



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

**Reynolds School District
Board of Education Business Meeting**

December 18, 2024

6:00 PM

Building I, Edgefield Campus

2408 SW Halsey Street

Troutdale, Oregon 97060

I.	5:30p - Executive Session	3
	The Reynolds School Board and the Superintendent will recess into Executive Session at 5:30p, under ORS 192.660(2)(a) Personnel. Executive Session is closed to the public.	
II.	6:00p - Call to Order	4
	A. Roll Call	
	B. Consider Approval of the December 18, 2024 Agenda	
	C. Pledge of Allegiance	
	D. Land Acknowledgement	5
	E. Mission and Vision	6
III.	6:10p - Recognition	7
	A. Student Recognition - Sweetbriar Elementary	
	B. Resolution 2024-2025-012: Rights of Undocumented Students and Protocols for Immigration and Customs Enforcement (ICE) Access to Schools	8
IV.	6:20p - High School Student Report	9
V.	6:25p - Public to be Heard	10
	Members of the public will address the board with comments and the board will listen only. Public Comment will be limited to 7 speakers with 3 minutes each. Forms must be turned in before the meeting start time.	
VI.	6:45p - Bargaining Group Updates	11
VII.	6:50p - Presentation to the Board	
	A. At-A-Glance Profiles and 9th Grade on Track	12
	B. Transportation Goal	27
VIII.	7:15p - Superintendent's Reports	43
	A. Announcements/Reports	
	B. Financial Report	44
	C. Enrollment Report	45
IX.	7:30p - Consent Agenda	49
	A. Approval of Personnel Order	
	B. Approval of Prior Meeting Minutes	50

C.	RHS All-State Choir Field Trip to Eugene, Oregon	55
D.	ASPIRE Partnership Grant Acceptance	63
E.	Adoption of Policy Updates	66
X.	7:35p - Action Items	
A.	Adoption of Resolution 2024-2025-012: Rights of Undocumented Students and Protocols for Immigration and Customs Enforcement (ICE) Access to Schools	235
XI.	7:40p - Board Announcements and Discussion	237
A.	Individual Board Members - Announcements and Reports	
B.	Upcoming Board Meetings	
XII.	7:45p - Adjourn	238



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: Executive Session

Type: Action Item Report / Presentation

Policy: BDC: Executive Session

Date: December 18, 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 Reynolds School Board and the Superintendent will meet in Executive Session at 5:30p, under ORS 192.660(2)(a) Personnel. Executive Session is closed to the public.

Previous Board Action:

Not Applicable.

Financial Implications:

Not Applicable.

Motion:

Not Applicable.



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: December 18, 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:

- | | |
|----------------------------------------|-------------------------------------------|
| • Position 1: Director Aaron Muñoz | • Position 5: Director Patty Carrera |
| • Position 2: Vice Chair Joyce Rosenau | • Position 6: Director Ana Gonzalez Muñoz |
| • Position 3: Chair Michael Reyes | • Position 7: Director Francisco Ibarra |
| • Position 4: Director Cayle Tern | • Student Board Rep: Mason Ho |

Motion to Approve Agenda:

- A. Motion Made by Board Member:
 - a. I move that the Board approve the December 18, 2024 agenda as presented.
- B. Motion Seconded by Another Board Member
- C. Points of Clarification / Discussion
- D. Call for Board Vote

Pledge of Allegiance

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 students⁵, 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: Recognition

Type: Action Item Report / Presentation

Policy: KAA: Community Relations

Date: December 18, 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 will recognize student from Sweetbriar Elementary School.

The Board will read Resolution 2024-2025-012 Rights of Undocumented Students and Protocols for Immigration and Customs Enforcement Access to Schools.

Previous Board Action:

Not Applicable.

Financial Implications:

Not Applicable.

Motion:

Not Applicable.



Resolution 2024-2025-012

**Rights of Undocumented Students and
Protocols for Immigration and Customs Enforcement Access to Schools**

WHEREAS, the Reynolds School District Board is committed to the success of each and every student in all Reynolds schools and programs.

WHEREAS, the mission of Reynolds School District is "We lead with equity to educate and support all students to graduate with the skills and confidence to thrive."

WHEREAS, the Board believes that a safe and inviting environment would be disrupted by the presence of Immigration and Custom Enforcement officers who come onto Reynolds School District property to remove students or their family members or to obtain information about students and their families.

NOW, THEREFORE, BE IT RESOLVED, that any Immigration and Custom Enforcement officer intending to enter any Reynolds School District property must first notify the Superintendent in person. Adequate notice must be given so that steps can be taken to provide for the emotional and physical safety of students and staff.

BE IT RESOLVED, that the Superintendent or designee is authorized to ask for the Immigration and Custom Enforcement agent's credentials, ask why they are requesting access, and request legal validity of the summons.

BE IT RESOLVED, that Immigration and Custom Enforcement officers must provide written authority from the office of Immigration and Customs Enforcement that directs its officers to enter District property and confirms their intent.

BE IT RESOLVED, that Reynolds School District staff shall not disclose the personal information of any Reynolds School District student pursuant to Family Educational Rights and Privacy Act (FERPA) and relevant law, or ask about a student's immigration status or that of the student's family members in accordance with Oregon's Sanctuary Promise laws.

BE IT FURTHER RESOLVED, that within the next 90 days, the Superintendent shall develop a plan for teachers, administrators, and other staff on how to respond to Immigration and Customs Enforcement personnel who are requesting information about Reynolds students and families and/or are attempting to enter Reynolds property.

Adopted this 18th day of December 2024.

Signed:

Attest:

Chair, Reynolds School Board of Directors

Superintendent / Clerk



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: Student Report

Type: Action Item Report / Presentation

Policy: BDDH: Public to be Heard; BDDH-AR: Public to be Heard at Board Meetings

Date: December 18, 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:

According to policy BCBA-AR, student reporters may be appointed by each high school to provide school news to the Board at each Business Meeting.

Student reporters are encouraged to share news about school events, activities, sports, academic happenings and other high interest activities at the school.

Previous Board Action:

Not Applicable.

Financial Implications:

Not Applicable.

Motion:

Not Applicable.



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: Public to be Heard

Type: Action Item Report / Presentation

Policy: BDDH: Public to be Heard; BDDH-AR: Public to be Heard at Board Meetings

Date: December 18, 2024

Connection to Strategic Plan Goal Topics:

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

Summary / Background:

Members of the public will address the Board with comments and the Board will listen only. The Board may choose not to address a request if it does not fall within the scope of Board Governance. Oregon law prohibits the Board from discussing specific employees or their job performance.

Those wishing to speak must sign-up prior to the start of the meeting. The first 7 submissions will be able to speak for 3 minutes.

Written Public Comment can be submitted on the RSD website at any time.

Previous Board Action:

Not Applicable.

Financial Implications:

Not Applicable.

Motion:

Not Applicable.



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: Bargaining Group Updates

Type: Action Item Report / Presentation

Policy: BD/BDA: Board Meetings

Date: December 18, 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:

Reynolds Education Association (REA) and Oregon School Employees Association, Chapter 37 (OSEA), will provide an update to the Board of Directors.

Previous Board Action:

Not Applicable.

Financial Implications:

Not Applicable.

Motion:

Not Applicable.



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

To: Board of Directors

From: Dr. Frank Caropelo, Superintendent

Subject: 2023-2024 At-A-Glance District and School Profiles and Ninth Grade on Track

Type: Action Item Report / Presentation

Policy: KBA: Public Records

Date: December 18, 2024

Connection to Strategic Plan Goal Topics:

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

Summary / Background:

The At-A-Glance district and school profiles and the accountability detail sheets, published annually, comprise the Oregon Department of Education’s larger reporting system as required by the Oregon State Legislature and the Every Student Succeeds Act (ESSA).

The At-A-Glance profiles were designed by and for parents and community members to be an understandable and easy-to-read overview of how schools and districts serve their students. The profiles do not rate or grade schools or districts and they are not used to determine levels of support under ESSA.

Districts are responsible for ensuring that the At-A-Glance profiles reach the families of children enrolled in Oregon public schools. As prescribed in Oregon Administrative Rule (OAR) 581-022-2255, families must receive a copy of the At-A-Glance profiles (report cards) by January 15th of each school year. A ParentSquare message was sent out to families for them to access the At-A-Glance profiles on the same day as the public release of the results. In addition, each school was provided with electronic versions of the At-A-Glance profiles in both English and Spanish to provide to families.

One measure on both the At-A-Glance district and school profiles pertains to 9th Grade on Track. This measure reports on how many 9th-grade students in the 2023-2024 school year earned 6 or more credits. For example, if a student is working towards an Oregon diploma (24 credits), then the student would be considered “on-track” if they earned six or more credits by the start of their sophomore year.

Previous Board Action:

Not Applicable.

Financial Implications:

Not Applicable.

Motion:

Not Applicable.



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

2023-2024 At-A-Glance Profiles, Accountability Detail Sheets and Ninth Grade on Track

Rachel Aazzerah

December 18, 2024

What are the At-A-Glance Profiles?

- The At-A-Glance District and School Profiles are published each Fall with the Accountability Detail Sheets
- Part of the ODE's larger reporting system as required by the Oregon State legislature and the Every Student Succeeds Act (ESSA)
- Are not used to rate or grade schools and districts or to determine levels of support under ESSA
- All data is from the 2023-24 school year, except for the Graduation data which is from the 2022-23 school year, and College Going from the 2021-22 school year
- Developed by and for families and community members as an easy-to-read overview of how schools and districts serve their students
- Available in both English and Spanish

Students We Serve



DEMOGRAPHICS

American Indian/Alaska Native



Asian



Black/African American



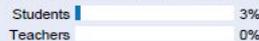
Hispanic/Latino



Multiracial



Native Hawaiian/Pacific Islander



White



47%
Ever English Learners



105
Languages Spoken

18%
Students with Disabilities

20%
Mobile Students

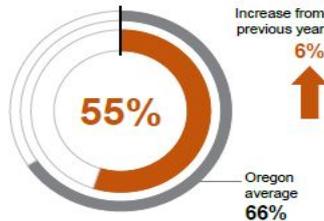
51%
Students Experiencing Poverty

*<10 students or data unavailable

District Environment

REGULAR ATTENDERS

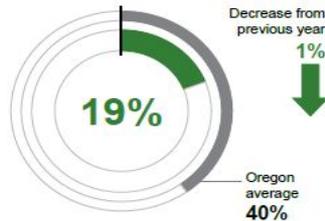
Students who attended more than 90% of their enrolled school days.



Academic Success

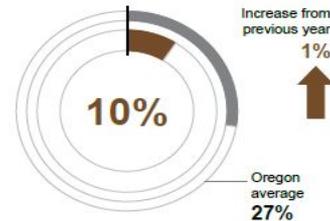
Grade 3 ENGLISH LANGUAGE ARTS

Students meeting state grade-level expectations.



Grade 8 MATHEMATICS

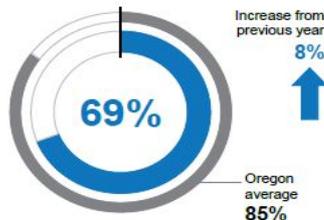
Students meeting state grade-level expectations.



High School Success

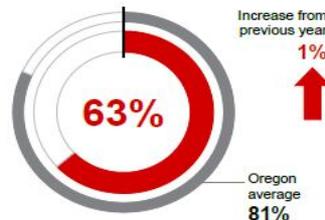
ON-TRACK TO GRADUATE

Students earning one-quarter of graduation credits in their 9th grade year.



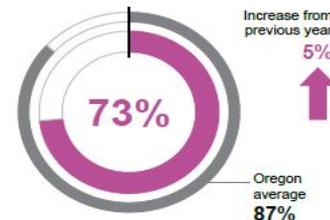
ON-TIME GRADUATION

Students earning a diploma within four years. Cohort includes students who were first-time ninth graders in 2019-20 graduating in 2022-23.



FIVE-YEAR COMPLETION

Students earning a high school diploma or GED within five years. Cohort includes students who were first-time ninth graders in 2018-19 finishing in 2022-23.



District Goals

Reynolds School District leads with equity to educate and support 10 students to graduate with the skills and confidence to thrive. We seek to accomplish our mission through goal areas of supporting marginalized students, providing culturally responsive teaching, promoting the wellness of staff and students, and providing ongoing professional development for all staff. Our vision is to prepare lifelong learners to achieve their full potential in a complex and interconnected world.

State Goals

The Oregon Department of Education is collaborating with school districts and communities across the state to achieve a 90% on-time graduation rate by 2027. Grounded in the pillars of Academic Excellence, Belonging and Wellness, and Reimagined Accountability, ODE prioritizes evidence-based practices to boost early literacy, attendance, and student engagement. We are committed to closing opportunity and achievement gaps for marginalized students and securing long-term success for all of Oregon's learners by investing in culturally responsive practices, fostering inclusive environments and always driving for continuous improvement.



Our Staff (rounded FTE)



53

Administrators



610

Teachers



192

Educational assistants



37

Counselors



17

Social Workers



15

Licensed Librarians



9

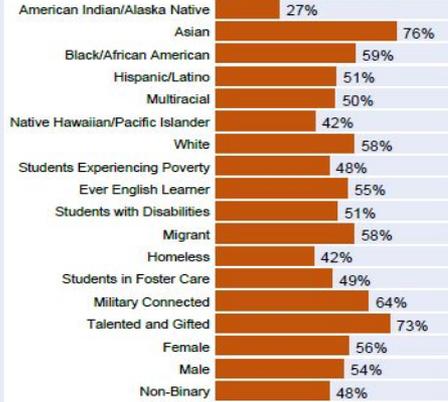
Psychologists



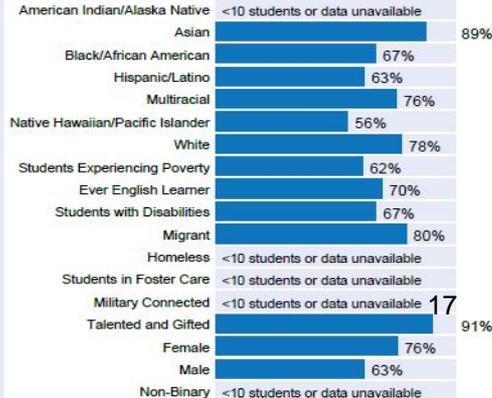
72%

% of licensed teachers with more than 3 years of experience

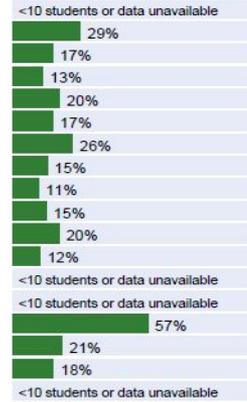
REGULAR ATTENDERS



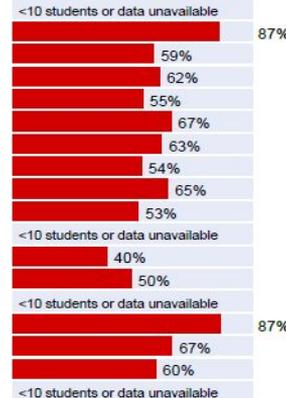
ON-TRACK TO GRADUATE



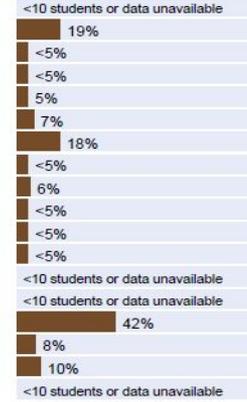
Grade 3 ENGLISH LANGUAGE ARTS



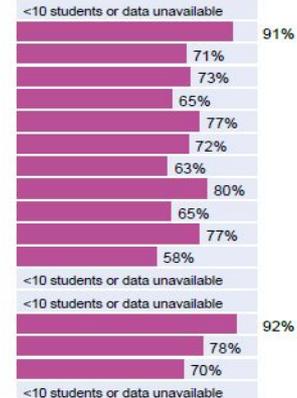
ON-TIME GRADUATION



Grade 8 MATHEMATICS



FIVE-YEAR COMPLETION



Attendance Highlights

- 6% increase Regular Attender Rate for the entire district from 2022-2023
- 15 out of 16 schools saw rate increases (4%-18%) in 2023-2024
- 15 out of 18 student groups saw rate increases (2%- 22%) for the entire district in 2023-2024

What are the Accountability Details Sheets?

The Accountability Details Sheet displays district level data on the indicators used by the accountability system to identify schools for **comprehensive** or **targeted** supports as required by Oregon's State Plan under the Every Student Succeeds Act (ESSA)

Nine Data Indicators:

- English Language Arts (ELA) Achievement*
- ELA Average Gap Score Change*
- Mathematics Achievement*
- Mathematics Average Gap Score Change*
- Regular Attenders
- On Track to English Language Proficiency (OTELP)
- 9th Grade on Track
- Four-Year Cohort Graduation Rate
- Five-Year Completers Rate

*Metrics come from the Oregon State Assessment System

Accountability Detail Sheets



2023-24 ESSA Accountability Details Report Public Version

District: Reynolds SD 7

School: Wilkes Elementary School

The Accountability Details Report displays the data for indicators used to identify schools for comprehensive or targeted support as required by Oregon’s State Plan under the Every Student Succeeds Act (ESSA).

The accountability system uses six indicators for elementary and middle schools.

For more information about the included indicators and their definitions and calculations, please refer to the Accountability Details Policy and Technical Manual. Arrows (up ↑ or down ↓) indicate the change in the rating level of the indicator from the previous year.

Student Group	ESSA Supports	ELA Achievement	ELA Change	Math Achievement	Math Change	Regular Attenders	On Track to ELP
All Students	Not Identified	Level 2	Level 4	Level 2	Level 4	Level 2	Level 3
Students Experiencing Poverty	Not Identified	Level 1	Level 4	Level 2	Level 4	Level 2	
English Learners	Not Identified	Level 2 ↑	Level 4 ↑	Level 2	Level 4	Level 2	Level 3
Students with Disabilities	Not Identified	Level 1	Level 5	Level 2 ↑	Level 5	Level 1	
Underserved Race/Ethnicity	Not Identified	Level 2	Level 4	Level 2 ↑	Level 4 ↑	Level 2	
American Indian/ Alaska Native	Not Identified	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	
Native Hawaiian/ Pacific Islander	Not Identified	Level 2	Not Rated	Level 2	Not Rated	Level 2 ↑	
Black/African American	Not Identified	Level 2	Level 3	Level 2 ↑	Level 5 ↑	Level 2	
Hispanic/Latino	Not Identified	Level 2	Level 4 ↑	Level 2 ↑	Level 3 ↑	Level 2 ↑	
Asian	Not Identified	Level 2	Level 3 ↑	Level 2	Level 3 ↑	Level 2	
White	Not Identified	Level 2	Level 5	Level 2	Level 5	Level 2 ↑	
Multi-racial	Not Identified	Level 2	Not Rated	Level 2	Not Rated	Level 1	

Suggested Level of Support: ²⁰Exited

Year Identified: 2021-22

Met ELA and Math Participation target (95%) for all student groups: No (details on pages 4 and 7)

Received Title I Funds in 2023-24: Yes

22-23 & 23-24 Suggested Level of Support

School Name	2022-2023	2023-2024
Alder Elementary	Targeted	Targeted
Davis Elementary	Comprehensive	Comprehensive
Fairview Elementary	Targeted	Targeted
Glenfair Elementary	Targeted	Targeted
Hartley Elementary	Comprehensive	Comprehensive
Margaret Scott Elementary	Targeted	Comprehensive
Salish Ponds Elementary	Comprehensive	Comprehensive
Sweetbriar Elementary	Not Identified	Not Identified
Troutdale Elementary	Not Identified	Not Identified
Wilkes Elementary	Targeted	Exited
Woodland Elementary	Targeted	Exited
H.B. Lee Middle	Targeted	Comprehensive
Reynolds Middle	Comprehensive	Comprehensive
Walt Morey Middle	Targeted	Targeted
Reynolds High	Targeted	Comprehensive
Reynolds Learning Academy	Comprehensive	Comprehensive

2023-24 Ninth Grade on Track

Ninth Grade on Track

- Students are considered to be on-track if they have, by the end of their first year of high school, accrued at least 6 credits towards graduation, or 25% of their district's total credit requirements for a regular (Oregon) high school diploma, whichever is higher.
- Strong Predictor of On-Time (4-year) High School Graduation
- Identification of students who are off-track and need additional educational supports
 - *Raider Report
 - *Algebra I and English 9 Boost Classes (Second Semester)
 - *Summer Programming
- Dropout Prevention

2023-2024 9th Grade on Track



Demographic	2023-2024
All	69%
American Indian/Alaska Native	<10 Students
Asian	89%
Black/African American	67%
Hispanic/Latino	63%
Multiracial	76%
Native Hawaiian/Pacific Islander	56%
White	78%
Students Experiencing Poverty	62%
Ever English Learner	70%
Students with Disabilities	67%
Talented and Gifted	91%
Female 24	76%
Male	63%
Non-Binary	<10 Students

9th Grade on Track– 4-Year Trend



Demographic	2020-2021	2021-2022	2022-2023	2023-2024
All	47%	65%	61%	69%
American Indian/Alaska Native	<10%	<10 Students	<10 Students	<10 Students
Asian	72%	93%	94%	89%
Black/African American	45%	61%	49%	67%
Hispanic/Latino	39%	58%	55%	63%
Multiracial	45%	71%	55%	76%
Native Hawaiian/Pacific Islander	40%	44%	50%	56%
White	54%	71%	71%	78%
Free/Reduced Lunch*/Students Experiencing Poverty	47%*	65%*	62%*	62%
Ever English Learner	44%	62%	61%	70%
Students with Disabilities	41%	48%	51%	67%
Talented and Gifted	71%	>95%	85%	91%
Female	53%	²⁵ 65%	58%	76%
Male	42%	64%	64%	63%
Non-Binary	< 10 Students	< 10 Students	< 10 Students	< 10 Students



Questions?

26

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: Wade Bakley, Chief Operations Officer

Subject: Transportation Goal - Superintendent Evaluation

Type: Action Item Report / Presentation

Policy: CBG: Evaluation of the Superintendent

Date: December 18, 2024

Connection to Strategic Plan Goal Topics:

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

Summary / Background:

This presentation outlines the goals for Transportation Services, as part of the Superintendent’s 2024-2025 evaluation. The goals focus on improving on-time performance and safety.

Previous Board Action:

Not Applicable.

Financial Implications:

Not Applicable.

Motion:

Not Applicable.



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

Transportation Superintendent Goals

Chris Ellison, Director of Transportation Services

28

December 18, 2024

Superintendent's Goal: Improve Transportation AM/PM On-Time Performance





Why is This Important?

Late arrival of students at schools causes disruption in classrooms and may preclude some students from having school-provided breakfast.

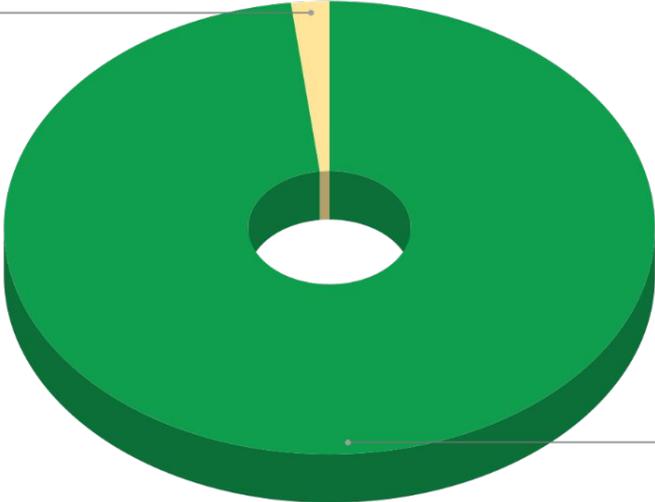
Factors Influencing On-Time Performance

- Weather - Rare
- Accident - Rare
- Mechanical Breakdown - Rare
- Road Construction/Detour - Daily
- Community Traffic - Daily
- Increased Ridership - Daily

2024/25 On-Time Performance:

AM Runs (207)

(4) 10 minutes or less from Bell Time
1.9%



(203) On-Time
98.1%

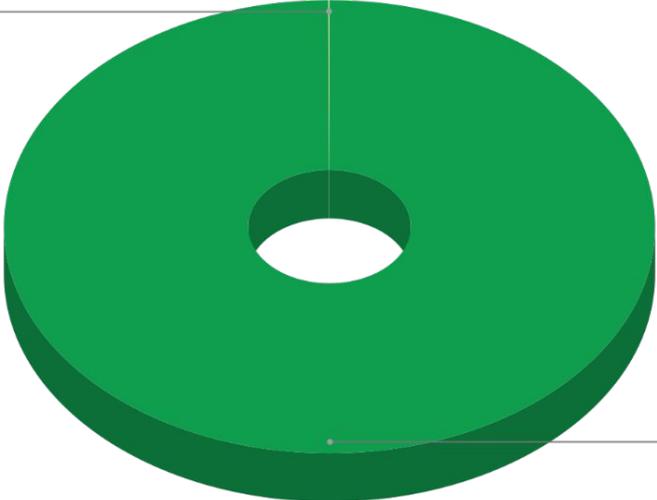
32

*National Median: 99.5% (2022/23)

2024/25 On-Time Performance:

PM Runs (199)

(1) 5 minutes After Leave Time
0.1%



(198) On-Time
100.0%

What Are We Doing To Improve?

- Hiring/Training additional drivers
- Adding back pre-pandemic routes that were cut
- Analyzing current housing/construction trends
- Preparing for additional enrollment/ridership
- Continuing to re-balance runs as needed
- Continuing to maximize efficiencies without sacrificing service levels

Superintendent's Goal: Improve School Bus Safety (Accidents)





Why is This Important?

Student safety on school buses is a primary concern for any school district. Accident awareness and prevention can reduce liability exposure.

Factors Influencing Accidents:

- Definition of accident:
 - Non-Preventable
 - Reportable Preventable (>\$500/injury)
 - Incident (<\$499.99)
- Preventive accident training programs available
- Experience of driving force (RSD: 622 years)
- Traffic/other drivers
- Weather
- Street construction/detours

2022/23 Accidents:

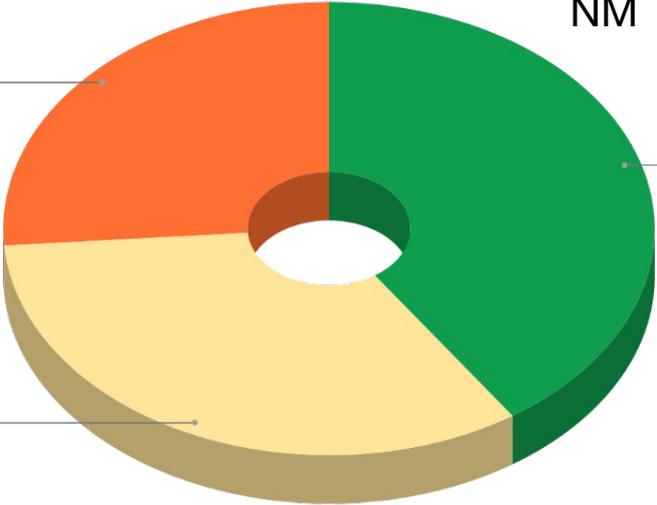
42 Total Accidents

Total Miles Traveled: 600,288
RSD - 1 : 42,877 Miles
NM - 1 : 101,659 Miles

(11) Incidents
26.2%

(14) Reportable Preventable
33.3%

(17) Non-Preventable
40.5%



2023/24 Accidents:

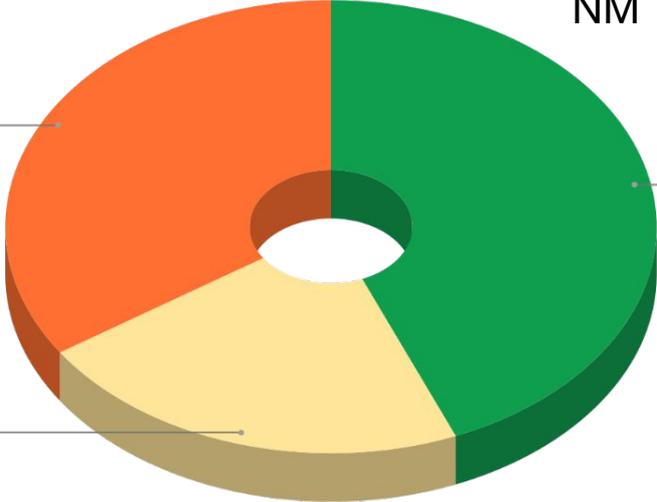
32 Total Accidents

Total Miles Traveled: 785,434
RSD - 1 : 112,205 Miles
NM - 1 : 95,539 Miles

(11) Incidents
34.4%

(7) Reportable Preventable
21.9%

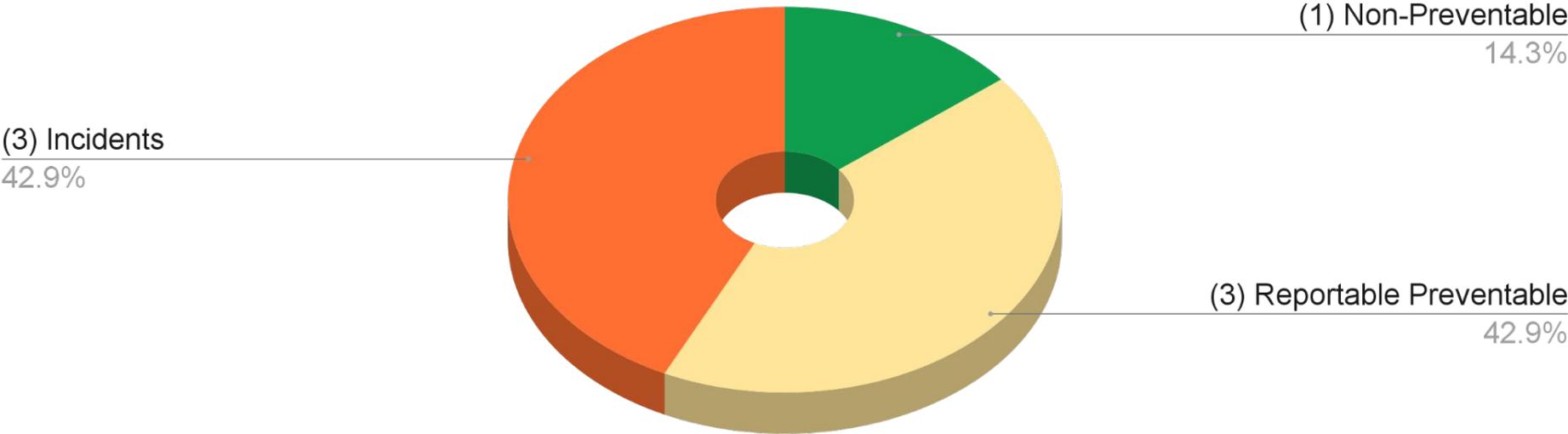
(14) Non-Preventable
43.8%



2024/25 Accidents: *Through 10/31/24*

7 Total Accidents

Total Miles Traveled: 256,115
RSD - 1 : 85,372 Miles
NM - N/A



What Are We Doing To Improve?

- Sharing accident data at monthly department meetings
- Increased preventive accident training programs offered
 - Defensive Driving Class
 - Advanced Reference Points (mirrors, tail-swing)
 - Special Driving Conditions
 - Laws and Liabilities
 - Advanced Student Management Class
 - Harassment and Bullying Prevention
- Expanded post-accident remedial training program



QUESTIONS?

42

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: Superintendent’s Report

Type: Action Item Report / Presentation

Policy: BD/BDA: Board Meetings; BDDF: Conduct of Board Meetings

Date: December 18, 2024

Connection to Strategic Plan Goal Topics:

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

Summary / Background:

Superintendent Caropelo will provide announcements and reports to the Board:

- a. Superintendent Report – Frank Caropelo
- b. Financial Report – Holly Langan
- c. Enrollment Report – Holly Langan and Shaunice Silas

Previous Board Action:

Not Applicable.

Financial Implications:

Not Applicable.

Motion:

Not Applicable.

General Fund | 2024–2025 Financial Summary by Object and Function

For the Period Ending November 30, 2024

	1	2	3	4 (=2 + 3)	5 (=4 - 1)				
	2021–2022	2022–2023	(Not Final) 2023–2024	FY25 Adopted Budget	FY25 YTD Actuals	% of Budget	Add: Rev / Exp Projections	FY25 Forecasted Balance	Budget to Forecast Variance Fav / (Unfav)
RESOURCES	Actual	Actual	Actual						
Operating Revenues									
State School Fund	\$ 102,592,166	\$ 96,170,190	\$ 102,950,821	\$ 103,408,751	\$ 51,903,602	50.19%	\$ 51,924,367	\$ 103,827,969	\$ 419,218
Other State School Fund	30,646,272	32,806,224	33,741,496	34,285,734	30,963,769	90.31%	3,321,965	34,285,734	-
State School Fund Formula	133,238,438	128,976,414	136,692,317	137,694,485	82,867,371	60.18%	55,246,333	138,113,703	419,218
Local Sources	1,777,584	3,022,599	2,677,036	2,465,500	1,175,239	47.67%	1,290,261	2,465,500	-
Intermediate Sources	700,000	700,000	1,999,997	1,500,000	-	0.00%	1,500,000	1,500,000	-
State Sources	2,793,866	2,590,394	856,066	2,600,000	1,485,230	57.12%	2,600,000	4,085,230	1,485,230
Federal Sources	31,401	42,995	288,395	75,000	8,867	11.82%	35,464	44,331	(30,669)
Other Sources	215,987	155,626	-	-	-		-	-	-
All Other Sources	5,518,837	6,511,613	5,821,494	6,640,500	2,669,336	40.20%	5,425,725	8,095,061	1,454,561
Total Operating Revenues	\$ 138,757,276	\$ 135,488,027	\$ 142,513,811	\$ 144,334,985	\$ 85,536,706	59.26%	\$ 60,672,058	\$ 146,208,764	\$ 1,873,779
Beginning Fund Balance	24,654,907	37,766,147	26,681,850	18,548,922	20,443,745	110.22%		20,443,745	1,894,823
TOTAL RESOURCES	\$ 163,412,182	\$ 173,254,174	\$ 169,195,660	\$ 162,883,907	\$ 105,980,451	65.07%	\$ 60,672,058	\$ 166,652,509	\$ 3,768,602
REQUIREMENTS BY OBJECT	Actual	Actual	Actual	Budget	YTD Actuals	Budget	Projections	Forecasted Balance	Fav / (Unfav)
Operating Expenditures									
Salaries	\$ 63,390,945	\$ 70,161,704	\$ 75,037,711	\$ 80,587,711	\$ 21,539,972	26.73%	\$ 57,680,851	\$ 79,220,824	\$ 1,366,887
Associated Payroll Costs	32,142,962	34,264,947	37,544,197	39,934,008	11,462,374	28.70%	30,544,893	42,007,267	(2,073,259)
Purchased Services	22,183,942	27,991,765	26,741,838	24,233,516	10,452,110	43.13%	16,141,275	26,593,385	(2,359,869)
Supplies and Materials	4,141,683	8,434,821	4,360,608	5,499,435	1,832,494	33.32%	1,830,149	3,662,643	1,836,792
Capital Outlay	461,200	1,297,508	1,246,511	230,000	235,189	102.26%	307,467	542,656	(312,656)
Other Objects	1,561,953	1,719,446	1,993,596	2,026,237	1,791,349	88.41%	25,532	1,816,881	209,356
Transfers	1,763,350	2,702,133	1,827,455	1,781,250	-	0.00%	1,781,250	1,781,250	-
Total Operating Expenditures	\$ 125,646,035	\$ 146,572,324	\$ 148,751,916	\$ 154,292,157	\$ 47,313,489	30.66%	\$ 108,311,417	\$ 155,624,906	\$ (1,332,749)
Contingencies									
Unappropriated Ending Fund Balance				8,591,750		0.00%			8,591,750
TOTAL REQUIREMENTS	\$ 125,646,035	\$ 146,572,324	\$ 148,751,916	\$ 162,883,907	\$ 47,313,489	29.05%	\$ 108,311,417	\$ 155,624,906	\$ 7,259,001
Ending Fund Balance	\$ 37,766,147	\$ 26,681,850	\$ 20,443,745					\$ 11,027,603	
REQUIREMENTS BY FUNCTION	Actual	Actual	Actual	Budget	YTD Actuals	Budget	Projections	Forecasted Balance	Fav / (Unfav)
Operating Expenditures									
Instruction	\$ 79,378,852	\$ 75,949,684	\$ 88,580,240	\$ 91,968,733	\$ 26,104,673	28.38%	\$ 69,128,725	\$ 95,233,397	\$ (3,264,664)
Support Services	45,844,717	47,568,680	57,959,100	60,168,011	20,943,880	34.81%	37,218,111	58,161,991	2,006,020
Enterprise and Community Services	408,213	164,321	100,362	174,163	64,936	37.28%	183,332	248,267	(74,104)
Facilities Acquisition and Construction	-	-	84,758	-	-		-	-	-
Other Uses	3,726,765	1,963,350	2,027,455	1,981,250	200,000	10.09%	1,781,250	1,981,250	-
Total Operating Expenditures	\$ 129,358,547	\$ 125,646,035	\$ 148,751,915	\$ 154,292,157	\$ 47,313,489	30.66%	\$ 108,311,417	\$ 155,624,906	\$ (1,332,749)
Contingencies									
Unappropriated Ending Fund Balance				8,591,750		0.00%			8,591,750
TOTAL REQUIREMENTS	\$ 129,358,547	\$ 125,646,035	\$ 148,751,915	\$ 162,883,907	\$ 47,313,489	29.05%	\$ 108,311,417	\$ 155,624,906	\$ 7,259,001
Ending Fund Balance	\$ 34,053,635	\$ 47,608,139	\$ 20,443,745					\$ 11,027,603	
Ending Fund Balance % of Revenue	20.84%	27.48%	12.08%					6.62%	

Enrollment Report as of December 10, 2024

Elementary Enrollment By Grade Level and Classroom

School	Kinder	1st Grade	2nd Grade	3rd Grade	4th Grade	5th Grade	Total	Variance	
								Proj	Diff
Alder	12	13	20	14	20	20		Alder	
	14	14	19	17	21	20			
Dual Language	21	22	24	26	19	29			
Total	47	49	63	57	60	69	345	341	4
# of Classes	3	3	3	3	3	3	18		
Average Class Size	15.67	16.33	21.00	19.00	20.00	23.00			
Davis	18	19	18	17	23	24		Davis	
	17	20	18	19	24	25			
	19		17	21					
Total	54	39	53	57	47	49	299	284	15
# of Classes	3	2	3	3	2	2	15		
Average Class Size	18.00	19.5	17.67	19.00	23.5	24.5			
Fairview	19	26	13	25	25	28		Fairview	
	20	22	14	26	26	29			
			14						
STEP	2	3	6	1	2	2			
Total	41	51	47	52	53	59	303	279	24
# of Classes	2	2	3	2	2	2	13		
Average Class Size	20.50	25.50	15.67	26.00	26.50	29.50			
Glenfair	21	21	23	22	26	28		Glenfair	
	23	19	23	22	26	28			
	22	20	21	22	26	29			
	21	16	22	23					
Total	87	76	89	89	78	85	504	403	101
# of Classes	4	4	4	4	3	3	22		
Average Class Size	21.75	19.00	22.25	22.25	26.00	28.33			
Hartley	21	20	19	18	20	20		Hartley	
	22	20	18	18	20	20			

Wilkes	16	19	21	20	25	24			Wilkes	
	20	19	21	20	24	24				
	20	18	18	20	24	26				
	21	17		20						
Life Skills	5	5	5	2	4	2				
Total	82	78	65	82	77	76		460	421	39
# of Classes	4	4	3	4	3	3		21		
Average Class Size	20.50	19.50	21.67	20.50	25.67	25.33				
Woodland										
Woodland	19	17	17	16	25	24			Woodland	
	20	17	19	17	27	22				
	21	17	20	19		20				
		18								
Life Skills	8	2	6	7	4	4				
Total	68	71	62	59	56	70		386	386	0
# of Classes	3	4	3	3	2	3		18		
Average Class Size	22.67	17.75	20.67	19.67	28.00	23.33				
									Proj	Diff
Elementary Total	634	637	652	674	659	676		3932	3628	304
Total # of Classes	32	32	33	32	29	27				
Total Average Class Size	19.81	19.91	19.76	21.06	22.72	25.04				

Secondary Enrollment By Grade Level

School	6th Grade	7th Grade	8th Grade	9th Grade	10th Grade	11th Grade	12th Grade	Total	Variance	
									Proj	Diff
HB Lee MS	255	238	232					725	728	-3
Reynolds MS	254	213	243					710	683	27
Walt Morey MS	168	170	180					518	532	-14
RHS + Middle College				698	617	574	530	2419	2441	-22
RLA					27	64	96	187	121	66
									Proj	Diff
Secondary Total	677	621	655	698	644	638	626	4559	4505	54

Charter School Enrollment By Grade Level

School	Kinder	1st Grade	2nd Grade	3rd ⁴⁷ Grade	4th Grade	5th Grade	6th - 8th Grades	Total	Variance	
									Proj	Diff

Arthur Academy	30	30	29	26	29	25		169	172	-3
Rockwood Prep	70	75	66	69	56	52		388	374	14
MLA	48	48	47	48	48	48	273	560	554	6
HOLLA	17	19	18	21	21			96	75	21
									Proj	Diff
Charter Total	165	172	160	164	154	125	273	1213	1175	38

	Total	Variance	
		Proj	Diff
Elementary Total	3932	3628	304
Middle School Total	1953	1943	10
High School Total	2606	2562	44
Reynolds Total	8,491	8,133	358
Charter Total	1,213	1,175	38
Total Reynolds and Charters:	9,704	9,308	396



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: Consent Agenda

Type: Action Item Report / Presentation

Policy: BD/BDA: Board Meetings; BDDF: Conduct of Board Meetings

Date: December 18, 2024

Connection to Strategic Plan Goal Topics:

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

Summary / Background:

- A. Approval of Personnel Order
- B. Approval of Prior Meeting Minutes
- C. RHS All-State Choir Field Trip to Eugene, Oregon
- D. ASPIRE Partnership Grant Acceptance
- E. Policy Update Adoption

Previous Board Action:

Not Applicable.

