



## Beaverton School Board Business Meeting

District Office  
 1260 NW Waterhouse Avenue  
 Beaverton, Oregon 97006  
 Tuesday, October 24, 2023 7:00 PM  
 Video Stream: [www.youtube.com/beavertonschools](http://www.youtube.com/beavertonschools)  
 Meeting Materials: [beavertonsd.org/boardmeetings](http://beavertonsd.org/boardmeetings)

### AGENDA

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- A. Closing Comments
- B. Adjourn

**ITEM FOR INFORMATION****RECOGNITIONS****SUMMARY**

Beaverton School District recognizes the following individuals for their outstanding achievement and contributions to the district and the community.

**DESCRIPTION****Smashing Barriers**

Sunset High School junior Rohan Shah is working to encourage a love of tennis and increased confidence in local area youth with his nonprofit [Smashing Barriers](#). The organization's aim is to change and advance the lives of young people through tennis, while helping remove racial, economic and social barriers to success in the sport.

**Migrant Educator of the Year**

Sirenia Gonzalez has been named the Migrant Educator of the Year by the Oregon Department of Education. Sirenia was selected for this prestigious award for her distinguished work as BSD's Migrant Education Program Pre-K Specialist. In this role, Sirenia has been an outstanding supporter of BSD's pre-K students, their families and the overall Migrant Education Program.

**Outstanding PLTW Administrator Award**

Diane Fitzpatrick, principal of Beaverton Academy of Science and Engineering (BASE), has earned the 2023–24 Outstanding Project Lead the Way (PLTW) Administrator Award. The award honors Diane's commitment to providing students with meaningful learning experiences through PLTW programs. Diane is one of only 14 administrators across the U.S. to earn the award.

**RECOMMENDATION**

The board recognizes Rohan Shah, Sirenia Gonzalez and Diane Fitzpatrick for their outstanding contributions to the district and the community.

**Belong. Believe. Achieve.**

**PUBLIC COMMENTS**

Written comments were accepted by online form submission from 12 p.m. on Friday, October 20, 2023, through 12 p.m. on Tuesday, October 24, 2023. The following comments followed all the posted guidelines listed on the form and below.

- One comment per person. Comments are limited to 1,000 characters per person.
- The board will not hear charges or complaints against any district employee. District staff and board members cannot be named specifically in testimony.

First Name	Last Name	Association with BSD	Comments:
Cassi	M	Staff Member	I have been a special education teacher in the Beaverton School District since 2019. I love my job and what I do. However, I feel like the district is not supporting special education staff and students as well as they could be. My role is a resource room teacher, and my caseload is growing due to evaluations and move in students. I believe there should be a caseload cap for special education teachers. Also, the district should look at service minutes for each student. I have some students that only have 45 minutes of direct instruction per week. I also have some students with over 300 minutes of direct instruction a week. Each student should be looked at individually. I know that by providing additional support, such as a para, I would be able to do my job more effectively. Consider putting BSD staff and students as a priority. BSD prides itself on making sure students succeed. Help teachers make that happen by providing support.
Jen	H	Parent/guardian	Distinguished Board Members, Please take a moment to consider the impact of class size on young students at Fir Grove Elementary. The school has many talented teachers and staff members, but those adults are only able to be in one place each moment. Fir Grove is a highly impacted Title 1 School, and the needs in each classroom are so much greater than what even the most talented human is capable of meeting. School is not as you remember it. The students don't obediently sit still facing the front of the room while a teacher lectures at them. That's not how learning happens. Fir Grove staff are excellent at getting students engaged

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*The District prohibits discrimination and harassment based on any basis protected by law, including but not limited to, an individual's actual or perceived race, color, religion, sex, sexual orientation, gender identity, gender expression, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, veterans' status, or because of a perceived or actual association with any other persons within these protected classes.*

			and involved in their own creation of learning, but this is a much more complex process than how school used to be. Please visit a classroom. Please notice all the things each teacher attends to every moment. Our students' needs are being missed because the class sizes are unreasonable. Please hire more adults for the classrooms. Thank you.
Rosanne	Freer	Staff Member	We must immediately adjust the staffing ratios to provide lower caseloads for special educators, school psychologists, counselors, and speech language pathologists in order for them to better serve our students and meet their needs. Our students deserve the best and we must provide the supports for educators to do that. I often see our sped support staff go without lunch, plan time and often spend most of their day helping children in the bathroom. We need a para 2 brought back for our resource room teacher.
Jodie	Kester	Staff Member	We need to have clear and concise communication from BSD about the processes for evaluating students for IEP services and alternative placements. Without clear communication there is a lack of equity of supports students receive. It has been very frustrating in getting information that changes from one week to the next about what assessments are needed. IEPs are created to give the student the most success in their education, but when the information from BSD is conflicting or changes, the student's needs are not being met. Clear and concise communication would lessen this issue.
Tiffany	Schiff	Parent/guardian	I am writing concerning extremely large class sizes at Fir Grove. We adore this little school However, our 2nd grade son is in a class with over 30 students. He is unable to focus and learn in this chaotic environment. Every day he struggles to stay focused and progress like he should. Not only this, he isn't able to bond with his teacher properly. She is wonderful, but stretched WAY too thin. I can't imagine she gets to school with any energy to start the day after in this extremely draining environment. She hasn't been set up to succeed whatsoever. We need more teachers like her in our little title 1 school. It's such a welcoming place to be, and has been for years. -This is my second student who is attending, and I wouldn't send my kid anywhere else. It's just not being nurtured the way it should be. There is so much support and so much value in a diverse school like this. Come and see it for yourself, the problems they face should be solved. Assistants in large class sizes would help
Emily	Wolverton	Parent/guardian	I was in the copy room at Fir Grove the first month of school when a teacher I did not know came in looking already burnt out. This was only days into our school year this year. I asked if they were ok, & they shared they had over 30 kids in their class & could barely physically fit them all in the room let alone give them the attention they need to be successful in their learning. We are a Title 1 school with a diverse range of need at our school. This teacher was visibly distraught & could tell that I cared about how they were feeling. They really needed someone to care and listen, and telling this story to you is my way of helping them. I care about my child, classmates and their learning, but this moment with this teacher made me realize that student learning starts with supported teachers so they can do what they do best. We have a wonderful

			community at Fir Grove & I want our very talented & dedicated teachers to not get burnt out so they can be there for my kids. Thank you.
Shannon	Baggerman	Parent/guardian	I am the mother of a kindergartner and second grader at Fir Grove Elementary. I work full time and volunteer weekly in the classroom for my daughters. I do this because I want Beaverton to have great schools and my child to have a great experience. This year I have witnessed the effect of the large class sizes, 30+ in the classrooms. Fir Grove is a highly impacted Title 1 school, with an incredible diverse group of students. With that comes unique needs of individuals and families. I see these amazing teachers doing their best to educate this young group, and at the same time struggle to manage the needs of individuals and the different levels of knowledge. The classroom is so crammed, that there are times lessons can't even be done in small groups because there isn't enough room for the children to sit in a circle in the classroom. Please take up the issue of class size in Title 1 schools and make sure equity is taken into account when deciding teacher/funding allocation.
Troy	Baggerman	Parent/guardian	I am the parent of a kindergartener and second grader at Fir Grove Elementary. This year I am witnessing the impact of large class sizes in our title one school. I have a kindhearted, quiet child that is needing more support than she is getting in a class size of 30. She is not a child with behavioral needs, she is someone that just needs a little more support to process and apply the learning concepts. In the few months of being at school, I have seen this bright spirited child's confidence drop everyday. She comes home saying, "Everyone can read better than me" or "X said I have the worst work". I have seen how worn out and exhausted this amazing teacher is. Kids are needing more attention and direction than they can get in that class size. I'm asking that the school board take an active look at the class sizes at our school and specifically the Title One Schools. Is there an equity lens that is taken when looking at funding and class sizes for schools?
Adam	Oyster-Sands	Staff Member	We must immediately adjust the staffing ratios to provide lower caseloads for special educators, school psychologists, counselors, and speech language pathologists in order for them to better serve our students and meet their needs. Our students deserve the best and we must provide the supports for educators to do that. Our educators are too overwhelmed with large caseloads to give our students the individualized attention the need and deserve. Students are falling through the cracks and it's creating an unsafe environment in our schools. They, students and staff, deserve better.
Brian	Hunt	Staff Member	Being that it's a bargaining year, it is time to form a Class Size Committee within the district. See wording from Tigard-Tualatin: The District and the Association will create a joint Class Size/Caseload Committee per SB580. The committee will be made up of equal representation from the Association and District. This committee shall be co-facilitated and be comprised equally of representatives from both parties. The committee will meet to review class sizes/caseloads for schools that qualify for assistance under Title I of the federal Elementary and

			Secondary Education Act of 1965. The committee will consider options and formulate recommendations to the Board for consideration following forecasting and before budgetary process is completed. The Class Size/Caseload Committee will strive to set reasonable class sizes/caseloads.
David	Reynolds	Staff Member	My colleagues downstairs are forced to deal with the Para 2 shortage by giving up lunch and plan time to ensure student safety. They are not obligated to do so by anything other than their conscience, but asking these caring professionals to turn their backs and say, "This is the district's problem, not mine" - and then somehow productively use time to plan - is absurd. This is not a way to live.
Tymon	Emch	Staff Member	The newcomer program needs more staffing and funding. Currently, it is full at BHS, and students who recently immigrated to the US are placed into non-newcomer classes where they are left to sink or swim.
Mary	Bengel	Staff Member	In order to support the education and safety of all students, I would hope to see equitable resources and supports given to our special education staff.
Ryan	Buckley	Staff Member	We must immediately increase the number of paraprofessional positions in our district in order to provide students with the supports that they need and deserve as well as keep all safe in our community.
Andrew	Evans	Staff Member	Please respect the plan time and lunch time for our educators who are supervising special education students. They should not have to choose between their care of the students and their own health and well-being.
Terry	Cherney	Staff Member	I have been an employee of BSD since 2008 and I have had the privilege of working with students with special needs all these years. For the last 15 years, BSD has cut specialized programs and reduced special education staffing from the district level to the classified staff. Our students deserve more. We need to immediately increase the number of paraprofessional positions and increase and incentivize their pay in our district in order to provide students with the support that they need and deserve as well as keep all safe in our community.
Ken	C	Parent/guardian	1) Increase the number of paras positions (both para 2 and para 1s to support special education and gen ed students) Example: "We must immediately increase the number of paraprofessional positions in our district in order to provide students with the supports that they need and deserve as well as keep all safe in our community" 2) Adjusted staffing ratios to provide lower caseloads for special educators, school psychologists, counselors, and speech-language pathologists Example: "We must immediately adjust the staffing ratios to provide lower caseloads for special

			<p>educators, school psychologists, counselors, and speech-language pathologists in order for them to better serve our students and meet their needs. Our students deserve the best and we must provide the supports for educators to do that."</p> <p>3) Clear communication from BSD about BSD processes for evaluating students for IEP services Example: "We must have clear communication from BSD about the BSD processes"</p>
Andy	Thompson	Staff Member	<p>I am writing to the board in support of my colleagues in the SPED and counseling department. The current caseloads of special educators, school psychologists, counselors, and speech language pathologists is too high for them to adequately meet student needs. They are feeling overworked and stressed by the number of referrals and meetings they are required to facilitate. More staffing is required to be able to meet the demand and provide enough time to meet student needs. None of them want to tell students they have to wait but there simply isn't enough staff and time. Please consider increasing the staffing levels for special educators, school psychologists, counselors, and speech language pathologists so they can meet the needs of all the students on their caseloads.</p>
Meaghan	Mikulic	Staff Member	<p>Special education is in crisis. Our students and staff deserve better. Our SPED staff is spread so thin that the only option is to be reactive instead of proactive. Our student learning conditions are negatively impacted because staff is so overwhelmed and overworked. One thing the district can do is to hire more paras for support. Another thing they can do is hire more counselors, SLPs, school psychs, and special educators to lower the caseloads of those who are currently working. The district should use data of IEPs and 504s to allocate appropriate staffing. Social workers are also helping provide support to SPED and 504 students on top of their overwhelming caseloads. If we provide the support our students need by supporting our staff, we then are supporting our students in the best ways possible.</p>
Kate	Wilkins	Staff Member	<p>I am a BSD graduate, as is my husband, John Wilkins, who served on your board from 1995-2001. When our four children attended in the district, I volunteered in many capacities. Now substituting here, I see hundreds of classrooms from the inside. I see A LOT.</p> <p>A New York Times story from Oct 10 is "The Nation's Top Performing School System." The US's top schools are run by our military. DOD schools, like BSD, are culturally and economically diverse, but they have smaller racial achievement disparities.</p> <p>The DOD approach differs in that to achieve success for all students, they don't lower standards, they raise them, for academics and personal conduct. I am saddened by Oregon's lowering of graduation standards, as this is turning a diploma into a participation trophy. As for personal conduct, my eyes and ears tell me that discipline and personal accountability are NOT alive and well among our students.</p> <p>Please find that NYT article, and have the courage to ask more of our students.</p>

Michelle	Hart	Staff Member	I started as a teacher in BSD in the Independent Skills Center (ISC) in 1999. Since I was 14, that's all I've ever done and all I ever wanted to do. I did many special activities with my students, had newspaper articles written about my program and won numerous "teacher of the year" type awards. The job became increasingly impossible for one person to do, even working 10-12 hour days and weekends. I could no longer do the job to the level that my students deserved. No one could. Please support ISC and other specialized programs by reducing class sizes. Adding paras only adds more responsibilities to the teacher. I would gladly come back to my program (which has had multiple teachers and a string of subs since I left, because who would want that job?) if caseloads were capped and there was district support commensurate to the profundity of the job. Don't let our students and staff suffer just because they are a small population. Thank you.
Aubrey	C	Staff Member	We must immediately adjust the staffing ratios to provide lower caseloads for special educators, school psychologists, counselors, and speech language pathologists in order for them to better serve our students and meet their needs. Our students deserve the best and we must provide the supports for educators to do that. Also, we must have clear communication from BSD about the BSD processes for evaluating students for IEP services. Without clear communication there is a lack of equity for the supports students receive.
Craig	Weber	Staff Member	"We must immediately increase the number of paraprofessional positions in our district in order to provide students with the supports that they need and deserve as well as keep all safe in our community" This para not only help the students that they work with a daily bases but all students in the regular education setting. "We must have clear communication from BSD about the BSD processes for evaluating students for IEP services. Without clear communication, there is a lack of equity for the supports students receive." As a regular education teacher I do not have a general time line for getting special educational services. It seems to take so much longer than it should to provide these students with the resources they so desperately need.
Kaitlyn	Karie	Staff Member	My name is Katie Karie and until October 20th, I taught special education in an Independent Skills Center classroom in Beaverton School District. If you ask my students' families what type of teacher I am, they'll use words like "amazing" and "lifelong impact." My principal describes me as "irreplaceable." I say this so you can understand your loss. And I won't be the only one. In case you have never spent time in a specialized program, let me educate you. My kids are awesome, we sing, we dance, we learn, we have fun. My kids can also be a danger to themselves and others. Me and my staff regularly have to put ourselves between students to protect them. We're often injured in the process. We're bit, scratched, hit, kicked, headbutted, and body slammed. We're covered in cuts and bruises. We sometimes have to restrain students when they are putting themselves or someone else in imminent danger. My kids are not "bad", they're learning how to regulate their bodies.

Alexandra	Barth	Staff Member	<p>Special education is in crisis, and our students and staff deserve better. BSD needs to make immediate concrete changes to best serve our special education communities. Due to staffing shortages across buildings, many students are not receiving their legally mandated service minutes. Additionally, case loads are so high that staff unable to meet the needs of their students for them to grow. We must immediately adjust the staffing ratios to provide lower caseloads for special educators, school psychologists, counselors, and speech language pathologists in order for them to better serve our students and meet their needs. Our students deserve the best and we must provide the supports for educators to do that. We must be clear in our processes for identifying students struggling in classrooms and we must urgently staff paraprofessional positions. Thank you for supporting our students and their needs.</p>
Brittany	H	Staff Member	<p>I currently am part of a trio of Behavioral Health and Wellness team at my school. I'm new in my role this year, but am learning quickly that the SPED placement process is a nightmare. We have multiple students at my building needing placement and the work load/caseload for the entire BH&amp;W team is outrageous. Many days of misses lunches and my colleagues not being able to carry out their job based on their job description due to behavior and other issues outside of their job. I'm thankful to have the team that I do and am sticking with this job merely because the team of people with whom I work is strong, communicative, and cohesive. SPED placement should happen quicker and the pay for Paras should be increased to help keep these vacancies closed.</p>
Sumit	Mehrotra	Parent/guardian	<p>Respected Board members,  Parents of North Bethany Creek would like to communicate our request &amp; recommendation to add bus service to south of Sato neighborhood within 1 mile of school.  While we do sincerely acknowledge all the responses with respect to Oregon rules and reviews as mentioned in recent posts at "Engage BSD - Connecting with the Superintendent", however parents have following concerns:</p> <ol style="list-style-type: none"> <li>1. Walking route to school from south of Sato is not safe for kids to be left walking alone. There was even a near miss accident witnessed on 10/17 with briefs mentioned in latest post on Engage BSD.</li> <li>2. Many crosswalks &amp; sidewalk along Kaiser Rd makes it unsafe for elementary kids to walk alone. Rain and dark makes it even more unsafe.</li> <li>3. Parents are badly suffering at their work with huge time loss accompanying kids to school.</li> <li>4. Models like walking bus are not practical &amp; un-safer given the large group of elementary kids walking together.</li> </ol> <p>Requesting BSD help to add bus to south of Sato.</p>

Nicole	Conduff	Staff Member	In Beaverton we have so many students in crisis or needing support at a level that requires safety plans, one on one continuous guidance, room clears and more. This is happening all over and there is NO classroom or student that is not feeling the effects of the lack of support. Without additional support AND a clear and efficient process for evaluating students for services or proper placements there is no end in sight. Wit the current lack of adequate staffing and resources other critical building staff are pulled to act as one on one aides or to fill roles they are not trained for. This shuffle means that every other student in the building now has less access to support they need, and the cycle continues. Please support our students and staff by: 1. Adding more para 1 & 2 positions 2. Making SPED case loads smaller 3. Outlining a clear and equitable SPED referral and evaluation process. Taking action to support our most impacted students means that ALL students benefit.
Kristin	Melvin	Staff Member	I teach 29 2nd graders at Fir Grove ES. We all can agree 29 is too many, especially for primary grades, especially for Title schools, and especially with the increasing number of students with highly impacted SEL needs. I'm teaching all of this. I have 9 ELL students and 3, soon to be 4, students with special education needs. [specific staff member comment] I am formally inviting each and every board member to come to my classroom to experience 29 2nd graders in action. Everything is more difficult! Transitions, class meetings, mini lessons, hands on activities, distribution of supplies, small group work, work load (think report cards, conferences, emails, IEP meetings, etc), the list goes on. You make decisions based on what you think is best. This is not what is best for kids, teachers, families, or support staff. You need to experience daily life with 2nd graders to make informed decisions that are best for all.
Monica	C	Staff Member	As a special educator in the Beaverton School District I have seen my caseload grow every year. The amount of students that I serve limits the amount of attention students can receive. Larger groups mean less individual attention. I'm frequently spending more time on paperwork and in meetings and less time thinking about the instruction that I provide to my students. Last year I attended and lead over 135 meetings. We need support to best serve our students with the highest needs. We NEED staffing ratios that provide lower caseloads for special educators, school psychologists, counselors, and speech language pathologists.
J	N	Staff Member	We must immediately increase the staff (para 1 and para 2 positions) supporting special educators, and reduce the caseloads of special educators, school psychologists, counselors, and speech pathologists. It is unfair to our students, and legally negligent at best under IDEA, to move forward as things are. Students are not receiving their legally guaranteed services because staff are spread so thin. I wonder whether we will be able to retain aforementioned staff with the overwhelming amount of work and pressure they are currently dealing with. We have highly impacted students with incredible needs, and we are understaffed to serve them at the level they deserve. This impacts those students, their classmates, their teachers, and the wider school community. This is an emergency. Side note: Please fix this form. It says email/phone number is optional, but the form actually requires it (red asterisk). Also, it won't even accept a phone number, only email. Bad practice.

April	Messinetti	Staff Member	<p>Dear School Board,  Special education is in crisis and our staff and students deserve better. These are the changes that need to be made:</p> <p>A) Increase the number of paraprofessionals available to support special education students, to keep ALL students safe and learning.</p> <p>B) Lower caseloads of special education professionals so they can effectively do their jobs. Speech-Language Pathologist caseloads are too high. A caseload of 40 is often recommended in our profession and we have caseloads of 60+ students. In addition to serving IEP minutes, we conduct complex and extensive evaluations, case manage complex cases, complete copious amounts of paperwork, consult teachers and much more. These unrealistic work expectations and lead to burnout and are the reason so many of us have left the field of education. Ultimately this means that students are not getting their needs met as they should.</p> <p>Please do what you can to support special education in BSD.</p> <p>Sincerely,  April Messinetti</p>
Tricia	Howery	Staff Member	<p>I have been a counselor in the district for 27 years and have never seen more concerning student behavior. While student behavior is getting more challenging, the processes for getting our most behaviorally affected students placed into specialized programs have gotten longer and feel prohibitive. Teachers are feeling defeated and burnt out. Students report feeling anxious and unsafe. Some students watch the behavior and copy it in hopes of getting the attention they see these students receive. BH&amp;W staff are overtaxed as they are providing one on one support to these students at the expense of other students who also have needs we aren't able to address. Staff and students are getting hit, kicked, scratched and bit. We need to get these struggling students the help they need and deserve sooner to prevent further learning loss and negative self esteem. The longer we wait to address the serious needs of these students, the more of an impact it will continue to have on our whole system.</p>
Stephanie	Nader	Staff Member	<p>We must immediately adjust the staffing ratios to provide lower caseloads for special educators, school psychologists, counselors, and speech language pathologists in order for them to better serve our students and meet their needs. Caseloads have been too large for too long. Our students needs continue to increase. They deserve the best care and services possible. We must provide the staff support to do that."</p>
Priscilla	Paik	Staff Member	<p>We must have clear communication from BSD about the BSD processes for evaluating students for IEP services. Without clear communication there is a lack of equity for the supports students receive. As an educator in the primary grades, I have seen students receive intervention after intervention without adequate progress for years &amp; then years later be identified for special education. So, much time is wasted! Our kids deserve better. We know they need individualized instruction but the unclear process, huge case</p>

			loads for our special education teachers & lack of para educators is causing our students to fall further & further behind.
Kate	England	Staff Member	I am a speech language pathologist in the district and see first hand how our vulnerable students in special education need more supports. We have two specialized programs in our building and both are understaffed. We are short para professionals and have a person with an emergency certification to teach. Our most vulnerable students do not have the trained staffing they deserve. So what does this look like on a day to day basis? Staff is working well beyond their contract hours to make ends meet. Staff spends hours each night creating structures and supports to get through each day trying to make sure students needs are met, but it is often at the sacrifice of another student's needs. This triage approach must end. We need to fix the staffing issue by paying a living wage for more para professionals. We also need caseload caps for our Learning Specialists and Speech Language Pathologists. I have seen four colleagues leave BSD for districts with these caps. Please helps us!
Emily	L	Staff Member	We must immediately increase the number of paraprofessional positions in our district in order to provide students with the supports that they need and deserve as well as keep all SAFE in our community. We must immediately adjust the staffing ratios to provide lower caseloads for special educators, school psychologists, counselors, and speech language pathologists in order for them to better serve our students and meet their needs- currently, these people in our building are working as 1:1s for students who would benefit from alternate placements instead of being able to do their jobs. Our students deserve the best and we must provide the supports for educators to do that. We must have a better system for placing students in SPED programs that support their needs. We have students who have been "in the process of a placement change" for over a year and it is highly inappropriate for these students, unfair to classmates and staff. Thank you for your time.
Elise	Renning	Staff Member	I am a special educator (current TOSA) and see first hand how our vulnerable students in special education need more support. We have two specialized programs in our building and both are significantly understaffed. We are short paraprofessionals and have a person with an emergency certification to teach. In my role, I spend a great deal of time supporting these programs which does not allow for me to address the needs of my contractual job. Our most vulnerable students do not have the trained staffing they deserve. Staff are working well beyond their contract hours to make ends meet. Staff will spend hours each night creating structures and supports to get through each day trying to make sure students' needs are met, but it is often at the sacrifice of another student's needs. This triage approach must end. We need to fix the staffing issue by paying a living wage for more paraprofessionals. Please help our students!!!!

Amy	W	Staff Member	I'm writing on behalf of students who receive special education services and their families. Specialized programs are staffed dangerously low- student needs are not being met and it's not safe for students and staff. We must immediately increase the number of paraprofessional positions in our district in order to provide students with the supports that they need and deserve as well as keep all safe in our community. Each year we lose valuable staff who are over worked.
Araminta	Johnson	Parent/guardian	I am a parent of a 6th grader at ISB and a 4th grader at Fir Grove Elementary. My comments today are because of concern for the class size in the 2nd and 4th grade at Fir Grove. There are currently 32 children in my son's 4th grade classroom. In addition, the majority of our para-educator staff are allocated primarily to help with the younger grades and a handful of students who require a level of care greater than the general classroom is able to provide. This means that my son's class suffers. Fortunately for us, he is a good student and has support at home to help with any gaps in his learning. However, Fir Grove is a Title I school, and more than half of our families are much less able to provide support for their students. These students are the same ones that are most significantly impacted by pandemic learning gaps. Asking one teacher to try to meet the needs of 32 students by herself is not realistic. We really need to do better for both our students and teachers.
kelly	smith	Staff Member	I am a psychologist in the district and will give one example of the impact of our insufficient special education funding and staffing. I am the sole psychologist for a middle school and an elementary school. My middle school houses one of our most intensive programs, a behavior classroom (emotional growth center). It does not have a teacher; it has an "emergency certified" paraprofessional just a couple years out of college. She is amazing for showing up each day. Only 1 of 2.5 para positions is filled. Here are just a few consequences: I have been doing her paperwork (along with others), scheduling & running her meetings because she does not have access or know how. Staff injuries (see reports) from being attacked, ened classmates strangled by students, EGC student broke a glass and tried stabbing himself repeatedly. Students are not receiving the instruction they need and every other student and staff is affected. Only a matter of time before a child or staff is seriously injured.
Ana	T	Staff Member	We must have clear communication from BSD regarding the processes of evaluating students for IEP services, and specialized placements for students with a high level of special needs. When such cases involve frequent unsafe, aggressive, and disruptive behaviors within the general education classrooms that these students are assigned to, please specify who the responsibility falls on to supervise these children while they are in process of being moved into specialized placements, and who is responsible for consoling the parents of children who are frequent targets of such aggression within the classroom. Children do not feel safe coming to school, and often times, neither do staff members. Without clear communication from the district, and district-level SPED officials, there is a lack of clarity and equity for the supports students and staff members receive.

Margaret	Ragan	Other Community Member	The Advisory Committee of the BSD Options Automotive Technology program met on October 12, 2023, to learn why the entire 2023-24 budget for the program had been eliminated. This program traditionally was given a budget of \$20,000 per year. In the past, the program served 56 BSD students. The last 3 years, enrollment was increased -allowing 80 students into the program without a budget increase. This program is the ONLY high school level automotive program in Oregon certified by the ASE Education Foundation. This program is also supported by many local, regional, and national companies. While members of Administration were asked to attend... 33 representatives from industry attended but NO member of Administration or School Board was present to explain the cut. The following day- October 13th, [specific staff member] was notified the funds had been "secured through another budget string". As of this date October 24, 2023, no funds have been transferred to the program. Can someone explain this please
Katie	Smith	Parent/guardian	Dear School Board Members, As a parent of a child in the district's special education program, I am very concerned for the students and teachers in this program and would like to advocate on their behalf. The special education teachers and paraeducators in the Beaverton School District are seriously lacking in support. Classrooms are understaffed and paraeducators are grossly underpaid. They deserve better! Their job is not easy and they are impacting the lives of these children in a remarkable way. Unfortunately, they and the students they serve are limited by lack of support. Frequently, activities mandated by a student's IEP cannot happen because there simply isn't enough staff. Our district champions equity and inclusion, yet this marginalized population is overlooked due to understaffing and poor pay. I implore you to work for change in this area. Let's take action to support our teachers and students, aligning our actions with our values of inclusivity and fairness. Thank you!
Aditya	Vemuri	Parent/guardian	Respected Board members, As a parent of North Bethany Creek would like to communicate request & recommendation to add bus service to south of Sato neighborhood within 1 mile of school. While we do sincerely acknowledge all the responses with respect to Oregon rules and reviews as mentioned in recent posts at "Engage BSD - Connecting with the Superintendent", however we have following concerns: 1. Walking route to school from south of Sato is not safe for kids to be left walking alone. There was even a near miss accident witnessed on 10/17 with briefs mentioned in latest post on Engage BSD. 2. Many crosswalks & sidewalk along Kaiser Rd makes it unsafe for elementary kids to walk alone. Rain and dark makes it even more unsafe. 3. As a working couple , we are facing huge time loss at work accompanying kids to/from school. 4. Models like walking bus are not practical & un-safer given the large group of elementary kids walking together. Requesting BSD help to add bus to south of Sato.

