

THE
HUNGERFORD LAW FIRM
ATTORNEYS AT LAW

To: Majalise Tolan, Lincoln County School District
From: Andrea Hungerford
Date: April 7, 2025
Re: April 2026 OSBA Analysis of Siletz Valley Schools Compliance

The above-referenced document advised the District to seek the advice of legal counsel with regard to specified areas of concern addressed by the analysis. This memo addresses each of those areas of concern.

Bylaws: The Charter bylaws currently provide for a process for the distribution of assets upon dissolution, but fail to note that any assets purchased with public funds shall be given to the State Board of Education, in compliance with ORS 338.105(6)(a). The bylaws minimally address how the board votes (by a majority so long as a quorum is present) and that it will comply with public meetings laws, but fails to address the board's responsibility to hire an administrator, and how the board will address conflicts of interest. The bylaws are not legally compliant.

Discipline: The staff handbook does not adequately explain or address how discipline will be addressed for students with disabilities; the minimal information in the staff handbook is incomplete and not in compliance with state and federal law, as set forth in the OSBA analysis. Further, the family handbook does not sufficiently explain the procedures and protections afforded to students identified under Section 504 or the IDEA, or in the process of being identified. While the family handbook does address suspension, expulsion, and due process, the information is minimal and does not demonstrate a sufficient process or understanding of the legal requirements. There is no other documentation of the Charter's disciplinary process or procedures, other than a single page of Discipline Committee Meeting minutes (2/20/26), which does not address any of these issues.

While the Charter compliance document states that a discipline committee has been formed to review policies and create processes and systems, there is no evidence that any of these steps have been initiated, much less completed, and thus no evidence that the Charter has taken sufficient steps to ensure that its disciplinary procedures are clear, documented, and in compliance with state and federal law. Given historical concerns, the lack of documentation, and the lack of evidence that any progress has been made to address these concerns, this area continues to be legally out of compliance.

Special Education: Overall, evidence of legal compliance is severely lacking in this area. There is insufficient information as to how the Charter is fulfilling its child find obligations, how it collects data necessary to process special education referrals, how it ensures that its staff are in

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possession of information necessary to implement students' accommodations and modifications, how it monitors the implementation of accommodations and modifications, and the responsibility of its staff to attend IEP meetings and contribute relevant information.

At a minimum, to address the specific concern articulated by the District regarding manifestation procedures, it would be expected that the Charter would have developed written procedures to distribute to staff, and related staff training. To date, the only evidence submitted by the Charter is a flyer for an LBL ESD training in risk assessment (for a date in late April) and an invitation to a Feb. 26th training. There is no evidence that following the Feb. 26th training, the Charter staff took steps to draft and/or revise relevant procedures. The Charter has not adequately addressed or documented progress toward correcting this deficiency.

In sum, the three areas in which OSBA advises the District to seek legal counsel have not been addressed sufficiently to bring the Charter into legal compliance.

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