

6:30 PM

Thursday, October 8, 2020

**AGENDA**  
Business Meeting of the  
**BOARD OF DIRECTORS**  
Corvallis School District 509J

Meeting Details: Thursday, October 8, 2020, 6:30 PM in the District Office Board Room, 1555 SW 35th Street, Corvallis, OR 97333.

**SOCIAL DISTANCING IS ESSENTIAL IN REDUCING THE SPREAD OF THE COVID-19 PANDEMIC.**

Oregon law allows public meetings to be held entirely online; therefore, we will NOT have seating available at the meeting site. If you would like to watch live-streaming of the School Board meeting, please navigate to the District's YouTube channel: <https://www.youtube.com/channel/UC9Jtpte5dmilZI9kySBJbVQ?> A recording of the meeting will also be posted to that channel.

- I. **CALL TO ORDER AND ROLL CALL (6:30 p.m.)\***
- II. **PLEDGE OF ALLEGIANCE**
- III. **BOARD MEMBER REPORTS**
- IV. **INTRODUCE STUDENT REPRESENTATIVES**
- V. **SUPERINTENDENT'S REPORT**



## **Superintendent's Update**

Shared with the Corvallis School Board during the October 8, 2020 meeting.

### **New Student Representatives to the School Board**

I am pleased to welcome our high school student representatives to the school board. Our student representatives will share a brief report to the Board at each school board business meeting including important activities and events going on at their school and school, class, or community issues. Welcome to the following students:

College Hill: Jesse Martin and Sunitha Black

Corvallis High School: Ezra Hart and Kristen Moon

Crescent Valley High School: Kate Voltz and Calvin Carleski

### **College Planning Goes Virtual**

October is traditionally college planning month at our high schools and next week is Student/Family Week, a combined initiative of Beyond CHS and Beyond CV staff. These virtual sessions will include learning about the Free Application for Federal Student Aid (FAFSA) and Financial Aid 101, OSU/LBCC Degree partnership, Western Undergraduate Exchange (WUE), and LBCC opportunities.

Students and families are asked to pre-register no later than 24 hours before the sessions they are planning to attend. Contact the high schools if you need assistance with signing up.

### **Decision to Postpone Return to In-Person Learning**

Yesterday, in an email message to families, I shared that we will not be able to return to in-person learning on the timeline we had planned. We have been preparing for the safe re-opening of our schools and know that in-person learning is ideal, but we do not meet the metrics required to return on October 19. The next planned date to return to in-person school is January 4, 2021. We wanted to share the January 4 date now to provide families with accurate information and to support a consistent routine for student health, wellness, and educational success. While our hope is that there will be advancements in fighting the pandemic, we also need to anticipate the virus will be with us for quite some time. Families and staff deserve a realistic outlook on where we are with COVID-19 as a community, state, and nation.

The following links provide the required metrics and the weekly county case rates published by the Oregon Health Authority.

[ODE/OHA Criteria for In-Person Instruction](#) (This link explains the required metrics.)

[State and County Case Rates and Test Positivity](#) (This link shows statewide metrics and information by county. Data is updated weekly.)

As we equip families for several more weeks of remote learning, we are centering on our most at-risk students with a focus on internet access, food security, and mental health and wellness. In the

coming days, all families will be receiving a collection of grade-appropriate resources to support students and families during this period of virtual learning.

## **School Renaming Task Force**

We are committed to creating a safe and inclusive space for our task force volunteers to participate in the renaming process. I will be bringing the School Renaming Task Force charter back to the board at the next meeting to revise one item in the "Procedures and Process" section. The current charter states that "All meetings will be open to the public to observe." I will be changing the language as follows: "All meeting minutes will be made public as a mechanism for public review and input."

## **Supports for Students**

Staff are working diligently to meet student and family needs including internet access, food insecurity, or mental health support. We are grateful to community organizations, donors, and the Corvallis Public Schools Foundation for their support of this work.

## **Indigenous Peoples' Day**

The board will be voting on a resolution tonight to recognize Monday, October 12, 2020, as well as the second Monday of October annually, as Indigenous Peoples' Day in the Corvallis School District. This is an opportunity to recognize the histories and cultures of Native American people and I encourage families, staff, and community members to join in existing local Indigenous Peoples' Day celebrations including the OSU *Facebook Live* Event on Monday from 12 pm - 1:30 pm and the proclamation signing by Mayor Biff Traber at 5:30 pm.

## **Statement of Solidarity with Students, Staff, and Communities of Color**

We believe that "Black Lives Matter" is fundamentally an affirmative social justice statement that aligns with our commitment to students and staff — Black, Brown, Indigenous, and other students of color — who have been historically underserved by the American educational system. It's not only an acknowledgment of the disparities in our own system but a commitment that we will address and interrupt the disparities that persist for our historically marginalized students.

We will not stand by or be complicit to institutional disparities that perpetuate inequities for our Black, Indigenous, and Students/Staff of color. We are committed to building an educational system that addresses institutional racism and empowers, honors, and celebrates the cultures and identities of our diverse student population, empowering their voices and perspectives as shared partners in the educational system. As outlined in our district's [Educational Equity Policy](#), educational equity is based on the principles of social justice in allocating resources, opportunity, treatment and creating success for each student.

As a public school district, we honor and validate all viewpoints to the extent that they do not promote hate, racism, or discrimination of any kind. We believe that public schools have the ability

to promote racial equity of underrepresented people without giving equal time to intolerance and ignorance and can specifically prohibit students and educators from using hate language or displaying hate symbols, as discussed in our [Student Code of Conduct](#). In an effort to create a district culture of acceptance, authentic care, and connection free from language or symbols that are not in line with our district beliefs and values.

We want to be clear that we do not endorse any organized group or political campaign. We support the State Board of Education's recent passage of the Oregon Department of Education administrative rule referred to as [All Students Belong](#). This administrative rule focuses on the health and safety of students and educators by creating a more inclusive and hate-free school climate. It also bans symbols of hate — including the swastika, noose, and confederate flag — from schools.

### **Equity in Action in Our Schools**

We are committed to becoming an anti-racist school district, a system that creates policies, practices, and procedures to promote racial equity and that is committed to providing a culturally relevant, responsive, and inclusive environment for all students, especially our most marginalized.

We are committed to providing a learning environment in our virtual or in-person classrooms where all our students including our Black, Indigenous, and Students of Color can show up as their authentic selves and be proud of their language, ethnicity, race, and nationality. We are committed to creating learning environments where students can engage in critical thinking and discourse that promote safe spaces for students to learn from diverse perspectives and result in action that promotes equity and civil discourse in our schools.

For the 2020-21 school year, we will be engaging in further exploration of this work at every grade level in our district, starting with our youngest learners. This month our K-5 students will be introduced to the concepts of identity, diversity, race, and racism in an age-appropriate curriculum aligned with the [Oregon K-12 Social Sciences Academic Content Standards](#) and [Oregon Ethnic Studies Standards \(draft\)](#). This work continues in social studies classes at the upper grades, as we foster important conversations and create safe spaces for students to make sense of the world around them. For example, we're living through one of the largest social movements in the history of our nation. To not allow students to discuss what they're seeing in the Black Lives Matter and related social movements — as well as the various responses to those movements — would be a lost opportunity to engage in real-time, authentic learning.

We understand that these conversations are not occasions to promote or advocate personal values or beliefs regarding politics, religion, or other cultural issues. Our role as educators is to facilitate conversations about issues in a tolerant and inclusive environment as described in [School Board Policy INB](#).

We want our classrooms — whether physical or virtual — to be welcoming spaces to all students. We recognize that students have a right to [freedom of expression](#), as long as that expression isn't substantially disruptive to the educational environment and doesn't infringe on the rights of others to access their education.

## VI. PUBLIC COMMENT

*Please contact [lindsey.kang@corvallis.k12.or.us](mailto:lindsey.kang@corvallis.k12.or.us) by noon on the day of the Board Meeting to schedule public comment. Please include your name, address, the phone number you would like to call in from, and the topic you would like to speak about.*



**PROVIDING INPUT TO THE SCHOOL BOARD AT VIRTUAL MEETINGS DURING THE PANDEMIC**

*(Revised 09-09-21)*

The Corvallis School Board values the opinions and input of students, staff, parents, and community members. Comments may be provided during certain meetings, via telephone, and via written correspondence, as outlined below.

**Public Comment at School Board Meetings**

This option is available when *Public Comment* is an item on the agenda. At this time, Board meetings are held virtually and there will be no in-person public comment. To offer comments via telephone during designated meetings:

- A. Email Board Secretary Kim Nelson at [kimberly.nelson@corvallis.k12.or.us](mailto:kimberly.nelson@corvallis.k12.or.us) by noon on the day of the meeting.
- B. Provide your name, home address, and the telephone number you will be calling in on.
- C. You will be provided a telephone number and meeting access code.
- D. At the time designated on the agenda, call the number provided and enter any required access codes.
- E. You will be “in the waiting room” until it is your turn to provide comments; at that time, you will be admitted to the virtual meeting.
- F. When you provide public comment, your name, address, and comments are matters of public record; however, students and staff do not need to provide their addresses.
- G. Keep your comments within the specified time allotted, usually three minutes, to allow time for others to comment. Please be respectful of those who wish to comment after you.
- H. Direct your comments to the School Board. The Board Chair will refer questions or requests for action to staff for response at a later date.
- I. If you read from a prepared statement, you may choose to email your written comments to Kim Nelson at [kimberly.nelson@corvallis.k12.or.us](mailto:kimberly.nelson@corvallis.k12.or.us) to post online with the informational packet of the meeting and to file with the official minutes of the meeting. It is not required, however.
- J. Speakers may offer objective criticism of District operations and programs but the Board will not hear complaints concerning individual District personnel.
  - Complaints shall be handled following the steps outlined in Board Policy KL and Administrative Regulation KL-AR, copies of which are available at <http://policy.osba.org/corvall/kl/index.asp>.
  - Complaints regarding budget, programs, or other District issues also should be handled by first following the steps outlined in policy KL.
- K. Undue interruption or other interference with the orderly conduct of Board business cannot be allowed.
  - Defamatory or abusive remarks are always out of order.
  - The Board Chair may terminate a speaker’s privilege of address if, after being called to order, the speaker persists in improper conduct or remarks.

**Written Correspondence**

Letters, emails, and other written materials submitted to the School Board are considered public record. They may be submitted via U.S. mail to: Corvallis School Board, 1555 SW 35<sup>th</sup> Street, Corvallis, OR 97333. Emails sent to: [schoolboard@corvallis.k12.or.us](mailto:schoolboard@corvallis.k12.or.us), will reach all Board members as a group as well as the following District staff: Superintendent, Assistant Superintendent, Human Resources Director, Finance and Operations Director, Communications Coordinator, and Executive Assistant to the Superintendent and Board of Directors (also known as Board Secretary).

**Telephone Calls**

Vincent Adams	541-240-4055	Terese Jones	541-230-1673
Sami Al-AbdRabbuh	541-283-6611	Shauna Tominey	541-829-3411
Tina Baker	541-223-1997	Luhui Whitebear	541-632-3568
Sarah Finger McDonald	541-908-3756		

## VII. ENROLLMENT UPDATE



# Corvallis

## SCHOOL DISTRICT

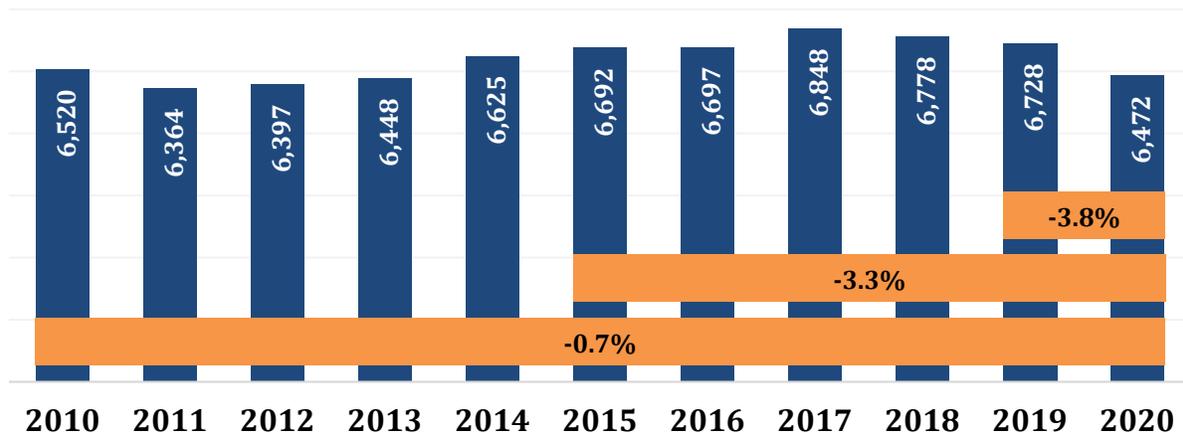
Prepared for: Corvallis School Board  
Prepared by: Olivia Meyers Buch, Finance and Operations Director  
Meeting Date: October 8, 2020

### Enrollment Update

**NO ACTION REQUIRED**

The fall enrollment update is a representation of the preliminary number of K-12 students enrolled on the first school day in October each year. On October 1, 2020 a total of 6,472 students were enrolled in the district's schools and programs, including all regular and charter school programs.

#### Total Enrollment *excludes YES House*



Compared to last year, total enrollment has decreased by 256 students or 3.8%, which is primarily due to students withdrawing from the district and electing homeschool or enrollment in a virtual charter school. Compared to five years ago, total enrollment has decreased by 220 students or 3.3%. Compared to ten years ago, total enrollment has increased by 48 students or 0.7%.

#### Actual vs. Projected

The total enrollment of 6,472 students is 337 students less than what was projected for this year. Actual elementary enrollment is lower than projected by 246 students, while actual secondary enrollment is lower than projected by 91 students.

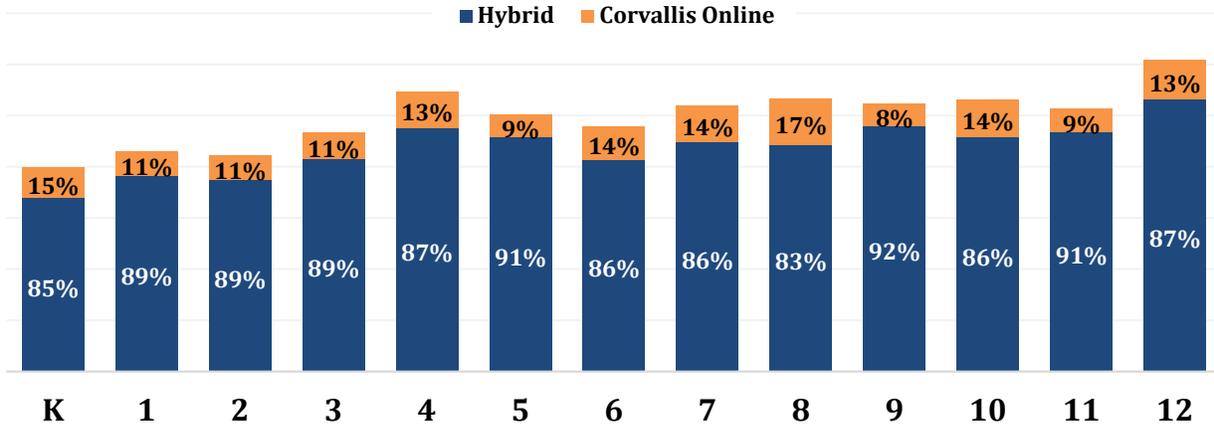
**2020 Total Enrollment by Grade**  
*Actual vs. Projected; excludes YES House*



Hybrid Model vs. Corvallis Online

The total enrollment of 6,472 students includes 785 students or 12.4% who chose to enroll in the Corvallis Online education option.

**2020 Total Enrollment by Grade**  
*Hybrid Model vs. Corvallis Online; excludes YES House*



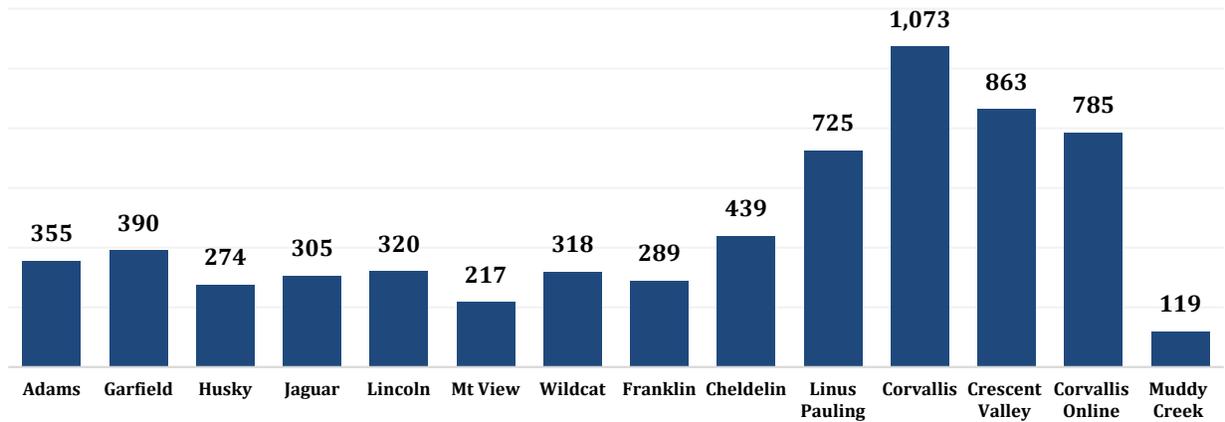
School Enrollment

The average elementary school enrollment is 311 with a low of 217 (Mt View) and a high of 390 (Garfield). Middle school enrollment varies significantly between Cheldelin and Linus Pauling - by a difference of 286 students (65%). High school enrollment between Corvallis High School and Crescent Valley High School varies by 210 students (24%).

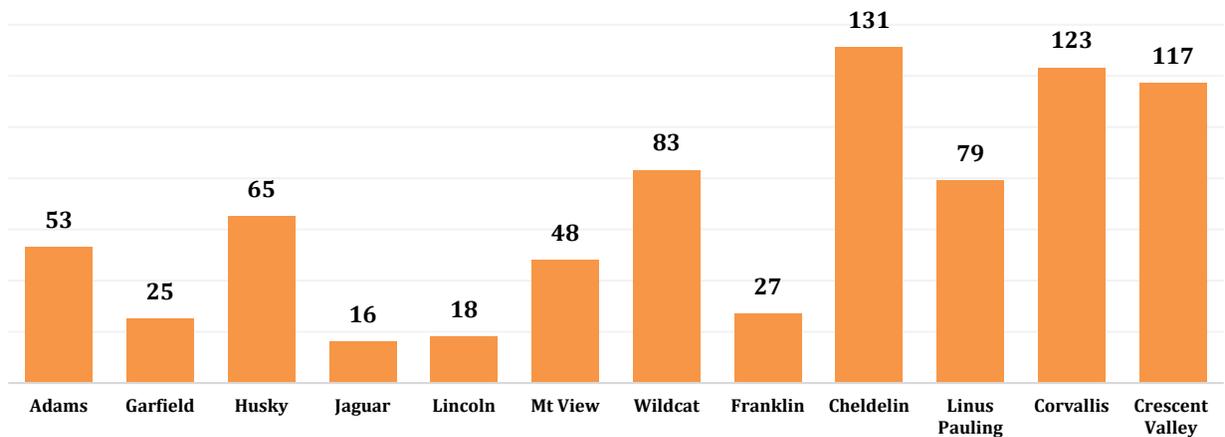
Enrollment in the Corvallis Online education option varies significantly between resident schools with a low of 16 (Jaguar Elementary) to a high of 131 (Cheldelin Middle School).