Julie	Newman	Staff Member	<p>Good evening, I am an ECE IA in an inclusive PRE K at Beaver Acres Elem. I adore my students, colleagues and job. As part of this role, I change diapers of children aged 4-5 years old. Additionally, I work with aggressive behaviors which result in me being bit, hit, and kicked daily. My pay is less than a Para 1. I believe I should be raised to that of a Para 2 as I have bodily fluids transferred multiple times a day if not an hour.</p> <p>Many thanks for your time, Julie Newman Beaver Acres Elementary</p>
Jen	Jensen	Staff Member	<p>Special education is in crisis, and our students and staff deserve better. BSD needs to make immediate concrete changes to best serve our special education communities. Our students are not able to receive the support they need due to critically low classified staffing, as well as large classified caseloads. Since the pandemic, students are coming to school with tremendous social, emotional and behavioral needs. Specialized programs are being shut down and caseloads are rising.</p> <p>We must immediately adjust the staffing ratios to provide lower caseloads for special educators, school psychologists, counselors, and speech language pathologists in order for them to better serve our students and meet their needs. We desperately need to hire more para-professionals to support our students in the general education setting. Special education is in crisis and so are our students. They deserve the best and we must provide the supports for educators to be able to do their jobs effectively.</p>
Kelli	Lisonbee	Staff Member	<p>I am a second year Para 1 in the pre-K program. I can not say enough about how pleased I am to be part of a program offering inclusivity and habits of mind. This is a program that supports young children's developing brains as they become part of our school community. The training and support for this position is intentional and helpful. My job requires safety training to restrain dangerous behaviors, running after children learning their limits, changing diapers, cleaning and disinfecting surfaces for health and safety, as well as supporting the classroom teacher with special education practices and systems. For these reasons I would like the job description and classification re-evaluated for compensation.</p> <p>Thank you for your time- Kelli Lisonbee</p>

**ITEM FOR INFORMATION**  
**DUAL LANGUAGE EXPANSION PLAN**

**SUMMARY**

The expansion of dual language programs is a priority area outlined in the district's strategic plan. The district is working to expand dual language programs over time, with the end goal that all students across the district will have the option to choose dual language learning. Staff will share the next phase of the district's plan to expand programs in the 2024–25 and 2025–26 school years.

**BACKGROUND**

Dual language is a form of bilingual education in which students are taught literacy skills and content in two languages, which benefits students' learning and well-being. The Beaverton School District has been working to develop a plan to expand dual language programming throughout the district, so that all students, if they choose the option, may attend a dual language program from elementary through high school with the goal of acquiring biliteracy/multiliteracy skills.

The decision to expand dual language programs is based upon a number of factors:

- Research indicates that students in dual language programs have a higher on-track graduation rate and are more likely to attend college after high school.
- Research also suggests that students who participate in dual language programs experience greater confidence, self-esteem and a sense of belonging in their school communities.
- Research provides strong evidence for the implementation of bilingual education as the standard service, rather than exception, for English Learner-classified students.
- Dual language programming aligns to the mission, vision, strategies and outcomes of the district's strategic plan.
- Results from a survey of BSD families during the 2022–23 school year indicated that Spanish is the language most preferred by families, by a wide margin. Mandarin Chinese was the next most desired option for dual language programming.

Staff will present information on the next phases of the dual language expansion, which will include launching a new Spanish program and a Mandarin Chinese program in 2024–25.

**RECOMMENDATION**

Staff will present information on the district's dual language expansion plan. No board action is needed.

**Belong. Believe. Achieve.**

# Spanish Dual Language

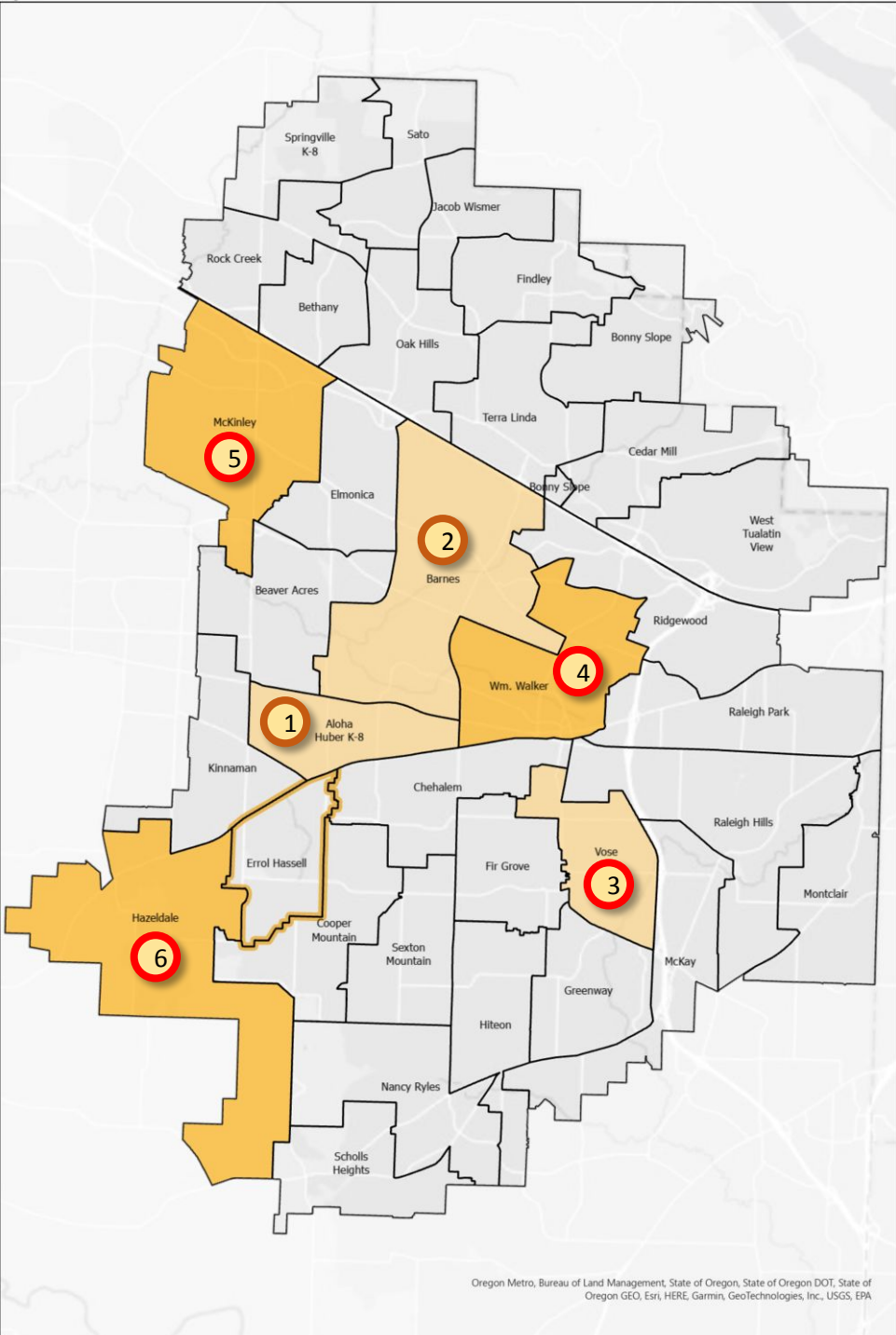
## Existing Dual Language Programs

- 1 Aloha-Huber Park K-8
- 2 Barnes Elementary
- 3 Vose Elementary

## Dual Language Expansion Schools

- 4 2023-24: William Walker Elementary (starting with kindergarten)
- 5 2024-25: Hazeldale Elementary (starting with kindergarten)  
*Hazeldale DL program also will serve Errol Hassell attendance area with transportation*
- 6 2024-25: McKinley Pre-Kindergarten
- 2025-26: McKinley Elementary (starting with kindergarten)

- Existing DL Schools
- DL Expansion Schools
- Hazeldale DL Eligible Attendance Area (Errol Hassell)



Oregon Metro, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

# Chinese Dual Language

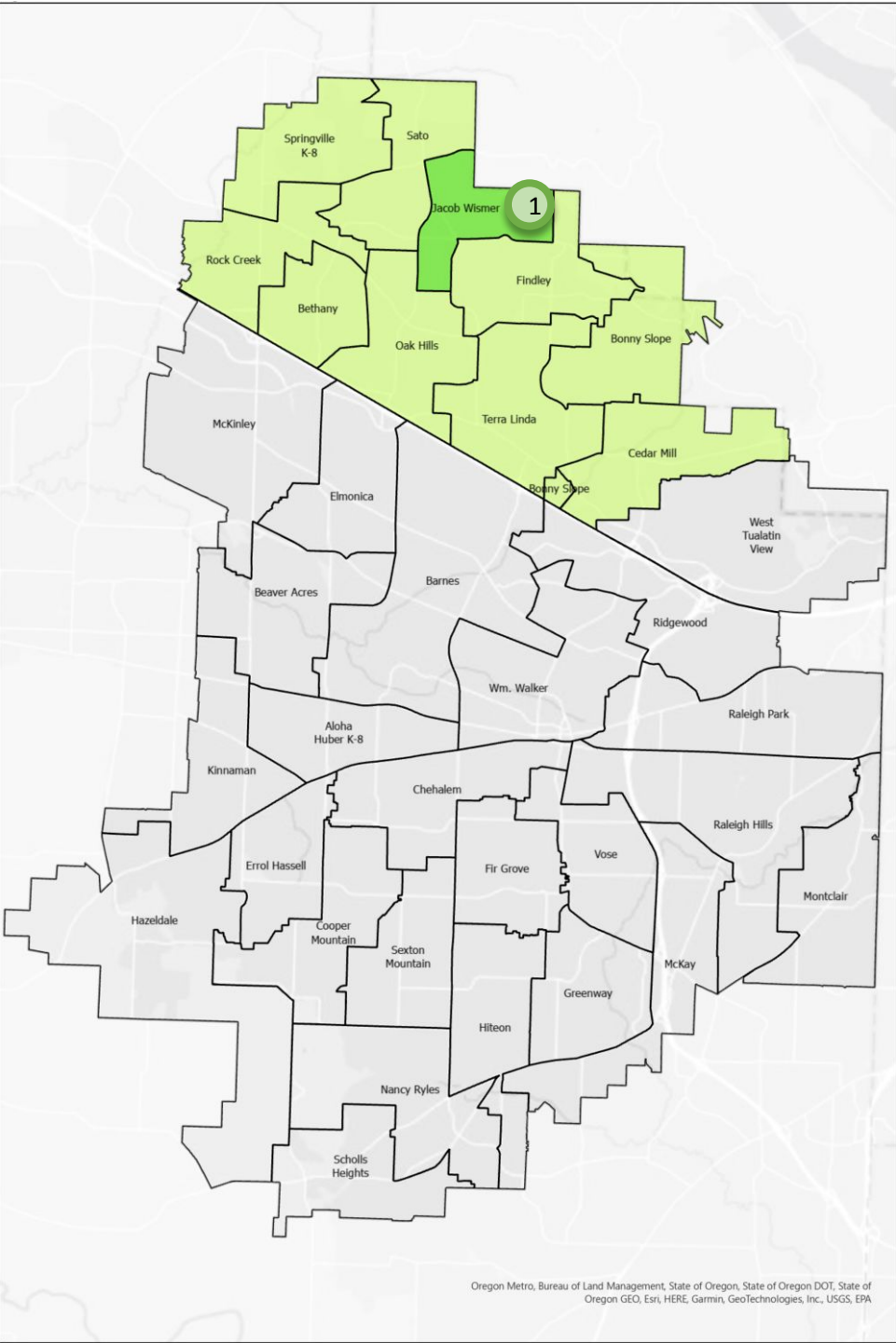
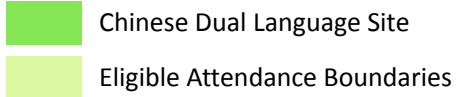
## 1 2024-25: Jacob Wismer (Kindergarten)

Mandarin dual language program starting at kindergarten with two dual language classrooms and two English classrooms.

Priority will be given to students who reside in the Jacob Wismer attendance area.

Students also may apply for the Chinese dual language program at Jacob Wismer from the following elementary attendance areas (bus transportation will be provided):

- Bethany
- Bonny Slope
- Cedar Mill
- Findley
- Oak Hills
- Rock Creek
- Sato
- Springville
- Terra Linda



Oregon Metro, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

**ITEM FOR INFORMATION**  
**TECHNOLOGY DEPARTMENT REPORT**

**SUMMARY**

The Technology Department will provide information on the state of technology systems functionality and key measurements of student and staff technology experience.

**BACKGROUND**

The report on the technology department contains project updates on the network, cybersecurity, enterprise applications and data from student and staff user surveys. Updates on improvements funded by the 2022 bond also are detailed in the report.

**RECOMMENDATION**

Staff will present information on district technology systems and user experience. No action is needed.

**Belong. Believe. Achieve.**

## Department Report: Technology

**Objective:** Report the state of technology systems functionality and on strategic key measurements of student and staff technology experience.

**Data:** Data on percentage of staff and students reporting adequate access to technology is provided through the 2022-23 staff and student surveys. Additional data sources for this report include the help desk system, asset management system, server and networking systems log files.

### Staff and student reporting access to technology

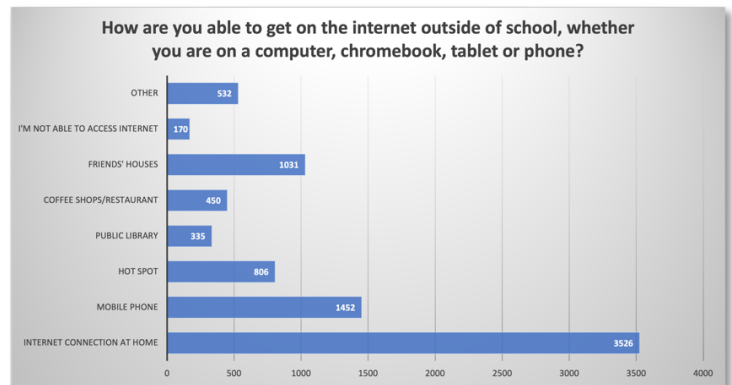
Measurement	2020/21	2021/22	2022/23
% teachers reporting adequate access to technology to support their work	<b>87.3%</b>	<b>88.0%</b>	<b>84.1%</b>
% secondary students reporting their learning experience is supported by digital tools the school offers	<b>NA</b>	<b>91.5%</b>	<b>90.3%</b>
% students reporting their school teaches them how to use technology responsibly	<b>91.0%</b>	<b>83.2%</b>	<b>85.1%</b>

## 2023 BSD Student Survey – Technology Support for Student Learning

### Elementary Students

In the 2023 elementary student survey, students in grades 4 and 5 were asked about internet access outside of school. Compared to 2022 elementary student survey results, the number of students responding to each internet access option rose in every category. Categories with the greatest increases were students reporting access at home and mobile phone access with increases of 14% and 12% respectively. Categories with the

smallest changes in responses were no access, with an additional 33 students selecting

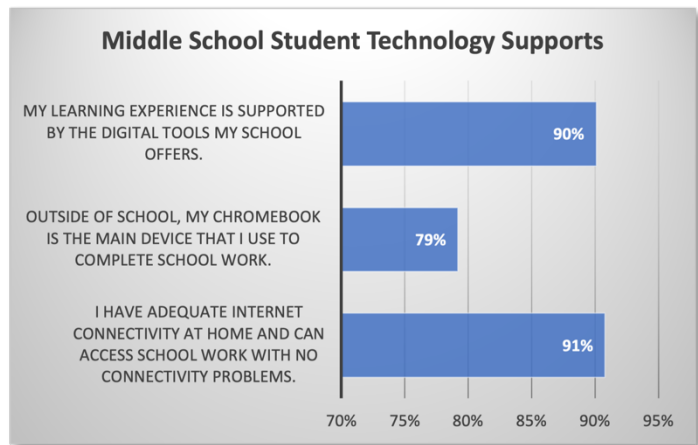


that option and the category, other, only increasing by 27 responses. At the elementary level, students do not take devices home and there is no expectation that elementary students use devices outside of the school day.

### Middle School Students

Technology support questions were included in the middle school survey and in 2023, the survey respondents were in 7<sup>th</sup> grade. Students were asked if digital tools supported their learning, whether their student device was their main device used for completing schoolwork and if the student had adequate internet connectivity.

Student responses were over 90% in feeling their learning experience is supported by digital tools and having adequate home internet connectivity. Outside of school, my Chromebook is the main device that I use to complete schoolwork. Almost 4 out of 5 students reported the district issued Chromebook was their primary device used to complete schoolwork outside of school. Students reporting the Chromebook as their primary device slightly rose from student responses in 2022.

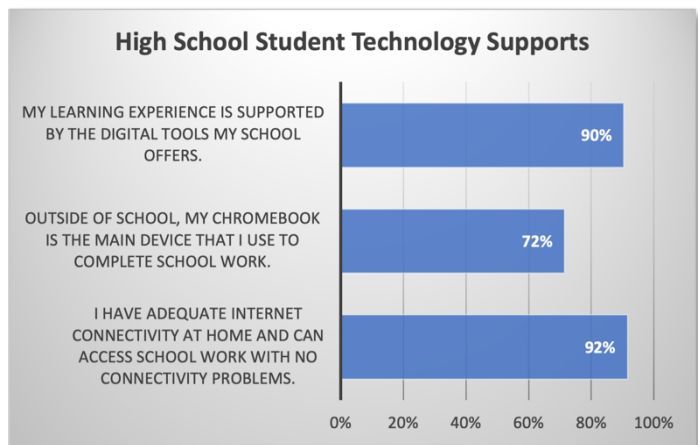


### High School Students

High school students were asked the same questions as middle school students and their responses were similar. High school students reported their learning is supported by digital tools at 90%, and 92% of students report having adequate internet connectivity to access schoolwork at home.

Although slightly lower than the 79% of students at the middle school level, 72% of high school students reported their district issued Chromebook is the primary device used to complete schoolwork outside of the school day.

Chromebooks used by students are funded through the 2022 bond. High levels of student use illustrate the need for devices so students can continue their learning outside of the school day.



### **Successes:**

- Student and staff survey responses indicate continued high satisfaction for technologies supporting student learning and staff work.
- IT department staff are implementing infrastructure and student device projects funded from the 2022 bond.

### **Issues:**

- Beaverton School District continues to experience an increase in the number of cyber security attacks. The frequency and sophistication of attacks continues to escalate.

### **Action Plan:**

- Work to increase technology support for students and staff continues through bond and general fund investments and is summarized in this report. While not inclusive of all projects within IT, the projects below demonstrate work aligned to increasing staff and student satisfaction of how technology supports their learning and work.

## **Technology Systems**

Our District Goal, teaching and learning mission, and our business functions demand robust and reliable technology systems and support structures. Secure network access and application availability are needed continuously. Applications for student learning and business functions are used inside and outside of school or work hours and location. The responsibility and mission of the Information Technology Department is to create and sustain an environment that is always available and continuously improving to meet increasing needs.

## **Infrastructure Improvements**

### **Data Center and Network Infrastructure**

The Beaverton School District has redundancy at the data center level, with two locations serving district network, telecommunications, and system access needs and with either location able to assume full control of the district and continue operations in the event of an outage.

The Beaverton School District operates in a hybrid cloud environment. This means some applications are utilized directly from the internet and others are housed in our district data centers. Applications for learning and business functions are used around the clock the must always be available.

The systems administration team is completing an update of our virtual infrastructure environment. The virtual infrastructure environment contains and manages all servers used for applications housed in our district data centers. The existing virtual

infrastructure is 8 years old and at the end of life. In addition to faster processors and memory, the team is upgrading the networking connections of the system. When complete, the new virtual infrastructure will provide faster access to enterprise applications for student and staff and provide additional security to the equipment holding student, staff, and organizational data.

## **Cyber Security**

Securing Beaverton School District networks, systems and data is a primary and critical focus area for the IT Department. According to SonicWall's 2023 Cyber Threat Report, cyber attacks targeting K-12 school systems rose by 827% over 2021.<sup>1</sup> Ransomware remains the most frequent type of attack with K-12 school systems seeing a 275% rise in ransomware attacks as other industries experienced a decline in ransomware. Attacks other than ransomware include account compromise, malware, unauthorized access, and data breach attempts to download student, staff and organizational data. In addition to protecting data stored in our district data centers, the IT department must work with vendors to secure data stored in cloud systems. The most significant vector for student and teacher data breaches are school district vendors and other trusted non-profit and government partners.<sup>2</sup>

In January 2023, the IT department received the results of our 2022 third party cybersecurity assessment which is performed every other year. The assessment included:

- Policies and practices
- Web application vulnerability
- Wireless network security
- External penetration test
- Internal penetration test

The assessment is aligned to standards defined by the National Institute of Standards and Technology (NIST). IT staff are addressing areas that were identified as lower in the maturity matrix from the report.

A key defense in our cybersecurity portfolio is addressing user education and training. Staff regularly receive phishing simulations from our security awareness platform along with micro training sessions both when a phishing email is reported and when a staff member clicks a phishing email from the platform. IT tracks engagement with the platform, staff skill level at identifying phishing emails, and speed of reporting. There has been improvement in every category over the past year.

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<sup>1</sup> SonicWall 2023 Cyber Threat Report

<sup>2</sup> Levin, Douglas A. (2022). "The State of K-12 Cybersecurity: Year in Review – 2022 Annual Report." K12 Security Information Exchange (K12 SIX).

## Enterprise Applications

### Enterprise Resource Planning

BusinessPlus is the financial and human resources application used in the Beaverton School District and was implemented in 1999. Staff from the Business Office, HR and IT, working with external consultants, are studying existing business practices and capabilities of BusinessPlus to align business and HR functions with best practices and determine if the existing system will support those practices. The final report with recommendations will be delivered in November 2023 and will be used to decide next steps.

### Synergy Enhancements

IT Department staff work closely with Teaching and Learning staff to ensure the Synergy student information system continues to meet needs of teachers and support the teaching and learning mission of the Beaverton School District.

The creation of student schedules for secondary students is a complex task and for many years involved visualizing the schedule on whiteboards. The number of students, courses and the need to balance courses contribute to the complexity of creating student schedules. In addition to balancing by class size, staff must evaluate courses to ensure gender, race/ethnicity, and program participation are included to ensure equitable access to courses.



Figure 1: Secondary schedule creation using a whiteboard.

Edupoint, the student information system vendor, created a new ScheduleBoard module and the Beaverton School District was asked to be an early partner in this new application. ScheduleBoard is a graphical way to visualize student schedules and is connected to student information contained in the student information system. ScheduleBoard saves time in the creation of the complex physical whiteboard and can be used to quickly visualize student schedule models and adjustments made to balance courses.

Secondary staff tasked with schedule creation worked closely with IT development staff to test ScheduleBoard early and as a result, Edupoint incorporated feedback and our feature needs as they continued to develop the product. The advantage of our participation was that features important to Beaverton were implemented early in the ScheduleBoard development and were available as the product was finalized.

School staff feedback is that ScheduleBoard provides a much improved process and supports equity in the creation of student schedules.

### **Document Management System**

IT staff are implementing a document management system for improved management, storage, and security of electronic files and digital images of paper-based content. The Content360 system will provide multiple methods of inputting paper and electronic files, searching capabilities, workflow automation for document processing, routing and approval processes and file security by logging document access, edits and retention policies on files. Staff from Human Resources and the Purchasing Department are beginning to transition to the Content360 system with other departments following.

### **2022 Bond Projects**

In May of 2022, Beaverton voters approved the 2022 bond. The 2022 bond contains \$44M of investments for student devices, networking upgrades and infrastructure support. Information Technology department staff are working on the following projects as part of the second-year implementation of the 2022 bond.

#### **High School Student Device Replacement**

The majority of monies allocated from the bond are used to replace student devices. Devices for high school students were replaced at the start of the 2023 school year. Students attending high schools and option programs received new Chromebooks with 15,444 devices purchased for student use. The existing Chromebooks are being collected and will be used to support students in middle and elementary schools until the start of the 2024 school year when middle and elementary devices are replaced. Devices unable to be used due to age or device failure are recycled or used for parts to repair other devices.

#### **Dark Fiber Improvements**

Dark fiber is a strategy of leasing fiber optic network cables and maintaining the electronics on the points where those network connections enter buildings to connect school and ancillary sites. The advantage of a dark fiber network is that monthly connection costs remain constant during the long-term lease agreement and the District has the ability to scale up network speeds by upgrading the electronics on the connections without incurring additional monthly costs from the provider.

In 2017 as part of the 2014 bond, High and Options school sites were connected to the district via a dark fiber connection. Construction is nearly complete on phase 2 of the dark fiber network project and will connect half of elementary and middle schools. The remaining schools will be in phase three which will be completed in Spring 2024.

When phase 3 is complete, all District sites will be on a long-term, leased fiber optic network. In addition to the ability to scale to meet future network needs, ownership of the network will allow IT staff to best secure and optimize the network.

## User Experience Improvements

### Classroom Technology Standards

Information Technology and Facilities staff are collaborating on a project to standardize technology for all classrooms in the Beaverton School District. In the past, schools were funding classroom technology from school budgets and the result was a variation in classroom technology equipment and age of technology available to students and teachers. There are many benefits to standardizing classroom technology including:

- Ensuring all students have access to the same learning environment and opportunities, regardless of the school they attend.
- Providing a consistent experience for teachers and substitute teachers when they move to other classrooms.
- Simplifying staff training and support on standard classroom technology.
- Cost savings with bulk purchasing.

The classroom technology standard project will be complete by the end of the 2023-24 school year.

### School Office Staff Computer Replacement

Beginning in 2012, a computer replacement program was launched for certified staff members. Every four years, certified staff receive a new laptop as their primary computing device. Other staff computer purchases were funded through school or department budgets and as a result, there was a wide variation in the age and adequacy of computing devices used by classified staff. IT is implementing a computer replacement cycle for some classified positions to ensure computing devices are adequate for staff work. Beginning in the 2023 school year, school office assistants, registrars, athletic trainers, college and career specialists, and accounting assistants will have a standard computing device and be on a four-year rotation cycle. This project is in process and should be complete in early 2024.

### Generative Artificial Intelligence (AI)

Since the launch of ChatGPT in November 2022, school systems across the United States have been exploring the impact of generative artificial intelligence (AI) on student learning and business operations.

The use of AI applications in the Beaverton School District has the potential to support student learning. AI tools, like other resources on the internet, offer students the opportunity to seek help in their learning, brainstorm ideas for demonstrating their understanding and provide ways for students to stay engaged in their learning.

For staff, AI tools can automate routine and repetitive tasks. The use of this technology can afford teachers more time to focus on instruction and relationships with students, as outlined in the **Artificial Intelligence and the Future of Teaching and Learning** report released by the U.S. Department of Education. Examples include automating the

delivery of additional learning resources for an assignment or project and automating recordkeeping.

As AI tools become more integrated into applications used by students and staff, it's important to understand the limitations of these tools. While AI tools are growing in sophistication, the information that they provide isn't always accurate, so students and staff need to exercise critical thinking skills to evaluate work produced by AI.

Teacher and student training on the use of AI tools is critical to understanding both the potential and limitations of these applications. As AI use expands in education, staff from IT and Teaching and Learning will continue to develop resources to guide responsible use.

## Customer Service

A strength of the IT Department is that in addition to high levels of technology skills and knowledge, IT Department staff understand and embrace the importance of their work supporting the teaching and learning of our students. As a result, the IT Department staff continues to maintain excellent levels of service aligned to the IT Department Customer Service Standard.

At the end of every IT Help Desk ticket submitted, there is a chance for staff to provide feedback on how quickly IT resolved issues, the level of approachability and professionalism displayed, and our communication throughout troubleshooting the issue. Survey results on each question from July 1, 2022 through June 30, 2023 are above 92% ranking staff as excellent in each area.



As BSD IT department staff members, we strive to be **approachable, patient and reassuring.**

We should **solve issues quickly, communicate frequently and verify resolution.**



**BEAVERTON**  
SCHOOL DISTRICT

*BSD IT Standard of Service*

**ITEM FOR INFORMATION****HILLSBORO SCHOOL DISTRICT PROPERTY ACQUISITION – OBERG PROPERTY****SUMMARY**

Hillsboro School District (HSD) acquired a property, known as the Oberg property, which is located within the service boundary of Beaverton School District (BSD). The purpose of HSD's acquisition is to own land that could be used as a new high school and/or elementary school site should the need arise. ORS 332.158 requires HSD to obtain written approval from the BSD Board to acquire and operate a school use on the subject property.

**BACKGROUND**

The subject property is located adjacent to the South Hillsboro development area, south of SW Rosedale Road (Exhibit A). HSD acquired an adjoining property in 2014 for the purpose of a potential future high school location. In December 2022, the HSD Board authorized HSD staff to proceed with the acquisition of the subject property (Exhibit B).