Financial Implications:

Not Applicable.

Motion:

- A. Motion Made by Board Member:
 - a. I move that the Board approve all Consent Agenda items as presented.
- B. Motion Seconded by Another Board Member
- C. Points of Clarification / Discussion
- D. Call for Board Vote

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

December 4, 2024

6:00 PM

Building I, Edgefield Campus

Present: Patty Carrera, Francisco Ibarra, Aaron Muñoz, Michael Reyes, Joyce Rosenau, **Absent:** Ana Gonzalez Muñoz, Cayle Tern.

I. 6:00p - Call to Order

- Chair Michael Reyes called the December 4, 2024 Work Session to order at 6:02p.

A. Roll Call

B. Land Acknowledgement

- Read into the record by Director Patty Carrera.

II. 6:10p - Budget Priorities for 2025-2026

- Look at ways to increase student engagement. Participatory budgeting at RHS?
- Are there definitions included in the survey?
 - No, but we did not receive any questions asking for clarification.
 - We can look at adding definitions in the future.
- Is there a lack of understanding about what partners do?
- Board Priority Vote: Each Director had three votes to select their top priorities.
 - Academics Success: 4
 - Staff Wellness and Retention: 4
 - Safe and Well-Maintained Facilities: 3
 - Student Support Services: 1
 - School Safety and Security: 2
 - Robust, Culturally-Specific Community Partnerships: 1
- Can we create a new priority that will encompass a number of these items? Something like "emotional well-being" to capture safety/security, student supports, partners
- Middle school students have reported that the state of facilities makes them feel like no one cares about them.
- How can we prioritize facilities with the lack of state funding:
 - We have some grant funding that can be used for specific projects (CET, PCEF, etc - have strict limitations on what these funds can be used for)

- A lot of facility maintenance hasn't been done for a number of years so there is now a higher cost to repair or replace items.
- We are expecting a 10-12% increase in our PERS costs so the potential increase to the state school fund will be a wash.
- Can we narrow the priorities to three?
- Emotional Well-Being: Student Support Systems, School Safety and Security?
- Potential Priorities:
 - Academic Success
 - Safe and Well-Maintained Facilities
 - Safety, Support, and Wellness OR Student Safety, Support, and Wellness

III. 6:40p - Policy Updates

- Section A/B
 - Hired a Civil Rights and Title IX manager
 - We use Oregon law and Board policy over federal laws
- Section G
 - GCBDC/GDBDC: question on the line about authorizing the district to deduct pay. There are specific ORS on when we can or cannot continue benefits.
 - AC-ARs are replacing the GBN-JBA-ARs
- Section I:
 - Committees for reconsideration of materials will be formed when needed, not before.
 - Complaints usually go to the staff member and then the principals before a committee would be needed.
- Section J:
 - Why are we moving from Board to district responsibility in JECA? Each case is based on the student's individual situation and the superintendent is better equipped to assess verses the Board having to call a meeting each time.
 - Medications: All secondary schools have Naloxone. Elementary schools do not.

IV. 7:00p - Adjourn

- Chair Michael Reyes adjourned the December 4, 2024 Work Session at 7:19p.



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

**Reynolds School District
Board of Education Business Meeting
Meeting Minutes**

November 20, 2024

6:00 PM

Building I, Edgefield Campus

Present: Patty Carrera, Ana Gonzalez Muñoz, Francisco Ibarra, Aaron Muñoz, Michael Reyes, Joyce Rosenau,

Absent: Cayle Tern.

I. 5:30p - Executive Session

The Reynolds School Board and the Superintendent will recess into Executive Session at 5:30p, under ORS 192.660(2)(a) Personnel and ORS 192.660(2)(d) Negotiations. Executive Session is closed to the public.

II. 6:00p - Call to Order

- Chair Michael Reyes called the November 20, 2024 Business Meeting to order at 6:02p.

A. Roll Call

B. Consider Approval of the November 20, 2024 Agenda

I move that the Board approve the November 20, 2024 agenda as presented. This motion, made by Francisco Ibarra and seconded by Aaron Muñoz, Passed.

Yea: 6, Nay: 0

C. Pledge of Allegiance

D. Land Acknowledgement

- Read into the record by Director Ana Gonzalez Muñoz.

E. Mission and Vision

- Read into the record by Chair Michael Reyes.

III. 6:10p - Recognition

A. Student Recognition: Hartley Elementary

IV. 6:15p - High School Student Report

V. 6:20p - Public to be Heard

Members of the public will address the board with comments and the board will listen only. Public Comment will be limited to 7 speakers with 3 minutes each. Forms must be turned in before the meeting start time.

VI. 6:40p - Bargaining Group Updates

VII. 6:50p - Presentation to the Board

A. RPA Refinance Request

- The length of the bond will be 10 years.

B. Nutrition Goal

- Students scan for meals at secondary but not elementary. Elementary uses a daily count sheet.
- Breakfast has the most opportunities for improvement.
- Surveys will take place at all schools, including charters.
- Sugar and sodium reductions came from the USDA. They are based on the percentage of total calories.

C. Communications Goal

- We will continue to post certain things on Twitter but don't engage much. We are also looking into Bluesky.

D. Integrated Guidance Annual Report

- Longitudinal targets can be viewed on the RSD website.
- We'll continue to expand the new cosmetology program.

VIII. 7:30p - Superintendent's Reports

A. Announcements/Reports

B. Financial Report

C. Enrollment Report

IX. 7:45p - Consent Agenda

I move that the Board approve all Consent Agenda items as presented. This motion, made by Aaron Muñoz and seconded by Francisco Ibarra, Passed.

Yea: 6, Nay: 0

A. Approval of Personnel Order

B. Approval of Prior Meeting Minutes

C. ODE Grant for IDEA Extended Assessment

D. RHS Boys Basketball Overnight Field Trip to Medford, Oregon

X. 7:50p - Action Items

A. Enterprise Zones Resolution

I move that the Board approve Resolution 2024-2025-010 Establishing and Setting a Rate for the School Support Fee Pursuant to HB 2009. This motion, made by Francisco Ibarra and seconded by Patty Carrera, Passed.

Yea: 6, Nay: 0

B. Construction Excise Tax Resolution

I move that the Board approve Resolution 2024-2025-011 Construction Excise Tax Limit and authorize the district to amend the existing IGAs with the cities of Fairview, Gresham, Troutdale, and Wood Village. This motion, made by Ana Gonzalez Muñoz and seconded by Aaron Muñoz, Passed.

Yea: 6, Nay: 0

C. 2024-2026 Collective Bargaining Agreement with Reynolds Education Association

I move that the Board approve the Collective Bargaining Agreement between Reynolds School District and Reynolds Education Association, effective July 1, 2024 to June 30, 2026. This motion, made by Patty Carrera and seconded by Ana Gonzalez Muñoz, Passed.

Yea: 6, Nay: 0

D. OSBA Elections

I move that the Board vote to elect Katrina Doughty for position 17 on the OSBA Board of Directors. This motion, made by Aaron Muñoz and seconded by Francisco Ibarra, Passed.

Yea: 6, Nay: 0

I move that the Board vote to elect Jose Gamero-Georgeson for position 19 on the OSBA Board of Directors. This motion, made by Ana Gonzalez Muñoz and seconded by Aaron Muñoz, Passed.

Yea: 6, Nay: 0

I move that the Board approve the OSBA Resolution to "Amend the OSBA Dues Schedule". This motion, made by Patty Carrera and seconded by Ana Gonzalez Muñoz, Passed.

Yea: 6, Nay: 0

I move that the Board approve the OSBA Resolution to "Amend Oregon School Boards Association's Bylaws Relating to Composition of the Board of Directors". This motion, made by Aaron Muñoz and seconded by Ana Gonzalez Muñoz, Passed.

Yea: 6, Nay: 0

I move that the Board approve the OSBA Resolution to "Amend the OSBA 2023 Bylaws". This motion, made by Patty Carrera and seconded by Aaron Muñoz, Passed.

Yea: 6, Nay: 0

XI. 8:10p - Board Announcements and Discussion

A. Individual Board Members - Announcements and Reports

B. Upcoming Board Meetings

XII. 8:20p - Adjourn

- Chair Michael Reyes adjourned the November 20, 2024 meeting at 8:10p.

To: Board of Directors

From: Frank Caropelo, Superintendent

Subject: RHS Choir Field Trip – Dropoff Only

Type: Action Item Report / Presentation

Policy: IICA: Field Trips and Special Events

Date: December 18, 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:

Choir student leaders will attend the Oregon Music Education Associations All State Honor Choir conference. While there, students will gain valuable information and leadership skills along with 250 other high school choir students around the state of Oregon. This is an unforgettable opportunity for students.

Previous Board Action:

The Board is responsible for approving all trips over 100 miles.

Financial Implications:

The registration fee covering lodging and food has already been paid by RHS Scholarship.

Motion:

- A. Motion Made by Board Member:
 - a. I move that the Board approve the one-way trip to Eugene, Oregon for RHS choir students as presented.
- B. Motion Seconded by Another Board Member
- C. Points of Clarification / Discussion
- D. Call for Board Vote

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:

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 shall have the approval of the board through the superintendent. Parents shall be provided an itinerary and give permission for student participation prior to the trip. Expenses for unbudgeted trips 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 be paid by the participants or student organizations. Use of district vehicles must be approved by the superintendent.

Emergency procedure plans and itineraries 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 no unduly delay the return of the bus to the school;
5. Chaperons 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 behavior 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 parent requests, in person, of the supervisor that the student return with the parent;

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 must be filed with the principal and the superintendent;

9. A bus field trip request 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 over 100 miles out-of-state, one-way or any overnight travel must have prior board approval.

Reynolds School District
INITIAL REQUEST FOR STUDENT TRAVEL OVER 100 MILES ROUND TRIP

Name of Group: RHS Choir Leadership School: Reynolds High School

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: 11/7/24 Date(s) of Activity: 1/17/25

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.)
 Courtesy drop off for working parents to OMEA All State (Oregon Music Education Association)
2. List staff member(s) responsible for students. List all other supervisors on trip.
 Melissa Albert
3. School equipment to be used:
 School bus or other school provided transportation
4. Lodging:
 Responsibility of OMEA
5. Will Student Travel Insurance be obtained? Yes No
6. Estimated number of students: 5 Number of supervisors: 1
7. Parent permission slip on file: Yes No
8. Person or persons initiating request: Ms. Albert Date: 11/7/2024
9. Principal approval:  Date: 11-22-24

Decision: Preliminary approval to continue with planning Yes No

If denied, reason _____

District Activities Coordinator Date

Final Approval Yes No

District Activities Coordinator Date

Reynolds School District
PURPOSE OF TRIP

1. List itinerary.
Friday 1/12/24
9:30am pick up from RHS ARTS Building
11:30 Drop off Students at OMEA Registration for event and supervision
2. What are the objectives of the trip and how are the experiences provided on the trip related to the class or school program?
Students will be able to rehearse and perform with world renound conductors with 250 other selected students from around the state
3. How will the activities on the trip provide opportunities for students to obtain new skills, insights, knowledge or appreciations?
Many parents work on friday and have expressed the need for help with transportation to Eugene. This courtesy drop off into OMEA supervision will provide families with the needed help in getting their students to this once and a life time opportunity.
4. What effect does the trip have on other classes or programs?
Students come back invigorated to share music, warm ups and new leadership stratagies from the honor choir with their fellow students.
5. Estimated cost of trip \$_____. Describe how the trip will be funded. (School funding? Fund raisers? Student/Parent funding?)
Students have recieved scholarship from choir ASB funds and RHS General Funds to attend the All State Conference.
6. 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).
Student need a ride to Eugene to help accomidate working parents schedule, and parents will pick students up at the final concert Sunday Afternoon
7. Describe supervision plans to ensure maximum safety for students.
Students will be registered and checked into the care and supervision of OMEA upon arrival in Eugene by Ms. Albert. Parents have agreed to housing, food, and accommodations with OMEA. Reynolds will no longer be responsible for students after they have been registered into OMEA All State supervision.

Reynolds School District
STUDENT CONTRACT: FIELD TRIPS AND AWAY-FROM-SCHOOL ACTIVITIES

To: Student and Parent(s)

The Reynolds School District is proud of its students and is confident that in most circumstances student conduct on field trips and away-from-school activities will be reasonable and prudent. However, in the event that a student chooses not to abide by the rules established by the adult(s) in charge, he/she should be aware of the consequences. The student should fill in the information requested below and sign the contract. If the student is under 18 years of age, his/her parent should also sign.

Student Name: _____

School: RHS

Description of field trip/activity: Courtesy Parent drop-off only, parent pick up Sunday at Concert

Location/Destination: First United Methodist Church Eugene

Date(s) of field trip/activity: 1/17/24

Name(s) of person in charge of field trip/activity: Ms. Albert

I understand that the above named trip is an official school activity and that all rules and regulations applying in the Reynolds School District are in effect. Among these rules are the following:

1. All directions and guidelines established by the adult(s) in charge will be followed;
2. There will be no use of alcoholic beverages or other drugs at any time;
3. There will be no smoking while on the bus or van;
4. All established time schedules will be followed;
5. Reasonable and proper behavior will be maintained at all times during the trip.

I recognize that in the case of serious violation of the rules, that my parent(s) will be called collect and that I will be sent at home at their expense.

Student Signature

Date

Parent Signature

Date

(Complete student health history on next page.)

Reynolds School District
HEALTH HISTORY FOR SCHOOL FIELD TRIPS

Student Name: _____
Birth Date: _____
Address: _____
Home Telephone: _____

Parent/Guardian Name: _____
Home Telephone: _____
Work Telephone: _____

Parent/Guardian Name: _____
Home Telephone: _____
Work Telephone: _____

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

Name: _____
Relationship: _____
Telephone: _____

Medical Contact Information:

Physician: _____
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

Anchor Standard 4: **Performing**-Select, analyze, and interpret artistic work for presentation. Enduring Understanding: Performers make interpretive decisions based on their understanding of context and expressive intent.

Essential Question: How do performers interpret musical works?

RUBRIC

1. Identify expressive qualities in a varied repertoire of music that can be demonstrated through prepared and improvised performances.
2. Demonstrate understanding and application of expressive qualities in a varied repertoire of music through prepared and improvised performances.
3. Demonstrate an understanding of context in a varied repertoire of music through prepared and improvised performances.
4. Demonstrate how understanding the style, genre, and context of a varied repertoire of music influences prepared and improvised performances as well as performers' technical skill to connect with the audience.
5. Demonstrate how understanding the style, genre, and context of a varied repertoire of music informs prepared and improvised performances as well as performers' technical skill to connect with the audience.

STANDARDS DEMONSTRATED

MU.TE.9.RE3.HS3.1 Evaluate works and performances based on personally-or collaboratively-developed criteria, including analysis of the structure and context

MU.TE.PR3.HS3.2 Demonstrate an understanding of expressive intent by connecting with an audience through prepared and improvised performances

Lesson:

SWBAT: Perform varied repertoire of culturally responsive music and demonstrate rehearsal and study techniques in performance to a live audience. Students will score other choirs on the ACDA Delineated Adjudication Guide.

To: Board of Directors

From: Frank Caropelo, Superintendent

Subject: Grant Acceptance: ASPIRE Grant

Type: Action Item Report / Presentation

Policy: DD: Grant Funding Proposals and Applications

Date: December 18, 2024

Connection to Strategic Plan Goal Topics:

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

Summary / Background:

This project will support outreach to RHS and RLA students to complete college, apprenticeship, scholarship and career applications, and the Free Application for Federal Student Aid (FAFSA).

Previous Board Action:

The Board is responsible for accepting all grants.

Financial Implications:

This is a grant award of \$3,675. There is no other district financial liability to this grant award.

Motion:

- A. Motion Made by Board Member:
 - a. I move that the Board authorize the District to enter into a grant agreement with the Office of Student Access and Completion (OSAC).
 - b. Motion Seconded by Another Board Member
- B. Points of Clarification / Discussion
- C. Call for Board Vote

This agreement is between the Office of Student Access and Completion, 3225 25th St SE, Salem, OR 97302 (hereafter referred to as “OSAC”) and [REDACTED] (hereafter referred to as “Site”) in [REDACTED] (city), Oregon.

I. Term

This agreement shall become effective on [REDACTED] and shall expire, unless otherwise terminated or extended, on June 30, 2025.

II. Purpose

The purpose of this Agreement is to outline the responsibilities of OSAC and Site that is receiving an ASPIRE Partnership Grant.

III. Statement of Work

A. Responsibilities of Site*

1. Demonstrate an in-kind match equal to or greater than grant funds. Matching may be a combination of one or more of the following: salary and/or benefits of existing staff assigned to college and career-related duties, supplies, services, and/or resources provided by site to support the ASPIRE program.
2. Complete Site Visit Form and participate in annual site visit with ASPIRE staff to identify goals, including FAFSA/ORSAA completion goals where appropriate. Work with ASPIRE staff to identify key outcome targets and activities to meet those goals; communicate regularly with ASPIRE staff.
3. Demonstrate a concerted effort to bring community and/or staff mentors and students into the program.
4. Collaborate with other career and college programs within the site.
5. Reporting: Ensure end-of-year surveys and reporting to be completed by-mentors, and students; submit Senior Mentor list; and submit end-year progress reports.

**Failure to fulfill these responsibilities may jeopardize future grant funding opportunities for the site.*

B. Responsibilities of OSAC

1. Provide an ASPIRE Partnership Grant to ASPIRE site upon receipt of the ASPIRE Partnership Grant Agreement.
2. Provide ongoing support to the site and coordinator.

IV. Consideration

The mutual obligations of each party herein constitute the consideration for this agreement. OSAC may rescind an award as described in OAR 575-077-0035.

V. Termination

This agreement may be terminated immediately by mutual consent of all parties, or by either party upon 30-day written notice and delivered to the other party by certified mail or in person.

VI. Amendment

The terms of this agreement may not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written agreement signed by all parties to this agreement.

PART A: Total Student Enrollment for 2024-25

- MS: _____
- HS: _____
- CBO: _____

PART B: Grant Amount

- \$1,575 for middle school sites
- \$2,205 for high school sites with total enrollment of **1 – 115** students
- \$2,415 for high school sites with total enrollment of **116 – 235** students
- \$2,625 for high school sites with total enrollment of **236 – 400** students
- \$3,045 for high school sites with total enrollment of **401 – 850** students
- \$3,465 for high school sites with total enrollment of **851 – 1520** students
- \$3,675 for high school sites with total enrollment of **1521 – or more** students

PART C: Match Calculation

Partnership Grant Amount (from above): \$ _____

Site Match Amount: \$ _____

TOTAL: \$ _____

Total must be at least double the amount received in the grant. For example, if a site received \$1,575 in grant funds and made an in-kind match of \$1,575, the total to support the ASPIRE program would be \$3,150.

Sign and return within 10 business days of receipt. For questions, contact your ASPIRE Access Specialist.

Administrator (print name)

Administrator Signature

Date

Superintendent **optional** (print name)

Superintendent Signature

Date

ASPIRE Coordinator (print name)

ASPIRE Coordinator Signature

Date

Juan Baez-Arevalo

OSAC Director

OSAC Director Signature

Date

Instructions:

1. List your total student enrollment in Part A.
2. Find your student enrollment in Part B and check the box next to the Partnership Grant that aligns to your enrollment.
3. List your Partnership Grant amount, Site Match Amount and total in Part C.
4. Make sure the agreement is signed by both the Administrator and Site Coordinator.

Sites with MS and HS students should combine student populations to determine their Partnership Grant amount.

(ie. # MS students - 59 + # HS students - 65 = 124 Total students; site receives \$2,415 grant)



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: Second Reading and Adoption
 Type: Action Item Report / Presentation
 Policy: BF: Policy Development
 Date: December 18, 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 fall 2024 batch of OSBA updates or were part of the policy audit OSBA conducted with the district last year. This is a second reading on the following policies:

Policy Number	Policy Name	Update Summary / Notes
Section A/B: Board Governance		
AC	Nondiscrimination and Civil Rights	Required policy. 34 CFR § 106.45 requires grievance procedures for complaints of sex discrimination. OAR 581-021-0655(3) requires policy regarding civil rights coordinators. added language for civil rights.
AC-AR (1)	Discrimination or Civil Rights Complaint Procedure	Required administrative regulation. OAR 581-022-2370 requires districts to have complaint procedures, including for complaints of discrimination. Federal law also requires discrimination, including sex discrimination, complaint procedures. Districts are required to designate civil rights coordinators who have a responsibility to “oversee investigations of complaints alleging discrimination.” Districts are also required to have Title IX Coordinators. Updated to add civil rights language.
AC-AR (2)	Sex-Based Discrimination Under Title IX	Highly Recommended; NEW. This administrative regulation (AR) is intended to provide guidance to district administrators when handling Title IX-related issues. These requirements here are in addition to requirements in other applicable complaint procedures.
Section G: Personnel		
GBN/JBA	Sexual Harassment	Required policy. The requirement for this policy comes from ORS 342.700

		and OAR 581-021-0038. Review Board policy AC - Nondiscrimination and Civil Rights for consideration of Title IX and sex-based discrimination. Added civil rights language and removed federal language.
GBN/JBA-AR (1)	Sexual Harassment Complaint Procedure	DELETE in lieu of new AC-ARs
GBN/JBA-AR (2)	Federal Law (Title IX) Sexual Harassment Procedure	DELETE in lieu of new AC-ARs
GCBDA/GDBDA	Family and Medical Leave	Highly Recommended. The law does not require districts to have a board-adopted policy, but the district is required to follow the law; having policy and an administrative regulation in place can assist with compliance. Updated language based on ORS and adding PFMLI language.
GCBDA/GDBDA-AR (1)	Family and Medical Leave	Highly Recommended. Full delete of current adopted policy and adoption of new version.
GCBDC/GDBDC	Domestic Violence, Harassment, Sexual Assault, Bias, or Stalking Leave (Safe Leave)	Highly Recommended. Moved definitions to the end of the policy and added clarifying language.
GCBDC/GDBDC-AR	Request for Domestic Violence, Harassment, Sexual Assault, Bias, or Stalking Leave	Highly Recommended. Applies to employers who employ six or more employees in Oregon and meet the definition of "covered employer." Updated language.
Section I: Instruction		
IIA	Instructional Materials	Highly Recommended; Recommendation is to delete the current policy IIA "Instructional Resources / Instructional Materials" and replace it with the new version.
IIA-AR (1)	Instructional Materials	Optional; Recommended to delete current AR(1) "Instructional Materials / Program Adoption Procedure" and replace it with this new AR.
IIA-AR (2)	Reconsideration of Core Instructional Materials	Optional; Recommended to delete current AR(2) "Challenge of Instructional Materials" and replace it with this new AR.
IIA-AR (3)	Reconsideration of Supplemental Instructional Materials	Optional; Recommended to delete current AR(3) "Challenge Request Form for Instructional Materials" and replace it with this new AR.
IIA-AR (4)	Reconsideration of School or Classroom Library Materials	Optional; NEW
IIA-AR (6)	Independent Adoption of Core Instructional Materials	Optional; NEW
IIBGA	Electronic Communications System	Required; Updated to match current technology uses
IIBGA-AR	Electronic Communications System	Updated to match current technology uses
IIBGB	Web Pages	Recommendation for deletion.
IKF	Graduation Requirements	67 Required Updates: OAR 581-022-2115(13) requires districts to also have a policy on student-initiated test impropriety (model

		language to meet this requirement is also in policy IL – Assessment Program); OAR 581-022-2120 requires districts to have a policy about proficiency in Essential Skills in student languages of origin (currently waived through the 2027-28 school year); OAR 581-022-2020(3) requires districts to establish criteria for the certificate of attendance in policy.
IKFB	Graduation Exercises	Optional: Clarifies OARs related to cultural and military dress; Adds Certificate of Attendance
Section J: Students		
JECA	Admission of Resident Students	Minor word change updates.
JFE	Pregnant and/or Parenting Students	Required policy. Nondiscrimination language added. The requirement for policy comes from ORS 336.640.
JFE-AR	Individualized Plan for Pregnant and/or Parenting Students	Minor updates.
JHCD	Medications	Required policy. Full replacement – delete current JHCD/JHCDA policy and replace new JHCD policy. The requirement for policy comes from ORS 339.866 (2).
JHCD-AR	Medications	Required administrative regulation Full replacement – delete current JHCD/JHCDA-AR and replace with new JHCD-AR. The requirement comes from ORS 339.866 (2).
Section K/L: Community Relations		
KG-AR	Community Use of District Facilities	Updates to match the current process. Updated to clarify application fees and added required trainings for athletic events.
KN-AR(1)	Relations with Law Enforcement Agencies	Added language regarding the Immigration and Customs Enforcement agency.

Previous Board Action:

The Board reviews and approves all policies.

Financial Implications:

Not Applicable.

Motion:

- A. Motion Made by Board Member:
 - a. I move that the Board adopt the included policy updates as presented.
- B. Motion Seconded by Another Board Member
- C. Points of Clarification / Discussion
- D. Call for Board Vote



Code: AC
Adopted: 1/04/07
Revised/Readopted: 5/13/10; 9/09/15; 6/13/18; 8/23/23; 5/22/24
Orig. Code(s): AC

Nondiscrimination and Civil Rights

The district does not discriminate on any basis listed below and prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual’s perceived or actual race¹, color, religion, sex², sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans’ status, or because of the perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans’ status of any other persons with whom the individual associates.

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

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

The superintendent shall appoint individuals at the district to contact on issues concerning the Americans with Disabilities Act and Americans with Disabilities Act Amendments Act (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments, and other civil rights or discrimination issues, and notify students, parents, and staff with their names, office addresses, and phone numbers.

The district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the district’s administrative office and available on the home page of the district’s website.

The district prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice; because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating,

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

² 34 CFR § 106.10 provides “discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.”

threatening or interfering with an individual for exercising any rights guaranteed under state and federal law.

Any complaint alleging discrimination may be made to any civil rights coordinator and will be processed in accordance with administrative regulation AC-AR(1) - Discrimination or Civil Rights Complaint Procedure. Depending on the nature of the complaint, additional requirements may apply.

The district will document and track:

1. All reports of discrimination received by the district and all responses to those reports issued by the district, including any investigations completed and remedies provided; and
2. The training completed by each civil rights coordinator.

Civil Rights Coordinator

The civil rights coordinator(s) will:

1. Be knowledgeable of the requirements in OARs 581-021-0038, 581-021-0045, 581-021-0046, and 581-021-0660;
2. Have the independence and authority necessary to carry out the provisions of OAR 581-021-0660;
3. Monitor, coordinate, and oversee district compliance with state and federal laws prohibiting discrimination in education, including ensuring the availability of, and providing to students and staff:
 - a. The notice of nondiscrimination³ required by OAR 581-021-0045; and
 - b. The district written complaint process for making reports of discrimination.
4. Oversee and ensure the resolution of district investigations of complaints alleging and substantiating discrimination, including the provision of remedies designed to restore or preserve equal access to an education program or activity;
5. Provide guidance to district staff on civil rights issues in the district;
6. Respond to questions and concerns about civil rights in the district;
7. Coordinate efforts to prevent civil rights violations from occurring in the district; and
8. Satisfy the training requirements in OAR 581-021-0660 (2)-(3)

END OF POLICY

Legal Reference(s):

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

[ORS 326.051\(1\)\(e\)](#)
[ORS 332.505](#)
[ORS 408.230](#)
[ORS 659.805](#)
[ORS 659.815](#)
[ORS 659.850 - 659.860](#)

[ORS 659.865](#)
[ORS 659A.001](#)
[ORS 659A.003](#)
[ORS 659A.006](#)
[ORS 659A.009](#)
[ORS 659A.029](#)

³ The notice of nondiscrimination will include the name or title, work address, email address, and phone number of each civil rights coordinator.

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

[ORS 659A.321](#)
[ORS 659A.409](#)
[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-021-0047](#)
[OAR 581-021-0650](#) - 0665

[OAR 581-022-2310](#)
[OAR 581-022-2370](#)
[OAR 581-075-0001](#) - 075-0005
[OAR 581-075-0901](#)
[OAR 839-003](#)

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R Part 1626 (2019).
Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2024).
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (2019).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2019).

Cross Reference(s):

ACA - Americans with Disabilities Act
ACB - Every Student Belongs
GBA - Equal Employment Opportunity
GBEA - Workplace Harassment
JB - Equal Educational Opportunity
KL - Public Complaints



Code: AC-AR(1)
Revised/Reviewed: 1/04/07; 5/13/10; 9/09/15; 6/13/18; 8/23/23

Discrimination or Civil Rights Complaint Procedure

Any person, including students, staff, visitors and third parties, may file a complaint.

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

Step 1: Complaints of sex-based discrimination received by the district, in addition to the procedures outlined below, must follow additional requirements in AC-AR(2) - Sex-Based Discrimination Complaints.

Complaints may be oral or in writing and may be filed with the principal or civil rights coordinator.

Any staff member that receives an oral or written complaint shall report the complaint to the principal. If a complaint is filed with the civil rights coordinator, the civil rights coordinator will forward it to the principal. If a complaint is filed with the principal, the principal will notify the civil rights coordinator of the complaint. The civil rights coordinator will oversee the investigation conducted by the principal and ensure the investigation is resolved.

The principal shall ensure that any required notices are provided.¹

The principal shall investigate and determine action to be taken, if any, and reply in writing to the complainant within 10 school days of receipt of the complaint.

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

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

¹ See the following for notice requirements:

1. Administrative regulation ACB-AR - Bias Incident Complaint Procedures
2. Administrative regulation AC-AR(2) - Sex-Based Discrimination Under Title IX
3. Board policy GBN/JBA - Sexual Harassment

Step 3: If the complainant is not satisfied with the decision of the superintendent or designee, a written appeal may be filed with the Board within five school days of receipt of the superintendent's or designee's response to Step 2. The Board may decide to hear or deny the request for appeal at a Board meeting. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative at a Board meeting. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing or electronic form within 30 days of receipt of the appeal by the Board.

If the principal is the subject of the complaint, the individual may start at Step 2 and should file a complaint with the superintendent or designee. The superintendent will notify the civil rights coordinator.

If the superintendent is the subject of the complaint, the complaint may start at Step 3 and should be referred to the Board chair. The Board may refer the investigation to a third party. The Board chair will direct notification to the civil rights coordinator.

Complaints against the Board as a whole or against an individual Board member, may start at Step 3 and should be submitted to the Board chair and may be referred to district counsel. The Board chair will direct notification to the civil rights coordinator.

Complaints against the Board chair may start at Step 3 and be referred directly to the Board vice chair. The Board vice chair will direct notification to the civil rights coordinator.

All complaints, including those starting at Step 2 or later, will meet all legal requirements. The civil rights coordinator will oversee these requirements.

The timelines established in each step of this procedure may be extended by mutual agreement between the district and complainant.

The complainant may appeal² the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rule (OAR) 581-075-0001 - 581-075-0045 (the rules are amended by OAR 581-075-0901 until April 30, 2025) if: the complainant resides in the district, is the parent/guardian of a student who attends school in the district, or is a student; AND 1) the complainant has exhausted local complaint procedures; 2) the district failed to render a written decision within 30 days of submission of the complaint at any step (unless the district and complainant have agreed in writing to a different time period for that step); or 3) the district failed to resolve the complaint within 90 days of the initial filing of the complaint.

² An appeal must meet the criteria found in OAR 581-002-0005(1)(a)075-0010 (the rules are amended by OAR 581-075-0901 until April 30, 2025).



Code: AC-AR(2)
Revised/Reviewed:

Sex-Based Discrimination Under Title IX

Definitions

“Discrimination on the basis of sex” includes discrimination on the basis of sex-stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

“Complainant” means:

A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or

A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the district’s education program or activity at the time of the alleged discrimination.

“Complaint” means an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination.

“Consent” means the knowing, voluntary and clear agreement by all parties to participate in the specific act.

“Parental status” means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

1. A biological parent;
2. An adoptive parent;
3. A foster parent;
4. A stepparent;
5. A legal custodian or guardian;
6. In loco parentis with response to such a person;
7. Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

“Peer retaliation” means retaliation by a student against another student.