## 2020 Total Enrollment by School

*excludes YES House*



## 2020 Corvallis Online Enrollment by Resident School



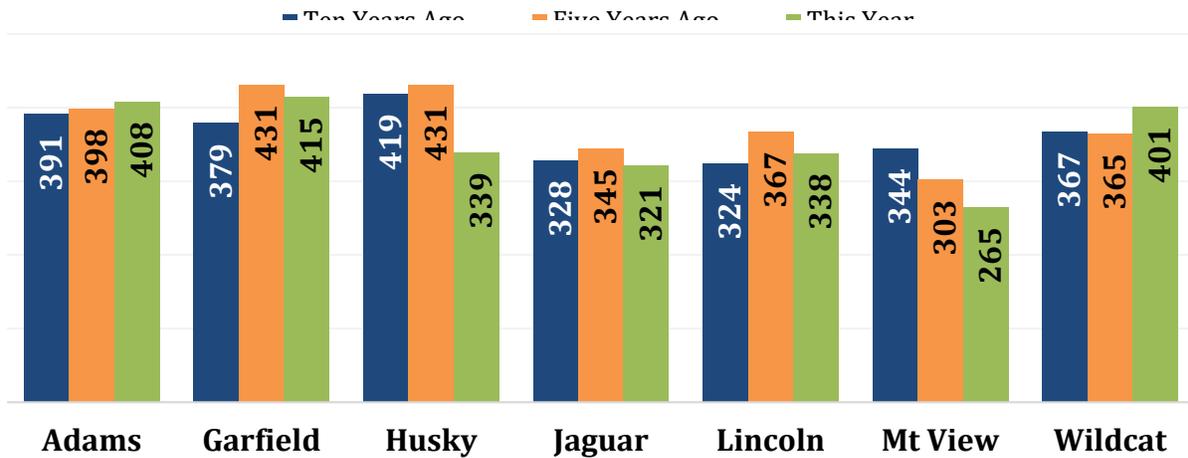
### School Enrollment History

A few schools have experienced enrollment fluctuations of more than 10% compared to five or ten years ago (as noted below in bold).

	<b>10 Year Change</b>	<b>5 Year Change</b>
Husky Elementary	<b>-23.6%</b>	<b>-21.3%</b>
Mt View Elementary	<b>-29.8%</b>	<b>-12.5%</b>
Franklin K-8 School	-4.1%	<b>-11.7%</b>
Linus Pauling Middle School	+9.7%	<b>+13.1%</b>

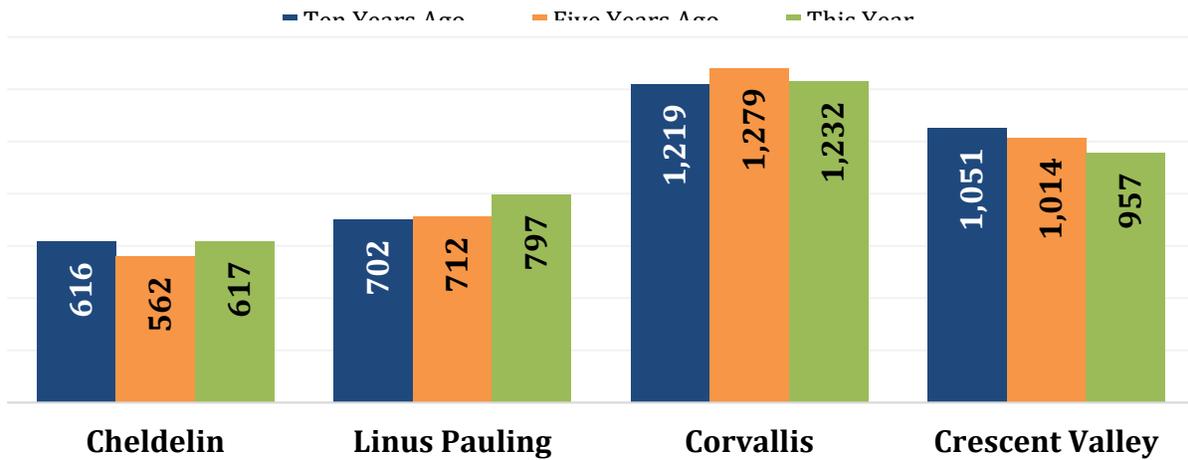
### Total Elementary Enrollment

*this year includes Corvallis Online students by resident school*



### Total Secondary Enrollment

*this year includes Corvallis Online students by resident school*



### Student-Teacher Ratios

The average student-teacher ratio at district elementary schools is 21, while the average student-teacher ratio at district secondary schools is 23.

	Student Enrollment	Classroom Teachers (FTE)	Student-Teacher Ratio
Adams Elementary	355	16.00	22
Garfield Elementary	390	18.00	22
Husky Elementary	274	13.00	21

Jaguar Elementary	305	14.00	<b>22</b>
Lincoln Elementary	320	16.00	<b>20</b>
Mt View Elementary	217	10.00	<b>22</b>
Wildcat Elementary	318	15.00	<b>21</b>
Franklin K-8	289	12.25	<b>24</b>
Cheldelin Middle School	439	22.25	<b>20</b>
Linus Pauling Middle School	725	32.75	<b>22</b>
Corvallis High School	1,073	45.75	<b>23</b>
Crescent Valley High School	863	35.00	<b>25</b>
Corvallis Online	785	21.00	<b>37</b>
<b>TOTAL</b>	<b>6,353</b>	<b>271.00</b>	<b>23</b>

**VIII. RESOLUTION 20-1001 AUTHORIZING ISSUANCE OF GENERAL  
OBLIGATION BONDS**



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board  
Prepared by: Olivia Meyers Buch, Finance and Operations Director  
Meeting Date: October 8, 2020

### **Resolution No. 20-1001 Authorizing Issuance of General Obligation Bonds**

### **ACTION REQUESTED**

#### **Background**

On May 15, 2018, Corvallis School District voters approved the issuance of \$199,916,925 in general obligation bonds to finance school facility improvements. On August 2, 2018 the District issued \$159,999,046 of the \$199,916,925 general obligation bonds. This resolution provides the terms under which the remaining \$39,917,879 of general obligation bonds will be sold and issued. The authorizing resolution is the official document allowing the district to issue bonds and delegating the authority to negotiate, approve, and sign the financial documents for the bond sale to district administration.

The authorizing resolution also includes Exhibit A, beginning on page 7, which details the district's post-issuance disclosure requirements. In order to receive tax-exempt status, the district must comply with these continuing disclosure requirements. The purpose is to provide ongoing financial information to the bond market and to disclose any "material events" that could impact the value and credit-worthiness of the district's bonds.

Following approval of the authorizing resolution, the district will move forward with the bond sale not-to-exceed \$39,917,879. The final closing date for this initial bond sale is expected to be December 29, 2020.

#### **ACTION REQUESTED:**

Approve a resolution Adopt Resolution No. 20-1001, authorizing the issuance, sale, and delivery of general obligations bonds; designating an authorized representative; and delegating the negotiation and approval of financial documents and related matters.

#### **MOTION REQUESTED:**

"I move that Resolution No. 20-1001 be adopted to authorize the issuance, sale, and delivery of general obligations bonds; designate an authorized representative; and delegate the negotiation and approval of financial documents and related matters."

#### **ATTACHED:**

Resolution No. 20-1001

**RESOLUTION NO. 20-1001**

**A RESOLUTION OF CORVALLIS SCHOOL DISTRICT NO. 509J, BENTON AND LINN COUNTIES, OREGON AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION BONDS; DESIGNATING AN AUTHORIZED REPRESENTATIVE; DELEGATING THE NEGOTIATION AND APPROVAL OF FINANCIAL DOCUMENTS AND RELATED MATTERS.**

THE BOARD OF DIRECTORS OF CORVALLIS SCHOOL DISTRICT NO. 509J, BENTON AND LINN COUNTIES, OREGON HEREBY RESOLVES:

**SECTION 1. FINDINGS**

The Board of Directors (the “Board”) of Corvallis School District No. 509J, Benton and Linn Counties, Oregon a common school district of the State of Oregon (the “District”) finds:

- a. The District is authorized pursuant to the Oregon Constitution and Oregon Revised Statutes Chapters 287A and 328 to issue general obligation bonds to finance capital costs; and
- b. On January 11, 2018, the District adopted a resolution authorizing submission to the voters of the District at a measure election on May 15, 2018, the question of contracting a general obligation bonded indebtedness in an amount not to exceed \$199,916,925 to finance capital costs as set forth in the notice of bond election and pay bond issuance costs; and
- c. The election was duly and legally held on May 15, 2018 and the elections officer of the county in which the District office is located delivered the abstract of votes indicating that the issuance of the general obligation bonds was approved no later than twenty (20) days after the date of the election; and
- d. On August 2, 2018 the District issued \$159,999,046 of the \$199,916,925 general obligation bonds;
- e. The District adopts this resolution to provide the terms under which the remaining \$39,917,879 of the general obligation bonds will be sold and issued.

**SECTION 2. BONDS AUTHORIZED**

The District hereby authorizes the issuance of the general obligation bonds in an aggregate principal amount not to exceed \$39,917,879 (the “Bonds”) to finance the projects set forth in the ballot title for the Bonds.

The Bonds may be issued in one or more series and shall mature over a period not exceeding twenty (20) years from their date of issue. The remaining terms of the Bonds shall be established as provided in Section 10 hereof.

**SECTION 3. DESIGNATION OF AUTHORIZED REPRESENTATIVES**

The Board designates the Chair, Superintendent, Director of Finance and Operations (each an “Authorized Representative”) or a designee of an Authorized Representative to act on behalf of the District as specified in Section 10 hereof.

#### **SECTION 4. SECURITY**

Pursuant to ORS 287A.315, the District hereby pledges its full faith and credit and taxing power to pay the Bonds. The District hereby covenants for the benefit of the Owners to levy annually, as necessary, a direct ad valorem tax upon all of the taxable property within the District which is sufficient, after taking into consideration discounts taken and delinquencies that may occur in the payment of such taxes and other legally available amounts, to pay all Bond principal and interest when due. This tax shall be in addition to all other taxes of the District, and this tax shall not be limited in rate, amount or otherwise, by Sections 11 or 11b of Article XI of the Oregon Constitution.

#### **SECTION 5. FORM OF BONDS**

The Bonds shall be issued in substantially the form as approved by the Authorized Representative. The Bonds may be printed or typewritten, and may be issued as one or more temporary Bonds which shall be exchangeable for definitive Bonds when definitive Bonds are available.

#### **SECTION 6. EXECUTION OF BONDS**

The Bonds shall be executed on behalf of the District with the manual or facsimile signature of an Authorized Representative of the District.

#### **SECTION 7. REDEMPTION**

The Bonds may be subject to optional redemption or mandatory redemption prior to maturity as determined under Section 10 hereof.

#### **SECTION 8. TAX-EXEMPT STATUS**

If any portion of the Bonds are issued as Tax-Exempt Bonds, the District covenants to use the portion of those proceeds of the Bonds, and the facilities financed with the Bonds, and to otherwise comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), so that interest paid on the Bonds will not be includable in gross income of the Bondowners for federal income tax purposes. The District specifically covenants:

- a. to comply with the "arbitrage" provisions of Section 148 of the Code, and to pay any rebates to the United States on the gross proceeds of the Bonds; and
- b. to operate the facilities financed with the proceeds of the Bonds so that the Bonds are not "private activity bonds" under Section 141 of the Code; and
- c. comply with all reporting requirements.

The Authorized Representative may enter into covenants on behalf of the District to protect the tax-exempt status of the Bonds.

#### **SECTION 9. DESIGNATION AS A "QUALIFIED TAX-EXEMPT OBLIGATION"**

The Authorized Representative, upon the advice of Bond Counsel, may designate any series of the Bonds as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3)(B) of the Code.

## **SECTION 10. DELEGATION FOR ESTABLISHMENT OF TERMS AND SALE OF THE BONDS**

The Authorized Representative is hereby authorized, on behalf of the District without further action of the Board (and such actions of the Authorized Representative, if taken prior to the adoption of this resolution, are hereby affirmed and authorized), to:

- a. establish the principal and interest payment dates, principal amounts, interest rates, denominations, redemption provisions and all other terms of the Bonds;
- b. negotiate the terms of and execute a bond purchase agreement with the underwriter;
- c. enter into covenants regarding the use of the proceeds of the Bonds and the projects financed with the proceeds of the Bonds;
- d. appoint a registrar and paying agent for the Bonds, if necessary;
- e. take such actions as are necessary to qualify the Bonds for the book-entry only system of The Depository Trust Company if required;
- f. approve of and authorize the distribution of the preliminary and final official statements for the Bonds, if required;
- g. obtain one or more ratings on the Bonds if determined by the Authorized Representative to be in the best interest of the District, and expend Bond proceeds to pay the costs of obtaining such rating;
- h. apply to participate in the Oregon School Bond Guaranty Program, if available and deemed appropriate, execute any documents in connection with such program and expend Bond proceeds to pay any guaranty premium;
- i. apply, if available and deemed appropriate, and expend Bond proceeds to pay any insurance premium;
- j. approve, execute and deliver a Continuing Disclosure Certificate pursuant to SEC Rule 15c2-12, as amended (17 CFR Part 240, § 240.15c2-12), if required;
- k. approve, execute and deliver the Bond closing documents and certificates;
- l. determine if the Bonds shall be issued as federally tax-exempt or taxable obligations;
- m. make any clarifying changes or additional covenants not inconsistent with this Resolution;  
and
- n. execute and deliver a certificate specifying the action taken by the Authorized Representative pursuant to this Section 10 and any other certificates, documents or agreements that the Authorized Representative determines are desirable to issue, sell and deliver the Bonds in accordance with this Resolution.

## **SECTION 11. DEFAULT AND REMEDIES.**

The occurrence of one or more of the following shall constitute an Event of Default under this Resolution and the Bonds:

a. Failure by the District to pay Bond principal, interest or premium when due (whether at maturity, or upon redemption after a Bond has been properly called for redemption);

b. Failure by the District to observe and perform any covenant, condition or agreement on its part to be observed or performed for the benefit of Owners of Bonds, for a period of sixty (60) days after written notice to the District by the Owners of fifty-one (51%) percent or more of the principal amount of Bonds then Outstanding specifying such failure and requesting that it be remedied; provided however, that if the failure stated in the notice cannot be corrected within such sixty (60) day period, it shall not constitute an Event of Default so long as corrective action is instituted by the District within the sixty (60) day period and diligently pursued, and the default is corrected as promptly as practicable after the written notice referred to in this paragraph; or,

c. The District is adjudged insolvent by a court of competent jurisdiction, admits in writing its inability to pay its debts generally as they become due, files a petition in bankruptcy, or consents to the appointment of a receiver for the payments.

The Owners of fifty-one (51%) percent or more of the principal amount of Bonds then Outstanding may waive any Event of Default and its consequences, except an Event of Default as described in (a) of this Section.

Upon the occurrence and continuance of any Event of Default hereunder the Owners of fifty-one (51%) percent or more of the principal amount of Bonds then Outstanding may take whatever action may appear necessary or desirable to enforce or to protect any of the rights of the Owners of Bonds, either at law or in equity or in bankruptcy or otherwise, whether for the specific enforcement of any covenant or agreement contained in this Resolution or the Bonds or in aid of the exercise of any power granted in this Resolution or in the Bonds or for the enforcement of any other legal or equitable right vested in the Owners of Bonds by the Resolution or the Bonds or by law. However, the Bonds shall not be subject to acceleration.

No remedy in this Resolution conferred upon or reserved to Owners of Bonds is intended to be exclusive and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Resolution or now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. To entitle the Owners of Bonds to exercise any remedy reserved to them, it shall not be necessary to give any notice other than such notice as may be required by this Resolution or by law.

## **SECTION 12. DEFEASANCE**

The District may defease the Bonds by setting aside, with a duly appointed escrow agent, in a special escrow account irrevocably pledged to the payment of the Bonds to be defeased, cash or direct obligations of the United States in an amount which, in the opinion of an independent certified public accountant, is sufficient without reinvestment to pay all principal and interest on the defeased Bonds until their maturity date or any earlier redemption date. Bonds which have been defeased pursuant to this Section shall be deemed paid and no longer outstanding, and shall cease to be entitled to any lien, benefit or security under this Resolution except the right to receive payment from such special escrow account.

## **SECTION 13. ESTABLISHMENT OF FUNDS AND ACCOUNTS**

The following funds and accounts shall be created into which the proceeds of the Bonds shall be deposited, which funds and accounts shall be continually maintained, except as otherwise provided, so long as the Bonds remain unpaid.

a. Debt Service Account. The District shall maintain the debt service account in the District's debt service fund for the payment of principal, premium, if any, and interest on the Bonds as they become due. All accrued interest, if any, and all taxes levied and other moneys available for the payment of the Bonds shall be deposited to the debt service account.

b. Project Fund. The District shall maintain the project fund for the purpose of accounting for and paying all costs of the projects and the costs related to the preparation, authorization, issuance, and sale of the Bonds. Any interest earnings on moneys invested from the project fund shall be retained in the project fund. The District's share of any liquidated damages or other moneys paid by defaulting contractors or their sureties will be deposited into the project fund to assure the completion of the projects.

Upon completion of the projects and upon payment in full of all costs related thereto, any balance remaining in the project fund shall be deposited to the Debt Service Account for payment of debt service.

#### **SECTION 14. PROFESSIONALS**

The District hereby affirms Hawkins Delafield & Wood LLP as bond counsel for the issuance of the Bonds and Piper Sandler & Co., as underwriter or placement agent.

#### **SECTION 15. RESOLUTION TO CONSTITUTE CONTRACT**

In consideration of the purchase and acceptance of any or all of the Bonds by those who shall own the Bonds from time to time (the "Owners"), the provisions of this Resolution shall be part of the contract of the District with the Owners and shall be deemed to be and shall constitute a contract between the District and the Owners. The covenants, pledges, representations and warranties contained in this Resolution or in the closing documents executed in connection with the Bonds, including without limitation the District's covenants and pledges contained in Section 4 hereof, and the other covenants and agreements herein set forth to be performed by or on behalf of the District shall be contracts for the equal benefit, protection and security of the Owners, all of which shall be of equal rank without preference, priority or distinction of any of such Bonds over any other thereof, except as expressly provided in or pursuant to this Resolution.

ADOPTED by the Board of Directors of the Corvallis School District No. 509J, Benton and Linn Counties, Oregon this 8<sup>th</sup> day of October, 2020.

**CORVALLIS SCHOOL DISTRICT NO. 509J  
BENTON AND LINN COUNTIES, OREGON**

By: \_\_\_\_\_  
Chair

**ATTEST:**

By: \_\_\_\_\_  
Superintendent/District Clerk

**IX. RESOLUTION 20-1002 INDIGENOUS PEOPLE'S DAY**



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board  
Prepared by: Luhui Whitebear, Board Position #6  
Meeting Date: October 8, 2020

### **Resolution Number: 20-1002 Indigenous Peoples' Day**

### **ACTION REQUESTED**

#### Background

In October of 2015, Corvallis was one of the two cities that first proclaimed Indigenous Peoples' Day as the second Monday of October in the State of Oregon. Further, the State of Oregon is one of the several states that does not recognize Columbus Day and formally began proclaiming Indigenous Peoples' Day as the second Monday of October for the entire state in 2017. Additionally Oregon Senate Bill 13 was passed in 2017 to include Native American curriculum in all Oregon public schools.

Some teachers in the District continue to teach a romanticized version of Christopher Columbus around the second Monday of October each year despite the lack of recognition of Columbus Day by the State of Oregon. Further, for the past five years, the City of Corvallis has issued a proclamation that states it "strongly encourage[s] community members, schools, businesses, public and private organizations, and other community partners to join communities across America in recognizing and promoting the wellbeing and understanding of the contributions of our Indigenous communities." As a School District within Corvallis that values equity and is committed to anti-racism, it is time to answer to the call made by the City of Corvallis.

The proposed resolution seeks to align the District's understanding and recognition of Indigenous Peoples' Day with that of both the city and the state. It also seeks to help create a platform to educate students about Indigenous peoples and their contributions to the community and beyond, both past and present.

#### Involvement

Director Luhui Whitebear (Sponsor), Director Tina Baker, Director Terese Jones

#### Action Requested

Approve Resolution 20-1002: Indigenous People's Day.

#### Motion Requested

"I move to approve Resolution 20-1002: Indigenous People's Day."

Corvallis School District 509J

**Resolution Number 20-1002**

**ACKNOWLEDGEMENT OF INDIGENOUS PEOPLES' DAY**

WHEREAS, Christopher Columbus, a man who is inaccurately described as having “discovered” the Americas, came upon land that was already inhabited by Indigenous Peoples; and

WHEREAS, Columbus’ voyage to the Americas led to the introduction of transatlantic slavery, land dispossession, and genocidal acts against Indigenous Peoples; and

WHEREAS, The City of Corvallis and current day Benton County are on lands fully inhabited by the Kalapuya people before removal for settlers; and

WHEREAS, education is a necessary component for creating a more equitable and anti-racist community, nation, and world; and

WHEREAS, The Corvallis School District has made a commitment to equity and anti-racism; and

WHEREAS, The Corvallis School District has an opportunity to uniquely reach and educate children as touchstone in the community; and

WHEREAS, The Corvallis School District has a responsibility to honor and respect the diverse histories of our community; and

WHEREAS, The Corvallis School District recognizes and acknowledges the significant contributions made in our community by Indigenous People and commits to ensure greater understanding of these contributions by all students through Oregon SB-13 curriculum; and

WHEREAS, The idea of Indigenous Peoples’ Day was first proposed in 1977 by a delegation of Native Nations to the United Nations; and

WHEREAS, The State of Oregon does not formally recognize Columbus Day; and

WHEREAS, The City of Corvallis has proclaimed the second day of October as Indigenous Peoples’ Day in Corvallis since 2015; and

WHEREAS, The State of Oregon has proclaimed the second day of October as Indigenous Peoples’ Day in Oregon since 2017;

WHEREAS, This day should be recognized for the Indigenous peoples of the Americas.

