



As a community, we prepare lifelong learners to achieve their full potential in a complex and interconnected world.

**Reynolds School District
Board of Education Work Session**

August 14, 2024

6:00 PM

Building I, Edgefield Campus

2408 SW Halsey Street

Troutdale, Oregon 97060

I.	6:00p - Call to Order	2
	A. Roll Call	
	B. Land Acknowledgement	3
	C. Mission and Vision	4
II.	6:05p - Policy Updates - First Reading	5
III.	7:00p - Adjourn	291



As a community, we prepare lifelong learners to achieve their full potential in a complex and interconnected world.

To: Board of Directors
From: Frank Caropelo, Superintendent
Subject: Call to Order
Type: Action Item Report / Presentation
Policy: BDDF: Conduct of Board Meetings
Date: August 14, 2024

Connection to Strategic Plan Goal Topics:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Marginalized Students | <input checked="" type="checkbox"/> Culturally Responsive Teaching |
| <input checked="" type="checkbox"/> Student and Staff Wellness | <input checked="" type="checkbox"/> Professional Development |
-

Roll Call:

- | | |
|---|--|
| <ul style="list-style-type: none">• Position 1: Director Aaron Muñoz• Position 2: Vice Chair Joyce Rosenau• Position 3: Chair Michael Reyes• Position 4: Director Cayle Tern | <ul style="list-style-type: none">• Position 5: Director Patty Carrera• Position 6: Director Ana Gonzalez Muñoz• Position 7: Director Francisco Ibarra |
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Land Acknowledgement

Mission and Vision

Land Acknowledgement

We respectfully acknowledge that the land on which we are gathering today is the traditional homeland of a diverse array of indigenous tribes and bands. Multnomah County rests on traditional village sites of the Multnomah, Wasco, Cowlitz, Kathlamet, Clackamas, Bands of Chinook, Tualatin, Kalapuya, Molalla, and many other tribes who made their homes along the Columbia River, creating communities and summer encampments to harvest and use the plentiful natural resources of the area. Multnomah County is now home to a vibrant indigenous community representing over 400 different tribal nations.

We recognize Indigenous peoples as the traditional stewards of this land and acknowledge the enduring relationship between the land and the people since time immemorial. We make this acknowledgement to open a space of recognition, inclusion, and respect for our sovereign tribal partners and all indigenous students, families, and staff in our community.

mission:

We lead with equity to educate and support all students to graduate with the skills and confidence to thrive.

vision:

As a community, we prepare lifelong learners to achieve their full potential in a complex and interconnected world.



As a community, we prepare lifelong learners to achieve their full potential in a complex and interconnected world.

To: Board of Directors

From: Frank Caropelo, Superintendent

Subject: Policy Updates

Type: Action Item Report / Presentation

Policy: BF: Policy Development

Date: August 14, 2024

Connection to Strategic Plan Goal Topics:

- Marginalized Students
- Student and Staff Wellness
- Culturally Responsive Teaching
- Professional Development

Summary / Background:

The following policies were included in the spring 2024 batch of OSBA updates or were part of the policy audit OSBA conducted with the district last year. This is a first reading on the following policies:

Policy Number	Policy Name	Update Summary / Notes
Section A/B: Board Governance		
BBFC	Reporting of Suspected Abuse of a Child	New policy
Section C: Administration		
CCG	Evaluation of Administrators	Added additional information for evaluating probationary vs contract admin
CPA	Layoff/Recall - Administrative Personnel	Removal of language related to what competence means
Section D: Fiscal Management		
DB	District Budget	ORS update. Minor language change.
DBC	Budget Calendar	Added "designee." ORS update.
DBD	Budget Priorities	Added clarifying language. ORS update
DBDA	General Operating Contingency	ORS Change Only
DBDB	Fund Balance	Changes "unreserved" and "unassigned" to "unrestricted." ORS update.
DBE	Budget Preparation	Minor/simple changes. ORS update
DBEA	Budget Committee	Full policy version replacement (delete version 1 and adopt version 2)
DBH	Budget Adoption Procedures	Delete policy. Exact copy of the law.

DBI	Budget Amendment Procedures	Removes language about biennial budget changes. ORS update.
DBJ	Budget Implementation	Delete policy. Superfluous.
DBK	Budget Transfer Authority	Minor changes. ORS update.
DBK-AR	Budget Transfer Authority	Delete policy. Superfluous.
DBK-AR	Table	Delete policy. Table not used.
DD	Grant Funding Proposals and Applications	Minor changes. ORS update.
DE/DEB/DEC	Revenues from Private, State, and Federal Sources	Added "designee." ORS update.
DFA	Investment of Funds	Removes investment diversification and investment maturity sections - simplifies policy. ORS update.
DFE	Admission Prices and Receipts	Added "designee." ORS update.
DFEA	Admissions to District Events	Minor changes. ORS update.
DH	Loss Coverage	Clarifying language. ORS update.
DIBA	Insurance Reserve Fund	Updated to include equipment. ORS update.
DJ	District Purchasing	Clarifying language. ORS update.
DJ-AR	Expenditure of District Funds for Meals, Refreshments and Gifts	Minor updates.
DJB	Petty Cash Accounts	No current policy.
DJC	Bidding Requirements	Delete current policy and adopt new version. Updated to include any ORS changes and info from policies DJCA and DJCA-AR.
DJC-AR	Exemptions from Competitive Bidding and Special Requirements	Delete current policy and adopt new version. Updated to include any ORS changes and info from policies DJCA and DJCA-AR.
DJCA	Personal Service Contracts	OSBA recommends deletion. Info now in DJC.
DJCA-AR	Personal Service Contracts	OSBA recommends deletion. Info now in DJC.
DJFA	Procurement Cards	Moved procedural info to AR. Language and ORS update.
DJFA-AR	Procurement Cards	Clarifying language, procedural info from DJFA policy.
DJFA-AR	Table	Delete AR. Superfluous.
DJFA-AR 2	Authorization for Payroll Deduction	Delete AR. Superfluous.
DL	Payroll	Clarifying language. ORS update.
DLB	Salary Deductions	Clarifying language. ORS update.
DLBA	Advance Salary Payments	Timeline added.
DLC	Staff Expense Reimbursement ⁶	Added "designee." ORS update.
DLC-AR	Staff Expense Reimbursement	Simplifying language.

DN	Disposal of District Property	Clarifying language. ORS update.
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Section E: Support Services

EBAC	Safety Committees	Minor changes. ORS update.
EBAC-AR	Safety Committees	Safety officer changed to risk manager. Clarifying language.
EBBA	First Aid / Student Health Services	Delete "EBBA: First Aid" and replace with "EBBA: Student Health Services"
EBBA-AR	First Aid - Infection Control	Delete. Replace with EBBA
EBBAA	Infection Control and Bloodborne Pathogens	Language change removing HIV. Simplifies. Optional. Replaces above AR
EBBB	Injury or Illness Reports	Required Changes.
EBC	Emergency Plan and First Aid	Highly Recommended, New. Adds emergency procedures plan requirement.
EBC/EBCA	Emergency Procedures and Disaster Plans	DELETE. Replace with EBC.
EBCB	Emergency Procedure Drills and Instruction	Highly Recommended
ECAC-AR	Video Surveillance	Clarifying language.
EEACC-AR	Discipline Procedures for District-Approved Student Transportation	Suspension and expulsions process removed from policy.
EEBB	Use of Private Vehicles for District Business	Clarifying language. ORS update.
EFA	Local Wellness Program	Combining AR and policy language.
EFA-AR	Local Wellness Program	Delete. Info now in EFA.

Section G: Personnel

GBCA	Staff Dress, Grooming and Religious Dress	Minor language changes. ORS update.
GBEB	Communicable Diseases in Schools	Updated to go with health department's guidance.
GBEB-AR	Communicable Diseases in Schools	Updated to go with health department's guidance.
GBEBA	Staff – HIV, AIDS, and HBV	Delete. Info now found in GBEB and Communicable Disease Plan.
GCDA/GDDA	Criminal Records Checks and Fingerprinting	Clarifying process and requirements.
GCDA/GDDA-AR	Criminal Records Checks and Fingerprinting	Clarifying language.
GCN/GDN-AR	Evaluation of Staff	Delete. Info included in established procedures.

Section I: Instruction

IGAEC	Anabolic Steroids and Performance-Enhancing Substances	Minor changes. ORS update.
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IICA	Field Trips and Special Events	Simplifying language.
IICA-AR	Field Trips and Special Events	Clarifying process.
IICC	Volunteers	New language from ORS update.
IKE	Promotion and Retention of Students	New language from ORS update.
Section J: Students		
JBAA-AR	Section 504 – Students	Changes reflect Senate Bill 756
JEA	Compulsory Attendance	New language from ORS update.
JEA-AR	Compulsory Attendance Notices	New language from ORS update.
JEBA	Early Entrance	Gendered language update. "Cognitive Development" changed to "Academic Readiness"
JEBA-AR	Early Entrance into Kindergarten/First Grade	Timeline update. Updates for inclusivity.
JGA	Corporal Punishment	Clarifying language.
JGAB	Use of Restraint or Seclusion	Required. Removes specific training program name and becomes more generic. Other slight changes.
JGAB-AR	Use of Restraint or Seclusion	Required. Change to notification requirements.
JH	Student Welfare	New language from ORS update.
JHC	Student Health Services and Requirements	Delete (in lieu of new EBBA)
JHCA/JHCB	Immunization and School Sports Participation	Simplifies by combining JHCA and JHCB into one policy.
JHCA	Physical Examination for Students Participating in Extracurricular Activities	Delete (in lieu of JHCA/JHCB)
JHCB	Immunization , Vision Screening/Eye Examination and Dental Screening	Delete (in lieu of JHCA/JHCB)
JHCC	Communicable Diseases - Students	Delete (in lieu of GBEB and GBEB-AR)
JHCC-AR	Communicable Diseases - Students	Delete (in lieu of GBEB and GBEB-AR)
JHCCA	Students - HIV, HBV and AIDS	Delete (in lieu of GBEB and GBEB-AR)
JHCCF	Pediculosis (Head Lice)	Simplifies policy.
Section K/L: Community Relations		
KAA	Community Relations	Minor changes
KAB	Parental Rights	Removes "ESSA." ORS update.
KAB-AR	Parental Rights	Minor changes
KBA	Public Records	8 Clarifying language change based on ORS
KBA-AR	Public Records	Minor updates.

KBCA	News Media and News Releases	Minor changes
KG	Community Use of District Facilities	Minor changes.
KGB	Public Conduct on District Property	Minor changes. ORS update.
KGC/GBK	Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems	Minor changes.
KH	Public Gifts to the District	Minor changes. ORS update.
KI	Public Solicitation in District Facilities	Simplified.
KJ	Advertising in District Facilities	Revenue section added based on ORS
KJ-AR	Commercial Advertising	Minor changes.
KJA	Materials Distribution	Minor changes. ORS update.
KJB	Signs and Banners	Added Every Student Belongs policy language.
KK	Visitors to District Facilities	Minor changes. ORS update.
KL	Public Complaints	Procedural info moved to AR. ORS update.
KL-AR(1)	Public Complaint Procedure	Process clarification.
KL-AR(2) (current) (new)	Appeal to the Deputy Superintendent of Public Instruction	Delete and replace with new version
KMC	Community-Funded Activities or Programs	Clarifying language. ORS update.
KN	Relations with Law Enforcement Agencies	Added "designee." ORS update.
KN-AR(1)	Relations with Law Enforcement Agencies	Removes specific program language. Updated language based on ORS.

Previous Board Action:

The Board reviews and approves all policies.

Financial Implications:

Not Applicable.

Motion:

Not Applicable.

OSBA Model Sample Policy

Code: BBFC
Adopted:

Reporting of Suspected Abuse of a Child

{Optional policy. Board members are included in the definition of public official from ORS 419B.005, which are designated mandatory reporters of child abuse by ORS 419B.010.}

A Board member is a mandatory reporter of child abuse¹. A Board member having reasonable cause to believe that any child with whom the Board member comes in contact with has suffered abuse or that any person with whom the Board member comes in contact with has abused a child shall immediately notify the Oregon Department of Human Services (DHS) or local law enforcement pursuant to Oregon Revised Statute (ORS) 419B.015.

The Board member making a report of child abuse, as required by ORS 419B.010, shall make ~~an oral~~ a report ~~by telephone or otherwise to~~ through the local office of the Department of Human Services ~~DHS~~², ~~to the designee of the department~~ or to a law enforcement agency within the county where the Board member making the report is located at the time of the contact.

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

END OF POLICY

Legal Reference(s):

¹ Includes the neglect of a child; abuse is defined in ORS 419B.005.

² [How to report abuse or neglect: [Oregon DHS](#). Call 855-503-SAFE (7233)]

[ORS 332.107](#)

[ORS 419B.005](#)

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



Code: CCG
Adopted: 1/04/07
Revised/Readopted: 5/13/10; 3/13/13; 8/14/13;
6/13/18
Orig. Code: CCG

Evaluation of Administrators

The superintendent will implement and supervise an evaluation system for administrators. Each administrator will be evaluated annually by his/her immediate supervisor. The purpose of administrator evaluations is to assist an administrator with developing and strengthening administrators to develop and strengthen their 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.~~ Each probationary administrator will be evaluated annually. Following the probationary period, administrators will be evaluated at least once every two years. 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.

~~An administrator's evaluation~~ Administrators' evaluations shall use the following 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; and

¹ These standards are aligned with the Interstate School Leaders Licensure Consortium (ISLLC) and the Educational Leadership Constituents Council (ELCC) standards for Education 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 efforts 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;
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 the administrator administrators;
2. Refine the support, assistance and professional growth opportunities offered to the 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, including other assignments 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 nonextension or demotion 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](#)

[ORS 342.850](#)

[ORS 342.856](#)

[OAR 581-022-2405](#)

[OAR 581-022-2410](#)

[OAR 581-022-2420](#)

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

Corrected 12/16/22



Code: CPA
 Adopted: 1/04/07
 Revised/Readopted: 5/13/10; 5/10/17
 Orig. Code: CPA

Layoff or Recall - Administrative Administrators Personnel

This policy applies to all licensed administrators below the rank of assistant superintendent who are not considered teachers under ORS 342.934¹.

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 desires/expects administration to 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.

The district will develop administrative regulations to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 342.934](#)

Corrected 12/16/22

¹ Prior to laying off any administrators, the district will work with legal counsel to determine if the cultural or linguistic expertise criteria apply to any impacted employees.



Code: DB
 Adopted: 1/4/07
 Revised/Readopted: 7/15/10; 6/14/17
 Orig. Code: DB

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 that the budget and budget documents be prepared on an annual or biennial basis.

The district budget will be prepared in full compliance with Local Budget Law, ~~and in accordance with~~ federal and state laws and regulations, and locally adopted procedures. The superintendent will be designated as budget officer and will prepare the budget document.

The fiscal year will extend from July 1 to June 30 inclusive.

END OF POLICY

Legal Reference(s):
[ORS 294.305 to -294.565](#) [ORS 328.542 to -328.565](#)
 OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL.

Corrected 1/24/24



Code: DBC
Adopted: 1/04/07
Revised/Readopted: 7/15/10; 6/14/17
Orig. Code: DBC

Budget Calendar

The Board will 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 calendar will identify dates and activities to include those needed to comply with state law.

The superintendent or designee will prepare and recommend a proposed calendar for Board approval.

END OF POLICY

Legal Reference(s):

[ORS 294.305 to -294.565](#)

[ORS 328.542 to -328.565](#)

Corrected 1/24/24



Code: DBD
Adopted: 7/15/10
Orig. Code: DBD

Budget Priorities

The Board will review and set budget priorities. As the budget is prepared, staff will use a prioritizing system consistent with program needs as identified by staff and the Board. Priorities should be established to be used as a basis for budget additions or reductions.

The budget committee will review suggested priorities and will either accept, modify, or reject the priorities.

END OF POLICY

Legal Reference(s):

[ORS 294.305](#) to -294.565

Corrected 1/24/24



Code: DBDA
Adopted: 6/08/11
Revised/Readopted: 6/14/17
Orig. Code(s): DBDA

General Operating Contingency

The general operating contingency will be established at an amount deemed sufficient by the Board to responsibly enable the district to meet unforeseen financial needs due to emergencies and changing district needs. The amount will be established by the Board during the budget development process.

A transfer from the general operating contingency may be recommended by the superintendent for Board approval. The need, purpose, and amount of the transfer shall be duly recorded.

END OF POLICY

Legal Reference(s):

[ORS 294.305 to -294.565](#)

[OAR 150-294-0430](#)

Corrected 1/24/24



Code: DBDB
 Adopted: 6/08/11
 Revised/Readopted: 2/08/12; 6/14/17
 Orig. Code: DBDB

Fund Balance

The Board recognizes its responsibility to establish an ~~unrestricted~~ ~~unreserved~~ fund balance⁴ 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. Meet the 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.

Consequently, the Board directs the superintendent to manage the currently adopted district budget in such a way to ensure an ending fund cash balance of at least 5 percent of total adopted revenues.

In determining an appropriate ~~unrestricted~~ ~~unassigned~~ fund balance, the Board will consider a variety of factors with potential impact on the district’s budget including the predictability and volatility of its expenditures¹; the availability of resources in other funds as well as the potential drain upon general fund resources from other funds²; liquidity³; and designations⁴. Such factors will be reviewed annually.

~~⁴ The Government Finance Officers Association (GFOA) recommends, at a minimum, that general purpose governments, regardless of size, maintain an unreserved fund balance in their general fund of no less than 5 to 15 percent of regular general fund operating revenues, or of no less than one to two months of regular general fund operating expenditures. The Oregon Association of School Business Officials recommends, at a minimum, an unreserved ending fund balance of no less than 3 to 8 percent of the general fund budget. In general practice, levels of fund balance, typically, are less for larger governments than for smaller governments because of the magnitude of the amounts involved and because the diversification of their revenues and expenditures often results in lower degrees of volatility.~~

¹ Higher levels of ~~unrestricted~~ ~~unreserved~~ fund balance may be needed if significant revenue sources are subject to unpredictable fluctuations or if operating expenditures are highly volatile.

² The availability of resources in other funds may reduce the amount of ~~unrestricted~~ ~~unreserved~~ fund balance needed in the general fund, just as deficits in other funds may require that a higher level of ~~unrestricted~~ ~~unreserved~~ fund balance be maintained in the general fund.

³ The disparity between when financial resources actually become available to make payments and the average maturity of related liabilities may require that a higher level of resources be maintained.

⁴ The need to maintain a higher level of ~~unrestricted~~ ~~unreserved~~ fund balance to compensate for any portion of ~~unrestricted~~ ~~unreserved~~ fund balance already designated for a special purpose.

END OF POLICY

Legal Reference(s):

[ORS 294.311\(18\)](#)

[ORS 294.398](#)

[ORS 332.107](#)

Corrected 1/24/24



Code: DBE
 Adopted: 1/04/07
 Revised/Readopted: 7/15/10; 6/08/11; 6/14/17
 Orig. Code: DBE

Budget Preparation

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 294.305 to -294.565](#) [ORS 328.542 to -328.565](#)

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL.
 OR DEP'T OF REVENUE, LOCAL BUDGETING MANUAL.

Corrected 1/24/24



Code: DBEA
Adopted: 7/15/10
Revised/Readopted: 9/14/11
Orig. Code: DBEA

Budget Committee (Version 1)

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

The budget committee will have the responsibility for reviewing the financial programs 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.

1. The budget committee consists of seven members appointed by the Board plus the elected Board members. To be eligible for appointment, the appointive member must:
 - a. Live and be registered to vote in the district;
 - b. Not be an officer, agent or employee of the district.
2. No budget committee member may receive any type of compensation from the district.
3. 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 accept applications through August. 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.
4. At the first regular Board meeting in September, 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 October, the Board will appoint persons to fill the vacant positions.
5. 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.

1. 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.
2. A majority of the constituted committee is required for passing an action item. Majority for a 14-member budget committee is 8. Therefore, if only 8 members are present, a unanimous vote is needed for passing an action.
3. 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.
4. 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.
5. 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 - 192.695](#)
[ORS 294.305 - 294.565](#)

[ORS 329.711](#)
[ORS 433.835 - 433.875](#)

Corrected 1/24/24



Code: DBEA
Adopted:

Budget Committee (Version 2)

Organization, Membership and Terms of Office

The district budget committee will consist of the seven members of the Board and seven electors¹ appointed by the Board as required by law. The term of the appointed members of a budget committee in a district that prepares an annual budget, will each be three years, with appointments made so that, as nearly as practicable, the terms of one-third of the members end each year. At least one member of the budget committee must be a member of the district’s educational equity advisory committee. The Board will establish appropriate timelines and procedures for the appointment of budget committee members.

A majority of the constituted committee is required for passing an action item. Majority for a 14-member budget committee is 8. Therefore, if only 8 members are present, a unanimous vote is needed for passing an action item.

Presiding Officer and Orientation of Budget Committee

- 30 Organization: The budget committee will hold its first regular organizational meeting on a day set by the Board. A presiding officer shall be elected from among its members at this meeting. Such meeting may be prior to or on the date the budget message and document are presented.
- 40 Background Information: Budget committee members will be provided with data for the ensuing year(s), such as the Board’s educational plan and other pertinent material bearing on the preparation of the district budget.

Meetings of the Budget Committee

The district’s budget committee shall hold one or more meetings to receive the budget message, review 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.

Function of the Budget Committee

It is the function of the budget committee to approve budget estimates for an educational plan previously determined by the Board. No new program should be considered for the budget estimate that has not

¹ 1. To be eligible for appointment, the appointive member must:
a. Live and be registered to vote in the district;
b. Not be an officer, agent or employee of the district.

previously been submitted to the Board and approved as a part of the educational plan. The budget committee will determine levels of spending, but will not determine programs.

Final Action

The budget committee will approve an estimated district budget document for submission to the Board.

END OF POLICY

Legal Reference(s):

[ORS 174.130](#)
[ORS 192.610 - 192.695](#)

[ORS 294.305 - 294.565](#)
[ORS 329.711](#)

[ORS 433.835 - 433.875](#)

Corrected 1/24/24



Code: DBH
Adopted: 7/15/10
Orig. Code: DBH

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 or for each of the years of the ensuing budget period, 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 Reference(s):

[ORS Chapter 255](#)
[ORS 294.305 to -294.565](#) [ORS 310.060](#)
[ORS 328.542](#) [OAR 150-310-0020](#)

Corrected 1/24/24

T
E



Code: DBI
Adopted: 6/14/17
Orig. Code: DBI

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 294.456](#)

[ORS 294.471](#)

[ORS 294.473](#)

Corrected 1/24/24



Code: DBJ
Adopted: 7/15/10
Orig. Code: DBJ

Budget Implementation

The budget, as adopted by the board, becomes the financial plan of the district for the ensuing budget period.

The superintendent and staff are authorized to make expenditures and commitments in accordance with the policies of the Board and the approved budget.

The superintendent will make the Board aware of any substantial changes in expected revenues or unusual expenditures so the Board may adjust the budget, if necessary.

END OF POLICY

Legal Reference(s):

[ORS 294.305 to -294.565](#)

[ORS Chapter 310](#)

Corrected 1/24/24



Code: DBK
Adopted: 3/09/11
Revised/Readopted: 6/14/17
Orig. Code: DBK

Budget Transfer Authority

The adopted district 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.

The superintendent has the authority to approve transfers between programs (i.e., elementary, middle school, high school) and or object codes (i.e.,- 100- salaries, 200- benefits, 300- purchase services, 400- supplies), etc.) within the same level of appropriation.

END OF POLICY

Legal Reference(s):

[ORS 294.463](#)

Corrected 1/24/24



Code: DBK-AR
Revised/Reviewed: 3/09/11; 6/14/17
Orig. Code: DBK-AR

Budget Transfer Authority

1. The “Budget Transfer Request” original will be filed in the business office with the second copy being forwarded to the originating department after final approval.
2. All “Budget Transfer Request” forms, when completed and approved by administrators and/or department directors, will be forwarded to the business manager for review. A determination will be made if funds are available for transfer (i.e., outstanding encumbrances or low fund balance).
3. Requests will be forwarded to the superintendent for approval. A resolution will be prepared for Board consideration.
4. The approved request will then be acted upon by the business manager who will make the transfer.
5. If any transfer between functional areas or funds require Board approval, per Oregon law, such actions shall occur prior to the end of the current fiscal year.

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BUDGET TRANSFER REQUEST

Date _____

Fund	Function	Object	Building	Area	Decrease	Increase

Explanation of Request

Requested by _____ **Approved:** Administrator and/or Department Director

Reviewed:

Business Manager

Approval:

Superintendent/Clerk

F Corrected 1/24/24



Code: DD
Adopted: 7/15/10
Orig. Code: DD

Grant Funding Proposals and Applications

The district shall pursue federal, state or private grants or other such funds that will assist the district in meeting adopted Board and district goals.

~~Proposals for external funds will be submitted to the Board for evaluation and approval.~~

All proposals and applications must be approved by the district a director before submission.

New grant opportunities requiring an ongoing commitment of district resources beyond the grant funding period or current district resource commitments (e.g., staff time, matching funds) must be approved by the superintendent and the Board. 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 own judgment in approving it for submission. The superintendent will review the proposal with the Board at its next regular meeting.

The Board reserves the right to reject funds associated with any grant which has been approved.

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 294.305 to -294.565](#)

[ORS 332.075](#)

Corrected 1/24/24



Code: DE/DEB/DEC
Adopted: 7/15/10
Orig. Code: DE/DEB/DEC

Revenues from Private, State and Federal Sources

The Board or designee may authorize, accept and use private, state or federal funds available to the district to carry out district educational programs. The district will comply with all regulations and procedures required for receiving and using such funds.

END OF POLICY

Legal Reference(s):

[ORS 294.305 to -294.565](#)

[ORS 332.107](#)

Corrected 1/24/24



Code: DFA
Adopted: 1/04/07
Readopted: 7/15/10
Orig. Code: DFA

Investment of Funds

Scope

This investment policy applies to activities of the district with regard to investing the financial assets of all funds. Funds held and invested by trustees or fiscal agents are excluded from these rules; however, such funds are subject to the regulations established by the state of Oregon.

Funds of the district will be invested in compliance with the provisions of, but not necessarily limited to, ORS Chapter 294 and other applicable statutes. Investments will be in accordance with these policies and written administrative procedures. Investment of any tax-exempt borrowing proceeds and any debt service funds will comply with the “arbitrage” restrictions of Section 148 of the Internal Revenue Code of 1986.

Objectives

The district’s investment objectives are:

1. Preservation of capital and the protection of investment principal.
2. Conformance with federal, state, and other legal requirements.
3. Adequate liquidity to meet daily funds needs for payment of district operating requirements which might be reasonably anticipated. ~~Maintenance of sufficient liquidity to meet operating requirements.~~
4. Diversification to avoid incurring unreasonable risks regarding specific security types or individual financial institutions.
5. Attainment of a market rate of return throughout budgetary and economic cycles.

Delegation of Authority

The ~~director of business services~~ superintendent or designee is the designated investment officer of the district and is responsible for investment decisions, under the review of the ~~h~~Board. In the absence of the investment officer, the fiscal services supervisor or the superintendent shall perform the duties. The investment officer is responsible for setting investment policy and guidelines subject to review and adoption by the ~~h~~Board and, if required, review and comment by the Oregon Short-Term Fund Board. Further, ~~the director of business services~~ the district’s fiscal services staff will be responsible for the day-to-day operations of the investment.

Investment Diversification

The director of business services will diversify the portfolio, as needed, to avoid incurring unreasonable risks. However, the investments may be made up to 100 percent of available funds in the following:

1. U.S. Treasury obligations (Bills, notes, and bonds).
2. U.S. Government agency securities and instrumentalities of government-sponsored corporations.
3. State of Oregon investment pool.

Investment Maturity

Except for special situations, as directed by the director of business services, investments shall be limited to maturities not exceeding 18 months (ORS 294.135).

Funds considered short term will be invested to coincide with projected cash needs or with the following serial maturity:

1. 0 percent minimum to mature under three months.
2. 25 percent maximum to mature over one year out to 18 months.
3. Funds considered long term (over 18 months) shall be held to a maximum maturity of 36 months.

Maturities shall be structured to meet anticipated cash needs.

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into consideration the safety and liquidity needs of the portfolio. Although return consists of both principal return (gains and losses due to market value fluctuations) and income return (yield), this policy discourages active trading and turnover of investments. Investments should generally be held to maturity.

Competitive Selection of Bids or Offers

Before the investment officer invests funds or sells securities prior to their maturity, competitive offers or bids will be sought from at least two institutions. The most favorable offer or bid will be awarded the transaction.

Qualified Institutions

The investment officer shall maintain a list of financial institutions which are approved for investment purposes. The list will be reviewed and approved annually by the Board.

Safekeeping and Collateralization

Purchased investment securities will be held in third party safekeeping with a designated custodian. Demand and time deposit shall be collateralize through the state collateral pool as required by statute for any excess over the amount insured by an agency of the United States government.

Internal Controls

The director of business services ~~The district's fiscal services~~ staff shall maintain a system of written internal controls which shall be reviewed by the independent auditor annually or upon any extraordinary event, i.e., turnover of key personnel or the discovery of inappropriate investments.

Accounting Method

The district shall comply with all required legal provisions and Generally Accepted Accounting Principles (GAAP). The accounting principles are those contained in the pronouncements of authoritative bodies including, but not necessarily limited to, the American Institute of Certified Public Accountants (AICPA), the Financial Accounting Standards Board (FASB), and the Government Accounting Standards Board (GASB).

Reporting Requirements

The investment officer shall generate ~~daily and monthly~~ reports for management purposes. In addition, the ~~Board~~ will be provided ~~quarterly~~ reports upon request which will include, but not necessarily limited to, portfolio activity, instruments held, market valuation, as well as any narrative necessary for adequate clarification.

Performance Evaluation

The performance of the district's portfolio shall be measured against the performance of the Oregon Local Government Investment Pool, using monthly net yield of both portfolios as the yardstick.

END OF POLICY

Legal Reference(s):

[ORS 294.033](#)
[ORS 294.035](#)

[ORS 294.125](#)
[ORS 294.135](#)

[ORS 294.145](#)
[ORS 294.155](#)

Corrected 1/24/24



Code: DFE
Adopted: 7/15/10
Revised/Readopted: 6/14/17
Orig. Code: DFE

Admission Prices and Receipts

The superintendent or designee will determine the price of admissions for district-sponsored activities. The superintendent will adhere to league agreements for athletic events, as applicable.

Admission receipts from school activities will be adequately controlled. The principal or designee is responsible for the proper collection, supervision, disbursement and/or remittance of these receipts.

Adequate records will be maintained for accounting purposes.

END OF POLICY

Legal Reference(s):

[ORS 294.305 to -294.565](#)

Corrected 1/24/24



Code: DFEA
Adopted: 7/15/10
Orig. Code: DFEA

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~~ reduced-priced passes for all school activities, including athletic events.

~~Additionally, the~~ athletic director shall provide complimentary ~~Booster P~~ passes to the following:

1. Volunteers (e.g., doctors, fire department, police department);
2. Unpaid officials who perform frequently at athletic events (e.g., scorekeepers, public address personnel, photographers);
3. Children under age six, accompanied by an adult, may be admitted at no charge.

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 Oregon Revised Statute (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](#)

Corrected 1/24/24



Code: DIBA
Adopted: 7/15/10
Orig. Code: DIBA

Insurance Reserve Fund

The Board recognizes that the district incurs certain losses not covered by insurance policies; therefore, an insurance reserve fund will be established. The fund will cover, but is not limited to, the following incidents:

1. District property damage not in excess of current deductible;
2. Theft of district property not covered by insurance, at the discretion of the director of business services;
3. Limiting exposure to liability and litigation.
4. Replacement or upgrade of equipment, technology, and supplies to improve services and safety.

In cases where a claim is filed for theft, a report must have been made to local law enforcement officials before consideration.

Funding will be by appropriation as determined by the budgeting process.

END OF POLICY

Legal Reference(s):

[ORS 30.310 to -30.400](#)

[ORS 332.437](#)

Corrected 1/24/24



Code: DJ
 Adopted: 1/04/07
 Revised/Readopted: 7/15/10; 7/13/16; 12/15/21
 Orig. Code: DJ

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 and ~~be whenever~~ consistent with educational goals and in the interest of efficiency or economy.

The ~~executive director of financial services~~ ~~chief financial officer~~ is appointed by the Board to serve as purchasing agent. ~~They~~ ~~He/She~~ ~~The chief financial officer~~ 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 payroll payrolls, a requisition and purchase order request approval process system must be used.

No purchase, with the exception of authorized purchasing cards or reimbursements, will be authorized unless ~~covered by an approved purchase order~~ the request has been approved or is under contract. No bills will be approved for payment unless purchases were made on approved orders expenditures¹.

Maintenance department and transportation personnel will occasionally require materials to complete a project or perform emergency repairs and will be unable to complete a purchase order request for approval without considerable delay. To avoid such costly procedure and to better control the expenditures of district funds, an emergency purchase order request may be completed and subsequently submitted to purchasing when signed by authorized personnel.

A purchase order request must be issued to authorize repairs for equipment.

The superintendent or designee and ~~executive director of financial services~~ ~~chief financial officer~~ are authorized to enter into and approve payment on contracts obligating district funds not to exceed \$500,000 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 ~~executive director of financial services~~ ~~chief financial officer~~ will review bills due and payable for the purchase of supplies and services to determine if they are within current budget appropriations amounts. After appropriate administrative review, the ~~executive director of financial services~~ ~~chief financial officer~~ will direct payment of the just claims bills against the district. The

¹ The receiver is responsible for ensuring that the vendor has fulfilled the purchase order contract.

superintendent or designee and the executive director of financial services ~~chief financial officer~~ 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 ~~their~~his/her official position to obtain financial gain or for avoidance of financial detriment for ~~themselves/herself~~himself/herself, a relative or a member of their household, or for any business with which the ~~Board~~board member, or a relative or member of household 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, 279C](#)

[ORS 294.311](#)

[ORS 328.441 to -328.470](#)

[ORS 332.075](#)

[OAR 125-055-0040](#)

Corrected 1/24/24



Code: DJ-AR
Revised/Reviewed: 7/15/10
Orig. Code: DJ-AR

Expenditure of District Funds for Meals, Refreshments, and Gifts

The district recognizes there may be occasions when it is appropriate for Board members, administrators and others to expend district funds in the course of conducting district business to provide meals or refreshments (i.e., bakery goods, snacks, fruit, punch, coffee, tea, soft drinks, etc.). The purchase of gifts may also be approved, in certain situations. Such occasions may include, but are not limited to, various district and building level meetings, gatherings to celebrate district successes or recognize individual achievements, contributions or outstanding service to the district and other district and school-sponsored activities. Such expenditures may be made with prior superintendent approval only, subject to the provisions of this administrative regulation.