“Pregnancy or related conditions” means:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

“Sex-based harassment” is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on bases described in 34 CFR § 106.10, that is:

1. **Quid pro quo harassment.** An employee, agent, or other person authorized by the district to provide an aid, benefit, or service under the district’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
2. **Hostile environment harassment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the district’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the complainant’s ability to access the district’s education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties’ age, roles within the district’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the district’s education program or activity; or
3. Specific offenses including sexual assault, dating violence, domestic violence, and stalking.¹

“Supportive measures” means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

1. Restore or preserve that party’s access to the district’s education program or activity, including measures that are designed to protect the safety of the parties or the district’s educational environment; or
2. Provide support during the district’s grievance procedures under 34 CFR § 106.45, and if applicable 34 CFR § 106.46, or during the informal resolution process under 34 CFR § 106.44(k).

Notice of Nondiscrimination

The district will provide notice of nondiscrimination to students; parents, guardians, or other authorized legal representatives of elementary school and secondary school students; employees; applicants for

¹ See 34 CFR § 106.2, *Sex-based harassment* (3) *Specific offenses* for definitions.

admission and employment and all unions and professional organizations holding collective bargaining or professional agreements with the district. This notice will be continuously available on the district website, be posted in multiple locations, be made available in the languages of the communities served by the district, and be disseminated annually to staff, students, and families in an accessible manner.² This includes, but is not limited to, each handbook, catalog, announcement, bulletin, and application form that the district makes available to persons entitled to the notice.

Sample notice:

The district does not discriminate on the basis of age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, and gender identity.

The district prohibits sex discrimination in any education program or activity it operates, as required by Title IX and its regulations, including admission and employment.

Inquiries about Title IX may be referred to the district's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

The following have been designated by the district:

Title IX Coordinator, Civil Rights Coordinator, and Title II Coordinator:

Ethan Snyder

1204 NE 201st Ave; Fairview, OR 97024

esnyder@rsd7.net

503.661.7200

Section 504 Coordinator:

Holly Altiero

2408 SW Halsey St; Troutdale, OR 97060

haltiero@rsd7.net

503.661.7200

The district's nondiscrimination policy and grievance procedures can be located on the Reynolds School District website in the "About" section.

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to the Reynolds School District website. The "Public Complaints and Procedures" link is in the "About" section.

The following may also be used in district publications:

The district prohibits sex discrimination in any education program or activity it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at reynolds.k12.or.us/district/non-discrimination-notice

² This reflects the requirements for the Title IX notice (34 CFR § 106.8(c)(1)) and Oregon law OAR 581-021-0045(4).

Training Requirements

The district will ensure the following individuals receive training related to their duties under Title IX promptly upon hiring or change of position which alters their duties under Title IX or this administrative regulation, and annually thereafter. The training must not rely on sex stereotypes.

1. All employees must be trained on:
 - a. The district's obligation to address sex discrimination in its education program or activity;
 - b. The scope of conduct that constitutes sex discrimination under Title IX and regulation, including the definition of sex-based harassment; and
 - c. All applicable notification and information requirements.
2. All investigators, decisionmakers, and other persons³ who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures must be trained on the following topics to the extent related to their responsibilities:
 - a. The district's obligations under 34 CFR § 106.44 (District's response to sex discrimination);
 - b. The district's grievance procedures;
 - c. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
 - d. The meaning and application of the term 'relevant' in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under law.
3. All facilitators⁴ of an informal resolution process must be trained on the rules and practices associated with the district's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias;
4. The Title IX Coordinator and any designees must be trained on their specific legal responsibilities⁵, the district's recordkeeping system related requirements, and any other training necessary to coordinate the district's compliance with Title IX.

The district will make all training materials available upon request for inspection by members of the public.

Title IX Coordinator Duties

The Title IX Coordinator is responsible for coordinating the district's compliance with its obligations under Title IX.

³ This requirement is in addition to the requirements in 1. above for all employees. This requirement may include board members.

⁴ This requirement is in addition to the requirements in 1. above for all employees.

⁵ See 34 CFR §§ 106.40(b)(3) and 106.44(f) and (g).

When notified of conduct that reasonably may constitute sex discrimination under Title IX, the Title IX Coordinator must take the following actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects:

1. Treat the complainant and respondent equitably;
2. Offer and coordinate supporting measures for complainant and respondent, as appropriate;
3. Notify the complainant or, if the complainant is unknown, the individual who reported the conduct of the grievance procedures (including informal resolutions process as appropriate);
4. If a complaint is made, notify the respondent of the grievance procedures (including informal resolutions process as appropriate);
5. In response to a complaint, initiate the grievance procedures;
6. In the absence of a complaint or the withdrawal of any or all of the allegation in the complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint of sex discrimination⁶. If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the district from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint;
7. If initiating a complaint, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures; and
8. Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within the district's education program or activity.

⁶ To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

1. The complainant's request not to proceed with initiation of a complaint;
2. The complainant's reasonable safety concerns regarding initiation of a complaint;
3. The risk that additional acts of sex discrimination would occur if a complaint were not initiated;
4. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the respondent is an employee of the district;
6. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
8. Whether the district could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedure.

Additional Requirements under Title IX

If the district has knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity, the district must respond promptly and effectively. Each district employee⁷ must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX.⁸

The district will treat complainants and respondents equitably.⁹

The district requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.¹⁰

The district presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.¹¹

The district will follow timelines in AC-AR(1) – Discrimination or Civil Rights Complaint Procedure. Timelines may be amended in accordance with that procedure.¹²

The district will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

If a complainant or respondent is a student with a disability, the Title IX Coordinator must consult with one or more members of the student's Individualized Education Program (IEP) team or the group of persons responsible for the student's placement decision as required by law.¹³

Records related to complaints, notifications and trainings will be kept in accordance with 34 CFR § 106.8(f).¹⁴

⁷ Does not apply to confidential employees, as defined in 34 CFR § 106.2.

⁸ This requirement does not apply to an employee who has personally been subject to conduct that reasonably may constitute sex discrimination under Title IX.

⁹ 34 CFR § 106.45(b)(1).

¹⁰ 34 CFR § 106.45(b)(2).

¹¹ 34 CFR § 106.45(b)(3).

¹² 34 CFR § 106.45(b)(4).

¹³ 34 CFR § 106.8(e).

¹⁴ Records documenting the information resolution process, the grievance procedures, any resulting outcome, records documenting the actions the district took to meet obligations under this regulation and training materials must be kept for a minimum of seven years.

The Title IX Coordinator must monitor the district’s education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX and take steps reasonably calculated to address such barriers.

Complaint and Grievance Procedures¹⁵

The district has adopted complaint procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations. These procedures can be found in AC-AR(1) - Discrimination or Civil Rights Complaint Procedure.

The following persons have a right to make a complaint about sex discrimination, including complaints of sex-based harassment, requesting that the district investigate and make a determination about alleged discrimination under Title IX:

1. A “complainant,” includes:
 - a. A student or employee of the district who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - b. A person other than a student or employee of the district who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the district’s education program or activity;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
3. The district’s Title IX Coordinator.

A person is entitled to make a complaint of sex-based harassment under Title IX only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with requirements of 34 CFR § 106.44(f)(1)(v).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

1. Any student or employee of the district; or
2. Any person other than a student or employee who was participating or attempting to participate in the district’s educational program or activity at the time of the alleged sex discrimination.

Individuals may be able to file complaints under different laws and procedures.

The district may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when

¹⁵ See 34 CFR §§ 106.8(b)(2) and 106.45.

the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Notice of Allegations

Upon initiation of the district's Title IX grievance procedures, the district will notify the parties in writing of the following:

1. The district's Title IX grievance procedures and any informal resolution process;
2. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
3. Retaliation is prohibited; and
4. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the district provides a description of the evidence the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the district decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the district will notify the parties of the additional allegations.

Investigation

Using established investigative procedures, the district will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on the district—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The district will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The district will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The district will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The district will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

1. The district will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the district provides a description of the evidence, the district will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon request of the party;
2. The district will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
3. The district will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses

The district will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the district to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

1. Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
2. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's consent or witness's voluntary, written consent for use in its grievance procedures; and
3. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Determination whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district will:

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred;

2. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
3. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
4. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - a. Coordinate the provision and implementation of remedies to a complainant and other people the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination;
 - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the district's education program or activity.
5. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
6. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Dismissal of Complaints

The district may dismiss a complaint of sex discrimination if:

1. The district is unable to identify the respondent after taking reasonable steps to do so;
2. The respondent is not participating in the district's education program or activity and is not employed by the district;
3. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the district determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
4. The district determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the district will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the district will promptly notify the complaint of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the district will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The district will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the district will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the district will:

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
2. Implement appeal procedures equally for the parties;
3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
6. Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the district will, at a minimum:

1. Offer supportive measures to the complainant as appropriate;¹⁶
2. If the respondent has been notified of the allegations, offer supportive measure to the respondent as appropriate; and
3. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the district's education program or activity.¹⁷

¹⁶ See 34 CFR § 106.44(g).

¹⁷ See 34 CFR § 106.44(f).

Appeal of Determinations

Appeals may be filed in accordance with AC-AR(1) - Discrimination or Civil Rights Complaint Procedure.

Informal Resolutions

In lieu of resolving a complaint through the district's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The district does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with Federal, State, or local laws.¹⁸

Supportive Measures

The district will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the district's education program or activity or provide support during the district's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include but are not limited to, counseling; extensions of deadlines and other course-related adjustments; restrictions on contact applied to one or more parties; leaves of absence; changes in class or work, and training and education programs related to sex-based harassment.

Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, the district may impose disciplinary sanctions, ranging from a letter of reprimand to suspension or termination. The district may also provide remedies, which may include, but limited to, counseling, extension of deadlines, restrictions on contact between the parties, or changes in class or work.

¹⁸ See 34 CFR § 106.44(k)



Code: GBN/JBA
Adopted: 7/27/22
Revised/Readopted: 5/22/24
Orig. Code(s): GBN/JBA

Sexual Harassment

The district is committed to eliminating sexual harassment. Sexual harassment will not be tolerated in the district. All students, staff members and other persons are entitled to learn and work in an environment that is free of harassment. All staff members, students and third parties are subject to this policy. Any person may report sexual harassment.

The district processes complaints or reports of sexual harassment using administrative regulation AC-AR(1) - Discrimination or Civil Rights Complaint Procedure. Additional requirements for processing complaints are included in this policy.²

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint or report may be obtained through the principal, Title IX Coordinator, civil rights coordinator, or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

¹ Sexual harassment is generally considered a type of sex-based discrimination. Consequently, additional laws and complaint procedures may apply.

² Other complaint policies and administrative regulations that may apply include, but are not limited to: AC – Nondiscrimination and Civil Rights; ACB – Every Student Belongs; GBEA – Workplace Harassment, GBNA – Hazing, Harassment, Intimidation, Menacing, or Cyberbullying – Staff; GBNA/JHFF – Suspected Sexual Conduct with Students and Reporting Requirements; GBNA/JHFE – Suspected Abuse of a Child Reporting Requirements; and JFCF – Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence or Domestic Violence - Students.

OREGON DEFINITION

Sexual harassment of students, staff members or third parties³ shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student’s educational activity or program;
 - b. Interferes with a school or district staff member’s ability to perform their job; or
 - c. Creates an intimidating, offensive, or hostile environment.
3. Assault when sexual contact occurs without consent⁴.

Sexual harassment does not include conduct that is necessary because of a job duty of a school or district staff member or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent or a person finding another person, or another person’s actions, offensive because of that other person’s sexual orientation or gender identity.

Examples of sexual harassment may include, but not be limited to, physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one’s sexual behaviors in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance].

Oregon Procedures

Reports and complaints of sexual harassment should be made to the following individual(s):

Name	Position	Phone	Email
Shaunice Silas	Executive Director of Human Resources	503.661.7200	ssilas@rsd7.net

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to make a report should use the above contact information. The person[s] designated will coordinate the report with the procedures in administrative regulation AC-AR(1) – Discrimination or Civil Rights Complaint Procedure.

Response

Any staff member who becomes aware of behavior that may violate this policy shall report to a district official. The district official (with coordination involving the reporting staff member when appropriate) will take any action necessary to ensure the:

1. Student is protected and to promote a nonhostile learning environment;

³ “Third party” means a person who is not a student or a school or district staff member and who is: 1) on or immediately adjacent to school grounds or district property; 2) at a school-sponsored activity or program; or 3) off school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

⁴ “Without consent” means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

2. Staff member is protected and to promote a nonhostile work environment; or
3. Third party who is subjected to the behavior is protected and to promote a nonhostile environment.

This includes providing resources for support measures to the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

Any student or staff member who feels they are a victim of sexual harassment are encouraged to report their concerns to district officials, this includes officials such as the principal, compliance officer or superintendent. Students may also report concerns to a teacher, counselor, or school nurse, who will promptly notify the appropriate district official.

Investigation

All reports and complaints about behavior that may violate this policy shall be investigated. The district may use, but is not limited to, the following means for investigating incidents of possible harassment:

1. Interviews with those involved;
2. Interviews with witnesses;
3. Review of video surveillance;
4. Review of written communications, including electronic communications;
5. Review of any physical evidence; and
6. Use of third-party investigator.

The district will use a reasonable person standard when determining whether a hostile environment exists. A hostile environment exists if a reasonable person with similar characteristics and under similar circumstances would consider the conduct to be so severe as to create a hostile environment.

The district may take, but is not limited to, the following procedures and remedial action to address and stop sexual harassment and prevent reoccurrence:

1. Discipline of staff and students engaging in sexual harassment;
2. Removal of third parties engaged in sexual harassment;
3. Additional supervision in activities;
4. Additional controls for district electronic systems;
5. Trainings and education for staff and students; and
6. Increased notifications regarding district procedures and resources.

When a student or staff member is harassed by a third party, the district will consider the following:

1. Removing that third party's ability to contract or volunteer with the district, or be present on district property;

2. If the third party works for an entity that contracts with the district, communicating with the third party's employer;
3. If the third party is a student of another district or school, communicate information related to the incident to the other district or school;
4. Limiting attendance at district events; and
5. Providing for additional supervision, including law enforcement, if necessary, at district events.

No Retaliation

Retaliation against persons who initiate complaint or otherwise report sexual harassment or who participate in an investigation or other related activities is prohibited. The initiation of a complaint, reporting of behavior, or participation in an investigation, in good faith about behavior that may violate this policy may not adversely affect the:

1. Educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation; or
2. Any terms or conditions of employment or of work or educational environment of a school or district staff member or other person initiating the complaint, reporting the behavior, or participating in the investigation.

Students who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report or investigation, unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notice

When a person⁵ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and
4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include⁶:

1. Name and contact information for all person designated by the district to receive complaints;
2. The rights of the person that the notification is going to;

⁵ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

⁶ Remember confidentiality laws when providing any information.

3. Information about the internal complaint processes available through the school or district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines;
4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
 - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
 - b. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and
9. Prohibition of retaliation.

Notification, to the extent allowable under state and federal student confidentiality laws, must be provided when the investigation is initiated and concluded. The notification at the conclusion must include whether a violation of the policy was found to have occurred.

The notice must:

1. Be written in plain language that is easy to understand;
2. Use print that is of a color, size and font that allows the notification to be easily read; and
3. Be made available to students, students' parents, staff members and member of the public at each office, at the district office and on the website of the school or district.

Publication

This policy shall be made available to students, parents of students and staff members. This policy and contact information for the Title IX coordinator shall be prominently published in the district student handbook and on the district website. This policy shall also be made available at each school office and at the district office. The district shall post this policy on a sign in all grade 6 through 12 schools, on a sign that is at least 8.5 inches by 11 inches in size. A copy of the policy will be made available to any person upon request.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 332.107](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)

[ORS 342.850](#)
[ORS 342.865](#)
[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)

[ORS 659A.030](#)
[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2024).

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

Cross Reference(s):

AC - Nondiscrimination

ACB - Every Student Belongs

GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff

GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements

GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements

JBA/GBN - Sexual Harassment

JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence or Domestic Violence – Student

JHFE/GBNAB - Suspected Abuse of a Child Reporting Requirements



Code: GBN/JBA-AR(1)
 Revised/Reviewed: 7/27/22
 Orig. Code(s): GBN/JBA-AR

Oregon Sexual Harassment Complaint Procedure

See AC-ARs

Reports and complaints of sexual harassment should be made to the following individual(s):

Name	Position	Phone	Email
Dr. Christopher Ortiz	Asst Superintendent of Student & Family Services	503-661-7200 x3223	ckortiz@rsd7.net
Lavell Wood	Principal Alder Elem.	503-491-2722 x4840	lwood@rsd7.net
Ashley Davis	Principal Davis Elem.	503-665-9193 x1640	adavis@rsd7.net
Lisa McDonald	Principal Fairview Elem.	503-667-2954 x4140	lmedonald@rsd7.net
Claudia Ramos Tetz	Principal Glenfair Elem.	503-491-2720 x4940	cramos-tetz@rsd7.net
Jeff Pond	Principal Hartley Elem.	503-665-0134 x1440	jpond@rsd7.net
Natasha Jackson	Principal Margaret Scott	503-491-2721 x4440	njackson@rsd7.net
Shelley Walker	Principal Salish Ponds	503-492-7260 x3040	swalker@rsd7.net
Marie Marianiello	Principal Sweetbriar	503-666-9441 x2130	mmarianiello@rsd7.net
Kirsten Letofsky	Principal Troutdale	503-665-4182 x2211	kletofsky@rsd7.net
Adam Swientek	Principal Wilkes Elem.	503-491-2724 x4643	aswientek@rsd7.net
Rob Robinson	Principal Woodland	503-674-8188 x1540	rrobinson@rsd7.net
Danielle Heikkila	Principal H.B. Lee Mid.	503-491-2723 x4040	dheikkila@rsd7.net
Sara Idle	Principal Reynolds Mid.	503-665-8166 x3421	sidle@rsd7.net
Tanya Pruett	Principal Walt Morey	503-491-1935 x1708	tpruett@rsd7.net
Aaron Ferguson	Principal Reynolds Learn	503-667-4673 x3430	aferguson@rsd7.net
Wade Bakley	Principal Reynolds HS	503-667-3186 x1004	wbakley@rsd7.net

The district official receiving the complaint shall issue the required written notice as outlined under Oregon Procedures in Board policy GBN/JBA – Sexual Harassment.

D Step 1 — ~~The district official receiving the report or complaint shall promptly initiate an investigation using procedures and standards, including but not limited to, those identified in Board policy GBN/JBA—Sexual Harassment and will notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents of a reporting person, impacted person, or reported person, when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within 10 days after receipt of the report or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation shall be reduced to writing. The official conducting the investigation shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law within 30 days of receipt of the report or complaint.~~

~~A copy of the required written notice(s) and the date and details of notification of the notice of investigation and results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.~~

E Step 2 — ~~If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 1 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal within 5 working days of receipt of the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days.~~

Step 3 — ~~If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The Board will review the decision of the superintendent or designee in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's or designee's decision. All parties involved, including the school administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within 30 working days following receipt of the appeal.~~

~~If the Board chooses not to hear the complaint, the superintendent's or designee's decision in Step 2 is final[†].~~

~~The superintendent is authorized to amend these procedures (including timelines) when the superintendent feels it is necessary for the efficient handling of the complaint. Notice of any amendments will be promptly provided to the parties.~~

~~Complaints against the principal may start at Step 2 and may be filed with the superintendent or designee. The superintendent or designee will cause the required notices to be provided. The superintendent or designee will investigate the complaint and will notify the parties in writing that the investigation is~~

[†]If the Board chooses to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).

concluded and if a violation of the policy was found to have occurred to the extent allowable by law. If the complaint remains unresolved within 10 working days of receipt by the superintendent or designee, the complainant may appeal to the Board in Step 3.

Complaints against the superintendent or a Board member (other than the Board chair) may start at Step 3 and should be referred to the Board chair on behalf of the Board. The Board chair will cause required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 30 days, in open session what action, if any, is warranted. The Board chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Complaints against the Board chair may start at Step 3 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 30 days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint or report may be obtained through the principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints or reports and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

SEXUAL HARASSMENT COMPLAINT FORM

D
Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

E
Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

E

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

WITNESS DISCLOSURE FORM

D
Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

E
Description of Instance Witnessed: _____

L

Any Other Information: _____

E

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

E



Code: ~~GBN/JBA-AR(2)~~
Adopted: ~~7/27/22~~

Federal Law (Title IX) Sexual Harassment Complaint Procedure

Additional Definitions

~~“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary or secondary school.¹~~

~~“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.~~

~~“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent² and requesting that the district investigate the allegation of sexual harassment.³~~

~~“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment.⁴ The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures.~~

Formal Complaint Procedures

Upon receipt of a formal complaint, the district will provide the parties⁵ written notice of the following:

- ~~1. Notice of the district’s grievance process, including any informal resolution process.~~

¹ This standard is not met when the only official with knowledge is the respondent.

² “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

³ A complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

⁴ Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

⁵ Parties include the complainant and the respondent, if known.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details⁶ known at the time and with sufficient time to prepare a response before any initial interview.
3. That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility be made at the conclusion of the grievance process.
4. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The parties may inspect and review evidence.
6. A reference to any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator will contact the complainant and the respondent to discuss supportive measures. If necessary, the Title IX Coordinator will arrange for an individualized safety and risk analysis. If necessary, a student or non-student employee may be removed or placed on leave.

Investigation

The Title IX Coordinator will coordinate the district's investigation. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence.
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.⁷
3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.⁸ The district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

⁶ Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

⁷ The district cannot access, consider, disclose, or otherwise use a party's records that are made of or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's capacity, and which are maintained in connection with the provision of treatment to the party, unless the district obtains the party's (or eligible student's parent's) voluntary, written consent to do so.

⁸ In addition to an advisor, complainants and respondents may also be entitled to other accompaniment as required by law or as necessary for conducting of grievance procedures, including but not limited to translators, services for students with disabilities and parents of minor students.

6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.⁹ Prior to completion of the investigative report, the district must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. Create an investigative report that fairly summarizes relevant evidence and is sent to each party and party's advisor in electronic format or hard copy at least 10 days prior to any hearing (if required or provided) or other time of determination of responsibility. The party and advisor will be allowed to review and provide a written response.

After the district has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) must afford each party the opportunity to submit written, relevant questions¹⁰ that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Credibility determinations are not based on the person's status as a complainant, respondent or witness.

No person designated as a Title IX Coordinator, investigator, decision maker, or any person designated by the district to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, the district must provide notice of the additional allegations to the parties whose identities are known.

At no point in the process will the district, or anyone participating on behalf of the district, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Determination of Responsibility

The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

⁹This includes the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the investigation. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

¹⁰Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The standard to be used for formal complaints in determining whether a violation has occurred is the preponderance of the evidence¹¹ standard.

The person deciding the question of responsibility (the “decision-maker”) must be someone other than the Title IX Coordinator or the investigator(s). The decision-maker must issue a written determination which must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district’s code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions the district imposes on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the district’s education program or activity will be provided by the district to the complainant; and
6. The district’s procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies and/or supportive measures.

The disciplinary sanctions¹² may include:

1. Discipline up to and including suspension and expulsion;
2. Removal from various activities, committees, extra-curricular, positions, etc.
3. Disqualification for awards and honors;

¹¹ A preponderance of the evidence standard is understood to mean concluding that a fact is more likely than not to be true. U.S. Department of Education, Title IX Regulations commentary, p. 1268, FN 1409.

¹² Districts should review any other disciplinary procedures and requirements prior to imposing any discipline, and should contact legal counsel with questions.

4.—Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.¹³

Supportive measures ~~may~~ include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Dismissal of a Formal Complaint

The district must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:

- 1.—Would not constitute sexual harassment, even if proved;
- 2.—Did not occur in the district’s education program or activity¹⁴; or
- 3.—Did not occur against a person in the United States.

The district may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or hearing, if provided:

- 1.—A complainant notifies the Title IX Coordinator in writing that the complaint would like to withdraw the formal complaint or any allegations therein;
- 2.—The respondent is no longer enrolled or employed by the district; or
- 3.—Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint, the district must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the district from continuing any investigation and taking action under a different process. The district may have an obligation to continue an investigation and process under a different process.

Consolidation of Complaints

The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by one or more complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Informal Resolution

If the district receives a formal complaint, at any time prior to reaching a determination regarding responsibility, the district may offer an optional informal resolution process, provided that the district:

¹³ It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be “non-disciplinary” and “non-punitive.”

¹⁴ Includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs. (Title 34 C.F.R. §106.44(a))

1. Provides written notice to the parties disclosing:

- a. The allegations;
- b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
- c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

2. Obtains the parties' voluntary written consent to the informal resolution process; and

3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Appeals

Either party may file an appeal from a determination regarding responsibility or from a dismissal of a formal complaint, within 10 working days of the decision, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

When an appeal is filed, the district must:

1. Notify the other party in writing;
2. Implement appeal procedures equally for both parties;
3. Ensure the decision-maker(s) for the appeal is not the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
4. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
5. Give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

Timelines

The district will complete the following portions of the grievance process within the specified timelines:

1. General grievance process (from receipt of formal complaint to determination of responsibility): 90 days;

2.— Appeals (from receipt of appeal): 60 days;

3.— Informal resolution process: 60 days.

Temporary delays of the grievance process, or limited extensions of time will be allowed for good cause¹⁵ with written notice to the parties.

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹⁶

Training

Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and information resolution processes. The training must also include avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision makers must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions about evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment and must be made publicly available on the district's website.

¹⁵ Good cause may include considerations such as the absence of a party, a party's advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. (Title 34 C.F.R. § 106.45(b)(1)(v))

¹⁶ This includes creating a record for each investigation. This record must include:

- Supportive measures, or reasons why the response was not clearly unreasonable under the circumstances;
- Basis for the conclusion that the district's response was not deliberately indifferent; and
- What measures were taken to restore or preserve equal access to the district's educational program or activity. (Title 34 C.F.R. § 106.45(a)(10)(ii))

Most records (including training) must be retained for at least seven years.



Code: GCBDA/GDBDA
Adopted: 2/11/10
Revised/Readopted: 4/26/23
Orig. Code: GCBDA/GDBDA

Family and Medical Leave

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA), the Oregon Family Leave Act (OFLA), the Oregon Military Family Leave Act (OMFLA), Paid Family and Medical Leave Insurance (PFMLI) and other applicable provisions of state and federal law, Board policies and collective bargaining agreements regarding family medical leave.

In order for an employee to be eligible for the benefits under FMLA, the employee must have been employed by the district for at least 12 months, have worked at least 1,250 hours during the past 12-month period and works at a worksite that employs 50 or more district employees within 75 miles of the worksite.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the start of the requested leave. Special requirements apply during public health emergencies.

OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee's eligibility for OMFLA.

PFMLI is generally available to district employees who have earned \$1,000 in subject wages or taxable income during the alternate or base years¹, contributed to the PFMLI fund in the alternate or base years and are otherwise eligible.² PFMLI can be taken for family leave, medical leave or safe leave.³

Leave taken under OFLA is in addition to leave taken under PFMLI and cannot be taken concurrently; however, OFLA leave or PFMLI may run concurrently with leave available under ORS 653.601 - 653.661, FMLA, and other types of leave if provided by the district. Any leave taken under PFMLI must be taken concurrently with any leave taken under FMLA when for the same purpose.

The superintendent or designee will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

¹ The wages are not required to have been earned for work in the district.

² See OAR 471-070-1010 for additional information.

³ Time to effectuate the legal process for the placement of a child in foster care or a child being adopted qualifies for PFMLI starting January 1, 2025. Until then, leave is available through OFLA.

Legal Reference(s):

[ORS 332.507](#)
[ORS 657B.010](#)
[ORS 657B.025](#)

[ORS 659A.090](#)
[ORS 659A.093](#)
[ORS 659A.096](#)

[ORS 659A.099](#)
[ORS 659A.150 - 659A.186](#)
[OAR 839-009-0210 - 0460](#)

Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654; 5 U.S.C. §§ 6381-6387 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2023).
Americans with Disabilities Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2023); 28 C.F.R. Part 35 (2023).
Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9th Cir. 2014).
Senate Bill 1515 (2024).

Cross Reference(s):

GCBDD/GDBDD - Sick Time

Code: ~~_____~~ GCBDA/GDBDA-AR(1)

Revised/Reviewed: ~~_____~~ 4/26/23

Orig. Code(s): ~~_____~~ GCBDA/GDBDA-AR(1)

Family Leave

(Version 1)

See updated version

Coverage

The federal Family and Medical Leave Act (FMLA) applies to districts with 50 or more employees within 75 miles of the employee's work site, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.

The Oregon Family Leave Act (OFLA) and the Oregon Military Family Leave Act (OMFLA) applies to districts that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

Employee Eligibility

FMLA applies to employees who have worked for the district for at least 12 months (not necessarily consecutive) and worked for at least 1,250 hours during the 12-month period immediately preceding the start of the leave.

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year. In such instances, the employee need not requalify as an eligible employee, if the additional leave applied for is in the same leave year and for the same condition.

OFLA applies to employees who work an average of 25 hours or more per week during the 180 calendar days or more immediately prior to the first day of the start of the requested leave.¹ For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

An employee of a covered employer is eligible to take leave for purposes of OFLA during a period of time covered by a public health emergency except:

¹ The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

- ~~1. An employee who worked for the covered employer for fewer than 30 days immediately before the date on which the family leave would commence; or~~
- ~~2. An employee who worked for the covered employer for an average of fewer than 25 hours per week in the 30 days immediately before the date on which the family leave would commence.~~

~~An employee of a covered employer is eligible to take leave for purposes of OFLA if the employee:~~

- ~~1. Separates from employment with the covered employer, irrespective of any reason:
 - ~~a. Is eligible to take leave OFLA at the time the employee separates; and~~
 - ~~b. Is reemployed by the covered employer within 180 days of separation from employment; or~~~~
- ~~2. Is eligible to take OFLA leave:
 - ~~a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and~~
 - ~~b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.~~~~

~~Any OFLA leave taken by the employee within any one-year period continues to count against the length of time of OFLA leave the employee is entitled. The amount of time that an employee is deemed to have worked for a covered employer prior to a break in service due to a separation from employment or a temporary cessation of scheduled hours shall be restored to the employee when the employee is reemployed by the employer within 180 days of separation from employment or when the employee returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.~~

~~An employee who has previously qualified for and has taken some portion of OFLA leave, may request additional OFLA leave within the same leave year. In such instances, the employee must requalify as an eligible employee for each additional leave requested unless one of the following exceptions apply:~~

- ~~1. A female employee who has taken 12 weeks of pregnancy disability leave need not requalify leave in the same leave year for any other purpose;~~
- ~~2. An employee who has taken 12 weeks of parental leave need not requalify to take an additional 12 weeks in the same leave year for sick child leave; and~~
- ~~3. An employee granted leave for a serious health condition for the employee or a family member need not requalify if additional leave is taken in this leave year for the same reason.~~

~~OMFLA applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.~~

~~In determining if an employee has been employed for the preceding 180 calendar days, when applicable, the employer must consider days, e.g., paid or unpaid, an employee is maintained on payroll for any part of a work week. Full-time public school teachers who have been maintained on payroll by a district for 180 consecutive calendar days are thereafter deemed to have been employed for an average of at least 25 hours per week during the 180 days immediately preceding the start date of the OFLA leave. This provision is eligible for rebuttal if for example, the employee was on a nonpaid sabbatical.~~

~~In determining average workweek, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.~~

Qualifying Reason

Eligible employees may access FMLA leave for the following reasons:

1. ~~Serious health condition of the employee or the employee's covered family member:~~
 - a. ~~Inpatient care;~~
 - b. ~~Continuing treatment;~~
 - c. ~~Chronic conditions;~~
 - d. ~~Permanent, long-term or terminal conditions;~~
 - e. ~~Multiple treatments;~~
 - f. ~~Pregnancy and prenatal care.~~
2. ~~Parental leave² (separate from eligible leave as a result of a child's serious health condition):~~
 - a. ~~Bonding with and the care for the employee's newborn (within 12 months following birth);~~
 - b. ~~Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);~~
 - c. ~~Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);~~
 - d. ~~Time to effectuate the legal process required for placement of a foster child or the adoption of a child.~~
3. ~~Military Caregiver Leave: leave for the care for spouse, son, daughter or next of kin who is a covered servicemember/veteran with a serious injury or illness;~~
4. ~~Qualifying Exigency Leave: leave arising out of the foreign deployment of the employee's spouse, son, daughter or parent.~~

Eligible employees may access OFLA for the following reasons:

1. ~~Serious health condition of the employee or the employee's covered family member:~~
 - a. ~~Inpatient care;~~
 - b. ~~Continuing treatment;~~
 - c. ~~Chronic conditions;~~
 - d. ~~Permanent, long-term or terminal conditions;~~
 - e. ~~Multiple treatments;~~
 - f. ~~Pregnancy and prenatal care.~~
2. ~~Parental leave (separate from eligible leave as a result of the child's serious health condition):~~
 - a. ~~Bonding with and the care for the employee's newborn (within 12 months following birth);~~
 - b. ~~Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);~~
 - c. ~~Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);~~

² Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

d. ~~Time to effectuate the legal process required for placement of a foster child or the adoption of a child.~~

3. ~~Sick Child Leave: leave for non-serious health conditions of the employee's child. For OFLA, sick child leave includes absence to care for an employee's child whose school or child care provider has been closed³ in conjunction with a statewide public health emergency declared by a public health official.⁴~~

4. ~~Bereavement Leave: leave related to the death of a covered family member.⁵~~

5. ~~Eligible employees may access OMFLA for the purpose of spending time with a spouse or same-gender domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.~~

6. ~~The eligibility of an employee who takes multiple leaves for different qualified reasons during the same district designated leave period may be reconfirmed at the start of each qualified leave requested.~~

Definitions

1. ~~Family member:~~

a. ~~For the purposes of FMLA, "family member" means:~~

(1) ~~Spouse⁶;~~

(2) ~~Parent;~~

(3) ~~Child; or~~

(4) ~~Persons who are "in loco parentis".~~

b. ~~For the purposes of OFLA, "family member" means:~~

(1) ~~Spouse;~~

(2) ~~Registered, same-gender domestic partner;~~

(3) ~~Parent;~~

(4) ~~Parent-in-law;~~

³ "Closure" for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider. OAR 839-009-0210(4).

⁴ The district may request verification of the need for sick child leave due to a closure during a statewide emergency. Verification may include:

1. The name of the child being cared for;

2. The name of the school or child care provider that has closed or become unavailable; and

3. A statement from the employee that no other family member of the child is willing and able to care for the child.

With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

⁵ Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

⁶ "Spouse" means individuals in a marriage, including "common law" marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

D

- ~~(5) — Parent of employee’s registered, same-gender domestic partner;~~
- ~~(6) — Child;~~
- ~~(7) — Child of employee’s registered, same-gender domestic partner;~~
- ~~(8) — Grandchild;~~
- ~~(9) — Grandparent; or~~
- ~~(10) — Persons who are “in loco parentis”.~~

2.— Child:

- ~~a. — For the purposes of FMLA, “child” means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing “in loco parentis”, who is either under the age of 18, or who is 18 years of age or older and who is incapable of self-care because of a physical or mental impairment.~~
- ~~b. — For the purposes of Military Caregiver Leave and Qualifying Exigency Leave under FMLA, “child” means the employee’s son or daughter on covered active duty regardless of that child’s age.~~
- ~~c. — For the purposes of OFLA, “child” means a biological, adopted, foster child or stepchild of the employee, the child of the employee’s same-gender domestic partner, or a child with whom the employee is or was in a relationship of “in loco parentis”.~~
- ~~d. — For the purposes of parental and sick child leave under OFLA, the child must be under the age of 18 or an adult dependent child substantially limited by a physical or mental impairment.~~

3.— In loco parentis:

- ~~a. — For the purposes of FMLA, “in loco parentis” means persons with day-to-day responsibility to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.~~
- ~~b. — For the purposes of OFLA, “in loco parentis” means person in the place of the parent having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.~~

4.— Next of kin:

~~For the purposes of FMLA and Military Caregiver Leave under FMLA, “next of kin” means the nearest blood relative other than the servicemember’s spouse, parent, son or daughter in the following order of priority (unless otherwise designated in writing by the servicemember):~~

- ~~a. — Blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions;~~
- ~~b. — Brothers or sisters;~~
- ~~c. — Grandparents;~~
- ~~d. — Aunts and uncles; and~~
- ~~e. — First cousins.~~

5.— Covered servicemembers:

~~For the purposes of Military Caregiver Leave under FMLA, “covered servicemember” means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is~~

receiving medical treatment, recuperation or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness.