The ability for one school district to acquire property for a school use in another school district's service area is governed by ORS 332.158, which provides that a school board may "...purchase, construct, reconstruct, improve, repair, equip, or furnish a school in another school district and may expend bond proceeds and other funds available to the board for such purposes if the board has written permission of the district school board of the school district in which the school will be located..." and the written permission must be obtained before the first day on which students will attend class in the school.

HSD is requesting that BSD provide such written authorization which is attached (Exhibit C) for the Board's consideration. A future action would be required to authorize Superintendent Balderas to execute the written authorization.

The subject property is currently located outside of the Urban Growth Boundary (UGB) and has an "undesignated" label with respect to the Urban/Rural Reserve regional protocol. The zoning of the site is Washington County Agriculture and Forest (AF-20). The zoning will not allow the construction of a school which could accommodate more than 100 individuals. For this site to be developed as a school accommodating more than 100 individuals, the UGB would need to be extended to include the subject site. For this to occur, an extensive regionwide land use review would need to take place and be authorized by the Metro Council. With these designations in place, development of the site as a school(s) is not imminent.

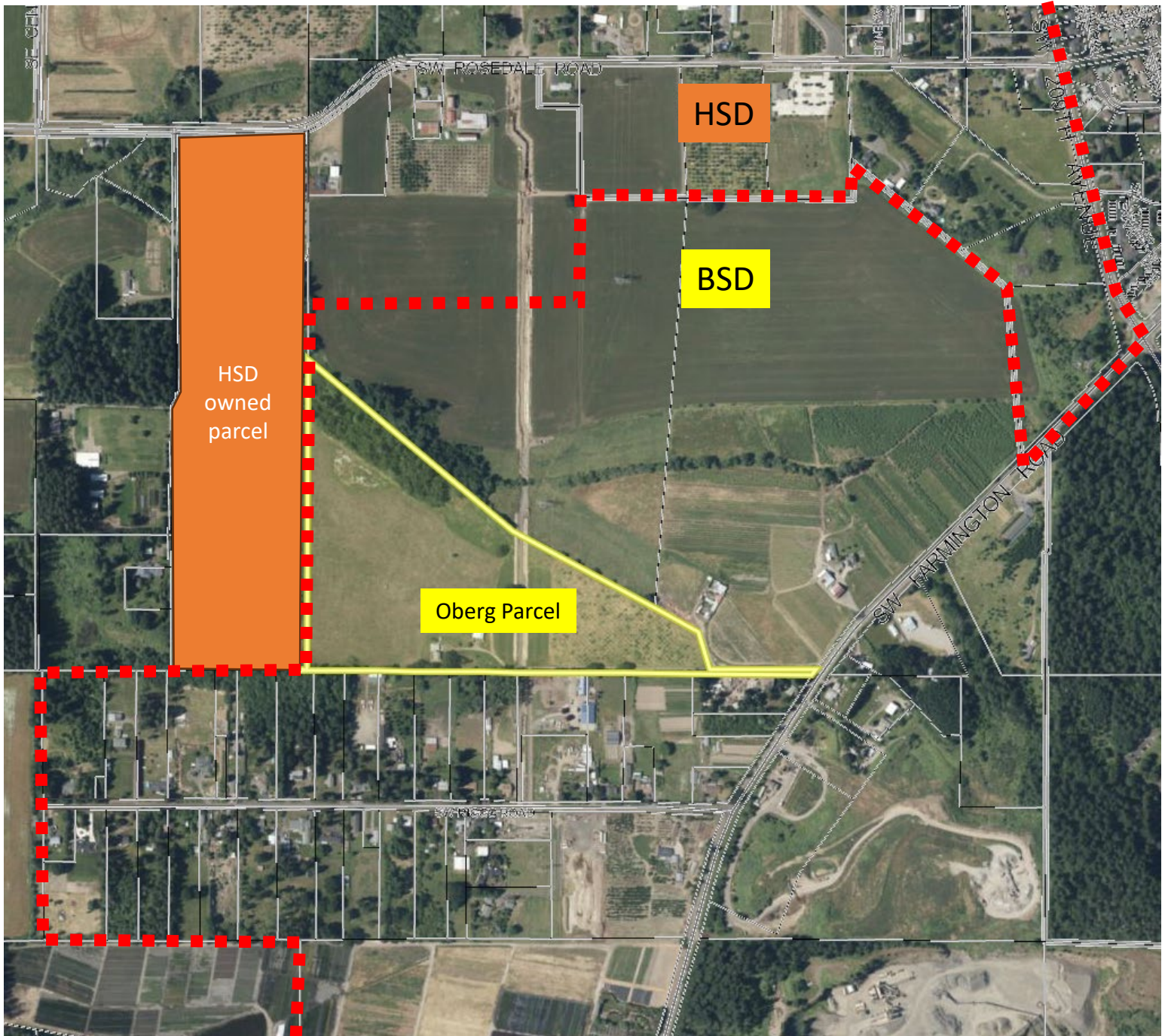
Staff assessment of the subject site, based on current zoning, is that no substantive development can occur. No additional housing or other development which could have a potential impact on BSD could be developed on the subject site.

**RECOMMENDATION**

Staff will present information on HSD's request for BSD's written authorization to acquire the subject property for the purposes of locating future school(s). No action is needed.

**Belong. Believe. Achieve.**

# Exhibit A



Oberg Property:

21515 SW Farmington Road, Beaverton, Oregon 97007  
Tax Map Number 1S2230002800

Exhibit B  
Hillsboro Property Purchase Decision

**HILLSBORO SCHOOL DISTRICT 1J**  
**December 6, 2022**  
**APPROVE PURCHASE OF PROPERTY ADJACENT TO CURRENT 40-ACRE**  
**FUTURE HIGH SCHOOL SITE ON ROSEDALE ROAD**

**SITUATION**

In April 2014, the Hillsboro School District purchased a 40-acre site to the south of Rosedale Road, across from the recently approved South Hillsboro Urban Growth Boundary expansion area. This site was purchased as a future high school site.

In October 2021, the school board approved the sale of a 10.67-acre parcel in the Reeds Crossing development back to GLC-South Hillsboro at a sale price of \$3,627,800 (\$340,000 per acre). At the same time, the Board authorized District staff to begin searching for a site outside of the Urban Growth Boundary that could serve as a future elementary school site as well as expanding the footprint of the 40-acre future high school site purchased by the District in 2014.

Tonight the Board will be asked to approve the purchase of a 34.39-acre site immediately to the east of our existing 40-acre parcel at a cost of \$3,482,780. This parcel, when added to the existing 40-acre site, will give allow for a 10+-acre elementary school site that can be accessed from Rosedale Road and a 50+-acre high school site that can be accessed from either the existing Farmington Road or a future extension of Cornelius Pass Road.

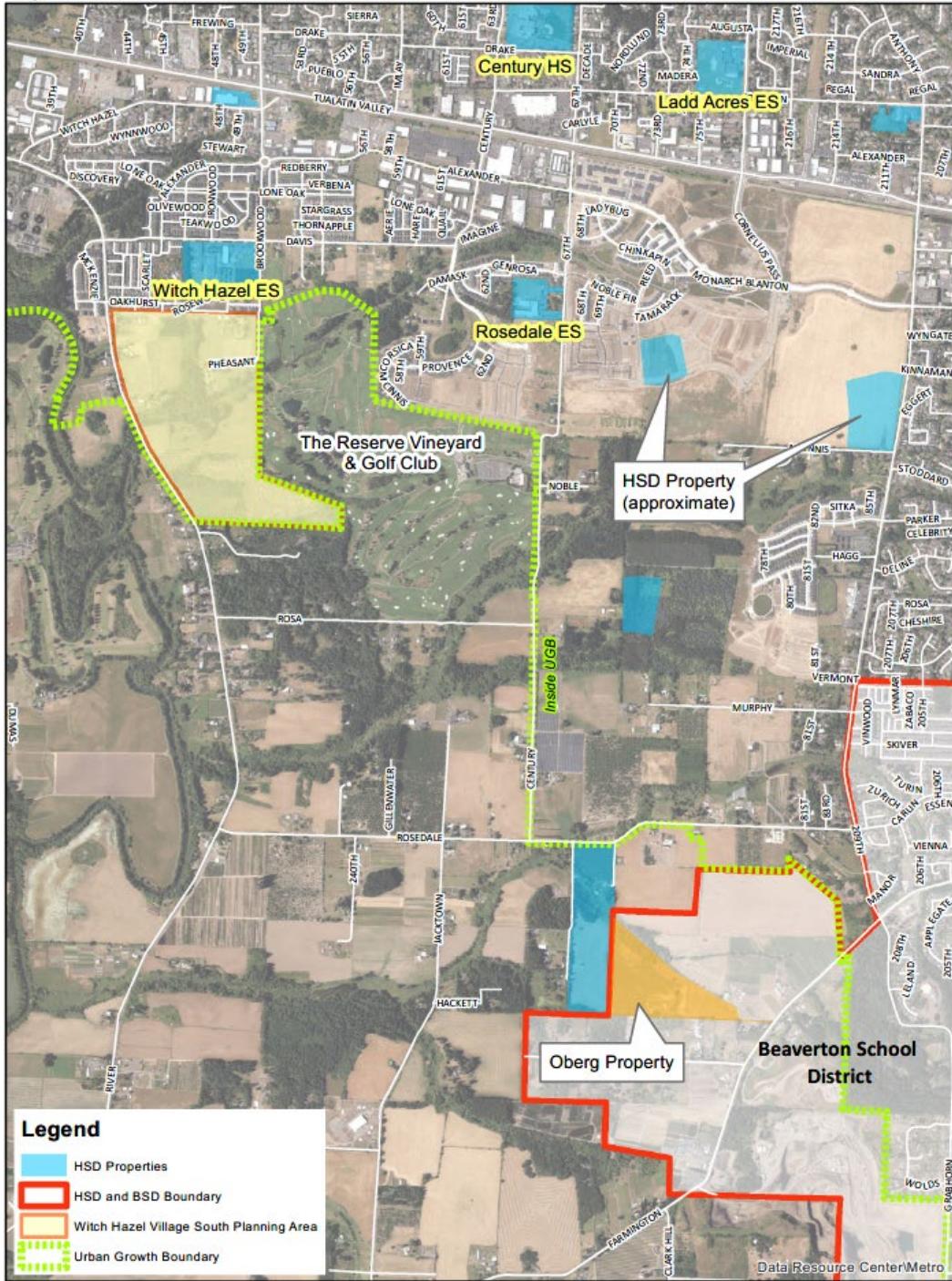
**RECOMMENDATION**

The Superintendent recommends the Board of Directors approve the Purchase and Sale Agreement and First Amendment as presented.

*I move that the Board of Directors approve the Purchase and Sale Agreement and First Amendment as presented.*

# South Hillsboro Area

May 6, 2021



**ITEM FOR INFORMATION**  
**DIVISION 22 COMPLIANCE ASSURANCES**

**SUMMARY**

Each year, Oregon school districts must evaluate compliance with the Oregon Standards for Public Elementary and Secondary Schools. Districts are required to report compliance and corrective actions to the community in a public meeting of the board by November 1. For the 2022–23 school year, staff have conducted an internal audit and have determined that the district was in compliance with 55 of 58 Division 22 requirements.

**BACKGROUND**

Chapter 581, Division 22 of the Oregon Administrative Rules contains the educational standards that either the Oregon Legislature or the State Board of Education has determined must be met to be a standard school district. Compliance with the Division 22 OARs ensures every student in Oregon public schools is provided with a level of service that meets the standards set by the state.

Districts are required to report compliance to the community in a school district board meeting and post the report on the district website by November 1. Districts must then submit assurances to ODE by November 15. For each rule, the district either certifies that the district is in compliance or states that the district is out of compliance and proposes corrective action. The compliance status of each item and the corrective action plans are included in the report to the community.

**RECOMMENDATION**

Staff will present information on the district’s compliance with Division 22 standards. No action is needed.

**Belong. Believe. Achieve.**

# Beaverton School District

## Report on Compliance with Public School Standards

### 2022-23 School Year

By November 1 of each year, school district superintendents are required by [OAR 581-022-2305: District Assurances of Compliance with Public School Standards](#) to report to their community on the district’s status with respect to all of the Standards for Public Elementary and Secondary Schools. The Standards are adopted by the State Board of Education and set out in Oregon Administrative Rules Chapter 581, Division 22.

The table below contains a summary of Beaverton School District’s compliance with each of the requirements of Oregon’s administrative rules found in [DIVISION 22 - STANDARDS FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS](#) during the 2022-23 school year. For each rule reported as out of compliance, Beaverton School District has provided an explanation of why the school district was out of compliance and the school district’s proposed corrective action plan to come into compliance. The corrective action must be approved by ODE and completed by the district by the beginning of the 2024-25 school year.

**What are the requirements of the standards?** For a general overview of what each rule/standard requires, consult this high-level [Rules at a Glance summary](#). For specific, comprehensive requirements, use the links below for each individual rule.

### Category: Teaching & Learning

#### Subcategory: Curriculum & Instruction

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2030 District Curriculum</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2045- Prevention Education in Drugs and Alcohol</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2050 Human Sexuality Education</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2055 Career Education</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2060 Comprehensive School Counseling</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2263 Physical Education Requirements</a> *Elementary Grades	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2263 Physical Education Requirements</a> *Middle Grades	<b>Out of Compliance with 2022-23 requirements (225/week) and revised requirements (150/week average)</b>	PE classes at middle school are 200 minutes/week.	Current schedule will be in compliance with revised requirement of 150 minutes/week beginning in 2023-24.
<a href="#">581-022-2320 Required Instructional Time</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2340 Media Programs</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2500 Programs and Services for TAG Students</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2350 Independent Adoptions of Instructional Materials</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2355 Instructional Materials Adoption</a>	<b>Implementing Corrective Action</b>	Instructional material adoption approved by Board; review with ODE taking place during Oct 2023	Adoption of materials scheduled through 2028
<a href="#">581-022-2360 Postponement of Purchase of State-Adopted Instructional Materials</a>	<b>Implementing Corrective Action</b>	Instructional material adoption approved by Board; review with ODE taking place during Oct 2023	Adoption of materials scheduled through 2028

### Subcategory: Assessment & Reporting

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2100 Administration of State Assessments</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2110 Exception of Students with Disabilities from State Assessments</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2115 Assessment of Essential Skills: Diploma Requirements</a>	<b>Waived for 2022-23 school year</b>	Not applicable	Not applicable
<a href="#">581-022-2115(2) Assessment of Essential Skills: Local Performance Assessment Requirement</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2120 Essential Skill Assessments for English Language Learners</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2270 Individual Student Assessment, Recordkeeping and Reporting</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2445 Universal Screenings for Risk Factors of Dyslexia</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

### Subcategory: Program & Service Requirements

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2315 Special Education for Children with Disabilities</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2325 Identification of Academically Talented and Intellectually Gifted Students</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2330 Rights of Parents of TAG Students</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2505 Alternative Education Programs</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

### Subcategory: High School Diploma

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2000 Diploma Requirements</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2005 Veterans Diploma</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2010 Modified Diploma</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2015 Extended Diploma</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2020 Alternative Certificate</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2025 Credit Options</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

## Category: Health & Safety

### Subcategory: Policies & Practices

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2205 Policies on Reporting of Child Abuse</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2220 Health Services</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2307 Educational Equity Advisory Committees</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2310 Equal Education Opportunities</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2312 Every Student Belongs</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2345 Auxiliary Services</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

### Subcategory: Plans & Reports

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-0107 Operational Plans for the 2022-23 School Year</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2223 Healthy and Safe Schools Plan</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2225 Emergency Plans and Safety Programs</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2230 Asbestos Management Plans</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2267 Annual Report on Restraint and Seclusion</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2510 Suicide Prevention Plan</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

### Subcategory: Athletics & Interscholastic Activities

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2210 Anabolic Steroids and Performance Enhancing Substances</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2215 Safety of School Sports – Concussions</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2308 Agreements Entered Into with Voluntary Organizations</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

### Category: District Performance & Accountability

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2250 District Improvement Plan</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2255 School and District Performance Report Criteria</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2260- Records and Reports</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2265 Report on PE Data</a>	<b>Waived for 2022-23 school year</b>	Not applicable	Not applicable
<a href="#">581-022-2300 Standardization</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2305 District Assurances of Compliance with Public School Standards</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2370 Complaint Procedures</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

### Category: Human Resources/Staffing

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2335 Daily Class Size</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2400 Personnel</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2405 Personnel Policies</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

Rule # and Title	Status	Explanation/Evidence	Corrective Action Plan & Timeline
<a href="#">581-022-2410 Teacher and Administrator Evaluation and Support</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2415 Core Teaching Standards</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2420 Educational Leadership - Administrator Standards</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2430 Fingerprinting of Subject Individuals in Positions Not Requiring Licensure as Teachers, Administrators, Personnel Specialists, School Nurses</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable
<a href="#">581-022-2440 Teacher Training Related to Dyslexia</a>	<b>In compliance</b>	The district has met all of the requirements for this rule.	Not applicable

**ITEM FOR INFORMATION**  
**MONTHLY FINANCIAL UPDATE**

**SUMMARY**

The financial update is provided monthly and includes the general fund activity and forecast; a summary of revenues, expenditures and encumbrances for all other funds; a report on classroom teacher staffing by school; and information on investment activity as required by policy.

**BACKGROUND**

Attached is the financial report as of September 30, 2023:

- General fund activity and forecast
- Summary of revenue, expenditures and encumbrances for all funds except general fund
- 2023–24 classroom teacher staffing by school as of September 29, 2023
- Portfolio management summary
- Investments by sector and group
- Investments summary by issuer – grouped by fund

**NOTES**

- General Fund Activity and Forecast
  - Enrollment in line with estimates for 2022–23 and 2023–24
  - Revenue Forecast Adjustments
    - Minor increase in Beginning Fund Balance
  - Expenditure Forecast Adjustments
    - Salary estimate reduced by \$3 million
    - Benefit estimate reduced by \$1 million

**RECOMMENDATION**

Staff will present the monthly financial update for the board to receive and discuss. No action is needed.

**Belong. Believe. Achieve.**

**Beaverton School District**  
**Year-To-Date Activity and Forecast**  
**General Fund**  
**As of September 30, 2023**  
*(\$ in millions)*

	Adopted Budget	Final Budget	YTD Actuals	Current Encumb.	Actuals & Encumb.	Year-End Forecast
<b>REVENUES:</b>						
Beginning Fund Balance	\$ 124.0	\$ 124.0	\$ 138.7	\$ -	\$ 138.7	\$ 138.7
State School Fund:						
State School Fund	305.5	305.5	103.9	-	103.9	309.9
Property Taxes	167.5	167.5	0.2	-	0.2	167.5
Common School Fund	5.4	5.4	-	-	-	5.4
County School Fund	1.0	1.0	-	-	-	1.0
Local Option Levy	40.5	40.5	-	-	-	40.5
Investment Earnings	4.0	4.0	-	-	-	7.0
NWRESD Appointment	11.1	11.1	-	-	-	11.1
Other	7.3	7.3	0.4	-	0.4	7.3
<b>Total</b>	<b>\$ 666.3</b>	<b>\$ 666.3</b>	<b>\$ 243.2</b>	<b>\$ -</b>	<b>\$ 243.2</b>	<b>\$ 688.4</b>
<b>EXPENDITURES:</b>						
Salaries	\$ 304.5	\$ 304.5	\$ 49.7	\$ -	\$ 49.7	\$ 301.5
Benefits	181.2	181.2	29.3	-	29.3	180.2
Purchased services	37.5	37.5	6.5	10.0	16.5	37.5
Supplies & materials	16.7	16.7	3.9	3.2	7.1	16.7
Capital outlay	0.6	0.6	0.1	0.7	0.8	0.6
Other	3.1	3.1	1.6	0.4	2.0	3.1
Transfers out	6.7	6.7	6.7	-	6.7	6.7
Contingency	116.0	116.0	-	-	-	116.0
<b>Total</b>	<b>\$ 666.3</b>	<b>\$ 666.3</b>	<b>\$ 97.8</b>	<b>\$ 14.3</b>	<b>\$ 112.1</b>	<b>\$ 662.3</b>

<b>Projected Surplus / (Deficit) from Operations</b>	<b>\$ 3.4</b>
Excludes beginning fund balance and contingency	
<b>Projected Ending Fund Balance</b>	<b>\$ 142.1</b>
Projected ending fund balance percentage of actual (forecast) revenue at 6/30/2024 *	<b>20.6%</b>

<b>*Projected ending fund balance breakdown:</b>		Projected EFB	
General Operating Fund		\$ 141.6	<b>20.5%</b>
Local Option Levy Fund		0.5	<b>0.1%</b>

	Adopted Budget	Final Budget	YTD Actuals	Current Encumb.	Actuals & Encumb.	Year-End Forecast
<b>APPROPRIATIONS:</b>						
Instruction	\$ 336.1	\$ 336.1	\$ 50.1	\$ 5.5	\$ 55.6	\$ 333.1
Support Services	205.3	205.3	39.7	8.5	48.2	204.3
Enterprise & Community Svc	0.3	0.3	-	-	-	0.3
Facilities Acquisition & Const	0.1	0.1	-	-	-	0.1
Other Uses	8.5	8.5	8.0	0.3	8.3	8.5
Contingencies	116.0	116.0	-	-	-	116.0
<b>Total</b>	<b>\$ 666.3</b>	<b>\$ 666.3</b>	<b>\$ 97.8</b>	<b>\$ 14.3</b>	<b>\$ 112.1</b>	<b>\$ 662.3</b>

**Beaverton School District**  
**Summary of Revenue, Expenditures and Encumbrances**  
**All Funds Except General Fund**  
**As of September 30, 2023**

<b>Funds</b>	<b>Final Budget (incl Beg Fund Bal)</b>	<b>YTD Revenue (incl Beg Fund Bal)</b>	<b>YTD Expenditures (Incl transfers out)</b>	<b>Encumb.</b>	<b>YTD Expenditures &amp; Encumb.</b>	<b>Percent</b>	<b>Fund Balance</b>
Student Body Fund	\$ 13,569,000	\$ 6,908,374	\$ 918,023	\$ 498,664	\$ 1,416,687	10.44%	\$ 5,491,687
Categorical	9,932,000	5,533,234	1,574,930	666,233	2,241,163	22.57%	3,292,071
Scholarship Fund	550,000	452,026	21,500	32,500	54,000	9.82%	398,026
Grant Fund	144,648,240	-	17,847,465	2,465,576	20,313,041	14.04%	(20,313,041)
Sustainability Fund	22,600,000	18,338,287	-	-	-	0.00%	18,338,287
Nutrition Services Fund	18,332,235	6,327,442	1,990,221	5,297,631	7,287,852	39.75%	(960,410)
Debt Service Fund	116,516,484	16,137,816	-	-	-	0.00%	16,137,816
Capital Projects Fund	534,962,000	370,786,019	30,025,590	60,794,181	90,819,771	16.98%	279,966,248
Insurance Reserve Fund	11,038,624	11,053,110	2,647,086	908,550	3,555,636	32.21%	7,497,474
Workers' Compensation Fund	5,851,772	4,305,138	623,347	153,350	776,697	13.27%	3,528,441
<b>Total</b>	<b>\$ 878,000,355</b>	<b>\$ 439,841,446</b>	<b>\$ 55,648,162</b>	<b>\$ 70,816,685</b>	<b>\$ 126,464,847</b>		<b>\$ 313,376,599</b>



**2023-24 Classroom Teacher Staffing By School**  
As of 9/29/23

School	Budgeted Enrollment	9/29/2023 Enrollment	Enrollment Change	Budgeted FTE					Actual FTE				
				General Fund	Levy	SIA	ESSER	TOTAL	General Fund	Levy	SIA	ESSER	TOTAL
Aloha Huber (K-8)	901	908	7	29.0	9.0	3.0	-	41.0	29.0	9.0	3.0	-	41.0
Barnes	433	435	2	14.0	4.0	2.0	-	20.0	14.0	4.0	2.0	-	20.0
Beaver Acres	771	758	(13)	25.0	6.0	4.0	-	35.0	25.0	6.0	4.0	-	35.0
Bethany	428	418	(10)	11.0	4.0	2.0	-	17.0	11.0	4.0	2.0	-	17.0
Bonny Slope	672	632	(40)	19.0	6.0	2.0	-	27.0	18.0	6.0	2.0	-	26.0
Cedar Mill	337	329	(8)	10.0	2.0	2.0	-	14.0	10.0	2.0	2.0	-	14.0
Chehalem	371	389	18	12.0	3.0	2.0	-	17.0	12.0	3.0	2.0	-	17.0
Cooper Mountain	394	398	4	11.0	3.0	2.0	-	16.0	12.0	3.0	2.0	-	17.0
Elmonica	398	408	10	12.0	3.0	2.0	-	17.0	13.0	3.0	2.0	-	18.0
Errol Hassell	365	338	(27)	10.0	3.0	2.0	-	15.0	9.0	3.0	2.0	-	14.0
Findley	582	559	(23)	15.0	5.0	2.0	-	22.0	14.0	5.0	2.0	-	21.0
Fir Grove	314	343	29	11.0	2.0	2.0	-	15.0	11.0	2.0	2.0	-	15.0
FLEX (K-5)	115	80	(35)	3.0	1.0		-	4.0	3.0	1.0	-	-	4.0
Greenway	258	274	16	7.0	3.0	2.0	-	12.0	7.0	3.0	2.0	-	12.0
Hazeldale	438	433	(5)	13.0	4.0	2.0	-	19.0	13.0	4.0	2.0	-	19.0
Hiteon	472	471	(1)	14.0	4.0	1.0	-	19.0	14.0	4.0	1.0	-	19.0
Jacob Wismer	550	575	25	14.0	5.0	2.0	-	21.0	14.0	5.0	2.0	-	21.0
Kinnaman	476	484	8	15.0	4.0	2.0	-	21.0	15.0	4.0	2.0	-	21.0
McKay	259	247	(12)	8.0	2.0	2.0	-	12.0	8.0	2.0	2.0	-	12.0
McKinley	633	655	22	20.0	6.0	2.0	-	28.0	19.0	6.0	2.0	-	27.0
Montclair	290	282	(8)	9.0	2.0	1.0	-	12.0	9.0	2.0	1.0	-	12.0
Nancy Ryles	460	464	4	14.0	3.0	2.0	-	19.0	14.0	3.0	2.0	-	19.0
Oak Hills	495	498	3	14.0	4.0	2.0	-	20.0	14.0	4.0	2.0	-	20.0
Raleigh Hills (K-8)	269	271	2	8.0	3.0	1.0	-	12.0	8.0	3.0	1.0	-	12.0
Raleigh Park	298	303	5	9.0	3.0	1.0	-	13.0	9.0	3.0	1.0	-	13.0
Ridgewood	376	378	2	11.0	3.0	2.0	-	16.0	11.0	3.0	2.0	-	16.0
Rock Creek	420	417	(3)	11.0	4.0	2.0	-	17.0	11.0	4.0	2.0	-	17.0
Sato	823	848	25	23.0	7.0	3.0	-	33.0	23.0	7.0	3.0	-	33.0
Scholls Heights	617	614	(3)	18.0	4.0	2.0	-	24.0	18.0	4.0	2.0	-	24.0
Sexton Mountain	439	438	(1)	13.0	3.0	2.0	-	18.0	13.0	3.0	2.0	-	18.0
Springville (K-8)	709	729	20	20.0	6.0	2.0	-	28.0	21.0	6.0	2.0	-	29.0
Terra Linda	271	287	16	9.0	2.0	1.0	-	12.0	8.5	2.0	1.0	-	11.5
Vose	685	706	21	22.0	6.0	2.0	-	30.0	22.0	6.0	2.0	-	30.0
West TV	295	294	(1)	7.0	3.0	2.0	-	12.0	8.0	3.0	2.0	-	13.0
William Walker	512	508	(4)	17.0	4.0	2.0	-	23.0	16.0	4.0	2.0	-	22.0
<b>Elementary School Total</b>	<b>16,126</b>	<b>16,171</b>	<b>45</b>	<b>478.0</b>	<b>136.0</b>	<b>67.0</b>	<b>-</b>	<b>681.0</b>	<b>476.5</b>	<b>136.0</b>	<b>67.0</b>	<b>-</b>	<b>679.5</b>
<b>Average Elementary School Staffing Ratio</b>				<b>33.7</b>	<b>26.3</b>	<b>23.7</b>			<b>33.9</b>	<b>26.4</b>	<b>23.8</b>		



