDBDB
Early Return to Work	GCBDB/GDBDB-AR
Staff Recruiting	GCC/GDC
Hiring of Licensed Staff	GCD
Criminal History Records Checks/Fingerprinting	GCDA/GDDA
Criminal History Records Checks/Fingerprinting	GCDA/GDDA-AR
Substitute Teacher Salaries	GCEA
Job Sharing	GCEC/GDEC
Licensed Staff/Classified Staff Job Share	GCEC/GDEC-AR
Staff Development — Licensed	GCL
Staff Development — Licensed	GCL-AR(1)
Professional Development Plan	GCL-AR(2)
Teacher Grade Books and Lesson Plans	GCMA
Evaluation of Staff	GCN/GDN
Resignation of Licensed Employees	GCPB
Retirement of Staff	GCPC/GDPC
Suspension and Dismissal of Licensed Personnel	GCPD
Nonschool Employment	GCQA/GDQA
Tutoring for Pay	GCQAB
Copyrights and Patents	GCQBA
Classified Staff Positions	GD
Educational Assistants	GDA
Substitute Classified Salaries	GDEA
Notice of Employment	GDIA
Resignation of Classified Employees	GDPB
Suspension and Dismissal of Classified Personnel	GDPD
Collective Bargaining	HB
Picketing	HO
Instructional Goals	IA/IAA
Freedom of Expression	IB

** 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 581-015-0005 (18).

Academic Freedom	IBA
Home Schooling**	IBDJA
School Calendar	IC/ICA
School Day	ID
Organization of Instruction	IE
Curriculum Development	IF
Curriculum Research/Pilot Projects	IFA/IFB
Pilot Projects	IFA/IFB-AR
21 st Century Schools Councils	IFCA
Curriculum Adoption	IFD
Curriculum Guides and Course Outlines	IFE
Curriculum Design	IG
Teaching about Religion	IGAC
Work Experience/Release	IGADA
Health Education	IGAE
HIV, AIDS, HBV and HCV Health Education**	IGAEA
Drug, Alcohol and Tobacco Prevention, Health Education**	IGAEB
Student with Disabilities	IGBA
Child Identification Procedures	IGBA-AR
Records of Students with Disabilities	IGBAB
Confidentiality – Education Records of Students with Disabilities	IGBAB-AR
Special Education – Personnel	IGBAC
Special Education – Participation in Regular Education Program	IGBAE
Special Education – Participation in Regular Education Program	IGBAE-AR
Special Education – Individual Education Program (IEP)	IGBAF
Special Education – Individual Education Program (IEP)	IGBAF-AR
Special Education – Procedural Safeguards	IGBAG
Special Education – Procedural Safeguards	IGBAG-AR
Special Education – Evaluation Procedures	IGBAH
Special Education – Evaluation/Eligibility Procedures	IGBAH-AR
Special Education – Private Schools	IGBAI
Special Education – Private Schools	IGBAI-AR
Special Education – Free Appropriate Public Education (FAPE)	IGBAJ
Special Education – Free Appropriate Public Education (FAPE)	IGBAJ-AR
Special Education – Public Availability of State Application	IGBAK

** 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 581-015-0005 (18).

Special Education – Services for Homeschool with Disabilities	IGBAL
Special Education – Services for Homeschool with Disabilities	IGBAL-AR
Talented and Gifted Students	IGBB
Talented and Gifted Standards Appeal Form	IGBB-AR
Talented and Gifted Identification	IGBBA
Program and Services - Talented and Gifted	IGBBC
Title I/Parental Involvement	IGBC
Homebound Instruction	IGBG
Homebound Instruction	IGBG-AR
Alternative Education Programs**	IGBHA
Alternative Education Notification	IGBHA-AR(1)
Alternative Education Notification	IGBHA-AR(2)
Evaluation of Alternative Education Programs	IGBHA-AR(3)
Evaluation of Alternative Education Programs – District Summary	IGBHA-AR(4)
Establishment of Alternative Education Programs	IGBHB
Establishment of Alternative Education Programs	IGBHB-AR
Course Exemptions	IGBHD
Second Language	IGBI
Extended Instructional Programs	IGC
Advanced College Placement	IGCD
Cocurricular Activities	IGD
Academic Requirements for Participation in Co-curricular Activities	IGD-AR
Assembly of Students and Student Organizations	IGDA
Student Organizations	IGDA-AR
Student Publications	IGDB
Student Publications	IGDB-AR
Student Photographs	IGDBA
Student Performances	IGDD
Fund Raising Activities	IGDF
Student Activity Funds	IGDG
Contests for Students	IGDH
Interscholastic Athletics	IGDJ
Adult Education Programs	IGE
Instructional Arrangements/Grouping for Instruction	IH
Alternate Instructional Programs	IHGA