The use of district funds, as used in this regulation, means the use of money in any of the general accounts of the district. This includes the General Fund, Food Service Fund, and others. It also includes money in student body accounts held at each school that are derived from any student activity or from parent/guardian organizations. Exceptions are funds collected from staff members or others for the specific purpose of providing gifts or parties. It is also recognized that buildings may have established a “social fund” or “sunshine fund” to which each staff member may voluntarily contribute. Such funds are generally used for birthday recognition, bereavement and illness acknowledgment activities, etc. These funds are also exempt from the following requirements.

Meals and Refreshments

District funds may be used to pay for individual or group meals only if official district business is being conducted during the time in which the meal is provided and only if the meal provides a particularly practical time or setting for the discussion, consistent with Board policy and the following:

1. Meals may be provided by the district to recognize the contributions of staff, through retirement dinners or other recognition events;
2. Meals may be provided by the district as a part of Board or administrative work sessions, at district or building-level committee meetings or other district-approved activities.

Meals not directly business related may be provided to staff or others at the individual’s expense only.

Board members, principals and other district administrative staff may use district funds to provide refreshments for staff, parents/guardians, or others at meetings, in-service programs, or other similar district or school-sponsored activities, subject to the following additional requirements:

1. The purchase of alcoholic beverages with district funds is strictly prohibited;
2. The use of district funds for parties is prohibited.

Gifts

There are numerous occasions that may arise whereby Board members, administrators or other district staff may feel the need to recognize employees (i.e., Administrative Professionals' Day, Teacher Appreciation Week, Secretaries' Day, Classified Employees' Week, birthdays, etc.). A Board member, administrator or other district employee may provide such recognition at his/her expense only, unless as otherwise permitted below:

1. The district may provide a small token of appreciation for a Board member's or employee's retirement and years of service and other related activities utilizing district funds, as approved in advance. For example, the Board generally proclaims special recognition for Classified Employees' Week and Teacher Appreciation Week;
2. Administrators may use district funds to provide an appropriate token of appreciation on behalf of the Board;
3. No other expenditure of district funds for gifts is permitted without prior authorization from the Board or superintendent.

Revised 5/16/23; Corrected 1/24/24



Code: DJB
Adopted:

Petty Cash Accounts

Petty cash funds may be established for school buildings 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.

Petty cash will not be used to thwart or circumvent established purchasing procedures. It is a convenient accommodation to facilitate immediate acquisition of low-cost goods and services in an efficient manner.

END OF POLICY

Legal Reference(s):

[ORS 294.311](#)

OR. DEP'T. OF EDUCATION, PROGRAM BUDGET AND ACCOUNTING MANUAL.

Corrected 1/24/24

**Bidding
Requirements**

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The Board declares its intention to purchase competitively without prejudice and to seek maximum educational value for every dollar expended. All public contracts for goods or services shall be based upon applicable competitive procurement provisions. Original Revised Statutes and adopted public contracting rules except:

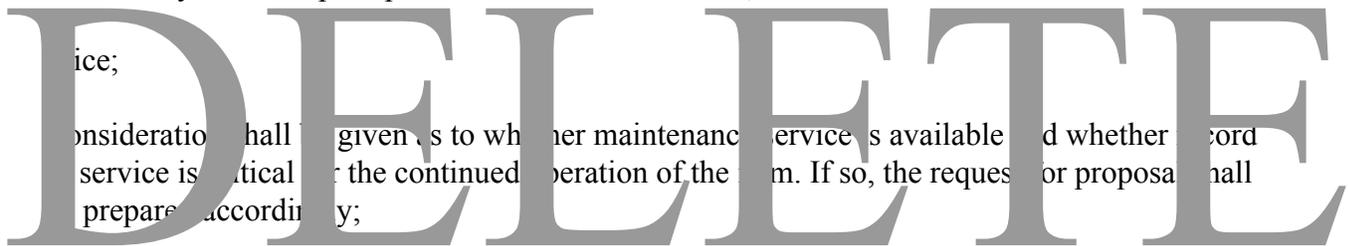
1. Contracts between contracting agencies or between contracting agencies and the federal government;
2. Insurance and services contracts as provided for under state law;
3. Contracts for the procurement or distribution of textbooks;
4. Energy savings performance contracts¹;
5. Contracts made with qualified nonprofit agencies providing employment opportunities for disabled individuals;
6. Public improvement contracts exempted by the Local Contract Review Board (LCRB) upon findings that the award would not encourage favoritism or substantially diminish competition and would result in substantial cost savings and other substantial benefits to the district;
7. Special procurements exempted by the Superintendent upon findings that the award would not encourage favoritism or substantially diminish competition and would result in substantial cost savings to the district;
8. Emergency contracts;
9. Personal Services contracts if the value is less than or equal to \$50,000.
10. Architect, Engineers and Related Services contracts if the value is less than or equal to \$100,000.
11. Any other public contract specifically exempted from the code by another provision or law.

¹ Attorney General rules may still apply.

The Board will serve as the LCRB for the district. All district purchasing shall be conducted in accordance with the [Board's] adopted rules^{2}.

All purchase of personal property, materials and supplies shall be guided by the following criteria:

1. Suitability to the requirements of the educational program;
2. Conformity to developed specifications when available;
3. Price;
4. Consideration shall be given as to whether maintenance services available and whether record service is critical for the continued operation of the firm. If so, the request for proposal shall be prepared accordingly;
5. Delivery terms.



The board will serve as the LCRB for the district. All district purchasing shall be conducted in accordance with the board's adopted rules¹.

The board acting as its own LCRB³, will adopt the *Oregon Attorney General's Model Public Contract Rules* OAR Chapter 137, Divisions 046 through 049, [its own rules of procedure that will govern district purchasing. Consequently, the model rules adopted by the Attorney General shall not apply to the district. The district's rules may include portions of the *Oregon Attorney General's Model Public Contract Rules* OAR Chapter 137, Division 046 through 049,] in effect at the time this policy is adopted. These rules govern purchasing procedures, and other matters subject to public contracting provisions of law.³

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 will adopt the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246 through 249 in effect at the time this policy is adopted.

The Board will make the written findings required by law for exemptions from competitive bidding. Such findings shall be maintained by the district and made available on request.

²² The Board may contract with another public agency to serve as its LCRB.

³³ Purchases shall be governed by ORS Chapter 279, 279A, 279B and 279C. Additionally, the Board may, as provided by ORS 279, 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 creates its own LCRB but has not established its own rules of procedure for public contracts is subject to the model rules (OAR Chapter 137) adopted by the Attorney General.

The district shall review its rules each time the Attorney General adopts a modification of the model rules, as required by ORS 279A.065 (6)(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.

Opportunity will be provided to all responsible suppliers to do business with the district. The Chief Financial Officer will develop and maintain lists of potential vendors for various types of materials, equipment and supplies. Such lists may be used to develop a mailing list for distribution of specifications and solicitations for bids or proposals. Any supplier may be included in the list upon request.

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

Records of bids, proposals and specifications will be kept in the district administration office and will conform with Oregon Revised Statutes and applicable records retention provisions of the *Oregon Attorney General’s Model Public Contract Rules*.

END OF POLICY

Legal Reference(s):

ORS Chapters [279](#), [279A](#), [279B](#) and [279C](#)
[OAR Chapter 125](#), Divisions 246-249

⁴ {If the Board does not establish its own rules of procedure as permitted under ORS 279A.065(5), the district is subject to the model rules adopted by the Attorney General, including all modifications to the model rules that the Attorney General may adopt.}

DELETE

requirements and may reject for good cause any bid or proposal upon a written finding that it is in the public interest to do so. Such findings shall conform with criteria as specified by the *Oregon Attorney General's Model Public Contract Rules Manual*.

Opportunity will be provided to all responsible suppliers to do business with the district. The director of business services will develop and maintain lists of potential vendors for various types of materials, equipment and supplies. Such lists may be used to develop a mailing list for distribution of specifications and solicitations for bids or proposals. Any supplier may be included in the list upon request.

Procurements estimated to be in excess of \$200,000 shall go through the cost analysis and feasibility process described in ORS 279B.

Records of bids, proposals and specifications will be kept in the district administration office and will conform with Oregon Revised Statutes and applicable records retention provisions of the *Oregon Attorney General's Model Public Contract Rules Manual*.

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.

Cross Reference(s):

DJ - District Purchasing
DJCA - Personal Services
Contracts DJG - Vendor Relations
FEF/FEFB - Construction Contracts - Bidding and Awards

OSBA Model Sample Policy

Code: DJC
Adopted:

Bidding Requirements

{Highly recommended policy. The Board serves as the Local Contract Review Board (LCRB) and has the ability to adopt its own procurement rules. Many districts choose to use the *Oregon Attorney General's Model Public Contracting Rules* in OAR Chapter 137, Divisions 045 - 049. If the LCRB does not adopt rules, the Attorney General's Model Public Contracting Rules apply. This policy is based on those rules. The LCRB may also include as part of its rules portions of the Oregon Department of Administrative Services administrative rules in OAR Chapter 125, Divisions 269 - 249. If the LCRB adopts its own rules, delete portions of this policy that are inconsistent with those rules.}

The Board is the Local Contract Review Board (LCRB) for the district. The LCRB has not adopted its own rules of procurement. Consequently, the *Oregon Attorney General's Model Public Contracting Rules*¹ shall apply to the district.²

Additionally, the district may include as part of its procedures portions of the Oregon Department of Administrative Services administrative rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246 - 249.

The LCRB may make 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 may not artificially divide or fragment a procurement to reduce the procurement requirements.

The superintendent may develop administrative regulations or procedures to assist with the implementation of this policy and applicable procurement rules.

Goods and Services

¹ Oregon Administrative Rules (OAR) 137-045 - 049

² See ORS 279A.065(5). {The LCRB can formally adopt the AG rules. If the LCRB formally adopts the rules, the district is required to review the AG rules each time there is a modification.}

The district will purchase goods and services through the following procedures, unless an exception applies:

1. **Small Procurement.** For purchases of goods and services with a contract price not exceeding \$25,000, the district can use any manner deemed practical or convenient, including direct selection or award. Amendments to a contract awarded through small procurement must be in accordance with OAR 137-047-0800.
2. **Intermediate Procurement.** For purchases of goods and services with a contract price exceeding \$25,000, but not exceeding \$250,000, the district shall seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The district will keep record of the request and quotes. If three quotes are not reasonably available, fewer will suffice, but the district will make a written record of the effort made. The district may negotiate with a prospective contractor to clarify the quote or offer, or to effect modifications. Amendments to a contract awarded through intermediate procurement must be in accordance with OAR 137-047-0800.
3. **Regular Procurement.** For purchases exceeding \$250,000, the district will use competitive sealed bids (OAR 137-047-0255) or competitive sealed proposals (OAR 137-047-0260). Amendments to contracts awarded through regular procurement must be in accordance with OAR 137-047-0800.
4. **Emergency Procurements.** In situations of emergency⁵, the LCRB or designee may authorize an emergency procurement. In an emergency procurement, the district is not required to follow general procurement requirements. The district must ensure competition for the contract that is reasonable and appropriate under the circumstances. The district must document the nature of the emergency and the method used for the selection of the contractor.
5. **Sole-source Procurements.** If the LCRB or designee determines that the goods or services are available from only one source, the district may award a contract without competition. To the extent reasonably practicable, the district shall negotiate with the sole source to obtain contract terms that are advantageous to the district. The determination of sole source must be based on written findings and may include:
 - a. That the efficient utilization of existing goods requires acquiring compatible goods or services;
 - b. That the goods or services required to exchange 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 experimental project; or
 - d. Other findings that support the conclusion that the goods or services are available from only one source.⁶
6. **Special Procurements.** “Special procurement” means a contract or class of contracts that use a contracting procedure other than competitive sealed proposals, competitive sealed bidding, small

⁵ “Emergency” means circumstances that:

7. Could not have been foreseen;
8. Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
9. Require prompt execution of a contract to remedy the condition.

⁶ If the contract does not exceed \$250,000, using intermediate procurement is likely less burdensome than sole source.

procurement or intermediate procurement. Special procurements require LCRB approval and will be conducted in accordance with ORS 279B.085, OAR 137-047-0285, this policy and administrative regulation DJC-AR - Exemptions from Competitive Bidding and Special Procurement.

7. Personal Services Contracts. “Personal services contract,” as used in this policy, means a contract whose primary purpose is to acquire specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment.⁸ Unless otherwise designated by the LCRB, personal services contracts will be procured in accordance with applicable procurement laws. The LCRB may designate certain service contracts or classes of service contracts as personal services contracts and exempt them from competitive bidding.⁹ 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. Personal service contractors may be required to qualify as independent contractors in accordance with applicable laws.¹⁰

Procurements for services estimated to be in excess of \$250,000 shall go through the cost analysis and feasibility process in accordance with ORS 279B.030.

Public Improvements

“Public improvement” means a project for construction, reconstruction or major renovation on real property by or for the district.¹¹ The district will contract for public improvements using the following procedures, unless an exception applies.

1. Public improvements contracts with a value of less than \$25,000 are exempt from competitive bidding.
2. Intermediate Procurements. For public improvement contracts not exceeding \$100,000, the district may utilize three quotes¹²:

⁸ This includes, but is not limited to, contracts for the services of an accountant, physician or dentist, educator, consultant (including a provider under an Architectural and Engineering Service Contract), broadcaster, or artist (including a photographer, filmmaker, painter, weaver or sculptor (OAR 137-045-0010(19)). Also includes architectural, engineering, photogrammatic mapping, transportation planning or land surveying services procured under ORS 279C.105 (ORS 279C.100) and related services procured under ORS 279C.120 (ORS 279C.100(5)).

⁹ {If the LCRB has designated contracts or classes of contracts as personal services contracts, include this information along with reference to the LCRB action.}

¹⁰ See ORS 670.600 and OAR 459-005-0020.

¹¹ Public improvement does not include:

1. Projects for which no funds of the district are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or
2. Emergency work, minor alternation, ordinary repair or maintenance necessary to preserve a public improvement.

¹² If three quotes are not reasonably available, the district shall make a written record of the effort made to obtain these quotes.

- a. The request for the quotes shall be in writing (unless not reasonably practicable)¹³;
- b. The request for quotes shall include the selection criteria and if the criteria are not of equal value, their relative value or ranking.

The district shall award the contract to the prospective contractor whose quote will best serve the interest of the district, based on the selection criteria. If the award is not made to the offeror and quote with the lowest price, the district will make a written record of the basis for the award. Amendments to a contract awarded via intermediate procurement may be increased in accordance with OAR 137-049-0160(6)-(7).

3. Regular Procurements. For purchases exceeding \$100,000, the district will use invitation to bid or request for proposals except as otherwise allowed by law. See OAR 137-049-0130 and OAR 137-049-0640. Amendments to contracts awarded through regular procurement must be in accordance with OAR 137-049-0910.
4. Emergency Procurements. Emergency contracts for construction services are not considered public improvement contracts and will be procured in accordance with OAR 137-049-0140 and OAR 137-049-0150.
5. Community Benefit Contracts. “Community benefit contract” means a public improvement contract that includes, but is not limited to, terms and conditions that require the contractor to:
 - a. Qualify as a training agent, as defined in ORS 660.010, or provide apprenticeship training that meets applicable federal and state standards for apprenticeship training;
 - b. Employ apprentices to perform a specified percentage of work hours that workers in apprenticeable occupations perform on the community benefit project;
 - c. Provide employer -paid family health insurance; and
 - d. Meet any other requirements that the LCRB sets forth.

Community benefits contracts may be procured in accordance with ORS 279C.308.

6. Construction Manager/General Contractor (CM/GC) Procurement. The district shall procure CM/GC services in accordance with model rules the Attorney General adopts under Oregon Revised Statute (ORS) 279A.065(3) and OAR 137-049-0690, which requires “the assistance of legal counsel with substantial experience and necessary expertise in using the CM/GC Method, as well as knowledgeable staff, consultants or both staff and consultants who have demonstrated capability of managing the CM/GC process in the necessary disciplines of engineering, construction scheduling and cost control, accounting, legal, Public Contracting and project management.”

END OF POLICY

Legal Reference(s):

¹³ For Public Works Contracts, oral quotations may only be utilized in the event that written copies of prevailing wage rates are not required by the Bureau of Labor and Industries.

[ORS Chapter 279](#)
[ORS Chapter 279A](#)
[ORS Chapter 279B](#)
[ORS Chapter 279C](#)

[ORS 670.600](#)
[OAR Chapter 125](#), Divisions 246 -
249

[OAR Chapter 137](#), Divisions 045 -
049
[OAR 459-005-0020](#)

[OREGON PROCUREMENT MANUAL](#), Oregon Department of Administrative Services.



Code: DJC-AR
Revised/Reviewed: 3/16/11; 1/08/14; 4/08/15;
1/13/16; 12/14/22
Orig. Code: DJC-AR

Special Procurements and Exemptions from Competitive Bidding

SPECIAL PROCUREMENT

The district shall submit a written request to the superintendent or designee, 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(6). 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 superintendent or designee 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;

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- (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 superintendent or designee 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 \$10,000 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 superintendent or designee 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 superintendent or designee that describes the contracting process, 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, 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.085(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 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 superintendent or designee 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 superintendent or designee 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 \$10,000 and a competitive method is used, the district must post notice on the OregonBuys.

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 (RFPP). If possible savings could be obtained through competitive means, the district should 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 \$50,000, the school or department shall submit in writing to the designee the reasons why competitive bids or quotes are deemed to be impractical. The 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 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 designee may prepare a specific request for the anticipated contract to be obtained through special procurement procedures to submit to the superintendent or designee 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 superintendent or designee 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 superintendent or designee 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.001, 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 life 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 prequalified products with 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 the 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 meets 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.

¹ OregonBuys.gov allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized OregonBuys 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.

- 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 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.

² When 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.

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 of 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 an 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 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 Name 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 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 telecommunications 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 effort 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 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

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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 in the greater area of Multnomah 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 to all users, centralized management and limiting district liability. For example, if 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

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- 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 it and 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 public 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, if 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 required, 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 superintendent or designee 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 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) Online 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 superintendent or designee 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 superintendent or designee 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 all 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, 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 superintendent or designee 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;
 - (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/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 \$10,000 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 superintendent or designee.
- 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 could 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 generic 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

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- 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 (Blank Purchase Orders) 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.
 - 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 designee.

³ The OregonBuys.gov allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized OregonBuys 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.

- 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 bidding 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 (1)(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 superintendent or designee 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 superintendent or designee 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 superintendent or designee 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 superintendent or designee 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 improvement 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 de minimis, 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. These 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 superintendent or designee.

DRAFT

OSBA Model Sample Administrative Regulation

Code: DJC-AR

Revised/Reviewed:

Exemptions from Competitive Bidding and Special Procurements

{This optional administrative regulation is intended to provide guidance for the district in preparing a request for special procurement to the Local Contract Review Board (LCRB). This administrative regulation is not intended as procurement rules in place of the *Attorney General's Model Public Contracting Rules* or rules adopted by the LCRB.}

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

1. Contracts below threshold levels in accordance with ORS 279B.065 (small procurements for goods and services), 279B.070 (intermediate procurements for goods and services) and 279C.412 (intermediate procurements for public improvements);
2. Special procurements for goods and services in accordance with ORS 279B.085 and OAR 137-047-0285;¹
3. Contracts which have been exempted under ORS 279A.025 and 279C.335; and
4. Any other contract exempted by law.

SPECIAL PROCUREMENTS FOR GOODS AND SERVICES

To proceed with a special procurement, the district shall submit a written request to the Board, acting as the Local Contract Review Board (LCRB). This request shall describe 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.

The special procurement must be unlikely to encourage favoritism in the awarding of a public contract or to substantially diminish competition for public contracts; and (A) must be reasonably expected to result in substantial cost savings to the district or to the public; or (B) must 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 any related rules.

After LCRB approval, the district may proceed with a special procurement. 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 Procurement law for goods and services uses the term "special procurement." Procurement law for public improvement contracts does not use the term "special procurement," but a comparable exemption is allowed under ORS 279C.335.

The following are additional considerations and requirements for specific types of special procurements. The request submitted to the LCRB should address these provisions and satisfy any requirements.

Brand Names or Equal²

1. “Brand name or equal specification” means a specification that uses one or more manufacturers’ names, makes, catalog numbers or similar identifying characteristics needed to meet the district’s requirements and that authorizes bidders or proposers to offer goods or services that are equivalent or superior to those named or described in the specification.
2. “Brand name specification” means a specification limited to one or more products, brand names, makes, manufacturer’s names, catalog numbers or similar identifying characteristics.”
3. “Specification” means any description of the physical or functional characteristics of, or of the nature of, goods or services to be procured by a contracting agency.³

A brand name or equal specification may be used 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. 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. Nothing in the law or this administrative regulation may be construed as prohibiting the district from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the contracting agency.

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:

1. That use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts;
2. That use of a brand name specification would result in substantial cost savings to the contracting agency;
3. That there is only one manufacturer or seller of the product of the quality, performance or functionality required; or
4. That efficient utilization of existing goods requires the acquisition of compatible goods or services.

Advertising Contracts, Purchase of⁴

The district traditionally purchases advertising in newspapers, however, the district may also purchase advertising in other media, such as radio, television or the internet. Advertising contracts may be procured without competitive procurement based on findings of:

² For additional guidance, see OAR 125-247-0691.

³ Specification may include a description of any requirement for inspecting, testing or preparing goods or services for delivery.

⁴ See OAR 125-247-0288(5) for additional guidance.

1. Advertisements are placed in a particular source because of the specific audience that source serves;
2. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the district is limited;
3. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
4. Advertisements may be placed to satisfy legal notice or Board policy requirements;
5. 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;
6. 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; or
7. It is unknown whether contracts for advertisements placed with radio, television, the internet or other 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.

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.

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 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.

Equipment Repair and Overhaul⁵

The district may enter into a public contract for equipment repair or overhaul without competitive bidding when competitive procurement is not practical. This may include when service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing, or service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source. The district will use a competitive procedure to the extent practicable.

If the repair or overhaul qualifies as an emergency, the district may use emergency procurement procedures.

Copyrighted Materials

⁵ For additional guidance, see OAR 127-247-0288(6).

Contracts for the procurement or distribution of textbooks are exempt from public procurement requirements. Purchase of copyrighted materials available from only one source may be procured through the sole source procedures. Requests for special procurement approval for the purchase of other copyrighted materials may be submitted to the LCRB with supporting information.

Used Personal Property or Equipment, Purchase⁶

The district may purchase used property or equipment without obtaining competitive bids or quotes, if at the time of purchase, the LCRB has determined that the purchase will result in substantial cost savings to the district or promote the public interest and will unlikely 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.

Information Technology and Telecommunication Contracts⁷

The district may enter into a contract to acquire information technology hardware and software and services (including telecommunications) without competitive bidding if, the LCRB has determined that the purchase will result in substantial cost savings to the district or promote the public interest and will unlikely diminish competition or encourage favoritism.

Renegotiation of Existing Contracts with Incumbent Contractors

The district may amend or renegotiate contracts with existing vendors, service providers or other parties in accordance with OAR 137-047-0800.

EXEMPTIONS FOR PUBLIC IMPROVEMENT CONTRACTS

Oregon law⁸ allows for exceptions to competitive bidding for public improvement contracts or classes of contracts when the LCRB approves findings that:

1. The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts; and
2. Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the district.

In approving a finding, the LCRB 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:

⁶ For additional guidance, see OAR 125-247-0288(10). When 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.

⁷ For additional guidance, see OAR 127-247-0185.

⁸ See ORS 279C.335.

1. How many persons are available to bid;
2. The construction budget and the projected operating costs for the completed public improvement;
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 contracting agency, the state agency 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 contracting agency 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 contracting agency to address the size and technical complexity of the public improvement;
11. Whether the public improvement 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 contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency 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 contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

In granting this exemption, the LCRB shall:

1. If appropriate, direct the use of alternative contracting methods that take account of market realities and modern practices and are consistent with the public policy of encouraging competition;
2. Require and approve or disapprove written findings by the district that support awarding a particular public improvement contract or a class of public improvement contracts, without the competitive bidding requirements. The findings must show that the exemption complies with the requirements outlined in this administrative regulation; and
3. If the procurement involves construction manager/general contractor services, require the district conduct the procurement in accordance with OAR 137-049-0690.

Notification of a proposed exemption under this section must be published in at least one trade newspaper of general statewide circulation a minimum of 14 days before the date on which the LCRB intends to take action to approve or disapprove the exemption. The notice must state that in response to a written request, the district will hold a public hearing for the purpose of taking comments on the draft findings for an exemption from the competitive bidding requirement.⁹ If a hearing is held, the district shall offer an opportunity for any interested party to appear and comments. If the district must act promptly because of circumstances beyond the district's control that do not constitute an emergency, notification of the proposed exemption may be published simultaneously with the district's solicitation of contractors, as long as responses to the solicitation are due at least five days after the agency intends to take action to approve or disapprove the proposed exemption.

⁹ The district may hold a hearing even if there is no written request.



Code: DJCA
 Adopted: 1/04/07
 Readopted: 7/15/10; 12/15/21
 Orig. Code: DJCA

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Personal Services Contracts

The district may enter into personal services contracts with qualified professionals as provided by Oregon Revised Statute (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 \$500,000 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](#) [ORS 332.107](#) [OAR 459-010-0030](#)
[ORS Chapters 279A, 279B and 279C](#) [ORS 670.600](#)

INTERNAL REVENUE SERVICE, PUBLICATION 1779: INDEPENDENT CONTRACTOR OR EMPLOYEE (Rev. 3-2012).

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Code: DJCA-AR
Revised/Reviewed: 7/15/10
Orig. Code: DJCA-AR

Person Services Contracts

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1. Personal Services Contracts Defined

a. Personal services contracts include, but are not limited to: a contract or member of a class of contracts, that the local contracting agency's Local Contract Review Board (LCRB) has designated as a personal services contract pursuant to ORS 279A.055. Personal services include but are not limited to the 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 may include: (1) public contracts for architectural, engineering and land surveying and related services, or (2) other public contracts for nonconstruction services.

2. 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;

¹ See ORS 670.600 for complete listing.

- 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:

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- a. Instructions. An employee must comply with instructions about when, where and how to work. Even if no instructions are given, the control factors are 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 operation 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;
 - 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.

3. 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 or verbal 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 personal service 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 service as follows:

(1) The superintendent or designee shall make the following written finding or 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.

4. 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. The solicitation document must, at a minimum, address the following:

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- (1) Requirements for solicitation document under ORS 279B.05(2) and 279B.060(2):
 - (a) A time and date by which the bid or proposals must be received and a place at which bids must be submitted, and may, in the sole discretion of the contracting agency, directly 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:

- 1) The time, date and location of any pre-offer conferences; and
- 2) Whether attendance at the conference will be mandatory or voluntary and
- 3) 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.

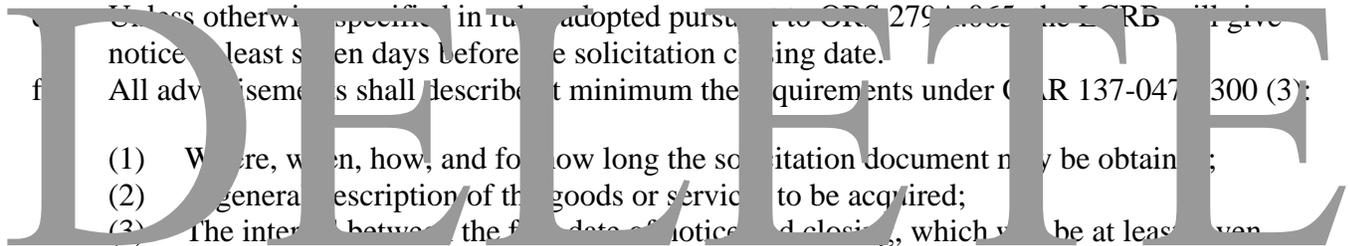
(c) Bid/Proposal and Evaluation Process.

- (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.



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 137-047-300 (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 may 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.

5. 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;

² A 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.

- (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 to be responsible; and
- (6) Not been debarred by the contracting agency under ORS 279B.11.

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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). Contracts entered into may be amended, provided the original contract allows for the particular amendment and services to be provided under amendment are included within or directly related to, the scope of the project or the scope of the services described in the solicitation document.

6. Documentation

Documentation providing evidence of competition shall be maintained by the district for all contracts entered into by the district.

7. 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.

8. 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.

³ A 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.



Code: DJFA
Adopted: 7/15/10
Orig. Code: DJFA

Credit Procurement Cards

The Board authorizes the superintendent to hold a bank credit procurement card in the name of the district and to issue such cards to designated employees. Approved card holders will be held responsible for maintaining sole possession and security of issued cards at all times. Credit cards shall have a maximum limit of \$750. The superintendent or designee will establish purchase limits for such cards.

Credit Procurement cards issued to employees may only be used to purchase items authorized by the adopted district budget.

Purchase slips and receipts must be turned in to the business office within 15 days of the transaction. The business office shall pay in full the credit procurement card balance no later than the due date so that finance charges will not be incurred.

(Moved to DJFA-AR(1)). District issued credit cards shall be subject to the following:

1. Personal items shall not be charged on district issued credit cards. If a personal item is inadvertently purchased on a district issued credit card in violation of this policy, repayment by the employee must be made immediately. Failure to make the required payment may result in an automatic deduction from the individual's next payroll disbursement. Accordingly, the district will require individuals issued credit cards to sign a written authorization for payroll deduction in the event of such personal use;
2. The purchase of alcoholic beverages is strictly prohibited. The purchase of gasoline for a privately owned vehicle is also prohibited without prior authorization;
3. Leaving a gratuity that exceeds 18 percent prohibited;
4. Airline tickets may be purchased with a district issued credit card only with prior superintendent or designee approval. If the issued credit card provides for purchase incentives (i.e., points, discounts or airline mileage credits), such incentives shall only be redeemed for authorized district business.

Violation of the provisions of this policy or the accompanying administrative regulation may result in the revocation of the credit procurement card and/or discipline up to and including dismissal.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 652.610\(3\)](#)

OR. GOV'T STANDARDS AND PRACTICES COMM'N, Advisory Opinion 01A-1007 (Aug. 29, 2001).



Code: DJFA-AR(1)
 Revised/Reviewed: 7/15/10
 Orig. Code: DJFA-AR(1)

Business Expense (Bank Card) Claim

Name _____ Office _____

Time Period Covered: From _____ To _____
 (Inclusive)

Please list each expenditure separately. Attach receipts for all lodging and other disbursements.

Date	Item	Account Code	Auto Expense	Meals	Lodging	Transportation	Miscellaneous
TOTALS:							

Total amount due this bank card statement: \$ _____

Date Submitted _____ Submitted By _____
 Date Approved _____ Approved By _____

Corrected 1/24/24



Code: DJFA-AR(1)
Adopted: 7/15/10
Orig. Code: DJFA

Credit Procurement Cards

(From DJFA-AR(1)): Purchase slips and receipts must be turned in to the business office within 15 days of the transaction.

District-issued credit procurement cards shall be subject to the following:

1. Personal items shall not be charged on district-issued credit cards. If a personal item is inadvertently purchased on a district-issued credit card in violation of this policy, repayment by the employee must be made immediately. Failure to make the required payment may result in an automatic deduction from the individual's next payroll disbursement. Accordingly, the district will require individuals issued such credit cards to sign a written authorization for payroll deduction in the event of such personal use;
2. The purchase of alcoholic beverages is strictly prohibited. The purchase of gasoline for a privately-owned vehicle is also prohibited without prior authorization;
3. Leaving a gratuity that exceeds 18.15 percent is prohibited except when the gratuity or service charge is automatically added by the service provider;
4. Airline tickets may be purchased with a district-issued credit procurement card only with prior superintendent or designee approval. If the issued credit card provides for purchase incentives (i.e., points, discounts or airline mileage credits), such incentives shall only be redeemed for authorized district business.

Violation of the provisions of this policy or administrative regulation may result in the revocation of the credit procurement card and/or discipline up to and including dismissal.

Corrected 1/24/24



Code: DJFA-AR(2)
Revised/Reviewed: 7/15/10
Orig. Code: DJFA-AR(2)

Authorization for Payroll Deduction

Pursuant to board policy DJFA - Credit Cards and ORS 652.610(3) I, _____, hereby authorize the district to withhold from my paycheck any charges made on a district-issued ~~credit~~ **procurement** card without prior written approval from my supervisor, or any charges not authorized by the adopted board policy.

Signature **DELETE** Date

Corrected 1/24/24



Code: DL
 Adopted: 7/15/10
 Revised/Readopted: 6/14/17
 Orig. Code: DL

Payroll

Preparation of payroll, including time schedules and payroll periods, will be done in accordance with each employee’s collective bargaining agreement/group agreement with the district. ~~Employee~~ ~~Subject to the terms of employee agreements~~ employee health, accident, dental and other types of insurance may be purchased on behalf of district employees, subject to the terms of ~~provided as outlined in the employee’s employment with the district~~ ~~agreements~~. Mandatory payroll deductions will be withheld as required by state and federal law.

No other automatic deductions except those required by law will be made from an employee’s pay without authorization of the ~~Board~~ district.

Regular monthly payroll will be issued in accordance with applicable agreements.

END OF POLICY

Legal Reference(s):

[ORS 243.650\(10\), \(16\)](#)
[ORS 243.666](#)
[ORS 243.820 to -243.830](#)

[ORS 332.505](#)
[ORS 332.534](#)
[ORS 652.110](#)

[ORS 652.120](#)
[ORS 652.610](#)

Corrected 1/24/24



Code: DLB
Adopted: 7/15/10
Orig. Code: DLB

Salary Deductions

Any withholdings outside those required by law and permitted by the collective bargaining agreements shall have Board district approval and shall be arranged for through the HR human resources and business departments.

Employees may have contributions to tax-sheltered annuities (TSA) and other deferred compensation plans paid through payroll deductions. ~~There must be five or more employees participating in any one program in order for that plan to qualify for payroll deduction.~~ The district reserves the right to limit the number of TSA programs.

~~Changes of TSA companies or plans will only be allowed from the starting of fall in-service to the payroll cutoff date for September of that fiscal year.~~

The district will comply with federal requirements that establish maximum annual TSA allowable contributions to TSAs or other deferred compensation plans. The district reserves the right to reduce, suspend and/or reinstate employee TSA contributions at any time to ensure compliance with applicable law.

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](#)

I.R.C. 26 U.S.C. § 403 (2012).
29 C.F.R. § 541.603 (2016).