**2023-24 Classroom Teacher Staffing By School  
As of 9/29/23**

School	Budgeted Enrollment	9/29/2023 Enrollment	Enrollment Change	Budgeted FTE					Actual FTE				
				General Fund	Levy	SIA	ESSER	TOTAL	General Fund	Levy	SIA	ESSER	TOTAL
Cedar Park	659	633	(26)	22.4	5.0	1.0	0.6	29.0	21.4	5.0	1.0	0.6	28.0
Conestoga	797	832	35	26.6	6.0	1.2	0.8	34.6	26.5	6.0	1.2	0.8	34.5
Five Oaks	790	769	(21)	27.6	6.2	1.2	0.8	35.8	26.6	6.2	1.2	0.8	34.8
Highland Park	642	652	10	20.8	4.8	0.8	0.6	27.0	20.8	4.8	0.8	0.6	27.0
Meadow Park	665	679	14	27.0	5.8	1.0	0.8	34.6	25.9	5.8	1.0	0.8	33.5
Mountain View	853	815	(38)	31.8	7.4	1.2	1.0	41.4	29.9	7.4	1.2	1.0	39.5
Stoller	1,001	1,038	37	29.6	7.0	1.2	1.0	38.8	28.8	7.0	1.2	1.0	38.0
Tumwater	951	980	29	27.8	6.4	1.2	0.8	36.2	28.5	6.4	1.2	0.8	36.9
Whitford	772	750	(22)	29.0	6.0	1.2	0.8	37.0	29.0	6.0	1.2	0.8	37.0
<b>Middle School Total</b>	<b>7,130</b>	<b>7,148</b>	<b>18</b>	<b>242.6</b>	<b>54.6</b>	<b>10.0</b>	<b>7.2</b>	<b>314.4</b>	<b>237.4</b>	<b>54.6</b>	<b>10.0</b>	<b>7.2</b>	<b>309.2</b>
<b>Average Middle School Staffing Ratio</b>				<b>29.4</b>	<b>24.0</b>	<b>23.2</b>	<b>22.7</b>		<b>30.1</b>	<b>24.5</b>	<b>23.7</b>	<b>23.1</b>	
Aloha	1,590	1,619	29	62.2	13.6	2.4	-	78.2	55.4	13.6	2.4	-	71.4
Beaverton	1,428	1,445	17	56.6	11.6	2.2	-	70.4	54.2	11.6	2.2	-	68.0
Mountainside	1,717	1,688	(29)	52.8	12.0	2.4	-	67.2	51.4	12.0	2.4	-	65.8
Southridge	1,405	1,449	44	49.0	11.0	2.0	-	62.0	48.3	11.0	2.0	-	61.3
Sunset	1,874	1,848	(26)	56.0	12.8	2.4	-	71.2	57.0	12.8	2.4	-	72.2
Westview	2,359	2,397	38	74.8	17.0	3.2	-	95.0	74.4	17.0	3.2	-	94.6
<b>High School Total</b>	<b>10,373</b>	<b>10,446</b>	<b>73</b>	<b>351.4</b>	<b>78.0</b>	<b>14.6</b>	<b>-</b>	<b>444.0</b>	<b>340.7</b>	<b>78.0</b>	<b>14.6</b>	<b>-</b>	<b>433.3</b>
<b>Average High School Staffing Ratio</b>				<b>29.5</b>	<b>24.2</b>	<b>23.4</b>	<b>-</b>		<b>30.7</b>	<b>25.0</b>	<b>24.1</b>	<b>-</b>	
Arts & Communication Magnet Academy (6-12)	688	668	(20)	25.2	5.0	0.8	-	31.0	23.9	5.0	0.8	-	29.7
Beaverton Academy of Science and Engineering (6-12)	820	851	31	29.8	5.8	1.2	-	36.8	30.2	5.8	1.2	-	37.2
Community School (9-12)	150	121	(29)	7.2	1.2	0.4	-	8.8	6.0	1.2	0.4	-	7.6
FLEX Online School (6-12)	600	400	(200)	19.4	2.4	1.0	-	22.8	19.3	2.4	1.0	-	22.7
International School of Beaverton (6-12)	890	870	(20)	31.6	6.2	1.2	-	39.0	32.1	6.2	1.2	-	39.5
<b>Options Schools Total</b>	<b>3,148</b>	<b>2,910</b>	<b>(238)</b>	<b>113.2</b>	<b>20.6</b>	<b>4.6</b>	<b>-</b>	<b>138.4</b>	<b>111.5</b>	<b>20.6</b>	<b>4.6</b>	<b>-</b>	<b>136.7</b>
<b>Average Options Staffing Ratio</b>				<b>27.8</b>	<b>23.5</b>	<b>22.7</b>	<b>-</b>		<b>26.1</b>	<b>22.0</b>	<b>21.3</b>	<b>-</b>	
<b>Address Extreme Class Size K-12</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>13.0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>13.0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>District Total</b>	<b>36,777</b>	<b>36,675</b>	<b>(102)</b>	<b>1,198.2</b>	<b>289.2</b>	<b>96.2</b>	<b>7.2</b>	<b>1,590.8</b>	<b>1,166.1</b>	<b>289.2</b>	<b>96.2</b>	<b>7.2</b>	<b>1,558.7</b>

*Note: Enrollment includes general education student projections plus specialized program students for elementary and general education student projections plus ALC, EGC, and SCC students for secondary. Classroom teachers are budgeted based on a staffing ratio found in the Staffing Allocation Methodology (SAM) on pages 202-222 in the 2023-24 Adopted Budget Document. Elementary music and PE specialists are not included in the classroom teacher allocations. Secondary AVID, CTE, Dual Language & Specialized Program Elective teachers not allocated by the classroom teacher ratio are included.*

*Postings for open positions are also not included in this report. This report represents actual filled positions.*

**Beaverton School District**  
**Portfolio Management**  
**Portfolio Summary**  
**September 30, 2023**

<b>Investments</b>	<b>Par Value</b>	<b>Market Value</b>	<b>Book Value</b>	<b>% of Portfolio</b>	<b>Days to Maturity</b>	<b>YTM</b>
Corporate Notes	5,000,000.00	4,832,650.00	4,836,100.00	0.99	470	2.750
Commercial Paper Disc. -At Cost	10,000,000.00	9,976,088.80	9,786,250.00	2.00	15	5.242
Federal Agency Coupon Securities	69,400,000.00	68,798,027.00	69,389,990.00	14.19	230	4.430
Federal Agency Disc. -At Cost	92,000,000.00	90,157,850.00	89,702,200.27	18.35	143	5.264
Treasury Coupon Securities	225,000,000.00	216,263,800.00	214,499,687.50	43.88	317	3.205
Treasury Discounts -At Cost	50,000,000.00	49,752,500.00	49,122,696.39	10.05	35	5.191
LGIP	51,500,745.65	51,500,745.65	51,500,745.65	10.54	1	3.750
<b>Investments</b>	<b>502,900,745.65</b>	<b>491,281,661.45</b>	<b>488,837,669.81</b>	<b>100.00%</b>	<b>207</b>	<b>4.050</b>

<b>Total Earnings</b>	<b>September 30</b>	<b>Month Ending</b>
Current Year	1,795,384.40	
<b>Average Daily Balance</b>	<b>516,687,885.61</b>	
<b>Effective Rate of Return</b>	<b>4.23%</b>	

This report of the investment portfolio is in accordance with Board Policy DFA - Investment of Funds.

Beaverton School District, Prepared By Business Office

**Beaverton School District**  
**Investments by Sector and Group**  
**Index: Investment Policy**  
**Limitation based on Market Value**  
**September 30, 2023**

CUSIP	Investment #	Issuer	Maturity Date	Par Value	Book Value	Market Value	Allocation Target %	Actual %
<b>Federal Agency</b>								
<b>Federal Farm Credit Bank</b>								
3133ENA91	11280	Federal Farm Credit Bank	07/15/2024	25,000,000.00	25,034,300.00	24,531,250.00		4.99
				<b>Subtotal</b>	<b>25,000,000.00</b>	<b>25,034,300.00</b>	<b>35.00</b>	<b>4.99</b>
<b>Federal Home Loan Bank</b>								
3130AULY8	11322	Federal Home Loan Bank	07/26/2024	5,000,000.00	5,000,000.00	4,971,300.00		1.01
3130AUJ62	11323	Federal Home Loan Bank	01/26/2024	5,900,000.00	5,900,000.00	5,890,442.00		1.19
3130AVFX5	11328	Federal Home Loan Bank	03/30/2024	15,000,000.00	15,000,000.00	14,961,150.00		3.04
3130ATNX1	11344	Federal Home Loan Bank	04/26/2024	3,500,000.00	3,488,940.00	3,486,385.00		0.71
3130ATNX1	11345	Federal Home Loan Bank	04/26/2024	5,000,000.00	4,984,200.00	4,980,550.00		1.01
3130ATXN2	11346	Federal Home Loan Bank	05/22/2024	5,000,000.00	4,982,550.00	4,978,300.00		1.01
3130AWQ78	11348	Federal Home Loan Bank	04/01/2024	5,000,000.00	5,000,000.00	4,998,650.00		1.01
313384PY9	11337	Federal Home Loan Bank	12/01/2023	15,000,000.00	14,616,466.67	14,871,900.00		3.02
313384PG8	11338	Federal Home Loan Bank	11/15/2023	10,000,000.00	9,810,250.00	9,937,500.00		2.02
313384YC7	11351	Federal Home Loan Bank	06/14/2024	20,000,000.00	19,266,522.22	19,282,800.00		3.92
313384SD2	11352	Federal Home Loan Bank	01/23/2024	5,000,000.00	4,915,333.33	4,919,900.00		1.00
313384LUL1	11353	Federal Home Loan Bank	03/18/2024	5,000,000.00	4,877,256.94	4,881,350.00		0.99
313384WR6	11354	Federal Home Loan Bank	05/10/2024	5,000,000.00	4,840,400.00	4,848,000.00		0.98
313384WR6	11355	Federal Home Loan Bank	05/10/2024	5,000,000.00	4,840,400.00	4,848,000.00		0.98
313384WR6	11356	Federal Home Loan Bank	05/10/2024	7,000,000.00	6,776,560.00	6,787,200.00		1.38
313384QR3	11358	Federal Home Loan Bank	12/18/2023	20,000,000.00	19,759,011.11	19,781,200.00		4.02
				<b>Subtotal</b>	<b>136,400,000.00</b>	<b>134,057,890.27</b>	<b>35.00</b>	<b>27.36</b>
				<b>Total</b>	<b>161,400,000.00</b>	<b>159,092,190.27</b>	<b>100.00</b>	<b>32.36</b>
<b>Corporate Indebtedness</b>								
<b>Apple Corp</b>								
037833DF4	11357	Apple Corp	01/13/2025	5,000,000.00	4,836,100.00	4,832,650.00		0.98
				<b>Subtotal</b>	<b>5,000,000.00</b>	<b>4,836,100.00</b>	<b>5.00</b>	<b>0.98</b>
<b>Toyota Cap Corp</b>								
89233HXG4	11330	Toyota Cap Corp	10/16/2023	10,000,000.00	9,786,250.00	9,976,088.80		2.03
				<b>Subtotal</b>	<b>10,000,000.00</b>	<b>9,786,250.00</b>	<b>5.00</b>	<b>2.03</b>
				<b>Total</b>	<b>15,000,000.00</b>	<b>14,622,350.00</b>	<b>35.00</b>	<b>3.01</b>

**Beaverton School District  
Investments by Sector and Group  
Limitation based on Market Value**

CUSIP	Investment #	Issuer	Maturity Date	Par Value	Book Value	Market Value	Allocation Target %	Actual %
<b>OR Treas Local Govt Inv Pool</b>								
<b>Local Government Inv Pool</b>								
LGIP 4010	FUND 000	LGIP		27,495,919.32	27,495,919.32	27,495,919.32		5.59
LGIP 5173	FUND 300	LGIP		606,656.73	606,656.73	606,656.73		0.12
LGIP 4972	FUND 417	LGIP		10,974,431.11	10,974,431.11	10,974,431.11		2.23
LGIP 6440	FUND 418	LGIP		12,423,738.49	12,423,738.49	12,423,738.49		2.52
			<b>Subtotal</b>	<b>51,500,745.65</b>	<b>51,500,745.65</b>	<b>51,500,745.65</b>	<b>100.00</b>	<b>10.48</b>
			<b>Total</b>	<b>51,500,745.65</b>	<b>51,500,745.65</b>	<b>51,500,745.65</b>	<b>100.00</b>	<b>10.48</b>
<hr/>								
<b>US Treasuries</b>								
<b>US Treasuries</b>								
91282CAP6	11275	U.S. Treasury	10/15/2023	50,000,000.00	48,253,900.00	49,906,500.00		10.15
91282CCX7	11276	U.S. Treasury	09/15/2024	50,000,000.00	47,257,450.00	47,646,500.00		9.69
91282CDS7	11277	U.S. Treasury	01/15/2025	55,000,000.00	52,490,625.00	52,142,750.00		10.61
9128282N9	11279	U.S. Treasury	07/31/2024	15,000,000.00	14,746,875.00	14,590,950.00		2.97
912828ZW3	11286	U.S. Treasury	06/30/2025	20,000,000.00	18,410,937.50	18,381,200.00		3.74
91282CCG4	11287	U.S. Treasury	06/15/2024	15,000,000.00	14,283,300.00	14,461,500.00		2.94
91282CCT6	11350	U.S. Treasury	08/15/2024	20,000,000.00	19,056,600.00	19,134,400.00		3.89
912797FA0	11335	U.S. Treasury	10/12/2023	5,000,000.00	4,911,625.00	4,992,650.00		1.01
912797FJ1	11336	U.S. Treasury	11/09/2023	5,000,000.00	4,891,451.39	4,972,050.00		1.01
912797HC4	11342	U.S. Treasury	10/24/2023	20,000,000.00	19,667,788.89	19,935,600.00		4.05
912797GD3	11343	U.S. Treasury	01/18/2024	5,000,000.00	4,869,277.78	4,920,450.00		1.00
912796YT0	11347	U.S. Treasury	11/02/2023	15,000,000.00	14,782,553.33	14,931,750.00		3.03
			<b>Subtotal</b>	<b>275,000,000.00</b>	<b>263,622,383.89</b>	<b>266,016,300.00</b>	<b>100.00</b>	<b>54.15</b>
			<b>Total</b>	<b>275,000,000.00</b>	<b>263,622,383.89</b>	<b>266,016,300.00</b>	<b>100.00</b>	<b>54.15</b>
<hr/>								
			<b>Grand Total</b>	<b>502,900,745.65</b>	<b>488,837,669.81</b>	<b>491,281,661.45</b>		

**Beaverton School District**  
**Summary by Issuer**  
**September 30, 2023**  
**Grouped by Fund**

Issuer		Number of Investments	Par Value	Book Value	% of Portfolio	Average YTM 365	Average Days to Maturity
<b>Fund: Pooled Cash</b>							
	<b>Subtotal</b>	14	153,395,919.32	151,211,729.59	30.92	5.022	101
<b>Fund: 300 Debt Service</b>							
	<b>Subtotal</b>	2	4,106,656.73	4,095,596.73	0.83	5.187	177
<b>Fund: 417 Capital Projects Taxable</b>							
	<b>Subtotal</b>	5	30,974,431.11	30,533,240.83	6.26	4.718	62
<b>Fund: 418 Bond Issue Fund</b>							
	<b>Subtotal</b>	14	314,423,738.49	302,997,102.66	61.98	3.518	274
	<b>Total and Average</b>	35	502,900,745.65	488,837,669.81	100.00	4.072	207

**ITEM FOR INFORMATION****REVIEW OF SCHOOL BOARD POLICY DFA****SUMMARY**

Board Policy DFA Investment of Funds requires annual review by the administration and school board.

**BACKGROUND**

Board Policy DFA guides the investment of short-term operating funds and capital project funds. The primary objectives for this investment policy, in priority order, shall be preservation of capital, maintenance of a liquid position and maximum yield. The CFO shall annually review the investment policy and submit the policy and revisions to the OSTF if required. The policy and any revisions shall be presented annually to the board for review. There are no changes since the readoption on May 15, 2017.

**RECOMMENDATION**

It is recommended that the school board review this policy. No action is needed.

**Belong. Believe. Achieve.**

## Investment of Funds

### 1. Scope and Pooling of Funds

This policy applies to the investment of short-term operating funds and capital project funds (including bond proceeds and bond reserve funds) held by the district. Investments of employees' retirement funds, deferred compensation plans, and funds held and invested by trustees, escrow agents or fiscal agents are not covered by this policy. This policy does not apply to the district's checking account.

Except where legally required to hold separate funds, the district will consolidate cash balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds monthly based on their respective cash balances.

### 2. General Objectives

The primary objectives for this investment policy, in priority order, shall be: preservation of capital; maintenance of a liquid position; and maximum yield.

#### a. Safety

Safety of principal is the foremost objective of the investment program. Investment decisions shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

- (1) Credit Risk: The district will minimize credit risk, the risk of loss due to the financial failure of the security issuer or backer, by:
  - (a) Limiting exposure to poor credits and concentrating the investments in the safest types of securities.
  - (b) Diversifying the investment portfolio so that potential losses on individual securities will be minimized.
  - (c) Monitoring the investment portfolio holdings for rating changes, changing economic/market conditions, etc.
- (2) Interest Rate Risk: The district will minimize the price risk, due to changes in general market interest rates, associated with the sale of securities prior to maturity, by:
  - (a) Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations and/or capital projects, thereby avoiding the need to sell securities on the open market prior to maturity.
  - (b) Investing operating funds primarily in shorter-term securities or local government investment pool.

- b. **Liquidity**  
The investment portfolio shall remain sufficiently liquid to meet all operating, capital and construction requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with anticipated cash needs. In addition, a portion of the portfolio should also be placed in the Oregon Local Government Investment Pool (LGIP), or a similar investment vehicle, to provide immediately available funds.
- c. **Yield**  
The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of lesser importance compared to the safety and liquidity objectives described above. The portfolio investments are limited to highly rated/low risk securities in anticipation of earning a fair return relative to the risk being assumed.

Securities shall not be sold prior to maturity with the following exceptions:

- (1) A security with declining credit may be sold early to minimize loss of principal.
- (2) A security swap that would improve the quality, yield, or target duration in the portfolio.
- (3) Liquidity needs of the portfolio require that the security be sold.
- (4) To liquidate a security purchased in error that violates state law or this policy.

### **3. Standards of Care**

- a. **Prudence**  
The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported to the School Board in a timely fashion, and the liquidation and/or sale of securities are carried out in accordance with the terms of this policy.  
  
Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.
- b. **Ethics and Conflicts of Interest**  
Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees, officers and their families shall not undertake personal investment transactions with the same individual with whom business is conducted on behalf of the district. Officers and employees shall, at all times, comply with the state of Oregon Government Ethics Commission set forth in Oregon Revised Statute (ORS) Chapter 244.
- c. **Delegation of Authority**  
The chief finance officer (CFO) shall manage the district’s investment program and ensure compliance with the investment policy, designate eligible investment institutions, review periodic investment reports and monitor investment transactions.

The CFO will designate the cash manager under his/her supervision to administer the policy, place investments, maintain accounting records and prepare investment reports.

**4. Authorized Financial Dealers and Institutions**

A list will be maintained of financial institutions authorized to provide investment and safekeeping services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness and other factors considered relevant by the district. These may include primary dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).

Regional brokers and dealers must have an office in Pacific Northwest in order to be considered for doing business with the district. The district will limit all security purchases to institutions on the approved lists.

All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following, as appropriate:

- a. Audited financial statements;
- b. Proof of National Association of Securities Dealers (NASD) certification;
- c. Proof of state registration;
- d. Completed broker/dealer questionnaire;
- e. Certification of having read and understood the district's investment policy;
- f. References from other Oregon local government clients.

A review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the CFO at least every five years. Additions and deletions to the list may be made at the discretion of the CFO.

**5. Internal Controls**

The CFO, in cooperation with the Financial Reporting staff and the external auditor, will establish and maintain an adequate internal control structure designed to reasonably protect the investments of the district from loss, theft or misuse. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by the CFO.

The district shall establish a process for an annual independent review by an external auditor to assure adequate internal controls, as well as compliance with policies and procedures. In addition, the internal controls may be tested by an external auditor upon any extraordinary event, such as turnover of key personnel.

**6. Accounting Method**

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

## **7. Delivery, Safekeeping and Collateral**

### **a. Delivery and Safekeeping**

Prior to sending funds to a broker/dealer for an investment purchase, the cash manager will require a trade ticket listing the details of the transaction. Securities may be held by the broker/dealer in the district's name in the broker/dealer's account or they may be held by a third-party safekeeping agent.

The purchase and sale of securities, repurchase agreement and guaranteed investment contract transactions shall be settled on a delivery versus payment basis in accordance with Oregon Revised Statute (ORS) 294.145(4) and (5). It is the intent of the district that all purchased securities shall be perfected in the name of the district.

Sufficient evidence to title shall be consistent with modern investment and commercial practices.

### **b. Collateral**

Cash management tools, defined as bank deposits, time deposits, certificates of deposit and savings accounts, shall be held in qualified Oregon depositories and collateralized in accordance with ORS Chapter 295.

ORS 294.035(3)(j) requires repurchase agreement collateral to be limited in maturity to three years and priced according to percentages prescribed by written policy of the Oregon Investment Council or the Oregon Short-Term Fund Board.

On March 12, 1996, the OSTF Board adopted the following margins:

- (1) U.S. Treasury securities: 102%;
- (2) U.S. Agency discount and coupon securities: 102%;
- (3) Mortgage backed securities, although allowed by ORS Chapter 294, are not allowed as repurchase agreement collateral under this policy.

A signed Master Repurchase Agreement must be in place between the district and the securities dealer, prior to entering into any repurchase agreement with that dealer.

At the minimum, the district will monitor the collateral requirements weekly for guaranteed investment contracts.

## **8. Authorized Investments**

The following investments will be permitted by this policy and are authorized for investment under ORS 294.035, ORS 294.052 and 294.810:

- a. U.S. Treasury securities and other lawfully issued general obligations of the United States, including general obligations of agencies and instrumentalities of the United States or enterprises sponsored by the United States government;
- b. Debt of the agencies and instrumentalities of the states of Oregon, California, Idaho and Washington and their political subdivisions;
- c. Time deposit open accounts, certificates of deposit, bank deposit, and savings accounts;
- d. Bankers acceptances;
- e. Corporate indebtedness;

- f. Repurchase agreements;
- g. Oregon Short-Term Fund (OSTF) (also known as the Local Government Investment Pool – LGIP);
- h. For investment of bond proceeds only and with Board approval: various investment agreements that meet the requirements of ORS 294.052 and the collateral requirements; and restrictions of this policy.

**9. Investment Parameters**

- a. Diversification

The investments shall be diversified by:

- (1) Limiting investments to avoid over-concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities);
- (2) Investing in securities that have high credit quality;
- (3) Limiting investments in high interest rate risk, such as variable rate securities;
- (4) Investing in securities with varying maturities; and
- (5) Continuously investing a portion of the portfolio in readily available funds such as the Oregon Short-Term Fund (or LGIP).

**Maximum Maturities and Percentage of Investments by Type**

The maximum percentages for direct investments of surplus funds are as shown in the chart below. Surplus funds are defined as the sum of all investments, cash balances, deposit balances of all types and LGIP balances. The maximum maturity is measured from the settlement date of the investment transaction.

Capital project funds are funds specifically dedicated to capital projects, and will typically include proceeds from the district’s bond sales. All bond fund reserve requirements will be considered to be capital project funds. The district may designate (upon approval by the Board) other funds as capital project funds. Operating funds are all surplus funds that are not capital project funds.

<b>Security</b>	<b>Maximum % of total Portfolio</b>	<b>Maximum Maturity</b>
U.S. Treasury Bills, Notes and Bonds and obligations secured by the U.S. Treasury	100 percent	18 months for operating funds, and 3 years for capital project funds
U.S. Government Agencies and Instrumentalities, including Government Sponsored Enterprises	100 percent	18 months for operating funds, and 3 years for capital project funds
State and Local Government Securities	30 percent	18 months for operating funds, and 3 years for capital project funds
Time Certificates of Deposit	50 percent	18 months
Repurchase Agreements	25 percent	30 days
Banker’s Acceptances	25 percent	6 months

Corporate Indebtedness (commercial paper and bonds)	35 percent	18 months
OSTF - Local Government Investment Pool	Statutory Limit	N/A
Time Deposit Open Accounts, Bank Deposit and Savings Accounts	10 percent	N/A

In addition to the above, the district may invest up to 100 percent of the proceeds from any bond issue in investment agreements that meet the requirements of ORS 294.052 and the repurchase agreement collateral requirements and restrictions of this policy.

In order to achieve issuer diversification, this policy sets limits on the maximum holdings by issuer for certain investment types.

- (6) There shall be a limit of 35 percent of the portfolio held in securities issued by any single US government agency.
- (7) Time certificates of deposit and banker’s acceptances can all be issued by a single banking institution. In order to avoid over-concentration in a single banking institution, there shall be a limit of 10 percent for overall holdings of one institution.

In addition to this policy, ORS 294.035 limits investment in a single corporate entity to no more than 5 percent of total surplus funds.

Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time subsequent to the purchase of a particular security. Securities need not be liquidated to realign the portfolio, but consideration should be given to this matter when future liquidations are made or when reinvestment occurs. Portfolio percentage limits are in place to ensure diversification in the investment portfolio; a small, temporary imbalance will not significantly impair that strategy.

b. Liquidity of Funds

Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds, such as the OSTF or overnight repurchase agreements, or held in bank balances to ensure that appropriate liquidity is maintained to meet on-going obligations.

Maturity limitations will depend upon whether the funds being invested are considered short-term or long-term funds. All funds will be considered short-term except those reserved for capital projects. Except for special situations, as directed by the investment officer, investments will be limited to maturities not exceeding 18 months.

Short-term portfolio – Investment maturities for operating funds shall be scheduled to coincide with projected cash flow needs. In addition, the following maturity limits are designed to ensure liquidity in the portfolio:

<b>Length of Maturity</b>	<b>Minimum % of Total Portfolio</b>
Under 30 days	10 percent
Under 90 days	25 percent
Under 180 days	50 percent
Under 360 days	90 percent
Under 18 months	100 percent

If these maturity limits are inadvertently exceeded at the time of a specific investment, the purchase does not need to be liquidated. Future investments must not be made to longer maturity dates until the limits will be met, however.

Long-term portfolio – Instruments and diversification for the long-term portfolio shall be as for the short-term portfolio. Long-term portfolio is defined as “maturities over 18 months and maximum of 36 months”. Maturity scheduling shall be timed according to anticipated need. For example, investment of capital project funds shall be timed to meet projected contractor payments.

The investments of bond proceeds are restricted under bond covenants that may be more restrictive than the investment parameters included in this policy. Bond proceeds shall be invested in accordance with the most restrictive parameters of this policy and the applicable bond covenants and tax laws.

This investment policy has been submitted for review by the OSTF Board as specified above and in accordance with ORS 294.135(1)(a).

- c. **Credit Ratings**  
The minimum credit rating levels for the permissible investments are set out in ORS 294.035. These credit rating levels apply to the security at the transaction settlement date. If the credit rating of a security is subsequently downgraded below the minimum rating level for a new investment of that security, the CFO shall evaluate the downgrade on a case-by-case basis in order to determine if the security should be held or sold. The CFO will notify the School Board about the credit rating downgrade and whether the decision was made to sell or hold the security.
- d. **Securities Lending and Reverse Repurchase Agreements**  
The district will not lend securities nor directly participate in a securities lending or reverse repurchase program.
- e. **Competitively Priced Securities**  
Before any security purchase or sale is initiated, the cash manager shall gather information about current market interest rate levels from various sources, including investment dealers, internet financial websites, financial publications and other sources. Each security purchase shall be made at competitive market interest rate levels. The cash manager shall use their discretion in determining whether to seek competitive bids or offers.

## 10. Reporting

### a. Methods

The cash manager shall prepare an investment report monthly including a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the previous month. The report will be submitted to the CFO for review. This management summary will be prepared in a manner that will allow the CFO to ascertain whether investment activities during the reporting period have conformed to the investment policy. In addition, the cash manager will prepare a regular monthly board report. At a minimum, this report will include the following:

- (1) Listing of individual securities held at the end of the reporting period;
- (2) Average weighted yield to maturity of portfolio on investments as compared to applicable benchmark(s);
- (3) Listing of investments by maturity date, call date, cost and current fair value;
- (4) Percentage of the total portfolio that each type of investment represents along with the percentages authorized in this policy.

### b. Performance Standards

The investment portfolio will be managed in accordance with the parameters specified within this policy. The appropriate benchmark will be the monthly yield for the LGIP. Because bond proceeds are expected to be invested at the time they are received, and are therefore invested in an interest rate environment that exists at that point in time, that portion of the portfolio will be excluded from ongoing benchmark performance measurement.

### c. Marking to Market

The market value of the portfolio shall be calculated at least annually and a statement of the market value of the portfolio shall be issued at fiscal year-end.

## 11. Policy Adoption and Re-Adoption

The CFO shall annually review the investment policy and submit the policy and revisions to the OSTF if required. The policy and any revisions shall be presented annually to the Board. The Board will approve all revisions to the policy.

END OF POLICY

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### Legal Reference(s):

[ORS 294.033](#)

[ORS 294.035](#)

[ORS 294.125](#)

[ORS 294.135](#)

[ORS 294.145](#)

[ORS 294.155](#)

**ITEM FOR INFORMATION****DISCUSS BOARD MEETING SCHEDULE****SUMMARY**

The board will discuss the current schedule of board meetings and whether changes may be needed.

**BACKGROUND**

Under the current board meeting schedule, approved by the board on June 20 and reapproved with some date revisions on July 25, 2023, the board meets one or two times each month, with business meetings starting at 7 p.m. and work/study sessions starting at 5:30 p.m. on those days and on additional days in alternating months. This schedule may be adjusted and additional meetings may be scheduled at the discretion of the board chair.