Therefore, let it be resolved by the Board of Education of the Corvallis School District:

do hereby proclaim **Monday, October 12, 2020** as well as the second Monday of October annually, as **Indigenous Peoples' Day** in the District and strongly encourage families, staff, and community members to join in existing local Indigenous Peoples' Day celebrations;

and encourage all schools in the district to help highlight this day in grade appropriate ways as well as highlight the contributions of Indigenous peoples to the local community, nation, and beyond both historically and in current times.

Adopted this day \_\_\_\_\_

**Signed:**

**Attested:**

\_\_\_\_\_  
Sami Al-Abdrabbuh  
Board Chair

\_\_\_\_\_  
Ryan Noss  
Superintendent

**X. RESOLUTION 20-1003: TAX LOT BOUNDARY ADJUSTMENT**



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board  
Prepared by: Ryan Noss, Superintendent  
Meeting Date: October 8, 2020

### **Resolution 20-1003 Tax Lot Boundary Adjustment**

### **ACTION REQUESTED**

#### Background

The Superintendent of the Philomath School District has requested consideration by the Corvallis School District of a change to their common district boundary, which would effectively transfer jurisdiction over certain real property lots which are within the Philomath Urban Growth Boundary (UGB) but which are presently served by the Corvallis School District. It is understood that an impetus for this request is grounded, in part, upon the current boundary position relative to multi-family residential apartments, which are constructed upon one or more of the affected lots.

The Philomath School District has identified four areas within the Philomath UGB, which are served by the Corvallis School District. However, the current proposal brought before the Board comprises only four tax lots within one area of the UGB affected by the proposed boundary adjustment.

The boundary change and merger procedures are set forth in Oregon Revised Statutes Chapter 330. The proposed change would be a Boundary Change, as distinguished from a Merger, because the proposed change only effects a transfer of a limited number of lots within the two districts and each school district will continue in existence. See ORS 330.003(1)(b).

#### Scope of School District Action

Oregon law permits boundary changes to occur upon resolution by involved School Boards. Such change must be approved and adopted by the District Boundary Boards which are comprised of the Board of County Commissioners for the affected school districts. The District Boundary Boards are charged under ORS 330.080(1) to lay out the county in convenient school districts and authorized to make alterations or changes in the school districts.

#### County Boards Implicated by Proposed Boundary Change

Although the Corvallis School District is primarily within Benton County and the subject properties are within Benton County, the Corvallis School District includes a portion of Linn County within the school district's boundary. After the Tax Boundary Change is adopted by the School Board, the statute requires a district boundary adjustment to be submitted to the Benton County Board of Commissioners, as the District Boundary Board, for approval and thereafter to the Linn County Board of Commissioners for ratification by concurrence. Even though the property at issue is solely within Benton County, the Linn County concurrence is anticipated by the statute because the decision affects the boundary of a school district which lies in part within Linn County.

It is understood that the boundaries of the Philomath School District 17J include a minor portion of

lands under the jurisdiction of Polk County. Under consistent procedures, a ratification by concurrence will be requested from the Polk County Board of Commissioners acting as an affected District Boundary Board with interest in the proposed modification of the Philomath District 17J boundary.

Before any proposed boundary change is ordered, the county boards of commissioners each sitting as the District Boundary Board shall give notice of the proposed change and the session of the board at which the Order will be considered (ORS 330.101). Unless the electorate seeks to present a remonstrance petition, which could require an election for the boundary change, the board shall issue an order that the change may become effective.

#### Effective Date of Adopted Boundary Change

In establishing the effective date of boundary change, ORS 330.103 provides that when a school district boundary change becomes final and the change occurs on or after July 1 and prior to March 31, the change or merger shall take effect May 31 following the declaration. Districts subject to boundary changes shall, for the purposes of administration and operation, continue to operate separately until the end of the fiscal year in which the boundary changes are effective.

#### Equitable Division of Assets and Liabilities

When changes in school district boundaries are made by boundary change, as distinct from a merger, the respective school district boards shall immediately after the boundary change make an equitable division of the then existing assets and liabilities between the districts and provide for the manner of equitable division. ORS 330.123. There are no known physical assets or facilities implicated by the proposed boundary change. However, it is understood from the Philomath School District legal counsel that the Philomath School District has errantly received school-related tax revenues from the subject properties even though the properties were within the boundary of and served by the Corvallis School District. The misdirected revenues are deemed to constitute a currently existing liability between the Districts which should be equitably addressed as part of the boundary change process.

The cumulative amount of misdirected tax and bond revenues is estimated at \$34,085.57 for tax years 2009 through 2019, plus any tax and bond proceeds similarly misdirected to Philomath School District through the effective date of this proposed boundary change.

#### Action Requested

Approve Resolution 20-1003: Tax Lot Boundary Adjustment.

#### Motion Requested

“I move to approve Resolution 20-1003: Tax Lot Boundary Adjustment.”

**Resolution 20-1003 to Enact Boundary Change  
Between the Corvallis School District and the Philomath School District  
October 8, 2020**

WHEREAS the Corvallis School District may, from time to time, carry out a review of all or subsections of its geographic boundary, such a review may involve discussions and collaboration with other school districts adjoining the area under consideration.

WHEREAS the Philomath School District 17J and Corvallis School District 509J have engaged in a collaborative conversation based on resolutions previously adopted by both school districts' Boards of Directors.

WHEREAS the districts have reviewed a proposal to take the following described property from the Corvallis School District 509J and add it to the Philomath School District 17J:

Four parcels within N.E. 1/4 Sec.7 T.12S. R.5W. W.M. Benton County, more commonly known as:

- Tax Lot 1600 - Situs: 3105 Main St. Philomath, Oregon (Attachment 1)
- Tax Lot 1700 - Situs: 3065 Main St. Philomath, Oregon (Attachment 2)
- Tax Lot 1800 - Situs: Philomath, Oregon (Attachment 3)
- Tax Lot 1900 - Situs: 3157 Main St. Philomath, Oregon (Attachment 4)

As generally presented in the study area map, attached as Exhibit A.

WHEREAS the districts have determined that the proposal meets the following criteria:

- *Safety and welfare of the students*  
The proposed change would positively impact the safety and welfare of all students.
- *Neighborhood, community and/or geographic continuity*  
The proposed change would maintain continuity with existing and developing neighborhoods and cities.
- *Prudent stewardship of public resources*  
The proposed change would create a more efficient expenditure of overall public resources.
- *School district facility capacity*  
The proposed change is one that each district's existing and planned facilities can accommodate.
- *Community Interest*  
Patrons and community members/leaders share and demonstrate interest in the proposed boundary adjustment.
- *Regional/local growth and development plans*  
The proposed change complements broader regional and local growth and development plans, including existing and projected adjustments to the Urban Growth Boundary and city service plans for undeveloped areas.
- *Timeliness*

The districts considered this proposal when sufficient information was available to make a decision.

WHEREAS it is understood that the Philomath School District has errantly received school-related tax and bond revenues from the four subject parcels (Attachments 1,2,3,4) despite each property being within the existing Corvallis School District boundaries. The cumulative amount of misdirected tax and bond revenues is estimated at \$34,085.57 for tax years 2009 through 2019, plus any tax and bond proceeds similarly misdirected to Philomath School District through the effective date of this proposed boundary change.

NOW, THEREFORE, BE IT RESOLVED that the Corvallis School District Board of Directors requests that the Benton County Board of Commissioners, with concurrence of the Linn and Polk County Boards of Commissioners, transfer the herein-described property between Corvallis School District 509J and Philomath School District 17J as provided in ORS 330.103 and order equitable recoupment payable to Corvallis School District of the misdirected tax and bond revenues in accordance with ORS 330.123.

\_\_\_\_\_  
Sami Al-Abdrabbuh, Corvallis School  
Board Chair

\_\_\_\_\_  
Ryan Noss, Corvallis School District 509J  
Superintendent

Date: \_\_\_\_\_

BENTON COUNTY, OREGON 2018-577513  
DE-D  
Cnt=1 Sln=5 COUNTER2 12/18/2018 09:02:08 AM  
\$20.00 \$11.00 \$62.00 \$10.00 \$20.00 \$123.00  
00373314201805775130040048

I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
James V. Morales - County Clerk



MAIL TAX STATEMENTS TO:  
MWIC Boulevard, LLC  
201 Ferry Street SE, Suite 400  
Salem, OR 97301

AFTER RECORDING RETURN TO:  
MWIC Boulevard, LLC  
201 Ferry Street SE, Suite 400  
Salem, OR 97301

### PROPERTY LINE ADJUSTMENT DEED

*MWIC Boulevard, LLC*, an Oregon limited liability company ("*Grantor*"), is the owner of two legal units of land located in Benton County, Oregon, referred to herein collectively as the "*Parcels*" and individually as *Parcel 1* and *Parcel 2*. Grantor acquired *Parcel 1* and *Parcel 2* pursuant to that certain statutory warranty deed recorded in Benton County on November 30, 2017 at Recorder's No. 2017-564653.

The purpose of this Property Line Adjustment Deed (the "*Deed*") is to affect a consolidation of the *Parcels* into a single legal unit of land whereby *Parcel 1* will be increased in size by approximately 0.49 acres and will hereafter consist of only the land described on *Exhibit A*, which is attached hereto and incorporated herein by this reference, and *Parcel 2* will be eliminated. The legal description of the line to be eliminated by this Deed as authorized by the City of Philomath Planning Decision P18-12 is legally described in on *Exhibit B*, which is attached hereto and incorporated herein by this reference.

NOW THEREFORE, in order to affect the property line elimination and consolidation of legal units of land Grantor does hereby grant, transfer, and convey unto *MWIC Boulevard, LLC*, an Oregon limited liability company ("*Grantee*"), all of that certain real property situated in Benton County, Oregon, described in *Exhibit A*.

The true and actual consideration for this transfer, stated in terms of dollar is none (\$0); however, the consideration for this transfer is, consideration other than money.

The following is the notice as required by Oregon law: "BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS

PROPERTY LINE ADJUSTMENT DEED (MWIC BOULEVARD, LLC)  
27938 12/04/2018 (AMS4)im

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4839-2154-4577, v. 4

2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

This Property Line Adjustment Deed is executed this 17 day of DECEMBER.

GRANTOR:  
MWIC BOULEVARD, LLC

BY: MOUNTAIN WEST INVESTMENT CORPORATION, MEMBER

By: Jason E. Tokarski  
Jason E. Tokarski, Vice President

GRANTEE:  
MWIC BOULEVARD, LLC

BY: MOUNTAIN WEST INVESTMENT CORPORATION, MEMBER

By: Jason E. Tokarski  
Jason E. Tokarski, Vice President

STATE OF OREGON                    )  
  ) ss.  
County of Marion                    )

This instrument was acknowledged before me on December 17<sup>th</sup> 2018, by Jason E. Tokarski, Vice President of Mountain West Investment Corporation, Member of MWIC Boulevard, LLC, an Oregon limited liability company.

Laura Marion Robinson  
Notary Public for Oregon  
My Commission Expires: 8-28-2022

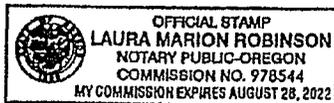
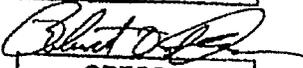


EXHIBIT A

Beginning at a stone at the Northeast corner of the N.P. Newton DLC No. 72 in the Northeast Quarter of Section 7, Township 12 South, Range 5 West of the Willamette Meridian, City of Philomath, Benton County, Oregon; thence South 89°50'18" West 824.26 feet to a 1 1/4" iron pipe; thence South 13°14'00" West 603.97 feet to a 1" iron pipe; thence North 89°53'23" East 216.47 feet to a 5/8" iron rod; thence South 00°18'00" East 255.80 feet to a 5/8" iron rod at the North Right of Way of Philomath Boulevard (OR-20); thence along said North Right of Way North 75°49'35" East 61.80 feet to a 3/4" iron rod; thence North 00°18'00" West 240.78 feet to a 3/4" iron rod; thence North 89°59'23" East 106.67 feet to a 3/4" iron rod; thence South 00°18'00" East 214.08 feet to said North Right of Way; thence along said North Right of Way North 75°49'35" East 600.56 feet to a 1/2" iron pipe; thence North 00°21'06" West 656.55 feet to the Point of Beginning and containing 14.31 acres, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

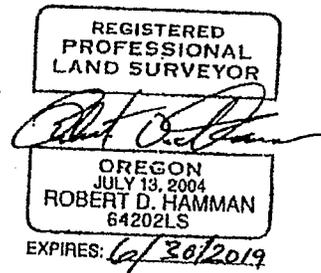


OREGON  
JULY 13, 2004  
ROBERT D. HAMMAN  
64202LS

EXPIRES: 6/30/2019

EXHIBIT B

Commencing at a stone at the Northeast corner of the N.P. Newton DLC No. 72 in the Northeast Quarter of Section 7, Township 12 South, Range 5 West of the Willamette Meridian, City of Philomath, Benton County, Oregon; thence South 00°21'06" East 656.55 feet to the North Right of Way of Philomath Boulevard (OR-20); thence along said North Right of Way South 75°49'35" West 490.68 feet to a 3/4" iron rod at the True Point of Beginning; thence North 00°18'00" West 187.38 feet; thence South 89°53'23" West 106.67 feet to the Point of Terminus being a 3/4" iron rod.



BARGAIN AND SALE DEED

77-08131

KNOW ALL MEN BY THESE PRESENTS, That JAMES S. McCLOSKEY and DONNA LEE McCLOSKEY, hereinafter called grantor,

for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto DONNA LEE SIMONS, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Benton, State of Oregon, described as follows, to-wit:

Beginning at a point 825 feet South 89°53' West along the claim line and 604.10 feet South 13°14' West along the West line of the tract described in Deed recorded in Book 112, page 408, Benton County Deed Records, from the Northeast corner of the Norris R. Newton Donation Land Claim No. 72 in Township 12 South, Range 5 West of the Willamette Meridian; thence South 13°14' West along said West line of said tract 332.30 feet to the Southwest corner thereof and the North line of the Corvallis-Newport State Highway; thence North 75°53' East along said North line of said Highway 190.00 feet; thence North 0°18' West parallel to the East line of said Claim 284.16 feet; thence South 89°53' West 105.10 feet to the point of beginning.

SUBJECT TO Mortgage executed by Randy S. Logan, Sr. and Carol J. Logan, to the State of Oregon, represented and acting by the Director of Veterans' Affairs, dated July 24, 1973, recorded August 6, 1973 as M-62453, Microfilm Records for Benton County, Oregon, which grantee herein agrees to assume and pay.

FURTHER SUBJECT TO Mortgage executed by Randy S. Logan, Sr. and Carol J. Logan, to the State of Oregon, represented and acting by the Director of Veterans' Affairs, dated January 15, 1975 and recorded January 16, 1975 as M-53240, Microfilm Records for Benton County, Oregon, which grantee herein agrees to assume and pay.

FURTHER SUBJECT TO Mortgage executed by James S. McCloskey and Donna Lee McCloskey, to Randy S. Logan and Carol J. Logan, dated June 30, 1975 and recorded July 1, 1975 as M-57115, Microfilm Records for Benton County, Oregon, which grantee herein agrees to assume and pay. AND the 1976-1977 taxes due but not yet payable.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$.....

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 81.020.)

In Witness Whereof, the grantor has executed this instrument this 22 day of July, 1976; if a corporate grantor, it has caused its name to be signed and sealed by its officers, duly authorized thereto by order of its board of directors.

AM 1700 7A-12-5

James S. McCloskey  
Donna Lee McCloskey

STATE OF OREGON, County of Benton, Personally appeared James S. McCloskey & Donna Lee McCloskey

and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon My commission expires July 11, 1977

Notary Public for Oregon My commission expires

James S. McCloskey  
Route 2 Box 154 E  
Philomath, OR 97370

Donna Lee Simons  
Route 2 Box 154 E  
Philomath, OR 97370

Donna Lee Simons  
Route 2 Box 154 E  
Philomath, OR 97370

State of Oregon, DVA  
1225 Ferry St. SE  
Salem, OR 97310

STATE OF OREGON  
County of Benton  
I hereby certify that the within instrument was recorded for record  
77 JUL 22 AM 11 32

and assigned No 68131

In the Microfilm records of this county  
Whereas the deed and tax of County of Benton  
WILLIAM E. FLETCHER  
DIRECTOR OF RECORDS & CLERKING  
Department of Administration

BENTON COUNTY, OREGON	<b>2018-566737</b>
DE-WD	02/02/2018 10:13:45 AM
Stn=53 LG	\$20.00 \$11.00 \$10.00 \$22.00 \$20.00
	<b>\$83.00</b>

I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
James V. Morales - County Clerk

MAIL TAX STATEMENTS TO:  
 MWIC Boulevard, LLC  
 201 Ferry Street SE, Suite 400  
 Salem, OR 97301

AFTER RECORDING RETURN TO:  
 Alan M. Sorem  
 Saalfeld Griggs PC  
 PO Box 470  
 Salem, OR 97308

TICOR TITLE 471818068539

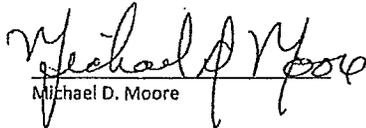
**STATUTORY WARRANTY DEED**

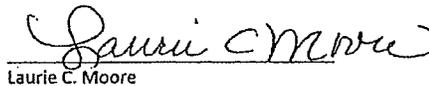
*Michael D. Moore and Laurie C. Moore, collectively "Grantor," conveys and warrants to MWIC Boulevard, LLC, an Oregon limited liability company, "Grantee," the real property described in Exhibit A, which is attached hereto and incorporated herein, free of encumbrances except as specifically set forth on Exhibit B, which is attached hereto and incorporated herein.*

The following is the notice as required by Oregon law: "BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

The true and actual consideration paid for this conveyance is Ninety-Five Thousand and 00/100 Dollars (\$95,000.00).

Dated this 1<sup>st</sup> day of FEBRUARY, 2018.

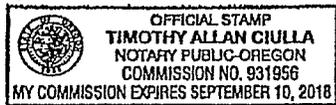
  
 Michael D. Moore

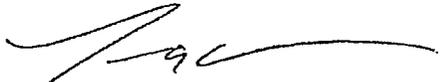
  
 Laurie C. Moore

State of Oregon )  
County of Benton ) ss.

On this 1<sup>ST</sup> day of February, 2018, personally appeared Michael D. Moore and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

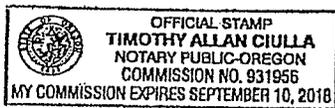


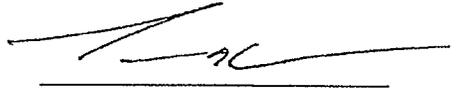
  
Notary Public for Oregon  
My Commission Expires: SEPT 10 2018

State of Oregon )  
County of Benton ) ss.

On this 1<sup>ST</sup> day of February, 2018, personally appeared Laurie C. Moore and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:



  
Notary Public for Oregon  
My Commission Expires: SEPT 10 2018

**EXHIBIT A**  
**LEGAL DESCRIPTION**

A tract of land located in the Northeast quarter of Section 7, Township 12 South, Range 5 West of the Willamette Meridian, in the City of Philomath, Benton County, Oregon, more particularly described as follows:

**PARCEL I:**

18700  
100' Street

Beginning at a point 825.00 feet South 89° 53' West, along the Claim line, 604.10 feet South 13° 14' West, along the West line of the tract described in deed recorded in Book 112, Page 408, Benton County Deed Records and 105.10 feet North 89° 53' East parallel to said claim line from the Northeast corner of the Norris P. Newton Donation Land Claim No. 72 in Township 12 South, Range 5 West of the Willamette Meridian; thence South 00° 18' East, parallel to the East line of said Claim, 284.16 feet to the North line of the Corvallis-Newport State Highway; thence North 75° 53' East, along said North line of said Highway, 100.00 feet; thence North 00° 18' West, parallel to said East line of said Claim, 259.97 feet; thence South 89° 53' West 97.11 feet to the Point of Beginning.