Corrected 1/24/24



Code: DLBA
Adopted: 7/15/10
Revised/Readopted: 6/14/17
Orig. Code: DLBA

Advance Salary Payments

All requests for advance salary payments shall be submitted in writing on the district’s “Request for Payroll Advance” form to the superintendent or designee. Payment will not exceed 70 percent of the amount of gross salary earned at the time of the request. If approved, the amount of the advance will be reduced by any associated additional processing costs. No more than one advance will be approved in an 18-month, except upon appropriate documentation and approval by the district superintendent or designee. Payroll advances will be repaid within the same fiscal year unless approved by the superintendent or designee.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 652.140](#)

Corrected 1/24/24



Code: DLC
Adopted: 7/15/10
Orig. Code: DLC

Expense Reimbursements

The district will reimburse employees for authorized expenses incurred for professional growth and/or job requirements in accordance with administrative regulations developed by the superintendent or designee and consistent with Internal Revenue Service requirements.

END OF POLICY

Legal Reference(s):

[ORS 294.155](#)

[ORS 332.107](#)

[OAR 581-022-2260](#)

I.R.C. § 162 (2006); Business Expenses, 26 C.F.R. 1.162-1 (2006).

INTERNAL REVENUE SERVICE, PUBLICATION 463: TRAVEL, ENTERTAINMENT, GIFT AND CAR EXPENSES.

Corrected 1/24/24



Code: DLC-AR
Revised/Reviewed: 7/15/10; 6/14/17
Orig. Code: DLC-AR

Staff Expense Reimbursement

Expense reimbursement for staff traveling on approved district business will be governed by the following procedures. Travel expenses include air and ground travel fares, meals, and lodging, and other 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.

All district approved travel by staff in their private vehicle will be reimbursed at district approved mileage rate.

Out-of-State Travel

Out-of-state travel which is outside a 50 mile radius of the Oregon border, requires prior superintendent (or designee) approval.

Insurance Coverage

All district employees operating private vehicles on approved district business are required to maintain vehicle liability insurance that meets or exceeds Oregon statutory minimum limits.

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 approval from the superintendent approval. Receipts for all meal expenses must be secured and attached to the claim.

Travel Advances

Travel advance requests will follow the district’s established procedures.

1. A travel advance may be requested when the estimated cost for meals, lodging, etc., exceeds \$50. 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 and for any third party use of a district provided credit card.~~
- ~~4. At least 15 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. The ~~Designated~~ district ~~staff~~ ~~is~~ ~~are~~ responsible for making reservations.
- ~~3. The district prohibits the accrual of travel credits for individuals traveling on approved district business. The district will pay directly for travel costs when feasible. Any travel credits earned by an employee on a personal credit card will be considered a component of the benefit package.~~

Vehicle Rentals

1. Rental vehicles may be used only when use will ~~affect~~ ~~effect~~ a savings or otherwise be more advantageous to the district or when the use of other transportation is not feasible.
- ~~2. Rental of a compact vehicle is recommended when suitable for approved district business because of the lower initial rate and the guaranteed rate. Certain rental agencies guarantee the compact rate in all owned stations and in most licensee stations, which means that if a reservation for a compact vehicle is accepted and one is not available, a standard-sized vehicle will be substituted at the compact rate.~~
3. Rental vehicles will be used only for official travel or in lieu of taxi or ride-share options for necessary travel. Any additional costs incurred for other usage will be the personal responsibility of the traveler.
4. Employees will be informed if the district carries the rental car endorsement as part of its insurance coverage. In the event the district does not carry the rental car endorsement the employee will be authorized to purchase insurance coverage from the rental agency.

Canceled Trips

1. If an employee cannot leave at the scheduled time, it is ~~the employee's~~ ~~his~~ ~~her~~ responsibility to call the travel agency or carrier and arrange to have the tickets canceled or exchanged.
2. Commercial carrier reservation cancellations must be made at least 24 hours before departure time, whenever possible.
3. Lodging reservations must be canceled by the employee as soon as possible to avoid a cancellation charge.
4. If a trip is canceled 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, the employee/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 (e.g., 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 the traveler/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.
 - f. Generally, the district-expense portion will be determined by the cost for others on similar travel, what would have been the expense had personal travel not occurred, or for other considerations benefitting the district.

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 employee's supervisor ~~in writing~~. ~~For expenses not reimbursed under GSA rates, receipts and supporting documentation will be required. 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 30 working days after the approved travel expense report is received by the business office.

2. When approved in advance, 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. Meal expenses for approved district business travel purposes may be reportable as income to the employee in accordance with IRS regulations. Generally, meal expenses incurred for approved district business purposes in which district business is conducted with at least one or more other persons or that is incurred on approved district business for a trip that is overnight, or long enough that the individual needs to stop for sleep or rest to properly perform assigned his/her duties, as defined by the IRS, will not be reportable as income to the employee.
7. 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

1. Meal expenses may be reimbursed subject to the IRS reimbursement guidelines.
2. ~~Gratuities~~Individual gratuities must not exceed 15 percent and must be included as a part of the receipt. Gratuities in excess of 15 percent, unless the service provider documentation includes an automatic gratuity or service charge, are the responsibility of the employee and will not be reimbursed by the district.
3. Other expenses such as internet access fees, 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. In-district mileage reimbursement will not be granted to an employee, other than a district-approved tutor, for traveling from the employee's~~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. Reimbursement will be made only for those miles actually traveled in the course of completing approved district business. When chauffeured, 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;
 - c. 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;
 - d. In the event a private vehicle is approved for use from home, to or from airport or railroad station, mileage for one round trip and economy parking will be reimbursed. Parking receipts are required;
 - e. Individuals requesting reimbursement for use of a private vehicle on approved district business must meet insurance requirements. See **Insurance Coverage** above.
5. Lodging will be reimbursed at lessor of actual expenses or IRS reimbursement guidelines unless preapproved by the district.
 6. Local taxi, ride-share, 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.

Corrected 1/24/24



Code: DN
 Adopted: 1/04/07
 Revised/Readopted: 7/15/10; 5/13/15
 Orig. Code: DN

Disposal of District Property

Decision to Dispose of District Property

Property determined by the applicable director to be excess or obsolete will be considered for disposal. Technology equipment and supplies will be assessed and determined for disposition by the Director of Technology, and all other items will be determined for surplus by the Director of Facilities. Items with an estimated value exceeding \$10,000 must be approved for disposal by the superintendent or executive director of financial services.

Disposition

If any building has surplus equipment or material no longer needed, ~~the director of business services~~ the applicable director shall approve the disposition based on the following priorities:

Items ~~e~~Estimated at a ~~v~~Value Less Than ~~\$1000~~ of ~~\$999~~ or ~~Less~~

1. Advise other building managers within the district of the surplus items and coordinate transfer to another building with the district where the item can be best utilized.
2. Trade in the item on the purchase of new equipment.
3. Sell the item through use of:
 - a. ~~†~~The state or local government surplus property system;
 - b. ~~a~~A sealed bid basis upon notification to the public; or
 - c. ~~d~~Direct sale, if value is less than \$50.
4. Sell or donate material to another public agency as appropriate.
5. If the item is not salable in its present condition, sell for scrap.
6. Dispose of the material.

Items ~~e~~Estimated at a ~~v~~Value of \$1,000 or ~~m~~More

Property or materials estimated by ~~the director of business~~ the applicable director to be greater than \$1,000 may be declared surplus and may be sold by ~~the director of business~~ by bid or auction.

If public sales fail to produce any interested buyers or bidders, remaining unsold materials may then, at the superintendent's discretion of the executive director of financial services, be disposed of as scrap or junk or be donated to appropriate charitable or educational agencies.

State, Federal or Private Grant Funds

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 279B.055](#)

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

[ORS 332.155](#)

EDUCATION, TITLE 34 C.F.R. PART 80 § 80.32(e)

Corrected 1/24/24



Code: EBAC
Adopted: 6/14/17
Orig. Code(s): EBAC

Safety Committees

Safety committees and a centralized safety committee shall be established to implement the district’s safety program as part of an ongoing effort to help ensure the safety of students, staff and others while on district property.

The superintendent or designee will coordinate the efforts of the district’s safety committees and maintain all necessary records.

The superintendent or designee will develop administrative regulations as may be necessary to implement this policy and meet the applicable Oregon Occupational Safety and Health Division requirements.

END OF POLICY

Legal Reference(s):

[ORS 654.176](#)
[ORS 654.182](#)

[OAR 437-001-0765](#)
[OAR 581-022-2225\(7\)](#)

Corrected 1/25/24



Code: EBAC-AR
Revised/Reviewed: 7/15/10
Orig. Code: EBAC-AR

Safety Committees

District Safety Officer

The superintendent shall designate a district ~~safety officer~~ risk manager. The ~~safety officer~~ risk manager shall:

1. Establish ~~a district safety committees, advisory~~ to advise the ~~safety officer~~ risk manager on ~~implementing, to implement~~ and monitoring the district's 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 a liaison relationship 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 may be established by the district's risk manager. The primary functions of this committee shall be to assist the district ~~safety officer~~ risk manager in planning, implementing and evaluating a comprehensive district safety program and to assist the 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~~ risk manager or designee. 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: the facilities director or designee.

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.

A 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 four members.

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 unless there is a provision in the collective bargaining agreement that addresses the selection of employee representatives. Members of the committee shall serve at least a continuous one-year term. Terms shall be staggered to provide continuity. There shall be a chair elected by the site safety committee.

Employee representatives attending safety committee meetings outside regularly scheduled workday 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



(Recommend delete. Considering recent changes to the health services OAR 581-022-2220, several OSBA model policies have been revised. This content has been revised according to the OAR and reorganized into EBC.)

Code: EBBA
Adopted: 1/04/07
Revised/Readopted: 7/15/10; 6/14/17; 8/23/23
Orig. Code: EBBA

First Aid**

In cases of sudden illness or injury to a student or staff member, first aid will be given by school staff. Further medical attention for a student is the responsibility of the student’s parent(s)/guardian(s), or of someone the parent(s)/guardian(s) designate in the case of an emergency.

Each principal is charged with providing for the immediate care of ill or injured persons within his/her area of responsibility.

Staff members shall report self-administered first-aid treatment to an immediate supervisor.

In each district facility, procedures for handling health emergencies will be established and made known to staff. Each district facility and district vehicle will be equipped with appropriate first-aid supplies and equipment. All employees are expected to know where first-aid supplies and equipment are kept in their work areas.

Designated employees in each building shall hold current first-aid cards. In compliance with Oregon Administrative Rules, each school shall have one staff member with a current first-aid card for every 60 students enrolled.

END OF POLICY

Legal Reference(s):

[ORS 30.800](#)

[OAR 437-002-0042](#)

[OAR 437-002-0120 to -0139](#)

[OAR 437-002-0161](#)

[OAR 437-002-0360](#)

[OAR 437-002-0377](#)

[OAR 581-022-2050](#)

[OAR 581-022-2220](#)

[OAR 581-022-2225](#)

[OAR 581-053-0003\(37\)](#)

[OAR 581-053-0220\(3\)\(B\)\(iii\)](#)

[OAR 581-053-0320\(5\)\(b\)](#)

[OAR 581-053-0420\(2\)\(f\)\(B\)](#)

OSBA Model Sample Policy

Code: EBBA
Adopted:

Student Health Services**

{Highly recommended policy. The requirement for school districts to develop and implement a health services plan comes from OAR 581-022-2220.}

Although the district's primary responsibility is to educate students, the students' health and general welfare is also an important Board responsibility. 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. A health services plan shall be developed, implemented, and updated annually. The plan shall describe a health services program for all students at each facility that is owned or leased where students are present for regular programming.

The district shall maintain a written prevention-oriented health services plan for all students. The health services plan will¹:

1. Explain available health care space that is appropriately supervised and adequately equipped for providing health care and administering medication or first aid;
2. Refer to available communicable disease prevention and management plan that includes school-level protocols²;
3. Outline a district-to-school communication plan³;
4. Provide information about health screenings, including immunizations and TB certificate requirements;
5. Describe how services for all students, including those who are medically complex, medically fragile or nursing dependent, and those who have approved 504 plans, individual education program plans, and individualized health care plans or special health care needs are managed⁴;
6. Integrate school health services with school health education programs and coordinate with health and social service agencies, public and private;

¹ For exact language and complete requirement, see OAR 581-022-2220(1).

² For specific protocol content requirements, see OAR 581-022-2220(1)(b).

³ For requirements of this plan see OAR 581-022-2220(1)(c).

⁴ For more information regarding these requirements see ORS 336.201 and 339.869, OARs 581-021-0037, 581-015-2040, 581-015-2045, 851-045-0040 – 0060, and 851-047-0010 – 0030.

7. Describe how hearing, vision and dental screenings are managed and/or verified for required students⁵;
8. Include a process to assess and determine a student’s health services needs, including availability of a nurse to assess student nursing needs upon, during, and following enrollment with one or more new medical diagnose(s) impacting a student’s access to education, and implement a student’s individual health plan prior to attending school⁶;
9. Comply with OR-OSHA Bloodborne Pathogens Standards for all persons who are assigned to job tasks which may put them at risk for exposure to body fluids⁷;
10. Refer to adopted policy and procedures for medications in accordance with Oregon law⁸;
11. Include guidelines for the management of students who are medically complex, medically fragile, or nursing dependent as defined by ORS 336.201, including students with life-threatening food allergies and adrenal insufficiency while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in before-school or after-school care programs on school-owned property, and in transit to or from school or school-sponsored activities⁹[; and][.]
12. Each school shall have, at a minimum, at least one staff member with a current first aid/CPR/AED card for every 60 students enrolled, as set by ORS 339.345
13. The district provides a menstrual product dispenser with a variety of products in student bathrooms¹⁰ which meets the requirements of law.

END OF POLICY

Legal Reference(s):

ORS 329.025	ORS 336.211 – 336.214	OAR 581-021-0590
ORS 332.107	OAR 581-021-0017	OAR 581-022-2050
ORS 336.201	OAR 581-021-0031	OAR 581-022-2220
ORS 336.204	OAR 581-021-0587	OAR 581-022-2515

Every Student Succeeds Act, 20 U.S.C. § 7928 (2018).
 Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2018).

⁵ For vision screening or eye examination or dental screening information see ORS 336.211 and 336.213.

⁶ For definitions for this policy see ORS 336.201.

⁷ OAR 437-002-0360 lists various health and safety regulations that apply in the employment setting.

⁸ Medication laws can be found in ORS 339.866 – 339.874 and OAR 581-021-0037; relevant Board policy includes JHCD/JHCDA - Medications.

⁹ For guideline requirements see OAR 581-022-2220(1)(k).

¹⁰ [“Student bathroom” means a bathroom that is accessible by students, including a gender-neutral bathroom, a bathroom designated for females, and a bathroom designated for males. (OAR 581-021-0587)]

OSBA Model Sample Policy

Code: EBBA-AR

Revised/Reviewed:

First Aid - Infection Control

(Recommend delete in lieu of current OSHA requirements and training standards.)

Health services information about the transmission of diseases including AIDS and HBV¹ focuses on “body fluids” as a possible carrier of organisms that can infect others. The term includes drainage from cuts and scrapes, vomit, urine, feces, respiratory secretions (nasal discharge), saliva, semen and blood. While any contact with the body fluids of another person represents a risk, the level of risk is very low. The risk is increased if the fluid comes in contact with a break in the skin of another individual. Generally, simple, consistent standards and procedures of cleanliness minimize risk.

The following procedures are precautionary measures against the transmission of diseases. Prudent actions are to be employed by all staff and students. These actions should focus primarily on steps that students and staff members can take to ensure their own well-being.

Those who administer first aid, provide physical care or may otherwise incur occupational exposure to blood or other potentially infectious materials as determined by the district will be specifically protected through the district’s Exposure Control Plan.

The following procedures are a review for all staff and students of appropriate hygienic and sanitation practices:

1. Standard precautions are to be followed at all times. Standard precautions require the assumption that staff and students approach infection control as if all direct contact with human blood and body fluids is known to be infectious for HIV, HBV and/or other bloodborne pathogens;
2. Whenever possible, students should be directed to care for their own minor bleeding injury. This includes encouraging students to apply their own band-aids. If assistance is required, band-aids may be applied after the caregiver removes their gloves, if the caregiver will not come into contact with blood or wound drainage;
3. Food and Drug Administration (FDA) approved gloves are required for all tasks in which an individual may come into contact with blood or other potentially infectious materials. Such tasks include cleaning body fluid spills, emptying trash cans, handling sharps/containers, handling contaminated broken glass, cleaning contaminated equipment and handling contaminated laundry/clothing. This also includes assisting with any minor wound care, treating bloody noses, handling clothes soiled by incontinence, diaper changing and cleaning up vomit;
4. Immediate, complete and effective hand washing with soap and running water of at least 30 seconds duration should follow any first aid or health care given to a student or contact with potentially infectious materials;

¹ HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus

5. If exposure to blood or other potentially infectious materials occurs through coughing, any first-aid procedure, or through an open sore or break in the skin, thorough washing, preferably with germicidal soap, is necessary;
6. In the event hand-washing facilities are not readily available, thorough cleaning using an antiseptic cleanser and clean cloth/paper towels or antiseptic towelettes provided by the district as an alternative is necessary. In the event alternatives are used, hands must be washed with soap and running water as soon as feasible;
7. Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures; immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials; and at the end of the work shift if the surface may have become contaminated since the last cleaning. Clean surfaces with soap and water and then rinse with an Environmental Protection Agency (EPA) approved disinfectant^[2] following labeling instructions for use, or a freshly made solution of one part bleach to nine parts water, and allow to air dry. These surfaces include equipment, counters, mats (including those used in physical education classes and athletic events), toys or changing tables;
8. An EPA-approved disinfectant must be used when cleaning fluids such as blood or vomit from the floor or other such contaminated surfaces;
9. Contaminated laundry such as clothing and towels must be placed and transported in bags and containers in accordance with the district's standard precautions. All such items must be laundered in hot or cold water and soap and placed in a dryer;
10. Needles, syringes, broken glassware and other sharp objects found on district property must not be picked up by students at any time, nor by staff without appropriate puncture-proof gloves or mechanical device such as a broom, brush and dust pan. Any such items found must be disposed of in closable puncture resistant, leakproof containers that are appropriately labeled or color-coded;
11. All wastebaskets used to dispose of potentially infectious materials must be lined with a plastic bag liner that is changed daily;
12. Gloves and repellent gowns, aprons or jackets are required for tasks in which exposure to blood or other potentially infectious materials can be reasonably anticipated to contaminate street clothing. Type and characteristics of such protective clothing will depend on the task. Such tasks may include diapering/toileting with gross contamination, assisting with wound care, sorting or bagging contaminated laundry/clothing and disposing of regulated waste with gross contamination;
13. Maximum protection with gloves, face and/or eye protection and gowns is required whenever splashes, spray, spatter or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated. Such tasks may include feeding a student with a history of spitting or forceful vomiting and assisting with severe injury and wound with spurting blood;

² [Disinfectants which can be used include Lysol, Purex, Clorox, Tough Act bathroom cleaner, Dow bathroom cleaner, Real Pine liquid cleaner, Pine Sol, Spic and Span, Tackle liquid, Comet and other products with EPA numbers. Other disinfectants as recommended by the Center for Disease Control may be used.]

14. If a first-aid situation occurs, students should report to a person in authority; staff should report to a supervisor.

Additional Precautions

The following additional precautions should be applied in all school settings. These procedures will help prevent transmission of many infections in addition to HIV and HBV:

1. A sink with soap, hot and cold running water and disposable towels should be available close to the classroom;
2. Sharing of personal toilet articles, such as toothbrushes and razors, should not be permitted;
3. Skin lesions that may ooze blood or serum should be kept covered with a dressing;
4. Exchange of saliva by kissing on the mouth, by sharing items that have been mouthed and by putting fingers in others' mouths should be discouraged.

OSBA Model Sample Policy

Code: EBBAA
Adopted:

Infection Control and Bloodborne Pathogens

{Optional policy. The requirements regarding an Exposure Control Plan and infection control, but are not limited to, are outlined below.}

The Board recognizes that staff and students incur some risk of infection and illness each time they are exposed to blood or other potentially infectious materials. While the risk to staff and students of exposure to body fluids due to casual contact with individuals in the school environment is very low, the Board regards any such risk as serious.

Consequently, the Board directs adherence to standard precautions. Standard precautions require that staff and students approach infection control as if all direct contact with human blood and body fluids is known to be infectious for ~~HIV, AIDS, HBV¹ and/or other~~ bloodborne pathogens².

The district shall develop an Exposure Control Plan ~~that includes infection control procedures, and procedures to minimize and eliminate exposure incidents to bloodborne pathogens~~ in accordance with the requirements in law³.

~~Infection Control~~

~~Staff and students shall receive an annual in-service that includes correct procedures for cleaning up body fluid spills and for personal cleanup, appropriate disposal, immunization and personal hygiene, as well as the location and a content review of first-aid and clean-up kits. Kits shall be available for each room in the building and in each district vehicle.~~

~~In addition to an annual in-service, staff and students on a regular basis will receive HIV, AIDS and HBV information.~~

~~The information shall emphasize infection — how infection is spread as well as how it is not spread.~~

~~Bloodborne Pathogens~~

The Exposure Control Plan shall be reviewed and updated at least annually and when necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure. The review and update shall also:

¹ ~~HIV — Human Immunodeficiency Virus; AIDS — Acquired Immune Deficiency Syndrome; HBV — Hepatitis B Virus~~

² “Bloodborne pathogens” are pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hhepatitis B virus (HBV) and Hhuman Iimmunodeficiency Vvirus (HIV). 29 CFR 1910.1030(b)

³ See 29 CFR 1910.1030(c)(1) and OAR 437-002-1059 for more information about an Exposure Control Plan. {A template for an exposure control plan may be available from [Oregon OSHA](#).}

1. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens;
2. Annually, document consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.

The plan shall include training followed by an offer of ~~immunization with Hepatitis B vaccine~~ and vaccination series for all staff who are required to provide first aid to students and/or for all staff who have occupational exposure as determined by the district. Training shall be provided at the time of initial assignment to tasks where occupational exposure may take place and at least annually^[4] thereafter. Staff will receive the annual training⁵ as well as the location and a content review of first-aid and clean-up kits. Kits shall be readily available⁶ in close proximity⁷ to all employees in the building and for district vehicles, including each bus⁸.

Personal protective equipment appropriate to job tasks shall be provided by the district. A post-exposure evaluation and follow-up shall be made available to any employee sustaining an occupational exposure.

The district recognizes ~~that, as required by Oregon Administrative Rule (OAR) 437-002-1030,~~ employees who use medical sharps in the performance of their duties (e.g., administering injectable medicines to students, such as epinephrine and glucagon) must, at least annually, be provided with the opportunity to identify, evaluate and select engineering and work practice controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needleless systems). The district will implement such work practice controls, as appropriate. The district will document the solicitation of input from such staff in the plan.

Documentation, including a sharps injury log, will be maintained ~~as required by OAR 437-002-1030(3) and 437-002-1035~~ in accordance with law⁹.

The Exposure Control Plan will be accessible to employees in accordance with law¹⁰.

Students will be instructed in safe practices to prevent transmission of bloodborne pathogens in accordance with Oregon Health Standards.

⁴ [Annual training for all employees shall be provided within one year of their previous training. (29 CFR 1910.1030(g)(2)(iv))]

⁵ See 29 CFR 1910.1030(g)(2) for information about training requirements.

⁶ OAR 437-002-0161(2) First-Aid Supplies. (a) The employer shall provide first-aid supplies based upon the intended use and types of injuries that could occur at the place of employment. The first-aid supplies shall be available in close proximity to all employees. Either bulk pack or unit pack supplies are acceptable. (b) "In proximity" is defined as that which is available nearby to ensure prompt treatment in the event of need.

⁷ "In proximity" is defined as that which is available nearby to ensure prompt treatment in the event of need. (OAR 437-002-0161(1)(b))

⁸ Emergency equipment for buses, includes, but is not limited to, body fluid cleanup and first-aid kits. (OAR 581-053-0240(23); OAR 581-053-0640)

⁹ See OAR 437-002-1030(3) and OAR 437-002-1035.

¹⁰ See 29 CFR 1910.1020(e) for requirements on providing access.

The district will cooperate with ~~[the Oregon Department of Education]~~ ~~[the Oregon Health Authority, Public Health Division,]~~ ~~[the local health department]~~ ~~[the education service district]~~ in delivering HIV, AIDS and HBV education.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 437-002-0161](#)

[OAR 437-002-0360](#)

[OAR 437-002-0377](#)

[OAR 437-002-1030](#)

[OAR 437-002-1035](#)

[OAR 581-022-2050](#)

[OAR 581-022-2220](#)

[OAR 581-053-0240\(23\)](#)

[OAR 581-053-0250\(1\)](#)

[OAR 581-053-0640\(2\)](#)

[OAR 581-053-0517\(13\)\(e\),\(e\)](#)

Occupational Safety and Health Standards, Bloodborne Pathogens, 29 C.F.R. §§ 1910.1020, 1910.1030.

OSBA Model Sample Policy

Code: EBBB
Adopted:

Injury or Illness Reports

{This policy was originally released with the April 2024 Policy Update. Following that release, OSBA determined that a correction was necessary. This correction was made in May 2024 and this policy was re-released. This version includes the correction. Required policy. ORS 339.309 requires a district school board establish policy for reporting incidents, e.g., injury.}

All injuries or illnesses¹, 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. Staff members will report self-administered first-aid² treatment to an immediate supervisor. All accidents involving employees, students, visiting public or district property will be reported immediately to a supervisor.

A written report will be submitted within 24 hours to the district's safety officer. Reports will cover property damage as well as personal injury. All accidents involving students or the visiting public will be reported immediately to a supervisor.

In the event of a work-related³ illness or injury to an employee resulting in in-patient hospitalization, loss of an eye, amputation or avulsion⁴, the district safety officer shall report the incident to the Oregon Occupational Safety and Health Division (OR-OSHA), within 24 hours after notification to the district of an illness or injury. Fatalities or catastrophes⁶ shall be reported⁷ to OSHA within eight hours.

ALL injuries or illnesses sustained by an employee, while in the actual performance of the duty of the employee or by a student or visiting public and accidents involving district property, employees, students 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 on injuries, illnesses, and accidents involving district property, employees, students or visiting public. These records will include prevention measures taken,

¹ The Oregon Occupational Safety and Health Division provides: "Injury or illness" means an abnormal condition or disorder. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic illnesses, such as, but not limited to, skin disease, respiratory disorder, or poisoning (record injuries and illnesses only if they are new, work-related cases that meet one or more of the recording criteria). (OAR 437-001-0015(39))

² For employees, "first aid" means any one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, or similar injuries that do not ordinarily require medical care. Such one-time treatment and subsequent observation is considered first aid even though it is provided by a physician or registered professional personnel. (OAR 437-001-0015(34))

³ An injury or illness is work related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a preexisting injury or illness. (OAR 437-001-0700(6))

⁵ Amputations and avulsions are only required to be reported if they result in bone loss. (OAR 437-001-0704(4))

⁶ "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. (OAR 437-001-0015(11))

⁷ Reporting must be done in person or by telephone. (OAR 437-001-0704(3))

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Injury or Illness Reports – EBBB

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reporting information, periodic statistical reports on the number and types of injuries, illnesses and accidents occurring in the district, and monthly and annual analyses of accident data. Such reports will be submitted to the superintendent.

END OF POLICY

Legal Reference(s):

[ORS 339.309](#)

[OAR 437-001-0700](#)

[OAR 437-002-0360](#)

[OAR 437-001-0015](#)

[OAR 437-001-0704](#)

[OAR 437-002-0377](#)

[OAR 437-001-0760](#)

[OAR 581-022-2225](#)

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R05/2024 | SL

Injury or Illness Reports – EBBB

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OSBA Model Sample Policy

Code: EBC
Adopted:

Emergency Plan and First Aid**

{Highly recommended policy. This policy informs districts about requirement for an emergency procedures plan (OAR 581-022-2225), and other minimum standards for providing emergency care to students.}

The district will maintain a comprehensive safety program for all employees and students. This program will include a plan for responding to emergency situations. The superintendent will consult with community and county agencies while developing this plan. The district's emergency plan will meet any requirements of the State Board of Education.

Copies of the emergency plan will be available in every school office and other strategic locations throughout the district. Parents or guardians will be informed of the district's plan.

In each district facility, procedures for handling health emergencies will be established and made known to staff. Each district facility and district vehicle will be equipped with appropriate first-aid supplies and equipment. All employees are expected to know where first-aid supplies and equipment are kept in their work areas.

Each school in the district shall have, at a minimum, at least one staff member with a current first-aid/CPR/AED card for every 60 students enrolled and who are trained annually on the district and building emergency plans. Emergency planning will include the presence of at least one staff member with a current first-aid/CPR/AED card for every 60 students for school-sponsored activities where students are present.

The district shall provide instruction to staff and students in the emergency plan and safety program.

END OF POLICY

Legal Reference(s):

[ORS 30.800](#)

[ORS 192.660\(2\)\(k\)](#)

[ORS 332.107](#)

[ORS 433.260](#)

[ORS 433.441](#)

[OAR 437-002-0042](#)

[OAR 437-002-0120 - 0139](#)

[OAR 437-002-0161](#)

[OAR 437-002-0360](#)

[OAR 437-002-0377](#)

[OAR 581-022-2030\(3\)\(c\)](#)

[OAR 581-022-2220](#)

[OAR 581-022-2225](#)

[OAR 581-053-0003\(40\)](#)

[OAR 581-053-0220\(3\)\(e\)\(B\)\(iii\)](#)

[OAR 581-053-0320\(5\)\(b\)](#)

[OAR 581-053-0420\(2\)\(f\)\(B\)](#)

Every Student Succeeds Act, 20 U.S.C. § 7928 (2018).

Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2018).

OSBA Model Sample Policy

Code: EBC/EBCA
Adopted:

Emergency Procedures and Disaster Plans

(Delete this double coded policy and consider EBC.)

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 safety threats on district 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.

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 and 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 192.660\(2\)\(k\)](#)
[ORS 332.107](#)
[ORS 433.260](#)

[ORS 433.441](#)
[OAR 437-002-0161](#)

[OAR 581-022-2030\(3\)\(c\)](#)
[OAR 581-022-2220](#)
[OAR 581-022-2225](#)

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OSBA Model Sample Policy

Code: EBCB
Adopted:

Emergency Procedure Drills and Instruction

{Highly recommended policy. This policy includes information about required instruction and drills on emergency procedures. See ORS 336.071}

Each administrator will conduct emergency procedure drills in accordance with the provisions of Oregon Revised Statutes (ORS) and the applicable Oregon Fire Code.

All schools are required to instruct and drill students on district emergency procedures so they 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 emergency procedures shall be conducted for at least 30 minutes each school month.

The first emergency evacuation drill shall be conducted within 10 days of the beginning of classes.

Fire Emergencies

Drills and instruction on fire emergencies shall include routes and methods of exiting the school building.

Earthquake Emergencies 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.

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, secure, shelter in place and evacuation and other appropriate actions to take when there is a threat to safety, and will include explanation of the district’s communication strategy following a safety threat action (See Board policy EBCA - Safety Threats**).

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 192.660(2)(k) ORS 339.324 OAR 581-022-2225
ORS 336.071 ORS 476.030

OREGON STATE FIRE MARSHAL, OREGON FIRE CODE

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Emergency Procedure Drills and Instruction – EBCB

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Deleted: [{}³] At least two drills on earthquakes shall be conducted each year. [{}⁴] At least three drills on earthquakes that include tsunami drills shall be conducted each year.]

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Deleted: [{}⁵] 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.]

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Code: ECAC-AR
Revised/Reviewed: 10/11/17
Orig. Code: ECAC-AR

Video Surveillance

Security and surveillance camera use shall be limited to those provisions of Board policy ECAC - Video Surveillance and the following procedures:

Installation Procedures

Installation of video surveillance shall be done confidentially. All district personnel aware of such installation shall limit any discussion of the installation to appropriate parties.

Access to Equipment or Recordings

Authorized access to view surveillance recordings shall be limited to members of the executive administration, their designees, law enforcement personnel and personnel necessary for the technical or clerical assistance with such recordings.

Viewing Requests

Viewing of surveillance of students shall be limited to those legally responsible for responding to the contents of such recordings, the executive administration and their designees and other people appropriately identified within the law as having access to student or personnel records. Board viewing shall be on an appropriate need to know basis, most likely in executive session.

Storage and Security of Recordings

Surveillance recordings shall be stored in the appropriate department based on the content of the video and their intended use. Such storage shall be limited to the human resources department, the student services, transportation, facilities and the superintendent's office. ~~business department office.~~ Such recordings shall not be stored at other sites beyond the time necessary for their initial viewing for content purposes.

Effect of Such Equipment in Terms of Personnel Records

Any use of security or surveillance cameras which shall result in a video that may be used for employee disciplinary purpose(s) shall meet the requirements of the State of Oregon Archival laws, contractual and legal fair dismissal laws and shall require a review by the executive director of human resources, an attorney for the district or another appropriate district administrator familiar with personnel records law.

Effect of Such Equipment in Terms of Educational Records

Any use of security or surveillance cameras ~~which shall result in a video that could be construed as an~~ educational record shall be reviewed by the ~~deputy~~ superintendent, director of student services, an attorney for the district or another appropriate district administrator familiar with student records laws.



Code: EEACC-AR
 Adopted: 1/04/07
 Revised/Readopted: 7/15/10; 10/11/17
 Orig. Code: EEACC-AR

**Discipline Procedures for District-Approved Student Transportation
~~Student Conduct on School Buses~~**

All students eligible for district-approved student transportation shall receive safety instruction and be provided the behavior expectations outlined in a code of conduct for district-approved student transportation.

Violation of the code of conduct or conduct which jeopardizes the health or safety of themselves and/or others, may result in the loss of district-approved transportation services.

1. Safety Instructions

- a. ~~At least once, within~~ Within the first six weeks of each half of each the school year, the ~~transportation supervisor~~ director of transportation or designee will direct all bus drivers to conduct ~~instructional~~ a safety review with all students who are regularly transported by the district.

The instruction will include:

- (1) Safe school bus riding procedures, including but not limited to loading, unloading and, 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.

- b. At least once in the first half of each school year the ~~transportation supervisor~~ director of transportation or designee will direct all bus drivers to conduct ~~instructional~~ a safety review with all other students.

The instruction will include:

- (1) ~~Safe school drivers shall review safe~~ bus riding procedures, including but not limited to loading, unloading and crossing; and
- (2) ~~Use~~ The drivers shall review use of emergency exits.

- c. The ~~transportation supervisor~~ director of transportation or designee will record dates and the content of ~~the safety~~ instructions given by each driver. Such information shall be kept as a part of the district’s records.

Referral Slips

The intent of the referral slip is as a deterrent to major infractions and to expedite the handling of most incidents. Bus drivers will not refuse bus entry to a child at home or school unless both the parents and the driver have been notified by the principal.