Some board members have indicated that it has been challenging to arrive on time for 5:30 p.m. meetings if they leave their work at 5 p.m.

Potential options to address this include:

- *Continue with the board meeting schedule as approved.*  
Some board members may need to leave work before 5 p.m. to arrive to board meetings on time.
- *Change work session start times to 6 p.m.*  
Reduce the time slated for work sessions that provide time for in-depth information and dialogue. Reschedule topics to place briefer work sessions on days with business meetings beginning at 7 p.m.
- *Change business meeting and work session start times to 6 p.m.*  
Reduce the number of work sessions that provide time for in-depth information and dialogue, *and/or* Reschedule work sessions or executive sessions to begin after business meetings, *and/or* Schedule additional work sessions in months without a second meeting (Dec., Feb., April, June).
- *Revisit start times when developing board calendar for 2024–25.*  
Continue with approved board meeting schedule for the 2023–24 school year, and adjust in 2024–25.

**RECOMMENDATION**

The board will discuss the current schedule of board meetings and whether changes may be needed.

**2023–24 SCHOOL BOARD MEETING CALENDAR  
BEAVERTON SCHOOL BOARD**



**Board Business Meetings**

Tuesday, July 25, 2023	7:00 p.m.	Summer Business Meeting
Tuesday, August 29, 2023	7:00 p.m.	Regular Business Meeting
Tuesday, September 26, 2023	7:00 p.m.	Regular Business Meeting
Tuesday, October 24, 2023	7:00 p.m.	Regular Business Meeting
Tuesday, November 28, 2023	7:00 p.m.	Regular Business Meeting
Tuesday, December 12, 2023	7:00 p.m.	Regular Business Meeting
Tuesday, January 30, 2024	7:00 p.m.	Regular Business Meeting
Tuesday, February 20, 2024	7:00 p.m.	Regular Business Meeting
Tuesday, March 19, 2024	7:00 p.m.	Regular Business Meeting
Tuesday, April 30, 2024	7:00 p.m.	Regular Business Meeting
Tuesday, May 28, 2024	7:00 p.m.	Regular Business Meeting
Tuesday, June 18, 2024	7:00 p.m.	Regular Business Meeting

**Additional Potential Board Sessions**

Tuesday, August 15, 2023 *	10 a.m.–5 p.m.	Board Retreat
Tuesday, August 29, 2023	5:30 p.m.	Board Session TBD
Tuesday, September 12, 2023 *	5:30 p.m.	Board Session TBD
Tuesday, September 26, 2023	5:30 p.m.	Board Session TBD
Tuesday, October 24, 2023	5:30 p.m.	Board Session TBD
Tuesday, November 14, 2023 *	5:30 p.m.	Board Session TBD
Tuesday, November 28, 2023	5:30 p.m.	Board Session TBD
Tuesday, December 12, 2023	5:30 p.m.	Board Session TBD
Tuesday, January 9, 2024 *	10 a.m.–5 p.m.	Board Retreat
Tuesday, January 30, 2024	5:30 p.m.	Board Session TBD
Tuesday, February 20, 2024	5:30 p.m.	Board Session TBD
Tuesday, March 5, 2024 *	5:30 p.m.	Board Session TBD
Tuesday, March 19, 2024	5:30 p.m.	Budget 101 Session
Tuesday, April 30, 2024	5:30 p.m.	Board Session TBD
Tuesday, May 14, 2024 *	5:30 p.m.	Budget Committee
Tuesday, May 28, 2024	5:30 p.m.	Budget Committee
Tuesday, June 18, 2024	5:30 p.m.	Board Session TBD

\* *Standalone date with no board business meeting*

The Board holds regular business meetings once per month. The Board also will meet as needed for work sessions, study sessions, special meetings and/or executive sessions prior to Board business meetings and on selected additional dates. This meeting schedule may be adjusted and additional meetings may be scheduled if needed.

Unless otherwise announced, Board meetings will be held at the Beaverton School District Administrative Office at 1260 Waterhouse Ave. in Beaverton and will be livestreamed for virtual viewing. Executive sessions are not open to the public to attend or view.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. Please contact the Community Involvement Office at 503-356-4360.

**CONSENT — ITEM FOR ACTION****PERSONNEL ACTIONS****SUMMARY**

A list of employees is being recommended by the superintendent for approval of routine personnel actions, including employment, leaves of absence, and resignation/retirement of teachers and administrators.

**RECOMMENDATION**

The superintendent recommends the board approve the personnel actions as submitted in board materials.

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## DRAFT MEETING MINUTES – BOARD WORK SESSION SEPTEMBER 26, 2023

### Board Members Present:

Dr. Karen Pérez, Chair  
Sunita Garg, Vice Chair (*virtually*)  
Susan Greenberg  
Dr. Melissa Potter  
Justice Rajee  
Dr. Tammy Carpenter

### Board Members Absent:

Ugonna Enyinnaya

### Staff Present:

Dr. Gustavo Balderas	Superintendent
Dr. Heather Cordie	Deputy Superintendent for Teaching & Learning
Dr. Carl Mead	Deputy Superintendent for Operations & Support Services
Michael Schofield	Associate Superintendent for Business Services
Kerry Delf	Chief of Staff
Shellie Bailey-Shah	Public Communications Officer
Camellia Osterink	General Counsel

The meeting was open to the public to attend in person or via live stream on YouTube.

### I. OPEN MEETING

Board Chair Dr. Karen Pérez called the work session to order at 5:30 p.m. She noted five board members were present in person, Sunita Garg was attending virtually and Ugonna Enyinnaya was excused.

### II. BOARD OPERATING AGREEMENTS

Consultants Mike Scott and Erica Lopez shared information on the draft board operating agreements. The board reviews and updates its operating agreements regularly, generally each year. The board had not approved current operating agreements in the last couple years and board leadership worked to develop a draft for consideration. Following board discussion of that draft in the August 15 board retreat, Mr. Scott and Ms. Lopez were tasked with developing a more succinct version of the agreements that addressed items most commonly encountered by board and support teams (such as helping the board to understand their role, outlining how the board and superintendent work together, protecting against dysfunction and conflict, and helping to focus time and energy on improving student achievement).

After the presentation, the board broke into small groups with a cabinet member to discuss different sections of the operating agreements, provide feedback, and pose any questions to be clarified. Mr. Scott and Ms. Lopez said they would work to remove any redundancies and present an amended set of draft operating agreements to be considered at the October board meeting, with approval of the agreements slated for the board meeting in November.

### III. CLOSE MEETING

Dr. Pérez adjourned the work session at 6:35 p.m.

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## DRAFT MEETING MINUTES – BOARD BUSINESS MEETING SEPTEMBER 26, 2023

**Board Members Present:**

Dr. Karen Pérez, Chair  
Sunita Garg, Vice Chair (*virtually*)  
Susan Greenberg  
Dr. Melissa Potter  
Justice Rajee  
Dr. Tammy Carpenter

**Board Members Absent:**

Ugonna Enyinnaya

**Staff Present:**

Dr. Gustavo Balderas	Superintendent
Dr. Heather Cordie	Deputy Superintendent for Teaching & Learning
Dr. Carl Mead	Deputy Superintendent for Operations & Support Services
Michael Schofield	Associate Superintendent for Business Services
Kerry Delf	Chief of Staff
Shellie Bailey-Shah	Public Communications Officer
Camellia Osterink	General Counsel
Jill O'Neill	Administrator for Curriculum, Instruction & Assessment
Vanessa Davalos	Administrator for K–12 Summer Programs / Assistant Principal

The meeting was open to the public to attend in person or via live stream on YouTube.

### I. OPEN MEETING

Board Chair Dr. Karen Pérez called the meeting to order at 7:06 p.m. She acknowledged that five board members were attending in-person, Sunita Garg was attending virtually and Ugonna Enyinnaya was excused. The board reviewed the agenda and Dr. Pérez pulled one item from the consent agenda, the contract authorization for renovation of the District Auxiliary Facility (District Support Center) Building C, to request more information be provided by staff.

### II. STUDENT PERFORMANCE

A. *Sunset HS Acapella Group Free to Breathe*

### III. SUPERINTENDENT'S REPORT

A. *Comments by the Superintendent*

Superintendent Gustavo Balderas spoke about the budget, assessment results and middle school schedules. Dr. Balderas thanked the community for supporting the levy and said tough decisions will need to be made due to other funds declining, with ESSER dollars expiring in September 2024 and the district's student enrollment declining. He spoke about the state test results that had been released, showing that students across Oregon and in Beaverton are not yet returning to pre-pandemic scores. He noted supporting our kids is a continual process and it will take years to fully recover. Lastly, he spoke

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about work to review middle school schedules in a yearlong process that would culminate in a decision on potential schedule changes this fall.

#### **IV. PUBLIC COMMENTS**

##### *A. Comments by Employee Groups*

BEA President Lindsay Ray and OSEA President Kyrsti Sackman commented to the board.

##### *B. Comments by Community Members*

The board heard public comments from 10 speakers. The board also received 36 written public comments.

#### **V. ITEMS FOR INFORMATION**

*A. Enrollment 10-Year Forecast* – Presenters: Dr. Carl Mead, Robert McCracken, Charles Rynerson  
Dr. Mead introduced Charles Rynerson, Senior Data Analyst with Flo Analytics, who presented the results of the 10-year enrollment forecast. The district periodically commissions long-range enrollment forecasts to help guide enrollment, facility planning and program planning. Staff from BSD and FLO Analytics presented the results of a new 10-year enrollment forecast for the Beaverton School District. The detailed report is attached in BoardBook.

*B. Middle School Schedule Review* – Presenters: Dr. Heather Cordie, Jill O'Neill  
Dr. Cordie was assisted by Jill O'Neill and colleagues from Education Northwest to discuss the middle school schedule review, following a qualitative study they conducted last school year. The consultants' final report includes findings and suggestions. Teaching & Learning leadership and middle school principals will consider the review's findings and recommendations to inform the creation of proposals for the superintendent's consideration. Any changes to the middle school schedule will be decided this fall and implemented in fall 2024. A detailed report on the review is attached in BoardBook.

The board recessed for a brief break from 8:47–8:53 p.m.

##### *C. Program Report: Summer School* – Presenter: Vanessa Davalos

Ms. Davalos provided an overview of the summer learning programs BSD operated in summer 2023. Each summer, Beaverton School District provides learning opportunities through multiple summer programs for targeted groups of students. Sessions offer both academic and enrichment opportunities. In 2023, BSD summer programs served 6,581 students from incoming kindergarten through age 21. More information is attached in BoardBook.

##### *D. Financial Update* – Presenter: Mike Schofield

Mr. Schofield presented a monthly financial update including the general fund activity and forecast; a summary of revenues, expenditures and encumbrances for all other funds; a report on classroom teacher staffing by school; and information on investment activity as required by policy. The detailed report is attached in BoardBook.

##### *E. Committee Assignments* – Presenter: Dr. Karen Pérez

Dr. Pérez assigned board members to board committees and seats on associated bodies.

#### **VI. CONSENT AGENDA** – Board Chair Dr. Karen Pérez

##### *A. Approve Personnel Actions*

##### *B. Approve Board Meeting Minutes*

i. School Board Work Session, August 29, 2023

ii. School Board Business Meeting, August 29, 2023

iii. School Board Work Session, September 12, 2023

##### *C. Approve Public Contracts*

#### *D. Budget Committee Selection Process*

Susan Greenberg moved and Sunita Garg seconded to approve the consent agenda as submitted, with the exception of the contract authorization item that was removed. The motion passed 6:0.

### **VII. ITEM FOR ACTION**

#### *A. Contract Authorization: District Support Center (District Auxiliary Facility) Renovation – Building C*

Dr. Pérez opened the discussion regarding the item that was pulled from the consent agenda, contract authorization for renovation of the District Support Center (a.k.a. District Auxiliary Facility) Building C to provide professional development and meeting space. The chair asked Dr. Carl Mead to provide more information for the board to consider before voting. Dr. Mead provided background information on the proposal, and the board asked questions and had a robust discussion. Melissa Potter made a motion to delay the vote until the next business meeting. Sunita Garg seconded the motion. The motion did not pass 1:5 with Melissa Potter voting yes and the other five members present voting no. Melissa Potter made a motion to extend debate, and Tammy Carpenter seconded. The motion did not pass with the required two-thirds majority, with Susan Greenberg, Melissa Potter, Sunita Garg and Tammy Carpenter voting yes and Karen Pérez and Justice Rajee voting no. Susan Greenberg moved to approve authorizing the contract. The motion passed 5:1 with Susan Greenberg, Karen Pérez, Justice Rajee, Sunita Garg and Tammy Carpenter voting yes, and Melissa Potter voting no.

### **IX. ITEM FOR ACTION AT A FUTURE MEETING**

#### *A. Board Policy Revisions – Presenters: Camellia Osterink, Kerry Delf*

- i. GBL – Personnel Records (revise)  
GBLA – Disclosure of Information (delete)
- ii. IB – Freedom of Expression (revise)
- iii. JHFE/GBNAB & JHFE/GBNAB-AR – Suspected Abuse of a Child Reporting Requirements (adopt)  
JHFE & JHFE-AR – Reporting of Suspected Abuse of a Child (delete)
- iv. JHFF/GBNAA – Suspected Sexual Conduct with Students and Reporting Requirements (adopt)  
JHFF – Reporting Requirements Regarding Sexual Conduct with Students (delete)

Policy revisions were presented for consideration. The district's General Counsel and Chief of Staff shared information about changes in state law and the proposed policy changes. The proposed policy changes and more information are attached in BoardBook.

### **X. BOARD COMMUNICATION**

#### *A. Comments and Committee Reports by Individual Board Members*

Board members shared individual comments and updates on the bond accountability and audit committees.

### **XI. CLOSE MEETING**

Dr. Pérez adjourned the business meeting at 10:41 p.m.

**CONSENT AGENDA – ITEM FOR ACTION****PUBLIC CONTRACTS AUTHORIZATION****SUMMARY**

School board action is required to authorize the attached public contract items. The authorization of contracts for expenditures above the threshold of delegated authority is a routine board action that appears under the consent grouping of the board agenda.

**BACKGROUND**

Board action is required to authorize the superintendent or a designee to obligate the district for the attached public contract items. The table contains summary information and the following sheets provide additional details about each of the contracts for which authorization is sought.

Board policies DJ District Purchasing, DJCA Personal Services Contracts, and DJC Bidding Requirements and administrative regulations DJ-AR, DJCA-AR, and DJC-AR articulate the school district's public contracting rules in accordance with state recommended model rules. Appropriate public contracting rules and bidding procedures have been complied with before recommending the attached contracts for board approval.

Board policies DJ District Purchasing and DJC Bidding Requirements and administrative regulations DJ-AR and DJC-AR articulate the school district's public contracting rules in accordance with state recommended model rules. Appropriate public contracting rules and bidding procedures have been complied with before recommending the attached contracts for board approval.

**RECOMMENDATION**

The superintendent recommends the board authorize the superintendent or a designee to obligate the district for the public contract items listed herein.

**SUGGESTED MOTION**

I move to approve the consent agenda as submitted.

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Contract Name	Recommended By	Contract Selection Process	Contractor/Vendor	Contract Amount	Contract Timeline		Recommendation
					Start	End	
Nancy Ryles Condensing Unit Replacement	Aaron Boyle, Administrator for Facilities Development	Request for Proposal (RFP) 21-0028C	Northwest Control Company	\$236,235	10/2023	04/2024	Authorization to Award Contract
Pre-Construction Services for Aloha High School Modernization Projects Construction Manager/General Contractor (CM/GC)	Aaron Boyle, Administrator for Facilities Development	Request for Proposal (RFP) 22-0027C	Kirby Nagelhout Construction Co.	\$25,000	11/2023	09/2024	Authorization to Award Contract
Tyler Drive Transportation Management System	Craig Beaver, Administrator for Transportation Services	Sole Source	Tyler Technologies, Inc.	\$2,039,000	10/2023	06/2026	Authorization to Award Contract
Credit Card Processing Services	Michael Schofield, Associate Superintendent for Business Services	Sole Source	CardConnect, LLC	\$670,000	11/2023	06/2026	Authorization to Award Contract

**PUBLIC CONTRACT AUTHORIZATION**

**CONTRACT NAME:** Nancy Ryles Condensing Unit Replacement

- **Contract Scope:** Replace the condensing unit in the HVAC system at Nancy Ryles Elementary School
- **Contract Timeline:** 10/2023 – 04/2024
- **Contract Amount:** \$236,235
- **Contractor/Vendor:** Northwest Control Company
- **Funding Source:** 2014 Bond; HVAC Upgrades Group 2 (Nancy Ryles, Greenway, Elmonica, Stoller)
- **Solicitation Method:** Request for Proposal (RFP) 21-0028C
- **Recommended By:** Aaron Boyle, Administrator for Facilities Development

**ASSOCIATED PROJECT:** HVAC Upgrades Group 2 (Nancy Ryles, Greenway, Elmonica, Stoller)

- **Project Scope:** Provide HVAC upgrades to Nancy Ryles Elementary School, Greenway Elementary School and Stoller Middle School
- **Project Budget:** \$2,453,208
- **Project Timeline:** 09/2023 – 04/2024

**BACKGROUND:** The 2014 bond measure approved by voters included funds for needed updates to school ventilation and climate control systems. The final phase of these planned improvements funded by the 2014 bond updated HVAC systems at Nancy Ryles, Greenway and Elmonica Elementary School and Stoller Middle School during the summer. At Nancy Ryles, it had been hoped that the chiller would function for a few more years, but the chiller condensing unit failed and the school started the year without permanent cooling. This contract will replace the failed chiller to restore cooling capacity at the school.

**RECOMMENDATION:** It is recommended that the board authorize the superintendent or designee to execute the contract described herein with Northwest Control Company, subject to obtaining terms acceptable to district administration.

**PUBLIC CONTRACT AUTHORIZATION**

**CONTRACT NAME:** Pre-Construction Services for Aloha High School Modernization Projects Construction Manager/General Contractor (CM/GC)

- **Contract Scope:** Construction manager/general contractor pre-construction service at Aloha High School to renovate the former main office for new counseling suite and restrooms near the gym
- **Contract Timeline:** 11/2023 – 09/2024
- **Contract Amount:** \$25,000
- **Contractor/Vendor:** Kirby Nagelhout Construction Co.
- **Funding Source:** 2022 Bond; Aloha High School Modernization
- **Solicitation Method:** Request for Proposal (RFP) 22-0027C
- **Recommended By:** Aaron Boyle, Administrator for Facilities Development

**ASSOCIATED PROJECT:** Aloha High School Modernization

- **Project Scope:** Renovations to the former main office and restrooms near the gym
- **Project Budget:** \$1,865,695
- **Project Timeline:** 08/2023 – 08/2024

**BACKGROUND:** The 2022 bond measure included funds for improvements to modernize school facilities. At Aloha High School, modernization improvements include renovating the former main office to provide a new counseling suite and adding restrooms near the gym. The scope of the project was determined through close collaboration with the school staff.

For larger projects the district regularly uses a construction manager/general contractor (CM/GC) rather than a design-bid-build construction contract strategy. In this process the district utilizes a request for proposal (RFP) process to select the contractor early in the project. The selected CM/GC participates with the district and the architects during the design process including providing cost estimates and developing construction schedules, phase planning and logistics, before progressing to construction.

The CM/GC's guaranteed maximum price (GMP) for the construction work will be set at a later time consistent with industry practice and project conditions. The CM/GC will select subcontractors for the project in a competitive process completed in accordance with ORS 279C.337(3). When district staff successfully negotiate an acceptable GMP amendment to this contract, the amendment will be presented to the board for approval.

**RECOMMENDATION:** It is recommended that the board authorize the superintendent or designee to execute the contract described herein with Kirby Nagelhout Construction Co., subject to obtaining terms acceptable to district administration.

**PUBLIC CONTRACT AUTHORIZATION****CONTRACT NAME:** Tyler Drive Transportation Management System

- **Contract Scope:** Provide hardware and software for school buses for in-vehicle navigation, GPS location tracking and student ridership monitoring
- **Contract Timeline:** 10/2023 – 06/2026
- **Contract Amount:** \$2,039,000
- **Contractor/Vendor:** Tyler Technologies, Inc.
- **Funding Source:** State School Vehicle Depreciation Funds and General Fund
- **Solicitation Method:** Sole Source
- **Recommended By:** Craig Beaver, Administrator for Transportation Services

**ASSOCIATED PROJECT:** School Bus Transportation Management System Replacement

- **Project Scope:** Replace school bus navigation, location tracking and ridership monitoring system
- **Project Budget:** \$2,039,000
- **Project Timeline:** 10/2023 – 06/2026

**BACKGROUND:** The district utilizes a transportation management system which provides navigation for school bus drivers, tracks where buses are located in real time, and supports ridership monitoring to enhance student safety and provide information to parents through a secure mobile phone application. In 2021, the district selected CalAmp to provide hardware and software for these purposes. Although that system was marketed to have the ability to interface seamlessly with district routing software, as of June 2023 the product no longer interfaced with district software and the issue could not be rectified, rendering the hardware unusable and leaving the district without a working navigation system.

The transportation management system selected to replace the incompatible system, Tyler Drive, is produced by the maker of the district's routing software, Tyler Technologies, Inc. This will enable the district to take advantage of synergies between the products, while providing necessary systems for on-board navigation, GPS location tracking, student ridership monitoring, and real-time parent interface via a secure mobile phone application. The project costs are for initial hardware implementation amortized over a 36-month period plus subscription and service fees paid annually.

**RECOMMENDATION:** It is recommended that the board authorize the superintendent or designee to execute the contract described herein with Tyler Technologies, Inc., subject to obtaining terms acceptable to district administration.

**PUBLIC CONTRACT AUTHORIZATION**

**CONTRACT NAME:** Clover Connect Credit Card Processing Services

- **Contract Scope:** CardConnect, LLC to provide Clover Connect credit card processing services
- **Contract Timeline:** 10/2023 – 06/2026
- **Contract Amount:** Estimated to be \$670,000, which vendor obtains through the collection of transaction fees
- **Contractor/Vendor:** Card Connect, LLC
- **Funding Source:** Convenience fees paid by cardholder
- **Solicitation Method:** Sole Source
- **Recommended By:** Michael Schofield, Associate Superintendent for Business Services

**ASSOCIATED PROJECT:** Credit Card Processing Services

- **Project Scope:** Provide backend credit card processing services, allowing schools and district departments to accept credit card payments
- **Project Budget:** \$0 (services funded via convenience fees)
- **Project Timeline:** 11/2023 – 06/2026

**BACKGROUND:** Currently the district accommodates credit card payments only through an online receipting system implemented in 2017. The district has received many requests from students, families and schools to add the ability to accept credit cards on-site for payments such as for event tickets, student fees and student stores. To accommodate on-site credit card payments, the business office has identified Clover Connect as the only known available system that is compatible and integrated with the current receiving system and meets our requirements for on-site application security. The service is funded via convenience fees charged to the cardholder. The fees charged are in line with what would be expected from other service providers.

**RECOMMENDATION:** It is recommended that the board authorize the superintendent or designee to execute the contract described herein with Card Connect, LLC, subject to obtaining terms acceptable to district administration.

**ITEM FOR ACTION****APPROVE REVISIONS TO BOARD POLICIES  
GBL, GBLA, IB, JHFE & JHFE-AR, JHFF****SUMMARY**

Revisions are recommended to update school board policies GBL, GBLA, IB, JHFE and JHFF, and board-adopted administrative regulation JHFE-AR. The changes were generated by the Oregon School Boards Association, which provides policy recommendations to reflect changes in state statutes and/or regulations and best practices, and integrated and recommended by staff. Most of the proposed changes are necessary to align district policy to changes in the law or OSBA model policy language.

**POLICY DRAFT KEY**

Blue Underlined Recommended language additions or changes  
~~Red Strikethrough~~ Removed outdated language

**BACKGROUND****GBL – Personnel Records (*revise*)****GBLA – Disclosure of Information (*delete*)**

Changes are recommended to align with updated statute affecting release of personnel records when requests are received. OSBA also recommends that districts integrate the content of policy GBLA into policy GBL and delete existing policy GBLA; this is reflected in the additions on page 2 of draft policy GBL.

**IB – Freedom of Expression (*revise*)**

Revisions are recommended to align the district's policy to the OSBA model policy language and reflect changes in the statutory definition of sexual orientation and gender identity.

**JHFE/GBNAB & JHFE/GBNAB-AR – Reporting of Suspected Abuse of a Child (*adopt*)****JHFE & JHFE-AR – Reporting of Suspected Abuse of a Child (*delete*)**

In 2019 the Oregon Legislature made significant changes to statutes regarding sexual abuse and reporting of sexual abuse, including definitions and procedures for processing allegations of abuse. To reflect those changes, OSBA recommends that districts adopt new policy JHFE/GBNAB and administrative regulation JHFE/GBNAB-AR and delete their existing JHFE and JHFE-AR. Administrative regulations normally are approved by the superintendent; JHFE/GBNAB-AR is one of a small number of ARs that are required to be approved by the school board.

**JHFF/GBNAA – Suspected Sexual Conduct with Students and Reporting Requirements (*adopt*)****JHFF – Reporting Requirements Regarding Sexual Conduct with Students (*delete*)**

In 2019 the Oregon Legislature made significant changes to statutes regarding sexual conduct and reporting of sexual conduct. To align policy with the changes in the law, OSBA recommends that districts adopt new policy JHFF/GBNAA and delete existing policy JHFF.

**Belong. Believe. Achieve.**

**RECOMMENDATION**

It is recommended that the board approve the proposed revisions to board policies:

- Revisions to board policy GBL and deletion of existing board policy GBLA
- Revisions to board policy IB
- Adoption of new board policy JHFE/GBNAB and deletion of existing board policy JHFE
- Adoption of new administrative regulation JHFE/GBNAB-AR and deletion of existing regulation JHFE-AR
- Adoption of new board policy JHFF/GBNAA and deletion of existing board policy JHFF

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## Personnel Records\*

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An official personnel file will be established for each person employed by the district. Such files will be maintained in a central location.

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

The superintendent or designee will be responsible for establishing [procedures](#), ~~regulations~~ regarding the control, use, safety, and maintenance of all personnel records. ~~Upon request~~, 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 the 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'<sup>1</sup> personnel records will be available for use and inspection only by the following:

1. An employee or designee (designated by the employee in writing) may arrange with the human resources office to inspect the contents of ~~his/her~~ [their](#) personnel file; ~~by appointment~~
- ~~2. Others designated by the employee in writing;~~
3. The comptroller or auditor, when such inspection is pertinent to carrying out their respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A Board member when specifically authorized by a majority of the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The superintendent and members of the central administrative staff [designated by the superintendent or designee](#);
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. Employees of the human resources office for the purpose of personnel business;
8. Attorneys for the district or the district's designated representative on matters of district business;
- [9. Upon receiving a request from a prospective employer issued under Oregon Revised Statute \(ORS\) 339.374\(1\)\(b\), the district, pursuant to ORS 339.378\(1\), shall disclose the requested information if it has or has had an employment relationship with a person who is the subject of the request, no later than 20 days after receiving such request. The Records created by the district 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\(1\);](#)

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<sup>1</sup> [Includes former employees.](#)

10. The disciplinary records<sup>2</sup> (related to that crime) of a district employee convicted of a crime listed in Oregon Revised Statute (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.
11. Upon request from a law enforcement agency, the Oregon Department of Human Services, or 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 ~~a district shall provide the records of investigations of suspected child abuse by a district employee.~~
12. Upon request from a prospective employer or a former employee, authorized district officials may disclose information about a former employee's job performance to a prospective employer and such disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was knowingly false or deliberately misleading, was rendered with malicious purpose or violated any civil right of the former employee protected under ORS 659 or ORS 659A.

The superintendent or designee 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 or designee will determine in each case, the appropriateness and extent of such access.

Release of personnel records to parties other than those ~~authorized to inspect them or legally required to disclose~~ will be only upon receipt of a court order listed above will be in line with the district's public records procedures. The district will attempt to notify the employee of the request and that the district believes it is legally required to disclose certain records.

### Disclosure of Information

According to Oregon Revised Statute (ORS) 30.178, an employer who discloses information about a former employee's job performance to a prospective employer upon request of the prospective employer is presumed to be acting in good faith and is immune from civil liability. In order for the employer to be acting in good faith the employer must meet the following conditions when making disclosures:

1. Disclosure of information is upon request of the prospective employer; or
2. Disclosure of information is upon request of the former employee;
3. The information is related to job performance;
4. The disclosure is the result of a request from a law enforcement agency, the Department of Human Services or the Teacher 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).