**PARCEL II:** *slur*

7

Beginning at a point 825 feet South 89° 53' West, along the North claim line and 604.10 feet South 13° 14' West, along the West line of the tract described in deed recorded in Book 112, Page 408, Benton County Deed Records, and North 89° 53' East, parallel to said Claim line, 202.21 feet from the Northeast corner of the Norris P. Newton Donation Land Claim No. 72, Township 12 South, Range 5 West, Willamette Base and Meridian; thence South 00° 18' East 259.97 feet to the North line of the Corvallis-Newport State Highway; thence North 75° 53' East, along said North Highway line, 15 feet; thence North 00° 18' West 256.34 feet; thence South 89° 53' West 14.57 feet to the Point of Beginning, all in Benton County, Oregon.

**EXHIBIT B  
EXCEPTIONS TO TITLE**

Subject to and Excepting:

1. City Liens, if any, in favor of the City of Philomath. None as of the effective date of this deed.
2. Rights of the public to any portion of the Land lying within the limits of streets, roads and highways.
3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: The City of Corvallis  
Purpose: water pipeline  
Recording Date: February 18, 1906  
Recording No: Book 46, Page 56
4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Northern Idaho and Montana Power Company, a corporation  
Purpose: powerline  
Recording Date: September 5, 1911  
Recording No: Book 55, Page 72
5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Mountain States Power Company, a Delaware corporation  
Purpose: poles and anchors  
Recording Date: November 23, 1946  
Recording No: Book 115, Page 266
6. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Easement  
  
Recording Date: May 2, 2011  
Recording No.: 2011-478207

**Grantor**  
 Hannelore R. Inglis, Personal Representative  
 4 Williams St.  
 Saugerties, New York  
 12477

**Grantee**  
 Hannelore R. Inglis, Trustee  
 4 Williams St.  
 Saugerties, New York  
 12477

Until a change is requested,  
 please send fax statements to:  
 Hannelore R. Inglis  
 4 Williams St.  
 Saugerties, New York  
 12477

After recording, please return to:  
 Peter L. Barnhisel  
 Barnhisel, Willis, Barlow & Stephens, P.C.  
 P.O. Box 396  
 Corvallis, OR 97339-0396

BENTON COUNTY, OREGON **2013-504552**  
 DE-PR  
 Cnt=1 Stn=4 DB 03/21/2013 4:03:40 PM  
 \$10.00 \$11.00 \$17.00 \$10.00 \$20.00 **\$68.00**



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
 James V. Morales - County Clerk



**DEED OF PERSONAL REPRESENTATIVE**

Hannelore R. Inglis, personal representatives of the estate of E. Doris Tilles, deceased, grantor, conveys to Jon Tilles, grantee, the following real property in Benton County, Oregon:

See Exhibit A

The true and actual consideration for this conveyance is estate distribution..  
 BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS ORS 195.300 AND 195.301 TO 195.305 TO 195.366 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAW 2007.

DATED: March 4, 2013.

*Hannelore R. Inglis*  
 Hannelore R. Inglis

STATE OF NEW YORK, )  
 )ss.  
 County of Ulster )

Personally appeared before me on this <sup>4th</sup> day of March, 2013, the above-named and identified Hannelore R. Inglis, Personal representative of the Estate of E. Doris Tilles and acknowledged the foregoing instrument to be her voluntary act and deed.

JENNIFER L. BARSO  
 Notary Public  
 State of New York  
 No. 201300188228  
 Commission Expires 1/19/2016

*Jennifer L. Barso*  
 Notary Public for New York

JENNIFER L. BARSO  
 Notary Public, State of New York  
 No. 201300188228  
 Commission Expires 1/19/2016

EXHIBIT A

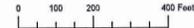
Beginning at a point 825 feet South 89° 53' West along the North claim line (as set forth in instrument, including the terms and provisions thereof, recorded April 8, 1964 in Book 190, Page 366, Benton County Records), and 604.10 feet South 13° 14' West along the West line of the tract described in deed recorded in Book 112, Page 408, Benton County Deed Records, and North 89° 53' East parallel to said Claim Line, 276.78 feet from the Northeast corner of the Norris P. Newton D. L. C. #72, Township 12 South, range 5 West, Willamette Base and Meridian; thence South 0° 18' East 241.39 feet to the North line of the Corvallis-Newport State Highway; thence North 75° 56' East along said North highway line, 110 feet; thence North 0° 18' West, 214.78 feet; thence South 89° 53' West 106.82 feet to the place of beginning.

1700

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

N.E. 1/4 SEC. 7 T. 12S. R. 5W. W.M.

BENTON COUNTY



12 5 07A

6/28/2019

Cancelled Nos.  
400 THRU 1500  
2600 THRU 3000  
2000



12 5 07A

## 330.123. Division of assets and liabilities

OR ST § 330.123 | West's Oregon Revised Statutes Annotated | Title 30. Education and Culture

### Search Details

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Jurisdiction: Oregon

### Delivery Details

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Date: September 21, 2020 at 2:25 PM

Delivered By: Eric DeFrest

Client ID: CORVALLIS

Status Icons: 

West's Oregon Revised Statutes Annotated  
Title 30. Education and Culture (Refs & Annos)  
Chapter 330. Boundary Changes; Mergers (Refs & Annos)  
Boundary Change and Merger Procedures

O.R.S. § 330.123  
Formerly cited as OR ST § 330.050

### 330.123. Division of assets and liabilities

#### Currentness

(1) When changes in school district boundaries are made by the detachment of territory or annexation of less than an entire school district to another, the district school boards of the districts affected by each change shall immediately after the change make an equitable division of the then existing assets and liabilities between the districts affected by such change and provide the manner of consummating the division.

(2) In case of failure to agree within 20 days from the time the district boundary board issues its order, the matter shall be decided by a board of arbitrators. The board of arbitrators shall consist of one member appointed by each of the boards of the school districts affected and an additional member appointed by the other appointees.

(3) In the event any such district school board fails to appoint an arbitrator within 30 days, the Superintendent of Public Instruction shall appoint such arbitrator. In the event the arbitrators selected fail to appoint the additional arbitrator within 30 days after the appointment of the arbitrator last appointed, the Superintendent of Public Instruction shall notify the judge of the circuit court senior in service of the county in which the administrative office of the most populous school district is located. Within 10 days after receiving such notice, the judge shall appoint the additional arbitrator.

(4) Each member of the board of arbitrators shall be entitled to the sum of \$20 per day for each day's service, and necessary traveling expenses, while sitting in the official capacity of the member. Expenses thus incurred shall be equally apportioned among the districts concerned.

(5) A party to an arbitration under this section may seek confirmation, vacation, modification or correction of the arbitrator's decision as provided in [ORS 36.700](#), [36.705](#) and [36.710](#). A court may vacate an award only if there is a basis to vacate the award described in [ORS 36.705 \(1\)\(a\) to \(d\)](#). The court may modify or correct an award only for the grounds given in [ORS 36.710](#).

(6) Assets include all school property and moneys belonging to the district at the time of the division. Liabilities include all debts for which the respective districts in their corporate capacities are liable at the time of division. In determining the assets, school property shall be estimated at its real market value. The assets and liabilities shall be divided between the districts in proportion to the last assessed value of the real and personal property. The district retaining the real property shall pay the other districts concerned such sums as are determined in accordance with the provisions of this section. All funds to be apportioned during the current school year, after such division, shall be made in proportion to the resident average daily membership of the districts divided, as shown by the report of such districts for the period ending the preceding June 30 as certified by the districts to the administrative office of the county.

**Credits**

Formerly 330.050. Amended by Laws 1971, c. 294, § 7; Laws 1979, c. 772, § 20; [Laws 1991, c. 167, § 14](#); [Laws 2003, c. 598, § 39](#).

[Notes of Decisions \(8\)](#)

O. R. S. § 330.123, OR ST § 330.123

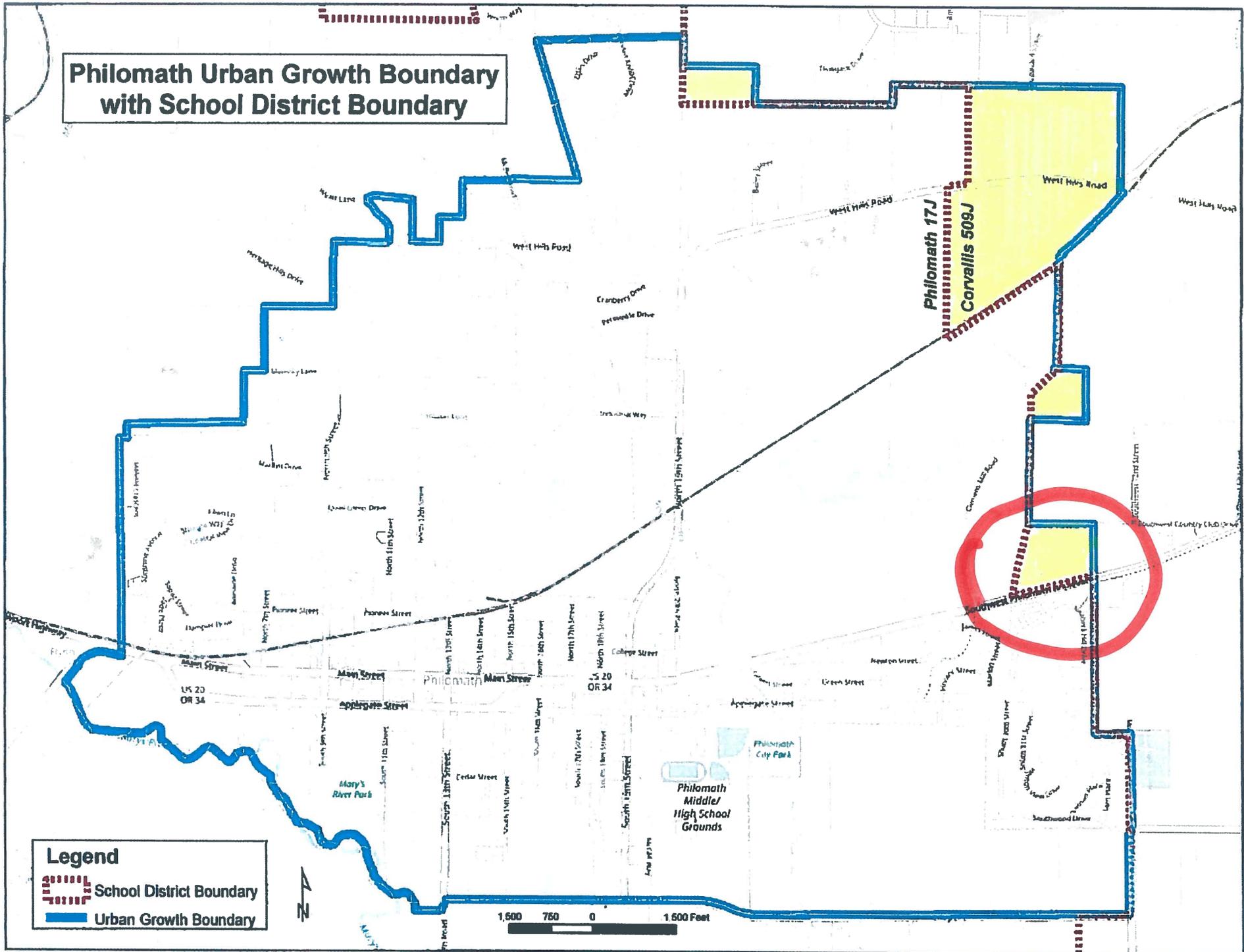
Current through laws enacted in the 2020 Regular Session of the 80th Legislative Assembly, which adjourned sine die March 3, 2020, and laws enacted in the First Special Session of the 80th Legislative Assembly, which adjourned sine die June 26, 2020, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160.

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End of Document

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# Philomath Urban Growth Boundary with School District Boundary



**Legend**

- School District Boundary
- Urban Growth Boundary

**XI. APPROVE EDITS TO 2020-21 BOARD NORMS DOCUMENT**



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board  
Prepared by: Superintendent Ryan Noss  
Meeting Date: October 8th, 2020

### **Approve Changes to 2020-21 Board Norms Document**

#### **ACTION REQUESTED**

Board documents are continually reviewed and refined and, therefore, are revisited annually.

At the September 24, 2024 meeting, Board members and District staff discussed the existing norms and working agreements to determine whether or not any revisions were necessary.

Action on the resulting revisions is requested.

#### **ACTION REQUESTED**

Approve the changes to the 2020-21 Board Norms Document.

#### **MOTION REQUESTED**

“I move to approve the changes to the 2020-21 Board Norms Document.”



# Corvallis

## SCHOOL DISTRICT

### Board Norms 2020-21

*(Adopted 08-16-18)*  
*(Reviewed 09-24-20)*

The Corvallis School Board also has Board and Superintendent Working Agreements, which provide guidance regarding meeting operations and communication.

#### **A. Focused Use of Meeting Time**

1. Start on time, use time wisely, and end on time.
2. Allow all members time to express themselves without feeling rushed by:
  - a. Utilizing the phrase, "I agree with\_\_\_\_" to avoid repetition of the same ideas and points.
  - b. Balance Board members' speaking time.
  - c. Be succinct to maintain opportunity for all to express themselves.
3. Engage in relevant and topical discussion.
4. Utilize "Board Member Items" monthly agenda time to provide updates to the full board regarding the work of District committees and work groups.
5. Allow moments of silence between commentaries to provide time to consider the discussion.

#### **B. Orderly Procedure**

1. Effectively employ parliamentary procedure to facilitate a smooth meeting.
2. Regulate input and comments from the public to the time allotted for public testimony.

#### **C. Consider Staff and District Capacity and Resources**

1. Be cognizant of scarcity of resources and time when requesting action from staff.
2. Assess whether a majority of the Board can benefit from particular information from staff before making the request for it.

#### **D. Respectful Deliberation and Conversation**

1. Actively listen to those sharing their points of view, to facilitate full understanding and the possibility of changing viewpoints.
2. Vocalize what another individual's statement has helped you learn or reconsider.
3. Facilitate focused, open conversation.
4. Strive to value all opinions. Refrain from deriding others' ideas.

**XII. APPROVE EDITS TO 2020-21 BOARD WORKING AGREEMENTS  
DOCUMENT**



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board  
Prepared by: Superintendent Ryan Noss  
Meeting Date: October 8th, 2020

### **Approve Changes to 2020-21 Board Working Agreements Document**

#### **ACTION REQUESTED**

Board documents are continually reviewed and refined and, therefore, are revisited annually.

At the September 24, 2024 meeting, Board members and District staff discussed the existing norms and working agreements to determine whether or not any revisions were necessary.

Action on the resulting revisions is requested.

#### **ACTION REQUESTED**

Approve the changes to the 2020-21 Board Working Agreements Document.

#### **MOTION REQUESTED**

“I move to approve the changes to the 2020-21 Board Working Agreements Document.”



# Corvallis

## SCHOOL DISTRICT

### **BOARD AND SUPERINTENDENT WORKING AGREEMENTS**

**2020-21**

*(Adopted 08-16-18)*

*(Revised 09-24-20)*

#### **A. Purpose of Agreements**

The Board of Directors is the governing body for the School District. To effectively meet the District's challenges, the School Board and Superintendent must function together as a leadership team. To ensure accord among team members, effective group agreements must be in place. The following are the group agreements for the Board and Superintendent.

#### **B. Board Job Description and Relationship with the Superintendent**

1. Act as representatives of the community to make decisions in the best interest of students of the whole District.
2. Working with the Superintendent, set the long-term direction of the District through the mission, vision, goals, and priorities.
3. Focus on policymaking, planning, and oversight.
4. Assist in gaining acceptance and support in the community.
5. Understand that as an individual, a Board member has no authority. It is when acting through a majority that the Board has influence.
6. Be accountable for the financial stewardship of the District, including aligning resources with goals and priorities, setting expectations, planning for fiscal sustainability, and monitoring progress.
7. Make an effort to foster unity, harmony and open communications within the board.
8. Insist on all relevant qualitative and quantitative data and other sources of accurate information before making a decision.
9. Supervise the hiring, performance evaluation, and other personnel management processes related to the Superintendent.
10. Work with the Superintendent as a team, recognizing that the Superintendent is the Board's advisor.

11. Respect the Superintendent's responsibility to manage the day-to-day operations of the District and to direct employees in District and school matters.

### **C. Role of Board Leadership**

1. Manage the Board's processes; convene meetings; develop the Board agenda with the Superintendent, seeking Board member input; and execute documents, as appropriate.
2. Serve as the authorized spokesperson for the Board with regard to Board policy, process, and decisions. The Chair may delegate this responsibility to other Board members and/or the Superintendent.
3. Communicate with individual Board members any concerns shared by other board members regarding issues agreed to in the working agreements or group operating norms.
4. Assist the Superintendent in communicating important information to the full Board. Keep Board members apprised of information exchanged with the Superintendent.
5. Set priorities for Board professional development annually.
6. The Vice Chair will perform these duties when the Chair is not available.

### **D. Role of the Superintendent**

1. Work toward becoming a team with board members.
2. Work with the board to establish a clear vision for the District through preparation of annual goals for the board's consideration.
3. Provide relevant qualitative and quantitative data and other sources of accurate information to board members so that comprehensive evidence based decisions can be made.
4. Communicate with board members promptly and effectively by informing the board of all critical information including relevant trends, anticipated adverse media coverage, or critical external or internal change.

### **E. Board Requests Regarding Staff Presentations**

1. Facilitate Board preparation for meetings by distributing staff reports and presentations as part of the Board packet prior to the meetings. Avoid sending additional reports to the Board after packets have been disseminated.
2. Develop a system to provide updates regarding the work of District committees.
3. Limit staff reports to introductory and additional remarks; avoid restatement of written reports or PowerPoint presentations.
4. Keep staff presentations succinct.

5. Avoid introducing surprise items at board meetings.

## F. Communication

1. When the Board receives communication from the community, the chair will respond or will delegate that responsibility to another Board member. A statement will be added to the bottom of the board chair's email. The footnote will state, "*The Board Chair responds to emails sent to the full board. School board members only deliberate when gathered as a quorum as outlined in the Public Meeting Law. To assure that board conversations and deliberations do not occur on email, the Board Chair will respond on behalf of the Board. All Board members receive communications that come from the community and the response given by the Board Chair.*"

All Board members will be included in responses made by the Board chair.

**Following the communication from the Board chair, other Board members may also respond.**

2. ~~When a single Board member receives a communication from a member of the public, that Board member may respond to that patron as an individual. The Board member may also elect to forward the email and response to the Board Chair or full Board.~~

When a single Board member receives a communication from a member of the public, to their individual email address, that Board member may respond to that patron. The Board member may also elect to forward the email and response to the Board Chair or full Board.

3. Responses to community communications should occur within 36-72 hours of receipt of the communication. If response within this timeframe is not feasible, the chair will delegate a Board member to respond.
4. When a concern or problem arises, communicate one-on-one with the Board member. If the issue is not resolved, communicate with the Board chair and finally with the Superintendent if necessary.
5. The Superintendent or designee will schedule times for a maximum of three Board members to meet with the Superintendent or designee for information sharing sessions and questions. Answers to questions will be shared with the entire Board and meeting participants will not deliberate towards a decision.

**XIII. APPROVE EDITS TO 2018-23 BOARD GOALS DOCUMENT**



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board  
Prepared by: Superintendent Ryan Noss  
Meeting Date: October 8th, 2020

### **Approve Changes to 2018-23 Board Goals Document**

#### **ACTION REQUESTED**

Board documents are continually reviewed and refined and, therefore, are revisited annually.

At the September 24, 2024 meeting, Board members and District staff discussed the existing Board Goals to determine whether or not any revisions were necessary.

Action on the resulting revisions is requested.

#### **ACTION REQUESTED**

Approve the changes to the 2018-23 Board Goals Document.

#### **MOTION REQUESTED**

"I move to approve the changes to the 2018-23 Board Goals Document."



## **2018-2023 Board Goals**

*(Adopted 12-13-18) (Revised 10-08-20)*

### **Goal 1: Student Achievement**

All students will read grade level texts by 3rd grade and stay on grade level; successfully complete Algebra I by the end of 9th grade; be on track with required credits by the end of 9th grade; and graduate with a post-secondary plan. Student identity (race, culture, socioeconomic status, language, ability, gender, **gender identity, gender expression**, or sexual orientation) **does should** not predict or predetermine success in school.