6. ~~Covered veteran:~~

~~For the purposes of Military Caregiver Leave under FMLA, “covered veteran” means a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness provided they were:~~

- ~~a. — A member of the Armed Forces (including a member of the National Guard or Reserves);~~
- ~~b. — Discharged or released under conditions other than dishonorable; and~~
- ~~c. — Discharged within the five-year period before the eligible employee first takes FMLA, Military Caregiver Leave.~~

7. ~~Public health emergency:~~

~~For OFLA a public health emergency means;~~

- ~~a. — A public health emergency declared under ORS 433.441.~~
- ~~b. — An emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.~~

Leave Period

~~For the purposes of calculating an employee’s leave period, the district will use a “rolling” 12-month period measured backward from the date the employee uses any family and medical leave. The same method for calculating the 12-month period for FMLA and OFLA leave entitlement shall be used for all employees. However, in all instances, the leave period for the purposes of OMFLA and Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district’s designated 12-month leave period described above.~~

Leave Duration

~~For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period⁷. Spouses who work for the district may be limited to a combined 12 weeks of FMLA leave during the district’s designated leave period when the purpose of the leave is for the birth of a child or to care for a child after birth, placement of an adopted or foster child or the care for an adopted or foster child after placement, or to care for the employee’s parent’s serious medical condition. Except in specific and unique instances, all qualified leave under FMLA counts toward an employee’s leave entitlement within the district’s designated leave period.~~

~~For the purposes of OFLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period. However, an eligible employee is entitled to an additional, full 12 weeks of parental leave during the district’s designated leave period following the birth~~

⁷ An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district’s leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA-qualified leave, regardless of reason for such leave, will count toward the employee’s 26-week entitlement under Military Caregiver Leave under FMLA.

~~of a child regardless of how much OFLA-qualified leave the employee has taken prior to the birth of such child during the district's designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the district designated leave period, will be entitled to an additional 12 weeks of sick child leave under OFLA during the district's designated leave period for the purpose of caring for a child(ren) with a non-serious health condition requiring home care.⁸ Unlike FMLA, OFLA does not combine the leave entitlement for spouses working for the district. However, under OFLA, family members who work for the district may be restricted from taking concurrent OFLA-qualified leave.⁹~~

~~For the purposes of OMFLA, an eligible employee is entitled to 14 days of leave per call or order to active duty or notification of a leave from deployment. When an employee also meets the eligibility requirements of OFLA, the duration of the OMFLA leave counts toward that employee's leave entitlement during the district's designated leave period.~~

~~Except as otherwise noted above, qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the district's designated leave period.~~

~~For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12¹⁰. If an employee's schedule varies from week to week, a weekly average of the hours worked over the 12 weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek¹¹. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.~~

Intermittent Leave

~~With the exception of parental leave which must be taken in one continuous block of time, an eligible employee is permitted under FMLA and OFLA to take intermittent leave for any qualifying reason.~~

~~Intermittent leave is taken in multiple blocks of time (i.e., hours, days, weeks, etc.) rather than in one continuous block of time and/or requires a modified or reduced work schedule. For OFLA this includes but not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official.~~

⁸ Sick child leave under OFLA need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

⁹ Exceptions to the ability to require family members from taking OFLA-qualified leave at different times are when 1) employee is caring for the other employee who has a serious medical condition; 2) one employee is caring for a child with a serious medical condition when the other employee is suffering a serious medical condition; 3) each family member is suffering a serious medical condition; 4) each family member wants to take Bereavement Leave under OFLA; and 5) the employer allows the family members to take concurrent leave.

¹⁰ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

¹¹ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

When an employee is eligible for OFLA leave, but not FMLA leave, the employer:

- ~~1. May allow an exempt employee, as defined by state and federal law, with accrued paid time off to take OFLA leave in blocks of less than a full day; but~~
- ~~2. May not reduce the salary of an employee who is taking intermittent leave when they do not have accrued paid leave available. To do so would result in the loss of exemption under state law.~~

~~An employee's FMLA and/or OFLA intermittent leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.~~

~~Holidays or days in which the district is not in operation, are not counted against the eligible employee's intermittent OFLA leave period unless the employee was scheduled and expected to work on any such day.~~

Alternate Work Assignment

~~The district may transfer an employee recovering from a serious health condition to an alternate position which accommodates the serious health condition provided:~~

- ~~1. The employee accepts the position voluntarily and without coercion;~~
- ~~2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;~~
- ~~3. The transfer is compliant with any applicable collective bargaining agreement;~~
- ~~4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA; and~~
- ~~5. The transfer is not used to discourage the employee from taking FMLA and/or OFLA leave for a serious health condition or to create a hardship for the employee.~~

~~The district may transfer an eligible employee who is on a foreseeable intermittent FMLA and/or OFLA leave to another position with the same or different duties to accommodate the leave, provided:~~

- ~~1. The employee accepts the transfer position voluntarily and without coercion;~~
- ~~2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;~~
- ~~3. The transfer is compliant with any applicable collective bargaining agreements;~~
- ~~4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA;~~
- ~~5. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and~~
- ~~6. The transfer is not used to discourage the employee from taking intermittent or reduced work schedule leave, or to create a hardship for the employee.~~

~~If an eligible employee is transferred to an alternative position, and as a result the employee works fewer hours than the employee was working in the original position, the employee's FMLA and/or OFLA leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.~~

~~When an employee is transferred to alternate position as described above but such transfer does not result in a reduced schedule, time worked in any such alternate position shall not be considered for the purpose of FMLA and/or OFLA leave. An employee working in an alternate position retains the right to return to the employee's original position unless all FMLA and/or OFLA leave taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.~~

Special Rules for School Employees

~~For the purposes of FMLA, "instructional employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual setting. Athletic coaches, driving instructors and special education assistants, such as interpreters for the hearing impaired, are included in this definition. This definition does not apply to teacher assistants or aides who do not have as their principal job actual teaching or instructing, counselors, psychologist, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.~~

~~For the purposes of OFLA, "school employee" means employees employed principally as instructors in public kindergartens, elementary schools, secondary schools or education service districts.~~

~~FMLA and/or OFLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. In any such situation, the eligible school employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.~~

1. — Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

~~When the qualified leave is foreseeable, will encompass more than 20 percent of the eligible school employee's regular work schedule during the leave period, and the purpose of such leave is to care for a family member with a serious medical condition, for a servicemember with a serious medical condition or because of the employee's own serious medical condition, the district may require the eligible school employee to:~~

- ~~a. — Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or~~
- ~~b. — Temporarily transfer the eligible school employee to an alternate position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than the employee's original position.~~

2. — Limitation on Leave Near the End of the School Year

~~When an eligible school employee requests leave near the end of the school year, the district may require the following:~~

- ~~a. — When the qualified leave begins more than five weeks before the end of the school year:~~

(1) ~~For the purposes of FMLA leave, the eligible school employee may be required to continue taking leave until the end of the school year provided:~~

D

~~(a) The leave will last at least three weeks; and~~

~~(b) The employee would return to work during the three-week period before the end of the term.~~

(2) ~~For the purposes of OFLA leave, if the reason for the leave is because of the eligible school employee's own serious health condition, the eligible school employee may be required to remain in leave until the end of the school year, provided:~~

~~(a) The leave will last at least three weeks; and~~

~~(b) The employee's return to work would occur within three weeks of the end of the school year.~~

b. ~~For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within five weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided:~~

~~(1) The leave will last more than two weeks; and~~

~~(2) The employee would return to work during the two-week period before the end of the school year.~~

c. ~~For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within three weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided the length of the leave will last more than five working days.~~

~~If the district requires an eligible school employee to remain on leave until the end of the school year as described above, additional leave required by the employer until the end of the school year shall not count against the eligible school employee's leave entitlement.~~

Paid/Unpaid Leave

~~FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Subject to any related provisions in any applicable collective bargaining agreement, an employee may elect to use any available accrued paid leave including personal and sick leave, or available accrued vacation leave during the leave period.~~

~~The district will notify the eligible employee that the requested leave has been designated as FMLA and/or OFLA leave and, if required by the district, that available accrued paid leave shall be used during the leave period. In the event the district is aware of an OFLA or FMLA qualifying exigency, the district shall notify the eligible employee of its intent to designate the leave as such regardless of whether a request has been made by the eligible employee. Such notification will be given to the eligible employee prior to the commencement of the leave or within two working days of the employee's notice of an unanticipated or emergency leave, whichever is sooner.~~

~~When the district does not have sufficient information to make a determination of whether the leave qualifies as FMLA or OFLA leave, the district will provide the required notice promptly when the information is available but no later than two working days after the district has received the information. Oral notices will be confirmed in writing no later than the following payday. If the payday is less than one week after the oral notice is given, written notice will be provided no later than the subsequent payday.~~

~~Eligible employees who request OMFLA leave shall not be required to use any available accrued paid time off during the OMFLA leave period.~~

~~Benefits and Insurance~~

~~When an eligible employee returns to work following a FMLA or OFLA qualified leave, the employee must be reinstated to the same position the employee held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.~~

~~During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other employer's policy provide otherwise.¹² The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.~~

~~For the purposes of FMLA and OFLA, the district will continue to pay the employer portion of the eligible employee's group health insurance contribution (if applicable) during the qualified leave period. The eligible employee is required to pay the employee portion of any such group health insurance contribution as a condition of continued coverage.~~

~~For the purposes of FMLA qualified leave, the district's obligation to maintain the employee's group health insurance coverage will cease if the employee's contribution is remitted more than 30 calendar days late. The district will provide written notice that the premium payment is more than 30 calendar days late. Such notice will be provided within 15 calendar days before coverage is to cease.~~

~~For the purposes of OMFLA, the eligible employee is entitled to a continuation of benefits.~~

~~Fitness-for-Duty Certification~~

~~Prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness for Duty Certification. The certification will specifically address the employee's ability to perform the essential functions of the employee's job as they relate to the health condition that was the reason for the leave. If the district is going to require a fitness for duty certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA and/or OFLA leave. Failure to provide the certification may result in a delay or denial of reinstatement.~~

~~For the purposes of FMLA qualified leave, any costs associated with obtaining the fitness for duty certification shall be borne by the employee.~~

¹² See also ORS 342.934(4)(d) in reduction force situations.

~~For the purposes of OFLA-qualified leave, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.~~

~~If the leave is qualified under both FMLA and OFLA, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.~~

Application

~~Under federal and state law, an eligible employee requesting FMLA and/or OFLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district.~~

~~The district may request additional information to determine that the requested leave qualifies as FMLA and/or OFLA leave. The district may designate the employee as provisionally on FMLA and/or OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take FMLA and/or OFLA leave must follow the employer's known, reasonable and customary procedures for requesting any kind of leave.~~

~~For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means the employee must comply with the employer's normal call-in procedures except in limited and under unique circumstances. Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.~~

~~For the purposes of OFLA, an eligible employee is required to provide oral or written notice within 24 hours of commencement of the leave in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the district during that period of time. Failure of an employee to provide the required notice for leave covered by OFLA may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.~~

~~When an employee fails to give advance notice for both the FMLA and OFLA above, the district must choose the remedy that is most advantageous to the employee.~~

~~In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.~~

Medical Certification

~~The district shall require an eligible employee to provide medical documentation, when appropriate, to support the stated reason for such leave, other than to care for a child who requires home care due to the closure of the child's school or child care provider as a result of a public health emergency. The district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. If the employee provides less than 30 days' notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required.~~

The district may request re-certification of a condition when the minimum duration of a certification expires if continued leave is requested. If the certification does not indicate a duration or indicates that it is ongoing, the district may request re-certification at least every six months in connection with an absence.

Under federal law, a second medical opinion may be required whenever the district has reason to doubt the validity of the initial medical opinion. The health care provider may be selected by the district. The provider shall not be employed by the district on a regular basis. Should the first and second medical certifications differ, a third opinion may be required. The district and the employee will mutually agree on the selection of the health care provider for a third medical certification. The third opinion will be final. Second and third opinions and the actual travel expenses for an employee to obtain such opinions will be paid for by the district.

Second and Third Opinions

1. For the purposes of FMLA, the district may designate a second health care provider, but that person cannot be utilized by the district on a regular basis except in rural areas where health care is extremely limited. If the opinions of the employee's and the district's designated health care provider(s) differ, the district may require a third opinion at the district's expense. The third health care provider must be designated or approved jointly by the employee and the district. This third opinion shall be final and binding.
2. For the purposes of OFLA, and except for leave related to sick child leave under OFLA, the district may require the employee to obtain a second opinion from a health care provider designated by the district. If the first and second verifications conflict, the employer may require the two health care providers to jointly designate a third health care provider for the purpose of providing a verification. This third verification shall be final and binding.

Notification

Any notice required by federal and state laws explaining employee rights and responsibilities will be posted in all staff rooms and the district office. Additional information may be obtained by contacting the human resources office.

Record Keeping/Posted Notice

The district will maintain all records as required by federal and state laws including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical documentation will be maintained separately from personnel files as confidential medical records.

The district will post notice of FMLA¹³ and OFLA¹⁴ leave requirements.

¹³ Poster available at <https://www.dol.gov/agencies/whd/fmla/posters>.

¹⁴ Poster available at <https://www.oregon.gov/boli/employers/pages/required-worksite-postings.aspx>.

Federal vs. State Law

Both federal and state law contain provisions regarding leave for family illness. Federal regulations state an employer must comply with both laws; that the federal law does not supersede any provision of state law that provides greater family leave rights than those established pursuant to federal law; and that OFLA and FMLA leave entitlements run concurrently. State law requires that FMLA and OFLA leave entitlements run concurrently when possible.

For example, due to differences in regulations, an eligible employee who takes OFLA leave after 180 days of employment, but before they are eligible for FMLA leave, is still eligible to take a full 12 workweeks of FMLA leave after meeting FMLA's eligibility requirements. Thereafter, any eligible leave period will run concurrently, when appropriate.

O
F
L
A

L

E

T

E



Code: GCBDA/GDBDA-AR(1)
Revised/Reviewed:

Family and Medical Leave *

Employee Eligibility

FMLA benefits are available to employees who have been employed by the district for at least 12 months, have worked at least 1,250 hours during the past 12-month period and work at a worksite that employs 50 district employees within 75 miles of the worksite.

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year. In such instances, the employee may not need to requalify as an eligible employee.

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days¹ immediately prior to the first day of the start of the requested leave.²

An employee is eligible to take leave for any purposes of OFLA during a period of time covered by a public health emergency except:

1. An employee who has worked for the district for fewer than 30 days immediately before the date on which the family leave would commence; or
2. An employee who has worked for the district for an average of fewer than 25 hours per week in the 30 days immediately before the date on which the family leave would commence.

An employee of the district is eligible to take leave for purposes of OFLA if the employee:

1. Separates from employment with the district, irrespective of any reason:
 - a. Is eligible to take leave OFLA at the time the employee separates; and
 - b. Is reemployed by the district within 180 days of separation from employment; or
2. Is eligible to take OFLA leave:
 - a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and

¹ Thirty days during a declared public health emergency.

² The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

- b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

Any OFLA leave taken by the employee within any one-year period continues to count against the length of time of OFLA leave the employee is entitled. The amount of time that an employee is deemed to have worked for the district prior to a break in service due to a separation from employment or a temporary cessation of scheduled hours shall be restored to the employee when the employee is reemployed by the district within 180 days of separation from employment or when the employee returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

When an employee requests OFLA leave, or when the district acquires knowledge that an employee's leave may be for a purpose that constitutes OFLA leave, the district will notify the employee of the employee's eligibility to take OFLA leave within five business days, absent extenuating circumstances. Whether an employee is an "eligible employee" as defined in OAR 839-009-0210 is determined, a notice must be provided, at the commencement of the first instance of each purpose for leave listed in OAR 839-009-0240 during the OFLA leave year. If an employee is an "eligible employee" as defined in OAR 839-009-0210 for the purpose listed in OAR 839-009-0240, the employee's eligibility for that purpose does not change during the applicable 12-month period. In addition:

1. An employee taking, in any order, some or all of 12 weeks of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave for any other purpose, need not requalify each time the employee takes OFLA leave within the same leave year;
2. An employee who has taken 2 weeks of OFLA child placement leave need not requalify for up to an additional 12 weeks of leave within the same leave year when used for the purposes of OFLA sick child leave;
3. An employee unable to work because of a disabling compensable injury³ need not requalify under OAR 839-009-0210 in order to use OFLA leave following a period the employee is off work due to the compensable injury.

In determining if an employee has been employed for the preceding 180 calendar days under OFLA, the district must consider days, paid or unpaid, an employee is maintained on payroll.

Leave under the Oregon Military Family Leave Act (OMFLA) applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.

In determining average workweek, under FMLA and OFLA, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.

Qualifying Reason

Eligible employees may access FMLA leave entitlements for the following reasons:

³ As defined in ORS 656.005.

1. Serious health condition of the employee or the employee’s covered family member. “Serious health condition” means an illness, injury, impairment or physical or mental condition that involves inpatient care⁴ or continuing treatment by a health care provider⁵.
2. Parental leave⁶ (separate from eligible leave as a result of a child’s serious health condition):
 - a. Bonding with and caring for the employee’s newborn child (within 12 months following birth);
 - b. Bonding with and caring for a newly adopted child or newly placed child in foster care under the age of 18 (within 12 months of placement);
 - c. Caring for a newly adopted child or newly placed child in foster care 18 years of age or older who is incapable of self-care because of a mental or physical disability (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a child in foster care or the adoption of a child.
3. Military caregiver leave: leave for the care for spouse, child or next-of-kin who is a covered servicemember with a serious injury or illness;
4. Qualifying exigency leave: leave arising out of deployment to a foreign country of the employee’s spouse, child or parent who is a military member on active duty or call to covered active duty status.

Eligible employees may access OFLA leave entitlements for the following reasons:

Pregnancy disability leave: leave taken by an employee for their own disability related to pregnancy, including pregnancy termination or childbirth, whether the disability occurs before, during or after the birth of the child or for prenatal care, including fertility or infertility treatment.

Sick child leave: leave taken to care for an employee’s child suffering from an illness, injury, or condition that requires home care. Under OFLA, sick child leave includes leave to care for an employee’s child whose school or child care provider has been closed⁷ in conjunction with a statewide public health emergency declared by a public health official.⁸

⁴ “Inpatient care” means an overnight stay in a hospital, hospice, or residential medical facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care. See 29 CFR § 825.114.

⁵ “Continuing treatment” includes incapacity and treatment, pregnancy or prenatal care, chronic conditions, permanent or long-term conditions, conditions requiring multiple treatments, and absences attributable to incapacity. See 29 CFR § 815.115.

⁶ Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

⁷ “Closure” (OAR 839-009-0210(5)) for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child’s school or child care provider as defined in OAR 839-009-0210(4).

⁸ The district may request verification of the need for sick child leave under OFLA due to a closure during a statewide public health emergency. Verification may include:

1. The name of the child being cared for;
2. The name of the school or child care provider that has closed or become unavailable;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and

Bereavement leave: leave taken to deal with the death of a covered family member and includes leave taken to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member.⁹

Child placement leave: leave taken under OFLA before January 1, 2025, to effectuate the legal process required for placement of a foster child or the adoption of a child.

Leave previously protected by OFLA¹⁰: 1) leave to which an eligible employee was entitled under ORS 659A.150 - ORS 659A.186 on June 30, 2024; and 2) leave to which an eligible employee would not be entitled under ORS 659A.150 - ORS 659A.186 on July 1, 2024 and may now be entitled leave under Paid Family Medical Leave (ORS 657B).

Eligible employees may also access OMFLA under OFLA for the purpose of spending time with a spouse or domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.

Definitions

1. Family member:

a. For the purposes of FMLA, “family member” means:

- (1) Spouse¹¹;
- (2) Parent¹²;
- (3) Child; or
- (4) Persons who are “in loco parentis.”

b. For the purposes of OFLA, “family member” means an eligible employee’s:

- (1) Spouse or domestic partner;
- (2) Child or the child’s spouse or domestic partner;
- (3) Parent or the parent’s spouse or domestic partner;
- (4) Sibling or stepsibling, or the sibling’s or stepsibling’s spouse or domestic partner;
- (5) Grandparent or the grandparent’s spouse or domestic partner;
- (6) Grandchild or the grandchild’s spouse or domestic partner; or

4. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

⁹ Bereavement leave under OFLA must be completed within 60 days of the date the employee received notice of the death. The notice of the death of a family member may be by any means and from any source.

¹⁰ OAR 839-009-0215. OFLA: Leave Previously Protected by OFLA.

¹¹ “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage.

¹² “Parent” means a biological, adoptive, step or foster parent, or any other individual who stood “in loco parentis” to the employee when the employee was a child as defined herein. This does not include parents “in law.”

- (7) Any individual related by blood or affinity whose close association with an eligible employee is the equivalent of a family relationship.¹³

2. Child:

- a. For the purposes of FMLA, “child” means the eligible employee’s biological or adopted child, a child the employee is fostering, a stepchild, a legal ward or a child of a person standing “in loco parentis”, who is either under the age of 18, or who is 18 years of age or older and who is incapable of self-care because of a physical or mental disability.
- b. For the purposes of Military Caregiver Leave and Qualifying Exigency Leave under FMLA, “child” means the employee’s child on covered active duty regardless of that child’s age.
- c. For the purposes of OFLA, “child” means the eligible employee’s biological or adopted child, a child the employee is fostering, a stepchild, the child of the employee’s spouse or domestic partner, or a child with whom the employee is or was in a relationship of “in loco parentis.”
- d. For the purposes of child placement leave and sick child leave only under OFLA, the child must be under the age of 18 or an adult dependent child substantially limited by a physical or mental impairment.

3. In loco parentis:

- a. For the purposes of FMLA, “in loco parentis” means persons with day-to-day responsibility to care for or financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- b. For the purposes of OFLA, “in loco parentis” means person in the place of the parent, having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

4. Next of kin:

For the purposes of FMLA, “next of kin” means the nearest blood relative other than the covered servicemember’s spouse, parent or child in the following order of priority (unless otherwise designated in writing by the servicemember):

- a. Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions;
- b. Siblings;
- c. Grandparents;

¹³ “Affinity” means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:

1. Shared personal financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
2. Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
3. The expectation to provide care because of the relationship or the prior provision of care;
4. Cohabitation and its duration and purpose;
5. Geographic proximity; and
6. Any other factor that demonstrates the existence of a family-like relationship.

- d. Siblings of parents and their spouses; and
- e. First cousins.

5. Covered servicemembers:

For the purposes of FMLA, “covered servicemember” means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6. Covered veteran:

For the purposes of FMLA, “covered veteran” means an individual who was:

- a. A member of the Armed Forces (including a member of the National Guard or Reserves);
- b. Discharged or released under conditions other than dishonorable; and
- c. Discharged within the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

7. Public health emergency:

For OFLA a “public health emergency” means;

- a. A public health emergency declared under ORS 433.441.
- b. An emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.

Leave Period

For the purposes of calculating an employee’s leave period for FMLA, the district will use a “rolling” 12-month period measured backward from the date the employee uses any FMLA leave.

For the purposes of calculating an employee’s leave period for OFLA, the district will use a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences.

The methods for calculating the leave period for FMLA or OFLA leave entitlement shall be used for all employees.

The leave period for the purposes of Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district’s designated leave period described above.

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period (12-month period)¹⁴. Spouses who work for the district

¹⁴ An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district’s leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent

and are eligible for FMLA leave may be limited to a combined total of 12 weeks of FMLA leave during the district's designated leave period when the purpose of the leave is for:

1. Birth of a child or to care for a child after birth;
2. Placement of an adopted child or child in foster care, the care for an adopted child or child in foster care after placement; or
3. Care of the employee's parent with a serious medical condition.

Except in specific and unique instances, all qualified leave under FMLA counts toward an employee's leave entitlement within the designated leave period.

For the purposes of OFLA, an eligible employee is generally entitled to a total of up to 12 weeks of OFLA leave, for sick child leave and bereavement leave, during the designated leave period. An eligible employee is entitled to a total of two weeks of bereavement leave upon the death of each family member of the employee within a leave year, except that the eligible employee may not take more than four weeks of bereavement leave within a leave year.

An employee may also be entitled to take a total of 12 weeks of OFLA pregnancy disability leave within the same leave year.

Under OFLA, the employee may use all or part of the 12 weeks of sick child or bereavement leave and all or part of the 12 weeks of pregnancy disability leave in any order.

In addition to the 24 weeks of possible OFLA leave identified above, an eligible employee is entitled to a total of two weeks of child placement leave within an OFLA leave year until January 1, 2025. The adoption or foster placement of multiple children at one time entitles the employee to take only one two-week period of child placement leave.

Unlike FMLA, OFLA does not combine the leave entitlement when two or more family members work for the district. Under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.¹⁵

For the purposes of OMFLA, an eligible employee is entitled to 14 days of leave per call or order to active duty or notification of a leave from deployment. When an employee also meets the eligibility requirements of OFLA, the duration of the OMFLA leave counts toward that employee's leave entitlement during the designated leave period.

Qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the designated leave period if for the same qualifying reason. Qualified leave under FMLA will run concurrently with other qualified leave covered under Paid Family and Medical Leave Insurance (PFMLI) and/or available sick leave under ORS 653.601 - 653.661 for eligible employees. Qualified leave under

FMLA qualified leave, regardless of reason for such leave, will count toward the employee's 26-week entitlement under Military Caregiver Leave under FMLA.

¹⁵ Exceptions to the ability to require family members to take OFLA qualified leave at different times are when one employee needs to care for a child for a purpose described in ORS 659A.159 (1)(a) while another employee is taking pregnancy disability leave or, one or more of the employees is taking bereavement leave.

OFLA may also run concurrently with leave taken under the sick leave law in ORS 653.601 - 653.661 if for the same qualifying reason, but not concurrent with PFMLI.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12¹⁶. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 months worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek¹⁷. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Holidays which occur within the week taken as FMLA may be counted against FMLA entitlement.¹⁸ However, for leave taken in increments of less than one week, holidays in which employees generally are not expected to report do not count against the employees FMLA leave entitlement.

Under OFLA, days in which the district is not in operation, are not counted toward intermittent or reduced work schedule OFLA leave.

Intermittent Leave

With the exception of parental leave under FMLA which must be taken in one continuous block of time, an eligible employee is permitted under FMLA or OFLA to take intermittent leave for any qualifying reason.

Intermittent leave is taken in separate periods of time (i.e., hours, days, weeks, etc.), rather than in one continuous period of time, and/or requiring an altered or reduced work schedule. For OFLA this includes but is not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official.

When an exempt employee is eligible for both OFLA and FMLA leave, and the employee takes intermittent leave in blocks of less than one day, if done in accordance with 29 CFR § 825.206, the district may reduce the employee's salary for the part-day absence without the loss of the employee's exempt status in accordance with OAR 839-020-0004(32).

When OFLA leave is not covered by FMLA leave, and the employee takes intermittent leave in blocks of less than one day, the district will jeopardize the employee's exempt status if the district reduces the employee's salary for the part-day absence.

An employee's FMLA and/or OFLA intermittent leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works

¹⁶ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

¹⁷ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

¹⁸ See 29 CFR § 825.200(h).

during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

Alternate Work Assignment

Under FMLA, the district may transfer an employee taking intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment to an alternate position for which the employee is qualified and which better accommodates an employee's recovery from a serious health condition, a serious health condition of a spouse, parent, son, or daughter, or a serious injury of illness of a covered servicemember. However, the district may not transfer the employee to an alternative position in order to discourage the employee from taking leave or otherwise work a hardship on the employee.

Under FMLA, when an employee who is taking leave intermittently or on a reduced leave schedule and has been transferred to an alternative position no longer needs to continue on leave and is able to return to full-time work, the employee will be placed in the same or equivalent job as the job they left when the leave commenced. An employee may not be required to take more leave than necessary to address the circumstance that precipitated the need for leave.

Under OFLA, the district may transfer an employee on intermittent OFLA leave or reduced work schedule into an alternate position with the same or different duties to accommodate leave, provided:

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement, as well as with state and federal law;
4. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
5. The transfer is not used to discourage the employee from taking leave or to create a hardship for the employee.

Under OFLA, an employee transferred to an alternate position for the purpose of a reduced work schedule must be returned to the employee's former position when the employee notifies the employer that the employee is ready to return to the former position at the end of the alternate duty leave.

The district may transfer an eligible employee to an alternate position that accommodates OFLA pregnancy disability leave provided:

1. The employee accepts the transfer position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreements, as well as with state and federal law;

4. The transfer is not used to discourage the employee from taking OFLA leave or to create a hardship for the employee.

Under OFLA, if an eligible employee is transferred to an alternative position and as a result the employee works fewer hours than the employee worked in the original position, the employee's OFLA leave time is determined by calculating the difference between the number of hours the employee worked in the original position and the number of hours the employee actually works in the alternative position.

An employee is not on OFLA leave if the employee has been transferred – as provided for in OAR 839-009-0245 (5) – to an alternate position for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's pregnancy disability, but not requiring a reduced workweek. An employee working in an alternate position retains the right to return to the employee's original position at any time during the employee's OFLA leave. This does not impair the right of an employee to a reasonable accommodation or the application of any other state or federal law.

Special Rules for School Employees

For the purposes of FMLA, "instructional employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual setting. Athletic coaches, driving instructors and special education assistants, such as interpreters¹⁹ for the hearing impaired, are included in this definition. This definition does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

FMLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. In any such situation, the eligible instructional employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

When the qualified leave is foreseeable, will encompass more than 20 percent of the eligible instructional employee's regular work schedule during the leave period, and the purpose of such leave is to care for a family member with a serious medical condition, for a covered servicemember or for the employee's own serious medical condition, the district may require the eligible instructional employee to choose either to:

- a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b. Temporarily transfer to an available alternate position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than the employee's regular position.

If an instructional employee does not give required notice of foreseeable FMLA leave to be taken intermittently or on a reduced leave schedule, the district may require the employee to take leave of a

¹⁹ 29 CFR 825.600(c) uses "signers."

particular duration, or to transfer temporarily to an alternative position. Alternatively, the district may require the employee to delay the taking of leave until the notice provision is met.

2. Limitation on Leave Near the End of the Term²⁰

When an eligible instructional employee requests leave near the end of the term, the district may require the following:

- a. When the qualified leave begins more than five weeks before the end of the term, the district may require the employee to continue taking leave until the end of the term if:
 - (1) The leave will last at least three weeks; and
 - (2) The employee would return to work during the three-week period before the end of the term.
- b. When the qualified leave begins during a five-week period before the end of the term and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for a covered servicemember, the eligible instructional employee may be required by the district to remain on leave until the end of the term if:
 - (1) The leave will last more than two weeks; and
 - (2) The employee would return to work during the two-week period before the end of the term.
- c. When the qualified leave begins within three weeks of the end of the term and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for a covered servicemember, the eligible instructional employee may be required to remain on leave until the end of the term if the length of the leave will last more than five working days.

If the district requires an eligible instructional employee to remain on leave until the end of the term as described above, additional leave required by the district until the end of the school term shall not count against the eligible instructional employee's leave entitlement.

For the purposes of OFLA leave, if an employee²¹ begins a period of bereavement leave during the three-week period before the end of the term and the duration of the leave is greater than five working days, the district may require the employee continue on family leave until the end of the term.

Paid/Unpaid Leave

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Paid Family and Medical Leave Insurance (PFMLI) leave taken via Paid Leave Oregon or an equivalent plan will run concurrently with FMLA and leave available under ORS 653.601 - 653.661 when taken for the same purpose. An employee may elect to use any available accrued paid leave including personal, sick or

²⁰ "Academic term" means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA. 29 CFR § 825.602(b)

²¹ Applies only to an employee who is employed principally in an instructional capacity by the district.

vacation leave during the leave period {²²} [to the extent that the total combined amount of accrued paid leave and benefits received from PFMLI does not exceed an amount equal to the employee’s full wage replacement during the period of leave]. [The total combined amount received by using accrued leave and PFMLI may exceed the employee’s full wage replacement during the period of leave.] The district will notify the eligible employee when the requested leave has been designated as FMLA or OFLA leave and ask the employee about the use of available accrued paid leave.

Eligible employees taking OMFLA leave are entitled to use available accrued paid time off during the OMFLA leave period.

Benefits and Insurance

When an eligible employee returns to work following a FMLA-, OFLA- or OMFLA-qualified leave, the employee must be reinstated to the same position the employee held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other district policy provide otherwise.²³ The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district’s policies provide otherwise.

For the purposes of FMLA and OFLA, the district will continue to pay the employer portion of the eligible employee’s group health insurance contribution (if applicable) during the qualified leave period. The eligible employee is required to pay the employee portion of any such group health insurance contribution as a condition of continued coverage.

For the purposes of FMLA qualified leave, the district’s obligation to maintain the employee’s group health insurance coverage will cease if the employee’s contribution is remitted more than 30 calendar days late. The district will provide written notice that the premium payment is more than 30 calendar days late. Such notice will be provided within 15 calendar days before coverage is to cease.

For the purposes of OMFLA, the eligible employee is entitled to a continuation of benefits.

Fitness-for-Duty Verification

For purposes of FMLA, prior to the reinstatement of an employee following a leave which was the result of the employee’s own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. If the district is going to require a Fitness-for-Duty Certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA leave and that failure to provide the certification may result in a delay or denial of reinstatement. Any costs associated with obtaining the certification shall be borne by the employee.

²² {Select one of the two bracketed options based on district practice, i.e., keep the ending to this sentence OR delete this ending and keep the following bracketed sentence. See ORS 657B.030(2) (as amended by SB 1515 (2024) for additional guidance).}

²³ See also ORS 342.934(4)(d) in reduction force situations.

Application

For purposes of FMLA, an eligible employee requesting FMLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district. An eligible employee able to give advance notice of the need to take FMLA leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.

For purposes of OFLA, an eligible employee shall provide at least 30 days' written notice of the need for foreseeable leave before starting family leave. An employee may commence family leave without prior notice in the event of: an unexpected illness, injury or condition of a child of the employee that requires home care; the death of a family member; or an illness, injury or condition related to the employee's own pregnancy or childbirth that disables the employee from performing any available job duties offered by the district. If an employee commences leave without prior notice as allowed above, the employee must give oral notice²⁴ to the employer within 24 hours of the commencement of the leave and must provide the written notice within three days after returning to work. Failure of an employee to provide the required notice for leave may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

The district may request additional information²⁵ to determine the requested leave qualifies as FMLA or OFLA leave. The district may designate the employee as provisionally on FMLA or OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. In most situations, as soon as practicable will be within one business day of an employee becoming aware of the need. Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.²⁶

For the purposes of OFLA, if an eligible employee is taking leave in an unforeseeable situation, an employee must give oral or written notice²⁷ within 24 hours before or after commencement of the leave. In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.

²⁴ Oral notice may be given by any other person on behalf of the employee taking the leave.

²⁵ Except in cases to verify OFLA bereavement leave unless the district requires the use of an attestation form for purposes of determining affinity.

²⁶ See 29 CFR § 825.304.

²⁷ Notice may be given by any other person on behalf of the employee taking the leave.

For purposes of OMFLA, an employee must provide the district with notice of the intention to take leave within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment.

Verification

Under FMLA, the district may require an eligible employee to provide medical certification, when appropriate²⁸, to support the stated reason for such leave. In most cases, the district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. The employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required, unless not practicable. Any additional certifications, including second and third opinions, will be in accordance with applicable law.

Under OFLA, the district may require an eligible employee to provide medical verification, when appropriate²⁹, to support the stated reason for qualifying OFLA leave. The district will provide written notification to an employee of this requirement and state the consequences for failure to provide the requested medical verification. If the employee gives advance written notice of foreseeable leave, the district may require the employee to provide medical verification for OFLA leave before the leave starts. If the employee begins unforeseeable OFLA leave without prior notice, the employee is required to submit such medical verification within 15 calendar days after receipt of the district's request for medical verification. The employee may be subject to disciplinary action for not providing the requested medical verification.

For the purposes of OFLA qualified leave, costs associated with obtaining the medical verification shall be borne by the district, or be paid as otherwise allowed by law. The district will not delay the use of qualifying OFLA leave when medical verification is not received before the commencement of unforeseeable leave. The district may not require an employee to obtain a second opinion.

Under OFLA, the district may request verification for the need for leave to care for a child who requires home care due to the closure of the child's school or child care provider as a result of a public health emergency. A request for verification may include a request for:

1. The name of the child requiring home care;
2. The name of the school or child care provider that is subject to the closure;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and
4. A statement that special circumstances exist that require the employee to provide home care for the child during the day, if the child is older than 14 years of age.

²⁸ Medical verification is not allowed in every situation. Review current laws and guidance for more information.

²⁹ Medical verification is not allowed in every situation. Review current laws and guidance for more information. (OAR 839-009-0260)

Posted Notice

The district will post the Bureau of Labor and Industries Family Leave notice in each building or worksite in an area that is accessible to and regularly frequented by employees.³⁰ The district will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.³¹

Record Keeping

The district will maintain all records as required by federal and state laws including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical documentation will be maintained separately from personnel files as confidential medical records.

Federal vs. State Law

Both federal and state law contain provisions for family and medical leave. Federal regulations state an employer must comply with all leave laws; that the federal law does not supersede any provision of state law that provides greater family or medical leave rights than those established pursuant to federal law; and if leave qualifies for FMLA and OFLA leave, the leave used counts against the employee's entitlement under both laws. State law requires that FMLA and OFLA or other state leave entitlements run concurrently when for the same purpose.

³⁰ https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf; electronic posting is not sufficient to satisfy this requirement, but may be used to supplement the physical posting.

³¹ <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf>; electronic posting is sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.



Code: GCBDC/GDBDC
Adopted: 6/11/09
Revised/Readopted: 3/13/13; 2/12/14; 8/28/19; 4/26/23
Orig. Code: GCBDC/GDBDC

Domestic Violence, Harassment, Sexual Assault, Bias or Stalking Leave (Safe Leave)*

When applicable, the district will comply with the provisions of protected leave identified in ORS 659A.272 to address domestic violence, harassment, sexual assault, bias, or stalking.