Referral slips should be used as incidents occur and the student should be informed s/he is being referred. Bus drivers should be advised of actions taken. When suspension of bus riding privileges is indicated, principals will have written material to assist in supporting decisions to parents.

Contact with parents/guardians is mandatory at the elementary level before revoking bus riding privileges.

In the event an administrator is not available, the bus driver will contact the transportation supervisor for appropriate action or direction.

In the event of a circumstance not covered by policy, common sense must prevail. For a decision that must be made immediately on the bus, the driver, although s/he must answer for the action, has the authority. In such cases, the principal and transportation supervisor should be notified immediately of the action taken.

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 which jeopardizes the health/safety of self and/or others may result in the loss of district-approved transportation services.

2. Code of Conduct

Each year the district will include the following transportation rules in the student/parent handbook or issue a code of conduct for school bus privileges to all students and parents. The code of conduct will include a ~~accompanied with a district form~~ ~~to be signed and returned~~ as acknowledgment of being read and understood.

3. 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.

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. 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. If makeup work is needed, the district's policy and procedures will be followed.
- d. Alternative education may be provided. If alternative education is needed, the district's policy and procedures will be followed.

4. Students with Disabilities

Students with disabilities will be disciplined in accordance with Board policy JGDA - Discipline of Students with Disabilities and its accompanying administrative regulation.

5. Violations

The district will include procedures for responding to violations of the code of conduct in the student/parent handbook.

The district will provide interpretation to those students/parents whose primary language is not English.

All of the conduct policy in other student personnel policies apply to transportation in addition to the transportation rules.

6. Referrals ~~Slips~~ *(Moved from previous section. Review for practice.)*

The intent of the referral ~~slip~~ is as a deterrent to major infractions and to expedite the handling of most incidents. Bus drivers will not refuse bus entry to a child at home or school unless both the parents and the driver have been notified by the principal.

Referrals ~~slips~~ should be used as incidents occur and the student should be informed ~~s/he is~~ they are being referred. Bus drivers should be advised of actions taken. When suspension of bus riding privileges is indicated, the principals or designee will ~~have written issue material to assist in supporting decisions~~ notice and information to parents.

Contact with parents/guardians is mandatory at the elementary level before revoking bus riding privileges.

In the event an administrator is not available, the bus driver will contact the ~~transportation supervisor~~ director of transportation or designee for appropriate action or direction.

In the event of a circumstance not covered by policy, common sense must prevail. For a decision that must be made immediately on the bus, the driver, although ~~s/he~~ they must answer for the action, has the authority. In such cases, the principal and ~~director of transportation supervisor~~ should be notified immediately of the action taken.

7. Suspension Procedures ~~for Transportation Violations~~

The due process procedures for suspension of a student, in violation of Board policy EEACC - Student Conduct on School Buses or this administrative regulation, are found in Board policy JGD - Suspension.

~~Suspension removes from a student the privilege of riding the school bus for a maximum of 10 calendar days. In special circumstances a suspension may continue until some specific pending action occurs such as a court hearing, a medical evaluation, or a review by a probation officer. Suspensions are made by the principal and are not to be used in lieu of expulsion. School days missed while on suspension from riding the bus will be considered unexcused absences.~~

~~Suspension procedures are as follows:~~

- a. ~~An informal conference is held between the student and the principal or vice principal. The student receives an explanation of the charges against him/her and an opportunity to present his/her version of the facts. The principal or vice principal may question other people with knowledge of the incident. If the principal or vice principal believes that suspension is warranted, the student is suspended from riding the bus beginning the next school day. Where there is a serious risk that substantial harm will occur by the student's continued presence on the bus, the student will be returned to school and removed from the bus immediately.~~
- b. ~~The parents are notified by phone (if possible) of the suspension from riding the bus, the reasons for the action, and the procedures for review of the suspension and for reinstatement. The school will attempt to schedule a conference with the parents at a mutually convenient time. The conference will include, if possible, the student, parent, the bus driver and/or transportation supervisor may be included if the administrator deems necessary.~~
- c. ~~A letter is mailed or carried to the parents stating the time, date, and specific reasons for the suspension, the maximum length of the suspension, and the procedures to be followed for review of the decision and for reinstatement. If a conference has not yet been scheduled, the letter will ask the parents to arrange for a conference at their earliest convenience.~~
- d. ~~During the conference the student's overall behavior as well as the bus difficulties will be reviewed in an effort to determine additional steps that need to be taken by the school, the student, and the parents to insure his/her future success on the bus. If the student is identified as special needs, one of the steps may be to convene the multidisciplinary team to determine if there needs to be a change in the Individual Education Plan or if evaluation should take place.~~
- e. ~~If, after the school conference, the parents and student still believe that the suspension was not warranted, they may seek review of the decision by the director of business services.~~
- f. ~~In special circumstances the school board may, on its own initiative or on request by the director of business services, or parents, make a final review of the decision.~~
- g.a. ~~If a student has a special needs, they will be disciplined in accordance with board policy JGDA/JGEA—Discipline of Students with Disabilities.~~

8. Expulsion Procedures for Transportation Violations

The due process procedures for expulsion of a student, in violation of Board policy EEACC - Student Conduct on School Buses or this administrative regulation, are found in Board policy JGE - Expulsion.

~~Expulsion denies the student access to district provided transportation. Expulsion recommendations are made by the principal.~~

~~Expulsion procedures are as follows:~~

- a. ~~The student is suspended (in accordance with the suspension regulations) pending further investigation for a possible expulsion.~~
- b. ~~A report of the student's bus behavior and record is transferred to the principal. If the student has a special need they will be disciplined in accordance with board policy JGDA/JGEA—Discipline of Students with Disabilities.~~
- c. ~~The principal will contact the parents by phone, if possible, or attempt to arrange for a conference, if necessary, at the earliest mutually convenient time to inform the parents of the following:~~

- ~~(1) The charge against the student, and the specific facts supporting the charge which has brought about the principal's recommendation for expulsion from district provided transportation.~~
- ~~(2) The parents will be given the opportunity for a hearing and may be represented by counsel or another person at the hearing.~~
- ~~(3) A letter containing the following will be mailed to the parents following the telephone conversation or conference.~~
 - ~~(a) The charge or charges made against the student.~~
 - ~~(b) Specific facts which support the charges.~~
 - ~~(c) The intent of the principal to recommend expulsion from transportation on the basis of the charges.~~
 - ~~(d) The superintendent will appoint a hearings officer who will contact them to set up the date and time for a hearing.~~

~~If the principal is unable to contact the parents by telephone, the letter referred to in paragraph c. must be sent by certified mail.~~

- ~~d. Within two school days of the student's removal from riding the bus, a report of the student's present and past incidents of behavior, the notice of intent to expel from transportation and summaries of parent/school conferences relative to the student's present and past incidents of bus behavior will be hand delivered to the superintendent.~~
- ~~e. The superintendent will appoint a hearings officer. The hearings officer will send a certified letter to the parent including the following information:~~
 - ~~(1) The time, date and location of the hearing.~~
 - ~~(2) That the parents and student will be afforded the following:~~
 - ~~(a) To attend and hear the evidence presented by the district;~~
 - ~~(b) To be represented by counsel or other persons;~~
 - ~~(c) To submit evidence at the hearing by testimony, writing or other exhibits;~~
 - ~~(d) To make a record of the hearing; and~~
 - ~~(e) To have an interpreter provided by the district if the parents or student cannot understand spoken English.~~
 - ~~(3) That the parents must inform the hearings officer if they plan to be represented by counsel at the hearing.~~
 - ~~(4) That the parents have a right to waive the hearing in writing if they do not desire a hearing.~~
 - ~~(5) The failure to attend the hearing at the designated time constitutes a waiver of the right to a hearing.~~
 - ~~(6) The availability of alternative education, including at least the following information:~~
 - ~~(a) Student action which is the basis for consideration of alternative education;~~
 - ~~(b) Listing of alternative programs available for the student for which the district would provide financial support in accordance with ORS 339.253;~~
 - ~~(c) The program recommended for the student based on the student's learning styles and needs; and~~
 - ~~(d) Procedures for enrolling the student in the recommended program.~~

- f. ~~The expulsion hearing will be scheduled no sooner than five days from the notification to the parents. The parents may request rescheduling the hearing for a later date; however, the student will not be readmitted to school during the interim. As a result of the hearing, the hearings officer will either confirm the recommendation and the student will be expelled, or deny the recommendation and the student will be reinstated after a conference is held to establish conditions of readmittance with the parents and student. If parents appear with counsel, without having notified the hearings officer, the hearing will be postponed until such time as the administration can also have counsel present.~~
- g. ~~The following procedure shall be followed when a hearing is required:~~
- ~~(1) The hearings officer maintains control over and conducts the hearing.~~
 - ~~(2) The student, parent or guardian is permitted to inspect, in advance of such hearing, any affidavits or exhibits which the school intends to submit at the hearing.~~
 - ~~(3) The student is permitted to have counsel present at the hearing to advise him/her. The counsel may be parent/guardian or attorney.~~
 - ~~(4) The student is afforded the right to present his/her version as to the charges and to make such showing by way of affidavits or exhibits.~~
 - ~~(5) The student is permitted to hear the evidence presented against him/her.~~
 - ~~(6) The hearings officer determines the facts of each case on evidence presented at the hearing. S/he shall submit to the superintendent his/her findings as to the facts and whether or not the student charged is guilty of the conduct alleged and his/her decision on the case. The above decision is available in identical form to the board, the principal, the transportation supervisor, the student and his/her parents.~~
 - ~~(7) Strict rules of evidence do not apply at the proceedings.~~
 - ~~(8) The hearings officer makes a record of all pertinent facts presented at the hearing.~~
 - ~~(9) The hearings officer may make a complete tape record of the hearing. The recording will be maintained on file in the superintendent's office. The student may receive a copy of the recording of the hearing made by the hearings officer.~~
 - ~~(10) The board will receive a written report outlining the hearings officer's decision.~~
- h. ~~The parent/guardian shall be informed of the hearings officer's decision verbally within one school day of the hearing and by certified mail (return receipt requested) within five school days of the hearing.~~
- i.a. ~~Expulsion of a student's bus privileges shall not extend beyond the current term or semester unless the term or semester ends within such a short period of time that the expulsion would be too short to be effective. In any event, the expulsion shall not extend beyond the second term or semester.~~

Violations

~~Each year the district will include the following procedures for student violations in the student/parent handbook or issue the procedures to all students and parents accompanied by a form to be signed as acknowledgment of being read and understood.~~

~~The district will provide interpretation to those students/parents whose primary language is not English.~~

9. Right of Appeal *(Moved from other location)*

- 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.

10. Reinstatement

A conference to discuss reinstatement shall be conducted under the following guidelines:

- a. When deemed necessary, parent(s) and student shall be present at the conference;
- b. The principal or designee shall fully explain matters and permit the parties involved to fully explain their positions;
- c. The principal shall make a decision which provides guidelines for the student to follow when transportation services are reinstated.

Disciplinary Procedures for Violations

1. First Warning

The driver verbally re-states behavior expectations and Referral* issues a warning referral.

2. Second Referral*

A student conference ~~is recommended to~~ will be held with the student, the parent/guardian ~~and~~, the principal. The principal may request the attendance of the bus driver and/or transportation supervisor.

3. Third Referral of the Year*

A ~~five-5-~~ ~~ten~~ 10-day suspension ~~is recommended~~ will be imposed on the student, who will not ride the bus until a conference is held. ~~and a conference is held with~~ The conference will include the student, the parent/guardian, and the principal. The principal may request the attendance of the bus driver and/or transportation supervisor. ~~At this time a~~ A behavior contract will be made with the student and a bus seat may be assigned. Further violations of bus regulations will be considered a severe violation.

4. Fourth Referral/Severe Violations*

The fourth referral or any severe violation will result in or the immediate suspension of the student's bus privileges and a recommendation for expulsion from bus privileges. There will be a hearing at this time, as covered in policy above. Exceptions may be made to immediate supervisor by agreement between the principal and transportation supervisor

In all instances, the appeal process may be used if the student and/or parent/guardian desires.

Right of Appeal

- ~~1. At each step of the discipline procedures used in district-approved transportation services, parents, students and/or a representative have a right to appeal.~~
- ~~2. All appeals must be in writing.~~
- ~~3. Appeals are to be made to the responsible person at the level of appeal.~~
- ~~4. Final appeal may be made to the board.~~
- ~~5. Board decisions are final.~~

APPEAL PROCEDURE

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 KL - Public Complaints.

- Step 1: The student or his/her/their representative will discuss the issue with the transportation supervisor and principal.
- Step 2: If the student is not satisfied with the outcome of the discussion, he/she/they may file a written statement with the principal and director of transportation supervisor or designee. 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 conference with the student, a parent, the director of transportation supervisor or designee and the principal 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 or their parent may submit the matter in writing to the superintendent or designee. The superintendent or designee will meet with the student and/or their parent within ~~three~~ 10 school days and will respond to the issue, in writing, within ~~five~~ 5 school days after the appeal.
- Step 5: If the issue is still unresolved, the student may appeal to the Board. The Board will notify persons involved that a hearing will be held within 14-15 school days of receipt of the appeal. The Board shall review correspondence, hear relevant facts and respond to the student within ~~three~~ 3 school days following the hearing.
-

School Bus Code of Conduct

While riding a school bus, student riders will:

1. Obey the driver at all times;
2. Not throw objects;
3. *Not have in their possession any weapon as defined by Board policy 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 a 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 Signature

Date

Student Signature

Date

Reinstatement

~~A conference to discuss reinstatement shall be conducted under the following guidelines:~~

- ~~1. When deemed necessary, parent(s) and student shall be present at the conference;~~
- ~~2. The principal or designee shall fully explain matters and permit the parties involved to fully explain their positions;~~
- ~~3. The principal shall make a decision which provides guidelines for the student to follow when transportation services are reinstated.~~

Education

~~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 disciplinary action shall be expected to continue with the district's educational requirements.~~

~~Student academic grades will reflect academic achievement. Therefore, misconduct or absenteeism shall not be a sole criterion for grade reduction.~~

~~However, students will be expected to continue to meet the district's attendance and educational requirements. Make-up work may be provided:~~

- ~~1. If make up work is needed, the district's policy and procedure will be followed. Alternative education may be provided:~~
- ~~2. If alternative education is needed, the district's policy and procedure will be followed.~~

~~All referrals must be signed by the parents, transportation supervisor, bus driver and principal.~~

Corrected 2/13/23



Code: EEBB
 Adopted: 7/15/10
 Orig. Code: EEBB

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. Arrangements for transportation of a student shall be approved by the director of transportation or designee before such transportation occurs. Authorization to use a private vehicle for district business must be obtained from the director of transportation or designee before actual use of the vehicle. It is the responsibility of the owner or driver of the vehicle to be certain the vehicle is adequately covered by insurance in accordance with Oregon law. Staff members who are authorized to use a private vehicle on district business will be reimbursed in an amount established by the Board policy.

A student will not be allowed to perform district business with his/her own vehicle or a staff member's vehicle.

END OF POLICY

Legal Reference(s):

[ORS 30.260 to -30.265](#)
[ORS 332.107](#)
[ORS 801.455](#)

[ORS 811.210](#)
[ORS 815.055](#)
[ORS 815.080](#)

[OAR 735-102-0010](#)

Corrected 12/07/22



Code: EFA
Adopted: 1/04/07
Revised/Readopted: 7/15/10; 4/08/15; 1/13/16
Orig. Code: EFA

Local Wellness

The Board recognizes that childhood obesity has become an epidemic in Oregon as well as throughout the nation. Research indicates that obesity and many diseases associated with obesity are largely preventable through diet and regular physical activity. Additional research indicated that 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, and to fulfill our vision to prepare lifelong learners to achieve their full potential in a complex and interconnected world.

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 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 establishing liaisons with nutrition service providers, as appropriate.

The input of staff, students, parents, the public, representatives of the school food authority and public health professionals will be encouraged in the development and review of wellness policy. The superintendent or designee will develop administrative regulations as necessary to implement the goals of this policy throughout the district.

Nutrition Promotion and Nutrition Education

Nutrition promotion and nutrition education positively influence lifelong eating behaviors by using evidence-based techniques and nutrition messages, by creating food environments that encourage healthy nutrition choices and by encouraging participation in school meal programs. Students and staff will receive consistent nutrition messages throughout the school environment. Nutrition promotion also includes marketing and advertising nutritious foods and beverages to students and is most effective when implemented consistently through a comprehensive and multi-channel approach by staff, teachers, parents, students and the community.

Nutrition education topics shall be integrated within the sequential, comprehensive health education program taught at every grade level, prekindergarten through grade 12, and coordinated with the district's nutrition and food services operation.

Nutrition Guidelines

It is the intent of the Board that district schools be proactive in encouraging students to make nutritious food choices. Food and beverage items sold or served 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:

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.

Although the Board believes that the district's nutrition and food services operation should be financially self-supporting, it recognizes 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. The Board will seek out additional funding sources if needed in advance, of any services that have not been approved in the adopted budget, to stay in compliance with program regulations. 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 addresses all food and beverage items sold and/or served to students at 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 and Physical Education

Physical activity should be included in the school's daily education program for grades pre-K through 12 and include regular, instructional physical education, as well as co-curricular activities and recess.

Physical activity during the school day (including, but not limited to, recess, classroom physical activity breaks or physical education) will not be withheld as punishment for any reason.

The Board realizes that a quality physical education program is an essential component for all students to learn about and participate in physical activity. The district will develop and assess student performance standards and program minute requirements in order to meet the ODE's physical education content standards and state law.

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 (Oregon Revised Statute (ORS) 329.045). Teachers of physical education shall regularly participate in professional development activities.

A student with a disability shall have suitably adapted physical education incorporated as part of their individualized education program (IEP) developed 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 their individualized health plan, developed by the district.

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)). All schools within the district participate in U.S. Department of Agriculture (USDA) child nutrition programs, administered through the Oregon Department of Education (ODE), including the National School Lunch Program (NSLP), the School Breakfast Program (SBP).

Qualifying schools participate in the Fresh Fruit & Vegetable Program (FFVP), Summer Food Service Program (SFSP) and Supper programs (CACFP). The district also operates additional nutrition-related programs including Farm-to School programs and Grab ‘n’ Go Breakfast to meet our Breakfast after the Bell requirements.

Staff Qualifications and Professional Standards

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.

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, when drinking fountains are not accessible.

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 and extended 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.

The Oregon Smart Snacks standards are applicable during the school day, which is defined as the midnight before to 30 minutes after the end of the instructional day. If such programs are operated in the school during the school day, or if afterschool snacks or meals are provided within the 30-minute window after the end of the instructional day, any other food available for sale to students at that time must comply with the Oregon Smart Snacks requirements.

¹ Oregon Department of Education, [Oregon Smart Snacks Standards](#)

Celebrations and Rewards

All foods offered on the school campus will meet or exceed 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.

Other Activities that Promote Student Wellness

The district will integrate wellness activities throughout the entire school environment, not just in the cafeterias, other food and beverage venues and physical activity facilities. The district will coordinate and integrate other initiatives related to physical activity, physical education, nutrition and other wellness components so all efforts are complimentary, not duplicated and work toward the same set of goals and objectives promoting student well-being, optimal development and strong educational outcomes.

1. ~~Scoliosis screenings;~~
2. ~~Intramural sports;~~
3. ~~Foodless fund raisers;~~
4. ~~Monthly/Weekly school walks;~~
5. ~~Assemblies which focus on wellness issues such as obesity and obesity related diseases, healthy eating, and the benefits of physical exercise;~~
6. ~~Use of alternates to food as rewards in the classroom;~~
7. ~~Support groups for overweight students.~~

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.

Other School-Based Activities

The district will promote district and community-based activities that foster healthy eating and create environments that promote physical activity. Families and the community will be encouraged to provide healthy food choices in all situations where food is served. Educational workshops, screenings and literature related to healthy food choices and physical activity may be offered to families.

Evaluation of the Local Wellness Policy

The Board will involve parents, students, representatives of the school food authority, school administrators and the public in the development and review of this policy. The Board shall establish a Wellness Advisory Committee to advise the district in the creation of the local wellness policy. The policy will be reviewed every three years. In an effort to measure the implementation of this policy the Board designates the superintendent as the person who will be responsible for ensuring the district 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.

1. The written wellness policy;
2. Documentation demonstrating that the policy has been made available to the public;
3. 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;
4. Documentation to demonstrate compliance with the annual public notification requirements;
5. The most recent assessment on the implementation of the local wellness policy;
6. 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 districtwide 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:

1. The extent to which schools under the jurisdiction of the district are in compliance with the policy;
2. The extent to which the district’s policy compares to model wellness policy; and
3. 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 annual School assessment and 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.

END OF POLICY

Legal Reference(s):

[ORS 329.496](#)
[ORS 332.107](#)
[ORS 336.423](#)

[OAR 581-051-0100](#)
[OAR 581-051-0305](#)
[OAR 581-051-0306](#)

[OAR 581-051-0310](#)
[OAR 581-051-0400](#)

Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. §1758b (2012).
National School Lunch Program, 7 C.F.R. Part 210 (2017).
School Breakfast Program, 7 C.F.R. Part 220 (2017).



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Revised/Reviewed: 1/04/07; 7/15/10; 4/08/15; 1/13/16;
6/14/17
Orig. Code: EFA-AR

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. "Accompaniment foods" means food items served along with another food to enhance palatability such as butter, jelly, cream cheese, salad dressing, croutons and condiments.
2. "Combination foods" means products that contain two or more components representing two or more of the recommended food groups: fruit; vegetable; dairy; protein; or grains.
3. "Competitive foods" means any food or drink sold in competition with the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) during the school day;
4. "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.
5. "Entree item" means an item that is either:
 - a. A combination food of meat or meat alternate and whole grain rich food; or
 - b. A combination food of vegetable or fruit and meat or meat alternate; or
 - c. A meat or meat alternate alone with the exception of yogurt, low-fat or reduced fat cheese, nuts, seeds and nut or seed butters and meat snacks (such as dried beef jerky); or
 - d. Grains only when served in the SBP.
6. "Food service area" means any area on school premises where NSLP or SBP meals are both served and eaten, as well as any areas in which NSLP or SBP meals are either served or eaten;
7. "Meal period" means the period(s) during which breakfast or lunch meals are served and eaten, and as identified on the school schedule.
8. "Nutrition education" means a planned sequential instructional program that provides knowledge and teaches skills to help students adopt and maintain lifelong healthy eating habits.

9. “Oregon Smart Snacks”¹ means the minimum nutrition standards for competitive foods and beverages.
- a. Food items, including accompaniment foods, must:
- (1) Be a grain product that contains 50 percent or more whole grains by weight or have as the first ingredient a whole grain (e.g., flour, flake or meal); or
 - (2) Have as the first ingredient, one of the non-grain major food groups: fruits; vegetables; dairy or protein foods (e.g., meat, beans, poultry, seafood, eggs, nuts, seeds); or
 - (3) Be a combination food that contains one-quarter cup of fruit and/or vegetable; or
 - (4) Have one of the food items above as a second ingredient if water is the first ingredient; ;
and
 - (5) Meet all the competitive food nutrient standards:
 - (a) Calories:
 - (i) Snacks contain no more than:
 - 1) 150 calories as packaged or served for elementary level;
 - 2) 180 calories as packaged or served for middle school level;
 - 3) 200 calories as packaged or served for high school level.
 - (ii) Entrees contain no more than 350 calories as packaged or served.
 - (b) Total fat: contains 35 percent or less of total calories from fat per item as packaged or served.
 - (i) Exemptions to the total fat standard are granted for reduced fat cheese and part-skim mozzarella cheese, nuts, seeds, nut or seed butters, products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat and seafood with no added fat.
 - (c) Saturated fat: contains no more than 10 percent of total calories from saturated fat per item as packaged or served.
 - (i) Exemptions to the saturated fat standard are granted for reduced fat cheese and part-skim mozzarella cheese, nuts and products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat.
 - (d) Transfat: contains 0 grams of trans fat per item as packaged or served.
 - (e) Sugar must be no more than 35 percent by weight.
 - (i) Exempt from the sugar standard are:
 - 1) Dried whole fruits or vegetables;
 - 2) Dried whole fruit or vegetable pieces;
 - 3) Dehydrated fruits or vegetables with no added nutritive sweeteners;
and

¹ Oregon Department of Education, www.ode.state.or.us

- 4) Dried fruits with nutritive sweeteners that are required for processing and/or palatability purposes (i.e., cranberries, blueberries, tart cherries).

(f) Sodium:

- (i) Snacks contain no more than 200 mg sodium per item as packaged or served.
- (ii) Entrees contain no more than 480 mg sodium per item as packaged or served.

(g) Caffeine free, except for naturally occurring trace amounts, for elementary and middle school level.

(h) Exempt from all nutrients standards on any day are:

- (i) Fresh, canned and frozen fruits or vegetables with no added ingredients except water.
- (ii) Fruit packed in 100 percent juice, extra light or light syrup.
- (iii) Canned vegetables that contain a small amount of sugar for processing purposes.
- (iv) Sugar-free chewing gum.

(i) Entrees in same or smaller portion served on the day or the day following in the National School Lunch or School Breakfast Programs:

(i) Are exempt from the nutrient standards for:

- 1) Calories;
- 2) Total fat;
- 3) Saturated fat;
- 4) Transfat;
- 5) Sodium; and
- 6) Sugar.

b. Beverages must be:

(1) For elementary level students:

- (a) Plain water, carbonated or uncarbonated, with portion size unlimited;
- (b) Lowfat milk (unflavored), with portion size not to exceed 8 ounces and 150 calories;
- (c) Nonfat milk (including flavored), with portion size not to exceed 8 ounces and 150 calories;
- (d) Nutritionally equivalent milk alternatives, portion size not to exceed 8 ounces and 150 calories;
- (e) Full strength fruit or vegetable juices, portion size not to exceed 8 ounces and 120 calories;
- (f) Fruit and vegetable juice that is 100 percent juice diluted with water, carbonated or uncarbonated, and no added sugar or sweeteners with portion size not to exceed 8 ounces and 120 calories;
- (g) Caffeine free, except for naturally occurring trace amounts.

(2) For middle school level students:

- (a) Plain water, carbonated or uncarbonated, with portion size unlimited;
- (b) Lowfat milk (unflavored), portion size not to exceed 10 ounces and 190 calories;
- (c) Nonfat milk (including flavored), portion size not to exceed 10 ounces and 190 calories;
- (d) Nutritionally equivalent milk alternatives, portion size not to exceed 10 ounces and 190 calories;
- (e) Full strength fruit or vegetable juices, portion size not to exceed 10 ounces and 150 calories;
- (f) Fruit and vegetable juice that is 100 percent juice diluted with water, carbonated or uncarbonated, and no added sugar or sweeteners with portion size not to exceed 10 ounces and 150 calories;
- (g) Caffeine free, except for naturally occurring trace amounts.

(3) For high school level students:

- (a) Plain water, carbonated or uncarbonated, with portion size unlimited;
- (b) Lowfat milk (unflavored), portion size not to exceed 12 ounces and 225 calories;
- (c) Nonfat milk (including flavored), portion size not to exceed 12 ounces and 225 calories;
- (d) Nutritionally equivalent milk alternatives, portion size not to exceed 12 ounces and 225 calories;
- (e) Full strength fruit or vegetable juices, portion size not to exceed 12 ounces and 180 calories;
- (f) Fruit and vegetable juice that is 100 percent juice diluted with water, carbonated or uncarbonated, and no added sugar or sweeteners with portion size not to exceed 12 ounces and 180 calories;
- (g) Low or no calorie beverage is less than 5 calories per 8 ounce serving or less than or equal to 10 calories per 20 fluid ounces, portion size not to exceed 20 ounce serving;
- (h) Other beverages are not to exceed 40 calories per 8 fluid ounces (or 60 calories per 12 fluid ounces) with portion size not to exceed 12 ounces.

c. Use the nutrient standard for the lowest grade group when mixed grades have open access to competitive foods.

- 10. “School day” means a student education day beginning at midnight and ending at the conclusion of afternoon student activities, such as athletic, music or drama practices, clubs, academic support and enrichment activities.
- 11. “Snack” means a food that is generally regarded as supplementing a meal and includes, but is not limited to, chips, crackers, onion rings, nachos, french fries, doughnuts, cookies, pastries, cinnamon rolls and candy.

Nutrition Promotion and Nutrition Education

Nutrition promotion and nutrition education shall focus on students’ eating behaviors, be based on theories and methods proven effective by research and 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:

1. Age-appropriate nutritional knowledge, including 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;
2. Age-appropriate nutrition-related skills, including, but not limited to, planning a healthy meal, understanding and using food labels and critically evaluating nutrition information, misinformation and commercial food advertising; and
3. 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 principal is responsible for ensuring:

1. Nutrition instruction is closely coordinated with the school's nutrition and food services operation and other components of the school health program to reinforce messages on healthy eating and includes social learning techniques. To maximize classroom time, nutrition concepts shall be integrated into the instruction of other subject areas where possible;
2. Links with nutrition service providers (e.g., qualified public health and nutrition professionals) are established to: provide screening, referral and counseling for nutritional problems; inform families about supplemental nutritional services available in the community (e.g., SNAP local food pantries, summer food services program, child and adult care food program), and implement nutrition education and promotion activities for school staff, board members and parents;
3. In keeping with the district's nutrition program goals, all classroom reward or incentive programs involving food items are reviewed for approval to ensure that the foods served meet the requirements of the district's nutrition policy and regulation (i.e., all foods served fit in a healthy diet as recommended in the *Dietary Guidelines for Americans*, and contribute to the development of lifelong healthy eating habits for the district's students).
4. Child Nutrition Staff support nutrition education by marketing healthy meals and providing nutrition information to students and families.

Physical Activity

In order to insure students are afforded the opportunity to engage in physical activity in the school setting, the following guidelines apply:

1. Physical activity will be integrated across curricula and throughout the school day. Movement will be made a part of science, math, social studies and language arts;
2. Physical education will be a course of study that focuses on students' development of motor skills, movement forms, and health related fitness;
3. Physical education courses will be the environment where students learn, practice and are assessed on developmentally appropriate motor skills, social skills, and knowledge;

4. All physical education classes will be taught by highly qualified physical education instructors; and
5. A daily recess period will be provided which will not be used as a punishment or a reward.

Nutrition Guidelines and Food Services Operation

In order to support the school'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 building principal is responsible for ensuring:

1. The school encourages all students to participate in the school's NSLP or SBP meal opportunities;
2. The school notifies families of need-based programs for free or reduced-price meals and encourages eligible families to apply;
3. The school's NSLP or SBP maintains the confidentiality of students and families applying for or receiving free or reduced-priced meals in accordance with the National School Lunch Act;
4. The school's NSLP or SBP operates to meet nutrition standards in accordance with the Healthy Meals for Healthy Americans Act of 1994, as amended, and applicable state laws and regulations;
5. The school sells or serves varied and nutritious food choices consistent with the applicable federal government *Dietary Guidelines for Americans*. Schools contracting out the food service part of their NSLP or SBP shall form a nutrition advisory committee comprised of teachers, students and parents to assist in menu planning. A nutrition committee comprised of students, family members and school personnel will be encouraged to provide input in menu planning for districts operating their own food service component of the NSLP or SBP (i.e., food services purchasing, menu planning, food production and meal service). Cultural norms and preferences will be considered;
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 between meal periods;
 - 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.

School Employee Wellness

The district's school employee wellness program may include the following:

1. Health education and health promoting activities that focus on skill development and lifestyle behavior that change along with awareness building, information dissemination, access to facilities, and preferably are tailored to employee's needs and interests;
2. Safe, supportive social and physical environments including organizational expectations about healthy behavior and implementation of policy that promote health and safety and reduce the risk of disease;
3. Linkage to related programs such as employee assistance programs, emergency care and programs that help employees balance work life and family life;
4. Education and resources to help employees make decisions about health care;
5. Nutrition and fitness educational opportunities that may include, but are not limited to, the distribution of educational and informational materials, and the arrangement of presentations and workshops that focus on healthy lifestyles, health assessments, fitness activities and other appropriate nutrition and physical activity related topics.

The district encourages participation from all employees, employees are not limited to instructional staff (i.e., teachers and instructional assistants) but include administrators and all support staff. The following groups are seen as essential for establishing, implementing and sustaining an effective school employee wellness program: school personnel who implement existing wellness programs in the district, i.e., school employee wellness committee and they may be the district personnel who implement health programs for students such as, but not limited to, school health coordinator, school nurses, psychologist, health and physical educators, nutrition professionals, counselors and other school staff. These groups may include

decision makers who have the authority to approve policy and provide administrative support essential for a school wellness program such as, but not limited to, board members, superintendents, human resource administrators, fiscal services administrators and building principals.

Other School Based Activities

The district may provide the following activities and encourage the following practices which promote local wellness:

1. Scoliosis screenings;
2. Intramural sports;
3. Foodless fund raisers;
4. Monthly/Weekly school walks;
5. Assemblies which focus on wellness issues such as obesity and obesity related diseases, healthy eating, and the benefits of physical exercise;
6. The use of alternates to food as rewards in the classroom; and
7. Support groups for overweight students.

Competitive Food Sales

In keeping with federal regulations, the district controls the sale of all competitive foods.

Accordingly, the district will select food items that meet the Oregon Smart Snacks nutrition standards.

The sale of foods and beverages in competition with the district's NSLP or SBP meals shall be permitted when all income from the food sales accrues to the benefit of the district's nutrition and food services operation or school or student organization as approved by the board.

Other Foods Offered or Sold

Foods and beverages sold or offered in classrooms or school-sponsored activities during the school day shall follow the Oregon Smart Snacks standards unless otherwise exempt by state law.

Food and beverage items sold after the school day as part of an approved school fund-raising event are not required to meet minimum state requirements.

Staff Development

Ongoing pre-service and professional development training opportunities for staff will be encouraged. Staff responsible for nutrition education will be encouraged to participate in professional development activities to effectively deliver the nutrition education program as planned. Nutrition and food services personnel receive 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. The principal is responsible to ensure such training is made available including, but not limited to, the following:

1. Personnel management;
2. Financial management and record keeping;
3. Cost- and labor-efficient food purchasing and preparation;
4. Sanitation and safe food handling, preparation and storage;
5. Planning menus for students with special needs and students of diverse cultural backgrounds;
6. Customer service and student and family involvement;
7. Marketing healthy meals; and
8. Principles of nutrition education, including selected curriculum content and innovative nutrition teaching strategies;
9. Assessment by staff of their own eating practices and increased awareness of behavioral messages staff provide as role models.