** 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 581-015-0005 (18).

Instructional Resources/Instructional Materials	IIA
Instructional Resources/Instructional Materials	IIA-AR
Use of Feature Films/Videos**	IIABB
Use of Feature Films/Videos in the School/Parent Permission Form**	IIABB-AR(1)
Use of Feature Films/Videos in the School/Administrative Film Review Form**	IIABB-AR(2)
Special Interest Materials	IIAD
District Libraries	IIBD
Instructional Television	IIBE
Electronic Communications System	IIBGA
Electronic Communications System	IIBGA-AR
Web Policy	IIBGC
Field Trips**	IICA
Community Resource Persons	IICB
School Volunteers	IICC
Guidance Program	IJ
Academic Achievement**	IK
Grading System	IKA
Final Exams	IKAA
Student Progress Reports to Parents**	IKAB
Grade Reduction/Credit Denial	IKAD
Homework	IKB
Promotion and Retention of Students**	IKE
Promotion and Retention of Students**	IKE-AR
Graduation Exercises	IKFB
Baccalaureate Services	IKFC
High School Diplomas	IKFD
High School Diplomas	IKFD-AR
Certificate of Initial Mastery (CIM) Mastery Proficiency Standards	IKGA
Certificate of Initial Mastery (CIM) District Standards	IKGA-AR
Assessment Program**	IL
Instructional Program Renewal	IM
Teaching about Controversial Issues	INB
Flag Displays and Salutes	INDB
Animals in the School	ING
Student Policies, Goals and Objectives	JA/JAA

** 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 581-015-0005 (18).

Equal Educational Opportunities	JB
Sexual Harassment	JBA/GBN
Sexual Harassment Complaint Procedures	JBA/GBN-AR
Section 504 – Students	JBAA
Attendance	JE
Compulsory Attendance	JEA
Compulsory Attendance Notices and Citations	JEA-AR
Early Admission to School**	JEBA
Early Admission to School**	JEBA-AR
School Admissions	JEC
School Admissions	JEC-AR
Admission of Resident Students	JECA
Dual Enrollment	JECAA
Admission of Nonresident Students	JECB
Exchange Students	JECBA
Exchange Students	JECBA-AR
Intradistrict Transfer Students	JECBB
Intradistrict Transfer Procedures	JECBB-AR
Homeless Students	JECBD
Homeless Students	JECBD-ARs 1-7
Attendance Boundaries	JECC
Assignment of Students to Schools	JECCA
Assignment of Students to Schools	JECCA-AR
Assignment of Students to Classes	JECD
Student Withdrawal from School	JECE
Intradistrict Transfer Students	JECN
Student Absences and Excuses	JED
Truancy	JEDA
Students Leaving School Prior to Dismissal**	JEDB
Closed Campus**	JEFA
Release Time for Religious Instruction**	JEFB
Student Rights and Responsibilities	JF
Student/Parent Handbooks	JFA
Student Government	JFBA
Duties of Students	JFC