Presumption of good faith is rebutted by showing the information disclosed was:

1. Knowingly false;
2. Deliberately misleading;
3. Rendered with malicious purpose;
4. Violated civil rights.

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<sup>2</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 Reference(s):**

[ORS 30.178](#)

[ORS 339.370](#) to [339-375](#)

[ORS 339.378](#)

[ORS 339.388](#)

[ORS 342.143](#)

[ORS 342.850](#)

[ORS 652.750](#)

[ORS Chapter 659](#)

[ORS Chapter 659A](#)

[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 ([2018](#)); 29 C.F.R. Part 1630 ([2019](#)); 28 C.F.R. Part 35 ([2019](#)).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

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

**Cross Reference(s):**

ACA - Americans with Disabilities Act

EH - Electronic Data Management

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## Disclosure of Information

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According to Oregon Revised Statute (ORS) 30.178, an employer who discloses information about a former employee's job performance to a prospective employer upon request of the prospective employer is presumed to be acting in good faith and is immune from civil liability. In order for the employer to be acting in good faith the employer must meet the following conditions when making disclosures:

1. Disclosure of information is upon request of the prospective employer; or
2. Disclosure of information is upon request of the former employee;
3. The information is related to job performance;
4. The disclosure is the result of a request from a law enforcement agency, the Department of Human Services or the Teacher Standards and Practices Commission regarding the records of investigations of suspected child abuse by a district employee.

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 may 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.

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).

Presumption of good faith is rebutted by showing the information disclosed was:

1. Knowingly false;
2. Deliberately misleading;
3. Rendered with malicious purpose;
4. Violated civil rights.

END OF POLICY

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### Legal Reference(s):

[ORS 30.178](#)

[ORS 339.370 to -339.374](#)

[ORS Chapter 659A](#)

[ORS 339.388\(7\),\(8\),\(9\)](#)

[ORS Chapter 659A](#)

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

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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<sup>80</sup> action.

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## Freedom of Expression

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Students have a general right to freedom of expression within the school system. The district requires that students exercise their rights fairly, responsibly and in a manner not disruptive to other individuals or to the educational process

### Freedom of Student Inquiry and Expression

1. Generally, students and student organizations are free to examine and discuss questions of interest to them and to express opinions publicly and privately within the school system, provided such examination and expression is fair and responsible and is not disruptive to other individuals or to the educational process. Students may support or oppose causes by orderly means which do not disrupt or harm other individuals or the operation of the school.
2. In the classroom, students are free to examine views offered in any course of study, provided such examination is expressed in a responsible manner.

### Freedom of Association

Students ~~are free to~~ ~~may~~ organize associations to promote their common interests. These associations ~~shall~~ ~~should~~ be open to all students. Membership criteria may not exclude students on the basis of age, race, religion, color, national origin, disability, marital status, familial status, parental status, linguistic background, culture, socioeconomic status, capability, geographic location, gender, sexual orientation, gender identity or gender expression. Each student organization must have a staff advisor to counsel and, when necessary, supervise students in the organization. All student organizations must submit to the school a statement of purpose, criteria for membership, rules and procedures and a current list of officers. School administrators may establish rules and regulations governing the activity of student organizations.

### Publications, Displays and Productions ~~(not related to high school journalism)~~

On occasion, materials such as leaflets, newsletters, cartoons and other items including displays and productions are prepared, produced and/or distributed by students as part of the educational process and free expression in an academic community. Materials may be reviewed by administration, and ~~can~~ ~~may~~ be restricted or prohibited pursuant to ~~based on~~ legitimate educational concerns ~~but not limited to those listed below~~. Such concerns include:

1. The material is or may be defamatory;
2. The material is inappropriate based on the age, grade level and/or maturity of the audience;
3. The material is poorly written, inadequately researched, biased or prejudiced;
4. Whether there is an opportunity for a named individual or named individuals to make a response;
5. Whether specific individuals may be identified whether or not the material uses or gives names;

6. The material is or may be otherwise generally disruptive to the school environment. Such disruption may occur, for example, if the material uses, advocates or condones the use of profane language or advocates or condones the commission of unlawful acts;
7. Students, parents and members of the public might reasonably perceive the materials to bear the sanction or approval of the district;
8. The material is prohibited by the district *Student Family Resources Handbook*.

### High School Student Journalists

Generally, high school student journalists have the right to exercise freedom of speech and of the press in school sponsored media.

“Student journalist,” for the purpose of this policy, means a student who gathers, compiles, writes, edits, photographs, records or prepares information for dissemination in school-sponsored media.

“School-sponsored media” means those materials that are prepared, substantially written, published or broadcast by student journalists, that are distributed or generally made available, either free of charge or for a fee, to members of the student body and that are prepared under the direction of a student media advisor. School-sponsored media does not include media intended for distribution or transmission solely in the classrooms in which they are produced.

School-sponsored media prepared by student journalists are subject to reasonable time, place and manner restrictions, pursuant to federal law. School-sponsored media cannot contain material that:

1. Is libelous or slanderous
2. Is obscene, pervasively indecent or vulgar;
3. Is factually inaccurate or does not meet journalistic standards established for school sponsored media;
4. Constitutes an unwanted invasion of privacy;
5. Violates federal or state law [or regulation](#); or
6. So incites students as to create a clear and present danger of:
  - a. The commission of unlawful acts on or off school premises;
  - b. The violation of district [or school](#) policies; or
  - c. The material and substantial disruption of the orderly operation of the school. A school official will base a forecast of material and substantial disruption on specific facts; including past experience in the school and current events influencing student behavior; and not on undifferentiated fear or apprehension.

Modifications or removal of items may be appealed in writing to the superintendent or designee. The superintendent or designee shall schedule a meeting on or before 10 school days ~~of~~ [after](#) receiving the written appeal. Those present at the meeting shall include the individual(s) making the appeal, the individual(s) who made the decision to modify or remove materials, and the superintendent or designee. At the superintendent’s or designee’s discretion, the district’s legal counsel may also attend the meeting. The superintendent or designee shall make ~~his/her~~ [a](#) decision on or before 10 school days ~~of~~ [after](#) the meeting. The superintendent or designee’s decision shall be final and binding on all parties.

END OF POLICY

**Legal Reference(s):**

[ORS 174.100](#)

[ORS 332.072](#)

[ORS 332.107](#)

[ORS 336.477](#)

[ORS 339.880](#)

[ORS 339.885](#)

[ORS 659.850](#)

[OAR 581-021-0050](#)

[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (~~2012~~ [2018](#)).

Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).

Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).

U.S. CONST. amend. I; U.S. CONST. amend. XIV.

OR. CONST., art. I, § 8.

**Cross Reference(s):**

IGDA - Student Groups

INB - Studying Controversial Issues

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## Reporting of Suspected Abuse of a Child

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Any district employee who has reasonable cause to believe that any child with whom the employee has come in contact has suffered abuse or neglect, as defined in state law, by an adult or by a student with whom the employee is in contact has abused a child, will immediately notify the Washington County Department of Human Services, or the local law enforcement agency. The district employee shall also immediately inform his/her supervisor, building principal or superintendent or designee.

The abuse of a child by district employees or by students will not be tolerated. All district employees are subject to this policy and the accompanying administrative regulation. If a district employee is a suspected abuser, reporting requirements remain the same. The district will designate the superintendent or designee to receive reports of the abuse of a child by district employees and specify the procedures to be followed upon receipt of an abuse report. The district will post in each school building the name and contact information of the person designated to receive child abuse reports, as well as the procedures the superintendent or designee will follow upon receipt of a report. In the event that the designated person is the suspected abuser, the chief human resource officer shall receive the report. When the superintendent or designee takes action on the report, the person who initiated the report must be notified.

A substantiated report of abuse by an employee shall be documented in the employee's personnel file. A substantiated report of abuse by a student shall be documented in the student's education record.

Upon request, the district shall provide records of investigations of suspected abuse of a child by a district employee or former district employee to law enforcement, Oregon Department of Human Services or Teacher Standards and Practices Commission.

Any district employee participating in good faith in the making of a report, pursuant to this policy and Oregon law and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of any such report. Further, the initiation of a report in good faith about suspected abuse of a child may not adversely affect any terms or conditions of employment or the work environment of the complainant. The superintendent or designee shall notify the person initiating the report about actions taken by the district based on the report.

If a student initiates a report of suspected abuse of a child by a district employee in good faith, the student will not be disciplined by any district employee. Intentionally making a false report of the abuse of a child is a Class A violation.

The superintendent or designee will establish rules, procedures, work instructions and/or forms to be used in the child abuse reporting process, and implement such regulations as are necessary to accomplish the intent of this

policy and to comply with state law. Copies of this policy and applicable state laws will be given to all school employees.

The district shall establish written procedures to provide district staff training each school year in the prevention and identification of child abuse and on the obligations of school employees under Oregon Revised Statute (ORS) 419B.005 to 419B.050 and as directed by Board policy to report suspected the abuse of a child. In addition, an annual training for parents and legal guardians of students attending district schools shall be provided on the prevention, identification of abuse of a child and the obligation of school employees to report the suspected abuse of a child. Annual training designed to help prevent the abuse of a child will be made available to students attending district-operated schools.

END OF POLICY

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**Legal Reference(s):**

[ORS 339.370 to -339.400](#)

[ORS 418.746 to -418.751](#)

[ORS 419B.005 to -419B.050](#)

[OAR 581-022-2205](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9<sup>th</sup> Cir. 2011).

**Cross Reference(s):**

JHFF - Reporting Requirements Regarding Sexual Conduct with Students

KN - Relations with Law Enforcement and the Department of Human Services (DHS)

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## Reporting of Suspected Abuse of a Child

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It is the policy of this District that all District employees shall promptly comply with the statutory requirements concerning the reporting of a suspected child abuse.

### Definitions

1. "Abuse" means:

- a. Any assault, as defined by ORS chapter 163, of a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury;
- b. Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child;
- c. Rape of a child which includes but is not limited to, rape, sodomy, unlawful sexual penetration and incest, as those acts are defined in ORS chapter 163;
- d. Sexual exploitation including, but not limited to:
  - (1) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 (Definitions for ORS 167.002 to 167.027 or described in ORS 163.665 (Definitions for ORS 163.670 to 163.693 and 163.670 (Using child in display of sexually explicit conduct, sexual abuse involving a child or rape of a child but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 (Duty of department or law enforcement agency receiving report) and which is designed to serve educational or other legitimate purpose; and
  - (2) Allowing, permitting, encouraging or hiring a child to engage in prostitution, as defined in Oregon Revised Statutes.
- e. Negligent treatment or maltreatment of a child including, but not limited to, the failure to provide adequate food, clothing, shelter or medical care. However, any child who is under care or treatment solely by spiritual means pursuant to the religious beliefs or practices of the child or the child's parents/guardians shall not, for this reason alone, be considered a neglected or maltreated child;
- f. Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.
- g. Buying or selling a person under 18 years of age as describe in ORS 163.537 (buying or selling a person under 18 years of age).
- h. Permitting a person under 18 year of age to enter or remain in or upon premises where methamphetamines are being manufactured.

- i. Unlawful exposure to a controlled substance, as defined in ORS 475.005 (Definitions for ORS 475.005 to 475.285 and 475.840 to 475.980), that subjects a child to a substantial risk of harm to the child's health or safety.

"Abuse" does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection.

2. "Child" means an unmarried person who is under 18 years of age.

3. "Public or private official" means:

- a. Physician, osteopathic physician, physician assistant, naturopathic physician, podiatric physician and surgeon including any intern or resident;
- b. Dentist;
- c. District employee including any licensed or classified person employed by the district;
- d. Licensed practical nurse or registered nurse;
- e. Employee of the Department of Human Resources, Oregon Health Authority, State Commission on Children and Families, Child Care Division of the Employment Department, the Oregon Youth Authority, a county health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program;
- f. Peace officer;
- g. Psychologist;
- h. Member of the clergy;
- i. Social workers;
- j. Optometrist;
- k. Chiropractor;
- l. Certified provider of foster care, or an employee thereof;
- m. Attorney;
- n. Licensed professional counselor;
- o. Firefighter or emergency medical technician;
- p. A court appointed special advocate, as defined in ORS 419A.004 (Definitions);
- q. A child care provider registered or certified under ORS 657A.030 (Criminal History Registry) and 657.250 (Definitions for ORS 657A.030 and 657A.250 to 657A.450) to 657A.450 (Assistance to staff of facility);
- r. Member of the Legislative Assembly;
- s. Physical, speech or occupational therapist;
- t. Audiologist;
- u. Speech-language pathologist;
- v. Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission;
- x. Pharmacist;
- y. An operator of a preschool recorded program under ORS 657A.255 Preschool Recorded Program
- z. An operator of a school-age recorded program under ORS 657A.257 School-age Recorded Program.

4. "Law enforcement agency" means:

- a. Any city or municipal police department;

- b. Any county sheriff's office;
- c. The Oregon State Police;
- d. A county juvenile department.

### **District Employees Must Report**

Any District employee having reasonable cause to believe that any child with whom the employee comes in contact has suffered abuse or that any person with whom the employee comes in contact has abused a child shall orally report or cause an oral report to be immediately made by telephone or otherwise to the local office of the Department of Human Services or to a law enforcement agency within the county where the person making the report is at the time of his/her contact. The District employee must also immediately inform his/her supervisor or building principal, and a written report must be submitted to the Public Safety Office. If the report involves a District employee as the abuser, the supervisor must also immediately notify the Chief Human Resource Officer. District employee-student privilege shall not be a ground for excluding evidence regarding a child's abuse in any judicial proceeding resulting from a report made.

A reasonable cause to believe that abuse exists does not require absolute proof or physical/visual evidence, only a suspicion of abuse.

### **District Volunteers Expected to Report**

Any District volunteer having reasonable cause to believe that any child with whom the volunteer comes in contact has suffered abuse is expected to report this belief to the District employee with whom he/she works or the principal.

### **Failure to Comply**

Any district employee who fails to report a suspected child abuse as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A district employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law. If an employee fails to report suspected child abuse or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined.

### **Content of Report**

The verbal report to the Oregon Department of Human Services or the local law enforcement agency shall contain the following information (if known):

1. Names (including previous names) and addresses of the child and his/her parents or other persons responsible for his/her care;
2. Child's age and birth date;
3. The time of occurrence and the nature and extent of the abuse (including any evidence of previous abuse);
4. The explanation given for the abuse;
5. The identity of the perpetrator;
6. The primary and other sources of information regarding the abuse and any other information the reporter believes might be helpful in the investigation.

### **Investigation of Report**

The Oregon Department of Human Services or the law enforcement agency is responsible for an immediate investigation of child abuse reports. In carrying out that responsibility, they may conduct an interview with the child at school or off site.

The District staff shall make every effort in suspected child abuse cases to cooperate with investigating officials as follows:

1. If the student is to be interviewed at the school, the principal or representative shall make a conference space available. The principal or representative of the school may at the discretion of the investigator, be present to facilitate the interview. Law enforcement officers wishing to interview or remove a student from the premises shall present themselves at the office and contact the principal or representative. The officer shall sign the student out on a form to be provided by the school;

2. When the subject matter of the interview or investigation is identified to be related to suspected child abuse, District employees shall not notify parents;
3. The principal or representative shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.
5. If a child is placed in protective custody, the Oregon Department of Human Service should promptly make reasonable efforts to ascertain the name and address of the child's parents/guardians. If the name and address can be ascertained, they should notify the parents/guardians that the child is in protective custody.

### **Confidentiality of Records**

Documents, reports and records compiled by District employees pursuant to the provisions of the Child Abuse Act are confidential and are not accessible for public inspection. The principal or designee shall make such records available to any law enforcement agency, the Department of Human Services, the Teacher Standards and Practices Commission or a child abuse registry in any other state for the purpose of subsequent investigation of child abuse, and to any physician, at the request of the physician, regarding any child brought to the physician or coming before the physician for examination, care or treatment. However, prior to the disclosure of a disciplinary record the principal or designee 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.

### **Immunity from Liability**

Any District employee participating in good faith in the making of a report pursuant to this policy and Oregon law and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of any such report. Further, the initiation of a report in good faith about suspected child abuse may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected child abuse by a district employee in good faith, the student will not be disciplined by the Board or any District employee.

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## Suspected Abuse of a Child Reporting Requirements\*\*

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Any district employee who has reasonable cause to believe that any child with whom the employee has come in contact has suffered abuse<sup>1</sup> shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to Oregon Revised Statute (ORS) 419B.010. Any district employee who has reasonable cause to believe that any person<sup>2</sup> with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010. If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

Abuse of a child by district employees, contractors<sup>3</sup>, agents<sup>4</sup>, volunteers<sup>5</sup>, or students is prohibited and will not be tolerated. All district employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulation.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to the Oregon Department of Human Services (DHS) or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator.

The district will designate a licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

If the superintendent is the alleged perpetrator the report shall be submitted to the [Chief Human Resources Officer] who shall also report to the Board chair.

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

<sup>2</sup> "Person" could include adult, student or other child.

<sup>3</sup> "Contractor" means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

<sup>4</sup> "Agent" means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

<sup>5</sup> "Volunteer" means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

The district will post the names and contact information of the designees for each school building, in the respective school, designated to receive reports of suspected abuse and the procedures in GBNAB/JHFE-AR(1) - Reporting of Suspected Abuse of a Child the designee will follow upon receipt of a report, the contact information for local law enforcement and the local DHS office or its designee, and a statement that this duty to report suspected abuse is in addition to the requirements of reporting to a designated licensed administrator.

When a designee receives a report of suspected abuse, the designee will follow procedure established by the district and set forth in administrative regulation GBNAB/JHFE-AR - Reporting of Suspected Abuse of a Child. All such reports of suspected abuse will be reported to a law enforcement agency or DHS, or its designee, for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

When there is reasonable cause to support a report, a district employee suspected of abuse shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student's safety. When there is reasonable cause to support a report, a district contractor, agent or volunteer suspected of abuse shall be removed from providing services to the district and the district will take necessary actions to ensure the student's safety.

The district will notify the person, as allowed by state and federal law, who was subjected to the suspected abuse about any actions taken by the district as a result of the report.

A substantiated report of abuse by an employee shall be documented in the employee's personnel file. A substantiated report of abuse by a student shall be documented in the student's education record.

The initiation of a report in good faith, pursuant to this policy, may not adversely affect any terms or conditions of employment or the work environment of the person initiating the report or who may have been subjected to abuse. If a student initiates a report of suspected abuse of a child by a district employee contractor, agent, volunteer or student, in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer. Intentionally making a false report of the abuse of a child is a Class A violation.

The district shall provide information and training each school year to district employees on the prevention and identification of abuse, the obligations of district employees under ORS 339.388 and ORS 419B.005 - 419B.050 and as directed by Board policy to report suspected abuse of a child, and appropriate electronic communications with students. The district shall make available each school year the training described above to contractors, agents, volunteers, and parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees. The district shall provide each school year information on the prevention and identification of abuse, the obligations of district employees under Board policy to report abuse, and appropriate electronic communications with students to contractors, agents and volunteers. The district shall make available each school year training that is designed to prevent abuse to students attending district-operated schools.

Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The district shall make available to students, district employees, contractors, agents, and volunteers a policy of appropriate electronic communications with students.

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

The superintendent shall develop administrative regulations as are necessary to implement this policy and to comply with state law.

END OF POLICY

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**Legal Reference(s):**

[ORS 339.370 to 339.400](#)

[ORS 418.257 to 418.259](#)

~~[ORS 418.746 to 418.751](#)~~

[ORS 419B.005 to 419B.050](#)

[OAR 581-022-2205](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9<sup>th</sup> Cir. 2011).

**Cross Reference(s):**

JHFF - Reporting Requirements Regarding Sexual Conduct with Students

KN - Relations with Law Enforcement and the Department of Human Services (DHS)

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## Reporting of Suspected Abuse of a Child

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### Reporting

Any district employee having reasonable cause to believe that any child with whom the employee comes in contact has suffered abuse<sup>1</sup> shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to a law enforcement agency within the county where the person making the report is at the time of their contact. Any district employee who has reasonable cause to believe that any person<sup>2</sup> with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to the DHS or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator or alternate licensed administrator for their school building.

If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

If the superintendent is the alleged abuser the report shall be submitted to the licensed administrator who shall refer the report to the Board chair.

A written record of the abuse report shall be made by the employee reporting the suspected abuse of a student and will include: name and position of the person making the report; name of the student; name and position of any witness; description of the nature and extent of the abuse, including any information which could be helpful in establishing cause of abuse and identity of the abuser; description of how the report was made (i.e., phone or other method); name of the agency and individual who took the report; date and time that the report was made; and name of district administrator who received a copy of the written report.

The written record of the abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the designee that received the report.

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

<sup>2</sup> "Person" could include adult, student or other child.

When the designee receives a report of suspected abuse of a child by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave<sup>3</sup> and take necessary actions to ensure the student's safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either 1) an employment policy was violated and the district will take appropriate employment action against the employee, or 2) an employment policy has not be violated and no action is required by the district against the employee.

When the designee receives a report of suspected abuse by a contractor, agent or volunteer, the district may prohibit the contractor, agent or volunteer from providing services to the district. The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

The written record of each reported incident of abuse of a child, action taken by the district and any findings as a result of the report shall be maintained by the district.

A record of the findings of any substantiated report and the employment action taken by the district will be placed in the records on the school employee maintained by the district. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the district may use the record as a basis for providing information required to be disclosed about a district employee under ORS 339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

## **Definitions**

1. Oregon law recognizes these and other types of abuse:
  - a. Physical;
  - b. Neglect;
  - c. Mental injury;
  - d. Threat of harm;
  - e. Sexual abuse and sexual exploitation.
2. "Child" means an unmarried person who is under 18 years of age or is under 21 years of age and residing in or receiving care or services at a child-caring agency.
3. A "substantiated report" means a report of abuse that a law enforcement agency or DHS determines is founded.

## **Confidentiality of Records**

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

Upon request from law enforcement or DHS the district shall immediately provide requested documents or materials to the extent allowed by state and federal law.

## **Failure to Comply**

Any district employee who fails to report a suspected abuse of a child as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A district employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law. If an employee fails to report

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<sup>3</sup> The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

suspected abuse of a child or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined up to and including dismissal.

### **Abuse of a Child Investigations Conducted on District Premises**

The Department of Human Services (DHS) or a law enforcement agency has the authority to conduct an investigation of a report of child abuse on school premises according to Oregon Revised Statute (ORS) 419B.045. The school administrator must be notified that the investigation is to take place, unless the administrator is a subject of the investigation. The investigator is not required to reveal information about the investigation to the school as a condition of conducting the investigation.

After the investigator provides adequate identification, school staff shall allow access to the child and provide a private space for conducting the interview. The investigator shall be advised by a school administrator or a school staff member of a child's relevant disabling conditions, if any, prior to any interview with the child. The school administrator or designee may, at the investigator's discretion, be present to facilitate the investigation.

School staff may only notify DHS, the law enforcement agency or school employees that are necessary to enable the investigation. School staff may not notify any other persons, including the child's parent(s) or guardian(s).

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend the investigation, or taking an employment action based on information available to the district before an investigation conducted by another agency is completed. The district will cooperate with agencies assigned to conduct such investigations

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## Reporting Requirements Regarding Sexual Conduct with Students

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Sexual conduct by district/school employees, contractors or agents<sup>1</sup> of the district, as defined by Oregon law and this policy, will not be tolerated. All district employees, contractors and agents of the district are subject to this policy.

The first two elements of the following definition will be considered sufficient cause for taking disciplinary action.

“Sexual conduct” as defined by Oregon law is any verbal or physical or other conduct by a school employee that is sexual in nature; directed toward a kindergarten through grade 12 student; unreasonably interferes with a student’s educational performance; and creates an intimidating, hostile or offensive educational environment. The definition for sexual conduct does not include behavior that would be considered child abuse as outlined by Oregon law and district Board policy JHFE and JHFE-AR - Reporting of Suspected Abuse of a Child.

Any district/school employee, contractor, agent of the district, or volunteer who has reasonable cause to believe that another district/school employee, contractor, agent of the district or volunteer has engaged in sexual conduct with a student must immediately notify his/her immediate supervisor. The supervisor will begin an investigation and notify the designated human resource administrator as appropriate.

When the district receives a report of suspected sexual conduct by a district employee, the district may place the employee on paid administrative leave or in a position that does not involve direct, unsupervised contact with students, if available, while conducting an investigation. When the district receives a report of suspected sexual conduct by a contractor or agent of the district, the district may decide to suspend services of that contractor or place the agent in a position that does not involve direct, unsupervised contact with students while conducting an investigation. An investigation is a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the complainant, witnesses, the district employee, the contractor, the agent of the district, or the student who is the subject of the report.

The investigation must meet any negotiated standards of an employment contract or agreement. If, following the investigation, the report is substantiated, the district will inform the district employee, contractor or agent of the district that the report has been substantiated and provide information regarding the appeal process. The district employee, contractor or agent of the district may appeal the district’s decision through an appeal process administered by a neutral third party. A substantiated report means a report of abuse or sexual conduct that: a) is supported by reasonable evidence; and b) involves conduct that the educational provider determines is sufficiently serious to be documented in the employee’s personnel file or the administrative file for the contractor or agent of the district. Notification to the Teacher Standards and Practices Commission (TSPC) will be made, as appropriate under Oregon law.

If the district employee, contractor or agent of the district decides not to appeal the determination or if the determination is sustained after an appeal, a record of the substantiated report will be placed in the employee’s personnel file or in the administrative file for the contractor or agent of the district. The employee, contractor or

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<sup>1</sup> An “agent” is a person authorized to act on behalf of another (called the principal) to create legal relations with a third party.

agent of the district will be notified that this information may be disclosed to a potential employer. The district will not serve as a reference for a contractor or agent of the district that has a substantiated report.

The district will post in each school building the name and contact information of the person designated to receive sexual conduct reports, as well as the procedures the superintendent or designee will follow upon receipt of a report. In the event that the designated person is the suspected perpetrator, the superintendent or designee shall receive the report. When the superintendent or designee takes action on the report, the person who initiated the report must be notified. When the superintendent is the suspected perpetrator, the Board chair shall receive the report.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected sexual conduct by a district employee, a contractor, or an agent of the district in good faith, the student will not be disciplined by the Board or any district employee.

The district will provide annual training to district employees, parents and students regarding the prevention and identification of sexual conduct. The district will provide to employees, contractors or agents of the district at the time of hire a description of conduct that may constitute sexual conduct and a description of records subject to disclosure if a sexual conduct report is substantiated.

Educational providers shall follow hiring and reporting procedures as outlined in Oregon Revised Statute ORS 339.374 for all district employees.

END OF POLICY

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**Legal Reference(s):**

[ORS 339.370 - 339.400](#)

[ORS 418.746 - 418.751](#)

[ORS 419B.005 - 419B.045](#)

Every Student Succeeds Act, 20 U.S.C. § 7926 (2012)

**Cross Reference(s):**

GCAB - Personal Electronic Devices and Social Media - Staff

JHFE - Reporting of Suspected Abuse of a Child

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## Suspected Sexual Conduct with Students and Reporting Requirements\*

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Sexual conduct by district employees, contractors<sup>1</sup>, agents<sup>2</sup>, and volunteers<sup>3</sup> is prohibited and will not be tolerated. All district employees, contractors, agents, and volunteers are subject to this policy. Students are also subject to this policy if they are acting as an employee, contractor, agent or volunteer.

“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile educational environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the district or any applicable employment agreements.

“Student” means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the district that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 90 days prior to the sexual conduct.

The district will post in each school building the names and contact information of the employees designated for the respective school buildings to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

Any district employee who has reasonable cause to believe that a student has been subjected to sexual conduct by another district employee, contractor, agent or volunteer, or that another district employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the designated licensed administrator or the alternate designated licensed administrator, in the event the designated administrator is the suspected perpetrator, for their school building. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy GBNAB/JHFF – Suspected Abuse of a Child Reporting Requirements.

If the superintendent is the alleged perpetrator the report shall be submitted to the [Chief Human Resources Officer] who shall report the suspected sexual conduct to the Board chair.

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<sup>1</sup> “Contractor” means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

<sup>2</sup> “Agent” means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

<sup>3</sup> “Volunteer” means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

If an employee fails to report suspected sexual conduct or fails to maintain confidentiality of records, the employee may be disciplined up to and including dismissal.

When a designated licensed administrator receives a report of suspected sexual conduct by a district employee, contractor, agent or volunteer, the administrator will follow procedures established by the district and set forth in the district's administrative regulation GBNA/JHFF-AR - Suspected Sexual Conduct Report Procedures. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) in accordance with such administrative regulation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, a district employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student's safety.

When there is reasonable cause to support the report, a district contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the district and the district will take necessary actions to ensure the student's safety.

The district will notify, as allowed by state and federal law, the person who was subjected to the suspected sexual conduct about any actions taken by the district as a result of the report.

A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the district employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by a district employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer.

The superintendent shall develop administrative regulations to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

ORS 332.107

ORS 339.370 - 339.400

ORS 419B.005 - 419B.045

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).

House Bill 2136 (2021).

Senate Bill 51 (2021).

**ITEM FOR ACTION AT A FUTURE MEETING****SUPERINTENDENT EVALUATION PROCESS****SUMMARY**

The board formally evaluates the superintendent's job performance each year. The superintendent's performance goals and process for evaluation are established in advance.

**BACKGROUND**

By board policy and contractual agreement, the board will formally evaluate the superintendent's job performance annually. The evaluation provides the opportunity for the board to assess progress on district priorities.