Strategies:

1. Monitor students' reading progress in grades pre-K - 3rd grade using a system of sound instruction, assessment, and intervention so that all students are reading at grade level by 3rd grade.
2. Prepare students to successfully complete Algebra I by the end of 9th grade.
3. Develop a system that ensures each 9th grade student is on track to graduate.
4. All students graduate with a post-secondary plan.

### **Goal 2: Equitable Systems**

Student identity (race, culture, socioeconomic status, language, ability, gender, **gender identity, gender expression**, or sexual orientation) **does should** not predict or predetermine success in school. Disaggregated data will be used to measure progress on goal.

Strategies:

1. Recruit and retain racially and culturally diverse staff.
2. Increase and support student voice, empowerment, and leadership in our schools.
3. Expand parent and community partnerships.
4. **Increase and support school staff and administrative empowerment in leadership in our schools.**
5. Increase racial consciousness of staff through professional development focused on race, culture and culturally relevant instruction.

### **Goal 3: Real-World Learning**

All students participate in real-world learning, with a global perspective, that prepares them for an ever-changing future. Student identity (race, culture, socioeconomic status, language, ability, gender, **gender identity, gender expression**, or sexual orientation) **does should** not predict or predetermine success in school.

Strategies:

1. Support cultural responsiveness and biliteracy in our students and staff.
2. Create additional learning pathways toward graduation and life beyond high school.
3. Integrate real-world, experiential learning in all grades.
4. Integrate communication, critical thinking, collaboration, creativity, and problem solving skills into learning experiences.
5. Integrate environmental, social, and economic-sustainability in learning experiences.

### **Goal 4: Health & Wellness**

Improve the health and wellness of district students and staff. Student identity (race, culture, socioeconomic status, language, ability, gender, **gender identity, gender expression**, or sexual orientation) **does should** not predict or predetermine success in school.

Strategies:

1. Support and enhance programs that promote student mental wellness and safety.
2. Support and enhance programs that promote student physical wellness and safety.
3. Support a robust worksite wellness program for district staff.

### **Goal 5: Long Range Facility Planning**

Transform aging school facilities to provide safe, effective, efficient, innovative, and equitable learning opportunities for every student. Student identity (race, culture, socioeconomic status, language, ability, gender, **gender identity, gender expression**, or sexual orientation) **does should** not predict or predetermine success in school.

Strategies:

1. Communicate the needs for improved infrastructure and facilities with the Corvallis community.
2. Engage staff, parents, students and community in execution of facility improvements consistent with the district's core values for educational design.
3. Complete construction projects through a voter-approved bond levy.

## **Goal 6: 2020-21 Goal in Response to COVID-19**

As a school district, adapt to the new conditions presented by the COVID-19 pandemic. Make decisions focused on health and safety, student achievement, equitable systems and in-person resumption.

### Strategies:

1. Implement operational blueprint aligned with current educational delivery model.
2. Support the work and recommendations of the CSD rapid development teams.
3. Provide ongoing communication with staff, students and the community.
4. Utilize new resources (federal relief funds) in ways that prioritize health and safety and align with the district's instructional priorities.
5. Identify and support areas of system development, which support resumption and the "next normal."

**XIV. CONSOLIDATED ACTION (8:20 p.m.)\***

**A. LICENSED PERSONNEL ACTION**



# Corvallis

SCHOOL DISTRICT

Prepared for: Corvallis School Board  
Prepared by: Jennifer Duvall, Human Resources Director  
Meeting Date: October 8, 2020

## Licensed Personnel Action

## ACTION REQUESTED

1. Issue:
  - a. Recommendation to Hire

Name	Position	FTE	Building	Start Date	Contract Status
Gilpin, Bernadette	Special Education Teacher	0.50	Muddy Creek Charter School	9/14/2020	Temporary

- b. Additional Information/Leaves/Reduction

MOTION REQUESTED:

“I move to approve the Licensed Personnel action as submitted.”

## B. POLICIES - SECOND READ



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board  
Prepared by: Erika Cook  
Meeting Date: October 8, 2020

### **ACTION REQUESTED**

[Board Policy GBEB](#)—Communicable Diseases—Staff—Revised—Second Reading  
[Board Policy JHCC](#)—Communicable Diseases—Students—Revised—Second Reading

#### Background

Recent events in our communities prompted revisions to rules prescribed by the Oregon Health Authority (OHA) affecting school attendance by staff and students to protect public health. As a result, OHA added COVID-19 to the restrictable disease list and established criteria for returning staff and students to school, in addition to other revisions made to existing rules including changes in definitions and other parts of previous rules. Please continue to follow guidance as it is reported by OHA and the Oregon Department of Education in connection with these recommended changes.

Revisions to policies and ARs was provided from OSBA on 7/31/2020. Policy GBEB was last updated on 2/1/2018, its AR on 1/11/2018. Policy JHCC was last updated on 2/1/2018, its AR on 1/11/2018.

#### Involvement

Staff members: Melissa Harder, Erika Cook, Jennifer Duvall, District Nurses.

#### Cost Impact

None.

#### Function

Adoption of revisions.



# Corvallis

## SCHOOL DISTRICT

Code: GBEB  
Adopted: 7/91  
Revised/Readopted: 7/22/92, 1/8/97, 3/8/99, 1/8/07, 9/13/10, 3/10/14, 2/1/18  
Original Codes: 3810, 4840

### Communicable Disease - Staff

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

~~An employee who knows that he or she has, or has been exposed to, any restrictable disease, may not attend work unless authorized by Oregon law. while in a communicable stage of a restrictable disease or w~~  
When an administrator has reason to suspect that the any employee has or has been exposed to any disease for which restrictable disease and exclusion is required in accordance with law and per administrative regulation GBEB-AR – Communicable Diseases – Staff, the administrator shall send the employee home. If the disease is a reportable disease, the administrator will report the occurrence to the designated school district nurse who reports to the local health department local health department and school district nurses.

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

Employees shall provide services to students as required by law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

~~Employees who have the responsibility to work with or to provide services to persons other than students, shall provide the services to all such persons as required by law.~~

The district will include as part of its emergency plan a description of the actions to be taken by district staff in the case of a declared public health emergency or other catastrophe that disrupts district operations.

The district shall protect the confidentiality of an employee's health condition and record to the extent possible and consistent with federal and state law.

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

END OF POLICY

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**Legal Reference(s):**

[ORS 332.107](#)

[ORS 431.150](#) to [431.157](#)

[ORS 433.001](#) to [433.526](#)

[OAR 333-018](#)

[OAR 333-019-0010](#)

[OAR 333-019-0014](#)

[OAR 333-019-1000](#)

[OAR 437-002-0360](#)

[OAR 437-002-0377](#)

[OAR 581-022-2220](#)

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (2017~~20~~).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2017~~8~~); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017~~9~~).

Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d to -1320d-8 (2018); 45 C.F.R. Parts 160, 164 (2019).



# Corvallis

## SCHOOL DISTRICT

Code: JHCC  
Adopted: 8/90  
Revised/Readopted: 6/28/99, 1/8/07, 9/13/10, 3/14/11, 3/10/14, 2/1/18  
Original Code: 56756

### Communicable Diseases - Students

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

A student will not attend school while in a communicable stage of a restrictable disease or when an administrator has reason to suspect that any susceptible student has or has been exposed to any restrictable disease for which the student is required to be excluded in accordance with law and per administrative regulation JHCC-AR - Communicable Diseases - Students. If the disease is a reportable disease, the administrator involved shall exclude the student from school; and if the disease is a reportable disease, will report the occurrence to the designated school district nurse who reports to the local health department. The administrator will also take whatever reasonable steps considered necessary to organize and operate programs in a way that both furthers the education and protects the health of the students and others.

In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

The district may, for the protection of both the student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting.

The district will include, as part of its emergency plan, a description of the actions to be taken by district personnel in the case of a declared public health emergency or other catastrophe that disrupts district operations.

The district shall protect the confidentiality of each student's health condition and record to the extent possible and consistent with federal and state law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

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

END OF POLICY

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**Legal Reference(s):**

[ORS 431.150](#) to 431.157

[ORS 433.001](#) to 433.526

[OAR 333-018](#)

[OAR 333-019-0010](#)

[OAR 333-019-0014](#)

[OAR 333-019-1000](#)

[OAR 437-002-0360](#)

[OAR 437-002-0377](#)

[OAR 581-022-2220](#)

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (201720).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (20178); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (20179).



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board

Prepared by: Erika Cook

Meeting Date: October 8, 2020

**ACTION REQUESTED**

Board Policy GBL—Personnel Records\*—Revised—Second Reading

### Background

Senate Bill 155 (2019) updated statute affecting release of personnel records when requests are received.

This policy was last updated on 4/2/2012 and is required. Revisions sent from OSBA on 5/1/2020.

### Involvement

Staff members: Melissa Harder, Erika Cook and Jennifer Duvall.

### Cost Impact

None.

### Function

Adoption of revisions.



# Corvallis

## SCHOOL DISTRICT

Code: GBL  
Adopted: 3/8/99  
Revised/Readopted: 11/7/05, 4/2/12

### Personnel Records\*

An official personnel file will be established for each person employed by the district. **Personnel files will be maintained in a central location.** ~~Such files will be maintained in a central location. All applications from unsuccessful applicants for employment shall be exempt from disclosure by reason of ORS 192.502(2) and (4).~~

All records containing employee medical condition information such as workers' compensation reports and release/ **or** permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

~~No files will be removed from their central location for personal inspection.~~

The superintendent will be responsible for establishing ~~regulations~~ **procedures** regarding the control, use, safety, and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints, and written disciplinary actions ~~to be~~ placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, district employees' personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee or designee may arrange with the human resources office to inspect the contents of ~~his/her~~ **their** personnel file on any day the human resources office is open for business;
2. ~~Others designated in writing by the employee~~ **Others designated by the employee in writing may arrange to inspect the contents of the employee's personnel file in the same manner described above;**
3. The comptroller or auditor, when such inspection is pertinent to carrying out ~~his/her~~ **their** respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. **No files will be removed from their central location**

for personal inspection;

4. A Board member when specifically authorized by the Board action. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The superintendent or designee and members of the central administrative staff designated by the superintendent;
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. Employees of the human resources office as directed by the director of human resources;
8. Attorneys for the district or the district's designated representative on matters of district business; Courts and public agencies with the power of subpoena and attorneys for the district when relevant to the performance of their respective duties.
9. The disciplinary records<sup>1</sup> of a district employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502 and may be released to any person upon request. Prior to the release of disciplinary records the district shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a district employee who is not the subject of the disciplinary record.

Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);

10. Upon request from a law enforcement agency, the Oregon Department of Human Services, the Teacher Standards and Practices Commission, or the Oregon Department of Education, in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination or the Teachers Standards and Practices Commission, a district shall provide the records of investigations of suspected child abuse by a district employee.

The superintendent may permit persons other than those specified above to use and to inspect employee personnel records when, in his/her their opinion, the person requesting access has a legitimate official purpose. The superintendent will determine in each case the appropriateness and extent of such access. Reimbursement for copies requested shall be borne by the party requesting copies.

Release of personnel records to parties other than those listed above, will be in line Board policy KBA - Public Records.

Release of personnel records to parties other than those authorized to inspect them will be only upon receipt of a court order.

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<sup>1</sup>Disciplinary records is defined as records related to a personnel discipline action or materials or documents supporting that action.

END OF POLICY

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**Legal References:**

~~ORS 192.502(2)(4)~~

[ORS 339.370](#) – 339.374

[ORS 339.388](#)

[ORS 342.143](#)

[ORS 342.850](#)

[ORS 652.750](#)

[OAR 581-022-2405](#)

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 ~~112~~ (2018); 29 C.F.R. Part 1630 (2019~~06~~); 28 C.F.R. Part 35 (2019~~06~~).



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board

Prepared by: Erika Cook

Meeting Date: October 8, 2020

**ACTION REQUESTED**

Board Policy GBLA—Disclosure of Information—Revised—Second Reading

### Background

Senate Bill 155 (2019) updated statute affecting release of personnel records when requests are received.

This policy was last updated on 1/9/2012 and is highly recommended. Revisions sent from OSBA on 5/1/2020.

### Involvement

Staff members: Melissa Harder, Erika Cook and Jennifer Duvall.

### Cost Impact

None.

### Function

Adoption of revisions.



# Corvallis

## SCHOOL DISTRICT

Code: GBLA  
Adopted: 11/7/05  
Revised/Readopted: 1/9/12

### Disclosure of Information

Authorized district officials may disclose information about a former employee's job performance to a prospective employer. District officials are immune from civil liability for such disclosures under the following conditions:

1. The disclosure of information regarding the former employee's job performance is upon request of the prospective employer or the former employee. This disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was:
  - a. Knowingly false;
  - b. Deliberately misleading;
  - c. Rendered with malicious purpose; or
  - d. Violated civil rights of the former employee protected under Oregon Revised Statute (ORS) 659 or ORS 659A.
2. Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);
3. The disclosure is a result of a request from law enforcement, Oregon Department of Human Services, Teacher Standards and Practices Commission, or the Oregon Department of Education in conducting an investigation related to suspected abuse or suspected sexual conduct to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;
4. No later than 20 days after receiving a request under ORS 339.374(1)(b), the district, if it has or has had an employment relationship with the applicant shall disclose the information requested.
5. ~~2. The disclosure of the disciplinary records<sup>1</sup> of a district employee who has been convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or ORS 192.502 and shall~~

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<sup>1</sup>Disciplinary records is defined as records related to a personnel discipline action or materials or documents supporting that action.

~~be released to any person upon request. Prior to the disclosure of a disciplinary record an education provider shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim, or a school employee who is not the subject of the disciplinary record.~~

3. ~~The disclosure is the result of a request from a law enforcement agency, the Department of Human Services, or the Teachers Standards and Practices Commission regarding the records of investigations of suspected child abuse by a district employee.~~

~~Not later than 20 days after receiving a request under ORS 339.374, an education provider that has or has had an employment relationship with the applicant shall disclose the information requested and any disciplinary records that must be disclosed as provided by ORS 339.388(7).~~

END OF POLICY

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**Legal Reference(s):**

[ORS 30.178](#)  
[ORS 339.370 - 339.374](#)

[ORS 339.378](#)  
[ORS 339.388](#)

[ORS Chapter 659](#)  
[ORS Chapter 659A](#)

OR. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL.



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board

Prepared by: Erika Cook

Meeting Date: October 8, 2020

### **ACTION REQUESTED**

[Board Policy GBN/JBA—Sexual Harassment—Delete and New—Second Reading](#)  
[Board Policy JBA/GBN—Sexual Harassment—Delete and New—Second Reading](#)

#### Background

The updates issued for policy and administrative regulations for sexual harassment result from release of revised Federal regulations for Title IX protections, and the release of updates to Oregon Administrative Rules revised to reflect new Oregon statute adopted in the 2019 Legislative session amending Oregon's sexual harassment definition and its policy and procedures requirements. Members will need to consider the urgency of adoption of these new recommended revisions to update procedures for complaints and investigations of sexual harassment reports or complaints for the coming school year. In compliance with these new recommended policy and administrative regulations, members need to consider which definition of sexual harassment a reported incident or complaint may align with and follow recommended procedure, and whether the reported incident or complaint may need to be investigated and processed under both State and Federal law established procedures.

As stated previously, all recommended revisions are effective for the coming school year, and specifically, the revised Title IX regulations become effective August 14, 2020. The timeline for new policy and procedures identified above should be considered urgent. Members should consider language in current board policy BFC - Adoption and Revision of Policies.

These policies were last updated on 2/7/2019, the administrative regulations were last updated on 1/10/2019. Policies and administrative regulations are required. Revisions to delete and replace were sent from OSBA on 7/1/2020.

#### Involvement

District staff: Melissa Harder, Erika Cook and Jennifer Duvall.

#### Cost Impact

None.

#### Function

Adoption of revisions.



# Corvallis

## SCHOOL DISTRICT

Code: GBN/JBA  
Adopted: 6/28/99  
Revised/Readopted: 11/4/02, 5/7/12, 10/13/14, 2/7/19

### Sexual Harassment

The district is committed to addressing 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 under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

#### General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures. Other complaint procedures may include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence and Domestic Violence - Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy GBNA/JHFF).

#### OREGON DEFINITION AND PROCEDURES

##### Oregon Definition

Sexual harassment of students, staff members or third parties<sup>1</sup> shall include:

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<sup>1</sup> “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

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 the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

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

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

### **Oregon Procedures**

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

Name: Jennifer Duvall  
Position: Human Resources Director and Title IX Coordinator  
Phone: 541-757-5840  
Email: [jennifer.duvall@corvallis.k12.or.us](mailto:jennifer.duvall@corvallis.k12.or.us)

This/These individual(s) is/are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX Coordinator. *See* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

### **Response**

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

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

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school grounds or district property if a student or a school or district staff member acts toward the person in a manner that creates a hostile environment for the person while on school or district property, or at a school- or district-sponsored activity.

2. 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 immediately 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. <sup>{2}</sup>

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

1. Discipline of staff and students engaging in sexual harassment;

<sup>{2}</sup> OSBA strongly recommends that the Board receive input from district administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined by a reasonable person to be..." 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

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 person<sup>3</sup> 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 include<sup>4</sup>:

1. Name and contact information for all person designated by the district to receive complaints;
2. The rights of the person that the notification is going to;
3. Information about the internal complaint processes available through the school or district that the person who filed the complaint may pursue, including the person designated for the school or district for receiving complaints and any timelines.
4. Notice that civil and criminal remedies that are not provided by the school or district may be available to the person through the legal system and that those remedies may be subject to statutes of limitation;
5. Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;
6. Information about the privacy rights of the person and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district;
7. Information about, and contact information for, services and resources that are available to the person, including but not limited to:
  - a. For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or
  - b. For the reported persons, information about and contact information for state and community-based mental health services.
8. Notice that students who report about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or

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<sup>3</sup> 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.

<sup>4</sup> Remember confidentiality laws when providing any information.

investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and

#### 9. Prohibition of retaliation.

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

The notice must:

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

#### **Oregon Department of Education (ODE) Support**

The ODE will provide technical assistance and training upon request.

#### **FEDERAL DEFINITION AND PROCEDURES**

##### **Federal Definition**

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity<sup>5</sup>;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic Violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim

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<sup>5</sup> "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))

shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

### **Federal Procedures**

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

### **Reporting**

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The report can be made at any time.

Jennifer Duvall, Human Resources Director is designated as the Title IX Coordinator and can be contacted at 541-757-5840. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this AR. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

### **Response**

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.<sup>6</sup> The district shall treat complainants and respondents equitably by providing supportive measures<sup>7</sup> to the complainant and by following a grievance procedure<sup>8</sup> prior to imposing any

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<sup>6</sup> (Title 34 C.F.R. §106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

<sup>7</sup> (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment.<sup>7</sup> The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

<sup>8</sup> This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying

disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.<sup>9</sup>

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.<sup>10</sup> The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

### **Notice**

The district shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary<sup>11</sup>, or both.

### **No Retaliation**

Neither the district or any person may retaliate<sup>12</sup> against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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administrative regulation, *see* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

<sup>9</sup> The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

<sup>10</sup> The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

<sup>11</sup> Of the United States Department of Education.

<sup>12</sup> Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

**Publication**

This policy shall be made available to students, parents of students and staff members. This policy 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

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**Legal Reference(s):**

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

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

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

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).  
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018);  
Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).  
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).



# Corvallis

## SCHOOL DISTRICT

Code: JBA/GBN  
Adopted: 6/28/99  
Revised/Readopted: 11/4/02, 5/7/12, 10/13/14, 2/7/19

### Sexual Harassment

The district is committed to addressing 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 under Oregon Revised Statute (ORS) 342.700 et. al. and federal Title IX laws found in Title 34 C.F.R. Part 106. Individual complaints may require both of these procedures, and may involve additional complaint procedures.

#### General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures. Other complaint procedures may include: Nondiscrimination (Board policy AC), Workplace Harassment (Board policy GBEA), Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence and Domestic Violence - Student (Board policy JFCF), and Reporting Requirements for Suspected Sexual Conduct with Students (Board policy GBNA/JHFF).

#### OREGON DEFINITION AND PROCEDURES

##### Oregon Definition

Sexual harassment of students, staff members or third parties<sup>1</sup> shall include:

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<sup>1</sup> "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

A demand or request for sexual favors in exchange for benefits;

Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:

Interferes with a student's educational activity or program;  
Interferes with a school or district staff member's ability to perform their job; or  
Creates an intimidating, offensive or hostile environment.