** 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 581-015-0005 (18).

Duties of Students	JFC-AR
Student Dress Code**	JFCA
Dress and Grooming	JFCA-AR
Care of District Property by Students**	JFCB
Student Conduct on Buses	JFCC
Secret Societies – Gangs	JFCEA
Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying - Student	JFCF
Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying Complaint Procedures- Student	JFCF-AR
Tobacco Free Environment	JFCG/KGC/GBK
Tobacco Use by Students	JFCG-AR
Drug and Alcohol Abuse by Students	JFCH/JFCI
Drug and Alcohol Abuse by Students	JFCH/JFCI-AR
Weapons in Schools	JFCJ
Laser Pointers	JFCL
Threats of Violence	JFCM
Profanity	JFCN
Students of Legal Age	JFD
Students of Legal Age	JFD-AR
Pregnant and Parenting Students	JFE
Individualized Plan for Pregnant And/Or Parenting Teens	JFE-AR
Married Students	JFF
Student Searches	JFG
Student Searches	JFG-AR
Student Complaints	JFH
Student Demonstrations and Petitions	JFI
Student Discipline	JG
Corporal Punishment**	JGA
Detention of Students**	JGB
Suspension	JGD
Short-Term Exclusion from School	JGD-AR
Discipline of Disabled Students**	JGDA/JGEA
Special Education - Discipline	JGDA/JGEA-AR
Expulsion**	JGE
Student Environment	JH
Student Insurance	JHA

** 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 581-015-0005 (18).

Student Health Services and Requirements	JHC
Student Health Services and Requirements	JHC-AR
Physical Examinations**	JHCA
Physical Examinations	JHCA-AR
Immunization Records**	JHCB
Immunization Requirements	JHCB-AR
Communicable Disease Control	JHCC
Students - HIV and HBV**	JHCCA
Students - HIV, AIDS**	JHCCB
Administering Medicines to Students**	JHCD
Administering Medicines to Students	JHCD-AR
Psychological Testing of Students**	JHDA
Student Safety Instruction	JHF
Supervision of Students**	JHFA
Student Safety Patrol	JHFB
Student Bicycle Use	JHFC
Student Vehicle Use	JHFD
Student Vehicle Use	JHFD-AR
Suspension of Driving Privileges	JHFDA
Request for Suspended Driving Privilege	JHFDA-AR
Reporting Suspected Child Abuse	JHFE
Reporting of Suspected Child Abuse	JHFE-AR
Suicides and Accidental Deaths	JHH
Guidelines for Developing a Crisis Response Plan for Suicides and Accidental Deaths	JHH-AR
Crisis Prevention and Response	JHHA
Student Awards and Scholarships	JI
Student Gifts and Solicitations	JL
Student Fees, Fines and Charges	JN
Student Fees, Fines and Charges	JN-AR
Withholding Records for Nonpayment of Fees	JNA
Education Records**	JO
Education Records Management**	JO-AR
Directory Information**	JOA
Personally Identifiable Information**	JOB
Legal Name of Students	JOC

** 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 581-015-0005 (18).

Media Access to Students	JOD
Student Interviews	JODA
School-Community Relations Goals and Objectives	KA/CAA
Parental Rights	KAB
Parental Rights	KAB-AR
Public Information Program	KB
Public Records**	KBA
Public Records	KBA-AR
News Releases	KBCA
Announcements	KBCAA
Sports and Special Events News Coverage	KBCE
Community Involvement in Decision Making	KC
Community Use of School Facilities	KG
Application and Fees for Use of District Facilities	KG-AR
Public Sales on District Property	KGA
Public Conduct on District Property	KGB
Use of District Facilities During Disasters	KGD
Care of District Properties	KGE
Authorized Use of School-Owned Equipment and Materials	KGF/EDC
Public Gifts and Donations	KH
Commercial Advertising/Merchandise Sales	KI/KJ
Materials Distribution	KJA
Loitering — Trespass	KK
Public Complaints	KL
Public Complaints about District Personnel	KLD
Public Complaints about District Personnel	KLD-AR
Relations with Law Enforcement Agencies	KN
Relations with Law Enforcement Agencies	KN-AR
Public Charter Schools	LBE
Public Charter Schools	LBE-AR
Compliance with Standards	LGA
Complaint Procedure	LGA-AR

** 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 581-015-0005 (18).