The district (covered employer¹) shall allow an eligible employee² to take reasonable leave from employment for any of the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, bias, or stalking;
2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to, harassment or stalking of, or the commission of a bias crime against the eligible employee or the employee's minor child or dependent;
3. To obtain, or to assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, bias, or stalking;
4. To obtain services from a victim services provider for the eligible employee or the eligible employee's minor child or dependent; or
5. To relocate³ or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee's minor child or dependent.

¹ "Covered employer" means an employer who employs six or more individuals in the State of Oregon for each working day during each of 20 or more calendar workweeks in the year in which an eligible employee takes leave to address domestic violence, harassment, sexual assault, bias or stalking, or in the year immediately preceding the year in which an eligible employee takes leave to address domestic violence, harassment, sexual assault, bias or stalking.

² "Eligible employee" means an employee who is a victim of domestic violence, harassment, sexual assault, bias or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault, bias or stalking.

³ "Relocate" is described in OAR 839-009-0345 (5).

The district may limit the amount of leave if the eligible employee's leave creates an undue hardship on the district.

The district shall not deny leave to an eligible employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment because the employee makes inquiries about, applies for, or takes such leave.

The eligible employee shall give the district reasonable advanced notice of the employee's intention to take leave unless giving advance notice is not feasible.

The district may require the eligible employee to provide certification that:

1. The employee or employee's minor child or dependent is a victim of domestic violence, harassment, sexual assault, bias, or stalking; and
2. The leave is taken for one of the identified purposes in this policy.

The eligible employee shall provide a certification within a reasonable time after receiving the district's request for the certification.

Sufficient certification to support a request for such leave includes:

1. A copy of a report from law enforcement indicating the eligible employee or the employee's minor child or dependent was a victim of domestic violence, harassment, sexual assault, bias, or stalking;
2. A copy of a protective order or other evidence from a court, administrative agency or attorney that the eligible employee appeared in or is preparing for a civil or criminal administrative proceeding related to domestic violence, harassment, sexual assault, bias, or stalking; or
3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, member of the clergy, employee of the Department of Justice division providing victim and survivor services or victim services provider that the eligible employee or the employee's minor child or dependent was undergoing treatment or counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault, bias, or stalking.

All records and information kept by the district regarding the employee's leave under ORS 659A.270 - 659A.285, including the fact the employee has requested or obtained such leave, are confidential and may not be released without the express permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

The employee may use any accrued paid leave, including sick leave, vacation leave or any other paid leave offered by the district. The district may choose the order in which paid accrued leave is to be used when more than one type of paid leave is available, consistent with Board policies, any applicable collective bargaining agreement, or other agreement.

Definitions

1. “Protective order” means an order authorized by ORS 30.866, 107.095 (1)(c), 107.700 to 107.735, 124.005 to 124.040, 163.730 to 163.750 or 163.760 to 163.777 or any other order that restrains an individual from contact with an eligible employee or the employee’s minor child or dependent.
2. “Victim of bias” means an individual who has been a victim of a bias crime as defined in ORS 147.380; or any other individual designated as a victim of bias by rule adopted under ORS 659A.805.
3. “Victim of domestic violence” means an individual who has been a victim of abuse, as defined in ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
4. “Victim of harassment” means an individual against whom harassment has been committed as described in ORS 166.065; or any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.
5. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.305 to 163.467, 163.472 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
6. “Victim of stalking” means an individual against whom stalking has been committed as described in ORS 163.732; an individual designated as a victim of stalking by rule adopted under ORS 659A.805; or an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order under ORS 30.866.
7. “Victim services provider” means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault, bias or stalking.

END OF POLICY

Legal Reference(s):

[ORS 192.355\(38\)](#)

[ORS 659A.270 - 659A.290](#)

[OAR 839-009-0325 - 0365](#)



Code: GCBDC/GDBDC-AR
Revised/Reviewed: 6/08/16; 4/26/23
Orig. Code: GCBDC/GDBDC-AR

Eligible Employee Request for Domestic Violence, Harassment, Sexual Assault or Stalking Leave

When the need for leave may be anticipated, a written request for leave under Oregon Revised Statute (ORS) 659A.270 - 659A.285 shall be made at least 30 days prior to the date the requested leave is to begin unless giving advance notice is not feasible. When it is not feasible, oral or written notice as soon as practical is allowed.

PLEASE PRINT

Name of employee _____

Department _____ Title _____

Effective date of the leave _____

Status: [] Full-time [] Part-time [] Temporary Hire Date _____

The requested leave is for:

- [] Myself
[] A minor child or dependent for which I am a parent or guardian

The leave is for:

- [] To seek legal or law enforcement assistance or remedies to ensure the health and safety of the eligible employee or the eligible employee’s minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, bias, or stalking.
[] To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to, harassment or stalking of or the commission of a bias crime against the eligible employee or the eligible employee’s minor child or dependent.
[] To obtain, or to assist the eligible employee’s minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, bias, or stalking.
[] To obtain services from a victim services provider for the eligible employee or the eligible employee’s minor child or dependent.
[] To relocate1 or take steps to secure an existing home to ensure the health and safety of the eligible employee or the eligible employee’s minor child or dependent.

1 “Relocate” is described in OAR 839-009-0345 (5).

The following has been provided to certify the need for the requested leave:

- A copy of a report from law enforcement indicating myself or 'my minor child or dependent is a victim of domestic violence, harassment, sexual assault, bias, or stalking.
- A copy of a protective order or' other evidence from a court, administrative agency or attorney that I or my minor child or dependent appeared in or is preparing for a civil or criminal administrative proceeding related to domestic violence, harassment, sexual assault, bias, or stalking.
- Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy, employee of the Department of Justice division providing victim and survivor services or victim services provider 'that I or my minor child or dependent is receiving services.

I understand I may use accrued paid leave, including sick leave, vacation leave or any other paid leave that is offered by the district in the order specified by the applicable collective bargaining agreement.

If my request for a leave is approved, I understand that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end. I understand if I am unable to return to work following the period of authorized leave, I will notify the district as soon as practical and provide any required information which will allow the district to determine my eligibility for an extension of leave.

I authorize the district to deduct from my paychecks or seek to recover any amounts paid for insurance coverage by the district on my behalf which remain unpaid after my leave, consistent with state law.

Signature of employee: _____

Date: _____



Code: _____ IIA
Adopted: _____ 12/08/10
Revised/Readopted: _____ 9/10/14; 8/23/23
Orig. Code(s): _____ IIA

Instructional Resources/Instructional Materials**

(Version 1)

~~See proposed version~~

~~While the Board retains the authority to approve district instructional materials adoptions, it designates the superintendent responsible for implementing procedures governing selection of instructional materials. Such procedures will include district professional personnel the authority for the selection of instructional and library materials in accordance with the policy below.~~

Selection Objectives

~~When reviewing and selecting instructional materials, the objectives will be:~~

- ~~1. To select materials that will provide improvements in content, organization and teaching methods;~~
- ~~2. To ensure accurate and up-to-date content that includes new concepts, insights and facts;~~
- ~~3. To provide for sequential growth from level to level;~~
- ~~4. To provide a fair representation of the many religious, ethnic and cultural groups and their contributions to our American heritage;~~
- ~~5. To complete a technology assessment of such materials;~~
- ~~6. There will be no discrimination or bias or prejudice toward sex, sexual orientation, gender identity, race, religion, national origin, marital status, disability or age.~~

~~The district will review instructional materials in accordance with the State Board of Education adoption cycle. Each instructional program and basic instructional materials will be reviewed on a seven-year cycle and recommendations for appropriate instructional materials will be made.~~

~~The district will establish a process and timeline for regularly determining and considering whether the textbooks and other instructional materials are available through online resources that enable students with print disabilities to receive textbooks and instructional materials free of charge.~~

~~Textbooks and other instructional materials adopted by the Board shall be selected by the appropriate professional personnel, which includes staff from the district's technology department, in consultation with parents/guardians and school community. The input of staff and students will be encouraged. Final decisions on purchase will rest with the superintendent or designee, subject to official adoption by the Board in the case of textbooks and other instructional materials.~~

Selection Criteria

All materials selected will be consistent with the following principles:

1. ~~Materials that enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served and include equity and cultural responsiveness;~~
2. ~~Materials that stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards;~~
3. ~~A background of information which will enable students to make intelligent judgments in their daily lives;~~
4. ~~Materials on opposing sides of controversial issues, so that young people may develop, under guidance, the practice of analytical reading and thinking;~~
5. ~~Materials which support expanded learning opportunities through technology;~~
6. ~~Materials representative of the many religious, ethnic and cultural groups, showing their contributions to our heritage.~~

The above principles will serve as a guide in the selection of all instructional and library materials.

All basic instructional materials recommended for adoption need to be approved for use by the Board. Prior to Board approval, parents/guardians, students and interested district patrons will have the opportunity to review the recommended instructional materials and be encouraged to provide opinions about them and their use in the classrooms.

All supplementary materials and library media center will be selected cooperatively by teachers, principals, librarians and sometimes with the assistance of students and parents/guardians. Recommended supplementary materials and library media center will also be free of racial, color, national origin, religious, disability, age, marital status, gender identity, sexual orientation or sexual bias. The instructional materials will contain appropriate readability levels, support the district's adopted curriculum content, provide for ease of teacher use, be attractive and durable and be purchased at a reasonable cost.

To be in compliance with the requirements of federal law, the Board directs the superintendent to distribute curriculum materials and instructional supplies to district schools in such a manner that ensures all schools receive equivalent materials.

Any resident or employee may challenge the appropriateness of the district's instructional materials. The district will provide a procedure to process such challenges.

END OF POLICY

Legal Reference(s):

ORS 174.100
ORS 332.107
ORS 336.035
ORS 336.082

ORS 336.840
ORS 337.120
ORS 337.141
ORS 337.150

ORS 337.260
ORS 337.511
ORS 339.155
ORS 659.850

OAD 581-011-0050-0117
OAD 581-021-0045

OAD 581-021-0046
OAD 581-022-2310
OAD 581-022-2340

OAD 581-022-2350
OAD 581-022-2355

D
Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (2018).
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2019).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2024).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).

Cross Reference(s):

E
INB—Studying Controversial Issues
KH—Public Gifts to the District
KL—Public Complaints

L

E

T

E



Code: IIA
Adopted:

Instructional Materials**

The Board believes proper care and judgment should be exercised in selecting core and supplemental instructional materials and school and classroom library materials, and that those materials should be inclusive of populations represented in a global society. The process to select materials will reflect respect for all people, regardless of race, color, creed, national origin, age, sex, sexual orientation, gender identity, or disability.

A material involved with a reconsideration will remain available throughout the reconsideration process. Materials will not be removed for discriminatory reasons. A request for reconsideration of materials may be processed through established procedures found in accompanying administrative regulations. Meetings of reconsideration committees may be subject to Public Meetings Law. Records regarding reconsideration procedures are subject to Public Records Law.

This policy is not intended to cover classroom activities. Complaints regarding classroom activities unrelated to materials can be filed using other established district complaint procedures.

The term “instructional material” includes core instructional materials, supplemental materials, school library materials, and classroom library materials.

Some materials may fall into more than one of the following categories. If there is a question regarding selection or reconsideration, the district administration may select which procedure to use.

Definitions

“Core instructional material,”¹ sometimes referred to as basal, means any organized system, which constitutes the major instructional vehicle for a given course of study, or any part thereof. Core instructional materials may include adaptive or personalized learning programs, digital textbooks, and print textbooks and are adopted and paid for by the district. Core instructional materials may include such instructional materials as a hardbound or a softbound book or books, or sets or kits of print and non-print materials, including electronic and internet or web-based materials or media.

“Supplemental instructional materials” means instructional materials used as part of the course of study, which are not part of the core instructional materials. They contain materials to supplement and/or differentiate core instruction and are generally teacher selected. These materials are not adopted by the

¹ This comes from OAR 581-011-0050(1), referring to instructional materials which must be adopted by local school boards.

Board. Materials required or assigned to be used as part of a class may be considered supplemental instructional materials, regardless of the source or location of the material.

“School library materials” means materials which are kept in the school library for student selection and use. The use of these materials may not be required for a particular class, but they may be selected by students to use. These may include books, media, newspapers, magazines, videos, websites, or databases, including in digital or print, etc. These materials are not adopted by the Board.

“Classroom library materials” means materials which are kept in the classroom for student selection and use. The use of these materials is not required for the class, but they may be selected by students to use. These may include books, media, newspapers, magazines, videos, etc. These materials are not adopted by the Board.

Core Instructional Materials

The Board retains the authority to approve core instructional materials used in district schools and authorizes the superintendent to develop and implement administrative regulations governing selection and adoption of such materials. Procedures will provide for involvement of administrators, staff, parents, and community members; will use established selection criteria to contribute to the attainment of district, program, and course or grade-level goals; and will reflect recent knowledge, trends, and technology in the field.

The district will review core instructional materials in accordance with the State Board of Education adoption cycle. Each core instructional program and its instructional materials will be reviewed on a seven-year cycle, and any resulting recommendations will be issued by district administration to the Board for approval. All recommended core instructional materials shall be approved by the Board prior to use. The adoption of textbooks [for American history and government] by the Board and any committee shall be done in a manner in accordance with ORS 337.260. The district will establish a process and timeline for regularly determining and considering whether core instructional materials are available through online resources that enable students with print disabilities to receive textbooks and instructional materials free of charge. All requests for reconsideration of core instructional materials may be considered under administrative regulation IIA-AR(2) - Reconsideration of Core Instructional Materials.

The district may choose to independently adopt core instructional materials which are not on the state-approved list, using state-approved selection criteria. (See administrative regulation IIA-AR(6) – Independent Adoption of Instructional Materials)

Supplemental Instructional Materials

All supplemental instructional materials will be selected by appropriately licensed staff. Such materials will contain suitable readability levels and support the district’s adopted curriculum content. Materials will be used for their intended audience. All requests for reconsideration of supplemental instructional materials may be considered under administrative regulation IIA-AR(3) - Reconsideration of Supplemental Instructional Materials.

School Library Materials

All school library materials will be selected by a librarian using established selection criteria. Such materials will contain suitable readability levels. All requests for reconsideration of school library materials may be considered under administrative regulation IIA-AR(4) - Reconsideration of School or Classroom Library Materials.

Classroom Library Materials

All classroom library materials will be selected by a classroom teacher ~~and/or others~~, with no formal selection procedure. Such materials will contain suitable readability levels. Teachers are responsible for knowing the available materials in their classroom library. All requests for reconsideration of classroom library materials may be considered under administrative regulation IIA-AR(4) - Reconsideration of School or Classroom Library Materials.

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 337.150	OAR 581-021-0045
ORS 332.107	ORS 337.260	OAR 581-021-0046
ORS 336.035	ORS 337.511	OAR 581-022-2310
ORS 336.082	ORS 339.155	OAR 581-022-2340
ORS 336.840	ORS 659.850	OAR 581-022-2350
ORS 337.120		OAR 581-022-2355
ORS 337.141	OAR 581-011-0050 - 0117	

Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (2018).

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

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2024).

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

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



Code: IIA-AR(1)
Revised/Reviewed:

Instructional Materials

Core Instructional Materials¹

The Board selects core instructional materials. The responsibility to ensure procedures on selection and recommendations for core instructional materials are followed rests with the superintendent. The responsibility for coordinating the distribution of core instructional materials to classes also rests with the superintendent. It is the principal's responsibility to implement and maintain the core instructional materials, and teachers are expected to use selected core instructional materials in the classroom.

Materials selection committees will be appointed by the administration at the time necessary adoption areas are determined. The committee will review the materials and the general criteria for materials selection and provide a recommendation to the superintendent. The superintendent may make changes to the recommendation and shall submit a recommendation(s) to the Board for adoption prior to use.

If the district chooses to adopt core instructional materials which are not on the state-approved list, the rules outlined in OAR 581-022-2350 will apply.

Supplemental Instructional Materials²

The responsibility for evaluating and selecting supplemental instructional materials is delegated to appropriately licensed staff, who may collaborate as part of the process. Other authoritative matter experts may be included when practicable, as determined by the district.

1. Materials will contain suitable readability levels and support the district's adopted curriculum content.
2. Recommendations for selection may be solicited from staff and may include students.
3. Donated materials will be evaluated using the district's selection criteria and will be accepted or rejected based on those criteria.

¹ "Core instructional material," sometimes referred to as basal, means any organized system, which constitutes the major instructional vehicle for a given course of study, or any part thereof. Core instructional materials may include adaptive or personalized learning programs, digital textbooks and print textbooks and are adopted and paid for by the district. Core instructional materials may include such instructional materials as a hardbound or a softbound book or books, or sets or kits of print and non-print materials, including electronic and internet or web-based materials or media.

² "Supplemental instructional materials" means instructional materials used as part of the course of study, which are not part of the core instructional materials. They contain materials to supplement and/or differentiate core instruction and are generally teacher selected. These materials are not adopted by the Board. Materials required or assigned to be used as part of a class may be considered supplemental instructional materials, regardless of the source or location of the material.

4. Selection is an ongoing process which should include the removal of materials which no longer meet the selection criteria and the replacement of lost and worn materials still of educational value.

School Library Materials³

1. In selecting materials for the school library or media center, a librarian, under supervision of the principal, will evaluate the existing collection and the curriculum needs. The librarian will consult reputable, professionally prepared selection aids and other professional sources. Materials will contain suitable readability levels.
2. Recommendations for selection may be solicited from staff and students.
3. Donated materials will be evaluated using the established selection criteria and will be accepted or rejected based on those criteria.
4. Selection is an ongoing process which should include the removal of materials which no longer meet the selection criteria and the replacement of lost and worn materials still of educational value.

Classroom Library Materials⁴

1. When selecting materials for a classroom library, the teacher may consult staff and/or accept recommendations from staff and students.
2. Donated materials will be evaluated and may be accepted or rejected by the teacher.
3. Selection is an ongoing process which should include the removal of materials which no longer meet the selection criteria.

³ “School library materials” means materials that are kept in the school library for student selection and use. The use of these materials may not be required for a particular class, but they may be selected by students to use. These may include books, media, newspapers, magazines, videos, websites, or databases, including in digital or print, etc. These materials are not adopted by the Board.

⁴ “Classroom library materials” means materials that are kept in the classroom for student selection and use. The use of these materials is not required for the class, but they may be selected by students to use. These may include books, media, newspapers, magazines, videos, etc. These materials are not adopted by the Board.

Code: ~~_____~~ IIA-AR(1)
Revised/Reviewed: ~~_____~~ 12/08/10; 8/23/23
Orig. Code: ~~_____~~ IIA-AR(1)

~~Instructional Materials/Program Adoption Procedure~~ (Version 1)

~~See proposed version~~
Section I – Selection

~~The director of curriculum, instruction and innovation will see that each subject area specialist appoints a committee with a representative from each grade level and each building and a staff member from the technology department to serve as a selection committee.~~

~~The instructional materials committee will review all new instructional materials of their subject and in consideration of input from staff and teachers of all grade levels, parents/guardians and school community members, will recommend the titles for district adoption.~~

~~The director of curriculum, instruction and innovation may conduct in-service meetings for employees to explain the materials and answer questions. In-service may consist of techniques such as:~~

- ~~1. Staff meetings at individual schools;~~
- ~~2. Resource teacher meetings;~~
- ~~3. Summer school demonstration class;~~
- ~~4. Available materials may be left at the school as long as time permits and until all those concerned have had an opportunity to review.~~

~~The teaching staff, principal of each school and a district staff member from the technology department will review and select the instructional materials and quantities needed to fulfill the needs of the students. Each principal will submit to the superintendent or designee a written request for the selected materials.~~

~~The principals and director of curriculum, instruction and innovation will meet and review each school's selection of instructional materials.~~

~~The requests for each school are consolidated by the director of curriculum, instruction and innovation into a district composite requisition.~~

~~Instructional materials are adopted for a period of not less than two years nor more than five years after the date of first use.~~

A yearly October report of all basic instructional materials adopted by the district is submitted to the superintendent by the director of curriculum and instruction. The report contains:

1. A list of course and/or curriculum areas;
2. Title of the instructional materials adopted for each course and/or area;
3. Grade(s) in which the materials are used;
4. Name of publisher and/or author;
5. Copyright date;
6. Year the material was first adopted by the district.

L

E

T

E

Section II – Recommendation For Adoption

Title _____

Author _____

Publisher _____

Date of Copyright _____ List Price _____

(Check one) Basic Text Supplemental Text Paperback

Reason for recommendation _____

Head of Department _____ Date: _____

Other comments: _____

Date approved by superintendent _____

Signature of superintendent _____



Code: IIA-AR(2)
Revised/Reviewed:

Reconsideration of Core Instructional Materials

Any staff member, student or their parent or guardian, or resident of the district may raise concern about core instructional materials¹ used in the district’s educational program. This procedure is meant to provide a forum for those persons in the schools and the community who are not directly involved in the selection process. Access to materials under reconsideration will not be restricted during the reconsideration process.

Complaints alleging a material constitutes protected-class discrimination should be submitted through the district’s discrimination complaint policy and procedures.

This reconsideration process will be completed in its entirety and not subverted or ended prematurely. The person making a request for reconsideration may withdraw their request at any time during the process.

1. Concern

- a. Concerns about core instructional materials should be submitted to the principal. If a staff member receives an informal inquiry, the staff member is to forward the inquiry to the principal.
- b. Any concern made to the principal about core instructional materials by any person(s) will be made known to the staff member(s) most directly involved with its use.
- c. The principal will arrange to meet with the person(s) with the concern, and may include the staff member(s) most directly involved with its use, in an effort to resolve the issue informally, within 15 days of receipt of the concern.
 - (1) The principal initially receiving a concern will explain to the person the district’s selection procedure.
 - (2) The principal initially receiving a concern will explain to their best ability the particular place the material in question occupies in the educational program and its intended educational usefulness or include someone who can identify and explain the use of the material.

¹ “Core instructional material,” sometimes referred to as basal, means any organized system, which constitutes the major instructional vehicle for a given course of study, or any part thereof. Core instructional materials may include adaptive or personalized learning programs, digital textbooks, and print textbooks and are adopted and paid for by the district. Core instructional materials may include such instructional materials as a hardbound or a softbound book or books or sets or kits of print and non-print materials, including electronic and internet or web-based materials or media.

Concerns and requests for reconsideration of supplementary instructional materials or school or classroom library materials will be processed in accordance with the applicable administrative regulation.

- d. The principal will inform the person(s) submitting the concern that if they are not satisfied with the outcome of the informal inquiry process above, they may file a written request for reconsideration of the material within 10 days of the conclusion of 1.c. The initial contact from the person and any outcome of a meeting or conversation will be documented and maintained by the principal.

2. Request for Reconsideration

- a. A staff member, student or their parent or guardian, or resident of the district wishing to file a request for reconsideration of core instructional materials must complete Step 1 above prior to filing a request for reconsideration.
- b. All requests for reconsideration will be in writing, signed by the complainant, and must be submitted to the superintendent. All school offices will make forms available.
- c. Upon receipt of a written request for reconsideration, the superintendent or designee will appoint a reconsideration committee.
- d. The reconsideration committee will be made up of at least nine members:
 - (1) Two teachers designated by the superintendent or designee;
 - (2) One school librarian designated by the superintendent or designee;
 - (3) One administrator designated by the superintendent or designee;
 - (4) One member from the community having expressed willingness to serve on this committee designated by the superintendent or designee

The reconsideration committee may include other designated district personnel in discussions about complaints which relate to an underrepresented group or a protected class as designated by the superintendent or designee.

The committee selected will only serve to consider the material, which is the subject of the request for reconsideration, unless otherwise specified. After completion of the reconsideration committee's responsibilities, the committee shall be considered disbanded.

- e. The use of the material identified in the request for reconsideration will not be suspended during the reconsideration process. Materials will not be removed for discriminatory reasons.
- f. The reconsideration committee will convene to consider the request for reconsideration received by the district. The committee will receive the request for reconsideration and copies of related materials and instructions on procedure during this committee meeting.

3. Procedures for the Reconsideration Committee

- a. The procedures for the reconsideration committee are as follows:
 - (1) Select a chair;
 - (2) Be responsible for documenting all proceedings; adhering to Public Meetings Law, when required; and established procedures and guidelines; and preparing and representing the recommendations to the superintendent;
 - (3) Establish a calendar for review of the material;
 - (4) Review copies of the request for reconsideration;
 - (5) Review applicable materials such as a copy of the district or school mission statement; professional reviews of the materials being reconsidered, when available; state standards; and curriculum planning;

- (6) Review copies of material being reconsidered, as available;
 - (7) Consider the material's suitability in the context of the original use and the context in which the request for reconsideration was made;
 - (8) Review the material under reconsideration in its entirety, considering the theme, concept, vocabulary, and illustrations as they apply to:
 - (a) The suitability of the material for the instructional objectives established for the lesson(s) in which it was used, including its presentation and follow-up;
 - (b) The material's level of difficulty; and
 - (c) The age group(s) with which it was used.
- b. An opportunity will be provided to the person who filed the request and staff member(s) involved to offer oral or written testimony on the reconsideration; outside consultants, lay people, other staff members, or other individuals may be offered an opportunity to provide offer oral or written testimony on the reconsideration within such procedures and limitations as may be established by the chair with the consensus of the committee.
 - c. The person who made the request for reconsideration will be kept informed by the superintendent or designee concerning the status of the request throughout the committee process. The person and known interested parties will be given notice of committee meetings.
 - d. Every request for reconsideration will be acted upon by the committee. However, the committee may consider requests with similar concerns together.
 - e. Review and discuss possible options for decision, including:
 - (1) Continued use of the material as used, with no restrictions;
 - (2) Restricted or modified use of the material in terms of subject area, grade level, and/or districtwide, related to the specific request for reconsideration; or
 - (3) Removal of the material from the educational setting in which it was used.

The reconsideration committee will consider the material's suitability in the context in which the request for reconsideration was made.

Following the discussion and review of possible options for recommendation, a committee member may offer a motion outlining the committee's recommendation. Action will be taken on the motion and any subsequent motions within the procedures outlined above and consistent with Oregon law.

- f. The reconsideration committee's final recommendation will be issued within 45 days of receipt of the request by the district.

The written recommendation and its justification from the committee will be forwarded to the superintendent within seven days of issuance of the recommendation. Within seven days of receipt of the recommendation by the superintendent, a copy of the recommendation will be sent by the superintendent or designee to the person who requested the reconsideration and to the Board.

g. Procedures for voting:

- (1) A quorum² will be present to act upon any business to come before the committee.
- (2) All outcomes of motions and votes by name will be recorded and reported in the minutes of the meeting(s).
- (3) Only votes of the members present at the time of the vote will be recorded³.
- (4) A vote in the affirmative from a majority of those present is required for a motion to pass.

4. Board Review

The Board will review the final recommendation and announce its decision at a Board meeting. If the Board's decision is contrary to the committee's recommendation, the reasons will be communicated, in writing, to the superintendent. The Board's decision, at minimum, should include a reference to grade level and subject area, for which the subject material can be used, if any. The Board will issue a decision within 30 days of receipt of the reconsideration committee's recommendation. The district will provide a copy of the Board's decision to the person who requested the reconsideration.

The timelines may be modified by the district based on the availability of staff and/or committee participants. Notice of a modified timeline must be provided to the person who made the request, and the staff member(s) involved.

Requests for reconsideration of the same material will not be accepted for at least two calendar years following issuance of a decision on said material.

² A "quorum" is a majority (one-half of an odd number of members rounded up to the next whole number; one-half of an even number of members plus one). A quorum of a five-member committee is three; a quorum of a six-member committee is four; a quorum of a seven-member committee is four.

³ Committee members may attend virtually. Members attending virtually are considered present for quorum and voting purposes.

Code: IIA-AR(2)
Revised/Reviewed: 12/08/10; 8/23/23
Orig. Code: IIA-AR(2)

Challenge of Instructional Materials

(Version 1)

See proposed version

1. Inquiries

- a. Any inquiry made to an administrator regarding instructional material by any person(s) shall be made known to the staff member(s) using the material. The staff member(s) shall be made aware of the person(s) making the inquiry.
- b. The administrator shall then arrange for the person(s) making the inquiry to meet with the staff member(s) using the material in an effort to resolve the issue informally.
- c. The administrator shall inform the person(s) making the inquiry that if they are not satisfied with the outcome of the informal process, they may file a formal written challenge.

2. Challenges

- a. All formal challenges shall be in writing on the district form prepared for this purpose and must be submitted to the superintendent or designee.
- b. Upon receipt of a written challenge, the superintendent or designee shall, within 10 student contact days, appoint a review committee and provide a copy of the written challenge to the staff member(s) involved.
- c. The review committee shall consider the challenge within 10 student contact days of the committee's appointment by the superintendent or designee.
- d. The review committee shall recommend to the superintendent or designee whether or not the challenged material should be withdrawn from use during the review process. The superintendent or designee may withdraw challenged material following receipt of the recommendation from the review committee until final resolution is reached by the Board.
- e. Following a review of the challenged material, the review committee shall submit its report and recommendation to the superintendent for presentation to the Board at the next business meeting. Copies of the recommendation shall be provided to the person(s) filing the challenge and to the staff member(s) involved.
- f. The Board shall review the recommendation and make its decision at the next Board meeting following submission of the committee's recommendation. If the Board's decision is contrary to the recommendation of the review committee, the reasons will be communicated, in writing, to the review committee.
- g. The review committee shall be appointed by the superintendent or designee consisting of both district staff and district patrons.

- (1) At least three of the district employees shall be licensed teachers. Members shall be selected from a list of people having expressed their willingness to serve on this committee;
- (2) Members will serve terms of two years on a rotating basis with the initial terms set by the superintendent or designee (one half shall serve one year and one half shall serve two years);
- (3) The review committee shall be chaired by an administrator appointed by the superintendent and shall be a non-voting member of the committee;

(4) — The committee chair shall be responsible for documenting all proceedings, for adherence to established procedures and guidelines and for preparing and presenting the report and recommendation to the Board based on the minutes of the meeting(s). Additionally, the chair will send copies of the committee's report and recommendation to the person(s) filing the challenge and the staff member(s) involved.

3. — Procedures to be followed by the review committee:

- a. — Review “Challenge of Instructional Material” administrative regulation;
- b. — Establish a calendar for the review of the challenged material;
- c. — Review the challenged material considering the theme, concept, vocabulary, and illustrations as they apply to:
 - (1) — The appropriateness of the material for the instructional objectives established for the lesson(s) in which it was used, including its presentation and follow-up;
 - (2) — The appropriateness of the material's level of difficulty; and
 - (3) — The appropriateness of the material for the age group(s) with which it was used.
- d. — Request that the staff member(s) involved submit a written explanation of their use of the challenged material, specifically addressing its relationship to the established curriculum and course objectives;
- e. — An opportunity will be provided to person(s) filing the challenge, staff member(s) involved, outside consultants, lay people, other staff members or other individuals to offer oral or written testimony on the challenge within such procedures and limitations as may be established by the chair with the consensus of the committee;
- f. — Review and discuss possible options for recommendation, including:
 - (1) — Continued use of the material as used, with no reservations;
 - (2) — Restricted or modified use of the material in terms of subject area, grade level, etc.;
 - (3) — No further use of the material as a part of the regular or support curriculum in the district.
- g. — Procedures for voting:
 - (1) — A quorum (one half the committee membership plus one) shall be present to act upon any business to come before the committee;
 - (2) — All motions and votes shall be recorded and reported in the minutes of the meeting(s);
 - (3) — Votes will be recorded from only the members present at the time of the vote;
 - (4) — A simple majority of those present is required for a motion to pass;
 - (5) — Roll call votes may be taken.
- h. — Following the discussion and review of possible options for recommendation, a committee member may offer a motion outlining the committee's recommendation. Action shall be taken on that motion and any subsequent motions within the procedures outlined in section 3.g. above and consistent with parliamentary procedure;
- i.a. — All meetings of the review committee are subject to the Public Meetings Law pursuant to ORS 192.610 – 192.690.



Code: IIA-AR(3)
Revised/Reviewed:

Reconsideration of Supplemental Instructional Materials

Any staff member, student or their parent or guardian, or resident of the district may raise concern about supplemental instructional materials¹ used in the district’s educational program. This procedure is meant to provide a forum for those persons in the schools and the community who are not directly involved in the selection process. Access to materials under reconsideration will not be restricted during the reconsideration process.

Complaints alleging a material constitutes protected-class discrimination may be submitted through the district’s discrimination complaint policy and procedures.

This reconsideration process will be completed in its entirety and not subverted or ended prematurely. The person making a request for reconsideration may withdraw their reconsideration request at any time during the process.

1. Concern

- a. Any concern made regarding supplemental instructional materials by any staff member, student or their parent or guardian, or resident of the district will be made known to the principal.
- b. The principal will arrange to meet with the person(s) with the concern, and may include the staff member(s) most directly involved with its use, in an effort to resolve the issue informally, within 15 days of receipt of the concern.

The principal or staff member will explain to their best ability the particular place the material in question occupies in the educational program and its intended educational usefulness or include someone who can identify and explain the use of the material.

- c. The principal will inform the person(s) submitting the concern that if the person is not satisfied with the outcome of the informal inquiry, they may file a written request for reconsideration within 10 days of the conclusion in 1.b. The initial contact from the person and any outcome of a meeting or conversation will be documented and maintained by the principal.

2. Request for Reconsideration

- a. A staff member, student or their parent or guardian, or resident of the district wishing to file a request for reconsideration of supplemental instructional materials must complete Step 1 above prior to filing a request for reconsideration.

¹ “Supplemental instructional materials” means instructional materials used as part of the course of study, which are not part of the core instructional materials. They contain materials to supplement and/or differentiate core instruction and are generally teacher selected. These materials are not adopted by the Board. Materials required or assigned to be used as part of a class may be considered supplemental instructional materials, regardless of the source or location of the material.

- b. All requests for reconsideration will be in writing, signed by the complainant, and must be submitted to the principal. If a request for reconsideration involves more than one material, a separate form must be completed for each material. A request to reconsider multiple titles in a series may be submitted on a single form. All school offices will make forms available.
- c. Upon receipt of a written reconsideration request, the principal will appoint a reconsideration committee from a pool of identified interested individuals.
- d. Use of the material identified in the request for reconsideration will not be suspended during the reconsideration process. Materials will not be removed for discriminatory reasons.

3. Reconsideration Committee

- a. The reconsideration committee shall be made up of at least five members:
 - (1) Two teachers, designated by the principal, and will be from the grade band of the material under reconsideration;
 - (2) One administrator designated by the Director of Schools
 - (3) Two members from the community, having expressed willingness to serve on this committee, appointed by the principal;

The reconsideration committee may include equity, Title IX, and/or Section 504 personnel in discussions about concerns which relate to an underrepresented group or a protected class.

Committee members directly associated with the selection of the material under reconsideration will be excused from the committee. The principal may appoint a replacement for the excused committee member, but such replacement will be of the same general qualifications as the person excused.

The committee selected will only serve to consider the material, which is the subject of the request for reconsideration, unless otherwise specified. After completion of the reconsideration committee's responsibilities, the committee will be considered disbanded.

4. Procedures for the Reconsideration Committee

- a. Designate a committee member to keep minutes of the committee.
- b. Every request for reconsideration will be acted upon by the committee. However, the committee may consider requests with similar concerns together.
- c. Review applicable materials such as a copy of the district or school mission statement, professional reviews of the materials being reconsidered, when available, state standards and curriculum planning.
- d. Be responsible for documenting all proceedings; adhering to established procedures and guidelines; and preparing and representing the recommendations to the principal.
- e. Review the material under reconsideration in its entirety, considering the theme, concept, vocabulary, and illustrations (if any) as they apply to:
 - (1) The suitability of the material for the instructional objectives established for the lesson(s) in which it was used, including its presentation and follow-up;
 - (2) The alignment of the material with the standards and curriculum;
 - (3) The material's reading level and intended audience (literary level to comprehend the words as opposed to difficult topics);
 - (4) The suitability of the material for the students it was used with; and

- (5) Professional review sources for the title/material, when available.
- f. An opportunity will be provided to the person who filed the request and staff member(s) involved to offer oral or written testimony on the reconsideration; outside consultants, lay people, other staff members, or other individuals may be offered an opportunity to provide oral or written testimony on the reconsideration within such procedures and limitations as may be established by the committee.
- g. The person who made the request will be kept informed by the principal or designee concerning the status of the request throughout the committee process. The person and known interested parties will be given notice of such meetings.
- h. Review and discuss possible options for decision, including:
- (1) Continued use of the material as used, with no restrictions;
 - (2) Restricted or modified use of the material in terms of subject area, grade level, related to the specific request];
 - (3) Removal of the material from the educational setting in which it was used.

The reconsideration committee will consider the material's suitability in the context in which the request for reconsideration was made.

Following the discussion and review of possible options for recommendation, a committee member may offer a motion outlining the committee's recommendation. Action will be taken on the motion and any subsequent motions within the procedures outlined above and consistent with Oregon law.

The written recommendation and its justification from the committee will be forwarded to the principal within seven days of issuance of the recommendation. Within seven days of receipt of the recommendation by the superintendent, a copy of the recommendation will be sent by the superintendent or designee to the person who made the request for reconsideration and to the Board.