Assault when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

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

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

## **Oregon Procedures**

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

Name: Jennifer Duvall  
Position: Human Resources Director and Title IX Coordinator  
Phone: 541-757-5840  
Email: [jennifer.duvall@corvallis.k12.or.us](mailto:jennifer.duvall@corvallis.k12.or.us)

This/These individual(s) is/are responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX Coordinator. *See* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure.

## **Response**

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

1. Student is protected and to promote a nonhostile learning environment;
2. Staff member is protected and to promote a nonhostile work environment; or

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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.

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 immediately 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. <sup>{2}</sup>

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

1. Discipline of staff and students engaging in sexual harassment;

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<sup>{2}</sup> OSBA strongly recommends that the Board receive input from district administration prior to adopting a standard here. Of note, Title IX's definition of sexual harassment includes "unwelcome conduct determined *by a reasonable person* to be..." 34 CFR 106.30(a), emphasis added. It is important to consider the different definitions under Oregon law and Title IX when determining which standards will apply for the Oregon process.}

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 person<sup>3</sup> 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 include<sup>4</sup>:

1. Name and contact information for all person designated by the district to receive complaints;

The rights of the person that the notification is going to;

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.

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;

Information about services available to the student or staff member through the school or district, including any counseling services, nursing services or peer advising;

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;

Information about, and contact information for, services and resources that are available to the person, including but not limited to:

For the reporting person, state and community-based resources for persons who have experienced sexual harassment; or

For the reported persons, information about and contact information for state and community-based mental health services.

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

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<sup>3</sup> 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.

<sup>4</sup> Remember confidentiality laws when providing any information.

knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct; and

#### Prohibition of retaliation.

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

The notice must:

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

#### **Oregon Department of Education (ODE) Support**

The ODE will provide technical assistance and training upon request.

#### **FEDERAL DEFINITION AND PROCEDURES**

##### **Federal Definition**

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity<sup>5</sup>;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic Violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the

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<sup>5</sup> "Education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs." (Title 34 C.F.R. § 106.44(a))

victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.

This definition only applies to sex discrimination occurring against a person who is a subject of this policy in the United States. A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

### **Federal Procedures**

The district will adopt and publish grievance procedures that provide for the prompt and equitable resolution of the student and employee complaints alleging any action that would be prohibited by this policy. *See* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure.

### **Reporting**

Any person may report sexual harassment. This report may be made in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The report can be made at any time.

Jennifer Duvall, Human Resources Director is designated as the Title IX Coordinator and can be contacted at 541-757-5840. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this AR. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

### **Response**

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed.<sup>6</sup> The district shall treat complainants and respondents equitably by providing supportive measures<sup>7</sup> to the complainant and by following a grievance procedure<sup>8</sup> prior to imposing any

<sup>6</sup> (Title 34 C.F.R. §106.44(a)) Response cannot be deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

<sup>7</sup> (Title 34 C.F.R. § 106.44(a)) Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment.<sup>7</sup> The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. (Title 34 C.F.R. § 99.30(a))

<sup>8</sup> This grievance procedure must meet the requirements of Title 34 C.F.R. § 106.45 (included in accompanying administrative regulation, *see* GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure).

disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.<sup>9</sup>

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place.<sup>10</sup> The district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

### **Notice**

The district shall provide notice to all applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator(s);
2. That the district does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX. This includes admissions and employment; and
3. The grievance procedure and process, how to file a formal complaint of sex discrimination or sexual harassment, and how the district will respond.

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary<sup>11</sup>, or both.

### **No Retaliation**

Neither the district or any person may retaliate<sup>12</sup> against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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<sup>9</sup> The Title IX Coordinator may also discuss that the Title IX Coordinator has the ability to file a formal complaint.

<sup>10</sup> The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

<sup>11</sup> Of the United States Department of Education.

<sup>12</sup> Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

**Publication**

This policy shall be made available to students, parents of students and staff members. This policy 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

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**Legal Reference(s):**

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

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

[ORS 659A.030](#)  
[OAR 581-021-0038](#)  
[OAR 584-020-0040](#)  
[OAR 584-020-004](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).  
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018);  
Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).  
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board  
Prepared by: Erika Cook  
Meeting Date: October 8, 2020

### **ACTION REQUESTED**

Board Policy IGBAH-AR—Special Education – Evaluation and Eligibility Procedures\*\*—  
Revised—Second Reading

**Note: This is one of the few ARs that requires board adoption.**

#### Background

At its March 2020 meeting the Oregon State Board of Education adopted revisions to Oregon Administrative Rule (OAR) 581-015-2115 resulting from passage of Senate Bills 13 and 16 (2019).

The administrative regulation IGBAH is required. Edits provided by OSBA 5/01/2020. Last adoption by CSD 2/11/2008.

#### Involvement

Staff members: Melissa Harder, Erika Cook and Sabrina Alexander.

#### Cost Impact

None.

#### Function

Adoption of revisions.



# Corvallis

## SCHOOL DISTRICT

Code: IGBAH-AR  
Adopted: 9/10/01  
Revised/Readopted: 3/13/06, 2/11/08

### **Special Education – Evaluation and Eligibility Procedures\*\***

1. Request for Initial Evaluation
  - a. Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child is a child with a disability.
  - b. Upon receiving a request from a parent or public agency for an initial evaluation, the district designates a team to determine whether an initial evaluation will be conducted.
    - (1) The district team includes the parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities.
      - (a) The team may make the decision to evaluate with or without a meeting.
      - (b) The district documents team members' input, including parents, whether or not the district convenes a meeting.
    - c. If a meeting is held, the district invites parents to participate.
    - d. If the district agency refuses an evaluation requested by the parent, the district provides the parent with prior written notice of its refusal to conduct an evaluation.
    - e. The district acknowledges the parent's rights to challenge its refusal to conduct an evaluation.
2. The initial evaluation consists of procedures:
  - a. To determine if the child has a disability; and
  - b. To identify the child's educational needs.
3. The district conducts the initial evaluation within 60 school days of receiving parental consent for evaluation unless:

- a. The district and the parents agree in writing to extend the timeline for an evaluation to determine eligibility for specific learning disabilities;
- b. The child moves from another district during the evaluation, the district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the district agree in writing to a specific time when the evaluation will be completed; or
- c. The parent repeatedly fails or refuses to produce the child for evaluation.

4. Re-evaluation

- a. The district conducts re-evaluations:
  - (1) When the educational or related services needs, including improved academic achievement and functional performance of the child, warrant an evaluation;
  - (2) When the child's parents or teacher request a re-evaluation; and
  - (3) At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.
- b. The district does not conduct re-evaluation more than once a year, unless the parent and district agree otherwise.

5. Evaluation Planning

- a. As part of an initial evaluation (if appropriate) and as part of any re-evaluation, the child's individualized education program (IEP) or individualized family service plan (IFSP) team, including the parents and other qualified professionals as appropriate, must review existing information on the child, including: The district, or designated referral and evaluation agency for preschool children, ensures that, as part of an initial evaluation (if appropriate), the child's IEP or IFSP team, including the parents and other qualified professionals, as appropriate, review and document their review of existing evaluation data on the child including:
  - (1) Evaluations and information provided by the child's parents;
  - (2) Current classroom-based, local or state assessments and classroom-based observations; and
  - (3) Observations by teachers and related service providers; and
  - (4) Medical, sensory, and health information.
- b. On the basis of that review and input from the child's parents, identify what additional data if any is needed to determine:
  - (1) Whether the child has a disability;
  - (2) The child's present levels of academic achievement and related development needs;

- (3) Whether the child needs, or continues to need, early intervention/early childhood special education (EI/ECSE) or special education and related services; and
- (4) For re-evaluation, whether the child needs any additions or modifications to the special education and related services or, for a preschool child, any additions or modification to ECSE services:
  - (a) To enable the child to meet the measurable annual goals in the child's IEP or IFSP; and
  - (b) To participate, as appropriate, in the general education curriculum or, for preschool children, appropriate activities.

## 6. Evaluation Procedures

- a. The district assesses the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
- b. The evaluation is sufficiently comprehensive to identify all of the child's special education and related needs, whether or not commonly linked to the disability category in which the child has been classified.
- c. The evaluation includes information provided by the parent and a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child that assist in determining:
  - (1) Whether the child has a disability; and
  - (2) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
- d. The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of educational need, used to assess a child:
  - (1) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
  - (2) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to do so;
  - (3) Are used for the purposes for which the assessments or measures are valid and reliable;
  - (4) Are administered by trained and knowledgeable personnel; and
  - (5) Are administered in accordance with any instructions provided by the producer of the assessments.

- e. The district selects and administers assessments to ensure that if an assessment is administered to a child with impaired sensory, manual or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure).
- f. The district uses technically sound instruments that may assess the relative contribution of cognitive factors and behavioral factors in addition to physical or developmental factors.
- g. The district does not use any single measure of assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

7. Requirements if Additional Evaluation Data is not Needed to Determine Eligibility

- a. If the child's IEP or IFSP team determines that no additional data is needed whether the child is or continues to be a child with a disability, and to determine the child's educational and developmental needs, the district provides prior written notice of that decision, the reasons for it, and the right of parents to request an assessment.
- b. When the IEP or IFSP team determines that no additional data is needed to determine eligibility, the district does not conduct an assessment of the child unless requested to do so by the parents.

8. Evaluation Procedures for Transfer Students

When a child with disabilities transfers from one district to another district in the same school year, the district coordinates with the previous district to complete any pending assessment as quickly as possible.

9. Eligibility Determination

- a. Once evaluation is completed, the district designates an eligibility team to determine whether the child is eligible for special education services.
- b. This team includes:
  - (1) Two or more professionals, one of whom will be knowledgeable and experienced in evaluating and teaching students with the suspected disability; and
  - (2) The student's parent(s).
- c. For consideration of eligibility in the area of specific learning disabilities, the district eligibility team includes:
  - (1) A group of qualified professionals and the parent;

- (2) The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of ~~his or her~~ **their** age, or for a child of less than school age, a preschool teacher; and
  - (3) A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or other qualified professional.
- d. In interpreting evaluation data, each district team carefully considers and documents information from a variety of sources, including but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior and all required elements of the evaluation.
- e. Each eligibility team prepares a written eligibility statement that includes:
- (1) Identification of the evaluation data considered in determining the child's eligibility, including the required evaluation components for the disability under consideration;
  - (2) A determination of whether the child meets the minimum evaluation criteria for one or more of the disability categories in Oregon Administrative Rule;
  - (3) A determination of whether the primary basis for the suspected disability is:
    - (a) A lack of appropriate instruction in reading (including the essential components of reading) or math; or
    - (b) Limited English proficiency.
  - (4) A determination of whether the child's disability has an adverse impact on the child's educational performance;
  - (5) A determination of whether, as a result of the disability, the child needs special education services;
  - (6) The signature of every team member and an indication of whether each agrees with the eligibility determination;
  - (7) For a child suspected of having a specific learning disability, the team's written report includes additional specific documentation as required by Oregon Administrative Rule.
- f. The team does not find a child eligible as a child with a disability if the determinant factor for that eligibility decision is:
- (1) Lack of appropriate instruction in reading, including the essential components of reading instruction or lack of appropriate instruction in math; or
  - (2) Limited English proficiency; and

- (3) The child does not otherwise meet the eligibility criteria found in Oregon Administrative Rule for the category(ies) of disability under consideration.
- g. The team finds a child eligible if the child has a disability and needs special education and related services, even though the child is advancing from grade to grade.
- h. A child may have disabilities to more than one disability category, but the team needs to find the child eligible under only one category. However, the district evaluates the child in all areas related to the suspected disability or disabilities, and the child's IEP addresses all of the child's special education needs.



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board

Prepared by: Erika Cook

Meeting Date: October 8, 2020

**ACTION REQUESTED**

### Board Policy IKFB—Graduation Exercises—Revised—Second Reading

#### Background

House Bill (HB) 3267, passed by the 2017 Oregon Legislature, directs districts and public charter schools to give a waiver for any graduation requirements above the state's requirements, if the student at anytime from grade 9 to 12 is, or was a foster child, homeless, a runaway, a child in a military family, a child of a migrant worker or enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

Senate Bill 20, also passed by the 2017 Legislature, adds that a student may also have the option to participate in a high school graduation ceremony with the student's class, if the student "qualifies to receive" a modified diploma, an extended diploma or an alternative certificate, in addition to the previous allowance for a student to participate who "receives" the same. Lastly, HB 2220 removes certain exceptions for a person, who served in the U.S. Armed Forces and was discharged or released under honorable conditions, to receive a high school diploma upon request, subject to state law. The effective date for these amendments is July 1, 2017.

This policy is optional. Edits provided by OSBA 9/28/2017. Last adoption by CSD 5/04/2015.

#### Involvement

Staff members: Melissa Harder, Erika Cook, and Nikki McFarland.

#### Cost Impact

None.

#### Function

Adoption of revisions.



Code: IKFB  
 Adopted: 8/30/99  
 Revised/Readopted: 2/7/00, 4/5/10, 5/4/15

## Graduation Exercises

Because ~~the~~ The Board believes that completion of the requirements for a diploma, a modified diploma, an extended diploma, or an alternative certificate from the public schools is an achievement that improves the community as well as the individual. The Board wishes to recognize this ~~that~~ achievement in a publicly celebrated graduation exercise.

Accordingly, appropriate graduation dates and programs may be planned by the high schools.

Presenters 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 administrator or designee.

All students in good standing who have successfully completed the requirements for a high school diploma, qualifies to receive or receives a modified diploma, an extended diploma, or an alternative certificate (as defined in policy IKF) may participate in graduation exercises.

~~Students earning a high school diploma or modified diploma must meet career learning requirements and essential skills requirements to participate in the graduation ceremony. Students working toward a standard high school diploma may participate in graduation ceremonies based upon the criteria outlined below, if they have completed a plan for completing the remaining credit and essential skills by September 1 of the following school year. Principals may recommend exceptions for extenuating circumstances through an appeal made to the superintendent. Decisions regarding exceptions made by the superintendent will be final.~~

In good standing means the student has not been suspended, expelled, or otherwise excluded from school programs at the time of the ceremony.

	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>
Credit Requirement	23 of 24	23.5 of 24	23.5 of 24	All credits
Essential Skills Requirement	<del>Students must make satisfactory progress toward passing all essential skills and participate (92% attendance) in all assigned interventions. (Plan required)</del>			All essential skills

END OF POLICY

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**Legal Reference(s):**

[ORS 329.035](#)  
[ORS 329.451](#)  
[ORS 329.465](#)  
[ORS 332.105](#)  
[ORS 332.107](#)

[ORS 332.114](#)  
[ORS 339.115](#)  
[ORS 339.505](#)  
[ORS 343.295](#)  
[OAR 581-021-0071](#)

[OAR 581-022-1130](#) 2000  
[OAR 581-022-2015](#)  
[OAR 581-022-2010](#)  
[OAR 581-022-2020](#)  
[OAR 581-022-1350](#) 2505

31 OR. ATTY. GEN. OP. 428 (1964)

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (~~2006~~ 2017);  
Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal  
Financial Assistance, 34 C.F.R. Part 106 (~~2006~~ 2017).

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).



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board

Prepared by: Erika Cook

Meeting Date: October 8, 2020

**ACTION REQUESTED**

Board Policy JHH—Student Suicide Prevention\*\*—NEW—Second Reading

### Background

Senate Bill (SB) 52, also known as Adi's Act and passed by the 2019 Legislature, directs districts to adopt a policy requiring a comprehensive plan on student suicide prevention for students in kindergarten through grade 12. It is recommended that the district review the new required sample model board policy JHH - Student Suicide Prevention and board adopt as required by Oregon Revised Statute (ORS) 339.343.

In preparation for questions which the Board may have regarding the implementation of this policy, the following information has been prepared for review:

### **1. What are the current procedures relating to suicide prevention, intervention and activities that reduce risk and promote healing after a suicide?**

Our current suicide process outlines the following: staff training standards, preventative program steps, comprehensive suicide screening processes for all students, a process for suicide evaluation for all students and a postvention process located within our incident response. This process is 3 years mature and has been adapted to include our expanded mental health staffing capacity which occurred last spring and the process will be reviewed again prior to the 2020-21 school year.

### **2. What is the postvention process?**

Postvention is the process of responding to a completed suicide within our system. We have built an incident response process that responds to suicide completion as well as other student deaths. We have practical language that had been developed in our communications department for engaging in safe messaging (e.g. we use the term "completed" not "committed") which as part of national suicidology standards for responding after a death.

**Board Conversation and Follow-up Question from September 10, 2020: Please provide clarity on why the term "completed suicide" is used as opposed to other nationally recognized terminology such as "died by suicide"?**

**Response: Please change the vocabulary to died by suicide. Both phrases are acceptable and used in national documents.**

### **3. Who is responsible in the oversight of this policy and process?**

The following staff are responsible for oversight of the suicide policy/process across the district: Joe Leykam - Mental Health Program Manager, and Chris Hawkins - Mental Health/Student Crisis Tier 4 Specialist.

The following staff groups are responsible for providing direct service to students who may need suicide screening/intervention: School Counselors/Social Workers, Mental Health and Wellness Therapists, and Skills Trainers.

Each school year, a team of staff is identified who will provide Question Persuade Refer QPR training within the district.

#### **4. How may a person request review of the actions of a school in responding to suicidal risk?**

Review would be requested to the Mental Health Program Manager and conducted by that person in conjunction with District Office Coordinators. In line with other complaint resolution procedures, an appeal of that review would be directed to the Office of the Assistant Superintendent.

**Board Conversation and Follow-up Question from September 10, 2020: How does the District ensure that we respond to high risk groups?**

**Response: At this time prevention resources are targeted globally to all students. We are waiting for guidance and investigating curricula with students in special populations. We value a deeper conversation with specifics but the state has not provided guidance on this yet.**

#### **5. What are the methods to address the needs of high-risk groups, including: a. Youth bereaved by suicide; b. Youth with disabilities, mental illness or substance abuse disorders; c. Youth experiencing homelessness or out of home settings, such as foster care; and d. Lesbian, gay, bisexual, transgender, queer and other minority gender identity and sexual orientation, Native American, Black, Latinx, and Asian students?**

The district's existing process identifies the needs of specific vulnerable populations through direct language as well as indirectly through a model of racial equity and inclusive practices. Specialized training related to the mental health needs of individual populations is woven into PLCs across the year.

**Board Conversation and Follow-up Question from September 10, 2020: Please provide additional detail/specifics. What exactly is the District doing to ensure that these subgroups are being identified?**

**Response: We are currently developing and implementing data methods in our student support team process that will be used to identify students and student groups within our suicide policy and systems. We are reviewing ADI's Act and ODE recommendations within our prevention and intervention process.**

#### **6. What materials are used as part of the training plan?**

The District uses Question Persuade Refer (QPR) as the cornerstone for all staff training intervention for suicide identification and intervention. Also utilized, is a multi-tiered response involving a comprehensive screening/intervention process deployed for students identified by school counselors/social workers. After an initial intervention, support for formal evaluation is conducted by the Mental Health Program Manager and Mental Health

staff up to and including suicide risk evaluation. Partnership with both the local Hospital system (Samaritan Health Services) as well as the Community Mental Health Program (Benton County) are in place to identify and refer cases through crisis and transition service supports outside of the school district operations.

**7. How does the District maintain supports that are culturally and linguistically responsive?**

Consistent with CSD practice services are culturally attentive and work to establish equity across race. The District employs providers within Dual Language Immersion programs to include Spanish speaking and bicultural clinical staff.

**8. What are the procedures for reentry into a school environment following a hospitalization or behavioral health crisis?**

The District uses its existing Tier 4 transition planning process to ensure all students who have been placed in hospital or residential settings have a team planning process to help them reintegrate into the school setting. Students are all asked to participate in a transition planning meeting with their receiving school as well as the Tier 4 team. Relevant risks and needs are discussed with the receiving school, the student, their family and/or their guardian.

**9. What is the process for designating staff to be trained in an evidence-based suicide prevention program?**

The current process ensures all staff are trained in QPR annually. Mental health staff are trained in an enhanced suicide risk evaluation process developed from Dialectical Behavioral Therapy (DBT) practices.

Involvement

District staff: Melissa Harder, Joe Leykam, Chris Hawkins and Erika Cook.

Cost Impact

None.

Function

Adoption of revisions.



Code: JHH

Adopted:

Revised/Readopted:

## Student Suicide Prevention\*\*

The district shall develop a comprehensive student suicide prevention plan for students in kindergarten through grade 12.