**RECOMMENDATION**

The superintendent evaluation process will be considered for approval at the next business meeting of the board on November 28, 2023.

**Belong. Believe. Achieve.**

**Beaverton School District  
Superintendent Evaluation Process 2023–24  
Gustavo Balderas, Superintendent**

By board policy and contractual agreement, the board will formally evaluate the superintendent's job performance once each year.

The time invested in providing meaningful feedback in the assessment of the superintendent's performance, and the progress made in meeting the goals specified by the board for the superintendent, is critical to the success of the district. The evaluation provides the opportunity for the board to assess the district's progress on district priorities. Included is the superintendent's assessment and self-evaluation of progress made toward accomplishing district priorities.

The evaluation for the 2022–23 school year includes the following sections, aligned with the foundational building blocks of the district's strategic plan:

1. Engaging & Effective Teaching & Learning Systems
2. Authentic Engagement with Students, Families & Community
3. Facilities & Programs for World-Class Learning
4. Effective Systems & Structures for Student Success
5. Equity & Excellence for All

**Evaluation Process**

Board leadership will schedule two executive sessions to conduct the evaluation of the superintendent.

During the first executive session, board members will first meet with the superintendent to share his self-assessment and evidence of achievement. The superintendent then will depart from the executive session, and the board will discuss the evaluation and assessment of the superintendent's job performance. Based upon this discussion the board chair or designee will prepare the final evaluation from the board to share and discuss with the superintendent at a subsequent executive session.

The board will strive for consensus when developing the final evaluation, but in cases where consensus cannot be reached, the majority opinion will be reflected in the final written evaluation. Comments that are not agreed on by a majority of the board will not be included.

In a second executive session, the board will meet with the superintendent to share and discuss the performance evaluation.

Board leadership will develop a summary report on the outcome of the annual evaluation of the superintendent and will present it in a public meeting.

## Timeline

### Fall 2023

Approve annual goals for the superintendent  
Approve the process for the superintendent performance evaluation  
Finalize and approve the instrument for the superintendent performance evaluation

### January–February 2024

Superintendent provides mid-year report on progress toward goals in public session  
Board meets with superintendent in executive session for mid-year performance check-in

### April 2024

Review evaluation process, timeline and instrument

### April–May 2024

Superintendent meets with board in executive session and provides a self-evaluation  
Board meets in executive session to develop the performance evaluation

### May 2024

Board meets with superintendent in executive session and conducts the evaluation

### May–June 2024

Summary of final evaluation is prepared for public distribution  
Evaluation summary is presented during a public board meeting in May or June

DRAFT

## AREAS OF RESPONSIBILITY

### 1. Engaging & Effective Teaching & Learning Systems

#### Key Foundational Block Actions in 5-Year Plan:

- A. Establish balanced system of formative, interim and summative assessments aligned to standards at all school levels.
- B. Implement comprehensive intervention system for academic, behavioral and social-emotional learning needs.
- C. Ensure high-quality curriculum aligned to state standards.
- D. Expand offerings and equitable access to dual language, Career Technical Education and pre-K programs.
- E. Utilize data to inform and support equitable opportunities, access and inclusion for our diverse student body.

#### Specific Targets in 2023–24:

- **Develop Multi-Tiered System of Supports, Phase 1 (*Foundational Block 1.A,B,E*)**
  - **Develop Districtwide Assessment Framework (*1.A,E*)**
  - **Implement Reading Intervention Tools Districtwide (*1.B*)**

Undertake a multi-year process to develop a districtwide MTSS system to provide needed interventions and accelerations to address both the academic and behavioral / social-emotional needs of all students — in short, a systemic approach to how we provide foundational supports for all students, identify which students need extra help in which areas, and intervene with the supports they need. In 2023–24, **complete Phase 1: Develop and implement a districtwide assessment framework and implement reading intervention tools in all schools.**
- **Restructure Curriculum Adoption Process (*Foundational Block 1.C*)**

**Streamline and adjust the Quality Curriculum Cycle (QCC) adoption process** to a one-year process that includes the essential elements of the curriculum adoption process and honors stakeholder input, in order to best support student learning needs. This will save the district time and funds and continue a high level of public and staff engagement in the selection and adoption of materials.
- **Expand Dual Language Programming (*Foundational Block 1.D,E*)**

Work to expand dual language programs throughout the district in a multiyear process, with the end goal that all students have the option to attend a dual language school to acquire bilingual/multilingual skills in elementary through high school. In 2023–24, **implement and support Phase 1 expansion (adding William Walker Elementary)**, and prepare for Phase 2 in 2024–25 (launching a Mandarin Chinese elementary program, a Spanish dual language elementary program, and a Spanish dual language pre-K), and Phase 3 in 2025–26.
- **Assess Career Technical Education Programming (*Foundational Block 1.D,E*)**

**Undertake an assessment of current CTE course offerings to inform future expansion** of robust, articulated career-related programs that target high-skill, high-demand, high-wage occupations.
- **Expand Early Learning Programming (*Foundational Block 1.D,E*)**

**Continue to expand pre-kindergarten offerings**, implementing programs at Elmonica, Kinnaman and Hazeldale (in lieu of Bonny Slope). Develop early literacy plan and successfully apply for Early Literacy Success Grant.

#### Comments:

## AREAS OF RESPONSIBILITY

### 2. Authentic Engagement with Students, Families & Community

#### Key Foundational Block Actions in 5-Year Plan:

- A. Provide timely, accessible and clear communication throughout the district.
- B. Expand authentic, two-way engagement and actively target outreach to all groups.
- C. Engage and partner with families and community groups to support student learning and well-being.
- D. Establish actively engaged student advisory teams in secondary schools and district.

#### Specific Targets in 2023–24:

- **Connect With Community (*Foundational Block 2.A,B,C,D*)**  
**Engage regularly with students, parents, staff and community members** through opportunities such as Superintendent Coffee Chats, Student Advisory Committee, superintendent messages, and attendance at district and community events, including intentional engagement with diverse communities. Leverage and possibly add other opportunities for engagement such as virtual opportunities, parent advisories, staff advisories.
- **Liaise With Staff (*Foundational Block 2.A*)**  
**Maintain internal communications with staff**, including superintendent staff email messages, timely sharing of key information, and engaging with staff in regular visits to schools.
- **Engage With Community Partners (*Foundational Block 2.B,C*)**  
**Work collaboratively with city, county, business, non-profit, service and other community partners** to further district initiatives and support students and families. Focus on local Beaverton community assets.
- **Communicate With School Board (*Foundational Block 2.A*)**  
**Provide timely and relevant information** about district processes and programs, emergent issues, and decision-making processes. Collaborate with board chair to plan efficient and relevant meeting agendas and present information effectively. Support the board with board development and training to meet the board's needs and interests.

#### Comments:

## AREAS OF RESPONSIBILITY

### 3. Facilities & Programs for World-Class Learning

#### Key Foundational Block Actions in 5-Year Plan:

- A. Optimize program offerings and school facilities, considering community voice.
- B. Modernize classrooms to ensure an equal technology experience at all schools.
- C. Target completion of bond construction projects on time and on budget.
- D. Prioritize environmentally responsible materials and practices.

#### Specific Targets in 2023–24:

- **Complete Bond Projects On Time & On Budget (*Foundational Block 3.A,C,D*)**  
**Continue on-time progress on school improvement projects** identified in the bond measure. Prepare for the two largest projects, the replacement of Raleigh Hills Elementary School and Beaverton High School, to begin construction in summer 2024, incorporating environmentally responsible materials and practices.
- **Optimize Technology to Meet Instructional & Operational Needs (*Foundational Block 3.B*)**  
**Modernize classrooms to ensure an equal technology experience** at all schools. This will be done through the creation of a district standard (equality) and centralization of technology purchases (equity) for our students and staff.
- **Undertake Long-Range Facilities Planning to Meet Educational & Community Needs (*Foundational Block 3.A*)**  
**Form and engage a Facilities Planning Committee** to study, consider and advise the superintendent on capacity, condition and utilization of district facilities; enrollment trends and evolution of demographics in the district; and planning for future facilities.

#### Comments:

## AREAS OF RESPONSIBILITY

### 4. Effective Systems & Structures for Student Success

#### Key Foundational Block Actions in 5-Year Plan:

- A. Attract, support and retain a high-quality and diverse workforce.
- B. Optimize school schedules and systems to support student success.
- C. Implement efficient and effective systems to streamline and support district operations.
- D. Identify and eliminate systemic barriers to equitable access and outcomes.

#### Specific Targets in 2023–24:

- **Optimize School Schedules to Support Student Success (*Foundational Block 4.B,C,D*)**

- **Middle School Schedule Review**

The district's current middle school schedule is under review. Over the course of the 2022–23 school year, the district worked with Education Northwest to conduct a qualitative study on the common middle school schedule that was implemented in 2021. In 2023–24, **review the study's findings and recommendations, consider schedule proposals** created in collaboration with school leaders, and **determine any changes to the schedule.**

- **School Start Times**

The district's current high school start times have raised significant concerns and feedback from staff, families and community over the last several years. **Complete a comprehensive review of all school start times and develop a plan** that meets criteria and enables a functional transportation schedule to meet current and expanding needs of district programs.

**Decide changes in school start times and middle school class schedules and inform community by end of 2023 for implementation in 2024–25.**

- **Modernize Finance & Human Resources Software System (*Foundational Block 4.C*)**

The district's current Enterprise Resource Planning (ERP) software system, used for business office and human resources management of financial and staff data, has been in use for 23 years and has notable gaps. Replacement or reimplementation will be a multiyear process. In 2023–24, **complete evaluation of the ERP and business and operational needs, determine whether to reimplement or replace the system, and select a vendor.**

- **Develop Balanced Budget Aligned to Strategic Plan (*Foundational Block 4.C*)**

- **ESSER Step-Down Plan**

- **Sustainable Staffing Plan**

By law, the district must adopt a balanced budget for the coming year by June 30. Beaverton has an unusually large amount of staff and unusually high percentage of our budget going to pay for staffing. Temporary pandemic relief funds that enabled significant increases in staffing are running out. Enrollment and enrollment-based funding also is significantly declining. In 2023–24, **develop a balanced budget for 2024–25 aligned to the strategic plan** and addressing the end of ESSER funds in September 2024 and the necessary step-down of staffing, potentially over multiple years.

- **Bargain Fair and Sustainable Contracts (*Foundational Block 4.A,C*)**

**Negotiate successor agreement with BEA and 2024–25 economic reopener with OSEA** that serve district and student needs, support high-quality staff, and are financially sustainable.

#### Comments:

## AREAS OF RESPONSIBILITY

### 5. Equity & Excellence for All

- Principle and priority underlying all foundational building blocks and goals

#### Specific Targets in 2023–24:

- **Train Staff to Support Educational Equity (*Foundational Block 5*)**  
Equity and excellence for all is an underpinning foundation that should be woven into all that we do. Implement required professional development for all district staff to provide a baseline understanding and shared vocabulary for reducing bias and supporting educational equity. **Provide required training to licensed staff in ODE’s Engaging Equity Professional Learning Series** in 2023–24, and prepare to expand to additional training and classified staff in 2024–25.
- **Implement Bias Incident Reporting & Response Procedures (*Foundational Block 5*)**  
Oregon’s Every Student Belongs rule and Board Policy ACB require districts to establish reporting and response procedures for bias incidents. **Implement, communicate and support focused bias incident reporting and response procedures** to supplement and refine the previously existing procedures for reporting concerns and complaints.
- **Attract, Support & Retain a High-Quality Diverse Workforce (*Foundational Block 4.A, 5*)**
  - **Improve Hiring System: Successfully implement upgraded job application system** to streamline operations, enhance candidate experiences, and contribute to improved efficiency in recruiting, hiring and onboarding high-quality, diverse district staff.
  - **Support Dual Language Expansion: Proactively recruit, hire and support bilingual staff** to support the expansion of dual language programming.
  - **Increase Workforce Diversity: Work to attract, hire and retain more diverse staff** to better reflect the assets and serve the needs of our community and student population.

#### Comments:

**A. Overall effectiveness summary statement:**

**B. Suggestions for areas of focus for the upcoming year.:**

DRAFT

**ITEM FOR ACTION AT A FUTURE MEETING****BOARD OPERATING AGREEMENTS****SUMMARY**

The board will discuss and provide feedback on the current draft of board operating agreements.

**BACKGROUND**

The board annually reviews and affirms or revises board operating agreements that outline how board members will work with each other and the superintendent.

The Beaverton School Board is the policy-making body for the district, responsible for determining policies and establishing the long-range direction and vision of the school district as detailed in its strategic plan. The superintendent is its chief executive officer and educational leader, responsible for administering the operations of the district, interpreting and implementing board policies, and executing the district's strategic plan and goals.

To meet the needs of all students, the board and the superintendent must work together in a positive and transparent manner as a high-functioning leadership team. Toward that end, the school board operating agreements serve to clarify the roles and responsibilities of the board and distinguish them from the roles and responsibilities of the superintendent, as they respectfully collaborate to support the success of all students and staff in the district.

**RECOMMENDATION**

The board will discuss and provide feedback on the current draft of board operating agreements. Final draft operating agreements will be considered for approval at the following meeting on November 28.

**Belong. Believe. Achieve.**

*The Beaverton School Board is the policy-making body for the district, responsible for determining policies and establishing the long-range direction and vision of the district as detailed in its strategic plan. The superintendent is its chief executive officer and educational leader, responsible for administering the operations of the district, interpreting and implementing board policies, and executing the district's strategic plan and goals. To meet the needs of all students, the board and the superintendent must work together in a positive and transparent manner as a high-functioning leadership team. Toward that end, these board operating agreements serve to clarify the roles and responsibilities of the board and distinguish them from the roles and responsibilities of the superintendent, as they collaborate with dignity and respect for the success of all students and staff in the district.*

**1. GOVERNANCE PRINCIPLES: The board will...**

- A. Work with the superintendent in a cooperative and collaborative partnership aligned toward a common mission and goals.
- B. Focus on the responsibilities of policy-making, planning and evaluation of the superintendent, and fiscal oversight, rather than day-to-day operations.
- C. Solicit input, listen to all perspectives and give careful consideration to all issues before the board.
- D. Do its work as a body and in public, making decisions only as a whole board at properly convened meetings.
- E. Support decisions of the majority after honoring the right of individual directors to express opposing viewpoints and vote their convictions.

**2. BOARD OPERATING AGREEMENTS: Board members will...**

- A. Make decisions in the best interest of students and the district as a whole.
- B. Assume positive intent while actively working to maintain trust.
- C. Commit to attending all meetings of the board, and notify board leadership and the superintendent in advance if illness or another unavoidable circumstance prevents attendance or requires virtual attendance.
- D. Review information before meetings and come prepared to participate fully in discussions.
- E. Maintain decorum and be respectful of other board members, staff and the public. Share discussion time, listen respectfully to all perspectives, and refrain from sidebar conversations.
- F. Use Robert's Rules of Order as the board's parliamentary procedure, including a limit that each board member may speak up to two times in discussion of each topic. Robert's Rules are used as a tool and a guide, not a weapon, to facilitate clear and well-organized meetings.
- G. Cast a vote on all matters; abstentions should be rare and generally limited to when a conflict is identified.
- H. Maintain confidentiality of information, including all information and materials discussed in executive session.
- I. No surprises: Communicate directly with the superintendent and board chair regarding questions and concerns about agenda items, board processes, or other issues, in advance of raising them in a meeting.
- J. Communicate questions and concerns about district operations to the superintendent, about board processes to the superintendent and board chair, and about other board members to the board chair.
- K. Abide by Oregon public meetings laws, and refrain from discussing any board matter outside of public meetings with a majority of the board participating, whether verbally or in writing, simultaneously or serially.

**3. BOARD LEADERSHIP: The board chair will...**

- A. Work with the superintendent to develop efficient and effective agendas for board meetings.
- B. Facilitate meetings in a focused and timely manner, starting meetings on time and ending on time to the extent possible.
- C. Monitor that the board follows operational agreements and legal requirements, and arrange to provide training as needed to provide awareness and address issues.
- D. Speak on behalf of the board to the media and the public.

## 4. BOARD COMMUNICATIONS

### A. Agenda Setting

- a. The board chair is responsible for convening meetings and setting meeting agendas in collaboration with the superintendent.
- b. Board members may request an agenda topic by contacting board leadership and the superintendent, or making the request in their individual comments in a board meeting.
- c. Topics requested by board members will be reviewed by board leadership and considered for next steps, which may include information provided to the board in the superintendent's weekly memo, an informational meeting for 1–3 board members, or an item on an upcoming board meeting agenda.

### B. Spokesperson & News Media

- a. The board chair speaks to the media on behalf of the board. The superintendent or designee, such as the communications officer, may also provide information about board policy, processes and decisions.
- b. No board member other than the board chair or designee has the authority to speak for the entire board. Media inquiries received by other board members regarding board matters should be referred to the district's communications officer and the board chair for response.
- c. Individual board members may choose to share their individual viewpoint but must clarify that they are speaking for themselves rather than the entire board. Board members who opt to make a statement to media about their individual viewpoint will notify the board chair and superintendent.

### C. Communications With the Public

- a. Community members may contact the entire school board by email at [school\\_board@beaverton.k12.or.us](mailto:school_board@beaverton.k12.or.us), or may contact a school board member individually.
- b. The board has divided the district into seven geographic zones. Board members reside in these zones but are elected by voters district-wide and represent and are responsible to the entire community. The board has opted to assign schools for each board member to focus on and serve as a community contact point.
- c. A board member contacted by someone from their zone or related to one of their assigned focus schools will strive to respond in a timely manner and will copy the board chair and the superintendent.
- d. If a board member receives an inquiry from someone in another zone or a school they are not assigned, they will consult with the board member from that zone and/or the chair before responding.
- e. If a communication is sent to all board members, the chair or their designee will respond on behalf of the board, copying the superintendent and blind copying the board.
- f. Board members will not seek to resolve operational questions, complaints or requests for action that are conveyed to them. They will acknowledge receipt and relay them to the superintendent for follow-up.
- g. The board will serve as a model for positive and constructive public dialogue by communicating in a polite and respectful manner to and about fellow board members, staff, students and the public.
- h. Board members will utilize social media websites judiciously and will not denigrate the district, district staff or fellow board members, nor post confidential information about students, staff or district business.

### D. Communications with Staff

- a. The board's sole employee is the superintendent. The superintendent is responsible for overseeing and directing the work of all other district staff. Board members will direct questions and comments to the superintendent and executive leadership where appropriate.
- b. Board members will not directly contact other district employees, even if there is a previous relationship established. If contacted by a staff member, the board member will acknowledge receipt and refer operational issues to the superintendent or appropriate district process as with a member of the public.

- c. Board members will not intervene in the administration of the district or its schools. No individual board member may direct the superintendent to action without board authorization.
- d. Recognizing the impact of information requests on staff time, inquiries by individual board members that will require considerable staff time or resources may be referred by the superintendent to board leadership or the full board to determine if the use of resources aligns with board and district priorities.
- e. A request for a legal opinion by a board member must be approved by board leadership or a majority vote of the board before the request is made to legal counsel. If the legal opinion sought involves the superintendent's employment or performance, the request should be made to the board chair.

#### **E. Visits to Schools**

- a. Board members are encouraged to visit district schools and programs, by arrangement with the superintendent. Board members will contact the superintendent's office to coordinate desired visits.
- b. Board members are invited to attend public school events such as performances and athletic events.
- c. Board members may volunteer in schools in a capacity not related to their board role and not acting as a board member. The board member will inform the superintendent and board chair of their volunteer role.
- d. Board members will be mindful of the impact of their board position on how their presence and interaction is perceived. When volunteering at a school or attending a public event, board members will clearly convey that their presence is not for board-related purposes.
- e. Board members will be aware of confidentiality and privacy requirements and will not share identifiable photos or information about students without prior explicit consent of the student's parent or guardian.

Approved by the Beaverton School Board on \_\_\_\_\_, 2023

I, the undersigned, have read and understand these working agreements. I agree to operate under these agreements during my term as an elected school board member.

\_\_\_\_\_  
Karen Pérez, Chair, Zone 2

\_\_\_\_\_  
Sunita Garg, Vice Chair, Zone 4

\_\_\_\_\_  
Susan Greenberg, Zone 1

\_\_\_\_\_  
Melissa Potter, Zone 3

\_\_\_\_\_  
Ugonna Enyinnaya, Zone 5

\_\_\_\_\_  
Justice Rajee, Zone 6

\_\_\_\_\_  
Tammy Carpenter, Zone 7

**QUICK REFERENCE: ROLES & RESPONSIBILITIES OVERVIEW**

<p align="center"><b>School Board</b> GOVERNS</p>	<p align="center"><b>Superintendent</b> OPERATIONALIZES &amp; ADMINISTERS</p>
<p>Hires and evaluates the superintendent, as the board's sole employee</p>	<p>Responsible for all district staff</p>
<p>Determines the long-range direction and vision of the district as detailed in the BSD Strategic Plan; reviews and updates the plan on a regular basis</p>	<p>Operationalizes, implements, and manages the day-to-day operations of the district, including that of the strategic plan</p>
<p>Establishes policies to govern the conduct of the board and guide the direction of the district</p>	<p>Establishes regulations and oversees the implementation of board policy; serves as the chief executive officer to whom the board has delegated administrative authority</p>
<p>Adopts, reviews, and modifies district policies consistent with State Board of Education rules and with local, state and federal laws.</p>	<p>Recommends policy adoptions and modifications, and implements policies approved by the board</p>
<p>Oversees the district's financial affairs:</p> <ul style="list-style-type: none"> <li>• Adopts the district's annual budget</li> <li>• Authorizes large contracts that exceed the authority delegated to the superintendent (\$150,000)</li> <li>• Approves agreements with employee groups</li> </ul>	<p>Manages the district's financial affairs:</p> <ul style="list-style-type: none"> <li>• Formulates the annual budget for recommendation to the budget committee and school board</li> <li>• Approves expenditures within delegated authority (\$150,000) and recommends to the board authorization of expenditures for large contracts beyond delegated authority</li> <li>• Negotiates and approves contracts as authorized by the board or within delegated authority</li> <li>• Negotiates and approves interagency agreements such as intergovernmental agreements and memoranda of understanding</li> <li>• Negotiates agreements with employee groups, subject to board parameters and board approval</li> </ul>
<p>Advocates for education with local and state leaders</p>	<p>Advocates for education with local and state leaders; advises board on advocacy</p>
<p>Calls elections on bonds, levies and other funding proposals</p>	<p>Provides information and recommendations to inform board decisions on funding proposals; provides information to community to inform voters about board-directed ballot measures</p>
<p>Communicates and engages with the community to represent public interest</p>	<p>Communicates and engages with the community; directs district communications</p>
<p>Considers appeal of decisions on complaints and student and staff disciplinary processes as provided by law, policy or contract</p>	<p>Determines district response to complaints and student and staff disciplinary processes; provides information to board to inform consideration of appeals</p>

## **QUICK REFERENCE: BSD POLICIES AND REGULATIONS**

### **Section A/B: Board Governance and Operations**

[ACA - Americans with Disabilities Act](#)

[ACB - Every Student Belongs](#)

[AE - Strategic Plan](#)

[BBA - Board Powers and Duties](#)

[BBAA - Individual Board Member's Authority and Responsibility](#)

[BBB - Board Elections](#)

[BBBA - Board Member Qualifications](#)

[BBD - Board Member Removal from Office](#)

[BBE - Vacancies on the Board](#)

[BBF - Board Member Ethics](#)

[BBFA - Board Member Conflicts of Interest](#)

[BBFB - Board Member Ethics and Nepotism](#)

[BCB - Board Officers](#)

[BCE - Board Committees](#)

[BCF - Advisory Committees to the Board](#)

[BCFAA - Community Partnership Teams](#)

[BD/BDA - Board Meetings](#)

[BDC - Executive Sessions](#)

[BDD - Board Meeting Procedures](#)

[BDDC - Board Meeting Agenda](#)

[BDDG - Minutes of Board Meetings](#)

[BDDH - Public Comment in Board Meetings](#)

[BF - Policy Development](#)

[BFC - Adoption and Revision of Policies](#)

[BFCA - Administrative Regulations](#)

[BFD - Board Policy Implementation](#)

[BG/GBD - Board-Staff Communications](#)

[BH/BHA - Orientation for New Board Members](#)

[BHB - Board Member Development](#)

[BHD - Board Member Compensation and Expense Reimbursement](#)

[BHE - Board Member Liability Insurance](#)

[BK - Evaluation of Board Operational Procedure](#)

### **Section C: General Administration**

### **Section D: Fiscal Management**

### **Section E: Support Services**

### **Section F: Facilities Development**

### **Section G: Personnel**

### **Section H: Personnel**

### **Section I: Instruction**

### **Section J: Students**

### **Section K/L: District–Community Relations**

**ITEM FOR ACTION AT A FUTURE MEETING****CONSIDER PROPOSED REVISIONS TO BOARD POLICIES  
GBEB, GBEDA & GBEDA-AR, GCBDA/GDBDA, IIBGA, JHCC & JHCC-AR****SUMMARY**

Revisions are recommended to update school board policies GBEB, GBEDA, GCBDA, IIBGA and JHCC, and board-adopted administrative regulations GBEDA-AR and JHCC-AR. The changes were generated by the Oregon School Boards Association, which provides policy recommendations to reflect changes in state statutes and/or regulations and best practices, and integrated and recommended by staff. Most of the proposed changes are necessary to align district policy to changes in the law.

**POLICY DRAFT KEY**

Blue Underlined Recommended language additions or changes  
~~Red Strikethrough~~ Removed outdated language

**BACKGROUND****GBEB – Communicable Diseases – Staff (*revise*)**

Changes made align with revisions prescribed by Oregon Health Authority since the COVID-19 pandemic. OSBA has recommended that districts revise their board policy language to reflect the changes.

**GBEDA – Drug and Alcohol Testing – Transportation Personnel (*revise*)****GBEDA-AR – Drug and Alcohol Testing – Transportation Personnel (*delete and replace*)**

Changes are recommended to reflect the new federal rules on drug and alcohol testing for bus drivers established by the U.S. Department of Transportation for school districts that own and operate their own buses. Administrative regulations normally are approved by the superintendent; GBEDA-AR is one of a small number of ARs that are required to be approved by the school board. The administrative regulation has significant changes, and it is recommended that the board delete the existing AR and adopt the proposed new one aligned with the OSBA model AR.

**GCBDA/GDBDA – Family Medical Leave (*delete and replace*)**

During the 2023 legislative session, multiple bills were passed amending Paid Family Medical Leave Insurance and the Oregon Family Leave Act. OSBA recommends deleting the current policy and replacing it with the new version that reflects these changes.

**IIBGA – Electronic Communications System (*revise*)**

A collaboration between OSBA and ODE produced a review and recommended revisions to this policy. The proposed changes update language to reflect modern usage and incorporate best practices to support the E-rate program and student safety.

**JHCC – Communicable Diseases – Students (*revise*)****JHCC-AR – Communicable Diseases – Students (*delete and replace*)****Belong. Believe. Achieve.**

The proposed changes incorporate revisions prescribed by Oregon Health Authority since the COVID-19 pandemic. OSBA has recommended that districts update this policy and delete and replace the administrative regulation to reflect the changes prescribed by OHA. JHCC-AR is another of the few administrative regulations that are required to be approved by the board.

#### **RECOMMENDATION**

The proposed revisions to these policies are presented for initial consideration and will come before the board for approval at its next meeting in November:

- Revisions to board policy GBEB
- Revisions to board policy to GBEDA
- Adoption of new GBEDA-AR and deletion of existing GBEDA-AR
- Adoption of new board policy GCBDA/GDBDA and deletion of existing GCBDA/GDBDA
- Revisions to board policy IIBGA
- Revisions to board policy JHCC
- Adoption of new JHCC-AR and deletion of existing JHCC-AR

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## Communicable Diseases - Staff

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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 generally shall be through immunization, exclusion or other measures as provided for in Oregon Revised Statutes and Oregon Administrative Rules by Oregon law, by the local health department or in the *Communicable Disease Guidance* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

An employee may not attend work while in a communicable stage of a restrictable disease or when an administrator has reason to suspect that the employee has or has been exposed to any disease for which exclusion is required in accordance with law and per administrative regulation GBEB-AR – Communicable Diseases – Staff. If the disease is a reportable disease, the administrator will report the occurrence to the local health department.

Employees shall comply with all measures adopted by the district and with all rules set by Oregon Health Authority, Public Health Division, and the county health department. ~~Employees have a responsibility to report to the district when infected with a communicable disease unless stated otherwise by law.~~

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

~~to all such persons, including those who are infected with a communicable disease, and shall provide the services in accordance with this policy. Where the district knows that a person is infected with a communicable disease it shall inform the employees, as appropriate, to protect against the risk of exposure.~~

~~No employee shall be denied the opportunity to provide service solely on the basis that the employee is infected with a communicable disease except as otherwise required by law. The district may require an employee infected with a communicable disease, which is diagnosed and confirmed, to comply with such reasonable measures, including submission to district paid medical examinations, as may be determined as conditions of continued employment.~~

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

The superintendent ~~or designee~~ 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 437-002](#)-0360

[OAR 333-019](#)-0010

[OAR 437-002](#)-0377

[OAR 333-019](#)-0014

[OAR 581-022](#)-2220

Oregon Department of Education and Oregon Health Authority, *Communicable Disease Guidance* (2020).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ([2018](#)); Family Educational Rights and Privacy, 34 C.F.R. Part 99 ([2019](#)).