Family and Community Involvement

In order to promote family and community involvement in supporting and reinforcing nutrition education in the schools, the 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 workshops and screening services are offered;
6. 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.);
7. School staff are encouraged to cooperate with other agencies and community groups to provide opportunities for student volunteer or paid work related to nutrition, as appropriate;
8. School staff encourages and provides support for parental involvement in their children's physical education.

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, comprehensive nutrition program;
4. Teachers deliver nutrition education through age-appropriate, culturally relevant, participatory activities that include social learning strategies and activities;
5. Teachers and school nutrition and food services personnel have undertaken joint project planning and action;
6. Teachers have received curriculum specific training;
7. Families and community organizations are involved, to the extent practicable, in nutrition education.;
8. One or more persons within the local educational agency 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 the requirements; and
9. Teachers provide physical activity instruction and programs that meet the needs and interests of all students.



Code: GBCA
Adopted: 12/14/11
Orig. Code: GBCA; GBCBC

Staff Dress, Grooming and Religious Dress

(moved from GBCBC) Teacher, clerical and administrator personal appearance shall be neat, clean, and in good taste to maintain a high standard of professionalism. Extremes should be avoided in both grooming and attire.

All employees, regardless of work duties, are expected to set an example for students in good grooming. It is the building or district department administrator's responsibility to see that this is accomplished.

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 may 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.

Corrected 8/03/22

OSBA Model Sample Policy

Code: GBEB

Adopted:

Communicable Diseases – Staff in Schools

{Highly recommended policy. This policy outlines the requirements for schools on communicable diseases.}

The district shall provide reasonable protection against the risk of exposure to communicable disease for students and employees while engaged in the performance of their duties. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures as provided by Oregon law, by the local health department or in the *Communicable Disease Guidance for Schools* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

~~An~~ A student or employee may not attend school or work, respectively, while in a communicable stage of a restrictable disease or when an administrator has reason to suspect that the student or 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. The district may provide an educational program in an alternative setting. Services will be provided to students as required by law.

~~If the disease is a reportable disease, the administrator will report the occurrence to the local health department.~~

Employees shall comply with all other measures adopted by the district and with all rules adopted by Oregon Health Authority, Public Health Division and the local health department.

~~Employees shall provide services to students as required by 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 district shall protect the confidentiality of each student's and employee'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 may inform employees with a legitimate educational interest.

The district will include, as part of its general emergency plans, a description of the actions to be taken by district staff in the case of a declared public health emergency or other catastrophe which disrupts district operations buildings and by the district in response to medical emergencies.

~~The superintendent will develop administrative regulations necessary to implement this policy.~~

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 431.150 - 431.157](#)

[ORS 433.001 - 433.526](#)
[ORS 433.010](#)

[ORS 433.110](#)
[ORS 433.235 - 433.284](#)

[OAR 333-018](#)
[OAR 333-019-0010](#)

[OAR 333-019-0014](#)

~~[OAR 437-002-0360](#)~~

~~[OAR 437-002-0377](#)~~

~~[OAR 581-022-2220](#)~~

~~[OAR 581-022-2225](#)~~

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance for Schools* (2020); 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 (20192023).
Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d to -1320d-8 (2018); 45 C.F.R. Parts 160, 164 (20192023).

OSBA Model Sample Administrative Regulation

Code: GBEB-AR

Revised/Reviewed:

Communicable Diseases — Staff in Schools

{Highly recommended administrative regulation.}

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 rule¹ and include but are not limited to COVID-19², 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 a child who~~, in the opinion of the local health officer, ~~the person~~ poses an unusually high risk to others ~~children~~ (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 a child means lacking documentation of immunization required under OAR 333-050-0050, or if immunization is not required, lacking evidence of immunity to the disease.
3. “Susceptible” for ~~an~~ a school employee means lacking evidence of immunity to the disease.
4. “Reportable diseases” 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. ~~An~~ A student or employee of the district will not attend school or work, respectively, at a district school or facility while in a communicable stage of a restrictable disease, ~~including a communicable stage of COVID-19~~³, unless authorized to do so under Oregon law. When an administrator has reason to suspect that ~~an~~ a student or employee has a restrictable disease, the administrator shall send ~~the employee~~ them home.
2. An administrator shall exclude ~~an~~ a susceptible student or employee if the administrator has reason to suspect ~~that an employee has~~ they have 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

¹ OAR 333-019-0010 lists restrictable diseases.

² Added per OAR 333-019-1000(2).

³ “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19.

make a determination as allowed by law. If the disease is reportable, the administrator ~~will or~~ ~~designee may~~ 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.~~
4. ~~An~~ A student or employee will be excluded in such instances until such time as the student or employee, respectively, 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 or employee does not have or is not a carrier of any restrictable disease. An exclusion for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may be removed by a school nurse or health care provider.
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 students or 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~~ ~~which~~ 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 guidance⁴.]
4. An administrator shall determine other persons who may be informed of 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.

⁴ Refer to *Communicable Disease Guidance for Schools* published by the Oregon Health Authority and the Oregon Department of Education.

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).

OSBA Model Sample Policy

Code: **GBEBA**
Adopted:

Staff - HIV, AIDS, and HBV

(Recommend delete: the requirement for this policy was found in OAR 581-022-2220 which has since been revised in lieu of a new requirement for a Communicable Disease Plan.)

The district will strictly adhere in its policies and procedures, to Oregon law 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 a condition to the district, and the staff member has a right to continue working. If the staff member reports a 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, and where and when the information will be given. All such information will be held in confidence in accordance with Oregon law.

Accommodations for a staff member infected with HIV, AIDS, or HBV shall be the same as with any other illness.

END OF POLICY

Legal Reference(s):

¹ HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus

[ORS 243.650](#)
[ORS 342.850\(8\)](#)
[ORS 433.008](#)

[ORS 433.045](#)
[ORS 433.260](#)

[OAR 333-017-0000](#)
[OAR 333-018-0000](#)
[OAR 333-018-0005](#)
[OAR 581-022-2220](#)

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Code: GCDA/GDDA
Adopted: 10/14/10
Revised/Readopted: 3/13/13; 5/14/14; 6/08/16;
6/13/18

Criminal Records Checks and Fingerprinting

~~All newly hired employees, full-time and part-time, and not requiring licensure, shall be required to submit to a nationwide criminal records check and fingerprinting. Individuals contracting with the district and their employees, who have direct, unsupervised contact with students, shall also be required to submit to a nationwide criminal records check and fingerprinting.~~

In a continuing effort to ensure the safety and welfare of students and staff, the district shall require all newly hired employees 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.

The district may begin the employment of an individual or district contractor and its employees on a probationary basis pending the return and disposition of such checks.

The board shall require a criminal records check for individuals considered for use as volunteers for the district who have direct, unsupervised contact with students. The district shall not allow an individual to begin volunteer service until the return and disposition of such criminal records check.

~~“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.~~

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 may result in immediate termination from the ability to volunteer in the district.

Pursuant to state law, a criminal records check or fingerprint-based criminal records checks shall be required of the following individuals:

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;
2. 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;
3. Any individual who is an employee of a public charter school and not requiring licensure under ORS 342.223; and
4. Any 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 district shall require a fingerprint-based criminal records check for **all** volunteers allowed direct, unsupervised contact with students, in the following positions:

1. Head coach
2. Assistant coach
3. Community partners
4. Overnight chaperone

~~3-5.~~ Volunteers accompanying students on school buses

~~4-6.~~ Volunteers transporting students, other than their own, in a private vehicle off district property for a district-sponsored activity

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.

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. 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 ~~criminal~~ convictions that would not otherwise prohibit ~~his/her~~ employment or contract with the district as provided by law may be employed or contracted with by the district upon the approval of the executive director of human resources.

The district's use of criminal history must be relevant to the specific requirements of the position, services or employment.

~~An individual who has failed to disclose the presence of criminal convictions that would not otherwise~~

Criminal Records Checks and Fingerprinting – GCDA/GDDA

~~prohibit his/her employment with the district as provided by law may be employed or contracted with the district upon the approval of the director of human resources.~~

~~Criminal records checks and fingerprinting fees as required by the Teacher Standards and Practices Commission shall be paid by the individual.~~

~~Fees associated with a criminal records check and/or fingerprinting for other individuals or contractors may be charged.~~

~~The identity of an individual requiring fingerprinting will be provided by the district to the authorized fingerprinter for verification.~~

~~An individual shall be subject to fingerprinting only after acceptance of an offer of employment or contract.~~

The superintendent is directed to develop administrative regulations to meet the requirements of applicable Oregon law.

Appeals

An **subject** individual **eligible** may appeal a determination **from ODE** that prevents **his/her** employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case **under ORS 183.413 – 183.470** and will be so notified in writing by the ODE.

END OF POLICY

Legal Reference(s):

[ORS 181A.180](#)
[ORS 181A.230](#)
[ORS 326.603](#)
[ORS 326.607](#)

[ORS 332.107](#)
[ORS 336.631](#)
[ORS 342.143](#)
[ORS 342.223](#)

[OAR 414-061-0010 – 061-0030](#)
[OAR 581-021-0510 – 021-0512](#)
[OAR 581-022-2430](#)
[OAR 584-050-0012](#)

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. seq. (2012).

Cross Reference(s):

EEACA - School Bus Driver Examination and Training
ICC - Volunteers



Code: GCDA/GDDA-AR
Revised/Reviewed: 10/14/10; 2/14/13; 2/12/14;
9/09/15; 6/08/16; 6/13/18; 3/30/22
Orig. Code: GCDA/GDDA-AR

Criminal Records Checks and Fingerprinting

Subject Individual Requirements

1. Any individual newly hired employee¹, 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 be required to undergo a nationwide 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 nationwide 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 undergo a nationwide criminal records check and fingerprinting with TSPC.
4. Any individual hired as or by a district contractor², whether part-time or full-time, or an employee of a district contractor, whether part-time or full-time, hired into a position having direct, unsupervised contact with students as determined by the district shall be required to submit to undergo a nationwide criminal records check and fingerprinting.
5. The superintendent will identify district contractors who are present on district property and regularly interact with students and are subject to such requirements.
6. Any contractor or an employee of the contractor who provides early childhood special education or early intervention services shall be required to undergo a nationwide criminal records check and fingerprinting with the Oregon Department of Education (ODE), Child Care Division.
- 7.6. Any community college faculty member providing instruction at the site of an early childhood education program, or at a school site as part of an early childhood education 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.

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 A person hired as or by a contractor and their contractor employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

- 8.7. Any individual who is an employee of a public charter school not requiring licensure under ORS 342.223 shall be required to undergo a nationwide criminal records check and fingerprinting.
- 9.8. Any volunteer individual allowed by the, volunteering at any district into a volunteer position facility shall undergo submit to an in-state a criminal records check before beginning service.
- 10.9. Any individual allowed by the district into a volunteer position requiring a fingerprint-based criminal records check, shall submit to a state and national criminal records check based on fingerprints.

Exceptions

~~A newly hired employee is not subject to fingerprinting if the district has on file evidence that the newly hired employee previously and successfully completed an Oregon and a FBI criminal records check for a previous employer that was a school district.~~

A newly hired employee³ is not subject to fingerprinting if:

1. The district has evidence on file that the person 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; or
2. The Oregon Department of Education (ODE) determines the person:
 - a. Submitted to a criminal records check for the person's immediately previous employer, the employer is a school district or private school and the person has not lived outside this state between the two periods of employment;
 - b. Submitted to a criminal records check conducted by TSPC within the previous three years; or
 - c. Remained continuously licensed or registered with the TSPC.

~~Evidence will be either a copy of the criminal records check or a written statement of verification from a supervisor or officer of the previous employer. Furthermore:~~

- ~~3. The ODE or TSPC verification of a previous check shall be acceptable only in the event the district can demonstrate records are not otherwise available.~~
- ~~4. The district will maintain evidence that the employee has not resided outside the state during the interval between the two periods of time working in the district.~~

Notification

1. The district will provide the following notification to individuals subject to criminal records checks and/or fingerprinting of the following:
 - a. Such criminal records checks and/or fingerprinting are required by law and/or Board board policy;
 - b. Any action resulting from such checks completed by the Oregon Department of Education (ODE) that impact employment or contract may be appealed as a contested case to ODE;

³ Any individual hired within the last three months.

- c. All employment or contract offers or the ability to volunteer 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, 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 or district volunteer forms (written or electronic) may result in immediate termination from employment or contract status; or the ability to volunteer in the district.
- 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 remove the volunteer from the position allowing direct, unsupervised contact with students.

- 2. The district will provide the written notice described above through such means such as staff handbooks, as employment applications, contracts or volunteer forms.

Processing and Reporting Procedures

- 1. Immediately following an offer and acceptance of employment or contract, any individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the district. The district shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law or requirements as approved by ODE (information available through the district).
- ~~2. If the individual is subject to fingerprinting per state law, he/she will be required by the district, and is responsible to report within three working days to an authorized fingerprinter for fingerprinting as directed by the district.~~
- 3.2. Fingerprints may be collected by the chosen vendor accepted by ODE.

The individual subject to fingerprinting shall be subject only after acceptance of an offer of employment or contract.
- 4.3. 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.
- 5.4. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify the ODE of with the results. The ODE will then review and notify the district of said results as well as the identity of and any subject 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.
- 6.5. A copy of the required form to authorize fingerprinting, and the results of such, will be kept in a separate locked cabinet in human resources maintained by human resources.

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 contractors⁴ and their employees, shall be paid by the individual. The district shall pay the fee for a criminal records check for volunteers.
2. An individual offered a contract or employment by the district may, only upon request, pay the fee prior to beginning employment or may request that the amount of the fee be withheld from the amount otherwise due the individual employee's paycheck, including a periodic payroll deduction rather than a lump sum payment, in accordance with Oregon law. The district may withhold such fees only upon the request of the individual.
3. The district may elect to pay the fees for employees when it has been determined that it is in the best interest of the district to do so. Human Capital Management (HCM) resources will consult with the Finance department and the Superintendent of Schools for authorization prior to waiving of fees. HCM Human resources will identify the period of time for the waiver to be in effect. The waiver of fees will apply to all new hires during the defined period of time.

Termination of Employment or Withdrawal of Employment/Contract Offer/Volunteer Status

1. Any 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 superintendent immediately upon:
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or
 - b. Notification⁵ from the Superintendent of Public Instruction or his/her designee that the employee has a conviction of any crimes prohibiting employment with the district as specified in law 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. Any individual required to submit to a criminal records check and/or fingerprinting in accordance with law may be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the superintendent upon notification from the Superintendent of Public Instruction or his/her designee that the employee has knowingly made a false statement as to the conviction of any crime.
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or
 - b. Notification⁶ 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

⁴ 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.

⁵ 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.

⁶ 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.

conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.

3. A subject individual may 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.
4. 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.

Appeals

All appeals regarding a determination which prevents his/her employment or eligibility to contract with the district will be directed to the Oregon Superintendent of Public Instruction.

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.

Volunteers

1. Volunteers criminal records check will be completed prior to beginning service.
2. Fees for criminal history checks for volunteers will be paid by the district.
3. Fees associated with a required fingerprinting for volunteers shall be paid by the district.
4. Appeals regarding a determination which prevents a volunteer from entering volunteer service will be handled by following the district's Board policy KL - Public Complaints.
5. Any volunteer who will have direct, unsupervised contact with students that refuses to submit, when required, to a criminal records check or a fingerprint-based criminal records checks to acquire or maintain a volunteer status in the district in accordance with law and/or Board policy will be denied the ability to volunteer in the district.
6. If the district has completed a required criminal records check and the district has been notified by the Superintendent of Public Instruction that the individual knowingly made a false statement on an ODE form as to conviction of any crime that may otherwise prevent a volunteer status in the district, the individual will be denied the ability to volunteer.
- 7.6. 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 may be denied the ability to volunteer.
- 8.7. Any volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form may be denied the ability to volunteer in the district.

Corrected 1/24/24



Code: GCN/GDN-AR
 Adopted: 1/04/07
 Readopted: 10/14/10
 Orig. Code: GCN/GDN-AR

Evaluation of Staff

(Delete in lieu of other established evaluation procedures.)

LICENSED EVALUATIONS

Responsibility

Effective teaching is the key to a quality educational program. The teacher evaluation program provides the means for assessing the performance of individual teachers in meeting the district’s performance expectations, as well as a basis for improvement of instruction.

Administrators are charged with the responsibility of evaluating all licensed staff in accordance with state law, district regulations and any applicable collective bargaining agreement provisions.

Licensed (Teachers): Procedural Steps in Evaluation Process

The procedural steps in the evaluation process with respect to teachers are intended to describe a typical annual cycle and, with respect to certain teachers, a typical system of more intensive supervision. However, as with the performance of the educator’s function generally, evaluation is necessarily a continuous ongoing process. Also, with respect to an individual, events may occur or intervene, such as a decision to recommend nonrenewal or dismissal, rendering it unnecessary to complete the remaining portions of the annual cycle or some or all of the typical steps in the intensive evaluation process. Determinations of when such events have occurred justifying a variance from the procedures described shall be made by the district in its sole discretion.

Teacher Evaluation, Procedures and Timelines

1. Declaration of Intent Definitions:
 - a. The evaluators shall cite all observable substandard areas in terms of the appropriate performance standard following classroom observations. The District Performance Standards Worksheet shall be the document used by the observer to record his/her written assessment.
 - b. Observations of teachers who do not have classrooms or who perform a substantial portion of their duties outside the classroom shall be adjusted by the observer as appropriate for the occasion, but the minimum number of observations provided in policy or State law shall apply.
 - c. The terms ‘written evaluation’ and ‘evaluations’ used in this policy manual refer to a formal evaluation report on the district evaluation form. Other written evaluations, formal or informal, may be made by the evaluator as deemed appropriate.

2. Evaluation Procedures

The procedure for all teachers shall include:

- a. A conference which includes but is not limited to the establishment of performance goals for the teacher, based on the job description and performance standards. The goals shall normally

be developed jointly by the teacher and administrator. In the event there is disagreement, the goals shall be determined by the appropriate district office administrator.

- b. The minimum number of scheduled observations per year for contract teachers shall be set by district administrative procedure; and, for probationary teachers the minimum number of observations shall be that as prescribed by state law.
- c. At least one observation shall be preceded by a pre-observation conference and a post-observation conference to be held within five working days following the observation. In the event multiple observations are scheduled, the post-observation conference shall be held within five working days following the last observation.
- d. The teacher will be provided a written assessment of any observation(s) at a post-observation conference.
- e. The final evaluation conference will be held with each teacher to discuss the teacher's performance, including his/her goals for the year. Probationary and contract teachers will receive their final evaluation by March 1.

3. Specialists

Evaluation shall be based on the minimum performance standards used in evaluation of classroom teachers.

One administrator will be assigned as the primary evaluator for any specialists whose assignments include three or more buildings or who are assigned less than half-time to any building. The designated administrator will set the goals with the specialist in coordination with other building administrators and with input from the appropriate supervisor. Evaluation from all administrators will be turned to the designated administrator for final evaluation. In the event of conflicting evaluations of a shared specialist, the appropriate district office administrator shall be responsible for reconciling the differences. This is not to infer that a composite evaluation will result, but only that all parties shall understand the nature of the difference.

The assignment of the designated administrator will be made by the appropriate district office administrator. If the specialist objects to the administrator assigned, s/he must arrange for a conference within three days after receiving notification of the assigned administrator, to request consideration for changing the primary evaluator.

In the event the employee is dissatisfied with the final evaluation, s/he may request a written evaluation from each supervisor.

Performance Standards

Teachers in the district are responsible for and are evaluated on the criteria established in the *District Performance Standards and the Performance Responsibilities* as outlined in the teacher's job description.

The written Performance Standards provide the criteria (as adopted by the board) for the basis for the evaluation of competent performance for teachers. The administrator will use his/her professional judgment to determine through evaluation the level of performance of the teacher.

1. Instructional Performance Skills

- a. Planning and Organization. Plans class work carefully and efficiently with an organized framework which enhances learning. This planning and organization should be designed to meet individual needs; to follow progress sequentially.
- b. Appropriateness of Materials. Follows district guidelines, uses instructional materials which are compatible with the course of study; adapts materials and methods to levels of learning ability of students.
- c. Appropriateness of Methods. Adapts methods to meet the individual learning needs of students.

- d. Ability to Motivate. Demonstrates skill in assisting students to achieve at their level of ability and potential; encourages and assists in the development of independent study habits.
- e. Use of Resources. Makes adequate use of specialist, consultant services and other appropriate resources, e.g., resource centers, audiovisual equipment, etc.
- f. Instructional Skills. Demonstrates competencies in the art of questioning, clarity of assignments, reaction to student response, utilization of interests and contributions of students.
- g. Evaluation. Uses effective techniques of evaluation, including or followed by appropriate student conferences and/or parent contacts. The evaluation procedures shall incorporate the guidelines established by the district in compliance with the applicable state and federal statutes and administrative rules, such as those identified in PL 94-142 and Title I, Improving America's Schools Act of 1994 (IASA).

2. Management Ability

- a. Class. Works with class as a unit and with students as individuals. Demonstrates genuine concern for students by providing a secure learning environment.
- b. Discipline. Evidence of wholesome behavior patterns generated from respect rather than compulsion, handles behavior problems individually when possible.
- c. Personal Efficiency. Evidence of good management skills, attention to details, prompt fulfillment of assignments, accurate, proper class records, completes reports punctually, attends to physical conditions and appearances of classroom.
- d. Out-of-Class Responsibility. Accepts responsibility for the general welfare of the school and its students, e.g., supervises hallways and other areas as needed. Is prompt in arrival at school and classes, and observes other required time schedules. Out-of-class responsibilities shall be determined by the building administrator with input from the staff. The licensed employee shall be informed of these responsibilities in writing.
- e. Teacher and Volunteer Assistants. Follows state guidelines in the use of teacher assistants and volunteers, for those teachers who have assistants assigned.

3. Professional Responsibility

- a. Commitment. Continually striving to improve own performance as a licensed staff member. Supports and implements Oregon statutes, collective bargaining agreement, district policies, and building procedures.
- b. Growth. Keeps knowledge current and is willing to try new procedures in teaching.
- c. Ethics. Conducts self according to professional ethical standards as outlined in this document.

4. Working Relationships

- a. Parent Relationship. Works and communicates effectively with parents; is tactful, yet frank, is sensitive to parental concerns.
- b. Student Relationship. Demonstrates genuine respect for work and dignity of the individual; makes students feel they are important and respected.
- c. Staff Relations. Promotes positive intraschool and district wide relationships, respects opinions of others; constructively cooperates with the administration of the school; and is effective as a member of teacher teams and group action.

5. Personal Competencies

- a. Appearance and Grooming. A licensed employee's personal appearance shall be appropriate and/or shall not disrupt or distract from the educational process.
- b. Communication Skills. Uses good oral and written communication skills (modulation, speed, proper grammar, legibility).
- c. Emotional Maturity. Evidence of ability to adjust constructively to frustrations and unpleasant situations. Is mature in his/her reactions; able to cope with the unexpected; responds positively to constructive criticism.

- d. Attitude. Is a constructive contributing member of the staff.
- e. Decision Making. Exercises good judgment in performance of teaching responsibilities.

6. **D** General

Generally, in all aspects of performance, teachers shall:

- a. Perform in accordance with all applicable federal and state laws and regulations, written board policies (including collective bargaining agreements), administrative regulations issued by the superintendent, the teacher’s current job description and performance goals and authorized directives from supervisory authority;
- b. Exhibit a high degree of responsibility and conduct themselves in a professional manner at all times;
- c. Perform all duties and responsibilities with reasonable care at a level which is generally recognized in the profession as reasonably adequate and efficient under similar circumstances;
- d. With respect to probationary and temporary personnel, perform at a level which, in the judgment of the board, demonstrates that continued employment, renewal of contract or election to contract status, as the case may be, is justified.

Probationary Staff and Temporary Teachers

Nothing in the evaluation process of the district, including its job descriptions and performance standards, shall limit the authority of the board to nonrenew or discharge probationary licensed staff or temporary teachers pursuant to the discretion delegated by law.

Goal Setting

- 1. It is the responsibility of each administrator and the teachers assigned to him/her to annually hold goal setting conferences in accordance with the established guidelines. At least some goals are to be established in a pre-evaluation conference prior to commencement of a formal evaluation.
- 2. Goal setting conferences with respect to first year probationary and temporary teachers shall occur by mid-October. With respect to the second and later years of service, the goal setting conferences may occur following the final evaluation in the preceding year and shall be completed by mid-October of the following year.

Goals

Goal(s) shall be based on identified needs and/or desired personal and instructional changes.

Goal(s) should be attainable within one year, or clearly identified as multi-year goals.

Assessment of goal(s) shall be incorporated into the final evaluation.

Goal(s) need not be limited to behavioral statements.

Any conflict over goal(s) shall be resolved by the appropriate district office administrator.

Program of Assistance for Improvement

- 1. When Required. The “On Notice” system, which includes utilization of the program of assistance for improvement, is a formal process of more intensive supervision designed to focus on needed improvements because of the marginal or substandard performance. The determination of whether the placement of the licensed staff member On Notice is needed is based on both the Performance Standards of the district and the district’s requirements for the staff member. The district must, therefore, take into consideration the status of the staff member and the particular position occupied

or to be occupied by him/her. There is no specific limit on number or frequency of plans. On the other hand, a plan, or further plans or continuation of an existing plan is not required when such would not materially enhance the need for the services of the staff member.

Thus, if the improvement sought would occur when the teacher would not be employed, the intensive process need not be initiated or continued. The following are examples:

- a. When, so far as appears, the teacher will not be reemployed (e.g., temporary teachers completing the year for a regular who will return in the ensuing year);
- b. When the teacher is to be dismissed or laid off by reason of abolishment of position or reduction in force; or
- c. When grounds for nonrenewal or dismissal of the teacher occur prior to or during initiation of the program.

The following descriptions, therefore, apply only when events have not occurred which would eliminate the need for the services of the particular staff member.

2. **Observation Condition.** When a licensed staff member's placement in the On Notice category results from classroom performance, a minimum of two written observations shall precede such action at the middle and high school levels. At the elementary level three observations with one written assessment shall precede such action. The administrator shall in a conference give the licensed employee written notification indicating On Notice placement.
3. **Procedure While On Notice**
 - a. Not later than 10 school days after On Notice placement, the evaluator, with the participation of the evaluatee, shall have developed a planned program of assistance for improvement. This plan shall be reduced to writing on the program of assistance for improvement form. The completed program of assistance for improvement shall be reviewed by the appropriate district office administrator. If there is any disagreement regarding the program of assistance for improvement, the disagreement shall be resolved by the superintendent or designee.
 - b. The program of assistance for improvement shall include identification of the performance standards not being met, expectations of how performance standards can be met, the procedure for observations, the assistance to be offered (including the opportunity to request outside administrative observations), and the timeline for improvement.
 - c. A district office administrator shall be called upon to make an observation, followed by a written evaluation and conference, prior to the final resolution.
4. **Procedure for Resolution of On Notice Status**
 - a. If the staff member has demonstrated compliance with stated objectives for improvement, as determined by the evaluator, the staff member shall be removed from the On Notice category.
 - b. The final written assessment of the plan of assistance, using the district evaluation form, shall include the administrator's recommendation for the resolution on the On Notice status.
 - c. If after the final evaluation has been completed there has been a failure to make satisfactory improvement, one or more of the following alternatives are available to the evaluator in recommending the future employment status of the On Notice staff member: extension (not to be more than one year of On Notice placement); withholding of increment; step reduction; and, if necessary, termination of services. The district may accept or modify the recommendations, subject to compliance with applicable legal requirements. If a third year probationary employee has failed to be removed from On Notice by March 15 of that year, the only resolution is termination.
 - d. When a licensed employee has been satisfactorily removed from On Notice placement, his/her employment status shall be considered such that no further action shall be deemed appropriate by the evaluator and/or building supervisor which could be construed as additional punitive action regarding that particular On Notice placement.

- e. Any modification to the evaluation process will not take place prior to communication with the authorized Association representative.

Professional Growth Record

The licensed employee shall submit his/her Professional Growth Record annually for review and approval of the principal.

CLASSIFIED EVALUATIONS

It is the responsibility of the assigned supervisor to evaluate all newly hired classified employees prior to the completion of their probationary period. For all classified employees who are employed on a regular basis, it is the responsibility of the supervisor to evaluate each employee annually, using the district evaluation form. The completed evaluation is to be signed by the employee and the supervisor and submitted to the personnel office by April 30.

Corrected 9/07/22; Corrected 2/06/23; Corrected 1/24/24



Code: IGAEC
Adopted: 12/08/10
Orig. Code: IGAEC

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 law¹.

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 for 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 581-022-2045).~~(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.~~

¹ Additional requirements include prevention strategies, strength-building alternatives and the understanding of health food labels.

The program shall include training for school district employees[†] staff who are athletic directors; and/or coaches[†], including volunteers and contractors, at least once every four years in accordance with law.

Each year students and parents shall receive a code of conduct explaining expected behaviors and related consequences for violations of the code of 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 332.107](#)

[ORS 342.721](#)

[OAR 581-022-2045](#)

[ORS 339.250](#)

[ORS 342.726](#)

[OAR 581-022-2210](#)

Controlled Substances Act, 21 U.S.C. § 812 (2018); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2019).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2018).

Reviewed 1/25/23

[†] Volunteers and contractors are included in the definition of “school district employee,” but can be included in this paragraph if it would help district remember that this training should be made available to some who are not employees under the typical meaning of the word.



Code: IICA
Adopted: 6/11/09
Revised/Readopted: 12/08/10; 12/14/11; 10/09/13
Orig. Code: IICA

Field Trips and Special Events**

The district recognizes that first-hand experiences through field trips and special events benefit students. Major consideration shall be given to a) the safety and welfare of students involved and b) the achievement of desired educational goals and careful planning of the educational experience.

Within these contexts, it is the desire of the Board to facilitate a limited and sustainable number of field trips to support each school's educational program. Travel overnight, out of state, or over 100 miles one-way must have Board approval. ~~Travel over 100 miles in the state of Washington and any overnight, must have prior board approval.~~

The superintendent or designee shall develop administrative regulations to implement the intent of this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#) [ORS 336.183](#)

[ORS 339.155](#)
[ORS 339.240 - 339.250](#)

~~[OAR 581-022-1020](#)~~

Corrected 3/01/23



Code: IICA-AR
Adopted: 12/08/10
10/09/13 Orig. Code: IICA-AR

Revised/Reviewed:

Field Trips and Special Events**

The Board recognizes the educational value of field trips and co-curricular activities involving transportation. The Board is also accountable for expenditures and the effective and legal use of district vehicles. Therefore, all trips and costs must be approved within the following policy regulations:

1. Principals, by delegation from the superintendent, may authorize the use of district vehicles for educational field trips and state-sanctioned co-curricular activities for which funds have been budgeted.
Principals may also authorize the use of district vehicles for other school-related activities. Expenses for such activities shall be paid by the participants or student organizations;
2. Overnight trips must have approval from the principal, superintendent and the Board prior to departure. Such overnight trips requests shall be submitted through the superintendent or designee to have the approval of the Board through the superintendent. Parents shall be provided an itinerary and must give permission for student participation prior to the trip. Expenses for unbudgeted trips which are not budgeted must be paid by the participants or student organizations;
3. Trips over an extended number of days require approval from the principal and the superintendent. Expenses are to shall be paid by the participants or student organizations. Requests to Use of district vehicles must be submitted approved by the superintendent for approval.
Emergency procedure plans and itineraries for any trip or event must be filed with the superintendent and the principal prior to the trip;
4. Scheduled departure times shall be maintained. Planned refreshment stops may be made on long trips. Discretion must be exercised in the duration of such stops. Refreshment stops must not unduly delay the return of the bus to the school;
5. Chaperons, coaches or staff will maintain discipline and are responsible for the safety of students on educational field trips and co-curricular activity trips. However, bus drivers shall have the ultimate authority involving safety and disciplinary decisions relating to travel;
6. Students demonstrating unruly-unsafe behavior or whom do not abide by the code of conduct may be prohibited from participating in future educational field trips or co-curricular trips. Disciplinary action is the responsibility of the principal or designee;
7. Students attending school functions via school transportation will return by the same transportation

The only exception will be if a custodial parent requests, in person, of the supervisor allow their that the student return with the parent. Reasonable methods will be used to verify the parent's identity;

8. Trips occurring outside the school year require the approval of the principal, the superintendent and the Board. Expenses for such trips shall be paid by the participants or student organizations. Use of district vehicles beyond a 25-mile radius, for other than league competitions or other than a one-day basis, may be permitted. Legal and effective use of vehicles will be ascertained by the superintendent.
Emergency procedure plans and itineraries for any such trip or event must be filed with the principal and the superintendent;
9. ~~A bus field trip transportation request to use a bus for an educational field trip for less than 15 people will not be authorized. If, upon arrival at the pick-up site, there are less than 10 students and chaperons to be transported, the field trip will be cancelled;~~
10. ~~Student travel requests~~ Requests for travel involving students over 100 miles out-of-state, one-way or any overnight travel must have prior board approval from the Board and designated staff.
11. Any request for a meal or meals for a field trip or special event to the nutrition department shall be submitted not less than 10 school days prior to the event. Budget codes will be included with the request for any meals which cannot be claimed through Federal program regulations.
12. School nurse should be consulted with list of students at least two weeks in advance of a field trip so that any supports needed for medication administration or other protocols can be arranged

Reynolds School District
Initial Request for Field Trip Over 100 Miles One-Way

Name of Group: _____ School: _____

- This trip is:
- Activities/Athletics trip Educational trip
 - Over 100-miles from district or is out-of-state
 - Overnight Multiple days travel

~~Note: This initial request must be submitted and approved 30 days before any commitment can be made or before any money-making activities can be started.~~

Date Request Submitted: _____ Date(s) of Activity: _____

If sufficient space is not available on this form, supporting data should be attached.

1. Purpose of the trip. (Complete related section on the next page.)
2. List staff member(s) responsible for students. List all other supervisors on trip.

3. School equipment to be used: _____
4. Lodging: _____
5. Will Student Travel Insurance be obtained? ___ Yes ___ No
6. Estimated number of students: _____ Estimated number of supervisors: _____
7. Parent permission slip on file: ___ Yes ___ No
8. Person or persons initiating request: _____ Date: _____

Principal approval: _____ Date: _____

1. List itinerary.

2. How will the activities on the trip provide opportunities for students to obtain new skills, insights, knowledge or appreciations?

3. What effect does the trip have on other classes or programs?

4. Estimated cost of trip \$_____. Describe how the trip will be funded. (School funding? Fund raisers? Student/Parent funding?)

5. Describe methods of transportation. List names of drivers, types of automobiles, and whether a Type 10/20 license will be required for drivers (see Policy EEAE).