The district may consult with state or national suicide prevention organizations, the Oregon Department of Education (ODE), school-based mental health professionals, parents, guardians, employees, students, administrators and school boards associations when developing the required plan.

The plan shall include, at a minimum:

1. Procedures relating to suicide prevention, intervention and activities that reduce risk and promote healing after a suicide;
2. Identification of the school officials responsible for responding to reports of suicidal risk;
3. A procedure by which a person may request the district to review the actions of a school in responding to suicidal risk;
4. Methods to address the needs of high-risk groups, including:
  - a. Youth bereaved by suicide;
  - b. Youth with disabilities, mental illness or substance abuse disorders;
  - c. Youth experiencing homelessness or out of home settings, such as foster care; and
  - d. Lesbian, gay, bisexual, transgender, queer and other minority gender identity and sexual orientation, Native American, Black, Latinx, and Asian students.
5. A description of, and materials for, any training to be provided to employees as part of the plan, which must include:
  - a. When and how to refer youth and their families to appropriate mental health services; and
  - b. Programs that can be completed through self-review of suitable suicide prevention materials.
6. Supports that are culturally and linguistically responsive;

7. Procedures for reentry into a school environment following a hospitalization or behavioral health crisis<sup>1</sup>; and
8. A process for designating staff to be trained in an evidence-based suicide prevention program.<sup>2</sup>

The plan must be written to ensure that a district employee acts only within the authorization and scope of the employee's credentials or licenses.

The plan must be available annually to the community of the district, including district students, their parents and guardians, and employees and volunteers of the district, and readily available at the district office and on the district website.

END OF POLICY

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**Legal Reference(s):**

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<sup>1</sup> "Behavioral health crisis" as defined by Oregon Administrative Rule (OAR) 581-022-2510, means a disruption in an individual's mental or emotional stability or functioning resulting in an urgent need for immediate treatment to prevent a serious deterioration in the individual's mental or physical health.

<sup>2</sup> ODE will provide a list of available programs.



**XV. CONSOLIDATED INFORMATION**

**A. NON-LICENSED PERSONNEL INFORMATION**



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board  
 Prepared by: Jennifer Duvall, Human Resources Director  
 Meeting Date: October 8, 2020

### Non-licensed Personnel Information

### NO ACTION REQUIRED

#### Recommendation to Hire

Name	Position	Hours	Building	Start Date	Contract Status
Chona, Christina	Educational Assistant 2	4	Husky Elementary	9/9/2020	Regular/Probationary
Castrezana-Barrera, Bruno	Educational Assistant 2/Bilingual	5	Garfield Elementary	9/9/2020	Regular/Probationary
Diaz, Jessica	Educational Assistant 2/Bilingual	5	Garfield Elementary	9/24/2020	Regular/Probationary
Uribe, Ana	Educational Assistant 2/Bilingual	5	Garfield Elementary	10/1/2020	Regular/Probationary
Medina Robelo, Mercedes	Educational Assistant 2/Bilingual	5	Garfield Elementary	10/1/2020	Regular/Probationary
Hogan, Matthew	Student Behavior Support 2	4.25	Husky Elementary	10/12/2020	Regular/Probationary

#### Termination/Resignation/Layoff/Retirement

Name	Position	Hours	Building	Effective	Reason
Cabrera, Isabel	Educational Assistant Life Skills	7.25	Corvallis High School	6/30/2020	Resignation
Lane, Nicole	Educational Assistant 2/ELL	7	Linus Pauling Middle School	6/30/2020	Resignation
Hudson, Leslie	Administrative Assistant 2	8	Crescent Valley High School	9/25/2020	Resignation
Sullivan, Vicky Lynn	Health Service Assistant	2	Husky Elementary	9/18/2020	Resignation
Alagaidi, Nuha	Educational Assistant Life Skills	7	Jaguar Elementary	9/11/2020	Resignation
Rasmussen, Kenneth	Maintenance 3/Carpenter	8	District Office	9/18/2020	Limited Term
Sanderford, McKenzie	Educational Assistant Life Skills	7	Linus Pauling Middle School	9/25/2020	Resignation
Ullrich, Laura	Educational Assistant 2	7	Linus Pauling Middle School	9/11/2020	Resignation
Wegner, Petra	Food Service Assistant	4	Central Kitchen	9/21/2020	Resignation
Hughes, Andrew	Information Svcs Tech Support 1	8	Adams Elementary, District Office, Harding Center	9/17/2020	Resignation
Sargent, Kimberly	Educational Assistant 2	6.75	Linus Pauling Middle School	9/21/2020	Retirement

B. AUGUST FINANCIAL STATEMENTS (UNAUDITED)



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board  
Prepared by: Olivia Meyers Buch, Finance and Operations Director  
Meeting Date: October 8, 2020

### **August Financial Statements (Unaudited)**

**NO ACTION REQUIRED**

#### Background

The Statement of Resources and Requirements for the General Fund for the period ending August 31, 2019 and August 31, 2020 follow this report.

Year-to-date operating revenues through the end of August 2020 total \$10.7 million or 12.1% of total budgeted operating revenues as compared to \$9.9 million or 12.4% through the end of August 2019. As usual, revenues from the state school fund constitute the majority of funds received at this point in the year.

The beginning fund balance reflects an increase of \$1.1 million over the adopted budget of \$11.5 million. Overall, total operating revenues in 2019-20 were 100.7% of budget while total operating expenditures were 96.5% of budget.

Year-to-date operating expenditures through the end of August 2020 total \$5.4 million or 6.0% of total budgeted operating expenditures as compared to \$6.3 million or 7.2% through the end of July 2019.

Projected resources and requirements through June 30, 2021 result in an ending fund balance of \$10.8 million, or 13.2% of projected operating revenues. The projected ending fund balance reflects a decrease in fund balance, or operating deficit, of \$1.8 million. All General Fund reserves are projected to be at or above the designations outlined in board policy on June 30, 2021.

Please contact me with questions or if you would like any additional information.

#### Supplementary Materials

1. Statements of Resources and Requirements as of August 31, 2019 and 2020
2. Schedule of Investments as of August 31, 2020
3. Schedule of Cash Disbursements greater than or equal to \$1,000 for the period of August 1 – August 31, 2020

Corvallis School District 509J  
Statement of Resources and Requirements  
Fiscal Year to Date as of August 31, 2019 and 2020 Respectively (Unaudited)

**General Fund**

	FY 2019-20					FY 2020-21				
	Amended	Actuals Thru	% of	Actuals Thru	% of	Adopted	Actuals Thru	% of	Projected Thru	% of
	Budget	8/31/2019	Budget	6/30/2020	Budget	Budget	8/31/2020	Budget	6/30/2021	Budget
<b>RESOURCES</b>										
State School Fund Formula Revenue										
State School Fund - General Support	\$ 38,905,151	\$ 9,920,139	25.5%	\$ 36,383,095	93.5%	\$ 41,265,280	\$ 10,259,485	24.9%	\$ 38,544,762	93.4%
Property Taxes Levied by District	29,762,663	-	0.0%	30,083,614	101.1%	30,876,118	-	0.0%	31,194,348	101.0%
Common School Fund	649,272	-	0.0%	945,382	145.6%	667,074	-	0.0%	664,976	99.7%
County School Funds	260,000	-	0.0%	255,094	98.1%	260,000	-	0.0%	260,000	100.0%
Local Option Taxes Levied by District	7,084,797	-	0.0%	7,166,192	101.1%	7,230,932	-	0.0%	7,303,711	101.0%
Earnings on Investments	613,000	24	0.0%	790,346	128.9%	363,000	-	0.0%	363,000	100.0%
Other	2,591,784	6,913	0.3%	4,916,227	189.7%	7,628,544	453,345	5.9%	3,365,497	44.1%
<b>Total Operating Revenues</b>	<b>\$ 79,866,667</b>	<b>\$ 9,927,076</b>	<b>12.4%</b>	<b>\$ 80,539,950</b>	<b>100.8%</b>	<b>\$ 88,290,948</b>	<b>\$ 10,712,830</b>	<b>12.1%</b>	<b>\$ 81,696,294</b>	<b>92.5%</b>
Beginning Fund Balance	\$ 16,373,874	\$ 16,373,874	100.0%	\$ 16,373,874	100.0%	\$ 11,493,134	\$ 12,590,178	109.5%	\$ 12,590,178	109.5%
<b>TOTAL RESOURCES</b>	<b>\$ 96,240,541</b>	<b>\$ 26,300,949</b>	<b>27.3%</b>	<b>\$ 96,913,824</b>	<b>100.7%</b>	<b>\$ 99,784,082</b>	<b>\$ 23,303,008</b>	<b>24.0%</b>	<b>\$ 94,286,472</b>	<b>94.5%</b>
<b>REQUIREMENTS</b>										
Salaries	\$ 41,476,992	\$ 1,548,597	3.7%	\$ 41,580,271	100.2%	\$ 43,223,899	\$ 1,546,866	3.6%	\$ 40,458,931	93.6%
Associated Payroll Costs	25,697,817	841,491	3.3%	25,195,364	98.0%	27,183,779	882,364	3.2%	25,181,551	92.6%
Purchased Services	12,813,811	908,166	7.1%	10,888,531	85.0%	13,354,925	635,103	4.8%	12,015,937	90.0%
Supplies and Materials	5,586,567	1,564,870	28.0%	4,632,084	82.9%	4,104,096	950,731	23.2%	3,886,055	94.7%
Capital Outlay	55,000	78,873	143.4%	267,299	486.0%	125,000	-	0.0%	120,000	96.0%
Other Objects	1,789,724	1,340,367	74.9%	1,760,098	98.3%	1,930,162	1,423,706	73.8%	1,870,716	96.9%
<b>Total Operating Expenditures</b>	<b>\$ 87,419,911</b>	<b>\$ 6,282,363</b>	<b>7.2%</b>	<b>\$ 84,323,646</b>	<b>96.5%</b>	<b>\$ 89,921,861</b>	<b>\$ 5,438,769</b>	<b>6.0%</b>	<b>\$ 83,533,190</b>	<b>92.9%</b>
Contingency	-	-	-	-	-	2,265,501	-	0.0%	-	0.0%
Rainy Day Reserves	3,210,137	-	0.0%	-	0.0%	4,531,001	-	0.0%	-	0.0%
Unappropriated Reserves	2,811,990	-	0.0%	-	0.0%	3,065,719	-	0.0%	-	0.0%
Unappropriated Reserve (PERS)	2,798,503	-	0.0%	-	0.0%	-	-	-	-	-
<b>TOTAL REQUIREMENTS</b>	<b>\$ 96,240,541</b>	<b>\$ 6,282,363</b>	<b>6.5%</b>	<b>\$ 84,323,646</b>	<b>87.6%</b>	<b>\$ 99,784,082</b>	<b>\$ 5,438,769</b>	<b>5.5%</b>	<b>\$ 83,533,190</b>	<b>83.7%</b>
<b>ENDING FUND BALANCE</b>		<b>\$ 20,018,586</b>		<b>\$ 12,590,178</b>			<b>\$ 17,864,239</b>		<b>\$ 10,753,282</b>	
Contingency				2,013,499	2.5% *				2,042,407	2.5% *
Rainy Day Reserves				4,026,997	5.0% *				4,084,815	5.0% *
Unappropriated Reserves				6,549,682	8.1% *				4,626,060	5.7% *
<b>* Percent of Operating Revenue</b>				<b>\$ 12,590,178</b>	<b>15.6% *</b>				<b>\$ 10,753,282</b>	<b>13.2% *</b>

Corvallis School District 509J  
Schedule of Investments  
August 31, 2020

Type of Investment	Investment Date	Maturity/ Call Date	No. of Days	Bond		Par (Maturity) Value
				Equivalent Yield	Purchase Price	
U.S. Treasury Obligations:						
	01/17/20	09/15/20	242	1.442%	\$99.96	2,000,000
	02/11/20	10/05/20	237	1.381%	\$100.16	2,000,000
	08/07/18	10/15/20	800	2.559%	\$98.02	5,870,000
	11/22/19	11/15/20	359	1.485%	\$98.60	5,000,000
	08/07/18	11/15/20	831	2.570%	\$98.20	6,530,000
	11/22/19	11/30/20	374	1.510%	\$100.11	5,000,000
	08/07/18	01/15/21	892	2.584%	\$98.63	6,530,000
	11/22/19	02/15/21	451	1.556%	\$98.15	5,000,000
	05/29/20	04/15/21	321	0.080%	\$102.00	4,900,000
	08/07/18	05/15/21	1,012	2.605%	\$100.05	4,750,000
	01/15/20	06/30/21	532	1.501%	\$99.46	3,000,000
	08/07/18	07/15/21	1,073	2.624%	\$100.00	4,750,000
	01/15/20	07/31/21	563	1.508%	\$99.42	2,500,000
	12/17/18	08/15/21	972	2.670%	\$100.20	6,000,000
	01/15/20	08/31/21	594	1.515%	\$99.98	2,500,000
	01/15/20	09/30/21	624	1.517%	\$99.97	2,500,000
	08/18/20	10/15/21	423	0.098%	\$103.21	6,500,000
	05/28/20	10/15/21	505	0.085%	\$103.85	3,600,000
US Government-Sponsored Enterprises (Total):						
	08/07/18	09/28/20	784	2.550%	\$97.57	6,780,000
	11/22/19	12/22/20	396	1.519%	\$100.09	5,000,000
	08/07/18	12/28/20	875	2.587%	\$98.36	6,530,000
	08/07/18	02/15/21	924	2.647%	\$102.98	1,200,000
	08/07/18	03/12/21	949	2.646%	\$97.77	4,750,000
	05/15/20	04/13/21	333	0.076%	\$102.21	4,950,000
	08/07/18	04/19/21	987	2.682%	\$99.92	4,750,000
	05/29/20	05/06/21	342	0.091%	\$101.08	5,000,000
	05/15/20	05/12/21	362	0.082%	\$100.01	5,000,000
	08/07/18	06/11/21	1,040	2.665%	\$102.61	4,750,000
	03/30/20	06/22/21	449	0.425%	\$102.84	2,260,000
	03/30/20	07/07/21	464	0.424%	\$101.84	2,260,000
	03/30/20	08/12/21	500	0.412%	\$100.97	2,260,000
	01/15/19	09/10/21	974	2.500%	\$101.27	6,000,000
	05/28/20	11/19/21	540	0.100%	\$102.25	3,000,000
Commercial Paper						
	04/23/20	10/20/20	180	0.602%		3,400,000
Total Investments outside of Local Government Investment Pool:						<u>\$ 146,820,000</u>

<u>Local Government Investment Pool:</u>	<u>Average Annualized Rate</u>	
General Account	1.00%	\$ 12,670,010
Debt Service Account	1.00%	4,977
<u>Debt Service Account - GO 2018 Bond Series</u>	1.00%	<u>30,289,587</u>
Subtotal LGIP <sup>1</sup>		\$ 42,964,574
<u>Pension Bond Debt Service Account:<sup>2</sup></u>	1.00%	<u>\$ 277,359</u>
 <u>Total Investments</u>		 <u>\$ 190,061,933</u>

1. The maximum amount (in any combination of accounts) that the Local Government Investment Pool (LGIP) allows in an account is \$50,400,000
2. The Pension Bond Debt Service Account is outside of the LGIP limit, and collects the PERS intercept payments from the Basic School Fund for payment

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Compliance with Investment Policy

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<u>Type of Investment</u>	<u>Maximum % of Portfolio per Policy DFA</u>	<u>Current Percent</u>
U.S. Treasury Obligations	100.0%	41.5%
U.S. Government Agency Securities and Instrumentalities of Government-sponsored Corporations	90.0%	33.9%
State of Oregon Local Investment Pool	100.0%	22.8%
Bankers Acceptances	25.0%	0.0%
Repurchase Agreements	25.0%	0.0%
Certificates of Deposits	50.0%	0.0%
Commercial Paper	10.0%	1.8%
State of Oregon and Oregon Local Government Securities	25.0%	0.0%
<b>TOTAL</b>		<b>100.00%</b>

**Benchmarks as of 8/31/20:**

3 Month U.S. Treasury Yield Curve Rate	0.11%
3 Month Jumbo Certificate of Deposit Rate	0.79%

Corvallis School District 509J  
 Schedule of Cash Disbursements greater than or equal to \$1,000  
 For the period of August 1 to August 30, 2020

Vendor by Fund and Object	Check Total
<b>100 - General Fund</b>	
<b>Charter School Payments</b>	
INAVALE COMMUNITY PARTNERS, INC	90,400.00
<b>Computer Software</b>	
AMPLIFIED IT LLC	7,734.00
APEX LEARNING	46,875.00
CAMBIUM LEARNING INC	9,790.00
FOLLETT SCHOOL SOLUTIONS, INC	28,857.00
OETC	6,700.00
RENAISSANCE LEARNING, INC	63,318.98
<b>Consumable Supplies and Materials</b>	
AMERICAN FLOOR SANDING	6,538.80
CDW GOVERNMENT	2,112.30
DELL MARKETING LP	3,092.59
DOCNETWORK INC	5,581.16
FRED MEYER CUSTOMER CHARGES	2,125.86
GRAINGER	1,235.40
GRAYBAR ELECTRIC COMPANY INC	1,570.10
GTS INTERIOR SUPPLY	2,480.96
HOME DEPOT CREDIT SERVICES	2,880.27
MARK ONE	1,460.00
OFFICE DEPOT, INC	6,589.40
ORION MEDICAL SUPPLY INC	3,775.00
PACIFIC SPORTS TURF, INC	2,700.00
PLATT ELECTRIC SUPPLY CO	2,154.58
RESILITE SPORTS PRODUCTS INC	16,095.89
RJH ENTERPRISES, INC	1,138.00
SHIRT CIRCUIT	2,242.00
<b>Electricity</b>	
CONSUMERS POWER INC	5,108.70
PACIFIC POWER	18,405.16
<b>Garbage</b>	
REPUBLIC SERVICES	5,649.85
<b>Legal Services</b>	
LUVAAS COBB	2,752.50
<b>Other Communication Services</b>	
COMCAST/INSTITUTIONAL NETWORKS	20,619.91
T-MOBILE	1,980.00
<b>Other Employee Benefits</b>	
Ehresman, Karen R	1,500.00
<b>Other Non-instructional Professional and Technical</b>	
ABIDE WEB DESIGN	1,869.00

Corvallis School District 509J  
Schedule of Cash Disbursements greater than or equal to \$1,000  
For the period of August 1 to August 30, 2020

Vendor by Fund and Object	Check Total
CAREERSTAFF UNLIMITED	1,224.00
<b>Other Professional Services - Certified Subs</b>	
EDUSTAFF	1,938.85
<b>Printing and Binding</b>	
HUBCITY GRAPHICS	1,501.85
<b>Redemption of Principal</b>	
APPLE FINANCIAL SERVICES	65,925.00
FIFTH THIRD BANK	36,747.20
<b>Regular Interest</b>	
FIFTH THIRD BANK	3,410.14
<b>Rentals</b>	
BEST POTS INC - ALBANY	1,360.50
CORVALLIS RENTAL EQUIPMENT INC	2,554.44
SPECIAL OCCASIONS	2,490.75
<b>Repairs and Maintenance Services</b>	
EC ELECTRIC	2,540.07
PACIFIC SPORTS TURF, INC	9,039.00
REXIUS	16,565.00
W L THOMAS ENVIRONMENTAL, LLC	14,480.00
<b>Technology Taggable Equip &lt;\$5,000</b>	
APPLE INC	12,665.00
CTX - XEROX	39,659.00
DELL MARKETING LP	32,213.27
EDNETICS INC	3,135.92
<b>Telephone</b>	
AT&T MOBILITY-ACCT#837370420 (TECH)	2,628.14
CENTURYLINK	1,203.42
CENTURYLINK.	3,059.34
<b>Textbooks</b>	
GREAT MINDS LLC	19,545.05
INGRAM LIBRARY SERVICE	4,958.20
SAVVAS	13,661.73
WAYSIDE PUBLISHING	5,194.26
<b>Water and Sewage</b>	
CITY OF CORVALLIS	41,375.25
<b>100 - General Fund Total</b>	<b>714,407.79</b>
<b>204 - District Donation Fund</b>	
<b>Consumable Supplies and Materials</b>	
GROCERY OUTLET - CORVALLIS	2,494.79
<b>204 - District Donation Fund Total</b>	<b>2,494.79</b>
<b>208 - Designated Facilities Fund</b>	
<b>Buildings Acquisition</b>	

Corvallis School District 509J  
 Schedule of Cash Disbursements greater than or equal to \$1,000  
 For the period of August 1 to August 30, 2020