- i. Procedures for voting:
- (1) A quorum² will be present to act upon any business to come before the committee.
 - (2) All outcomes of motions and votes will be recorded and reported in the minutes of the meeting(s).
 - (3) Only votes of the members present at the time of the vote will be recorded³.
 - (4) A vote in the affirmative from a majority of those present is required for a motion to pass.
- j. The decision from the reconsideration committee will be issued within 45 days of receipt of the written request for reconsideration by the principal. The response to the request for reconsideration will include the committee's decision and information regarding an appeal to

² A quorum is a majority (one-half of an odd number of members rounded up to the next whole number; one-half of an even number of members plus one). A quorum of a five-member committee is three; a quorum of a six-member committee is four; a quorum of a seven-member committee is four.

³ Committee members may attend virtually. Members attending virtually are considered present for quorum and voting purposes.

the superintendent. The decision will be copied to the involved parties, including the principal. The principal will also communicate the decision to the affected staff and to the public.

5. Appeal to the Superintendent

A decision from the reconsideration committee may be appealed by the person who requested the reconsideration to the superintendent by submission of the appeal to the superintendent within 10 days from issuance of the committee's decision. A copy of all procedural documents, recommendations, and decisions will be made available to the superintendent or designee. The superintendent or designee should review whether the correct procedure was followed. If the correct procedure was followed, the decision of the committee should be affirmed. The superintendent or designee will issue a written decision to the involved parties within 30 days of receipt of the appeal.

If an appeal is made, the decision made by the reconsideration committee is suspended pending the appeal (meaning, if applicable, that the material may remain in use until the appeal decision is made).

The timelines in this administrative regulation may be modified by the district based on the availability of staff and/or committee participants. Notice of a modified timeline must be provided to the person who made the request and staff member(s) involved.

Requests for reconsideration of the same materials will not be accepted for at least two calendar years following issuance of a decision on those materials.



Code: IIA-AR(3)
Revised/Reviewed: 12/08/10; 8/23/23
Orig. Code: IIA-AR(2)

Challenge Request Form for Instructional Material

(Version 1)

(Submit to superintendent or designee)

See proposed version
Book or other material if applicable:

Author _____ Hardcover Paperback Other
Title _____ Publisher _____ Date of pub. _____

Digital media, if applicable:
Title _____ Producer/Source (if known) _____
Type of digital media (video, etc.) _____

Request initiated by _____ Telephone _____
Address _____ City _____ Zip _____

Person making the request represents
 Self _____ (Print name)
 Group or organization
Name of Group _____

1. To what in the item do you object? (Please be specific, cite pages, frames, etc.)

2. In your opinion what harmful effects upon students might result from use of this item?

3. Do you perceive any instructional value in the use of this item?

4. Did you review the entire item? If not, what sections did you review?

5. Should the opinion of any additional experts in the field be considered? Yes No

Please list suggestions if any: _____

6. What would you like the school to do about this material?

Do not use it with my student.

Withdraw it from use.

Send it back to the selector or selectors for evaluation.

Other _____.

7. In place of this item would you care to recommend other material which you consider to be of equal or superior quality for the purpose intended? _____

8. Do you wish to make an oral presentation to the Review Committee? Yes No

If yes, please call the district office at _____.

Signature

Date

References:



Code: IIA-AR(4)
Revised/Reviewed:

Reconsideration of School or Classroom Library Materials

Student choice reading is endorsed by the district as a key component of literacy and reading instruction. Students select reading materials with the understanding that parents or guardians will discuss concerns and expectations with them.

Any staff member, student or their parent or guardian, or resident of the district may raise concerns about the materials available to students through the district's school and classroom libraries. This procedure is to provide a forum for those persons in the schools and the community who are not directly involved in the selection process. Access to materials under reconsideration will not be restricted during the reconsideration process.

Concerns and requests for reconsideration alleging a material constitutes protected-class discrimination may be submitted through and will be processed in accordance with the district's discrimination complaint policy and procedures.

Meetings of the reconsideration committee are subject to Public Meeting Law.

This reconsideration process will be completed in its entirety and not subverted or ended prematurely. The person filing the request may withdraw their reconsideration request at any time during the process.

1. Concerns about School or Classroom Library Materials

- a. Any concern made regarding school or classroom library materials by any staff member, student or their parent or guardian, or resident of the district will be made known to the person responsible for the selection. For school library materials, share concerns with the building's designated librarian. For classroom library materials, share concerns with the classroom teacher.
- b. The person responsible for the selection of the material in question will respond and attempt to resolve the issue informally. Alternatively, the person responsible for selection may move the concern to the principal in 1.d. An initial response will be provided within 15 days of receipt of the concern.
- c. If the person who made the inquiry is not satisfied, they can request a meeting with the principal.
- d. The principal will meet with the person, attempt to resolve the concern, and document the meeting. The staff member responsible for selection may be requested to attend this meeting. The principal will issue a follow-up communication about the outcome of the meeting to the person who made the informal inquiry and relevant staff within 10 days of receipt in 1.c.
- e. If the person who made the request is not satisfied with the outcome of the informal inquiry, they may file a written request for reconsideration within 10 days of the conclusion in 1.d. The initial contact from the person and any outcome of a meeting or conversation will be documented and maintained by the principal.

f. No materials will be removed or restricted from use as a result of an informal concern.

2. Request for Reconsideration of School or Classroom Library Materials

- a. A staff member, student or their parent or guardian, or resident of the district wishing to file a request for reconsideration of school or classroom library materials must complete Step 1 above, prior to filing a request.
- b. All requests for reconsideration will be in writing, signed by the complainant, and must be submitted to the principal. If a request for reconsideration involves more than one material, a separate form must be completed for each material. A request to reconsider multiple titles in a series may be submitted on a single form. All school offices will make forms available.
- c. Upon receipt of a request for reconsideration, the principal will notify all staff member(s) who are directly involved in the request; a copy will be forwarded to the superintendent or designee.
- d. The principal will, within 15 days, appoint a reconsideration committee from a pool of identified interested individuals.
- e. Use of the material identified in the request for reconsideration will not be suspended during the reconsideration process. Materials will not be removed for discriminatory reasons.

3. Reconsideration Committee

- a. The reconsideration committee will be made up of at least five members:
 - (1) One teacher designated by the principal and will be from the grade band of the material under reconsideration;
 - (2) Two librarians designated by the Director of Schools;
 - (3) One administrator designated by the Director of Schools;
 - (4) One members from the community, having expressed willingness to serve on this committee, appointed by the principal;

The reconsideration committee may include equity, Title IX and/or Section 504 personnel in discussions about requests that relate to an underrepresented group or a protected class.

The committee selected will only serve to consider the material, which is the subject of the request for reconsideration, unless otherwise specified. After completion of the reconsideration committee's responsibilities, the committee will be considered disbanded.

4. Procedures for the Reconsideration Committee

- a. Every request for reconsideration will be acted upon by the committee. However, the committee may consider requests with similar concerns together.
- b. Review applicable materials such as a copy of the district mission statement and professional reviews of the materials being reconsidered, when available.
- c. Be responsible for documenting all proceedings; adhering to established procedures and guidelines; and preparing and representing the recommendations to the principal.
- d. Review the material under reconsideration in its entirety, considering the theme, concept, vocabulary, and illustrations (if any) as they apply to:
 - (1) The material's availability for student selection from the school or classroom library;

- (2) The alignment of the material with the school or classroom library material selection criteria;
 - (3) The material’s reading level and intended audience (literary level to comprehend the words as opposed to controversial topics);
 - (4) The suitability of the material for the students it is available for; and
 - (5) Professional review sources for the title/material, when available.
- e. An opportunity will be provided to the person who filed the request and staff member(s) involved to offer oral or written testimony on the reconsideration; outside consultants, lay people, other staff members, or other individuals may be offered an opportunity to provide oral or written testimony on the reconsideration within such procedures and limitations as may be established by the committee.
 - f. The person who made the request will be kept informed by the principal or designee concerning the status of the request throughout the committee process. The person and known interested parties will be given notice of such meetings.
 - g. Review and discuss possible options for a decision, including:
 - (1) Continued use of the material as used, with no restrictions;
 - (2) Restricted or modified use of the material in terms of subject area, grade level, related to the specific request]; or
 - (3) Removal of the material from the educational setting.

The reconsideration committee will consider the material’s suitability in the context in which the request for reconsideration was made.

Following the discussion and review of possible options for recommendation, a committee member may offer a motion outlining the committee’s recommendation. Action will be taken on the motion and any subsequent motions within the procedures outlined above and consistent with Oregon law.

The written recommendation and its justification from the committee will be forwarded to the principal within seven days of issuance of the recommendation. Within seven days of receipt of the recommendation by the principal, a copy of the recommendation will be sent by the principal to the person who requested the reconsideration and the Director of Schools.

- h. Procedures for voting:
 - (1) A quorum¹ will be present to act upon any business to come before the committee.
 - (2) All outcomes of motions and votes will be recorded and reported in the minutes of the meeting(s).
 - (3) Only votes of the members present at the time of the vote will be recorded².

¹ A quorum is a majority (one-half of an odd number of members rounded up to the next whole number; one-half of an even number of members plus one). A quorum of a five-member committee is three; a quorum of a six-member committee is four; a quorum of a seven-member committee is four.

² Committee members may attend virtually. Members attending virtually are considered present for quorum and voting purposes.

(4) A vote in the affirmative from a majority of those present is required for a motion to pass.

- i. The decision from the reconsideration committee will be issued within 45] days of receipt of the written request for reconsideration by the principal. The response to the request for reconsideration will include the committee’s decision and information regarding an appeal to the superintendent. The decision will be copied to the involved parties, including the principal. The principal will also communicate the decision to the affected staff

5. Appeal to the Superintendent

A decision from the reconsideration committee may be appealed by the person who requested the reconsideration to the superintendent by submission of the appeal to the superintendent within 10 days from issuance of the committee’s decision. A copy of all procedural documents, recommendations, and decisions will be made available to the superintendent or designee. The superintendent or designee should review whether the correct procedure was followed. If the correct procedure was followed, the superintendent or designee should affirm the decision of the committee. The superintendent or designee will issue a written decision within 30 days of receipt of the appeal to the involved parties.

If an appeal is made, the decision made by the reconsideration committee is suspended pending the appeal (meaning, if applicable, that the material may remain in use until the superintendent or designee makes its decision).

The timelines in this administrative regulation may be modified by the district based on the availability of staff and/or committee participants. Notice of a modified timeline must be provided to the person who requested the reconsideration and staff member(s) involved.

Requests for reconsideration of the same materials will not be accepted for at least two calendar years following issuance of a decision on those materials.



Code: IIA-AR(6)
Revised/Reviewed:

Independent Adoption of Core Instructional Materials

This administrative regulation applies to independent adoption of core instructional materials—materials which are not included on the state-approved list and are not supplemental, school library, or classroom library materials. The committee will include relevant subject area criteria published by the Oregon Department of Education.

1. The curriculum coordinator/curriculum administrator will compile a list of suitable materials and present them to a review committee. The review committee will be comprised of at least five members including the curriculum coordinator/curriculum administrator, two teachers, two parents of students in the district selected by the curriculum coordinator/curriculum administrator to represent elementary and secondary levels and an administrator, as deemed appropriate.
2. In order to inform constituents who may wish to volunteer of the review process, an announcement will be made, via public notice.
3. The committee will conduct a preliminary study of materials suitable for basic adoption. Publishers and curriculum consultants may be invited to participate in the study. Material under consideration for adoption by the committee will be available for review by district constituents upon request. An evaluation/rating instrument will be employed for all program/instructional materials considerations. The curriculum director in consultation with the committee will decide whether to first initiate a pilot or trial use of a particular series or text or to proceed directly with an adoption. Any trial use or pilot should be coordinated and compatible with the proposed revisions in the curriculum guide. The proposed pilot or trial use must have approval of the principal and the teachers involved.
4. After a trial use or pilot in the classroom and/or committee review, the committee will release results of its evaluation of the instructional materials studied to the superintendent or designee. Specific recommendations will be prepared and forwarded to the superintendent or designee. The committee must show evidence of having used an evaluation or instrument to ensure conformity with curriculum program goals.
5. The superintendent or designee will review the recommended adoption and ensure that:
 - a. Appropriate procedures have been complied with;
 - b. Compatibility exists with other texts or skills presented at the same grade level in other curriculum areas;
 - c. The cost is within budgeted amounts.

The superintendent or designee will issue a recommendation either endorsing the adoption proposal and forwarding it to the Board for approval or referring it back to the committee for revision or further study.

6. The Board may rule on the adoption recommendation or direct the superintendent to further action as it deems appropriate or conducive to reach established goals and objectives.

It is a principal's responsibility to implement and maintain the district-adopted instructional materials.



Code: IIBGA
Adopted:

Electronic Communications System

The district's electronic communication system will be used to provide statewide, national and global communications opportunities for staff and students and for the advancement and promotion of teaching and learning.

The superintendent will establish administrative regulations for the use of the district's electronic communication system including compliance with the following provisions of the Children's Internet Protection Act:

1. Technology protection measures, installed and in continuous operation, that protect against internet access by both adults and minors to visual depictions that are obscene, child pornography or, with respect to the use of the computers by minors, harmful to minors;
2. Educating minors about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking sites and in chat rooms;
3. Monitoring the online activities of minors;
4. Denying access by minors to inappropriate matter on the internet;
5. Ensuring the safety and security of minors when using e-mail, social media, chat rooms and other forms of direct electronic communication;
6. Prohibiting unauthorized access, including so-called "hacking" and other unlawful activities by minors online;
7. Prohibiting unauthorized disclosure, use and dissemination of personal information regarding minors; and
8. Installing measures designed to restrict minors' access to materials harmful to minors.

Administrative regulations developed shall ensure compliance with privacy rights under applicable federal and state laws and regulations, including but not limited to the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act of 2008 (GINA) and the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

Administrative regulations will be consistent with sound guidelines as may be provided by the education service district, the Oregon Department of Education and/or the Oregon Government Ethics Commission, copyright law, and will include a complaint procedure for reporting violations.

Failure to abide by district policy and administrative regulations governing use of the district’s electronic communications system may result in the suspension and/or revocation of system access. Additionally, student violations may result in discipline up to and including expulsion. Staff violations may result in discipline up to and including dismissal. Violations of law may be reported to law enforcement officials and may result in criminal or civil sanctions. Fees, fines or other charges may also be imposed.

END OF POLICY

Legal Reference(s):

ORS 167.060 - 167.100	ORS 332.107	OAR 581-021-0055
ORS Chapter 192	ORS 339.250	OAR 584-020-0040
ORS 260.432	ORS 339.270	OAR 584-020-0041
	OAR 581-021-0050	

Children’s Internet Protection Act, 47 U.S.C.§§ 254(h) and (l) (2018); 47 C.F.R. Section 54.520 (2019).
Copyrights, 17, U.S.C. §§ 101-1332 (2018); 19 C.F.R. Part 133 (2020).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C.§§ 7101-7117 (2018).
Drug-Free Workplace Act of 1988, 41 U.S.C.§§ 8101-8107 (2018); 34 C.F.R. Part 84, Subpart F (2020).
Controlled Substances Act, 21 U.S.C.§ 812, Schedules I through V (2018); 21 C.F.R. §§ 1308.11-1308.15 (2020).
Americans with Disabilities Act of 1990, 42 U.S.C.§§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).
Family Educational Rights and Privacy Act, 20 U.S.C.§ 1232g (2018); 34 C.F.R. Part 99 (2020).
Every Student Succeeds Act, 20 U.S.C. § 7131 (2018).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).



Code: IIBGA-AR
Revised/Reviewed: 2/15/11; 4/08/15
Orig. Code: IIBGA-AR

Electronic Communications System

General District Responsibilities

The district will:

1. Designate staff as necessary to ensure coordination and maintenance of the district's electronic communications system which includes all district computers, e-mail and internet access;
2. Provide staff a copy of district policy and administrative regulations;
3. Provide a system for authorizing staff use of personal electronic devices to download or access district proprietary information, that ensures the protections of said information and ensures its removal from the device when its use is no longer authorized;
4. Provide a system for obtaining prior written agreement from staff for the recovery of district proprietary information downloaded to staff personal electronic devices as necessary to accomplish district purposes, obligations or duties, and when the use on the personal electronic device is no longer authorized, to ensure verification that information downloaded has been properly removed from the personal electronic device;
5. Cooperate fully with local, state or federal officials in any investigation relating to misuse of the district's system;
6. Use only properly licensed software, audio or video media purchased by the district or approved for use by the district. The district will comply with the requirements of law regarding the use, reproduction and distribution of copyrighted works and with applicable provisions of use or license agreements;
7. Install and use desktop and/or server virus detection and removal software;
8. Provide technology protection measures that protect against internet access by both adults and minors to visual depictions that are obscene, child pornography, or with respect to the use of computers by minors, harmful to minors. A supervisor or other individual authorized by the principal may disable the technology protection measures to enable access for bona fide research or other lawful purposes, as deemed appropriate;
9. Prohibit access by minors, as defined by CIPA and this regulation, to inappropriate matter on the Internet

10. Provide staff supervision to monitor the online activities of students to prevent unauthorized access, including “hacking” and other unlawful activities online, and ensure the safety and security of minors when authorized to use e-mail, chat rooms and other forms of direct electronic communication;
11. Provide student education about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking and social media websites and in chat rooms;
12. Determine which users and sites accessible as part of the district’s system are most applicable to the curricular needs of the district and may restrict user access, accordingly;
13. Determine which users will be provided access to the district’s e-mail system;
14. Notify appropriate system users that:
 - d. The district retains ownership and control of its computers, hardware, software and data at all times. All communications and stored information transmitted, received or contained in the district’s information system are the district’s property and are to be used for authorized purposes only. Use of district equipment or software for unauthorized purposes is strictly prohibited. To maintain system integrity, monitor network etiquette and ensure that those authorized to use the district’s system are in compliance with board policy, administrative regulations and law, the school administrators may routinely review user files and communications;
 - e. Files and other information, including e-mail, sent or received, generated or stored on district servers are not private and may be subject to monitoring. By using the district’s system, individuals consent to have that use monitored by authorized district personnel. The district reserves the right to access and disclose, as appropriate, all information and data contained on district computers and district-owned e-mail system;
 - f. The district may establish a retention schedule for the removal of e-mail;
 - g. E-mail sent or received by a board member or employee in connection with the transaction of public business may be a public record and subject to state archivist rules for retention and destruction;
 - h. Information and data entered or stored on the district’s computers and e-mail system may become discoverable evidence if a public records request is made or a lawsuit is filed against the district. “Deleted” or “purged” data from district computers or e-mail system may be retrieved for later public records disclosure or disciplinary purposes, as deemed necessary by the district;
 - i. The district may set quotas for system disk usage. The district may allow system users to increase their quota by submitting a written request to the supervising teacher or system coordinator stating the need for the increase;
 - j. Transmission of any materials regarding political campaigns is prohibited.
15. Notify users of known copyright infringing activities and deny access to or remove the material.

System Access

1. Access to the district’s system is authorized to: Board members, district employees, students in grades K-12, with parent approval and when under the direct supervision of staff, and district volunteers,

district contractors or other members of the public as authorized by the system coordinator or district administrators consistent with the district's policy governing use of district equipment and materials.

2. Students, staff, board members, volunteers, district contractors and other members of the public may be permitted to use the district's system for personal use, in addition to official district business, consistent with board policy, general use prohibitions/guidelines/etiquette and other applicable provisions of this administrative regulation. Personal use of district-owned computers including internet and e-mail access by employees is prohibited during the employee's work hours. Additionally, board member and employee use of district-owned computers may be permitted only when such use does not violate the provisions of ORS 244.040 and use is under the same terms and conditions that access is provided to the general public under the district's policy governing use of district equipment and materials.

General Use Prohibitions/Guidelines/Etiquette

Operation of the district's system relies upon the proper conduct and appropriate use of system users. Students, staff and others granted system access are responsible for adhering to the following prohibitions and guidelines which require legal, ethical and efficient utilization of the district's system.

1. Prohibitions

The following conduct is strictly prohibited:

- a. Attempts to use the district's system for:
 - (1) Unauthorized solicitation of funds;
 - (2) Distribution of chain letters;
 - (3) Unauthorized sale or purchase of merchandise and services;
 - (4) Collection of signatures;
 - (5) Membership drives;
 - (6) Transmission of any materials regarding political advocacy and/or advocacy for a cause.
- b. Attempts to upload, download, use, reproduce or distribute information, data, software, or file share music, videos or other materials on the district's system in violation of copyright law or applicable provisions of use or license agreements;
- c. Attempts to degrade, disrupt or vandalize the district's equipment, software, materials or data or those of any other user of the district's system or any of the agencies or other networks connected to the district's system;
- d. Attempts to evade, change or exceed resource quotas or disk usage quotas;
- e. Attempts to send, intentionally access or download any text file or picture or engage in any communication that includes material which may be interpreted as:
 - (1) Harmful to minors;
 - (2) Obscene or child pornography as defined by law or indecent, vulgar, profane or lewd as determined by the district;
 - (3) A product or service not permitted to minors by law;
 - (4) Harassment, intimidation, menacing, threatening or constitutes insulting or fighting words, the very expression of which injures or harasses others;
 - (5) A likelihood that, either because of its content or the manner of distribution, it will

- cause a material or substantial disruption of the proper and orderly operation of the school or school activity;
- (6) Defamatory, libelous, reckless or maliciously false, potentially giving rise to civil liability, constituting or promoting discrimination, a criminal offense or otherwise violates any law, rule, regulation, board policy and/or administrative regulation.
- f. Attempts to gain unauthorized access to any service via the district’s system which has a cost involved or attempts to incur other types of costs without specific approval. The user accessing such services will be responsible for these costs;
- g. Attempts to post or publish personal student contact information unless authorized by the system coordinator or teacher and consistent with applicable board policy pertaining to student directory information and personally identifiable information. Personal contact information includes photograph, age, home, school, work or e-mail addresses or phone numbers or other unauthorized disclosure, use and dissemination of personal information regarding students;
- h. Attempts to arrange student meetings with anyone on the district’s system, unless authorized by the system coordinator or teacher and with prior parent approval;
- i. Attempts to use the district’s name in external communication forums such as chat rooms without prior district authorization;
- j. Attempts to use another individual’s account name or password, failure to provide the district with individual passwords or to access restricted information, resources or networks to which the user has not been given access.

Complaints

The district’s established complaint procedure will be used for complaints concerning violations of the district’s Electronic Communications System policy and/or administrative regulation. See board policy KL and accompanying administrative regulation.

Violations/Consequences

1. Students
 - a. Students who violate general system user prohibitions shall be subject to discipline up to and including expulsion and/or revocation of district system access up to and including loss of privileges.
 - b. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions.
 - c. Disciplinary action may be appealed by parents, students and/or a representative in accordance with established district procedures.
2. Staff
 - a. Staff who violate general system user prohibitions shall be subject to discipline up to and including dismissal in accordance with board policy, collective bargaining agreements and applicable provisions of law.
 - b. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions.
 - c. Violations of applicable Teacher Standards and Practices Commission (TSPC), Standards for Competent and Ethical Performance of Oregon Educators will be reported to TSPC as

- provided by OAR 584-020-0041.
- d. Violations of ORS 244.040 will be reported to GSPC.

3. Others

- a. Other guest users who violate general system user prohibitions shall be subject to suspension of system access up to and including permanent revocation of privileges.
- b. Violations of law will be reported to law enforcement officials or other agencies, as appropriate, and may result in criminal or civil sanctions.

Telephone/Membership/Other Charges

1. The district assumes no responsibility or liability for any membership or phone charges including, but not limited to, long distance charges, per minute (unit) surcharges and/or equipment or line costs incurred by any home usage of the district's system.
2. Any disputes or problems regarding phone services for home users of the district's system are strictly between the system user and his/her local phone company and/or long-distance service provider.

Information Content/Third Party Supplied Information

1. System users and parents of student system users are advised that use of the district's system may provide access to materials that may be considered objectionable and inconsistent with the district's mission and goals. Parents should be aware of the existence of such materials and monitor their student's home usage of the district's system accordingly.
2. Opinions, advice, services and all other information expressed by system users, information providers, service providers or other third-party individuals are those of the providers and not the district.
3. System users may, with supervising teacher or system coordinator approval, order services or merchandise from other individuals and agencies that may be accessed through the district's system. These individuals and agencies are not affiliated with the district. All matters concerning merchandise and services ordered including, but not limited to, purchase terms, payment terms, warranties, guarantees and delivery are solely between the seller and the system user. The district makes no warranties or representation whatsoever with regard to any goods or services provided by the seller. District staff and administration shall not be a party to any such transaction or be liable for any costs or damages arising out of, either directly or indirectly, the actions or inactions of sellers.
4. The district does not warrant that the functions or services performed by or that the information or software contained on the system will meet the system user's requirements or that the system will be uninterrupted or error-free or that defects will be corrected. The district's system is provided on an "as is, as available" basis. The district does not make any warranties, whether express or implied including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein.



Code: _____ IIBGB
Adopted: _____ 1/04/07
Readopted: _____ 12/08/10
Orig. Code: _____ IIBGB

Web Pages

The district may establish a website. Material appropriate for placement on the district website includes: District information, school information, teacher or class information, student projects, and student extracurricular organization information. Personal, non-educationally related information will not be allowed on the district website.

The district Technology Coordinator will designate a district web master, responsible for maintaining the official district website and monitoring all district web activity. The district web master will develop style and content guidelines for official district and school web materials and develop procedures for the placement and removal of such material. All official district material originating from the district posted on the district website must be approved through a process established by the district Technology Coordinator.

School Web Pages

The principal will designate a school website master, responsible for managing the school website and monitoring class, teacher, student, and extracurricular web pages. All official material originating from the school will be consistent with the district style. All web material generated at a school will be submitted to the school website master for review. Once the material has been reviewed by the school website master the site master will upload the material to the district web server.

The Website Master will insure that:

1. All material to be uploaded to the district web server will adhere to the guidelines found within the district web policy and Reynet guidelines for appropriate usage.
2. All links are functioning and are educationally appropriate at least two layers deep.

Teacher Web Pages

Teachers may establish Web pages for use with class activities or that provide a resource for other teachers for submission to the school web master. Teacher Web pages will not be considered official material, but will be developed in such a manner as to reflect well upon the district and school.

Staff Web Pages

Staff may develop Web pages that provide a resource for others. Staff will submit web pages to the school web master for uploading to the district web server. Staff Web pages will not be considered official material, but will be developed in a manner as to reflect well upon the district.

Student Web

Students may create a web site as part of a class activity or, with the approval of the school website master, a staff sponsored special project. Material presented on a student class activity Web site must meet the educational objectives of the class activity.

With the approval of the principal or school website master, students may establish personal Web pages. Material presented in the student's personal Web site must be related to the student's educational and career preparation activities, as well as adhere to Reynet policies regarding appropriate usage.

It will not be considered a violation of a student's right to free speech for the school or district web master to remove material that fails to meet established educational objectives or that is in violation of a provision of the Acceptable Use Policy or student disciplinary code. However, student material may not be removed on the basis of disagreement with the views expressed by the student.

Student Web pages must include the following notice: "This is a student Web page. Opinions expressed on this page shall not be attributed to the district or the Multnomah Education Service District" and/or an icon stating the same as provided by the district webmaster.

Student web pages will be removed at the end of the school year unless special arrangements are made. A notice will be provided to students prior to such removal.

Extracurricular Organization Web Pages

With the approval of the building principal, extracurricular organizations may establish web pages. Material presented on the organization web page must relate specifically to organization activities.

Organization web pages must include the following notice: "This is a student extracurricular organization web page. Opinions expressed on this page shall not be attributed to the MESD or district" and/or an icon stating the same as provided by the district webmaster.

Web Page Design

All district Acceptable Use Policy provisions will govern material placed on the web.

Web Pages shall not:

1. Contain the full name, address, or phone number of students. First names or first names and the first letter of the last name may be used where appropriate.
2. Display photographs or videos of any identifiable individual without a signed model release. Model releases for students under the age of 18 must be signed by their parent or guardian.
3. Contain copyrighted or trademarked material belonging to others unless written permission to display such material has been obtained from the owner. There will be no assumption that the publication of copyrighted material on a web site is within the fair use exemption.

~~Material placed on the web site is expected to meet academic standards of proper spelling, grammar, and accuracy of information.~~

~~Students may retain the copyright on the material they create that is posted on the Web. District employees may retain the copyright on material they create and post if appropriate under district policies.~~

~~All web pages should carry a stamp indicating when it was last updated and the site web master's e-mail address.~~

~~All web pages should have a link at the bottom of the page that will help users find their way to the appropriate home page.~~

~~Users should retain a back-up copy of their web pages.~~

~~END OF POLICY~~

Legal Reference(s):

~~ORS 332.107~~

~~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); Copyrights, 17 U.S.C. §§ 101-1332 (2012); 19 C.F.R. Part 133 (2017).~~

Cross Reference(s):

~~HBGA—Electronic Communications System
JO/IGBAB—Student Education Records~~



Code: IKF
Adopted: 4/08/10
Revised/Readopted: 12/08/10; 5/09/12; 2/12/14;
1/13/16; 4/13/16; 6/08/16;
6/13/18; 3/30/22

Graduation Requirements**

The Board establishes graduation requirements for awarding of a high school diploma, an honors diploma, modified diploma, an extended diploma and a certificate of attendance which meet or exceed state requirements.

A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if the student is 18 years of age or older or emancipated.

If the district requires diploma requirements beyond the state requirements, the district shall grant a waiver for those requirements to any student who, at any time from grade 9 to 12, was:

1. In foster care¹;
2. Experiencing houselessness²;
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker;
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program;
or
7. ³Enrolled in an approved recovery school under ORS 336.680.

¹ "Foster child" is defined in ORS 30.297.

² See OAR 581-022-2000 for additional information.

³ Applies to high school diplomas awarded on or after January 1, 2026.

For any student identified above, the district shall accept any credits earned by the student in an educational program⁴ in this state, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that educational program in this state.

Standard Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits which include at least:

1. Three credits in mathematics (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);
2. Four credits in language arts⁵ (shall include the equivalent of one unit in written composition);
3. Three credits in science;
4. Three credits in social sciences (shall include 0.5 unit of US civics⁶ credit in addition to at least 2.5 units of credit aligned to the Oregon State Board adopted standards for US and world history, geography, economics and ⁷financial literacy);
5. ⁸One-half credit of higher education and career path skills;
6. ⁹One-half credit of personal financial education;
7. One credit in health education;
8. One credit in physical education; and

⁴ “Educational program in this state” means an educational program that is provided by a school district, a public charter school, an approved recovery school (applies to diplomas awarded on or after January 1, 2026), the Youth Corrections Education Program or the Juvenile Detention Program, or funded as provided by ORS 343.243 for students in a long-term care or treatment facility described in ORS 343. 961 or a hospital identified in ORS 343.261.

⁵ “Language arts” includes reading, writing and other communications in any language, including English.

⁶ Civics becomes a half-credit requirement beginning on January 1, 2026 (ORS 329.451).

⁷ This requirement is replaced with a one-half credit of personal financial education requirement for students who were first enrolled in grade 9 during the 2023-2024 school year or first enrolled in grade 9 in any subsequent school year.

⁸ Higher education and career path skills becomes a one-half credit graduation requirement for students who were first enrolled in grade 9 during the 2023-2024 school year or first enrolled in grade 9 in any subsequent school year (a requirement for a high school diploma awarded on or after January 1, 2027; a district may request a one-year waiver in accordance with law).

⁹ Personal finance education becomes a one-half credit graduation requirement for students who were first enrolled in grade 9 during the 2023-2024 school year or first enrolled in grade 9 in any subsequent school year (a requirement for a high school diploma awarded on or after January 1, 2027; a district may request a one-year waiver in accordance with law).

9. Three credits in career and technical education, the arts or world languages¹⁰ (units shall be earned in any one or a combination).

The district shall offer students credit options provided the method for obtaining such credits is described in the student’s personal education plan and the credit is earned by meeting requirements described in Oregon Administrative Rule (OAR) 581-022-2025.

To receive a diploma, in addition to credit requirements outlined above, a student must:

1. ¹¹Demonstrate proficiency in the Essential Skills of reading, writing and apply mathematics in a variety of settings;
2. Develop an education plan and build an education profile;
3. Demonstrate extended application of standards through a collection of evidence (or include evidence in existing collection(s)); and
4. Participate in career-related learning experiences.

Honors Diploma

Students will have the option to earn an honors diploma. In order to qualify for the honors diploma, in addition to meeting the district’s standard diploma requirements, students will be required to:

1. Pass all of the following state assessments: science, mathematics, reading and writing.
2. Maintain a cumulative, unweighted grade point average of 3.50 for all high school coursework through eight semesters.
3. Complete all graded courses on a letter grade scale (when available).
4. Complete 27 high school credits.
5. Earn four credits in advanced courses (those courses with the opportunity to earn college credit) during the junior and senior years.
6. Two of the World Language, CTE and Arts credits must be sequential.

Modified Diploma

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a high school diploma while receiving reasonable modifications and accommodations. A modified diploma may only be awarded

¹⁰ “World languages” includes sign language, heritage languages and languages other than a student’s primary language.

¹¹ The State Board of Education has waived this requirement in Essential Skills for students graduating through the 2027-2028 school year.

to a student who meets the eligibility criteria below and other criteria, if applicable, outlined in OAR 581-022-2010 (3):

1. The student has a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
2. The student has a documented history of a medical condition that creates a barrier to achievement.

Having met the above eligibility criteria, a modified diploma will be awarded to students who, while in grade nine through completion of high school, complete 24 credits with at least 13 of those credits to include:

1. Three credits in language arts;
2. Two credits in mathematics;
3. Two credits in science;
4. Two credits in social sciences (which may include history, civics, geography and economics (including personal finance));
5. ¹²One-half credit in personal financial education;
6. ¹³One-half credit in higher education and career path skills;
7. One credit in health education;
8. One credit in physical education; and
9. One credit in career technical education, the arts or world languages (units may be earned in any one or a combination).

Students may earn additional credits to earn a modified diploma pursuant to OAR 581-022-2010.

In addition to credit requirements as outlined in OAR 581-022-2010, a student must:

1. ¹⁴Demonstrate proficiency in the Essential Skills of reading, writing and apply mathematics in a variety of settings;
2. Develop an education plan and build an education profile; and

¹² This unit of credit applies to all students who are awarded a modified diploma on or after January 1, 2027.

¹³ This unit of credit applies to all students who are awarded a modified diploma on or after January 1, 2027.

¹⁴ The State Board of Education has waived this requirement in Essential Skills for students graduating through the 2027-2028 school year.

3. Demonstrate extended application of standards through a collection of evidence (or include evidence in existing collection(s)).

Districts may make modifications to the assessment for students who seek a modified diploma when the following conditions are met:

1. For a student on an individualized education program (IEP) or Section 504 plan, any modifications to work samples must be consistent with the requirements established in the IEP or 504 plan. Modifications include practices and procedures that compromise the intent of the assessment through a change in the achievement level, construct, or measured outcome of the assessment. This means that IEP or 504 school teams responsible for approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard. The IEP or 504 team must inform the student's parent that the use of a modification on an assessment will result in an invalid assessment;
2. For a student not on an IEP or 504 plan, any modifications to work samples must have been provided to the student during their instruction in the content area to be assessed and in the year in which the student is being assessed, and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

Students not on an IEP or a Section 504 Plan may not receive a modified statewide assessment.

A student's school team (which must include an adult student, parent/guardian of the student) shall decide if a student will work toward a modified diploma no earlier than the end of grade six and no later than two years before the student's anticipated exit from high school.

A student's school team may decide to revise a modified diploma decision.

A student's school team may decide that a student who was not previously working toward a modified diploma should work toward one when the student is less than two years from anticipated exit from high school if the documented history has changed.

For students with a documented history as described above, the district shall annually provide the parents or guardians of students, beginning in grade five or after such documented history has been established, the following:

1. Information about the availability of high school diplomas, modified diplomas and the requirements for such diplomas; and
2. A disclosure that students awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the State or district and that such students awarded a certificate of attendance may not indicate they received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

¹⁵Essential Skills

The district will allow English Language Learner (ELL) students to demonstrate proficiency in Essential Skills in the student's language of origin for a high school diploma or a modified diploma.

The district will develop procedures to provide local performance assessment options as described in the *Local Performance Assessment Manual*, in the ELL student's language of origin, and will develop procedures to ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.

Essential Skills Appeal

The district will follow Board policy KL - Public Complaints in the event of an appeal for the denial of a diploma based on the Essential Skills graduation requirement. The district will retain student work samples and student performance data to ensure that sufficient evidence is available in the event of an appeal.

Extended Diploma

An extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a high school diploma while receiving reasonable modifications and accommodations.

To be eligible for an extended diploma, a student must:

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than 6 credits in a self-contained special education classroom, and will include:
 - a. Two credits in mathematics;
 - b. Two credits in language arts;
 - c. Two credits in science;
 - d. Three credits in history, geography, economics or civics;
 - e. One credit in health;
 - f. One credit in physical education; and
 - g. One credit in the arts or a world language; and
2. Have a documented history of:
 - a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
 - b. A medical condition that creates a barrier to achievement; or
 - c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

¹⁵ OAR 581-022-2120(2) requires districts to have "policy whether to allow ELL students to demonstrate proficiency in all required Essential Skills in the students' language of origin." OAR 581-022-2120(4) waives this requirement through the 2027-28 school year.