6. Describe supervision plans to ensure maximum safety for students.

7. Explain what meal(s) are needed for this trip or event:

Reynolds School District
HEALTH HISTORY FOR SCHOOL FIELD TRIPS

Student Name: _____

Birth Date: _____

Address: _____

Home Telephone: _____

Parent/Guardian Name: _____

Home/Cell Telephone: _____

Work Telephone: _____

Parent/Guardian Name: _____

Home/Cell Telephone: _____

Work Telephone: _____

Person to be called in case of emergency if parent/guardian cannot be reached:

Name: _____

Relationship: _____

Telephone: _____

Medical Contact Information:

Telephone: _____

Please list any allergies (bee sting, medications, etc.) or illness that the school should be aware of:

Medications student is currently taking:

Any special information/instructions concerning medication:

I hereby give my permission for non-prescription medication (for example, aspirin) to be given to my child if deemed advisable by designated school personnel. In case of surgical emergency, I hereby give permission to the physician selected by the school director, or in his/her absence, his/her designee, to hospitalize, secure treatment for and to order injections, anesthesia or surgery for my child as named above.

Any directions to the contrary should be specified on the reverse side of this form and signed.

Activity:

Parent/Guardian Signature

Date

Corrected 3/01/23; Corrected 3/16/23



Code: IICC
Adopted: 2/11/10
Revised/Readopted: 12/08/10; 10/11/17; 6/13/18
Orig. Code: IICC

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.

Volunteerism is designed to supplement, not supplant, regular district programs and staff. Selection and appointment of volunteers by the superintendent or his/her designee will be made following a district approved screening process. Any person authorized by the district for volunteer service into a volunteer position having direct, unsupervised contact with students shall undergo submit to a nationwide in-state criminal records check. A volunteer allowed to have direct, unsupervised contact with students, in a position identified by the district as requiring a fingerprint-based criminal records check, shall undergo a state and national criminal records check based on fingerprints. (See Board policy GCDA/GDDA – Criminal Records Checks and Fingerprinting and its accompanying administrative regulation.)

A volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form may be denied the ability to volunteer in the district.

Any electronic communications with students by a volunteer for the district will be appropriate and only when directed by district administration. When communicating with students electronically regarding school-related matters, volunteers shall use district e-mail using mailing lists and/or other internet messaging to a group of students rather than individual students or as directed by district administration. Texting or electronically communicating with a student through contact information gained as a volunteer for the district is prohibited.

Nonexempt employees¹ may be permitted to volunteer to perform services for the district provided the volunteer activities do not involve the same or similar type of services² 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.

¹ There 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.

² Instructional assistant duties are generally viewed to be the same type of service, supervising and instructing students, as coaching.

Volunteers will receive no remuneration for tasks and will ordinarily be recruited for an identified and specific purpose.

The administration is responsible for the recruitment, ~~vetting~~, 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.

If possible, the initial volunteer assignment will include a date the assignment will end. Upon completion of the assigned service, transfer to another assignment may be considered.

Volunteers shall be subject to an annual review of services performed and may be terminated from service for violation of board policy, administrative regulations or school rules. ~~Additionally, v~~Volunteers may be transferred or terminated at any time by the superintendent or ~~his/her~~ designee.

END OF POLICY

Legal Reference(s):

[ORS Chapter 243](#)

[ORS 326.607](#)

[ORS 332.107](#)

[ORS 339.372](#)

[OAR 581-021-0510 – 021-0512](#)

[OAR 839-020-0005](#)

Senate Bill 155 (2019)

Fair Labor Standards Act of 1938, 29 U.S.C. §§ 206-207 (2012).

Corrected 1/24/24



Code: IKE
Adopted: 12/08/10
Orig. Code: IKE

Promotion and Retention of Students**

The Board is dedicated to total and continuous development of each student enrolled. The professional staff are expected to place students at the grade level best suited to them academically, socially and emotionally.

Students will normally progress annually from grade to grade.

A student who cannot demonstrate proficiency in each subject area or who are not making adequate progress toward demonstrating proficiency in their grade levels, may be considered for retention.

A student may be considered for promotion if the student has satisfied the requirements for the student's current grade level.

~~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.~~

A request for retention or promotion may be made by a parent or guardian, a teacher, or a student. A recommendation for retention or promotion of a student will be made only after prior notification and explanation to the student's parent or guardian.

The final decision for promotion or retention will rest with school administration in collaboration with the directors of schools.

The district will maintain administrative regulation(s) to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 332.107

[OAR 581-022-2000](#)

[OAR 581-022-2270](#)

Corrected 3/15/23

OSBA Model Sample Policy

Code: JBAA-AR
Revised/Reviewed:

Section 504 – Students**/*

In order to meet the requirements of 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), the following procedures have been established:

Definitions

1. A student is considered a “qualified individual with disabilities” under Section 504 if the student:
 - a. Has a physical or mental impairment which substantially limits one or more major life activities, even when mitigating measures, such as medication, prosthetics, hearing aids, etc., ameliorate the effects of the disability (e.g., any student receiving services under the Individuals with Disabilities Education Act (IDEA), students with diabetes). The term does not cover students disadvantaged by cultural, environmental or economic factors;
 - b. Has a record or history of such an impairment (e.g., a student with learning disabilities who has been decertified as eligible to receive special education under IDEA, a student who had cancer, a student in recovery from chemical dependencies);
 - c. Is regarded as having such an impairment. A person can be found eligible under this provision if the student:
 - (1) Has a physical or mental impairment that does not substantially limit a major life activity but is treated by the district as having such a limitation;
 - (2) Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others towards such impairment (e.g., a student who is obese); or
 - (3) Has no physical or mental impairment but is treated by the district as having such an impairment (e.g., a student who tests positive with the HIV¹ virus but has no physical effects from it).
 - d. Has a qualifying disability that is episodic or in remission.
2. “Physical or mental impairment” means any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; endocrine; or any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities;
3. “Major life activities,” as defined by the ADA, means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating,

¹ HIV - Human Immunodeficiency Virus

sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating; and major bodily functions including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions;

4. “Program or activity” includes all district programs and activities. The district will also ensure that contracts with those who provide services to the district, such as alternative programs, also provide students with disabilities an equal opportunity to participate in the program or activity;
5. “Potentially disabling conditions” under Section 504, if they substantially limit a major life activity, may include, but are not limited to:
 - a. Attention deficit disorder (ADD);
 - b. Behavior disorders;
 - c. Chronic asthma and severe allergies;
 - d. Physical disabilities such as spina bifida, hemophilia and conditions requiring students to use crutches;
 - e. Diabetes.

District Responsibilities

The superintendent or designee will:

1. Provide written assurance of nondiscrimination whenever the district receives federal money in accordance with application guidelines;
2. Designate an employee to coordinate the district’s compliance efforts with Section 504;
3. Provide procedures to resolve student, parent and employee complaints of discrimination;
4. Provide notice to students, parents, employees, including those with vision or hearing impairments, of the district’s policy of compliance with Section 504 prohibiting nondiscrimination in admission or access to or treatment or employment in district programs or activities. District aids, benefits and services will afford 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. Notice will specify the employee designated by the district to coordinate the district’s Section 504 compliance efforts;
5. Annually identify and locate students with disabilities who are Section 504 qualified in the district and who qualify for services;
6. Annually notify students with disabilities and their parents or guardians of the district’s responsibilities under Section 504;
7. Provide parents or guardians with procedural safeguards:
 - a. Notice of their rights under Section 504, including the right to request an impartial hearing as provided by Oregon Administrative Rule (OAR) 581-015-2390;
 - b. An opportunity to review relevant records.

8. Provide all employees assigned to work with a student with specialized needs to assist the student with educational, behavioral, medical, health or disability-related support access to the 504 Plan.

Transportation

1. If the district proposes to terminate transportation services for a student who qualifies for services under Section 504, the district will first determine the relationship between the student's behavior and disability and provide the parent with notice of rights.
2. If the district places a student in a program not operated by the district, the district will ensure that adequate transportation to and from the program is provided at no additional cost to the parent or student than would be incurred if the student were placed in programs operated by the district.

Evaluation

1. The district will conduct an evaluation of any student who, because of a disability, needs or is believed to need accommodations or related services. Such evaluation will be completed by an evaluation team comprised of a group of persons knowledgeable about the student, the meaning of the evaluation data and placement options. The team will be appointed by the superintendent or designee. Such evaluation will be completed before any action is taken with respect to the initial placement of the student in a regular or special education program and any subsequent, significant change in placement.

All employees assigned to work with a student with specialized needs to assist the student with educational, behavioral, medical, health or disability-related support needs of the student must be consulted with when the 504 Plan for the student is being developed, reviewed or revised. This includes being invited to, and compensated for attending, meetings regarding the student's 504 Plan and other meetings regarding the student, when the decisions made and issues discussed are related to the responsibilities of the employee to support the student or when the employee has unique information about the student's needs and present level of performance.

2. Tests and other evaluation materials will:
 - a. Be validated and administered by trained personnel;
 - b. Tailored to assess educational need and not merely based on IQ scores;
 - c. Reflect aptitude or achievement. All tests must measure what they purport to measure.

Placement

In interpreting evaluation data and making placement decisions, the evaluation team will:

1. Draw upon information from a variety of sources;
2. Ensure that all relevant information is documented and considered;
3. Ensure that the student is educated with students without disabilities to the maximum extent possible.

Reevaluations

1. The evaluation team will periodically reevaluate all students identified as qualified to receive services under Section 504. Minimally, students will be reevaluated every three years.
2. A reevaluation will be conducted by the evaluation team whenever a significant change in placement occurs. Examples of significant changes in placement include, but are not limited to:
 - a. Expulsion;
 - b. Serial suspensions which exceed 10 school days in a school year. Consideration will be given to the frequency of suspensions, the length of each and their proximity to one another;
 - c. Transferring or placing the student in alternative education or other such programs;
 - d. Graduation;
 - e. Significantly changing the composition of the student's class schedule (e.g., moving the student from regular education to the resource room, etc.).

Discipline

1. Before implementing a suspension or expulsion that constitutes a significant change in the placement of a student with disabilities under Section 504, the evaluation team will 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:
 - a. If it is determined that the misconduct of the student is caused by the student's disability, the evaluation team will continue the evaluation, following the requirements of Section 504 and the ADA for evaluation and placement, to determine whether the student's current educational placement is appropriate. Due process procedures that meet the requirements of IDEA may be used to meet the procedural safeguards of law;
 - b. 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.
2. When the placement of a student with disabilities under Section 504 is changed for disciplinary reasons, the student and parents are entitled to the procedural protections as specified above. These protections include appropriate notice to parents, an opportunity for their examination of pertinent records, an impartial hearing with the participation of the parents and an opportunity for representation by counsel and a review procedure.
3. The district may take disciplinary action against a student with disabilities under Section 504 who is engaged currently in the use of alcohol or illegal drugs to the same extent that it takes disciplinary action against students not having disabilities. As provided by law, due process procedures specified above will not apply to disciplinary actions arising from the use or possession of alcohol or illegal drugs. Regularly established district due process procedures will, however, be provided.
4. Students with disabilities under Section 504 who are also covered by IDEA will be disciplined in accordance with Board policy JGDA - Discipline of Students with Disabilities and the accompanying administrative regulation.

Complaints

Student, parent or staff complaints of noncompliance with the provisions of Section 504 will be reported to the superintendent or designee and processed in accordance with established district complaint procedures.

OSBA Model Sample Policy

Code: JEA

Adopted:

Compulsory Attendance**

{Highly Recommended. ORS 339.010 requires the attendance of children between the ages of 6 and 18 years who have not completed grade 12 in public school; ORS 339.020 compels parents or guardians of the child to maintain attendance in public school unless otherwise exempted.}

Except when exempt by Oregon law, all children 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. Persons having legal control of a child between the ages 6 and 18, who has not completed the 12th grade, are required to ~~have send~~ the child ~~attend~~ to school and maintain the child in regular attendance during the entire school term.

All children five years 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 child, who is five years of age and ~~has~~ who have enrolled the child in a public school, are required to ~~have send~~ the child ~~attend~~ to school and maintain the child in regular attendance during the school term.

Attendance supervisors shall monitor and report any violation of the compulsory attendance law to the superintendent or designee. [A citation for violation of ORS 339.035 may be issued.]

~~The district will develop procedures for issuing a citation.~~

A parent who is not supervising their child 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.

Exemptions from Compulsory School Attendance

In the following cases, children shall not be required to attend public, full-time schools:

1. Children 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. Children 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. Children who have received a high school diploma or a modified diploma.
4. Children 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.
5. Children being educated in the home by a parent, legal guardian or private teacher[:][.]

- a. When a student is taught or is withdrawn from a public school to be taught by a parent, legal guardian or private teacher, the parent, legal guardian or private teacher must notify the Multnomah Education Service District (ESD) in writing within 10 days of such occurrence. In addition, when such a ~~home-schooled~~ student moves to a new ESD, the parent, guardian or private teacher shall notify the new ESD in writing, within 10 days, of the intent to continue ~~home schooling~~. The ESD shall acknowledge receipt of any notification in writing within 90 days of receipt of the notification. The ESD is to notify, at least annually, the school districts of home-schooled students who are registered with the ESD and reside in their district;
 - b. Each child being taught by a parent or private teacher as described above shall be examined no later than August 15, following grades 3, 5, 8 and 10:
 - (1) If the student was withdrawn from public school, the first examination shall be administered at least 18 months after the date the student withdrew from public school;
 - (2) If the child never attended public or private school, the first examination shall be administered prior to the end of grade 3.
 - c. Procedures for homeschooling students with disabilities are set out in Oregon Administrative Rule (OAR) 581-021-0029;
 - d. Examinations ~~testing each child~~ shall be from the list of approved examinations from the State Board of Education;
 - e. The examination must be administered by a neutral, individual qualified to administer tests on the approved list provided by the Oregon Department of Education;
 - f. The person administering the examination shall score the examination and report the results to the parent or guardian. Upon request of the ESD superintendent, the parent or guardian shall submit the results of the examination to the ESD;
 - g. All costs for the test instrument, administration and scoring are the responsibility of the parent or guardian;
 - h. In the event the ESD superintendent finds that the child is not showing satisfactory educational progress, the ESD superintendent shall follow the guidelines in Oregon Revised Statutes and Oregon Administrative Rules.
6. Children whose sixth birthday occurred on or before September 1 immediately preceding the beginning of the current school year, if the parent or guardian notified the child's resident district in writing that the parent or guardian is delaying the enrollment of their child for one school year to better meet the child's needs for cognitive, social or physical development, as determined by the parent or guardian.
 7. Children who are present in the United States on a nonimmigrant visa and who are attending a private, accredited English language learner program in preparation for attending a private high school or college.
 8. Children excluded from attendance as provided by law.
 9. Children who are eligible military children¹ are exempt up to 10 days after the date of military transfer or pending transfer indicated in the official military order.

¹ "Military child" means a child who is in a military family covered by the Interstate Compact on Educational Opportunity for Military Children, as determined under rules adopted by the State Board of Education.

10. An exemption may be granted to the parent or guardian of any child 16 or 17 years of age who is lawfully employed full-time, or who is lawfully employed part-time and enrolled in school, a community college or an alternative education program as defined in ORS 336.615.
11. An exemption may be granted to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 - 419B.558.

END OF POLICY

Legal Reference(s):

[ORS 153.018](#)
[ORS 163.577](#)
[ORS 339.010 - 339.095](#)
[ORS 339.139](#)

[ORS 339.990](#)
[ORS 807.065](#)
[ORS 807.066](#)

[OAR 581-021-0026](#)
[OAR 581-021-0029](#)
[OAR 581-021-0076](#)
[OAR 581-021-0077](#)

OSBA Model Sample Policy

Code: JEA-AR

Revised/Reviewed:

Compulsory Attendance Notices**

{Highly Recommended. Compulsory attendance for education and/or registering homeschool students with the local ESD are statutory requirements of persons in charge of students ages 6 through to 18. This administrative regulation supports procedures required of public education providers. The district should consult with the ESD on which superintendent will issue a citation, if at all, for violations of ORS 339.035 before adopting bracketed language.}

~~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:~~

Appropriate notices on student absences or irregular attendance may be issued by the district in accordance with law. [A citation may be issued by the superintendent or designee for noncompliance of ORS 339.035¹ in accordance with ORS 339.095.]

1. Attendance Supervisor

The attendance supervisor shall:

- a. Determine ~~that the~~ whether a parent or guardian has failed to enroll their child and to maintain the child in regular attendance at a public school. "Regular attendance" means attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which school is in session;
- b. Provide written compulsory attendance noncompliance notification to the parent or guardian within 24 hours of verification notification of the violation from the proper authority. If the student is a youth offender~~an adjudicated youth~~ 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 student's absence;
- c. Serve the notification personally or by certified mail. The notification will be written in the native home language of the parent or guardian of the student;
- d. Ensure that notification includes a statement requiring the student to appear at the public school on the next school day following receipt of the notice and to maintain regular attendance for the remainder of the school year;
- e. Ensure that the notification states that the parent or guardian has the right to request an evaluation to determine if the child should have an individualized education program (IEP) or Section 504 plan ("504 plan"), if the child does not currently have an IEP, or right to request a review of their child's current IEP or 504 plan;
- 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;

¹ ORS 339.035 provides requirements for teaching by private teacher, parent or guardian.

~~Notify the superintendent within three days of knowledge that the parent or guardian receiving the notification has not complied with the notice. The attendance supervisor, within three days of knowledge of noncompliance by the parent or guardian, shall notify the superintendent.~~

2. Superintendent or Designee

~~The superintendent or designee will:~~

~~a. If after review of attendance records a student's record, a citation in violation of ORS 339.035 appears warranted, prior to issuing the citation, the superintendent or designee shall provide written notification to the parent or guardian of the student and the student. The notice will be written in the native language of the parent or guardian. The notice will be delivered personally or by certified mail and will state that:~~

- ~~a. The student is required to attend regularly, a school full-time school during the school year;~~
- ~~b. A citation for violation of compulsory attendance laws ORS 339.035 may be issued by the superintendent or designee;~~
- ~~c. The parent or guardian has the right to request: d. An evaluation to determine if the student should have an IEP or 504 plan, if the student does not have one; or A review of the student's current IEP or 504 plan;~~
- ~~d. e. The parent or guardian and student are required to attend a scheduled conference with the superintendent or designee. The date, time and place of conference will be specified in the notice.~~

~~If an evaluation or review as described in item c. above has been requested, this conference may not be scheduled until after an evaluation or review as described in item 3. above, if requested by the parent, has been completed will be scheduled after its completion.]~~

3. Conference

~~The superintendent or designee will may 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 may:~~

- ~~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 (i.e., contract, etc.);~~
- ~~d. Inform the parent and student of other available resources in the district and community, if available;~~
- ~~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, if applicable.~~

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 their 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;~~
- e. ~~Ensure the 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 Oregon Revised Statute (ORS) 339.095 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 district and parent(s) name(s);~~
 - (7) ~~Provide date of 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 provided the citation;~~
 - (13) ~~Ensure the designated court is appropriately notified immediately after the citation is served;~~
 - (14) ~~Ensure the district retains a copy of the citation;~~
 - (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.]~~

[District Name
Address, City, State, Zip Code
Phone:]

***** [ATTENDANCE SUPERVISOR'S] NON-ENROLLMENT NOTICE *****

Date _____
Parent(s)/Guardian _____
Address _____

Dear _____,
(Parent/Guardian)

After review of attendance records, your child _____ (name) is not exempted from compulsory attendance for school, under provisions of ORS 339.030, and is not currently enrolled in school.

In accordance with Oregon law, children between ages 6 through 18 must be enrolled in school. Please enroll your child at [name of school] no later than the next school day following receipt of this notice and maintain your child in regular attendance for the remainder of the school year.

You may request an evaluation to determine if your child should have an individualized education program (IEP) or Section 504 plan ("504 plan"), or request a review of your child's current IEP or 504 plan.

If your child is taught by a parent, guardian or private teacher, you must notify your local education service district and comply with ORS 339.035. Your local ESD is: [name of ESD and contact information].

If you have questions and/or need assistance, please contact [name] at [number].

Sincerely,

[Attendance Supervisor] [Principal]

[cc: [Principal]/[Superintendent]]

[District Name
Address, City, State, Zip Code | Phone:]

***** [ATTENDANCE SUPERVISOR’S] IRREGULAR ATTENDANCE NOTICE *****

Date _____
Parent(s)/Guardian _____
Address _____

Dear _____,
(Parent/Guardian)

After review of attendance records, your child _____ (name) is not maintaining regular attendance at a public school 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 thereof in any four-week period school is in session.] According to attendance records, your child has had [] unexcused absences from school on the following dates: [].

Please send your child to school no later than the next school day following receipt of this notice and maintain your child in regular attendance for the remainder of the school year.

You may request an evaluation to determine if your child should have an individualized education program (IEP) or Section 504 plan (“504 plan”), or request a review of your child’s current IEP or 504 plan. If you request an evaluation for an IEP or a review of a current IEP or 504 plan, a conference will be held after such evaluation or review has been completed.

If your child is taught by a parent, guardian or private teacher, you must notify your local education service district and comply with ORS 339.035. Your local ESD is: [name of ESD and contact information].

If you have questions and/or need assistance, please contact [name] at [number].

Sincerely,

[Attendance Supervisor] [Principal]

[cc: [Principal] [/Superintendent]]

[District Name
Address, City, State, Zip Code
Phone:]

****SUPERINTENDENT'S NOTICE OF COMPULSORY ATTENDANCE NONCOMPLIANCE****

Date _____
Parent(s)/Guardian _____
Address _____

Dear _____,
(Parent/Guardian)

According to district records, you were notified by the district's attendance supervisor on [date] that your child, [name], [is not yet enrolled in school] [is not maintaining regular school attendance] [is not enrolled with the local education service district] as required by Oregon compulsory attendance laws.

Your child was required to appear in school no later than the next school day following your receipt of the notice and to maintain regular attendance for the remainder of the school year. District records indicate your child continues to be absent from a public school. A child is required to regularly attend a full-time school.

~~The superintendent or designee may issue a citation for your continued violation of Oregon's compulsory attendance law.~~

You [may request an evaluation of your child's individualized education program (IEP) or Section 504 plan or a review of your child's current IEP same.] [requested an evaluation to determine if your child should have an individualized education program (IEP) or Section 504 plan.] [[requested a review of an existing IEP or Section 504 plan for your child] and the requested evaluation or review was completed on [date].]

~~In accordance with law, you~~ You and your child are required requested to attend a conference with [designated school official] on [date] at [time] to discuss:

- ~~1. Oregon's compulsory attendance law and your child's attendance record;~~
- ~~2. The reasons for your noncompliance;~~
 1. The development of a plan for improvement;
 2. Resources available to help your child be successful in school, referrals to other agencies as may be needed and such alternative education information as may be required by law;
- ~~3. Any questions you may have concerning the potential consequences for continued noncompliance with Oregon's compulsory attendance law, as set forth above and as provided in Board student conduct and truancy policies~~ district programs and resources to help your child attend regularly.

~~Failure to attend this conference or to maintain your child in regular school attendance will result in the issuance of a citation, as provided by law.~~

If your child is taught by a parent, guardian or private teacher, you must notify your local education service district and comply with ORS 339.035. Your local ESD is: [name of ESD and contact information].

If you have questions and/or need assistance, please contact [name] at [number].

Sincerely,

[Superintendent][Designee]]



Early Entrance**

Kindergarten Transfer

A student will be admitted to kindergarten if [his/her] their fifth birthday occurs on or before September 1, is a kindergarten student transferring from a public school in another district, or is recommended for early admission through the Early Intervention Program.

First Grade Transfer

A student will be admitted into the first grade if [his/her] their birthday occurs on or before September 1. In addition, the student whose sixth birthday occurs after that date may be admitted to the first grade if [he/she] they:

1. Are a first-grade student transferring from a public school or from a district-approved private school;
2. Completed a successful year in a district-approved public kindergarten the previous year and would be continuing [his/her] their formal education.

Early Entry for Kindergarten or First Grade

Early entry into kindergarten or first grade may be allowed for a student whose needs would be best met in the school program based on an analysis by qualified professional staff of [his/her] the student's:

- a. [~~Cognitive development~~]; Academic readiness;
- b. Social development; including emotional development and behavioral development;
- c. Physical development.

The superintendent shall identify the screening processes and instruments, which will provide a dependable assessment of the preceding criteria.

Parents may be required to pay the cost of the special testing involved.

END OF POLICY

Legal Reference(s):

[ORS 327.006](#)

[ORS 339.115](#)

[ORS 336.092](#)

[ORS 343.395](#)

[ORS 336.095](#)

SB 321 (2015)

Early Entrance into Kindergarten/First Grade**

If a request for early admission to kindergarten or first grade is received by the building principal of the student's home school, the following guidelines will be used:

1. A child attaining age five or six after September 1 but prior to ~~November 15~~ September 30, qualifies for consideration of admittance to kindergarten or first grade, respectively. Requests for early entry will be taken from ~~June 1 to July 31~~ May 1 to June 15 of each school year;
2. The Request for Early Entrance forms must be filled out by a parent(s). The completion of these forms will activate an early entry referral. Members of the early entry committee are: kindergarten and/or first grade teachers, ~~the school psychologist (or other licensed psychologist)~~; building principal, and any other identified professional, as appropriate;
3. The parents will be informed that the child will be assessed in the following areas:
 - a. ~~Cognitive development~~; Academic readiness;
 - b. Social development, including emotional and behavioral development; and
 - c. Physical development.

Parent(s) will be informed that test scores should be in the ~~95th~~ 80th percentile for their age in order to be considered for early admission into kindergarten/first grade. The child's advanced development in ~~cognitive~~, academic readiness, social, including emotional and behavioral development and physical functioning, are taken into consideration in the evaluation. Opportunities in social settings are an important part of the consideration for early entry. This can be done in a variety of ways including preschool, daycare, Sunday school, play-dates with peers, ~~Early Kindergarten Transition~~, etc.;

4. ~~All early entry testing and recommendations must be received by the superintendent or designee on or before August 15;~~
5. The early entry committee will review the test information and parent interview forms by ~~the second week of August~~ July 31;
6. The early entry committee will make recommendations for early school admission to the superintendent and parent(s) will be notified by ~~the second week in August~~ August 15. In addition, ~~the Assessment Results Report~~; a letter with the decision information, and

directions for appeal will be mailed to the parent(s) within ten (10) school days of the decision;

7. A written appeal can be made by the parent(s) to the superintendent who may affirm, reverse or modify the early entry committee's decision. A subsequent hearing may be held with the board if the respective decision does not meet with the approval of the parent(s).

OSBA Model Sample Policy

Code: JGA
Adopted:

Corporal Punishment**

{Optional policy. While State law prohibits the use of corporal punishment, having a policy which states this is optional.}

The use of corporal punishment in any form is strictly prohibited in the 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. Corporal punishment does not include the use of physical force authorized in ORS 161.205 (2), (4) or (5) for the reasons specified therein, or physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.

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 their supervision or control. Permission to administer corporal punishment will not be sought or accepted from any parent or school official.

A parent or legal guardian of a minor child may use reasonable physical force upon the minor child when and to the extent the person reasonably believes the physical force is necessary to maintain discipline or promote the welfare of the minor child, unless the physical force constitutes abuse as defined in ORS 418.257 or 419B.005.

A staff member is authorized to employ reasonable physical force upon a student ~~when and only~~ to the extent that the application of physical force is consistent with ORS 339.285 - 339.303 and is not corporal punishment as defined in ORS 339.250(9). Physical force shall not be used to discipline or punish a student.

A staff member found in violation of this policy may be subject to discipline up to and including dismissal. A volunteer found in violation of this policy by administration may be subject to sanctions and/or prohibited from volunteer service in the district.

The superintendent shall inform all staff members and volunteers of this policy.

END OF POLICY

Legal Reference(s):

[ORS 161.205](#)
[ORS 332.107](#)

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

[OAR 581-021-0050 – 0075](#)
[OAR 584-020-0040](#)

OSBA Model Sample Policy

Code: JGAB
Adopted:

Use of Restraint or Seclusion**

{Required policy. The requirement for this policy comes from OAR 581-021-0556(12).}

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 object¹, 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 mouth, 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.

The use of a seclusion cell is prohibited.

¹ The use of a solid object, including furniture, a wall, or the floor, by district staff performing a restraint is not prohibited if the object is used for the staff's own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student's body.

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 includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

“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, or a student being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student’s behavior.

3. “Seclusion cell” means a freestanding, self-contained unit that is used to isolate the student from other students or physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.
4. “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.
5. “Substantial physical or bodily injury” means any impairment of the physical condition of a person that requires some form of medical treatment.
6. “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.
7. “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.
 8. “Prone restraint” means a restraint in which a student is held face down on the floor.
 9. “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 only utilize the ^{2} a training program of for restraint or seclusion for use to train staff and use in the district. ~~As required by state regulation, the selected program shall be one which has been 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.~~

~~The district uses The MANDT System® 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~~

²{The district must identify the program utilized for training.}

~~Education (ODE) and include, but not limited to, positive behavior support, conflict prevention, deescalation 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.~~

The district shall preserve, and may not destroy, any records related to an incident of restraint or seclusion, including an audio or video recording. The records must be preserved in the original format and without alteration in accordance with law.

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 characteristics³ 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.

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.

³ 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 complainant, whether an organization or an individual, may appeal a district’s final decision to the Oregon Department of Education pursuant to OAR 581-002-0001 - 581-002-0023. This appeal process is identified represented 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. A staff member who violates this policy or its administrative regulation may be subject to discipline, up to and including dismissal.

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 581-021-0563](#)
[OAR 581-021-0566](#)
[OAR 581-021-0568](#)
[OAR 581-021-0569](#)
[OAR 581-021-0570](#)
[OAR 581-022-2267](#)
[OAR 581-022-2370](#)

OSBA Model Sample Policy

Code: JGAB-AR

Revised/Reviewed:

Use of Restraint or Seclusion**

{Required administrative regulation. ORS 339.294 requires a district to establish procedures to follow during and after an incident involving the use of restraint or seclusion. This administrative regulation helps support those procedures.}

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
 - c. Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.
 - d. Immediate¹, written notification of the existence of any records^{2} related to an incident of restraint or seclusion (including photos or audio or video recording).
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 which includes notice of the lack of training, and the reason why a person without training administered the restraint or

¹ "Immediate" means to act as soon as possible without undue delay, but in no case later than within 24 hours of the incident. (OAR 581-021-0556 (2)(e))

² {Such records shall be maintained in accordance with ORS 339.294(9).}

seclusion was administered by a person without training. 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; The parent or guardian of the student must be invited to attend the meeting³, and the meeting will include staff members involved in the intervention ~~must be included in the meeting~~ and any other appropriate personnel. The debriefing team shall include an administrator. At the debriefing meeting, the district shall review, in its entirety, any audio or video recording⁴ preserved as a record of the incident involving restraint or seclusion in accordance with law. Written notes shall be taken and a copy of the written notes shall be provided to the parent or guardian of the student.

³ "Meeting" means the debriefing meeting at which the audio or video recording will be viewed. (OAR 581-021-0556(9))

⁴ To the extent practicable without altering the meaning of the record, the district shall segregate or redact from such a record any personally identifiable information of other students before disclosure to the student's parent or guardian. If the district is unable to segregate or redact personally identifiable information of other students without altering the meaning of the record, the district shall disclose the record to the student's parent or guardian in its original format and without any alteration. "Disclose" means to inform the student's parent or guardian that the record exists; that the record in its original format and without alteration will be available for review by the parent or guardian privately and in the debriefing meeting; and that a copy of the record will be provided to the student's parent or guardian upon request in its original and unaltered format except to the extent that the redaction is needed to protect the personally identifiable information of another student. (ORS 339.294; OAR 581-021-0556(10))

The parent or guardian has the right to request another meeting in the event they were unable to attend the debriefing meeting scheduled to be held within two school days of the incident.

8. If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion,
 - a. Oral notification of the incident must be provided immediately to a parent or guardian of the student and to the Oregon Department of Human Services (DHS); and
 - b. ~~Written~~ Written notification of the incident must be provided to ~~the Department of Human Services~~ DHS 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 within 24 hours of the incident to the superintendent, to the Superintendent of Public Instruction ~~within 24 hours of the incident, or and, if applicable,~~ to the union representative for the affected person, ~~if applicable.~~
10. The district will ~~shall~~ maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.
11. [The district, upon request from DHS regarding an investigation of an incident of restraint or seclusion as suspected child abuse, shall disclose any records preserved to DHS or its designee which are deemed relevant to the subject investigation, in its original format and without any alteration.]

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. 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 ~~and~~ ensuring the provision of any necessary behavioral supports.

Use of restraint and/or seclusion in an emergency by school administrator, staff or volunteer to maintain order or prevent a student from harming themselves, 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.

OSBA Model Sample Policy

Code: JH
Adopted:

Student Welfare**

{Optional policy.}

The district provides supervision of students. ~~Students' safety will be assured through close supervision of students in [all school buildings and grounds during the hours] when students are normally present. Such supervision does not include early morning or the time following usual departure, unless students are present for a scheduled school-sponsored activity. Hours when supervision is available shall be included in the [student/parent handbook].~~

The district further ~~assures~~ requires the following practices:

1. Maintaining a safe school environment; ~~appropriate~~ designated personnel will be responsible for periodically inspecting the physical condition of all ~~equipment~~, buildings and grounds;
2. ~~Observation of safe practices on the part of~~ Expecting school personnel and students to observe safe practices, particularly in those areas of instruction or extracurricular activities that offer special hazards;
3. ~~Offering~~ Providing safety education to students as is germane to particular subjects such as, ~~but not limited to,~~ science, professional technical, health and physical education courses;
4. Providing, ~~[through the services of the school nurse,]~~ first-aid care for students in case of accident or sudden illness; and
5. Providing adequate supervision on the grounds when they are used by students **during established school hours** or school-sponsored activities.

~~In addition, s~~ School personnel will be concerned about ~~and~~ school safety issues, including but not limited to, safety issues in or on school property and awareness of ~~suspicious strangers~~ persons loitering in or near school buildings or sitting in parked vehicles nearby. Staff shall report all such instances to the principal ~~[or designee]~~. The principal ~~[or designee]~~ will notify law enforcement if ~~the~~ circumstances warrant such action.

~~Teachers will instruct students not to accept gifts or vehicle rides from strangers~~ Students will be instructed on personal safety and that of others in accordance with State Health Standards. Students will be instructed to tell or report to teachers, their parents, law enforcement or school security personnel of any ~~suspicious strangers~~ safety concerns.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-022-2220](#)

[OAR 581-022-2225](#)

OSBA Model Sample Policy

Code: JHC
Adopted:

Student Health Services and Requirements**

*(Delete in lieu of new board policy using code EBBA - Student Health Services**)*

Although the district's primary responsibility is to educate students, the students' health and general welfare is also an important Board responsibility. 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 district shall staff nursing services appropriate for students with medical needs and prevention-oriented health services per applicable requirements of Oregon Revised Statutes (ORS) 336.201 and Oregon Administrative Rule (OAR) 581-022-2220.]