Vendor by Fund and Object	Check Total
GERDING BUILDERS, LLC	103,638.64
<b>208 - Designated Facilities Fund Total</b>	<b>103,638.64</b>
<b>296 - Grants Fund</b>	
<b>Architect/Engineer Services</b>	
DLR GROUP	18,049.48
<b>Buildings Acquisition</b>	
BALDWIN GENERAL CONTRACTING INC	171,309.37
<b>Other Non-instructional Professional and Technical</b>	
PACIFIC EDUCATIONAL GROUP INC	3,500.00
<b>296 - Grants Fund Total</b>	<b>192,858.85</b>
<b>297 - Student Body Funds</b>	
<b>Cash Donations to Other Agencies</b>	
CHILDREN'S MIRACLE NETWORK	4,472.63
JACKSON STREET YOUTH SHELTER	4,472.00
OLD MILL CENTER	4,472.00
<b>Printing and Binding</b>	
LIFETOUCH	2,313.03
<b>297 - Student Body Funds Total</b>	<b>15,729.66</b>
<b>298 - Designated Revenue Fund</b>	
<b>Buildings Acquisition</b>	
DLR GROUP	2,585.00
<b>Consumable Supplies and Materials</b>	
CTL CORPORATION	1,100.00
<b>298 - Designated Revenue Fund</b>	<b>Total</b>
	<b>3,685.00</b>
<b>299 - Food Service Fund</b>	
<b>Food - Food Service Only</b>	
DUCK DELIVERY PRODUCE INC	2,988.35
LOCHMEAD DAIRY	4,133.42
<b>Inventories</b>	
US FOODS INC	4,052.00
<b>Repairs and Maintenance Services</b>	
COOLSYS COMMERCIAL & INDUSTRIAL SOLUTION	3,751.54
<b>299 - Food Service Fund</b>	<b>Total</b>
	<b>14,925.31</b>
<b>405 - 2018 Series GO Bond Proceeds Fund</b>	
<b>Architect/Engineer Services</b>	
BRENDLE GROUP INC	1,663.50
DLR GROUP	334,070.48
PIVOT ARCHITECTURE	44,026.94
WENHA GROUP INC	103,957.79
<b>Buildings Acquisition</b>	
BUREAU OF LABOR AND INDUSTRIES	7,930.07
CITY OF CORVALLIS - PARKS & RECREATION	12,544.00

Corvallis School District 509J  
Schedule of Cash Disbursements greater than or equal to \$1,000  
For the period of August 1 to August 30, 2020

<b>Vendor by Fund and Object</b>	<b>Check Total</b>
CONSUMERS POWER INC	45,340.00
CONVERGINT TECHNOLOGIES	7,415.00
COOLSYS COMMERCIAL & INDUSTRIAL SOLUTION	7,101.39
EDNETICS INC	13,558.86
ELEVATE BUILDING COMMISSIONING LLC	5,250.00
FORTIS CONSTRUCTION	832,954.90
GERDING BUILDERS, LLC	251,811.84
LLAMA MOVERS LLC	6,987.00
WILLAMETTE VALLEY PLANNING, LLC	18,249.00
<b>405 - 2018 Series GO Bond Proceeds Fund Total</b>	<b>1,692,860.77</b>
<b>Grand Total</b>	<b>2,740,600.81</b>

## C. POLICIES - FIRST READ



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board  
Prepared by: Olivia Meyers Buch  
Meeting Date: October 8, 2020

### **NO ACTION REQUIRED**

#### Board Policy DA—Fiscal Policies—For Information Only—First Reading

##### Background

Fiscal policies clarify and crystalize the intent behind how a district will manage its financial resources. While districts should always comply with relevant laws and regulations promulgated by federal and state government, laws and regulations alone do not provide sufficient guidance for the board and staff to work together, optimally, towards the district's goals. Policies go further by establishing local standards for acceptable and unacceptable courses of financial action, parameters in which the district can operate, and a standard against which the district's fiscal performance can be judged.

Board policy DA was originally adopted by the board in December 2007, readopted in February 2011 and June 2013, and then revised in October 2018. The current policy covers a wide array of fiscal policy topics including general fund ending fund balance, use and replenishment of reserves, notice of shortfall, definition of a balanced budget, one-time nonrecurring revenues, financial reports, revenue forecasting, and year end budget surplus.

A review and analysis of the current policy was recently completed by the Business Services Department using the following resources:

- *Oregon School Boards Association (OSBA) Policy Services*  
OSBA highly recommends a [Policy DBDB](#) to establish and designative level of fund balance.
- *Government Finance Officers Association (GFOA) Best Practices in School Budgeting Step 1B - Develop Principles and Policies to Guide the Budget Process*
- *Other Oregon School District Policies*  
[Portland \(8.10.025-P\)](#), [Beaverton \(DBDB\)](#), [Tigard-Tualatin \(DBDB\)](#), [Lake Oswego \(DBDB\)](#), [Ashland \(DBDB\)](#), [McMinnville \(DA\)](#)

With specific regard to the level of general fund ending fund balance, the GFOA recommends, at a minimum, that governments maintain an unreserved (not earmarked for a specific purpose) ending fund balance of no less than five to fifteen percent of its general

fund operating revenues, or of no less than one to two months of regular general fund operating expenditures.

In general practice, levels of fund balance, typically, are less for larger governments than for smaller governments because of the magnitude of the amounts involved and because the diversification of their revenues and expenditures often results in lower degrees of volatility. Higher levels of unreserved fund balance may be needed if significant revenue sources are subject to unpredictable fluctuations or if operating expenditures are highly volatile. Due to the volatility of state revenues and PERS employer contribution rates, devoid of any significant changes concerning state taxation or PERS, the Business Services Department believes that the district's current policy designations and targets are set at an appropriate level.

#### Recommendation

The Business Services Department recommends a review of Policy DA, preserving the existing ending fund balance designations and targets.

#### Function

No revisions proposed or needed at this time. Review of current policy.

## Fiscal Policies

### 1. General Fund Ending Fund Balance

The Corvallis School District 509J School Board works to ensure that the district delivers the best educational program available within the constraint of well-managed resources. To offer such a program the Board recognizes the importance of a budget that delivers sustainable levels of instruction, staffing, number of instructional days and maintenance of facilities.

The State of Oregon has a volatile tax structure which results in unstable levels of school funding. This instability can cause a significant variance in the level of programs school districts are able to financially support. Until such time that the state creates a stable funding system that will see Oregon schools through recessionary periods, the Board directs the superintendent to propose a budget that will allow for sustainability over a five-year period.

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

- a. Allow the district to deliver a sustainable level of programs through anticipated recessionary periods;
- b. Protect the district from unnecessary borrowing in order to meet cash-flow needs;
- c. Provide prudent reserves to meet unexpected emergencies and protect against catastrophic events;
- d. Meet the uncertainties of state and federal funding; and
- e. Help ensure a district credit rating that would qualify the district for lower interest costs and greater marketability of bonds that may be necessary in the construction and renovation of school facilities.

Consequently, the Board directs the superintendent to include in the annual proposed budget designations to ensure an ending fund balance as follows:

- a. Appropriated Contingency Reserve of two and a half percent (2.5%) of the General Fund total resources net of the beginning fund balance;

- b. Appropriated Rainy Day Reserve of five percent (5.0%) of the General Fund total resources net of beginning fund balance;
- c. Unappropriated Ending Fund Balance of five percent (5.0%) of the General Fund total resources net of the beginning fund balance; and
- d. Targeted Reserves Ending Fund Balance as may be allocated and designated for specified purposes such as a reserve to offset future PERS employer contribution rate increases, a reserve to offset a 50/50 biennial State School Fund allocation, or a reserve for equipment replacements.

2. Use and Replenishment of Reserves

- a. Appropriated Contingency Reserve may be used for unanticipated expenditures or for emergencies.
- b. Appropriated Rainy Day Reserve funds may be used to address adverse economic conditions which negatively affect the district's revenues and ability to meet the needs of students
- c. Unappropriated Ending Fund Balance is unavailable for expenditures as not appropriated.
- d. Targeted Reserves Ending Fund Balance may be used for specified purposes as designated.

In the event the Board authorizes use of reserves, the superintendent shall propose a plan to restore budget sustainability and replenish reserves within three years of use. At least fifty percent (50%) of unanticipated revenues, exclusive of State School Fund grant or other non-General Fund revenue, shall be dedicated to replenish reserves to target levels.

3. Notice of Shortfall

Should the projected ending fund balance for the current and ensuing fiscal year fall below target levels, the superintendent will notify the Board and propose a corrective plan of action to prevent or limit any further erosion of the fund balance, including measures to increase balances to target levels if possible. The plan will be submitted to the Board for consideration and action.

4. Definition of a Balanced Budget

The budget should be structurally balanced, where recurring revenues equal or exceed recurring expenditures. The annual proposed budget presentation will identify how recurring revenues are aligned with or not aligned with recurring expenditures.

5. One-Time Nonrecurring Revenues

One-time resources should be used for one-time expenditures that will not create a continuing obligation for the district or an unsustainable level of expenditures and should not be expended before revenues are received.

6. Financial Reports

The Board will receive regular financial reports that include estimates of expenditures for the district's various funds in comparison to budget appropriations, actual receipts in comparison to budget estimates and provide an update on the district's overall financial condition. Reports will keep the Board informed of significant changes impacting the district's overall financial condition due to changes such as state funding, demographics or other key factors. Supplementary reports will be furnished as needed or upon request by the Board or superintendent.

7. Revenue Forecasting

All revenue forecasts shall be based on conservative assumptions, though reflective of the latest, best information available. Revenue estimates shall be made through an objective, analytical process. The district will not include revenue in budget preparation that cannot be verified with documentation of its source and amount. Key assumptions will be presented in the budget document.

8. Year End Budget Surplus

To encourage responsible expenditure of budgets, fifty percent (50%) of unused budget appropriations for the General Fund will be made available to schools or departments in the following year, or an alternative rate as recommended by the superintendent in the proposed budget document and as adopted by the Board. The Board believes that the current budget allocations should benefit primarily current year students.

END OF POLICY

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Legal Reference:

[ORS 332.107](#)



# Corvallis

## SCHOOL DISTRICT

Prepared for: Corvallis School Board

Prepared by: Erika Cook

Meeting Date: October 8, 2020

**NO ACTION REQUIRED**

[Administrative Regulation GBN/JBA-AR\(2\)](#)— Federal Law (Title IX) Sexual Harassment Complaint Procedure—New—First Reading

[Administrative Regulation JBA/GBN-AR\(2\)](#)— Federal Law (Title IX) Sexual Harassment Complaint Procedure—New—First Reading

### Background

The updates issued for policy and administrative regulations for sexual harassment result from release of revised Federal regulations for Title IX protections, and the release of updates to Oregon Administrative Rules revised to reflect new Oregon statute adopted in the 2019 Legislative session amending Oregon's sexual harassment definition and its policy and procedures requirements. Members will need to consider the urgency of adoption of these new recommended revisions to update procedures for complaints and investigations of sexual harassment reports or complaints for the coming school year. In compliance with these new recommended policy and administrative regulations, members need to consider which definition of sexual harassment a reported incident or complaint may align with and follow recommended procedure, and whether the reported incident or complaint may need to be investigated and processed under both State and Federal law established procedures.

As stated previously, all recommended revisions are effective for the coming school year, and specifically, the revised Title IX regulations become effective August 14, 2020. The timeline for new policy and procedures identified above should be considered urgent. Members should consider language in current board policy BFC - Adoption and Revision of Policies.

These policies were last updated on 2/7/2019, the administrative regulations were last updated on 1/10/2019. Policies and administrative regulations are required. Revisions to delete and replace were sent from OSBA on 7/1/2020.

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At the Board meeting on September 10, the Board raised questions specifically about the section of AR(2) titled "Dismissal of a Formal Complaint". The Board would like to know more about the following two sentences:

1. "The district must dismiss a formal complaint (when it)... 2. **Did not occur in the district's educational program or activity**". Why is this statement so vague? What about sexual harassment that occurs over email or electronic communications?

This language comes directly from 34 CFR 106.45(b)(3): page 30576 - <https://www.govinfo.gov/content/pkg/FR-2020-05-19/pdf/2020-10512.pdf>

The law requires that if the district determines that the conduct does not meet the Title IX definition of sexual conduct, then the district has to make a determination that it is not Title IX sexual harassment, and dismiss it from the Title IX (Federal) process. This does not mean that the district should stop and dismiss the investigation.

Consider the following example:

District gets a report of sexual harassment in the form of social media posts. The district would evaluate that complaint, and determine which complaint procedures should be used. It is possible that the conduct could rise to both the Oregon sexual harassment and Title IX sexual harassment definitions, as well as other definitions. Consequently, the district would investigate and process the complaint in accordance with multiple complaint procedures simultaneously. If at some point in the investigation, the district determines that it does not meet the Title IX definition (including because the conduct did not occur at a district activity), then the Title IX investigation process no longer needs to occur. However, the district will continue to investigate under the Oregon sexual harassment procedure, and any other procedures that are applicable. Dismissal under Title IX does not mean that all investigations into the conduct ceases. The district could choose to use the Title IX sexual harassment procedures for every sexual harassment complaint, but because that procedure is more burdensome, we think that most districts will want to use it only when required to.

There is ambiguity, especially when dealing with off-campus social media posts. Administrators will need to make determinations based on individual situations, but generally, if the only conduct in question is a social media post that has no nexus to the district, then the harassment may not fall into Title IX.

2. "The district must dismiss a formal complaint (when it)... 3. **Did not occur against a person in the United States**". What about district sponsored activities hosted in other countries? For example students on an exchange program or on an extended trip?

Similar to the previous answer, a dismissal of the Title IX portion of the complaint does not mean that the investigation is over. The Oregon procedure would still apply as it covers "any school-sponsored or district-sponsored activity or program" and persons who "are off school or district property" when it results in a hostile school environment.

## Involvement

District staff: Melissa Harder, Erika Cook and Jennifer Duvall.

Cost Impact

None.

Function

Reading of comments.



Code: GBN/JBA-AR(2)  
Adopted:  
Revised/Readopted:

## **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.<sup>1</sup>

“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 respondent<sup>2</sup> and requesting that the district investigate the allegation of sexual harassment.<sup>3</sup>

“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.<sup>4</sup> 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.

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<sup>1</sup> This standard is not met when the only official with knowledge is the respondent.

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

<sup>3</sup> 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.

<sup>4</sup> 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.

## **Formal Complaint Procedures**

Upon receipt of a formal complaint, the district will provide the parties<sup>5</sup> written notice of the following:

1. Notice of the district's grievance process, including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details<sup>6</sup> 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.<sup>7</sup>
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.

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<sup>5</sup> Parties include the complainant and the respondent, if known.

<sup>6</sup> 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.

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

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.<sup>8</sup> 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. 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.<sup>9</sup> 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 questions<sup>10</sup> 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.

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<sup>8</sup> 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.

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

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

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.

The standard to be used for formal complaints in determining whether a violation has occurred is the preponderance of the evidence<sup>11</sup> 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.

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<sup>11</sup> 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.

## **Remedies**

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions<sup>12</sup> 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;
4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.,<sup>13</sup>

Other remedies may include:

5. Educational programming.

## **Dismissal of a Formal Complaint**

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

1. Would not constitute sexual harassment, even if proved;
2. Did not occur in the district's education program or activity<sup>14</sup>; 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.

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

<sup>13</sup> It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be "non-disciplinary" and "non-punitive."

<sup>14</sup> Includes locations, events, or circumstances over which the district exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. (Title 34 C.F.R. §106.44(a))

**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:

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 15 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 cause<sup>15</sup> 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).<sup>16</sup>

### **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

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<sup>15</sup> 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))

<sup>16</sup> 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.

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.



Code: JBA/GBN-AR(2)  
Adopted:  
Revised/Readopted:

## **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.<sup>1</sup>

“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 respondent<sup>2</sup> and requesting that the district investigate the allegation of sexual harassment.<sup>3</sup>

“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.<sup>4</sup> 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.

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<sup>1</sup> This standard is not met when the only official with knowledge is the respondent.

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

<sup>3</sup> 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.

<sup>4</sup> 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.

## **Formal Complaint Procedures**

Upon receipt of a formal complaint, the district will provide the parties<sup>5</sup> written notice of the following:

1. Notice of the district's grievance process, including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details<sup>6</sup> 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.<sup>7</sup>
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.

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<sup>5</sup> Parties include the complainant and the respondent, if known.

<sup>6</sup> 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.

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

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.<sup>8</sup> 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. 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.<sup>9</sup> 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 questions<sup>10</sup> 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.

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<sup>8</sup> 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.

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

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

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.

The standard to be used for formal complaints in determining whether a violation has occurred is the preponderance of the evidence<sup>11</sup> 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.

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<sup>11</sup> 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.

## **Remedies**

The Title IX Coordinator is responsible for effective implementation of any remedies.

The disciplinary sanctions<sup>12</sup> 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;
4. Discipline up to and including termination, in accordance with laws, agreements, contracts, handbooks, etc.,<sup>13</sup>

Other remedies may include:

5. Educational programming.

## **Dismissal of a Formal Complaint**

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

1. Would not constitute sexual harassment, even if proved;
2. Did not occur in the district's education program or activity<sup>14</sup>; 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.

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

<sup>13</sup> It is important to keep supportive measures separate from disciplinary sanctions. Supportive measures must be "non-disciplinary" and "non-punitive."

<sup>14</sup> Includes locations, events, or circumstances over which the district exercised substantial control over both the respondent the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. (Title 34 C.F.R. §106.44(a))

**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:

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 15 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
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4. Ensure the decision-maker for the appeal is free from conflicts of interest and bias;
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**XVI. BOARD MEMBER COMMENTS (8:50 p.m.)\***

**XVII. ADJOURNMENT (9:00 p.m.)\***

\*All times are approximate.

*Note: The Chair of the Board may alter the order of business as they deem proper and necessary.*

Agendas – Agendas and supporting materials are available online at <https://v3.boardbook.org/Public/PublicHome.aspx?ak=1000829> a few days before each School Board meeting. For more information, please contact Julie Catala at [kimberly.nelson@corvallis.k12.or.us](mailto:kimberly.nelson@corvallis.k12.or.us).

Communication With The School Board – Communication with the Board can be made by telephone, letter, e-mail and public testimony. Letters may be addressed to individual Board members or the Board as a whole and sent to 1555 SW 35<sup>th</sup> Street, Corvallis, OR 97333. E-mail may be sent to [schoolboard@corvallis.k12.or.us](mailto:schoolboard@corvallis.k12.or.us) and will be sent to all board members simultaneously as well as to key District Office staff. For more information, please contact Kim Nelson at [kimberly.nelson@corvallis.k12.or.us](mailto:kimberly.nelson@corvallis.k12.or.us).

Consolidated Action Agenda – The purpose of the consolidated action agenda is to expedite action on routine agenda items. All agenda items that are not held for discussion at the request of a Board member or staff member will be approved/accepted as written as part of the consolidated motion. Items designated or held for discussion will be acted upon individually.

Public Comment – Guidelines are at: <https://www.csd509j.net/about-us/school-board/provide-input-and-be-informed/>

Executive Session – Permissible purposes of Executive Sessions include: ORS 192.660(2)(a) – Employment of Public Officers, Employees and Agents; ORS 192.660(2)(b) – Discipline of Public Officers and Employees; ORS 192.660(2)(d) – Labor Negotiator Consultations; ORS 192.660(2)(e) – Real Property Transactions; ORS 192.660(2)(f) – Exempt Public Records; ORS 192.660(2)(h) – Legal Counsel; ORS 192.660(2)(i) – Performance Evaluations of Public Officers and Employees; ORS 192.660(2)(j) – Public Investments.

<b>SCHOOL BOARD MEMBERS</b>			
Vincent Adams	541-738-4324	Terese Jones	541-230-1673
Sami Al-Abdrabbuh	541-283-6611	Shauna Tominey, Co-Vice Chair	541-829-8411
Tina Baker	541-223-1997	Luhui Whitebear, Co-Vice Chair	541-632-3568
Sarah Finger McDonald, Chair	541-908-3756		

<b>EXECUTIVE STAFF MEMBERS</b>	
Ryan Noss, Superintendent	541-757-5841
Melissa Harder, Assistant Superintendent	541-766-4857
Olivia Meyers Buch, Finance and Operations Director	541-757-5874
Jennifer Duvall, Human Resources Director	541-757-5840
Kim Nelson, Executive Assistant to the Superintendent; Board Secretary	541-757-5841