For students with a documented history, the district shall annually provide the parents or guardians of such students, beginning in grade five or after such documented history has been established, the following:

1. Information about the availability of high school diplomas, modified diplomas and the requirements for such diplomas; and
2. A disclosure that students awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the state or district and that such students awarded a certificate of attendance may not indicate they received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

Certificate of Attendance

A certificate of attendance¹⁶ will be awarded to students who:

1. Have maintained regular full-time attendance¹⁷ for at least four years beginning in grade nine;
2. Do not satisfy requirements for a high school diploma, modified diploma or extended diploma; and
3. Have a documented history¹⁸.

For students with a documented history¹⁹, the district shall annually provide the parents or guardians of such students, beginning in grade five or after such a documented history has been established, the following:

1. Information about the availability of high school diplomas, modified diplomas and the requirements for the diplomas; and
2. A disclosure that students awarded a certificate of attendance will not be counted as a high school graduate in any required reporting for the State or district and that such students awarded a certificate of attendance may not indicate they received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

Work Samples

The district shall be in compliance with all Oregon Department of Education Local Performance Assessments.

¹⁶ A student who began grade 9 before July 1, 2020, may be awarded an alternative certificate if the student satisfies the requirements for an alternative certificate which are in effect on the day before July 1, 2024.

¹⁸ “Documented history” means evidence in the cumulative record and education plans of a student that demonstrates the inability over time to maintain grade level achievement even with appropriate modifications and accommodations.

¹⁹ “Documented history” means evidence in the cumulative record and education plans of a student that demonstrates the inability over time to maintain grade level achievement even with appropriate modifications and accommodations.

Required Local Performance Assessments constitute at least one classroom work sample in each of the following areas: writing, speaking, math and science inquiry.

Valedictorian

The district shall award the title of valedictorian to the graduating senior with the highest accumulative, weighted, grade point average and the title of salutatorian to the student who has earned the second highest accumulative, weighted GPA of their graduating class

In addition to weighted GPA, the student who is eligible for valedictorian or salutatorian must meet the following requirements:

1. Earn an Reynolds High School Honors Diploma;
1. Earn at least a 4.0 accumulative, weighted grade point average;
2. Earn at least six credits each semester his or her senior year;
3. Actively participate in at least one cocurricular activity each year of high school (e.g., activities/clubs, community/leadership, athletics, fine/performing arts); and
4. Demonstrate exemplary behavior and school/community citizenship.

Other District Responsibilities

The district will ensure that all students have access to the appropriate resources and courses to achieve high school diplomas, modified diplomas, and extended diplomas at each high school in the district. The district will provide age-appropriate and developmentally appropriate literacy instruction to all students until graduation.

The district may not deny a student who has the documented history listed under the modified diploma or extended diploma requirements outlined above the opportunity to pursue a diploma with more stringent requirements, for the sole reason the student has the document history.

The district may award a modified diploma or an extended diploma to a student only upon the written consent of a student who is an emancipated minor or who has reached the age of 18 (adult student) at the time the modified or extended diploma is awarded, or the student's parent or guardian. The district must receive the written consent during the school year in which the modified diploma or the extended diploma is awarded.

A student shall have the opportunity to satisfy the requirements for a modified diploma, an extended diploma or a certificate of attendance in the later of 4 years after starting grade 9, or until the student reaches the age of 21 years if the student is entitled to a public education until the age of 21 under state or federal law.

A student may complete the requirements for a modified diploma, an extended diploma or a certificate of attendance in less than four years but not less than three years. To satisfy the requirements for a modified diploma, an extended diploma or a certificate of attendance in less than 4 years, the student's parent or guardian or a student who is emancipated or has reached the age of 18 must provide written consent which clearly states the parent, guardian or student is waiving the fourth year and/or years until the student reaches the age of 21. A copy of the consent will be forwarded to the district superintendent who will annually report to the Superintendent of Public Instruction the number of such consents.

A student who qualifies to receive or receives a modified diploma, an extended diploma, or a certificate of attendance shall have the option of participating in a high school graduation ceremony with the student's class.

A student who receives a modified diploma, an extended diploma, or a certificate of attendance shall have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student. When added together, the district will provide a total number of hours of instruction and services to the student that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school. The district may not unilaterally decrease the total number of hours of instruction and services to which the student has access regardless of the age of the student.

The district will award to students with disabilities a document certifying successful completion of program requirements. No document issued to students with disabilities educated in full or in part in a special education program shall indicate that the document is issued by such a program. When a student who has an IEP completes high school, the district will give the student an individualized summary of performance.

Eligible students with disabilities are entitled to a free appropriate public education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, a certificate of attendance or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, extended diploma or certificate of attendance is contingent on the IEP team determining the student's continued eligibility and special education services are needed.

Students and their parents will be notified of graduation and diploma requirements.

The district may not deny a diploma to a student who has opted out of statewide assessments if the student is able to satisfy all other requirements for the diploma. Students may opt-out of the Oregon statewide assessments in language arts and/or mathematics by completing the Oregon Department of Education's Opt-out Form²⁰ and submitting the form to the district.

The district will issue a high school diploma to a veteran if the veteran resides within the boundaries of the district or is an Oregon resident and attended a high school of the district, or to a deceased veteran, upon request from a representative of the veteran, if the deceased veteran resided within the boundaries of the district at the time of death or was an Oregon resident at the time of death and attended a high school of the district.

²⁰ Oregon Department of Education page for: [30-day notice and opt-out form](#)

The act of student-initiated test impropriety is prohibited. A student that participates in an act of student-initiated test impropriety will be subject to discipline. “Student-initiated test impropriety” means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

END OF POLICY

Legal Reference(s)

ORS 329.007	ORS 339.115	OAR 581-022-2010
ORS 329.045	ORS 339.505	OAR 581-022-2015
ORS 329.451	ORS 343.295	OAR 581-022-2020
ORS 329.479		OAR 581-022-2025
ORS 332.107	OAR 581-021-0009	OAR 581-022-2030
ORS 332.114	OAR 581-022-0102	OAR 581-022-2115
ORS 336.585	OAR 581-022-2000	OAR 581-022-2120
ORS 336.590	OAR 581-022-2005	OAR 581-022-2505

Test Administration Manual, published by the OREGON DEPARTMENT OF EDUCATION.

Certificates for School Completion: Questions and Answers Related to the Implementation of SB 992, published by the OREGON DEPARTMENT OF EDUCATION.



Code: IKFB
Adopted:

Graduation Exercises

The Board believes that completion of the requirements for a diploma, a modified diploma, an extended diploma or a certificate of attendance from public schools is an achievement that improves the community as well as the individual. The Board wishes to recognize this achievement in a publicly celebrated graduation exercise.

Accordingly, appropriate graduation programs may be planned by the school.

The school's valedictorian(s), salutatorian(s) or others, at the discretion of the principal or designee, may be permitted to speak as part of the district's planned graduation program. All speeches will be reviewed and approved in advance by the building principal or designee.

All students in good standing¹ who have successfully completed the requirements for a high school diploma, or qualify to receive or receive a modified diploma, an extended diploma or a certificate of attendance, including students participating in a district-sponsored alternative education program and students with disabilities receiving a document certifying successful completion of program requirements, shall have the option to participate in graduation exercises.

A student shall be allowed to wear a dress uniform issued to the student by a branch of the U.S. Armed Forces if the student:

1. Qualifies to receive a high school diploma, a modified diploma, an extended diploma or a certificate of attendance; and
2. Has completed basic training for, and is an active member of, a branch of the U.S. Armed Forces.

Graduating students will be allowed to wear ²“Native American items of cultural significance”³ or other items of cultural significance³.

END OF POLICY

¹ A student may be denied participation in graduation exercises for conduct that violates board policy, administrative regulation and/or code of conduct provisions.

² “Native American items of cultural significance” means items or objects that are traditionally associated with a Native American or that have religious or cultural significance to a Native American.

³ The district may prohibit an item or object that: a) is likely to cause a substantial disruption of, or material interference with the graduation ceremony, or b) replaces a cap or gown customarily worn at a graduation ceremony.

Legal Reference(s):

[ORS 329.451](#)

[ORS 332.107](#)

[ORS 332.112](#)

[ORS 339.505](#)

[ORS 343.295](#)

[ORS 659.850](#)

[OAR 581-021-0050](#)

[OAR 581-021-0055](#)

[OAR 581-021-0060](#)

[OAR 581-022-2000](#)

[OAR 581-022-2010](#)

[OAR 581-022-2015](#)

[OAR 581-022-2020](#)

[OAR 581-022-2505](#)

31 OR. ATTY. GEN. OP. 428 (1964)

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

Kay v. David Douglas Sch. Dist. No. 40, 1987); cert. den., 484 U.S. 1032 (1988).

Doe v. Madison Sch. Dist. No. 321, 177 F.3d 789 (9th Cir. 1999).

Lee v. Weisman, 505 U.S. 577 (1992).

Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).



Code: JECA
Adopted: 1/04/07
Revised/Readopted: 6/09/10; 8/14/13; 6/13/18; 9/28/22
Orig. Code: JECA

Admission of Resident Students**

Resident students may be admitted under the following conditions:

1. A school-age student who lives within the district attendance area between the ages of 5 and 19 shall be allowed to attend school without paying tuition.
2. A student who turns 19 years of age during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year.
3. The Board may admit an otherwise eligible student who is not receiving special education and who has not yet attained 21 years of age prior to the beginning of the current school year if the student is shown to be in need of additional education in order to receive a diploma or a modified diploma. This student may attend school without paying tuition for the remainder of the school year.
4. The Board shall admit an otherwise eligible student who has not yet attained age 21 prior to the beginning of the current school year if the student is receiving special education services and:
 - a. Has not yet received a regular high school diploma; or
 - b. Has received a modified diploma, an extended diploma or a certificate of attendance.
5. Students whose parent or guardian voluntarily placed the child outside the child's home with a public or private agency and who is living in a licensed, certified or approved substitute care program, and whose residency is established pursuant to Oregon Revised Statute (ORS) 339.134.
6. Students who are military children¹ are considered resident of the district, if the district is the district of military residence² for the military child. Parents of military students must provide proof of residency within 10 days after the date of military transfer or pending transfer indicated on the official military order.
7. The district may, upon recommendation of the superintendent, deny regular school admission to a student who has become a resident student and who is under expulsion from another district for reasons other than a weapons policy violation.

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.

² "School district of military residence" means the school district in which 1) the family of a military child intends to reside as the result of a military transfer; or 2) if the school district in which the family intends to reside is unknown, the school district in which the military installation identified in the official military order is located.

8. The district shall deny, for at least one calendar year from the date of the expulsion, regular school admission to a student who has become a resident student and who is under expulsion from another district for a weapons policy violation.
9. The district may, based upon recommendation of the superintendent, provide alternative programs of instruction to a student who has become a resident student and who is under expulsion from another district for a weapons policy violation.

END OF POLICY

Legal Reference(s):

[ORS 109.056](#)
[ORS 327.006](#)
[ORS 339.115](#)

[ORS 339.133](#)
[ORS 339.134](#)
[ORS 339.139](#)

[ORS 433.26](#)



Code: JFE
Adopted: 1/04/07
Revised/Readopted: 6/09/10; 9/28/22
Orig. Code: JFE

Pregnant and/or Parenting Students**

The district shall not discriminate in its education program or activity against any student based on their current, potential, or past pregnancy, parenting, or related conditions. No pregnant or parenting student shall be excluded from the public schools on the basis of pregnancy or parenthood. A pregnant and/or parenting student shall be encouraged to continue with an educational program and to participate in all district-sponsored activities. The district shall ensure that pregnant and/or parenting students receive special services as necessitated by their condition.

Neither pregnancy nor parenting constitute an exemption from Oregon compulsory attendance law. The district shall, in considering and obtaining special services for pregnant and/or parenting students:

1. Inform pregnant and/or parenting students and their parents of the availability of such services in the district, education service district or in the community.
2. Facilitate the provision of such services, including counseling, life skills and parenting education, childcare, transportation, career development and health and nutrition services to pregnant and/or parenting students.
3. Inform pregnant and/or parenting students and their parents of the availability of resources provided by other agencies, including health and social services.
4. Provide educational programs and schedules that address the individual learning styles and needs of pregnant and/or parenting students.
5. Develop individualized educational programs or services, or both, to address the needs of pregnant and/or parenting students when their educational needs cannot be met by the regularly provided school program.

When a district employee is notified of a student's pregnancy or related condition by the student or a person who has a legal right to act on behalf of the student, the employee will provide notice to that person. The notice will include:

1. The Title IX Coordinator's contact information;
2. That the Title IX Coordinator can coordinate specific actions to prevent discrimination and ensure the student's equal access to the district's education program or activity;
3. The district's responsibilities under Title IX; and
4. The district's notice of nondiscrimination.

The student will be allowed access to a lactation space¹ described in Board policy GBDA – Expression of Milk.

The superintendent or designee will develop guidelines necessary to ensure compliance with the provisions of state and federal law.

END OF POLICY

Legal Reference(s):

[ORS 336.640](#)

[ORS 339.010](#)

[ORS 339.030](#)

[OAR 581-021-0046](#)

[OAR 581-023-0100\(3\)](#)

¹ A lactation space must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed. (34 CFR 106.40(b)(3)(v))

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2024).



Individualized Plan for Pregnant and/or Parenting Students

District _____ Date _____

School _____

Student Information

Student name: _____

Age: _____ Date of birth: _____

Pregnant? Yes No Due date: _____

Parenting? Yes No No. of children: _____ Ages: _____

Student Eligible Programs (Check all that apply):

- IEP
- 504
- ELD
- McKinney Vento
- TAG

Other: _____

Living situation: _____

Sources of financial support: _____

Education status: Grade completed 6 7 8 9 10 11 12

On track for graduation? Yes No Number of credits needed to be on track? _____

Modified Diploma Track Yes No

Program Information

Check whether service is to be provided ~~and paid~~ for by family, school or agency. If provided by an agency, please indicate the source . Briefly describe the service(s) to be provided.

Education

Description

Provided by: _____

Family _____

- School
- Agency

Transportation

Description

Provided by:

- Family
- School
- Agency

Child Care

Description

Provided by:

- Family
- School
- Agency

Life Skills Training

Description

Provided by:

- Family
- School
- Agency

Parenting Education

Description

Provided by:

- Family
- School
- Agency

Career Development

Description

Provided by:

- Family
- School
- Agency

Health and Nutrition Services

Description

Provided by:

Family

School

Agency

Counseling

Description

Provided by:

Family

School

Agency

Other Social Services

Description

Provided by:

Family

School

Agency

I have been informed of the services available for pregnant and/or parenting students in the district and I have received information about the availability of resources provided by other agencies, including health and social services.

Signature of student

Date

Signature of parent/guardian

Date

Signature of school representative

Date

Termination Data

Date of termination from program: _____

Reason (check one): Nonattendance Moved Completed diploma¹ Completed GED
 Returned to regular school program
 Other _____

Comments: _____

¹ A “diploma,” as it pertains to Board policy JFE – Pregnant and/or Parenting Students, means a diploma, a modified diploma, or an extended diploma.



Code: JHCD
Adopted:

Medications/***

The district recognizes administering a medication to a student and/or permitting a student to administer a medication to themselves, may be necessary to allow the student to attend school. Therefore, the district allows medication, including injectable medications, to be administered to a student by designated personnel and the administration of medication by a student to themselves without assistance from designated personnel, subject to criteria established by the district and in accordance with Oregon law.

The district shall designate personnel authorized to administer medications to students. Medications, including injectable medications, may be administered by designated district personnel as part of a formal delegation by a registered nurse. Annual training shall be provided to designated personnel in accordance with law. The training will align with the ODE Medication Administration Training and include discussion of this policy, procedures and materials, including but not limited to, procedures outlined in administrative regulation JHCD-AR - Medications.

When a licensed health care professional is not immediately available, trained personnel designated by the district may administer epinephrine, glucagon, treatment for adrenal insufficiency, or another medication to a student as prescribed and/or as otherwise allowed by Oregon law.

A current first-aid/CPR/AED card is required for designated personnel.

The district reserves the right to reject a request for administration of medication at school, either by district personnel or student self-administration, if the medication is not necessary for the student to remain in school.

The district may revoke permission given to a student to self-administer medication if the student does not responsibly self-administer the medication or abuses the use of the medication, as determined by district personnel.

Medications will be handled, stored, monitored, disposed of and records maintained in accordance with law and established district procedures governing the administration of prescription or nonprescription medications to students, including procedures for the disposal of sharps and glass.

A process shall be established by which, upon parent or guardian written request, a backup medication is kept at a reasonably, secure location in the student's classroom as provided by state law.

A premeasured dose of epinephrine may be administered by trained, designated personnel to any student or other individual on district premises who the person believes in good faith is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

A non-injectable short-acting opioid antagonist may be administered to any student or other individual by district personnel (whether or not they have received training on administering medications) on district premises who the individual administering the short-acting opioid antagonist believes in good faith is experiencing an opioid overdose.

A school administrator, teacher or other school employee, may administer a short-acting opioid antagonist to a student who experienced or is experiencing an opioid overdose without written permission and instructions of the student’s parents or guardian.

This policy shall not prohibit, in any way, the administration of recognized first aid to a student by district employees in accordance with established state law, Board policy and administrative regulation.

The superintendent shall develop administrative regulations to meet the requirements of law and the implementation of this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 339.866 - 339.871](#)

[ORS 433.800 - 433.830](#)

[ORS 689.800](#)

[OAR 166-400-0010\(17\)](#)

[OAR 166-400-0060\(29\)](#)

[OAR 333-055-0000 - 0035](#)

[OAR 581-021-0037](#)

[OAR 581-022-2220](#)

[OAR 851-047-0000 - 0030](#)

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).

OREGON HEALTH AUTHORITY AND OREGON DEPARTMENT OF EDUCATION, *Medication Administration: A Manual for School Personnel*.

House Bill 1552 (2024).



Code: JHCD-AR
Adopted:

Medications**/*

Students may, subject to the provisions of this administrative regulation, have prescription or nonprescription medication administered by designated district personnel, or may be permitted to administer prescription or nonprescription medication to themselves.

1. Definitions¹

- a. “Administer” means the direct application of a drug or device whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (1) a practitioner or the practitioner’s authorized agent; or (2) the patient or research subject at the direction of the practitioner. (ORS 689.005)
- b. “Adrenal crisis” means a sudden, severe worsening of symptoms associated with adrenal insufficiency, such as severe pain in the lower back, abdomen or legs, vomiting, diarrhea, dehydration, low blood pressure or loss of consciousness. (ORS 433.800)
- c. “Adrenal insufficiency” means a hormonal disorder that occurs when the adrenal glands do not produce enough adrenal hormones. (ORS 433.800)
- d. “Asthma” means a chronic inflammatory disorder of the airways that requires ongoing medical intervention. (ORS 339.866)
- e. “Delegation” means a formal delegation of a nursing procedure by a registered nurse to district personnel in accordance with the Oregon Nurse Practice Act. (OAR Chapter 851)
- f. “Designated personnel” means the school personnel designated and trained to administer medication pursuant to district policy and procedure.
- g. “Medication” means medication that is not injected; premeasured doses of epinephrine that are injected; medication that is available for treating adrenal insufficiency; and Naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug. “Medication” also means any prescription for bronchodilators or autoinjectable epinephrine prescribed by a student’s Oregon licensed health care professional for asthma or severe allergies. “Medication” does not include nonprescription sunscreen. (ORS 339.866; ORS 339.867)
- h. “Nonprescription medication” means nonprescription drugs as defined in ORS 689.005, which means drugs that may be sold without prescription and that are prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of this state and the federal government. (OAR 581-021-0037)
- i. “Notice of a diagnosis of adrenal insufficiency” means written notice to the district from the parent or guardian of a student who has been diagnosed as adrenal insufficient with a copy of an order from the student’s primary care provider that includes the student’s diagnosis, description of symptoms indicating the student is in crisis, prescription for medication to treat

¹ There are several laws that apply to medications in schools. Some of these laws have unique definitions that may apply in specific situations. If the applicable law uses a definition that varies from the definition here, use the definition in the law.

adrenal insufficiency crisis, and instructions for follow-up care after medication to treat adrenal insufficiency crisis has been administered. (OAR 581-021-0037)

- j. “Opioid overdose” means a medical condition that causes depressed consciousness, depressed respiratory function or the impairment of vital bodily functions as a result of ingesting opioids. (ORS 689.800)
- k. “Prescriber²” means a “practitioner” as defined in ORS 689.005, which means a person licensed and operating within the scope of such license to prescribe, dispense, conduct research with respect to or administer drugs in the course of professional practice or research: (a) in this state; or (b) in another state or territory of the U.S. if the person does not reside in Oregon and is registered under the federal Controlled Substances Act. (OAR 581-021-0037)
- l. “Prescription medication” means a “prescription drug” as defined in ORS 689.005, which means a drug that is: required by federal law, prior to being dispensed or delivered, to be labeled with “Caution: Federal law prohibited dispensing without prescription” or “Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian”; or required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.
- m. “Severe allergy” means a life-threatening hypersensitivity to a specific substance such as food, pollen, or dust. (ORS 339.866)
- n. “Short-acting opioid antagonist” means any short-acting drug approved by the U.S. Food and Drug Administration for the complete or partial reversal of an opioid overdose. (ORS 689.800)

2. Designated Staff/Training

- a. Medications, including injectable medications, may be administered by trained personnel as part of a formal delegation by a registered nurse.
- b. The principal, in consultation with the school nurse, will designate district personnel authorized to administer prescription or nonprescription medication to a student which takes into account when the student is in school, at a district-sponsored activity, under the supervision of district personnel, or in transit to or from school-or district-sponsored activities, and may include when a student is in a before-school or after-school care program on school-owned property when required by law. The principal will supervise and ensure building and activity practices and procedures are consistent with the requirements of law, rules, policy and this administrative regulation.
- c. The district will provide staff who are designated personnel to administer prescription or nonprescription medication access to a school nurse.
- d. The principal will ensure the annual training required by Oregon law is provided to designated district personnel. Training must be conducted by a qualified trainer, which is a person who is familiar with the delivery of health services in a school setting and who is either a registered nurse licensed by the Oregon State Board of Nursing or a prescriber. District personnel designated to administer epinephrine, glucagon, and medication to treat adrenal insufficiency shall be trained using related training developed by the Oregon Health Authority (OHA). The first training and every third training thereafter shall be provided in-person³. During

² A registered nurse who is employed by a district or local public health authority to provide nursing services at a district may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the district for not more than 90 days.

³ An online training may qualify as “in-person” when these measures are met: content is provided via synchronous, interactive online sessions with a trainer and learners visible on screen; trainers must be licensed and work within their scope of practice;

- subsequent years, designated district personnel may complete an online training so long as a trainer is available following the training to answer questions and provide clarification.
- e. The training for district personnel will provide an overview of applicable provisions of Oregon law, administrative rules, district policy and administrative regulations and include, but not be limited to, discussion of the following: safe storage, administration, handling and disposing of medications; accessibility of medication during an emergency; record keeping; whether response to medication should be monitored by designated personnel and the role of designated personnel in such monitoring; emergency medical response procedures following administration of the medication; confidentiality of health information; and assessment of gained knowledge. Training as recommended and/or approved by ODE will be used.
 - f. The district shall maintain documentation of district personnel's completion of training in accordance with OAR 166-400-0010.

3. Administering Premeasured Doses of Epinephrine to a Student or Other Individual

A premeasured dose of epinephrine may be administered by trained district personnel to any student or other individual on district premises who the person believes in good faith is experiencing a severe allergic response, regardless of whether the student or individual has a prescription for epinephrine.

4. Administering Short-Acting Opioid Antagonists

A short-acting opioid antagonist may be administered by any district personnel⁴ to any student or other individual, on school premises who the individual administering the short-acting opioid antagonist believes in good faith is experiencing an overdose of an opioid drug.

The principal or nurse shall immediately notify the parent or guardian of a minor student enrolled in a school within the district when a short-acting opioid antagonist is administered to the student while at school, on school property under the jurisdiction of the district or at any activity under the jurisdiction of the district.

The district shall provide to the parent or legal guardian of each minor student enrolled in a school in the district information regarding short-acting opioid antagonists. The information will include at least:

- a. A description of short-acting opioid antagonists and their purpose;
- b. A statement regarding, in an emergency situation, the risks of administering to an individual a short-acting opioid antagonist and the risks of not administering to an individual a short-acting opioid antagonist;
- c. A statement identifying which schools in the district, if any, have short-acting opioid antagonists, and the necessary medical supplies to administer short-acting opioid antagonists, onsite and available for emergency situations; and

and include in-person, skills demonstration for training developed by the Oregon Health Authority for epinephrine, glucagon, and for medication to treat adrenal insufficiency.

⁴ Including district personnel who have not received medication administration training.

- d. A statement that a representative of the district may administer a short-acting opioid antagonist to a student in an emergency if the student appears to be unconscious and experiencing an opioid overdose.

5. Administering of Medication to a Student Experiencing Symptoms of Adrenal Crisis

A student experiencing symptoms of adrenal crisis while the student is in school, at a district-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and/or in transit to or from a school or a district-sponsored activity, may be treated by designated personnel and shall be subject to the following:

- a. Upon notice of a diagnosis of adrenal insufficiency, as defined in Oregon Administrative Rule (OAR) 581-021-0037, the building principal of the school the student attends will designate one or more district personnel to receive training and be responsible for administering the medication to treat adrenal insufficiency to a student in the event the student exhibits symptoms the district personnel believe in good faith indicate the student is experiencing symptoms of adrenal crisis;
- b. The designated personnel will successfully complete required training to administer medication to treat a student who has adrenal insufficiency and is experiencing symptoms of adrenal crisis;
- c. The student's parent or guardian must provide adequate supply of the student's prescribed medication to the district;
- d. The district will develop an individualized health care plan for the student;
- e. In the event that a student experiences symptoms of adrenal crisis and the designated personnel determines the medication to treat adrenal insufficiency should be administered, any available district staff member will immediately call 911 and the student's parent or guardian.

6. Administering Medication to a Student

- a. A request to permit designated personnel to administer medication to a student may be approved by the district and is subject to the following:
 - (1) A written request for designated personnel to administer prescription medication to a student, if because of the prescribed frequency or schedule, the medication must be given while the student is in school, at a school-sponsored activity, while under the supervision of school personnel and in transit to or from school or a school-sponsored activity, must be submitted to the school office and shall include:
 - (a) The written permission of the student's parent or guardian; and
 - (b) The written instruction from the prescriber for the administration of the medication to the student that includes:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Method of administration;
 - (iv) Dosage;
 - (v) Frequency of administration;
 - (vi) Other special instructions from the prescriber, if any; and
 - (vii) Signature of the prescriber.

The prescription medication is provided in the original prescription packaging by the student's parent or guardian. The prescription label prepared by a pharmacist at the direction of the prescriber, will be sufficient to meet this requirement if it contains the information listed in (i)-(vi) above.

- (2) A written request for designated personnel to administer nonprescription medication to a student must be submitted to the school office and is subject to the following:
 - (a) The nonprescription medication is necessary for the student to remain in school;
 - (b) The nonprescription medication is:
 - (i) Provided in the original manufacturer's container by the student's parent or guardian; or
 - (ii) Is part of the district's stock medication program in compliance with the Oregon Board of Pharmacy rules including OAR 855-035-0005.
 - (c) The written instruction and permission from the student's parent or guardian for the administration of the nonprescription medication⁵ includes:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Method of administration;
 - (iv) Dosage;
 - (v) Frequency of administration;
 - (vi) Other special instructions, if any; and
 - (vii) Signature of the student's parent or guardian.

If the written instruction is not consistent with the manufacturer's guidelines for the nonprescription medication, the written instruction must also include a written order allowing the inconsistent administration signed by a prescriber.

- (d) If the nonprescription medication is not approved by the Food and Drug Administration (FDA), a written order from the student's prescriber is required and will include:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Dosage;
 - (iv) Method of administration;
 - (v) Frequency of administration;
 - (vi) A statement that the medication must be administered while the student is in school;
 - (vii) Other special instructions, if any; and
 - (viii) Signature of the prescriber.

⁵ For nonprescription medication that is not approved by the Food and Drug Administration (FDA), see requirements in 6.a.(2)(d).

- b. The principal or designee will require an individualized health care plan or allergy plan be developed for every student with a need to manage asthma or a known life-threatening allergy. A plan will include protocols for preventing exposures to allergens and procedures for responding to life-threatening allergic responses, and include provisions for administering medication and/or responding to emergency situations while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity;
- c. A student being administered a medication may be monitored by designated personnel to monitor the student's response to the medication;
- d. A determination will be made by the district on if or when the student may self-carry prescription medication if the student has not been approved to self-administer medication;
- e. It is the student's parent or guardian's responsibility to ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;
- f. It is the student's parent or guardian's responsibility to ensure that the school is informed in writing of any changes in medication instructions;
- g. In the event a student refuses medication, the parent or guardian will be notified immediately. No attempt will be made to administer medication to a student who refuses a medication;
- h. Any error in administration of a medication will be reported to the parent or guardian immediately and documented on a medication administration record. Errors include, but are not limited to, administering medication to the wrong student, administering the wrong medication, dose, frequency of administration or method of administration;
- i. Medication shall not be administered until the necessary permission form and written instructions have been submitted and received as required by the district.

7. Administration of Medication by a Student to Themselves

- a. A student, including a student in grade K through 12 with asthma or severe allergies, may be permitted to administer prescription or nonprescription medication to themselves without assistance from designated personnel and is subject to the following:
 - (1) A student must demonstrate the ability, developmentally and behaviorally, to self-administer prescription medication and must have:
 - (a) The written permission from a parent or guardian and other documentation requested by the district must be submitted for self-medication of all prescription medications;
 - (b) If the student has asthma or a severe allergy, a medication that is prescribed by a prescriber and a written treatment plan developed by a prescriber or other Oregon licensed health care professional for managing of the student's asthma, diabetes and/or severe allergy, and directs use by the student while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity. The prescriber will include acknowledgment that the student has been instructed in the correct and responsible use of the prescribed medication;
 - (c) The permission to self-administer the medication from a building administrator and a prescriber or registered nurse practicing in a district setting.

- (2) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication⁶ and must have:
 - (a) The written permission of the student's parent or guardian;
 - (b) The student's name affixed to the manufacturer's original container; and
 - (c) The permission to self-administer medication from a building administrator.

- (3) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication that is not approved by the FDA and must have:
 - (a) The written permission of the student's parent or guardian; and
 - (b) A written order from the student's prescriber that includes:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Dosage;
 - (iv) Method of administration;
 - (v) Frequency of administration;
 - (vi) A statement that the medication must be administered while the student is in school, at a district-sponsored activity, under the supervision of district personnel, or in transit to or from school or district-sponsored activities;
 - (vii) Other special instructions, if any; and
 - (viii) Signature of the prescriber.

- b. A determination will be made by the district on if or when the student may self-carry prescription medication if the student has not been approved to self-administer medication;
- c. A student may have in their possession only the amount of medication needed for that school day, except for manufacturer's packaging that contains multiple dosage, the student may carry one package, such as, but not limited to, autoinjectable epinephrine or bronchodilators/inhalers;
- d. The sharing and/or borrowing by a student of any medication with another student is strictly prohibited;
- e. The district personnel will request backup medication, when the medication is to treat a student's asthma or severe allergy emergency, from the student's parent or guardian. Backup medication, if provided by a student's parent or guardian, will be kept at the student's school in a location to which the student has immediate access in the event the student has an asthma and/or severe allergy emergency;
- f. A student shall not administer medication to themselves until the necessary permission form and written instructions have been submitted as required by the district;
- g. The permission for a student to administer medication to themselves may be revoked if the student does not responsibly self-administer the medication or abuses the use of the medication as determined by district personnel;
- h. A student may be subject to discipline, up to and including expulsion, as appropriate for violations of these procedures;
- i. A student permitted to administer medication to themselves may be monitored by designated personnel to monitor the student's response to the medication;

⁶ For nonprescription medication that is not approved by the Food and Drug Administration (FDA), see requirements in 7.a.(3).

- j. The district allows the application of and use by students of nonprescription sunscreen, including sunscreen that contains para-aminobenzoic acid, without any required documentation from a licensed health care professional per ORS 339.874.
8. Handling, Monitoring and Safe Storage of Medication Supplies for Administration of Medication
- a. Any medication must be delivered to the school in its original manufacturer's or current prescription container, accompanied by the permission form and written instructions, as required above.
 - b. Prescription medication must always be the most current prescription and kept in the original, labeled container.
 - c. Nonprescription medication must be kept in original manufacturer's bottle or box.
 - d. Never administer medication sent to school in unlabeled containers.
 - e. Never repack medication into a plastic bag or other container for any reason.
 - f. Medication in any form categorized as a sedative, stimulant, anti-convulsive, narcotic analgesic or psychotropic medication will be counted or measured by designated personnel or parent or guardian in the presence of another district employee upon receipt and initialed by the two individuals who counted or witnessed the procedure, documented in the student's medication administration record (MAR) and routinely monitored during storage and administration. Any discrepancies will be reported to the school nurse or principal immediately and documented in the student's MAR. For such medication not in capsule or tablet form, standard measuring and monitoring procedures will apply.
 - g. Designated personnel will follow the written instructions of the prescriber and the student's parent or guardian, and training guidelines as may be recommended by ODE for administering all forms of prescription and/or nonprescription medications.
 - h. Medication will be secured as follows:
 - (1) Nonrefrigerated medications will be stored in a locked cabinet, drawer or box in a secure area;
 - (2) Medications requiring refrigeration will be stored in a locked box in a refrigerator or in a separate refrigerator used solely for the storage of medication in a secure area;
 - (3) Access to medication storage keys will be limited to the principal and designated personnel.
 - i. Designated personnel will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times, not left unattended after administering and that the medication container is properly sealed and returned to storage.
 - j. When medication is running low or an inadequate dosage is on hand to administer the medication, the designated personnel will notify the student's parent or guardian immediately.
9. Emergency Response
- a. Designated personnel will immediately call 911 or other appropriate emergency medical response systems and administer first aid, as necessary, in the event of life-threatening side effects and allergic reactions, including the administration of epinephrine. The parent or guardian, nurse and principal will be notified immediately.
 - b. Adverse reactions which result from district-administered medication or from student self-medication will be reported to the parent or guardian immediately.

- c. Any available district staff will immediately call 911 and the student's parent or guardian if the designated personnel believes the student is experiencing symptoms of adrenal crisis and plans to administer medication.
- d. Any available staff will immediately call 911 when a short-acting opioid antagonist is administered to any student or other individual on district premises.

10. Disposal of Medications

- a. Medication not picked up by the student's parent or guardian, at the end of the school year or within 5 school days of the end of the medication period, whichever is earlier, will be disposed of by designated personnel in the presence of another school employee. The medication may be disposed through a designated drug take-back collection program or will be disposed of by designated personnel following DEQ guidelines and documented on the student's MAR as described below.
- b. Sharps and glass will be disposed of in accordance with state guidelines.

11. Transcribing, Recording and Record Keeping

- a. A medication administration record (MAR) will be maintained for each student administered medication by the district. The MAR will be in paper⁷ or electronic form and will include, but not be limited to:
 - (1) The full name of the student, date of birth, name of medication, dosage, method of administration, date and time of administration, frequency of administration and the name of the person administering the medication;
 - (2) Student refusals of medication;
 - (3) Errors in administration of medication;
 - (4) Incidents of emergency and minor adverse reaction by a student to medication;
 - (5) Discrepancies in medication supply;
 - (6) Disposal of medication including date, quantity, manner in which the medication was destroyed and the signature of the staff involved.
- b. A MAR for medication administered as part of an IEP goal should be maintained in the IEP record at the end of each school year.
- c. All records relating to administration of medications, including permissions and written instructions, will be maintained. Records will be retained in accordance with applicable provisions of OAR 166-400-0010(17) and OAR 166-400-0060(29).
- d. All records relating to the training of designated district personnel will be maintained by the district in accordance with applicable provisions of OAR 166-400-0010.
- e. Student health information will be kept confidential. Access shall be limited to those designated personnel authorized to administer medication to students, the student and their parent or guardian. Information may be shared with school personnel with a legitimate educational interest in the student or others authorized by the parent or guardian in writing or others as allowed under state and federal law.

⁷ If a paper record is kept, the record will be documented in blue or black ink, and never in pencil or with use of white-out.

Non-liability Provisions for Administration of Prescription and Nonprescription Medications and Short-Acting Opioid Antagonists

A school administrator, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of nonprescription medication, if the school administrator, teacher or other school employee in good faith administers nonprescription medication to a student pursuant to written permission and instructions of the student's parents or guardian.

A school administrator, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of prescription medication, if the school administrator, teacher or other school employee in compliance with the instructions of a physician, physician assistant, nurse practitioner, naturopathic physician or clinical nurse specialist, in good faith administers prescription medication to a student pursuant to written permission and instructions of the student's parents or guardian.