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 requirements.

[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.]

[Any nurse(s) providing services on behalf of the district shall follow all applicable requirements of ORS Chapter 678 and OAR Chapter 851. This includes, but is not limited to, delegation in accordance with OAR 851-047, which includes performing a nursing assessment of the patient prior to delegation, providing adequate supervision during the delegation, and evaluating the skills, ability and willingness of the delegee.¹]

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;

¹ For additional delegation requirements, see OAR [851-047-0030](#).

4. Health care and first-aid assistance that are appropriately supervised and isolate the sick or injured child from the student body;
5. Control and prevention of communicable diseases as required by Oregon Health Authority, Public Health Division, 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 federal law, 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):

² The 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.

[ORS 329.025](#)
[ORS 336.201](#)

[ORS 336.211](#)
[OAR 581-022-2050](#)

[OAR 581-022-2220](#)
[OAR 581-022-2225](#)

Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2022).

Every Student Succeeds Act, 20 U.S.C. § 7928 (2018).

Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (2018).

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OSBA Model Sample Policy

Code: JHCA/JHCB

Adopted:

Immunization, ~~Physical Examination, Vision Screening/Eye Examination and Dental Screening~~ and School Sports Participation**

{Highly recommended policy.}

Immunization

Proof of immunization must be presented at the time of initial enrollment¹ in school or within 30 days of transfer to the district in accordance with Oregon law. Proof consists of a signed Certificate of Immunization Status form documenting either evidence of immunization, a religious, philosophical beliefs and/or medical exemption or immunity documentation.²

~~Physical Examination~~ School Sports Participation

A student participating in extracurricular sports in grades 7 through 12 is required to submit to an appropriate School Sports Pre-Participation Examination³ prior to their initial participation in a related district program. The form⁴ is to be completed and signed by a parent or guardian giving permission for the student to participate and signed by a medical provider authorized by law⁵ who has examined and evaluated the student. The completed form(s) must be returned as directed ~~[to the school office].~~ ~~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 student in the district and when registering them for grade 7.~~

~~All students participating in athletic programs are required to submit to the district a School Sports Pre-participation Examination form prior to their initial participation in a district athletic program. The form is to be completed and signed by a parent or guardian 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.~~

¹ The district shall immediately enroll a homeless student ~~experiencing houselessness~~ in the school selected even if the student is unable to produce records normally required for enrollment.

² Documentation requirements for exemptions are outlined in ORS 433.267.

³ The required form is available at <https://www.osaa.org/governance/forms>, a copy may be obtained from a school office, or a form generated by the medical provider may be used if it meets requirements of law in OAR 581-021-0041.

⁴ The form may be used in either a hard copy or electronic format.

⁵ This physical examination must be conducted by a physician possessing an unrestricted license to practice medicine, a licensed naturopathic physician, a licensed physician assistant, a licensed nurse practitioner or a licensed chiropractic physician who has clinical training and experience in detecting cardiopulmonary diseases and defects.

A student who exhibits signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body, or who has been diagnosed with a concussion will not be allowed to participate in any athletic event or training on that day, unless an athletic trainer licensed by the Board of Athletic Trainers or a physician licensed pursuant to ORS 677.100 - 677.228 has determined the student has not suffered a concussion.⁶ Except as allowed above, a student excluded for concussion reasons will not be allowed to return to participate in an athletic event or training until the following three conditions have been met:

1. It is not the same day as the student exhibited signs, symptoms or behaviors, experienced a blow to the head or body, or was diagnosed with a concussion;
2. The student no longer exhibits signs, symptoms or behaviors consistent with a concussion; and
3. The student has received a medical release form from a health care professional⁷.

A student who continues to participate in extracurricular sports in grades 7 through 12 shall be required to complete a physical sports examination once every two years, thereafter.

Vision Screening or Eye Examination

~~The parent or guardian 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 the student has received:~~

- ~~1. 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 parent or guardian of the student.~~

Dental Screening

~~The district shall file in the students dental health record any dental screening certifications and any results of a dental screening known by the district. The district will provide to the parent or guardian of each student, standardized information developed by the Oregon Health Authoritys dental director regarding dental screenings, further examinations or necessary treatments and preventative care including fluoride varnish, sealants and daily brushing and flossing.~~

⁶ For more information regarding medical releases for students in grades 9-12, see OSAA rules.

⁷ “Health care professional” includes a chiropractic physician, a naturopathic physician, a psychologist, a physical therapist, an occupational therapist, a physician assistant or a nurse practitioner who is licensed or registered under the laws of Oregon.

~~The parent or guardian 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 submit a certification within 120 days of beginning the education program that the student has received a dental screening within the previous 12 months.~~

~~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;~~
- ~~2. The dental screening is contrary to the religious beliefs of the student or the parent or guardian of the student; or~~
- ~~3. The dental screening is a burden for the student or the parent or guardian of the student in the following ways:
 - ~~a. The cost of obtaining the dental screening is too high;~~
 - ~~b. The student does not have access to an approved screener;~~
 - ~~e. The student was unable to obtain an appointment with an approved screener.~~~~

~~The certification may be provided by a licensed dentist, a dental hygienist or a health care practitioner as defined by state law. The certification must include the:~~

- ~~1. Sts name;~~
- ~~2. Date of screening; and~~
- ~~3. Name of entity conducting the dental screening.~~

~~The district shall submit to the Oregon Department of Education a report that identifies the percentage of students who failed to submit the certification for the previous year, no later than October 1 of each year.~~

~~If the district is causing the dental screening to be conducted, the district will follow the notice requirements in accordance with law.~~

END OF POLICY

Legal Reference(s):

[ORS 326.580](#)
[ORS 336.211](#)
[ORS 336.213](#)
[ORS 336.214](#)

[ORS 336.479](#)
[ORS 336.485 - ORS 336.490](#)
[ORS 433.235 - 433.280](#)
[OAR 333-019-0010](#)

[OAR 333-050-0010 - 050-0120](#)
[OAR 581-021-0017](#)
[OAR 581-021-0031](#)
[OAR 581-021-0041](#)
[OAR 581-022-2220](#)

McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of the Every Student Succeeds Act, 42 U.S.C. §§ 11431-11435 (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 (20202024).

OREGON SCHOOL ACTIVITIES ASSOCIATION, *OSAA HANDBOOK*.



Code: JHCA
Adopted: 9/14/16
Revised/Readopted: 9/28/22
Orig. Code: JHCA

Physical Examination for Students Participating in Extracurricular Activities**

Students in grades 7 through 12 must have a physical examination performed by a physician possessing an unrestricted license to practice medicine, a licensed naturopathic physician, a licensed physician assistant, a certified nurse practitioner or a licensed chiropractic physician who has clinical training and experience in detecting cardiopulmonary diseases and defects, prior to participation in extracurricular sports. "Participation," as used in this policy means participation in sports practices and interscholastic sports competition.

Additionally, students who continue to participate in extracurricular sports are required to have a physical examination every two years thereafter. The physical examination is the responsibility of the parents/students and is to be paid for by parents/students.

A completed School Sports Pre-participation Examination¹ form shall be kept on file at school and shall be reviewed by the coach prior to the start of any sport season. Students shall not participate without signed parental and physician permission.

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.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 336.479](#)

[OAR 581-021-0041](#)

OREGON SCHOOL ACTIVITIES ASSOCIATION, OSAA HANDBOOK.

¹ Form available at www.osaa.org.



Code: JHCB
 Adopted: 1/04/07
 Revised/Readopted: 6/09/10; 4/09/14; 9/14/16;
 6/13/18; 9/28/22
 Orig. Code: JHCB

Immunization, Vision Screening/Eye Examination and Dental Screening**

Immunizations

In accordance with Oregon Revised Statute (ORS) 433.267 through 433.273, and Oregon Administrative Rule (OAR) 333-019-0010 through 333-019-0014, all students enrolling in an Oregon school for the first time shall show proof of immunization in accordance with Oregon law. As a condition of enrollment, every student through grade 12 shall submit to the school administrator one of the following:

1. Evidence of immunization provided on a Certificate of Immunization Status form, Section A, signed by a health care practitioner, parent or guardian;
2. The medical exemption, Section B, of the Certificate of Immunization Status form, completed and signed by a physician;
3. The religious exemption, Section C, of the Certificate of Immunization Status form, completed and signed by a parent or guardian.

The policy is in effect for all students not exempted for religious, philosophical beliefs or medical reasons¹.

Initial Entry Requirement

An initial entry student (kindergarten or possibly first grade) need not have “complete” “up-to-date” information to enroll. However, the administrator must refuse to enroll a student if the parent or guardian fails to submit a Certificate of Immunization Status form with an appropriately noted exemption or one dose of each required vaccine.

Requirement of Student Transfers

A student transferring from one Oregon school to another Oregon school or who transfers from a school in another state to an Oregon school is allowed 30 days to provide their record to the new school. A parent or guardian must sign an Immunization Record Statement provided by the school. The administrator can choose to use an exclusion date effective at the end of 30 days of attendance, or may use the next state

¹ Documentation required for exemption is outlined in ORS 433.267.

mandated exclusion date. The exclusion date is written on the *Immunization Record Statement/Exclusion Order for No Record*. A copy must be given to the parent or guardian.

30-Day Notification

Administrators are to inform the health department if the immunization record is not received by the end of the 30-day period. However, administrators do not have the authority to exclude a student who does not comply. All exclusions must be done under the authority of the local health department.

Administrators are required to deny school attendance to any student excluded by the health department. In addition, if the excluded student does not meet the requirement within four school days, it is the responsibility of the administrator to notify the attendance supervisor of the unexcused absence.

Vision Screening/Eye Examination

The parent or guardian 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, treatment 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.

Dental Screening

The district shall file in the student's dental health record any dental screening certifications and any results of a dental screening known by the district. The district will provide to the parent or guardian of each student, standardized information developed by the Oregon Health Authority's chief director regarding dental screenings, further examinations or necessary treatments and preventative care including fluoride varnish, sealants and daily brushing and flossing.

The parent or guardian 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 submit a certification within 120 days of beginning the education program, that the student has received a dental screening within the previous 12 months.

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;
2. The dental screening is contrary to the religious beliefs of the student or the parent or guardian of the student; or

3. The dental screening is a burden for the student or the parent or guardian of the student in the following ways:
 - a. The cost of obtaining the dental screening is too high;
 - b. The student does not have access to an approved screener;
 - c. The student was unable to obtain an appointment with an approved screener.

The certification may be provided by a licensed dentist, a dental hygienist or a health care practitioner as defined by state law. The certification must include the:

1. Student's name
2. Date of screening; and
3. Name of entity conducting the dental screening.

The district shall submit a report to the Oregon Department of Education that identifies the percentage of students who failed to submit the certification for the previous year, no later than October 1 of each year.

If the district is causing the dental screening to be conducted, the district will follow the notice requirements in accordance with law.

END OF POLICY

Legal Reference(s):

- | | | |
|-----------------------------|--|----------------------------------|
| ORS 326.580 | ORS 333.235 - 45 | OAR 581-021-0017 |
| ORS 336.211 | | OAR 581-021-0031 |
| ORS 336.213 | OAR 333-05-0010 | OAR 581-022-2220 |
| ORS 336.214 | OAR 333-05-0010 - 0120 | |

McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of Every Student Succeeds Act, 42 U.S.C. §§ 11431-11435 (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 (2020).

OSBA Model Sample Policy

Code: JHCC
Adopted:

Communicable Diseases - Students

(Recommend delete: the requirement for this policy was found in OAR 581-022-2220, which has since been revised and requirement removed in lieu of a new requirement for a Communicable Disease Plan. Refer to policy GBEB and GBEB-AR.)

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 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 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 - 431.157](#)
[ORS 433.001 - 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* (2020).
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).

OSBA Model Sample Policy

Code: JHCC-AR
Adopted:

Communicable Diseases – Student

(Recommend delete: the requirement for this AR was found in OAR 581-022-2220, which has since been revised and requirement removed in lieu of a new requirement for a Communicable Disease Plan.)

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 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 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.

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.

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.
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.
6. More stringent exclusion standards for students from school may be adopted by the local health department.
7. 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 in 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 to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA). [(See policy EBBAA).]

OSBA Model Sample Policy

Code: JHCCA
Adopted:

Students - HIV, HBV and AIDS**

(Recommend delete: the requirement for this policy was found in OAR 581-022-2220, which has since been revised in lieu of a new requirement for a Communicable Disease Plan.)

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. The district will make reasonable accommodations to allow students living with HIV infection to participate in school-sponsored physical activities.

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 may also develop procedures for rumor control, infection control, student accommodations and public relations/media.]

END OF POLICY

Legal Reference(s):

¹ HIV - Human Immunodeficiency Virus; HBV - Hepatitis B Virus; AIDS - Acquired Immune Deficiency Syndrome

[ORS 326.565](#)
[ORS 326.575](#)
[ORS 332.061](#)
[ORS 336.187](#)

[ORS 336.615 to -336.665](#)
[ORS 339.030](#)
[ORS 339.250](#)
[ORS 433.008](#)

[ORS 433.045](#)
[OAR 333-018-0000](#)
[OAR 333-018-0005](#)
[OAR 581-022-2060](#)
[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 (2012); Family Educational Rights and Privacy, 34
C.F.R. Part 99 (2017).

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OSBA Model Sample Policy

Code: JHCCF
Adopted:

Pediculosis (Head Lice)

(Version 3)

(A student with nits and/or infested with live lice will be allowed to remain in school.)
{Optional policy.}

A student with a suspected case of head lice may be referred to designated trained staff for a screening. The screening will be done in a confidential manner by trained personnel.

School personnel will notify the parent or guardian of a student found with head lice and may provide information on appropriate treatment. The student will be allowed to remain in school.

~~The suggested school measures for head lice control, as provided in *Head Lice Guidance* published by the Oregon Department of Education and the Oregon Health Authority, Public Health Division,[†] shall be followed.~~

Suggested school measures for head lice provided in [Communicable Disease Guidance for Schools](#) issued by the Oregon Department of Education and Oregon Health Authority will be consulted.

END OF POLICY

Legal Reference(s):

~~ORS 332.107~~

~~NATIONAL ASSOCIATION OF SCHOOL NURSES, *Pediculosis Management in the School Setting*, (POSITION STATEMENT REVISED 2016).
THE AMERICAN ACADEMY OF PEDIATRICS, (MAY, 2015).
CENTERS FOR DISEASE CONTROL AND PREVENTION, (2015).
OREGON DEPARTMENT OF EDUCATION, *Head Lice Guidance*.~~

[†] ~~<http://www.oregon.gov/ode/students-and-family/healthsafety/Pages/Student-Health-Conditions.aspx>~~



Code: KAA
Adopted: 1/04/07
Revised/Readopted: 1/12/11
Orig. Code: KAA

Community Relations

All members of the community, including those who have no direct contact with the district or its schools, have a right to be informed about the activities and actions of their district. They have the right will be given opportunities to become involved in the district activities and to give input on district decisions. The Board directs the superintendent to develop regular channels of communications with the community at large, and to provide opportunities for the public to give input to the Board and administration (See Board policy BDDH – Public Comment at Board Meetings).

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 4/19/23



Code: KAB
Adopted: 1/12/11
Orig. Code: KAB

Parental[†] Rights**

The Board~~board~~ recognizes the importance of promoting parental input in decision making related to their student's health and general well-being,¹ in determining district and student needs for educational services, and; in program development and district operations. To assist the district in this effort, and in accordance with law,~~the Every Student Succeeds Act of 2015 (ESSA)~~, 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"²~~as defined by ESSA~~;
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"³~~as defined by ESSA~~. The rights provided to parents under this policy, transfer to the student when the student turns 18 years of age, or is an emancipated minor under applicable state law.

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).~~

²~~"Covered survey items" under ESSA~~ include 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 ESSA~~ 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.

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](#)

Every Student Succeeds Act of 2015, 20 U.S.C. § 7928 (2012).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2012).

Corrected 4/19/23



Code: KAB-AR
Revised/Reviewed: 1/12/11
Orig. Code: KAB-AR

Parental[†] Rights**

The following definitions and procedures will be used to implement the parental rights requirements of the Every Student Succeeds Act of 2015 (ESSA):

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 (IDEA);
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 (ESSA) 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

[†]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).

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 a 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 their/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.

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. 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.

Notification

Each principal shall be responsible for ensuring appropriate notification to parents of their rights under federal law, ~~Board~~ 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.

Corrected 4/19/23



Code: KBA
Adopted: 1/12/11
Revised/Readopted: 2/12/14; 6/13/18
Orig. Code: KBA

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.~~

~~A request to inspect or receive a copy of a public record shall be in writing and will be presented to the district superintendent’s office.~~

A “public record” includes any writing that contains information relating to the conduct of the public’s business, prepared, owned, used or retained by the district regardless of physical form or characteristics, unless otherwise exempted by law.¹ “Writing” means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols or combination thereof and all papers, maps, files, facsimiles or electronic recordings. Public record does not include any writing that does not relate to the conduct of the public’s business and that is contained on a privately owned computer.²

~~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 accessible appropriate format, upon request and with appropriate advanced notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities may~~

¹ There are multiple definitions for “public record” in ORS 192. This definition comes from ORS 192.311 and applies to the inspection of records.

² In accordance with *Bialostosky v. Cummings*, 319 Or. App. 352 (2022), an individual board member may be considered a public body for public record purposes. Consequently, records created and retained solely by individual board members may be considered public records.

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 reasonable effort every effort to disseminate information. Each principal is authorized to use all means available means to keep parents and others in the 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.~~

The Board reserves the right to establish a fee schedule which will reasonably reimburse the district for the actual cost of making public records available pursuant to law. The district will not be obligated to complete a request for which the requester has not paid the fee as permitted by state law. There will be no additional charge for auxiliary aids and services provided for qualified persons with disabilities.

Employee and volunteer personal residential addresses, personal electronic mail addresses, ~~(other than district electronic mail addresses assigned by the district to district employees)~~, social security numbers, dates of birth and personal telephone or cellular numbers, and other information listed in Oregon Revised Statute (ORS) 192.355 as exempt, contained in personnel records maintained by the district are exempt from public disclosure pursuant to ORS 192.363 - 368445 and ORS 192.355502 (3). ~~District electronic mail addresses assigned~~ Such information may be released only upon the written request of the employee or volunteer or as otherwise provided by the district to district employees are not exempt 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 addressed assigned by the district to district employees are not exempt.~~

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.

The district shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

The district shall retain and maintain its public records in accordance with Oregon Administrative Rule (OAR) 166-005-0010 and Chapter 166, Division 400 and ORS Chapter 192.

END OF POLICY

Legal Reference(s):

[ORS 180.805](#)

[ORS Chapter 192](#)

[OAR 137-004-0800\(1\)](#)

[OAR 166-005-0010](#)

[OAR 166-400](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2021); 28 C.F.R. Part 35 (2021).

OREGON DEP'T OF JUSTICE, OREGON ATTORNEY GENERAL, *Public Records and Meetings Manual*.



Code: KBA-AR
Revised/Reviewed: 1/12/11; 9/14/16; 6/11/18
Orig. Code: KBA-AR

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. A public records request shall be submitted in writing through the district superintendent's office at 1204 NE 201st Avenue, Fairview, Oregon.
2. Upon receipt of a written request, the district shall respond within five business days¹ acknowledging receipt of the request or completing² the district's response to the request. If the district provides an acknowledgment of the request, it must:
 - a. Confirm that the district is the custodian of the requested record;
 - b. Inform the requester that the district is not the custodian of the requested record; or
 - c. Notify the requester that the district is uncertain whether the district is the custodian of the requested record.
3. If the district is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the district is required to acknowledge receipt of the request as described above, the district shall:
 - a. Complete its response to the public records request in accordance with ORS 192.329(2). If the district determines that a record is exempt from public disclosure, the district will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or
 - b. Provide a written statement that the district is still processing the request and a reasonable estimated date by which the district expects to complete its response based on the information currently available.
4. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the district if compliance would be impracticable because:
 - a. The staff or volunteers³ necessary to complete a response to the public records request are unavailable;

¹ "Business day" means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the district is scheduled to and does report to work. Business day does not include any day on which the central administration offices of the district are closed.

² The district response to a public records request will be considered complete when it complies with criteria in Oregon law (ORS 192.329).

³ Staff member or volunteers who are on leave or are not scheduled to work are considered to be unavailable.

- b. Compliance would demonstrably impede the district's ability to perform other necessary services; or
- c. Of the volume of the public records request being simultaneously processed by the district.

In these situations, the district shall, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request.

- 5. The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request as permitted by law. If the district requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days to a good faith request from the district for information or clarification, the district shall close the request.
- 6. If a copy of a public record is requested, the district will provide a single copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be made available provided in the form the record is maintained.
- 7. 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 Oregon Revised Statute (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.
- 8. Information will be made available to individuals with disabilities in an accessible 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.
- 9. Where the labor effort exceeds 30+15 minutes, labor, material and out-of-pocket charges will be charged to the requester. will be reimbursed to the district. Labor will be calculated at the hourly rate plus benefits of the employee affected. Materials and out of pocket charges will be reimbursed at the established rate of \$.25 per page. Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.

Costs will be as follows:

- a. Clerical time: \$40 per hour;
- b. Administrator time: \$90 per hour;
- c. Attorney time: \$300 per hour;
- d. Printing: \$0.25 per page.

If the district has informed the requester of a permitted fee, the obligation of the district to complete its response to the request is suspended until the fee has been received by the district. If the requester fails to pay the fee within 60 days of the date they were informed of the fee or fails to pay the fee within 60 days of the date on which the district informed them of the denial of the fee waiver, the district shall close the request. The district reserves the right to restrict the inspection of some public records to the district's facilities.



Code: KBCA
Adopted: 1/04/07
Readopted: 1/12/11
Orig. Code: KBCA

News Media and News Releases

The Board recognizes that information carried by the media is important for meeting the goal of informing the public about the district. The Board directs the superintendent to establish a cooperative relationship with the media, and to establish regular channels of communication between the district and the media.

When members of the media visit the schools to gather information or photographs for a news story, they shall first report to the administrator in charge. The administrator or designee may accompany the media representative during his or her visit. To allow for the safety and privacy of students and their families, the administrator may limit photographing or interviewing of specific students.

The procedures listed below will be followed in giving official information to the news media:

1. The Board chair will be the official spokesperson for the Board, unless this duty is delegated;
2. News releases that are of districtwide interest or that pertain to established district policy will be the responsibility of the superintendent or designee;
3. All communications will be approved by the director of communications or designee prior to release. END OF POLICY

Legal Reference(s):

[ORS 192.640](#)

[ORS 332.107](#)

Corrected 4/19/23



Code: KG
Adopted: 1/04/07
Readopted: 5/11/11
Orig. Code: KG

Community Use of District Facilities

Community groups will be permitted and encouraged to use district facilities when such uses do not interfere with district programs. The superintendent will encourage the involvement of staff, parents of students and community in the development of guidelines for community use of district facilities. All such arrangements will be subject to the following provisions:

Rental Charges and Approval of Use

All district facility rentals will be approved by the superintendent or designee through an established process.

The superintendent or designee will be responsible for specific building-use regulations, except special requests not covered by Board policy.

Every possible opportunity will be provided community members, students and community organizations to use district facilities. Local public school organizations such as parent-teacher groups may use facilities without a room rental or equipment charges. Local public school organizations will be charged actual costs when it becomes necessary to pay custodial or supervisory salaries beyond regular hours and for primary insurance coverage when required. The administration is directed to recapture costs associated with operating district facility(ies).

The superintendent or designee will develop rules and regulations to carry out the intent of this policy, and these administrative regulations will:

1. Provide for adequate security and supervision, proper care, appropriate use and recapture all appropriate costs;
2. Require that all facilities remain drug, tobacco, inhalant delivery system and alcohol free;
3. Establish a fee schedule to be used in determining user priority and room, as well as equipment charges;
4. Provide criteria for non-district users;
5. Provide flexibility for multiple use, interagency use and/or cooperative use agreements including, but not limited to, an additional insured provision on user's primary general liability insurance;
6. Provide for special reserve account(s), which may be by site and district facilities and maintenance, to house receive related fees and charges. Fees and charges will be dedicated for replacement of

broken and worn equipment, purchase of new equipment and repairs of damaged equipment and facilities:

END OF POLICY

Legal Reference(s):

[ORS Chapter 244](#)
[ORS 260.432](#)

[ORS 332.107](#)
[ORS 332.172](#)

Corrected 4/19/23; Corrected 1/24/24



Code: KGB
Adopted: 11/08/17
Orig. Code: KGB

Public Conduct on District Property

No person on district property or any district grounds, including parking lots, shall:

1. Haze, harass, intimidate, bully or menace another, or engage in behavior deemed by the district to endanger the safety of students, employees, self or others;
2. Use or engage in abusive verbal expression or physical conduct that interferes with the performance of students, event officials or sponsors of approved activities;
3. Damage the property of another or of the district;
4. 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;
5. Construct or transport to district property for temporary or permanent purposes any structure not approved for construction on, or transportation to, district property;
6. Uproot, pick, cut, mutilate or remove plant life or other natural resources of any kind. Roots, tubers, flowers and stems may not be collected. Soil or rock may not be dug up or removed;
7. Dump or spill any sewage, waste water or other fluids from any vehicle;
8. Use district waste containers or other district property for the deposit of waste or refuse generated from household, commercial, industrial, construction or other uses not related to approved use on district property;
9. Block, obstruct or interfere with vehicular or pedestrian traffic on any district road, parking area, walkway, pathway or common area. Occupying or impeding access to any district facility in a manner that interferes with the approved use of such facility by district employees, students or other authorized users is prohibited;
10. Fly, launch or otherwise operate motorized model airplanes/helicopters/rockets or other similar propulsion devices unless approved in advance by the district;
11. Operate an unmanned aircraft system (UAS) or drone unless granted permission from the superintendent or designee;
12. Distribute or post circulars, notices, leaflets, pamphlets or other written or printed material in violation of Board policy KJA - Materials Distribution;

13. Operate a concession, solicit, sell or offer for sale any goods, wares, merchandise, food, beverages or services without prior district approval. Public sales and solicitation on district property will be governed by Board policies KGA - Public Sales on District Property, KI - Public Solicitation in District Facilities and KJ - Advertising in District Facilities;
14. Operate a motor vehicle in an area other than on roads and in parking areas constructed or designated for motor vehicle use. Vehicles shall be driven in a safe manner, at posted speeds and will only be appropriately parked in areas designated by the district. Motorized vehicles such as minibikes, scooters, go-carts, all-terrain-vehicles, snowmobiles and other similar devices are prohibited on district grounds. Bicyclists must comply with motor vehicle and bike regulatory signs;
15. Use a skateboard, rollerblades, scooter or similar device. ~~Use of such is other than in designated areas during nonschool hours~~ at the user's risk;
16. Bring an animal into a district building without prior administrator approval and, where appropriate, only when proof of current rabies vaccination has been provided. Dogs are permitted on district grounds only when confined to a vehicle or on a leash and when kept under the physical control of the individual at all times. The owner is responsible for the animal's behavior and containment and for the removal of the animal's wastes while on district property. ~~Other use will be in accordance with Board policy ING – Animals in District Facilities.~~ All other animals on district property are prohibited. Animals serving the disabled are permitted as provided by law;
17. Camp overnight, loiter or otherwise be present on district property after the conclusion of approved activities or as otherwise posted or authorized by the district. Individuals are prohibited from entering any portion of district premises at any other time for purposes other than those which are lawful and authorized by district officials;
18. Use or operate any noise-producing machine, vehicle, device or instrument in a manner that, in the judgment of district officials, is disturbing to, or interferes with, the orderly conduct of district programs or approved activities;
19. Impede, delay or otherwise interfere with the orderly conduct of the district's educational program or any other activity taking place on district property which has been authorized by the district;
20. ~~Bring, Will possess an unauthorized firearm or use any other instrument used as a dangerous or deadly a weapon as prohibited by defined in Board policy JFCJ - Weapons in the Schools and state and federal law and Board policy;~~
21. Possess, consume, sell, give or deliver unlawful drugs and/or alcoholic beverages. Possess, sell, give or deliver drug paraphernalia;
22. Use, distribute or sell tobacco products or inhalant delivery systems, in any form ~~(Pro-Children Act of 1994; ORS 433.835 to 433.990; OAR 581-021-0110);~~
23. Wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other item that is evidence of membership or affiliation with 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;

24. Violate posted regulatory signs;
25. Willfully violate other district policies, administrative regulations or school rules designed to maintain public order on school property.

Persons having no legitimate purpose or business on district property, or those violating or threatening to violate the above rules, may be issued a trespass citation and ejected from the premises, excluded from district-approved activities temporarily or permanently and/or referred to law enforcement officials.

The superintendent will ensure that appropriate notice of these rules is provided.

END OF POLICY

Legal Reference(s):

ORS 161.015	ORS 166.210 to -166.370	ORS 433.835 to -433.990
ORS 164.245	ORS 332.172	ORS 806.060 to -806.080
ORS 164.255	ORS 336.109	OAR 333-015-0025 to -0090
ORS 166.025	ORS 339.883	OAR 581-021-0110
ORS 166.155 to -166.165	ORS 431.840	OAR 584-020-0040(4)(e),(g)

Gun-Free Schools Act, 20 U.S.C. § 7961 (2012).
 Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).
 Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2012).

Corrected 1/25/23; Corrected 4/19/23



Code: KGC/GBK
Adopted: 1/04/07
Revised/Readopted: 1/12/11; 9/09/15; 6/13/18; 4/28/23
Orig. Code: KGC/GBK/JFCG

Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems

To be consistent with Oregon law, the use, distribution or sale of tobacco products or inhalant delivery systems by staff and all others is prohibited at all times on district premises, in any building or facility, on district grounds, including parking lots, in any vehicle owned, leased, rented or chartered by the district, school or public charter school and at all district- or school-sponsored activities. Staff or others authorized to use any private vehicle to transport district students to school-sponsored activities are prohibited from using tobacco products and inhalant delivery system products or similar devices 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. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

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 products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

Advertising

Clothing, bags, hats and other personal items used by staff to display, promote or advertise tobacco products or inhalant delivery systems are prohibited on district grounds or premises, including parking lots, at school-sponsored activities or in district vehicles. Tobacco product or inhalant delivery system product advertising is prohibited, on all district premises, including parking lots, in all school-sponsored publications and at all school-sponsored events. District acceptance of gifts or funds from the tobacco product or inhalant delivery system product industries is similarly prohibited. The district will not contract with other public or private alternative schools that allow the use of tobacco products or inhalant delivery systems or products on campus.

Staff Violations

Staff Violations of this policy by staff will result in discipline up to and including dismissal.

Violations by all others will result in appropriate sanctions as determined and imposed by the superintendent or the Board. The district reserves the right to restrict access to district property by individuals who are repeat offenders.

District Responsibility

The superintendent shall consult with local officials to promote enforcement of law that district prohibits the possession of tobacco products or inhalant delivery systems or products by persons under 21 years of age on or off district grounds, in district buildings or at school- or district-sponsored activities.

This policy shall be enforced at all times.

The superintendent will develop guidelines as necessary to implement this policy, including provisions for notification of the district's policy, through such means as 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.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 336.227](#)

[ORS 339.883](#)

[ORS 431A.175](#)

[ORS 433.835 to -433.990](#)

[OAR 581-021-0110](#)

[OAR 581-053-0230\(9\)\(s\)](#)

[OAR 581-053-0330\(1\)\(m\)](#)

[OAR](#)

[581-053-0430\(12\)](#)

[OAR 581-053-0531\(11\)](#)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).

Corrected 4/19/23



Code: KH
Adopted: 1/12/11
Orig. Code: KH

Public Gifts to the District

Gifts which may serve to enhance and extend the work of the schools may be ~~accepted~~ received by the district. It will be the district’s general policy to direct those who desire to make contributions to consider equipment or services that are not likely to be acquired from public fund expenditures.

1. Tangible property contributed to the schools becomes the property of the district and is subject to the same controls and regulations that govern the use of other district-owned property.
2. Contributions of property or services that may involve ~~major~~ costs for installation or maintenance, ~~beyond budgeted expenses~~, or initial or continuing financial commitments from district funds, will be presented by the superintendent for ~~Board~~ ~~board~~ consideration and approval.
3. Any groups planning to raise money for a gift to a school or the educational system will first consult with the principal and superintendent regarding what kind of gift should be made. The superintendent will develop guidelines for accepting gifts. Such guidelines will include a concern for fairness and equity among schools.
4. Priority lists of needed and desirable equipment, supplies or services will be kept in each school.
5. Conditions for contributions for a scholarship or scholarship fund shall be developed by a scholarship committee appointed by the superintendent and approved by the ~~b~~Board.
6. All gifts will be subject to the provisions of ~~Board~~ ~~board~~ policy.
7. ~~Gifts accepted shall be used for the purpose for which they were donated.~~

Gifts accepted shall be used for the purpose for which they were donated.

In accepting gifts, the ~~district board~~ will be aware of the requirement that there should not be significant differences among the various school facilities. The ~~district Board~~ will take into consideration any possible Title IX implications when considering acceptance of donations and/or gifts for athletics and activities.

END OF POLICY

Legal Reference(s):

[ORS 294.338](#)
[ORS 332.075](#)

[ORS 332.107](#)
[ORS 332.385](#)

Corrected 4/19/23



Code: KI
Adopted: 1/12/11
Revised/Readopted: 11/08/17
Orig. Code: KI

Public Solicitation in District Facilities

~~Students and staff are to be protected from intrusions by announcements, posters, bulletins and communications of any kind from individuals and organizations not directly connected with the schools. Approval of any such materials requires approval by the principal.~~

Fund raising **and solicitation** by non-school agencies or for non-school activities during school hours will not be permitted without prior approval of the superintendent and/or principal.

Demonstrations of services or materials and canvassing of students or employees for the purpose of selling products or services shall not be permitted in either the district's schools or grounds, unless authorized by the superintendent and/or principal.

No non-school-sponsored organization or individual may solicit funds or sell tickets within the district without first securing permission through the superintendent and/or principal.

Whenever possible, solicitation should occur during non-classroom time.