A person may not maintain an action for injury, death or loss that results from acts or omissions of a school administrator, teacher or other school employee during the administration of a short-acting opioid antagonist unless it is alleged and proved by the complaining party that the school administrator, teacher or other school employee was grossly negligent in administering the short-acting opioid antagonist unless other conditions exist and which are outlined in Oregon law in ORS 339.870.

The civil and criminal immunities provided for above do not apply to an act or omission accounting to gross negligence or willful and wanton misconduct.

Non-Liability Provisions for Self-Administration and Autoinjectable Epinephrine

A school administrator, school nurse, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of a student's self-administration of medication, as described in ORS 339.866, if the school administrator, school nurse, teacher or other school employee, in compliance with the instructions of the student's Oregon licensed health care professional, in good faith assists the student's self-administration of the medication, if the medication is available to the student pursuant to written permission and instructions of the student's parent, guardian or Oregon licensed health care professional.

A school administrator, school nurse, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the use of medication if the school administrator, school nurse, teacher or other school employee in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self-administer the medication regardless of whether the student or individual has a prescription for epinephrine.

The district and the members of a district Board are not liable in a criminal action or for civil damages as a result of the use of medication if any person in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self-administer the medication, regardless of whether the student or individual has a prescription for epinephrine; and the person administered the autoinjectable epinephrine on school premises, including at a school, on school property under the jurisdiction of the district or at an activity under the jurisdiction of the district.

The civil and criminal immunities described above (which are identified in ORS 339.871) do not apply to an act or omission to gross negligence or willful and wanton misconduct.

Code: _____ JHCD/JHCDA
Adopted: _____ 6/13/18
Revised/Readopted: _____ 9/28/22
Orig. Code: _____ JHCD/JHCDA

Medications**

See new medications policy and AR

~~The district recognizes that administering a medication to a student and/or permitting a student to administer a medication to themselves, may be necessary when the failure to take such medication during school hours would prevent the student from attending school, and recognizes a need to ensure the health and well-being of a student who requires regular doses or injections of a medication as a result of experiencing a life-threatening allergic reaction or adrenal crisis[†], or a need to manage hypoglycemia, asthma or diabetes. Accordingly, the district may administer or a student may be permitted to administer to themselves prescription (injectable and noninjectable) and/or nonprescription (noninjectable) medication at school.~~

~~The district shall designate personnel authorized to administer medications to students. Annual training shall be provided to designated personnel as required by law in accordance with guidelines approved by the Oregon Department of Education (ODE).~~

~~A current first-aid and CPR card is required for designated personnel.~~

~~When a licensed health care professional is not immediately available, trained personnel designated by the district may administer epinephrine, glucagon or another medication to a student as prescribed and/or allowed by Oregon law.~~

~~The district reserves the right to reject a request for administration of medication at school, either by district personnel or student self-administration, if the medication is not necessary for the student to remain in school.~~

~~The superintendent and/or designee will require that an individualized health care plan and allergy plan is developed for every student with a known life-threatening allergy or a need to manage asthma, and an individualized health care plan for every student for whom the district has been given proper notice of a diagnosis of adrenal insufficiency. Such a plan will include provisions for administering medication and/or responding to emergency situations while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity.~~

~~A student may be allowed to self-administer a medication for asthma, diabetes, hypoglycemia or severe allergies as prescribed by an Oregon licensed health care professional, upon written and signed request of the parent or guardian and subject to age-appropriate guidelines. This self-administration provision also requires a written and signed confirmation the student has been instructed by the Oregon licensed health~~

[†]Under proper notice given to the district by a student or student's parent or guardian.

~~care professional on the proper use of and responsibilities for the prescribed medication. A request to the district to administer or allow a student to self-administer prescription medication shall include a signed prescription and treatment plan from a prescriber².~~

~~A request to the district to administer or allow a student to self-administer nonprescription that is not approved by the Food and Drug Administration (FDA) shall include a written order from the student's prescriber that meets the requirements of law.~~

~~A written request and permission form signed by a student's parent or guardian, unless the student is allowed to access medical care without parental consent under state law³, is required and will be kept on file.~~

~~If the student is deemed to have violated Board policy or medical protocol by the district, the district may revoke the permission given to a student to self-administer medication.~~

~~Prescription and nonprescription medication will be handled, stored, monitored, disposed of and records maintained in accordance with established district administrative regulations governing the administration of prescription or nonprescription medications to students, including procedures for the disposal of sharps and glass.~~

~~A process shall be established by which, upon parent or guardian written request, a backup prescribed autoinjectable epinephrine is kept at a reasonably, secure location in the student's classroom as provided by state law.~~

~~A premeasured dose of epinephrine may be administered by trained, designated personnel to any student or other individual on school premises who the person believes in good faith is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.~~

~~Naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug may be administered by trained, designated personnel to any student or other individual on school premises who the person believes in good faith is experiencing an overdose of an opioid drug.~~

~~This policy shall not prohibit, in any way, the administration of recognized first aid to a student by district employees in accordance with established state law, Board policy and administrative regulation.~~

~~A school administrator, teacher or other district employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration, in good faith and pursuant to state law, of prescription and/or nonprescription medication.~~

~~A school administrator, school nurse, teacher or other district employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of a student's self-~~

²-A registered nurse who is employed by a public or private school, ESD or local public health authority to provide nursing services at a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.

³-Subject to ORS 109.610, 109.640 and 109.675.

administration of medication, as described in Oregon Revised Statute (ORS) 339.866, if that person in good faith and pursuant to state law, assisted the student in self-administration of the medication.

A school administrator, school nurse, teacher or other district employee designated by the school administration is not liable in a criminal action or for civil damages as a result of the use of medication if that person in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self-administer the medication, regardless of whether the student or individual has a prescription for epinephrine, or administers naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug to a student or other individual who that person believes in good faith is experiencing an overdose of an opioid drug.

The district and the members of the Board are not liable in a criminal action or for civil damages as a result of the use of medication if any person in good faith, on school premises, including at a school, on school property under the jurisdiction of the district or at an activity under the jurisdiction of the district, administers autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self-administer the medication, regardless of whether the student or individual has a prescription for epinephrine, or administers naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug to a student or other individual who the person believes in good faith is experiencing an overdose of an opioid drug.

The superintendent shall develop administrative regulations as needed to meet the requirements of law and the implementation of this policy.

END OF POLICY

Legal Reference(s):

[ORS 109.610](#)
[ORS 109.640](#)
[ORS 109.675](#)
[ORS 332.107](#)
[ORS 339.866 – 339.871](#)

[ORS 433.800 – 433.830](#)
[ORS 475.005 – 475.285](#)

[OAR 166-400-0010\(17\)](#)
[OAR 166-400-0060\(29\)](#)

[OAR 333-055-0000 – 055-0115](#)
[OAR 581-021-0037](#)
[OAR 581-022-2220](#)
[OAR 851-047-0030](#)
[OAR 851-047-0040](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).

OREGON HEALTH AUTHORITY AND OREGON DEPARTMENT OF EDUCATION, *Medication Administration: A Manual for School Personnel*.

Code: ~~JHCD/JHCDA-AR~~
Revised/Reviewed: ~~1/04/07; 6/09/10; 2/12/14;~~
~~9/28/22 4/08/15; 6/08/16;~~
~~6/13/18~~
Orig. Code: ~~JHCD-AR~~

Medications**

~~Students may, subject to the provisions of this administrative regulation, have prescription or nonprescription medication administered by designated personnel, or may be permitted to administer prescription or nonprescription medication to themselves.~~

~~1. Definitions~~

- ~~a. “Medication” means any drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken internally or externally but not injected except for premeasured doses of epinephrine, medication to treat adrenal insufficiency and glucagon to treat severe hypoglycemia. Medication includes any prescription for bronchodilators or autoinjectable epinephrine prescribed by a student’s Oregon licensed health care professional for asthma or severe allergies. Medication also includes naloxone or any similar medication that is in any form available for the safe administration and that is designed to rapidly reverse an overdose of an opioid drug.~~
- ~~b. “Prescription medication” means any medication that under federal or state law requires a prescription by a prescriber.~~
- ~~c. “Nonprescription medication” means medication that under federal law does not require a prescription from a prescriber.~~
- ~~d. “Adrenal crisis” means adrenal crisis as defined in Oregon Revised Statute (ORS) 433.800.~~
- ~~e. “Adrenal insufficiency” means adrenal insufficiency as defined in ORS 433.800.~~
- ~~f. “Notice of a diagnosis of adrenal insufficiency” means written notice to the district from a student or the parent or guardian of a student who has been diagnosed as adrenal insufficient with a copy of an order from the student’s primary care provider that includes the student’s diagnosis, description of symptoms indicating the student is in crisis, prescription for medication to treat adrenal insufficiency crisis and instructions for follow-up care after medication to treat adrenal insufficiency crisis has been administered.~~
- ~~g. “Prescriber[†]” means a doctor of medicine or osteopathy, a physician assistant licensed to practice by the Board of Medical Examiners for the state of Oregon, an Oregon-licensed, advance practice registered nurse with prescriptive authority, a dentist licensed by the Board of Dentistry for the state of Oregon, an optometrist licensed by the Board of Optometry for the~~

[†] A registered nurse who is employed by a public or private school, ESD or local public health authority to provide nursing services at a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.

state of Oregon, a naturopathic physician licensed by the Board of Naturopathy for the state of Oregon or a pharmacist licensed by the Board of Pharmacy for the state of Oregon.

- h. ~~“Qualified trainer” means a person who is familiar with the delivery of health services in a school setting and who is a registered nurse licensed by the Oregon State Board of Nursing, a doctor of medicine or osteopathy or a physician assistant licensed by the Board of Medical Examiners for the state of Oregon or a pharmacist licensed by the Board of Pharmacy for the state of Oregon.~~
- i. ~~“Severe allergy” means a life-threatening hypersensitivity to a specific substance such as food, pollen, dust or insect sting.~~
- j. ~~“Asthma” means a chronic inflammatory disorder of the airways that requires ongoing medical intervention.~~
- k. ~~“Designated personnel” means the school personnel designated to administer medication pursuant to district policy and procedure.~~

2. ~~Designated Staff/Training~~

- a. ~~The principal will designate personnel authorized to administer prescription or nonprescription medication to a student while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity, as required by Oregon law. The principal will supervise and ensure building and activity practices and procedures are consistent with the requirements of law, rules and this administrative regulation.~~
- b. ~~The principal will ensure the training required by Oregon law is provided to designated personnel. Training must be conducted by a qualified trainer. Training will be provided annually to designated personnel authorized to administer medication to students. The first year and every third year of training requires in-person instruction; during the intervening years, designated personnel may complete an online training that has been approved by the Oregon Department of Education (ODE) so long as a trainer is available within a reasonable amount of time following the training to answer questions and provide clarification.~~
- c. ~~Training will provide an overview of applicable provisions of Oregon law, administrative rules, district policy and administrative regulations and include, but not be limited to, the following: safe storage, handling, monitoring medication supplies, disposing of medications, record-keeping and reporting of medication administration and errors in administration, emergency medical response for life-threatening side effects, allergic reactions or adrenal insufficiency and student confidentiality. Materials as recommended and/or approved by the ODE will be used.~~
- d. ~~A copy of the district’s policy and administrative regulation will be provided to all staff authorized to administer medication to students and others, as appropriate.~~
- e. ~~A statement that the designated personnel has received the required training will be filed in the district office.~~

3. ~~Administering Premeasured Doses of Epinephrine to a Student or Other Individual~~

~~A premeasured dose of epinephrine may be administered by trained, designated personnel to any student or other individual on school premises who the person believes in good faith is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.~~

D

E

L

E

T

E

4.— ~~Administering Naloxone or Other Similar Medication to a Student or Other Individual~~

~~Naloxone or any other similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug may be administered by trained, designated personnel to any student or other individual on school premises who the person believes in good faith is experiencing an opioid overdose.~~

5.— ~~Administering of Medication to a Student Experiencing Symptoms of Adrenal Crisis~~

~~A student experiencing symptoms of adrenal crisis while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from a school or a school-sponsored activity, may be treated by designated personnel and shall be subject to the following:~~

- ~~a. — Upon notice of a diagnosis of adrenal insufficiency, as defined in Oregon Administrative Rule (OAR) 581-021-0037, the building principal will designate one or more school personnel to be responsible for administering the medication to treat adrenal insufficiency;~~
- ~~b. — The designated personnel will successfully complete training to administer medication to treat a student who has adrenal insufficiency and is experiencing symptoms of adrenal crisis in accordance with the rules adopted by the Oregon Health Authority;~~
- ~~c. — The student or the student's parent or guardian must provide adequate supply of the student's prescribed medication to the district;~~

~~The district will require the development of an individualized health care plan for the student that includes protocols for preventing exposures to allergens, and establishes if or when a student may self-carry prescription medication when the student has not been approved to self-administer medication;~~

- ~~d. — In the event that a student experiences symptoms of adrenal crisis and the designated personnel determines the medication to treat adrenal insufficiency should be administered, any available staff member will immediately call 911 and the student's parent or guardian.~~

6.— ~~Administering Medication to a Student~~

- ~~a. — A request to permit designated personnel to administer medication to a student may be approved by the district and is subject to the following:~~

~~(1) — A written request for designated personnel to administer prescription medication to a student, if because of the prescribed frequency or schedule, the medication must be given while the student is in school, at a school-sponsored activity, while under the supervision of school personnel and in transit to or from school or a school-sponsored activity, must be submitted to the school office and shall include:~~

- ~~(a) — The written permission of the student's parent or guardian or the student if the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675; and~~
- ~~(b) — The written instruction from the prescriber for the administration of the medication to the student that includes:~~
 - ~~(i) — Name of the student;~~
 - ~~(ii) — Name of the medication;~~

D

- (iii) Method of administration;
- (iv) Dosage;
- (v) Frequency of administration;
- (vi) Other special instructions from the prescriber, if any; and
- (vii) Signature of the prescriber.

The prescription label prepared by a pharmacist at the direction of the prescriber, will be considered to meet this requirement if it contains the information listed in (i)–(vi) above.

(2) ~~A written request for designated personnel to administer nonprescription medication to a student must be submitted to the school office and is subject to the following:~~

- ~~(a) The nonprescription medication is necessary for the student to remain in school;~~
- ~~(b) The nonprescription medication is provided in the original manufacturer’s container by the parent or guardian of the student;~~
- ~~(c) The written instruction from the student’s parent or guardian for the administration of the nonprescription medication includes:~~

- ~~(i) Name of the student;~~
- ~~(ii) Name of the medication;~~
- ~~(iii) Method of administration;~~
- ~~(iv) Dosage;~~
- ~~(v) Frequency of administration;~~
- ~~(vi) Other special instructions, if any; and~~
- ~~(vii) Signature of the student’s parent or guardian.~~

~~If the written instruction is not consistent with the manufacturer’s guidelines for the nonprescription medication, the written instruction must also include a written order allowing the inconsistent administration signed by a prescriber.~~

~~(d) If the nonprescription medication is not approved by the Food and Drug Administration (FDA), a written order from the student’s prescriber is required and will include:~~

- ~~(i) Name of the student;~~
- ~~(ii) Name of the medication;~~
- ~~(iii) Dosage;~~
- ~~(iv) Method of administration;~~
- ~~(v) Frequency of administration;~~
- ~~(vi) A statement that the medication must be administered while the student is in school;~~
- ~~(vii) Other special instructions, if any; and~~
- ~~(viii) Signature of the prescriber.~~

b. ~~An individualized health care and allergy plan will be developed for a student with a known life-threatening allergy and will include protocols for preventing exposures to allergens and procedures for responding to life-threatening allergic reactions while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school~~

or a school-sponsored activity, and will include a determination on if or when the student may self-carry prescription medication if the student has not been approved to self-administer medication;

- ~~c. It is the student's parent or guardian's, or the student's if the student is allowed to seek medical care without parental consent, responsibility to ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;~~
- ~~d. It is the student's parent or guardian's, or the student's if the student is allowed to seek medical care without parental consent, responsibility to ensure that the school is informed in writing of any changes in medication instructions;~~
- ~~e. In the event a student refuses medication, the parent or guardian will be notified immediately, except where a student is allowed to seek medical care without parental consent. No attempt will be made to administer medication to a student who refuses a medication;~~
- ~~f. Any error in administration of a medication will be reported to the parent or guardian immediately, except where a student is allowed to seek medical care without parental consent, and documentation will be made on the district's Accident/Incident Report form. Errors include, but are not limited to, administering medication to the wrong student, administering the wrong medication, dose, frequency of administration or method of administration;~~
- ~~g. Medication shall not be administered until the necessary permission form and written instructions have been submitted as required by the district.~~

~~7. Administration of Medication by a Student to Themselves~~

- ~~a. A student, including a student in grade K through 12 with asthma or severe allergies, may be permitted to administer medication to themselves without assistance from designated personnel and is subject to the following:
 - ~~(1) A student must demonstrate the ability, developmentally and behaviorally, to self-administer prescription medication and must have:
 - ~~(a) A permission form from a parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675, and other documentation requested by the district must be submitted for self-medication of all prescription medications;~~
 - ~~(b) If the student has asthma, diabetes and/or a severe allergy, a medication that is prescribed by a prescriber and a written treatment plan developed by a prescriber or other Oregon licensed health care professional for managing of the student's asthma, diabetes and/or severe allergy, and directs use by the student while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity. The prescriber will include acknowledgment that the student has been instructed in the correct and responsible use of the prescribed medication;~~
 - ~~(c) The permission to self-administer the medication from a building administrator and a prescriber or registered nurse practicing in a school setting.~~~~
 - ~~(2) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication and must have:~~~~

D

- (a) ~~The written permission of the student's parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675;~~
- (b) ~~The student's name affixed to the manufacturer's original container; and~~
- (c) ~~The permission to self-administer medication from a building administrator.~~

(3) ~~A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication that is not approved by the FDA and must have:~~

- (a) ~~The written permission of the student's parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675; and~~

(b) ~~A written order from the student's prescriber that includes:~~

- (i) ~~Name of the student;~~
- (ii) ~~Name of the medication;~~
- (iii) ~~Dosage;~~
- (iv) ~~Method of administration;~~
- (v) ~~Frequency of administration;~~
- (vi) ~~A statement that the medication must be administered while the student is in school;~~
- (vii) ~~Other special instructions, if any; and~~
- (viii) ~~Signature of the prescriber.~~

- b. ~~The student may have in their possession only the amount of medication needed for that school day, except for manufacturer's packaging that contains multiple dosage, the student may carry one package, such as, but not limited to, autoinjectable epinephrine or bronchodilators/inhalers;~~
- e. ~~Sharing and/or borrowing of any medication with another student is strictly prohibited;~~
- d. ~~For a student who has been prescribed bronchodilators or epinephrine, the designated personnel will request that the parent or guardian provide backup medication for emergency use by that student. Backup medication, if provided, will be kept at the student's school in a location to which the student has immediate access in the event the student has an asthma and/or severe allergy emergency;~~
- e. ~~Upon written request from a parent or guardian, and with a prescriber's written statement that the lack of immediate access to a backup autoinjectable epinephrine may be life threatening to a student, and the location the school stores backup medication is not located in the student's classroom, a process shall be established to allow the backup autoinjectable epinephrine to be kept in a reasonably secure location in the student's classroom;~~
- f. ~~A student shall not administer medication to themselves until the necessary permission form and written instructions have been submitted as required by the district;~~
- g. ~~Permission for a student to administer medication to themselves may be revoked if the student violates the Board policy and/or this administrative regulation;~~
- h. ~~A student may be subject to discipline, up to and including expulsion, as appropriate;~~
- i. ~~A student permitted to administer medication to themselves may be monitored by designated personnel to monitor the student's response to the medication.~~

8. ~~Handling, Monitoring and Safe Storage of Medication Supplies for Administering Medication to Students~~

- a. ~~Medication administered by designated personnel to a student or self-administered by a student, must be delivered to the school in its original container, accompanied by the permission form and written instructions, as required above.~~
- b. ~~Medication in capsule or tablet form and categorized as a sedative, stimulant, anticonvulsant, narcotic analgesic or psychotropic medication will be counted by designated personnel in the presence of another district employee upon receipt, documented in the student's medication log and routinely monitored during storage and administration. Discrepancies will be reported to the principal immediately and documented in the student's medication log. For such medication not in capsule or tablet form, standard measuring and monitoring procedures will apply.~~
- c. ~~Designated personnel will follow the written instructions of the prescriber and the student or the student's parent or guardian, and training guidelines as may be recommended by the ODE for administering all forms of prescription and/or nonprescription medications.~~
- d. ~~Medication will be secured as follows:
 - (1) ~~Nonrefrigerated medications will be stored in a locked cabinet, drawer or box used solely for the storage of medication;~~
 - (2) ~~Medications requiring refrigeration will be stored in a locked box in a refrigerator;~~
 - (3) ~~Access to medication storage keys will be limited to the principal and designated personnel.~~~~
- e. ~~Designated personnel will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times, not left unattended after administering and that the medication container is properly sealed and returned to storage.~~
- f. ~~In the event medication is running low or an inadequate dosage is on hand to administer the medication, the designated personnel will notify the student's parent or guardian or the student (in situations involving ORS 109.610, 109.640 and 109.675) immediately.~~

9. ~~Emergency Response~~

- a. ~~Designated personnel will notify 911 or other appropriate emergency medical response systems and administer first aid, as necessary, in the event of life-threatening side effects that result from district-administered medication or from student self-medication or allergic reactions. The parent or guardian, school nurse and principal will be notified immediately.~~
- b. ~~Minor adverse reactions that result from district-administered medication or from student self-medication will be reported to the parent or guardian immediately, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675.~~
- c. ~~Any available district staff will immediately call 911 and the student's parent or guardian if the designated personnel believes the student is experiencing symptoms of adrenal crisis and plans to administer medication.~~

10. ~~Disposal of Medications~~

- a. ~~Medication not picked up by the student's parent or guardian, or the student when allowed pursuant to ORS 109.610, 109.640 and 109.675, at the end of the school year or within five~~

school days of the end of the medication period, whichever is earlier, will be disposed of by designated personnel in a nonrecoverable fashion as follows:

- D**
- (1) Medication will be removed from its original container and personal information will be destroyed;
 - (2) Solid medications will be crushed, mixed or dissolved in water, liquid medications will be mixed or dissolved in water; and
 - (3) Mixed with an undesirable substance, e.g., coffee grounds, kitty litter, flour; and
 - (4) Placed in impermeable non-descriptive containers, e.g., empty cans or sealable bags, and placed in the trash.

E Prescriptions will be flushed down the toilet **only** if the accompanying patient information specifically instructs it is safe to do so.

Other medication will be disposed of in accordance with established training procedures including sharps and glass.

- b. All medication will be disposed of by designated personnel in the presence of another school employee and documented as described in Section 10, below.

11. ~~Transcribing, Recording and Record Keeping~~

- a. A medication log will be maintained for each student administered medication by the district. The medication log will include, but not be limited to:

- (1) The name of the student, name of medication, dosage, method of administration, date and time of administration, frequency of administration and the name of the person administering the medication;
- (2) Student refusals of medication;
- (3) Errors in administration of medication;
- (4) Incidents of emergency and minor adverse reaction by a student to medication;
- (5) Discrepancies in medication supply;
- (6) Disposal of medication including date, quantity, manner in which the medication was destroyed and the signature of the staff involved.

- b. All records relating to administration of medications, including permissions and written instructions, will be maintained in a separate medical file apart from the student's education record file unless otherwise related to the student's educational placement and/or individualized education program. Records will be retained in accordance with applicable provisions of OAR 166-400-0010(17) and OAR 166-400-0060(29).

- e.a. Student health information will be kept confidential. Access shall be limited to those designated personnel authorized to administer medication to students, the student and their parent or guardian. Information may be shared with other staff with a legitimate educational interest in the student or others as may be authorized by the parent or guardian in writing or others as allowed under state and federal law.



Code: KG-AR
Revised/Reviewed: 1/20/10; 5/11/11; 10/11/17
Orig. Code: KG-AR

Community Use of District Facilities

Processing Facility Requests and Governance of Building Usage

1. Applications and Approval
 - a. Facilities Use Application is completed online.
 - b. Applications will be reviewed by the superintendents or designee. The final application approval will be determined by the respective site principal.
 - c. Applications denied or canceled may be appealed by the applicant or principal to the superintendent or designee. If denied at the appeal level, the decision may be appealed in writing to the board.
 - d. In all cases, requests from district or school-organized activities shall take precedence in the scheduling of district facilities. In the event of non-school conflicting demands, the order of classification shall be the determining factor. However, applications already approved will be honored in the order approved.
 - e. A district/building employee will be required to be in the building for the duration of any activity involving district facilities. The associated costs for providing supervision of facilities use must be paid in addition to rental fees. ~~The district employee(s) in the building before or after school must perform a supervisory role and may be held accountable for any damage or noncompliance with district rules and policies.~~

2. Rules Governing Facilities Usage
 - a. The use of district facilities, equipment, and/or materials must have the principal's pre-approval and/or appropriate director's pre-approval on the appropriate form(s).
 - b. No decorations or application of materials to walls, ceilings, or floors will be allowed without prior approval.
 - c. Profane language, possession of, or use of tobacco products and/or inhalent delivery systems (cigarettes, cigars, pipes, vape pens, or smokeless/chewing tobacco), alcoholic beverages, use of illegal drugs, inappropriate music and/or inappropriate conduct shall not be permitted and may lead to immediate forfeiture of district facility use privileges, including forfeiture of deposit.
 - d. Gym shoes that have clean non-marking soles shall be required for all activity-type games or exercises.
 - e. The facility space is rented as is, the district does not supply additional chairs or tables for use unless. In special circumstances, and with pre-approval from the school principal, folding chairs and tables may be rented and are to be erected and stored by adults representing the group using the school facility, unless special arrangements are made with and approved by the site's principal. There is a rental fee for each district folding chair and table used and a charge

to set up, take down, and/or clean up facilities. The district shall be held harmless for any injury sustained in erecting or storing chairs and tables.

- f. Groups using school facilities are required to leave facilities in the same condition they are found. The principal or designee will complete and have the user sign a building/room condition form prior to the group using the facility. If the group desires to leave the facility in a condition other than found, or there is damage to the facility, the district will retain the deposit fee and assess any additional charges for parts or replacement, including labor not covered by the deposit fees.
- g. The use of kitchen facilities is not allowed.
- h. Facility use shall be limited to those times approved on the application and the appropriate agreement, if applicable.
- i. Application approval shall not be construed as a lease and the appropriate director or administrator may revoke the application at any time prior to the use date.
- j. An applicant using district facilities and failing to abide by the application agreement may be denied future use of school facilities.
- k. Applicants using district facilities four or more times in a given academic year may negotiate a Multiple Use Agreement.
- l. Agencies that allow the district to use their facilities are to enter into a Cooperative Use Agreement.
- m. Applicants must have primary liability insurance coverage which provides a certificate of insurance, naming the Reynolds School District as the certificate holder or Additional Insured and agrees to hold the district harmless for all accidents. The liability limits will be a minimum of the following limits: Occurrence-based General Liability, to include premises operations, independent providers, products/completed operations, and blanket contractual; with limits not less than \$1,000,000 Combined Single Limit Bodily Injury, Property Damage, and Personal Injury any one occurrence and \$2,000,000 in the aggregate. Additional rules governing the use of the facility, as deemed by the administration, may be stipulated that are not specifically stated in this administrative regulation.
- n. District facilities may not be available for non-district use from July 1 through the first two weeks of school and are not be available during school closures, holiday periods, or long weekends (i.e. winter and spring recess).
- o. All application fees must be paid when the facility use application is made.
- p. All deposits and estimated fees are to be paid in advance of use.
- q. The fee schedule is reviewed in June - July and posted in August and may be revised as new facilities are made available due to acquisition, new construction/remodeling, or relocation.

3. Rules Governing Fees Collected

- a. All facility deposits and fees will be paid via the website or check. 50% of the fees paid will be credited to the building Principal's Discretionary Fund
- b. After applicable charges have been debited, 50% of any facility use fee remaining will be credited to a Special District Facility Use Reserve Account. This portion of the rental fees is to be used to cover facility use labor costs and repair and maintain facilities and equipment, including any district-wide audiovisual equipment that is rented.

Use of District Buildings and Equipment During Non-School Time

1. District Community Partners

- a. Subject to (2.n) above, administrators may approve requests for use of buildings, grounds, and equipment prior to a non-school time and make appropriate arrangements with the custodian to open and close the building.
 - b. District Community Partners are responsible for any set up, breakdown, and clean up of facility used during non-school time.
2. Community Groups
- a. Subject to (2.n) above, administrators may approve requests for use of buildings, grounds, and equipment prior to a non-school time and make appropriate arrangements with the custodian to open and close the building.
 - b.
3. Nonprofit District Summer Student Activities (sports camps, music programs, drama, etc.)
- a. No salary will be paid for staff or student helper(s).
 - b. Participant fees must be reasonable, and are limited to actual expenses only plus \$25. All participation fees collected beyond actual costs, plus \$25, will be reimbursed on a prorated basis to the participants. The \$25 will be placed in the sponsoring club account.
 - c. The sponsoring school's principal or designee will maintain records. These records are subject to district audit for revenue and appropriate expenses and allocation.
 - d. District application and contract forms will be completed and must be approved prior to the activity taking place.
 - e. Only students residing in Reynolds School District #7 may participate.
 - f. Each program is responsible for cleaning the facility and grounds used and paying for any repairs beyond normal wear and tear. If facility and maintenance personnel clean the facility or grounds, the program will be charged for the total labor and equipment costs.

Free Use of Available Facilities for Reynolds Endorsed Youth Programs

Establish an application process by which youth sports programs may obtain facility use at no cost. The designation, "Reynolds Endorsed" would be reserved for programs that meet the following criteria:

1. The organization is non-profit, and has written policy that provides relief for low-income families.
2. All athletes in the program must live within the Reynolds School District attendance boundaries.
3. The head coach of the program (person submitting the application) must have completed the NFHS Fundamentals of Coaching Course, ODE Steroid Training, and OSAA approved concussion training.
4. The program is approved by the athletic director at Reynolds High School. The application process may include:
 - a. Attendance at coach's clinics;
 - b. Adoption of approved systems and terminology;
 - c. A demonstrated commitment to the teaching of character value;
 - d. An emphasis on the academic achievement of their athletes.

5. The status of all programs would be subjected to annual review by the high school athletics director.

Classification of Eligible Organizations

The following classification criteria are to be followed in determining eligibility for use of all facilities and equipment and appropriate fees. Each tier is listed in order of priority.

1. Tier I. Reynolds School District Activities
 - a. District community partners
 - b. District-sponsored activities for students.
 - c. School-sponsored activities for students.
 - d. District-sponsored activities for parents/guardians/constituents.
 - e. School-sponsored activities for parents/guardians/constituents.
 - f. District-related groups and organizations (sponsored by a respective school).
 - g. Reynolds-endorsed youth programs.
 - h.
2. Tier II. Community Recreational and Educational Programs.
 - a. Parent/Guardian, volunteer, and/or community organization-sponsored programs that serve Reynolds youth (Youth Leagues, Kid's Wrestling, Scouts, 4-H, PAL, AAU, summer activities, after school programs, etc.).
 - b. Adult education classes sponsored by an Oregon community college or university.
 - c. City Park and Recreation programs.
 - d. Adult Athletic Leagues.
 - e. Community service activities, such as health fairs, immunization days, clothes closets, feeding programs, etc.
3. Tier III. All Other Facility Users.
 - a. Nonprofit organizations.
 - b. For-profit organizations.
 - c. State, federal, and foreign agencies.
 - d. Organizations charging admission or making a profit.
 - e. Private individuals.

Insurance

Each organization, individual, or individual group using a school facility is required to purchase and maintain liability insurance covering their activities on district premises. General Liability – Occurrence-based General Liability, to include premises operations, independent providers, products/completed operations, and blanket contractual; with limits not less than \$1,000,000 Combined Single Limit Bodily Injury, Property Damage, and Personal Injury any one occurrence and \$2,000,000 in the aggregate.. Each user is to insure personal property and hold the district harmless. Reynolds School District is to be named as a co-insured on all such liability insurance. A copy of insurance coverage or a certificate of insurance shall be provided to the facility rental designee prior to the contracting user initiating activity in a district facility. District insurance does not provide protection for any organization or

individual using district facilities. The superintendent may waive insurance with proper documentation that indemnifies the district against any and all claims.

Supervision/Police Supervision

The district reserves the right to require, at the renter's expense, that additional supervisory personnel be present at an event. Supervision may include the organization retaining a certified local law enforcement agent at the user's expense.

Additional Facility Needs

The district reserves the right to require, at the renter's expense, that additional facility needs be met for an event. Additional facility needs could include: portable restrooms, first aid providers, certified athletics trainers, licensed food preparers, etc. be available to supervise and/or support an event.

Fee Schedule (Superintendent may waive fee(s))

The fee schedule is updated and approved by the Board each year and can be found on the District website.

- 1.



Code: KN-AR(1)
Revised/Reviewed: 1/12/11; 8/28/24
Orig. Code: KN-AR(1)

Relations with Law Enforcement Agencies**

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, 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.

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.

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 abuse of a child investigation;
 - e. Permission of the parent.
3. In all cases, other than 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 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.

Presence of Immigration and Customs Enforcement (ICE) Agents on District Property

Any ICE officer intending to enter any Reynolds School District property, sponsored event, or bus must first notify the Superintendent, in person. Adequate notice must be given so that steps can be taken to provide for the emotional and physical safety of students and staff.

1. RSD staff are directed to immediately notify their supervisor, who will notify the Superintendent's office, of the presence of ICE agents at any District facility, District sponsored event, or attempting to board any District bus.
2. RSD staff are to direct ICE agents to report to the Reynolds School District office immediately.
3. The Superintendent or designee will ask for the ICE agent's credentials, why they are requesting access, and request legal validity of the summons.
4. The Superintendent or designee will demand that ICE officers provide written notice of its legal authority to enter District property.
5. The Superintendent or designee shall attempt to notify the student's parent/guardian prior to granting any interview for which there is appropriate legal authority. If the Superintendent or designee has been unable to contact the parent/guardian then they shall make a reasonable attempt to notify the parent/guardian as soon as possible after any interview has occurred.
6. RSD staff shall support students whose family members have been displaced because of an ICE action.

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 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.

To: Board of Directors

From: Frank Caropelo, Superintendent

Subject: Resolution 2024-2025-012

Type: Action Item Report / Presentation

Policy: KN: Relations with Law Enforcement Agencies

Date: December 18, 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 will adopt the following resolution: Resolution 2024-2025-012 Rights of Undocumented Students and Protocols for Immigration and Customs Enforcement Access to Schools.

Previous Board Action:

The Board is responsible for adopting all resolutions.

Financial Implications:

Not Applicable.

Motion:

- A. Motion Made by Board Member:
 - a. I move that the Board adopt Resolution 2024-2025-012 Rights of Undocumented Students and Protocols for Immigration and Customs Enforcement Access to Schools as presented.
- B. Motion Seconded by Another Board Member
- C. Points of Clarification / Discussion
- D. Call for Board Vote



Resolution 2024-2025-012

**Rights of Undocumented Students and
Protocols for Immigration and Customs Enforcement Access to Schools**

WHEREAS, the Reynolds School District Board is committed to the success of each and every student in all Reynolds schools and programs.

WHEREAS, the mission of Reynolds School District is "We lead with equity to educate and support all students to graduate with the skills and confidence to thrive."

WHEREAS, the Board believes that a safe and inviting environment would be disrupted by the presence of Immigration and Custom Enforcement officers who come onto Reynolds School District property to remove students or their family members or to obtain information about students and their families.

NOW, THEREFORE, BE IT RESOLVED, that any Immigration and Custom Enforcement officer intending to enter any Reynolds School District property must first notify the Superintendent in person. Adequate notice must be given so that steps can be taken to provide for the emotional and physical safety of students and staff.

BE IT RESOLVED, that the Superintendent or designee is authorized to ask for the Immigration and Custom Enforcement agent's credentials, ask why they are requesting access, and request legal validity of the summons.

BE IT RESOLVED, that Immigration and Custom Enforcement officers must provide written authority from the office of Immigration and Customs Enforcement that directs its officers to enter District property and confirms their intent.

BE IT RESOLVED, that Reynolds School District staff shall not disclose the personal information of any Reynolds School District student pursuant to Family Educational Rights and Privacy Act (FERPA) and relevant law, or ask about a student's immigration status or that of the student's family members in accordance with Oregon's Sanctuary Promise laws.

BE IT FURTHER RESOLVED, that within the next 90 days, the Superintendent shall develop a plan for teachers, administrators, and other staff on how to respond to Immigration and Customs Enforcement personnel who are requesting information about Reynolds students and families and/or are attempting to enter Reynolds property.

Adopted this 18th day of December 2024.

Signed:

Attest:

Chair, Reynolds School Board of Directors

Superintendent / Clerk



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: Board Discussion and Reports

Type: Action Item Report / Presentation

Policy: BD/BDA: Board Meetings; BDDF: Conduct of Board Meetings

Date: December 18, 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:

- A. Individual Board Member Reports or Announcements
- B. Student Board Rep Announcements
- C. Upcoming Board Meetings
 - a. Business Meeting: January 22, 2024
- D. Board Discussion

Previous Board Action:

Not Applicable.

Financial Implications:

Not Applicable.

Motion:

Not Applicable.



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: December 18, 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.