~~The solicitation and sale of travel services to students is prohibited unless expressly approved by the superintendent on district property, at activities under the jurisdiction of the district and at interscholastic activities administered by a voluntary organization.~~

~~This includes sale of services to students by any person or group that sells, provides, furnishes, contracts for, arranges or advertises travel services.~~

Sellers of travel services must meet the following district criteria:

- ~~1. Belong to an association of sellers of travel certified by the director of the Department of Consumer and Business Services;~~
- ~~2. Provide proof of errors and omissions insurance;~~
- ~~3. Provide proof of a client trust account or performance bond;~~
- ~~4. Submit references;~~
- ~~5. Include in all information provided to students and parents that drug, alcohol and tobacco use will be prohibited;~~

6. ~~Include in all information provided to students and parents a statement that the activity is a non-school-sponsored event;~~
7. ~~Other.~~

The administration of surveys, questionnaires and requests for information by non-school-connected organizations are ~~prohibited~~ ~~disallowed~~. Exceptions may be approved by the superintendent. In the event an exception is granted for the administration or distribution of a survey created by a third party, the district will provide an opportunity for the student’s parent to inspect such survey upon request, before the survey is administered or distributed by a school to a student, ~~as required by the Every Student Succeeds Act of 2015 (ESSA)~~. Any district survey containing any “covered survey items” ~~as defined by ESSA~~, may also be inspected by parents.

Parents may also request that their student be excused from participation in such surveys. Requests may be submitted in accordance with the provisions of ~~Board~~ ~~board~~ policy KAB - Parental Rights and accompanying administrative regulation.

As required by law, the superintendent shall ensure that notification is provided to parents of students at least annually at the beginning of the school year or when enrolling students for the first time in school, of the specific or approximate dates during the school year when such surveys are scheduled or expected to be scheduled. The rights provided to parents under this policy transfer to the student when the student turns 18 years of age or is an emancipated minor under applicable state law.

The district recognizes its responsibility to protect student privacy. Personal information that may be collected as a result of such surveys will be released only with prior, written parental permission, unless as otherwise provided by ~~law~~ ~~ESSA~~ and/or the provisions of ~~Board~~ ~~board~~ policy JOB - Personally Identifiable Information.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 339.880](#)

32 OR. ATTY. GEN. OP. 209 (1965)

46 OR. ATTY. GEN. OP 239 (1989)

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Every Student Succeeds Act, 20 U.S.C. § 7928 (2012).

Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2012).

Corrected 4/19/23

¹ “Covered survey items” include 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, anti-social, 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.



Code: KJ
Adopted: 10/11/17
Orig. Code: KJ

Advertising in District Facilities

It is the intent of the district to operate a nonpublic forum, and except as allowed in this policy, advertisement is prohibited on district property.

Advertising which is consistent with community standards, school curriculum and academic goals, and which is age-appropriate and consistent with district nondiscrimination policies, may be accepted for placement in school publications and on certain district property. Advertising on district property shall be prohibited where the circumstances, in the judgment of the superintendent or designee, may be considered exploitative of the students of the district or may otherwise compromise the district's educational mission.

The district will not accept advertisements which:

1. Promote bias toward individuals, hostility, disorder, violence or fraudulent or unethical practices;
2. Promote the use of illegal drugs, alcohol, tobacco products, inhalant delivery systems, gambling or firearms;
3. Attack or promote ethnic, racial, or religious groups;
4. Are sexually exploitative in nature or deal with sexual issues;
5. Are libelous;
6. Inhibit the functioning of the school;
7. Override the school's identity;
8. Promote, favor or oppose the candidacy of any candidate for election, adoption of any bond issues, or municipal or school election;
9. Promote any religious beliefs, or religious or political organization;
10. Contain vulgar and plainly offensive, obscene language;
11. Are associated with any company or individual whose actions are inconsistent with the district's mission and goals or community values; or
12. Promote any product or service not permitted to minors by law.

The superintendent may consider for approval revenue-enhancing activities that include, but are not limited to, contracts or agreements for:

1. Exclusive advertising of any product or service throughout the district or at specified locations or times to a person, business or corporation in exchange for goods or services (e.g., scoreboards, electronic message boards, athletic gear, exclusive right to sell beverages, bottled water, snacks, meals, etc.);
2. Products or services that require the dissemination of advertising to staff, students, parents or others or allow any person, business or corporation to obtain information from staff, students, parents or others for the purposes of market research;
3. The use of district facilities or grounds in exchange for products, services or financial considerations (e.g., cell phone towers, etc.);
4. Technology hardware, software, satellite hook-up and/or access in exchange for free or reduced prices and/or fees and/or advertising rights, or agreement to use equipment a certain number of hours of the day, month, etc.;
5. Naming rights to district property in exchange for goods, services or monetary considerations.

Contracts shall include a provision allowing the district to terminate the contract if it is determined by the district to have an adverse impact on district programs, services or activities. Revenue derived shall be used for programs, services and/or activities as determined by the district.

The placement of advertisements on district property or in school publications does not constitute school or district endorsement of any product, service, organization, or activity. Advertisements that imply or declare an endorsement of a product, service, organization or activity are prohibited.

Revenues from advertisements in school publications shall be used to offset the cost of producing the publications. Excess shall accrue to the organization sponsoring the activity. Revenues from advertising on district property (i.e., scoreboards) shall be a resource to the district general fund or, if appropriate, to a special fund.

The superintendent or designee shall approve advertisements on district property on a case-by-case basis. Such advertisements may be renewed on a three-year basis.

END OF POLICY

Legal Reference(s):
[ORS 279B.055](#) [ORS 279C.335](#)

[ORS 332.107](#)
[ORS 339.880](#)

Corrected 4/19/23



Code: KJ-AR
Revised/Reviewed: 1/12/11
Orig. Code: KJ-AR

Commercial Advertising/~~Merchandise Sales~~

Commercial advertising in district schools may be permitted by the superintendent or designee subject to the following. Schools, with prior approval, may:

1. Publish advertising in any school newspaper, other school periodical, school or district publication, web page or yearbook;
2. Distribute advertising or market research as part of a district-approved curriculum on advertising, marketing or media literacy, etc.;
3. Post signs of school, district or public appreciation for financial or other support from any person, business or corporation for the educational program in any school in the district;
4. Use free educational materials with incidental advertisements;
5. Permit demonstrations of educational materials and equipment;
6. Cooperate with nonprofit community organizations in making or posting announcements or distributing program materials that supplement the school program provided that such cooperation does not interfere with the school program and is consistent with the mission, goals and policies of the district;
7. Utilize films or other educational materials and instructional aids, including newspapers and magazines in either print or electronic form furnished by private sources, when the advertising content is reasonable in the judgment of the superintendent or designee;
8. Permit participation, on a student-option basis, in essay, art, science and similar contests sponsored by outside interests when such activities parallel the curriculum and contribute to the educational program;
9. Release promotional material for nonschool athletic and cultural events through appropriate school departments;
10. Accept limited advertising on extracurricular activity schedules and programs.

Other exceptions may be approved when, in the judgment of the superintendent or designee, students of the district will benefit.

When schools are permitted to participate in commercial ventures as provided by board policy and this administrative regulation, the following restrictions will apply:

1. There may be no obligation on the part of students or staff to sell products, make purchases or distribute information;
2. No student will be expected to go door-to-door in soliciting funds or selling products;
3. The use of any advertising for alcohol, ~~or~~ tobacco products or inhalant delivery systems in district publications or for any other purpose inconsistent with board policies and administrative regulations is prohibited;
4. If a commission, rebate or other consideration results from the sale of any approved product or service, it will become the property of the district and distributed as directed by the superintendent or designee;
5. Contracts considered for approval are subject to the competitive procurement requirements of ~~the~~ Board policies DJ - District Purchasing and DJC - Bidding Requirements and the district's public contracting rules. Competitive procurement as used in this regulation includes monetary as well as in-kind contributions;
6. Disclaimers will be made that advertisements do not indicate endorsement of a product or service.

No activity which requires staff or students to assist in promoting campaigns (financial, charitable, educational or otherwise) will be permitted without the express permission of the superintendent. It is not the function of the school to be a collection agency for civic, charitable, commercial or other entity projects.

Corrected 4/19/23



Code: KJA
Adopted: 1/04/07
Readopted: 1/12/11
Orig. Code: KJA

Materials Distribution**

General Information

Requests by individuals or groups to distribute pamphlets, booklets, flyers, brochures and other similar materials to students for classroom use or to take home shall be submitted to the school administration. Materials and the proposed method of distribution shall be subject to review.

Materials shall be reviewed based on legitimate educational concerns. Such concerns include: the material is or may be defamatory; the material is inappropriate based on the age, grade level and/or maturity of the reading audience; the material is poorly written, inadequately researched, biased or prejudiced; the material contains information that is not factual; the material is not free of racial, ethnic, religious or sexual bias; or the material contains advertising that violates public school laws, rules and/or policy, is deemed inappropriate for students or that the public might reasonably perceive to bear the sanction or approval of the district.

The administration shall determine distribution procedures. Such procedures may include:

1. Distribution to each student before or after class if materials are not directly related to the instructional goals;
2. Notification to students or parents of the availability of the materials in a specified location if this procedure is deemed less disruptive to the educational process; or
3. Solicitation of school-related groups such as parent organizations to distribute materials.

The practice of distributing pamphlets, booklets, flyers, brochures and other similar materials shall be periodically reviewed to ensure that the mere volume of requests has not become an interruption to the educational process.

Private Business Advertisements

Materials which have as their primary purpose the promotion or advertisement of a private business shall not be distributed through the schools.

Any other materials not covered by this policy must be approved for distribution by the superintendent or his/her designee.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

46 OR. ATTY. GEN. OP. 239 (1989).

Corrected 4/19/23



Code: KJB

Adopted:

Signs and Banner

Signs and banners in and on all district facilities, owned or leased, shall be subject to the district's provisions which shall consider the health, safety and welfare of staff and students.

Signs and banners will be allowed in or upon buildings and other district facilities only with the prior written approval of the superintendent or designee.

The following shall be applied in considering requests to display signs or banners:

1. Signs and banners on sticks require special authorization of the superintendent or designee;
2. Signs and banners fastened to any structure of a building or structures immediately adjacent to an open space shall not be allowed without specific prior written permission;
3. Signs and banner presenting recognizable health or safety hazards are prohibited;
4. Signs and banners presenting false information shall be prohibited.
5. Signs and banners violating the Every Student Belongs policy shall be prohibited.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 4/19/23



Code: KK
Adopted: 10/11/17
Orig. Code: KK

Visitors to District Facilities**

The Board believes that a better understanding of its educational program and improved relationship between the schools and community can be developed through school and classroom visitations of parents and patrons. Such visitations should be encouraged, arranged and permitted within considerations of the requirements of the educational program, the orderly administration of the school, school grounds and classrooms and the safety and welfare of students.

The district is responsible for the schools' supervision and administration. To ensure that school work is not disrupted and that visitors are properly directed to the areas in which they are interested, all visitors to district facilities must report to the school office upon entering school property.

1. Teachers' work must not be impeded by interruption of visitors or by unreasonable demands on their time.
2. Visitors must not contact individual students except as authorized by the principal and/or teachers.
3. When in the interest of orderly educational programs and the safety of students it is determined by the principal that some specific visitor or visitors shall not be permitted to enter the school facilities, the principal shall do the following:
 - a. Advise the person that he/she is refused admission is refused and give that person an explanation for the refusal;
 - b. If possible and appropriate, attempt to arrange alternative visitation of school facilities.
4. A visitor with permission to visit may be directed to leave when any teacher or administrator reasonably believes the visitor has engaged in physical violence, loud or disruptive speech or behavior, violation of a posted school rule or illegal conduct.

A visitor may also be directed to leave by the staff member administratively in charge of the building if the visit would be disruptive to the educational program or school order; would impede the work of teachers through visitor's interruptions or unreasonable demands on teacher time; or if the visitors' course of conduct would conflict with board policies, district or building regulations or would violate the law.

5. A direction to leave revokes any permission to visit or license to enter. Whenever possible, the direction should be given in writing or followed by written notice which identifies the issuer and gives a brief statement of the reason for the direction to leave. The principal's office should be notified of any direction to leave and given a copy of any written notice.

6. Those who insist on remaining despite a principal's request to leave and who thereby create a disruption of the carrying on of school business are subject to citizen's arrest and a report made to the appropriate law enforcement agency. Failure to leave will render a visitor liable for criminal trespass pursuant to Oregon Revised Statutes.
7. Any visitor who believes ~~that he/she has had~~ a visit ~~has been~~ unfairly limited, may request a meeting with the superintendent. The latter ~~shall~~ ~~may~~ meet promptly with the visitor, investigate the dispute and render a written decision. The superintendent's decision may be appealed to the ~~b~~Board.
8. Any visitor who commits a violent act or threatens to commit a violent act toward a student or staff member while on school grounds, at a school-sponsored event or on the way to and from school, shall be reported immediately to the principal and/or superintendent. District emergency protocols would be followed.

END OF POLICY

Legal Reference(s):

[ORS 164.245](#)
[ORS 164.255](#)

[ORS 166.025](#)
[ORS 166.155 to -166.165](#)

[ORS 332.107](#)
[ORS 339.327](#)

Corrected 1/24/24



Code: KL
Adopted: 12/10/08
Revised/Readopted: 1/12/11; 9/09/15; 1/13/16;
4/13/16; 6/13/18
Orig. Code: KL

Public Complaints**

The district will develop and implement effective means of receiving concerns voiced by students, parents and the public. The purpose of receiving concerns is to reduce potential areas of complaints and to establish and maintain recognized channels of communication and accountability.

A “complaint” is a concern or problem presented with the district. Certain types of complaints, such as complaints regarding, but not limited to, discrimination are treated with specific policies that outline the process for resolution.

Complaints will be referred through the proper administrative process for resolving complaints as outlined in administrative regulation KL-AR(1) - Public Complaint Procedure, for a solution before investigation or action by the Board. Exceptions are complaints against the superintendent or complaints that involve Board actions or Board operations.

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 a session open to the public unless an employee requests an open session.

A complaint of retaliation against a student or a student’s parent who in good faith reported information that the student believes is evidence of a violation of state and federal law, rule or regulation, should be reported to the administrator.

~~Complaints against the principal may start at step 3 and may be filed with the superintendent.~~

~~Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the board.~~

~~Complaints against the board as a whole or against an individual board member may start at step 4 and should be made to the board chair on behalf of the board.~~

~~Complaints against the board chair may start at step 4 and may be made directly to the board vice chair on behalf of the board.~~

~~While speakers may offer objective criticism of 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 chair will direct the~~

visitor to the appropriate means for board consideration and disposition of legitimate complaints involving individuals.

A complainant must file a complaint within the later of either time limit set below, in accordance with state law:

1. Within two years after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident. For incidents that are continuing in nature, the time limitation must run from the date of the most recent incident; or
2. Within one year after the affected student has graduated from, moved away from or otherwise left the district.

If your complaint addressed one or more of the issues identified below, you may use the complaint process available in any of the following policies and administrative regulations (AR):

1. Discrimination or harassment on any basis protected by law: ~~board~~ Board policy AC, AC-AR;
2. Bias incidents or display of symbols of hate: Board policy ACB, ACB-AR;
3. Board-Staff communications: ~~Board~~ board policy BG;
4. Equal Employment Opportunity: ~~Board~~ board policy GBA;
5. Staff complaints: ~~Board~~ board policy GBM;
6. Sexual harassment (staff): ~~Board~~ board policy GBN/JBA, GBN/JBA-AR(1), GBN/JBA-AR(2);
7. Sexual harassment (student): ~~Board~~ board policy JBA/GBN, JBA/GBN-AR(1), JBA/GBN-AR(2);
8. Hazing, harassment, intimidation, bullying, menacing or cyberbullying: ~~Board~~ board policy GBNA, GBNA-AR;
9. Instructional resources, ~~or instructional materials~~ or library materials: ~~Board~~ board policy IIA, IIA-AR;
10. ~~Library material selection: board policy IIA-C;~~
11. **10.** Hazing, harassment, intimidation, bullying, menacing, cyberbullying, teen dating violence or domestic violence: ~~Board~~ board policy JFCF, JFCF-AR;
12. **11.** Sexual conduct with a student: ~~Board~~ board policy JHFF/GBNAA, JHFF/GBNAA-AR;
- ~~13.~~**12.** Complaints regarding the Talented and Gifted Program (TAG): Board policy IGBB;
- ~~14.~~**13.** Compliance with state standards: ~~Board~~ board policy KL, KL-AR(1) and KL-AR(2).

The superintendent will develop and administer the complaint process.

If any complaint alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Standards), Oregon Revised Statute (ORS) 339.285 ~~to~~ 339.3803 or OAR 581-021-0550 to 581-021-0570

(Restraint and Seclusion) or ORS 659.852 (Retaliation), and the complaint is not resolved through the complaint process, the complainant, who is a student, a parent or guardian of a student attending a school in the district or a person who resides in the district, may appeal ~~rights with~~ with the district's final decision to the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule (OAR) 581-002-0040-0001 – 581-002-0023 (See KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction).

If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination) and the complaint is not resolved at the local level through administrative regulation AC-AR - Discrimination Complaint Procedure, the complaint may meet the criteria to file an appeal with the Superintendent of Public Instruction as outlined in OAR 581-021-0049002-0001 - 581-002-0023.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 332.107](#)

[ORS 659.852](#)
[OAR 581-002-0001 - 002-0005](#)

[OAR 581-022-2370](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
Connick v. Myers, 461 U.S. 138 (1983).

Corrected 1/24/24



Code: KL-AR(1)
Revised/Reviewed: 1/12/11; 4/08/15; 9/09/15;
1/13/16; 4/13/16; 6/13/18
Orig. Code: KL-AR(1)

Public Complaint Procedure

A parent or guardian of a student attending a school in the district, a person who resides in the district, a staff member, or a student who wishes to express a concern should discuss the matter with the school employee involved.

Initiating a Complaint: Step One

Any member of the public who wishes to express a concern should discuss the matter with the school employee involved. The employee shall respond within five working days.

The Administrator: Step Two

If the individual is unable to resolve a problem or concern with the employee, the individual may file a written, signed complaint with the principal within five working days of the employee's response. The principal shall evaluate the complaint and render a decision within five working days after receiving the complaint. (A form is available, but is not required.) Complaints against a principal may be filed with the directors of schools.

The Executive Director of Human Resources Superintendent or Designee: Step Three

If Step Two does not resolve the complaint, 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 executive director of human resources superintendent or designee clearly stating the nature of the complaint and a suggested remedy. (A form is available, but is not required.)

The executive director of human resources superintendent or designee shall investigate the complaint, confer with the complainant and the parties involved and prepare a report of his/her findings and his/her conclusion, and provide the report in writing or in an electronic form to the complainant within 10 working days after receiving the written complaint. (Approximately one week in most cases will be required.)

The Superintendent: Step Three

If Step Two does not resolve the complaint, the complainant may appeal to the superintendent within five working days of receiving the Step Two decision. The superintendent shall review the complaint, and may confer with the complainant and other parties involved. The superintendent will issue a conclusion in writing to the complainant within 15 working days after receiving the written appeal.

The Board: Step Four

If the complainant is dissatisfied with the superintendent's or designee's findings and/or 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 complaint and to hear and evaluate any other evidence as it deems appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's decision as the district's final decision. All parties involved, including the school administration, may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues.

If the Board chooses not to hear the complaint, the superintendent's decision is final.

~~The board may hold the hearing in executive session if the subject matter qualifies under Oregon law.~~

The complainant shall be informed in writing or in electronic form of the Board's decision within 20-30 working days from the hearing receipt of the appeal by the Board. The Board's decision will address each allegation in the complaint and contain reasons for the district's decision. The Board's decision will be final.

~~The complaint procedure set out above will not be longer than 90 days from the filing date of the original complaint with the administrator or supervisor.[†]~~

The timelines may be extended upon written agreement between the district and the complainant.

~~Complaints against the principal may be filed with the superintendent. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved within 10 working days of receipt by the superintendent, the complainant may request to place the complaint on the board agenda at the next regularly scheduled or special board meeting.~~

Complaints against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint 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. The Board may use executive session if the subject matter qualifies under Oregon law. A final written decision regarding the complaint shall be issued by the Board within 30 days of receipt of the complaint. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

[†]The timelines may be extended upon written agreement between both parties. This also applies to complaints filed against the superintendent or any board member.

Complaints against the bBoard as a whole or against an individual board member should be made to the bBoard chair on behalf of the bBoard. The bBoard chair shall present the complaint to the bBoard. If the bBoard decides an investigation is warranted, the bBoard may refer the investigation to a third party. When the investigation is complete, the results will be presented to the bBoard. After receiving the results of the investigation, the board shall decide, ~~within 20 days~~, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 30 days of receipt of the complaint. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the bBoard chair may be made directly to the bBoard vice chair on behalf of the bBoard. The bBoard vice chair shall present the complaint to the bBoard. If the bBoard decides an investigation is warranted, the bBoard may refer the investigation to a third party. When the investigation is complete, the results will be presented to the bBoard. After receiving the results of the investigation, the bBoard shall decide, ~~within 20 days~~, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 30 days of receipt of the complaint. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

The district's final decision for a complaint processed under this administrative regulation that alleges a violation of OAR Chapter 581, Division 22 (Standards), ORS 339.285 to 339.3803 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), will be issued in writing or electronic form. The final decision will address each allegation in the complaint and contain reasons for the district's decision. If the complainant is a student, parent or guardian of a student attending school in the district or a person that resides in the district, and this complaint is not resolved through the complaint process, the complainant may ~~have appeal~~ rights with the district's final decision to the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule (OAR) — 581-002-00400001 – 581-002-0023.

If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination) and the complaint is not resolved at the local level through the Board's administrative regulation AC-AR - Discrimination Complaint Procedure, the complaint may meet the criteria to file an appeal with the Deputy Superintendent of Public Instruction as outlined in OAR 581-021-0049002-0001 - 581-002-0023.

REYNOLDS SCHOOL DISTRICT COMPLAINT FORM

Person Making Complaint _____

Telephone Number _____ Date _____

Who is the complaint against? _____

Nature of Complaint _____

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

Suggested solution/resolution/outcome: _____

Signature of Complainant: _____ Date: _____

.....
Office Use

Disposition of Complaint: _____

Signature: _____ Date: _____

cc: District Office

Corrected 1/24/24



Code: KL-AR(2)
Revised/Reviewed: 6/13/18
Orig. Code: KL-AR(2)

Appeal to the Deputy Superintendent of Public Instruction

(Version 1)

(See version 2 for updated rule language)

For complaints that allege violation of Oregon Division 22 Standards, restraint and seclusion or retaliation as defined in Oregon Revised State (ORS) 659.852, the complainant may have appeal rights for a complaint with the Deputy Superintendent of Public Instruction, if the complainant has exhausted the local complaint procedures and one of the following occurred:

1. The district failed to render a written decision within 30 days of the submission of the complaint at each step identified in the district's complaint process; or
2. The district failed to resolve the complaint within 90 days of the initial filing of the written complaint with the district, unless the district and the complainant have agreed in writing to a longer time period.

The appeal must be received by the Oregon Department of Education (ODE) no later than one year after the date of the final decision of the district or if the district fails to issue a final decision, no later than two years after the date the complainant first filed the underlying complaint with the district.

1. The complaint upon which the appeal is based, must have been filed with the district by the later of the either stated below:
 - a. Filed the complaint within two years after the alleged violation or unlawful incident occurred or after the complainant discovered the alleged violation or unlawful incident. If the alleged violation or unlawful incident is of a continuing nature, the right to file an appeal exists so long as the complaint was filed within two years of the most recent incident; or
 - b. One year after the affected student has graduated from, moved away from or otherwise left the district.
2. The appeal shall be in writing submitted by mail, in person or electronically, and contain:
 - a. The name and address of the person bringing the appeal;
 - b. The name and address of the district which is alleged to have violated the statute or administrative rule; and
 - c. A statement of the facts on which the appeal is based.
3. Upon receipt of the appeal, the Deputy Superintendent will determine whether the appeal alleges a violation of a statute or administrative rule for which the Deputy Superintendent has jurisdiction and whether the requirements contained in section 2. of OAR 581-002-0040 have been satisfied.

- a. After these determinations, the Deputy Superintendent will either, not accept the appeal and will notify the complainant and the district, or will accept the appeal and notify the complainant and the district that the appeal has been accepted.
1. If the Deputy Superintendent has accepted an appeal and made notification to the complainant and the district involved as described in OAR 581-002-0040, the district shall submit a written report within 30 days of receipt of the notice which shall include:
 - a. A statement of facts;
 - b. A statement of district action, if any, taken in response to the complaint; if none was taken, the reason(s) why no action was taken;
 - c. A stipulation, if one was reached, of the settlement of the complaint; and
 - d. A list of any complaints filed with another agency by the party concerning the subject of the appeal.
 2. The Deputy Superintendent may for good cause extend the time for the filing of a report by the district.
 3. Upon receipt of the district's report, the Deputy Superintendent will conduct an investigation that will include a review of the written materials submitted by the complainant and district and may also include, but not be limited to:
 - a. Onsite investigations;
 - b. Interviews;
 - c. Surveys; and
 - d. Reviewing documents.
 4. The Deputy Superintendent will issue a written final order that addresses each allegation in the complaint that was accepted for appeal and contains the reasons for the Deputy Superintendent's decision on whether or not the district is deficient. The final order will be issued within 90 days of the date the Deputy Superintendent receives the district's report,¹ or the Deputy Superintendent may extend the time period for issuing a final order pursuant to OAR 581-002-0040(7)(b),(c).
 5. If a violation is found, the Deputy Superintendent's final order will include any necessary corrective action to be taken by the district as well as any documentation to be supplied by the district to ensure that the corrective action has occurred.
 6. Corrective action ordered by the Deputy Superintendent must be completed within the timelines established in the final order.

Corrected 1/24/24

¹ If the 90-day period for issuing the final order would conclude during the time when the schools of the district are closed for the summer, the final order will be issued within 90 days of the date the Deputy Superintendent received the district's report exclusive of the time the schools are closed for the summer. The Deputy Superintendent of Public Instruction may extend the time period with agreement from the complainant. The Deputy Superintendent shall prepare a timeline and plan for investigation and provide copies to the complainant and the district within two weeks of receiving the district's report.



Code: KL-AR(2)
Revised/Reviewed:

Appeal to the Deputy Superintendent of Public Instruction

(Version 2)

(Reflects current rules; replaces old KL-AR(2))

An appeal process has been established by the Oregon Department of Education (ODE) by Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023¹ for complaints that allege violation of OAR Chapter 581, Division 22 (Division 22 Standards), Oregon Revised Statute (ORS) 339.285 – 339.303 or OAR 581-021-0550 – 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation).

The complainant may appeal the district’s final decision for a complaint to the Deputy Superintendent of Public Instruction if:

1. The complainant has exhausted the district’s complaint procedures except as otherwise allowed by statute;
2. The district failed to render a written decision 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; or
3. The district failed to resolve the complaint within 90 days of the initial filing of the complaint, regardless of the number of steps in the district complaint process, unless the district and the complainant have agreed in writing to a longer time period.

The appeal may include a complaint alleging a violation of ORS 659.852 if the complainant alleges that retaliation occurred in response to a complaint for which the complainant received the district’s final decision for a complaint.

The appeal must be received by ODE no later than:

1. One year after the date of the final decision by the district; or
2. If the district fails to resolve the complaint, no later than two years after the date on which the complainant first filed the complaint with the district.

The complaint upon which the appeal is based must have been initially filed with the district by the later of the following two dates:

¹ The following is not a representation of the complete rules. See complete rules available on the Oregon Administrative Rules.

1. The date occurring two years after the date on which the alleged violation or unlawful incident occurred or on which the complainant discovered the alleged violation or unlawful incident²; or
2. The date occurring one year after the date on which the affected student graduated from, moved away from or otherwise left the district.

The appeal shall:

1. Be in writing;
2. Be submitted in person, by mail, or electronically.

The appeal must contain:

1. The name of the person filing the appeal;
2. The phone number, address, or email address, if available, of the person filing the appeal;
3. The name of the student if the person filing the appeal is filing on behalf of the student;
4. A statement of the facts on which the appeal is based; and
5. Other information requested by ODE.

Upon receipt of an appeal, ODE will determine whether the appeal satisfies the requirements of OAR 581-002-0003 and OAR 581-002-0005.

After these determinations, ODE will give written notice to the complainant and the district whether the appeal has been accepted.

If ODE has accepted an appeal and gave notice to the complainant and the district involved, the district shall submit a written response and all correspondence, documents, and other information ODE requested within 30 days of receipt of the notice.

The district's written response shall include:

1. A statement of facts;
2. A description of district action taken in response to the complaint; or if none was taken, an explanation of the reason(s) why no action was taken;
3. Any stipulation reached concerning settlement of the complaint; and
4. A list of any complaints filed with another agency by the complainant concerning the subject of the appeal to the extent that the district is aware of such complaints.

² If the alleged violation or unlawful incident is of a continuing nature, the date on which the alleged violation or unlawful incident occurred is the most recent date on which the alleged violation or unlawful incident occurred.

The Director of ODE may for good cause extend the time by which a district must make a submission described above.

Upon receipt of the district's written response, ODE will conduct an investigation to determine whether the district violated a rule or law described in OAR 581-002-0003.

ODE shall issue a final order pursuant to OAR 581-002-0017.

Corrected 1/24/24

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Code: KMC
Adopted: 1/04/07
Readopted: 1/12/11
Orig. Code: KMC

Community-Funded Activities or Programs

The Board ~~board~~ recognizes that declining district resources may not permit the funding of certain programs or school activities at current levels. Programs or activities may be reduced, suspended or discontinued entirely due to budgetary reductions, reallocation of funds or other reasons ~~and facilities~~. The Board also ~~board~~ understands the important role and positive impact a comprehensive cocurricular and extracurricular program can have on the individual development of its students, the total school climate and the community at large.

The Board ~~Therefore, the board~~ may grant permission to school-related or community individuals, groups or organizations and others to provide financial support and/or conduct fund raising on behalf of the district to operate designated programs and activities that have been reduced, suspended or discontinued by the district, and facilities. Maintaining equal educational opportunities for all district students to meet the requirements of Title IX will guide the district in all decisions to reinstate reduced, suspended or discontinued programs and activities.

In the event an interested group of ~~citizens~~ district community members wishes to financially support the activity, the following elements establish the minimum requirements:

1. District business office staff will prepare a budget for the activity;
2. The ~~board~~ Board must approve the activity prior to fund raising;
3. The Board ~~board~~ must approve the minimum amount to be deposited in the district accounts before the activity expenses can be incurred;
4. All funding necessary to reinstate a program or activity must be deposited in district accounts established for that purpose no later than 30 calendar days prior to the starting date of the program or activity, including the first day of practice for athletics;
5. All revenue must be deposited and disbursed from the districts accounts established for this purpose;
6. In the event sufficient money is not raised, the proposed program or activity will continue to be reduced, suspended or discontinued and not considered for reinstatement until the following year. Money donated will be returned to the appropriate individual(s), groups or organizations within 90 school days in the event sufficient funds have not been raised, unless otherwise directed by the individual, group or organization;

7. In no circumstance will students be coerced or compelled to participate in fund-raising activities. Students may not be barred from participating in an activity because of a refusal to participate in fund raising activities;
8. No direct payments to coaches or advisors unless through the districts payroll process;
9. The district shall control the program, activity and or facility after funding requirements have been met;
10. All programs or activities reinstated due to the efforts of individuals, groups or organizations will remain under the direct control of the district;
11. Each program or activity must be taught, coached or advised by a district-paid employee. Volunteer advisers and coaches may also be permitted, subject to approval by the superintendent or designee and consistent with established district procedures;
12. Outside organizations may donate funds, equipment or supplies. All donations will be documented;
13. Transportation expenses will be charged to the activity;
14. A periodic account of all revenue and expenses will be given to the Board at the conclusion of the activity;
15. Any unspent funds donated or raised on behalf of the district remaining at the conclusion of the program or activity will be returned to the individual, group or organization or used as directed by the individual, group or organization;
16. The donation must not put the district in violation of Title IX requirements for maintaining equal opportunities for all district students.

The superintendent or designee is directed to develop an administrative regulation procedures to implement this policy, including a process for individuals, groups and organizations interested in submitting proposals to fund district programs or activities that have been reduced, suspended or discontinued. Following the superintendent's review and recommendation, proposals will be submitted to the Board for final approval.

END OF POLICY

Legal Reference(s):

[ORS 294.305 to -294.565](#)

[ORS 328.441 to -328.470](#)

[ORS 332.107](#)

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 (2017).

Corrected 1/24/24



Code: KN
Adopted: 1/12/11
Orig. Code: KN

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 or designee 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), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F. 3d 1201 (9th Cir. 2011).

Corrected 1/24/24



Code: KN-AR(1)
Revised/Reviewed: 1/12/11
Orig. Code: KN-AR(1)

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 such district programs and activities including Drug Awareness Resistance Education (DARE) and Gang Resistance Education and Training (GREAT) 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~~

~~Request to Interview a Student or to Conduct an Investigation by Law Enforcement (Other Investigations)~~

- ~~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, provide adequate identification, 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)¹ prior to granting the interview. If the parent(s) does not give consent to have their child interviewed, then the interview should not take place.
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 of a Student 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 a law enforcement officer without one of the following:
 - a. A warrant;
 - b. A court order;
 - c. Arrest;
 - d. Protective custody resulting from child abuse of a child investigation;

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.

e. Permission of the parent.

3. In all cases, other than ~~child abuse~~ of a child 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. Administrators must request law enforcement officials to complete the appropriate form provided by the district. (See KN-AR(2) - Investigations Conducted on District Premises)

Abuse of a Child Investigations

~~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. Any investigation of abuse of a child will be directed by the Oregon Department of Human Services (DHS) or law enforcement officials as required by law. The DHS or law enforcement agency will first notify the administrator of the investigation, unless the administrator is a subject of the investigation. The administrator must request the investigating official fill out the appropriate form (See JHFE/GBNAB-AR(2) – Abuse of a Child Investigations Conducted on District Premises). If the investigating official refuses to fill out or sign the form, the administrator may complete the form but should not deny the official's request to interview the student on school property. If the investigating official does not have adequate identification the administrator shall refuse access to the student. 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 abuse of a child, administrators and school employees shall not notify the parents.~~

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. Abuse of a child~~Child abuse~~ also requires immediate referral to the DHS 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.

Corrected 1/24/24



As a community, we prepare lifelong learners to achieve their full potential in a complex and interconnected world.

To: Board of Directors

From: Frank Caropelo, Superintendent

Subject: Adjournment of Meeting

Type: Action Item Report / Presentation

Policy: BD/BDA: Board Meetings; BDDF: Conduct of Board Meetings

Date: August 14, 2024

Connection to Strategic Plan Goal Topics:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Marginalized Students | <input checked="" type="checkbox"/> Culturally Responsive Teaching |
| <input checked="" type="checkbox"/> Student and Staff Wellness | <input checked="" type="checkbox"/> Professional Development |

Summary / Background:

The Board Chair will adjourn the meeting.

Previous Board Action:

Not Applicable.

Financial Implications:

Not Applicable.

Motion:

Not Applicable.