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).

**Cross Reference(s):**

EBC/EBCA - Emergency Procedures and Disaster Plans

JHCC - Communicable Diseases

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## Communicable Diseases – Students

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

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

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

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

The district shall protect the confidentiality of each student's health condition and record to the extent possible and consistent with ~~the overall intent of this policy~~ 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 ~~as needed to~~ necessary to implement this policy ~~to reduce the risk of contagion in the school setting.~~

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 437-002-0360](#)

[OAR 437-002-0377](#)

[OAR 581-022-2220](#)

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (~~2017~~ 2020).  
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (~~2012~~ 2018); Family Educational Rights and  
Privacy, 34 C.F.R. Part 99 (~~2017~~ 2019).

**Cross Reference(s):**

EBC/EBCA - Emergency Procedures and Disaster Plans

GBEB - Communicable Diseases – Staff

JHCCA - Students - HIV, HBV and AIDS

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## Communicable Diseases – Student

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In accordance with state law, rule and health authority communicable disease guidelines, procedures, as established below, will be followed:

### School Restrictable/School Reportable Diseases

1. Restrictable diseases are communicable diseases which occur in a setting where predictable and/or serious consequences may occur to the public. School restrictable diseases are defined as a disease which can be readily transmitted in a school setting and to which students and/or employees in a school may be particularly susceptible;
2. A District employee who is diagnosed to have a school restrictable disease shall not engage in any occupation which involves contact with students as long as the disease is in a communicable stage;
3. A student who is diagnosed to have a school restrictable disease shall not attend school as long as the disease is in a communicable stage. These restrictions are removed by the written statement of the local health officer or designee or a licensed physician (with the concurrence of the local health officer) that the disease is no longer communicable to others in the school setting. For those diseases indicated by an asterisk (\*) the restriction may be removed by a school nurse. School restrictable diseases include, but are not limited to:
  - a. Chicken Pox\*;
  - b. Cholera;
  - c. Diphtheria;
  - d. Measles;
  - e. Meningococcal disease;
  - f. Mumps\*;
  - g. Pediculosis\* (head lice);
  - h. Pertussis (whooping cough);
  - i. Plague;
  - j. Rubella (German measles);
  - k. Scabies\*;
  - l. Staphylococcal skin infections\*;
  - m. Streptococcal infections\*;
  - n. Tuberculosis;
  - o. Pandemic flu or other declared public health emergency.

The school administrator may, when he/she has reasonable cause to believe the student has a school restrictable disease, exclude that student from attendance until a physician, public health nurse or school nurse certifies that the student is not infectious to others;

4. The local health officer or designee may allow students and employees with diseases in a communicable stage to continue to attend and to work in a school when measures have been taken to prevent the transmission of the disease;
5. More stringent rules for exclusion from school may be adopted by the local health department or by the District through Board-adopted policy;
6. A disease may not be considered to be a school restrictable disease unless it is listed in section 3 above, in accordance with OAR 333-019-0015(2), it has been designated to be a school restrictable disease through Board policy or the local health administrator determines that it presents a significant public health risk in the school setting;
7. The District will comply with the Washington County Department of Health and Human Services Communicable Disease Exclusion Guidelines for schools and Child Care Settings;
8. When a person is diagnosed as having diphtheria, measles, pertussis (whooping cough) or rubella (German measles), the local health officer may exclude from any school in his/her jurisdiction any student or employee who is susceptible to that disease;
9. The District's emergency preparedness plan shall address the District's plan with respect to a declared public health emergency at the local or state level.

### **Notification**

1. Any staff member who has reason to suspect that a student is infected with a reportable, but not school restrictable disease shall so inform the school administrator. All employees shall comply with all reporting measures adopted by the District and with all rules set forth by Oregon Department of Human Services, Health Services, and county health departments.
2. Employees have a responsibility to report to the District when infected with a school restrictable communicable disease unless stated otherwise by law.
3. In the event a school administrator is informed that a staff member or student may have a reportable disease, he/she will seek confirmation and assistance from the local health department to determine the appropriate District response. Reportable diseases include, but are not limited to:
  - a. Acquired immunodeficiency syndrome (AIDS);
  - b. Amebiasis;
  - c. Anthrax;
  - d. Botulism;
  - e. Brucellosis;
  - f. Campylobacteriosis;
  - g. Chancroid;
  - h. Chlamydia trachomatis infection of the genital tract;
  - i. Cholera;
  - j. Cryptosporidiosis;
  - k. Diphtheria;
  - l. Escherichia coli 0157-caused illness;
  - m. Food-borne illness;
  - n. Giardiasis;
  - o. Gonococcal infections;
  - p. Haemophilus influenzae-caused invasive disease;
  - q. Hemolytic uremic syndrome;
  - r. Hepatitis (A; B; non-A, non-B and delta);

- s. HIV infection\*;
- t. Leprosy;
- u. Leptospirosis;
- v. Listeriosis;
- w. Lyme disease;
- x. Lymphogranuloma venereum;
- y. Malaria;
- z. Measles (Rubeola);
- aa. Meningococcal disease;
- bb. Pelvic inflammatory disease, acute, nongonococcal;
- cc. Pertussis;
- dd. Plague
- ee. Poliomyelitis;
- ff. Psittacosis;
- gg. Q fever;
- hh. Rabies \*(human and animal cases);
- ii. Rocky Mountain spotted fever;
- jj. Rubella (including congenital rubella syndrome);
- kk. Salmonellosis (including typhoid fever);
- ll. Shigellosis;
- mm. Syphilis;
- nn. Tetanus;
- oo. Trichinosis;
- pp. Tuberculosis;
- qq. Tularemia;
- rr. Yersiniosis

\*Does not apply to anonymous HIV testing.

4. With consultation and direction from the District's school nurse or appropriate health authorities, the school administrator or designee shall determine which other persons may be informed of the infectious nature of the individual student or employee within guidelines provided in statute.

## Education

1. The school administrator or designee shall seek information from the District's school nurse or other appropriate health officials regarding the health needs/hazards of all students and the educational needs of the infected student.
2. The school administrator or designee shall, utilizing information obtained in section 1 above, determine an educational program for the infected student and implement same in an appropriate (regular or alternative) setting.
3. The school administrator or designee shall, from time-to-time, review the appropriateness of the educational program and the setting of each individual student.

## **Equipment and Training**

1. The school administrator or designee shall consult with the District's school nurse, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The school administrator or designee shall consult with the District's school nurse or other appropriate health officials as to whether it is necessary to provide special training in the methods of protection from such communicable disease.

**All designated District personnel will be instructed annually to use the proper precautions pertaining to blood and body fluid exposure.**

DELETED

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## Communicable Diseases – Student

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In accordance with state law, administrative rule, the local health authority and the *Communicable Disease Guidance*, the procedures established below will be followed.

1. “Restrictable diseases” are defined by rule and include but are not limited to COVID-19<sup>1</sup>, chickenpox, diphtheria, hepatitis A, hepatitis E, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxigenic Escherichia coli (STEC) infection, shigellosis and infectious tuberculosis, and may include a communicable stage of hepatitis B infection if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by the local public health administrator after determining that it poses a danger to the public’s health.
2. “Susceptible” for an employee means lacking evidence of immunity to the disease.
3. “Reportable diseases” means a disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health.

### Restrictable Diseases

1. A student of the district will not attend a district school or facility while in a communicable stage of a restrictable disease, including a communicable stage of COVID-19<sup>2</sup>, unless authorized to do so under Oregon law. When an administrator has reason to suspect any child has a restrictable disease, the administrator shall send the student home.
2. An administrator shall exclude a susceptible child from school if the administrator has reason to suspect that the student has been exposed to measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the public’s health. The administrator may request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator will report the occurrence to the local health department.
3. An administrator shall exclude a student if the administrator has been notified by a local public health administrator or local public health officer that the student has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.
4. A student will be excluded in such instances until such time as the student or the parent or guardian of the student presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 - 677.525, a nurse practitioner licensed under ORS 678.375 - 678.390, local health

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<sup>1</sup> Added per OAR 333-019-1010(2).

<sup>2</sup> “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19.

department nurse or school nurse stating that the student does not have or is not a carrier of any restrictable diseases.

5. The district may, for the protection of both the student who has a restrictable disease and the exposed student, provide an educational program in an alternative setting. A student may remain in an alternative educational setting until such time as a certificate from a physician, physician assistant, nurse practitioner, local health department nurse or school nurse states that the student does not have or is not a carrier of any restrictable disease, or until such time as a local public health administrator states that the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. A restrictable disease exclusion for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may be removed by a school nurse or health care provider.
6. More stringent exclusion standards for students from school may be adopted by the local health department.
7. The district's emergency preparedness plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

### **Reportable Diseases Notification**

1. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by Oregon Health Authority, Public Health Division and the local health departments.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate district response when the administrator is notified that a student or an employee has been exposed to a restrictable disease that is also a reportable disease.
3. An administrator shall determine other persons who may be informed of a student's communicable disease when a legitimate educational interest exists or for health and safety reasons in accordance with law.

### **Education**

1. The administrator or designee shall seek information from the district's school nurse or other appropriate health officials regarding the health needs/hazards of all students and the impact on the educational needs of a student diagnosed with a restrictable disease or exposed to a restrictable disease.
2. The administrator or designee shall, utilizing information obtained above, determine an educational program for such a student and implement the program in an appropriate (i.e., regular or alternative) setting.
3. The administrator or designee shall review the appropriateness of the educational program and the educational setting of each individual student diagnosed with a restrictable disease.

### **Equipment and Training**

1. The administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The administrator or designee shall consult with the district's school nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.
3. All district personnel will be instructed annually to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA). (See policy EBBA).

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## Drug and Alcohol Testing [and Record Query](#) – Transportation Personnel\*

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The district adheres to a policy of providing all employees, students and the public an environment which is free of drugs, as defined by the Drug-Free Workplace Act and Board Policy GBEC – Drug-Free Workplace. Further, the district affirms that particularly those employees who are engaged in safety sensitive occupations must be drug and alcohol free.

Therefore, all district personnel holding commercial driver’s licenses, assigned to safety sensitive positions, who are required to operate district vehicles which transport 16 or more passengers, including the driver, or who operate a district vehicle with a gross vehicle weight rating (~~GVWR~~), or gross combination weight rating (~~GCWR~~) of 26,001 lbs. or more; substitute drivers; driver trainers; other designated staff; and contractors/subcontractors engaged in safety sensitive activities on behalf of the district will be subject to pre-employment, random, reasonable suspicion, post-accident, return-to-duty and follow-up testing in accordance with the Omnibus Transportation Employee Testing Act of 1991, as amended, and shall annually certify this information to the Oregon Department of Education.

[In a continuing effort to prevent accidents and injuries resulting from the use of drugs and misuse of alcohol by drivers of commercial motor vehicles, the district shall establish a drug and alcohol misuse prevention program. The district’s program shall meet the requirements of the Omnibus Transportation Employee Testing Act of 1991. The district or its transportation provider shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education. The district or its transportation provider shall comply with the reporting and pre-employment and annual query requirements of the Federal Motor Carrier Safety Administration.](#)

The superintendent ~~is directed to~~ [will](#) develop administrative regulations to carry out this policy and meet the requirements of applicable federal, state and local laws.

END OF POLICY

**Legal Reference(s):**

[ORS 657.176](#)

[ORS 825.415](#)

[ORS 825.418](#)

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

[OAR 581-053-0230\(9\)\(t\)](#)

[OAR 581-053-0420\(4\)\(b\)\(B\)\(ii\)](#)

[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)

[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)

[OAR 581-053-0620\(1\)\(d\)](#)

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317 (2012); 49 C.F.R. Parts 40, 382, 391-395 (~~2017~~ [2019](#)).

**Cross Reference(s):**

EEACA - School Bus Driver Selection and Training

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## Drug and Alcohol Testing – Transportation Personnel

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### Section I – Philosophy

The district has a long-standing commitment to maintain the highest standards for driver safety and health. The improper use of alcohol, use of illegal drugs, or unauthorized use of prescription drugs is contrary to these high standards. Therefore, the district will not tolerate the possession or use of alcohol or illegal drugs or unlawful use of prescription drugs by its employees in any job-related context.

### Section II – Administrative Information

The district's controlled substance and alcohol testing program meets the requirements of the Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA), Controlled Substances and Alcohol Use and Testing Rule, Code of Federal Regulations (CFR), Title 49, Section 382 and Part 40, as amended.

#### A. Responsibilities

1. District Controlled Substance and Alcohol Program Coordinator: Appendix A contains the name, address and telephone number of the individual(s) responsible for questions related to the policy or implementation of the policy;
2. Supervisors: Supervisors are responsible for observing the performance and behaviors of employees and observation/documentation of events suggestive of behavior which is prohibited by this part (i.e. controlled substance use and/or alcohol misuse). It is the supervisor's responsibility to determine when testing for controlled substances and/or alcohol is necessary, based on reasonable cause;
3. Employees: Each employee has the responsibility to be knowledgeable of the requirements of the district's controlled substance and alcohol policy and to fully comply with the provisions of the policy.

#### B. Who is Covered

1. This policy applies to every district employee who is required to have a commercial driver's license as part of his/her job assignment. These employees are governed by the laws of the Federal Motor Carrier Safety Administration Commercial Driver's License regulations;
2. Any employee holding a Commercial Driver's License (CDL) and who operate district vehicles which transport 16 or more passengers, including the driver, or who operates a district vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds or more;
3. Any contractor/subcontractor engaged in safety-sensitive activities on behalf of the district.

#### C. Notification to Employees

Prior to performing a controlled substance or alcohol test under this regulation, the district must notify the CDL employee(s) that the alcohol or controlled substance test is required. All covered employees will be provided with a complete copy of the controlled substance and alcohol policy. Each employee may obtain an additional copy of this policy for his/her review by contacting the district Drug and Alcohol Program Coordinator. Each employee will be required to sign a certificate of receipt certifying he/she has received a copy of the controlled substance and alcohol policy.

### **Section III – Testing Procedures**

#### **A. Specimen Collection Requirements for Controlled Substance and Alcohol Testing**

1. All specimen collections for controlled substances and alcohol shall be performed according to the specific guidelines as designated in 49 CFR Part 40. A urine specimen will be collected to test for controlled substances and a breath sample will be collected to test for alcohol.
2. Alcohol tests will be administered on an Evidential Breath Testing Device (EBT) that is on the Conforming Products List published by the National Highway Safety Administration (NHTSA). The tests will be performed by a certified Breath Alcohol Technician (BAT).

#### **B. Substances for Which Testing Must be Conducted**

The district will test for evidence of the following substances:

1. Marijuana
2. Cocaine
3. Opiates
4. Phencyclidine (PCP)
5. Amphetamines
6. Alcohol

#### **C. Drug Testing Laboratory**

The district shall use a drug testing laboratory certified under Department of Health and Human Services (DHHS) Mandatory Guidelines for Federal Work Place Drug Testing Programs; 53 CFR 11970, April 11, 1988, and subsequent amendments.

#### **D. Time Period Testing is Conducted**

An employee may be sent to be tested for controlled substances at any time during the employee's workday. Testing for alcohol must take place just before, during, or just after performing a safety sensitive or covered function.

If the test result of the primary specimen is positive, the MRO will notify the employee who may request the split specimen be tested at the employee's expense at a different DHHS certified laboratory. The employee must make the request within seventy-two (72) hours of notification by the MRO. If the result of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the original test results and the cost of the split sample test will be borne by the district. Upon learning the MRO is attempting to contact the employee, the employee must respond by calling the MRO within twenty-four (24) hours of receipt of notification to call or be in violation of this regulation.

### **Section IV –Types of Tests Required**

#### **A. Pre-Employment Testing**

A pre-employment controlled substance and alcohol test must be conducted before the first time an employee performs a safety sensitive function. This also applies to regular employees returning from a leave of thirty (30) calendar days or more who have not been participating in the controlled substance and alcohol program and subject to the random selection process. An employee must also take a pre-employment controlled substance and alcohol test when he/she transfers to a safety sensitive position. A negative test result is required prior to performing covered functions.

## B. Random Testing

1. The regulations require that covered employees shall be subject to controlled substance and alcohol testing on an unannounced and random basis. The district shall conduct a number of controlled substance tests according to the following:
  - a. The minimum annual percentage rate for random alcohol testing is twenty-five (25) percent of the average number of employees covered under district policy.
  - b. The minimum annual percentage rate for random drug/substance testing is fifty (50) percent of the employees covered under district policy.
2. The FMCSA administrator's decision to increase or decrease the minimum annual percentage rate for testing is based on the reported violation rate for the entire industry. This information is drawn from the Alcohol Management Information System Reports.
3. Once the employee has been notified that he/she has been selected for testing, he/she must proceed to the testing site immediately.
4. Alcohol tests will be performed only just before, during, or just after performing a safety sensitive function.
5. The selection of employees for random alcohol and controlled substance testing shall be made by a scientifically valid method such as a number table of a computer based random number generator that matches the employee's social security number, payroll number, or other comparable identifier. Under the selection process used, each employee shall have an equal chance of being tested with each selection made.
6. The district shall ensure that random alcohol and controlled substance tests conducted under this section are unannounced and the dates for administering random alcohol and controlled substance tests are spread reasonably throughout the calendar year.

## C. Reasonable Suspicion Testing

Reasonable suspicion testing of an employee is required when there is a reasonable suspicion to believe the employee has violated the prohibitions of this policy (as described in Section V). A supervisor or district official who is trained in detection of the possible symptoms of controlled substance use and/or alcohol abuse shall make the decision to test the employee.

1. Controlled Substances
  - a. The determination that reasonable suspicion exists will be based upon specific observations concerning the appearance, behavior, speech, performance indicators, or body odors of the employee(s). The observations may include indications of chronic and/or withdrawal effects of controlled substances.
  - b. An employee may be asked to submit to a reasonable suspicion controlled substance test at any time during the work period.
2. Alcohol
  - a. The determination that reasonable suspicion exists will be based upon specific observations concerning appearance, behavior, speech, performance indicators, or body odors of the employee.
  - b. Alcohol tests for reasonable suspicion must be requested before, during or just after the employee performs a safety sensitive function.
  - c. The supervisor who makes the determination to test the employee may not administer the alcohol test. The supervisor or designee shall drive the employee to the district's test site certified under this law.

- d. The employee will not be permitted to return to work to perform safety sensitive functions until:
  - i. An alcohol test is administered with the result of less than 0.01% BAC  
OR
  - ii. Twenty-four (24) hours have elapsed from the time the determination of reasonable suspicion was made.

3. Supervisor Training

A supervisor who must determine whether an employee shall be tested based on reasonable suspicion must have received training of sixty (60) minutes on alcohol misuse and an additional sixty (60) minutes of training on drug/substance misuse. The training must be specific on physical, behavioral, and performance indicators of controlled substance and alcohol misusers.

D. Post-Accident Testing

1. An employee shall be required to submit to a post-accident alcohol and controlled substance test if he/she was performing a safety sensitive function and is involved in an accident as follows:
  - a. The accident results in a fatality;  
OR
  - b. The employee receives a citation under state or local law for a moving traffic violation arising from the accident AND there is bodily injury resulting in the injured receiving immediate medical treatment away from the scene of the accident;  
OR
  - c. The employee receives a citation under state or local law for a moving traffic violation arising from the accident AND one or more vehicles incurring disabling damage as a result of the accident needs to be towed away from the scene by a tow truck or other motor vehicle.
2. Every effort will be made to administer an Alcohol test within two (2) hours following the accident. If the Alcohol test is not administered within eight (8) hours following the accident, the district shall cease attempts to administer the test.
3. Every effort will be made to administer a Controlled Substance test within eight (8) hours following the accident. If the Controlled Substance test is not administered within thirty-two (32) hours following the accident, the district shall cease attempts to administer the test.
4. If the district fails to meet the post-accident testing time lines, the district must prepare and maintain records stating the reason(s) why the test(s) was not promptly administered. Records shall be submitted to FMCSA upon agency request.
5. Post-accident breath, urine or blood tests completed by local, state or federal officials may fulfill the requirements of this policy.
6. A driver who is subject to post-accident testing must remain readily available for such testing or may be deemed by the district as refusing to submit to testing. This policy shall not be construed to require the delay of necessary medical attention for injured parties following an accident; prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident; or to obtain necessary emergency medical care.
7. The district will provide the employee with information on how to comply with postaccident procedures prior to operating a commercial motor vehicle.

**Section V – Prohibited Conduct**

- A. Refusal to Submit to an Alcohol or Controlled Substance Test

No employee shall refuse to submit to any of the required controlled substance and/or alcohol tests, including post-accident, random, reasonable suspicion or follow up tests. Refusal to submit to an alcohol or controlled substance test means that a driver:

1. Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing in accordance with this policy;  
OR
  2. Fails to provide adequate urine for controlled substance testing without a valid medical explanation after he/she has received notice of the requirement of urine testing in accordance with this policy;  
OR
  3. Leaves the scene of an accident without reason;  
OR
  4. Engages in conduct that clearly obstructs the testing process.
- B. Prohibited Conduct Related to Controlled Substances
1. No employee shall report for duty or remain on duty performing a safety sensitive function when the employee uses a controlled substance, except when the substance is prescribed by a physician, and the physician informs the employee that the substance does not adversely affect the employee's ability to perform the safety sensitive function. The employee is encouraged to report all doctor prescribed drugs used to the district's administrator of the program. Any supervisor who has actual knowledge that an employee has violated this regulation and permits the employee to work will be in violation of this regulation.
  2. No employee shall report for duty or remain on duty performing a safety sensitive function after testing positive for a controlled substance.
- C. Prohibited Conduct Related to Alcohol
1. No employee shall report to duty or remain on duty requiring the performance of a safety sensitive function with a breath alcohol concentration level of 0.01% or greater. Any supervisor who has actual knowledge that an employee has violated this regulation and permits the employee to work will be in violation of this regulation.
  2. No employee shall use alcohol while performing a safety sensitive function.
  3. No employee shall possess alcohol while on duty or operating a CMV unless the alcohol is manifested and transported as part of a shipment.
  4. No employee shall perform a safety sensitive function within four (4) hours after using alcohol.
  5. No employee shall use alcohol within eight (8) hours after an accident or until after an alcohol test has been completed, whichever comes first.

#### **Section VI – Consequences for Prohibited Conduct**

Any employee who engages in prohibited conduct as set forth in Section V, shall, upon knowledge of the conduct by the employee's supervisor, be considered in violation of this policy and will subject the employee to disciplinary action up to and including immediate dismissal for a single violation, regardless of the results of subsequent rehabilitation. Such test results will require the employee to be relieved immediately of duties and placed on administrative leave until a determination is made regarding disciplinary action.

#### **Section VII – Refusal to be Tested**

An employee's delay in reporting immediately and directly to or refusal to take a drug or alcohol test on a post-accident, reasonable suspicion, return to work, follow-up, or random basis will be considered the same as having a positive result. In such a case, disciplinary action, up to and including immediate dismissal, will proceed as if a violation of this policy had occurred.

#### **Section VIII – Review of Drug Test Results**

A. Medical Review Officer (MRO)

1. The MRO shall be a licensed physician with knowledge of substance abuse disorders. The function of the MRO is to review all negative and positive controlled substance test results. The MRO interviews employees who test positive before results are transmitted to the employer. A positive test result does not automatically identify an employee/applicant as having used controlled substances in violation of a DOT regulation. An individual with a detailed knowledge of possible alternate medical explanations is essential to the review of results. The MRO may report to the employer by a communication device, but in all instances, a signed, written notification must be forwarded within three (3) business days of completion of the MRO's review.
2. The role of the MRO is to review and interpret confirmed positive test results obtained through the district testing program. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive test result. This action could include conducting a medical interview with the individual and review of the individual's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results of urine samples that are not obtained or processed in accordance with DOT regulations.
3. The district has contracted with an MRO for the controlled substance testing program in accordance with the requirements of 49 CFR Parts 40 and 382. A listing of the district's MRO(s) which includes their name(s) and address(es) is contained in Appendix A.

B. Release of Results to Other Employers

Information regarding the employee's test results will not be released to other employers without the employee's written consent. All records regarding the employee's controlled substance and alcohol test results are available to the employee.

**Section IX – Substance Abuse Professional**

The Substance Abuse Professional (SAP) provides information to the employee regarding the following issues:

- A. Effects of alcohol/controlled substance use on an individual's health, work, and personal life.
- B. Signs and symptoms of alcohol misuse or controlled substance abuse.
- C. Methods of intervening when an alcohol or controlled substance problem is suspected.
- D. Counseling and treatment programs available for controlled substance abuse and alcohol misuse.

**Section X – Employee Drug and Alcohol Volunteer Rehabilitation Program**

Any employee who has engaged in conduct prohibited in Section V, and who, prior to being requested to participate in a drug or alcohol test, voluntarily comes forth with a request for professional help, shall be referred to the district's Employee Assistance Program (EAP). The EAP will assist employees with these problems and will also make referrals to appropriate treatment programs.

Employees voluntarily seeking assistance for a substance abuse problem through the district's EAP or a medical source will not be disciplined as a result of their disclosure or prior drug or alcohol use. Treatment by our EAP or another source will be handled in confidence. However, an employee may not avoid discipline for violation of this policy by participating in a treatment program unless he/she does the following:

- A. Volunteers for such treatment prior to being confronted by a supervisor or law enforcement personnel with the possible violation of this regulation or before being involved in an accident or an accident occurred in which his/her conduct created a safety hazard;

- B. Successfully adheres to requirements of and completes the prescribed treatment program;
- C. Does not thereafter engage in conduct violating this regulation regarding use of alcohol, illegal drugs and unauthorized prescriptions drugs.

In the case of employees returning to work after successful completion of a treatment program, the district reserves the right to test for drug and/or alcohol use on a random, periodic basis.

**Appendix A – Controlled Substance and Alcohol Program Personnel and Services**

- A. District Controlled Substance and Alcohol Program Administrator  
Administrator for Transportation  
1270 NW 167th Place  
Beaverton, OR 97006  
(503) 356-4221
- B. Medical Review Officer (MRO)  
Current information may be found on the Beaverton School District Transportation intranet.
- C. Substance Abuse and Mental Health Services  
Current information may be found on the Beaverton School District Transportation intranet.
- D. Testing Laboratory  
Current information may be found on the Beaverton School District Transportation intranet.
- E. Testing Clinic  
Current information may be found on the Beaverton School District Transportation intranet.

**Appendix B – Definitions**

For the purposes of this Controlled Substance and Alcohol Policy, the following definitions apply:

1. Accident: (390.5) means an occurrence involving a commercial motor vehicle operating on a public roadway which results in:
  - a. A fatality; or
  - b. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
  - c. One (1) or more vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.
2. Commercial Motor Vehicle: means a motor vehicle or combination of vehicles used in commerce to transport passengers or property if the motor vehicle:
  - a. Has gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,001 pounds; or
  - b. Has a gross vehicle weight rating of 26,001 or more pounds; or
  - c. Is designated to transport sixteen (16) or more passengers, including the driver; or
  - d. Is of any size and is used in the transportation of hazardous materials and which require the motor vehicle to be placarded under Hazardous Materials Regulations (49 CFR Part 172, Subpart F).

3. Confirmation Test: means a second alcohol test, following a screening test to detect alcohol in an individual's system that provides quantitative data of alcohol concentration. For controlled substances, confirmation test means a second analytical procedure to identify the presence of a specific drug or metabolite. Confirmatory drug testing is independent of the screen test and uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.
4. Driver: means any person who operates a commercial motor vehicle. This includes, but is not limited to: full-time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with consent of an employer. For the purposes of pre-employment testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.
5. Fail a Controlled Substance Test or Test Positive: means the confirmation test result shows positive evidence of the presence under DOT procedures of a prohibited drug in the driver's or applicant's system.
6. Fail an Alcohol Test or Test Positive: means the driver's blood alcohol level is higher than 0.01%.
7. Illegal Drugs: means any controlled substance or imitation controlled substance whose unauthorized manufacture, distribution, dispensing, possession, or consumption, use or sale is prohibited by federal or state law.
8. Pass a Controlled Substance Test or Test Negative: means initial testing or confirmation testing under DOT procedures does not show evidence of the presence of a prohibited drug in the driver's or applicant's system
9. Pass an Alcohol Test or Test Negative: means the driver's blood alcohol level is 0.01% or less.
10. Performing a Safety Sensitive Function: means a driver is considered to be performing a safety sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety sensitive function.
11. Prohibited Drug: means marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines.
12. Refusal to Submit (to an alcohol or controlled substance test): means a driver:
  - a. Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing in accordance with this policy; or
  - b. Fails to provide adequate urine for controlled substance testing without a valid medical explanation after he/she has received notice of the requirement of urine testing in accordance with this policy; or
  - c. Engages in conduct that clearly obstructs the testing process.
13. Safety Sensitive Function: means any on-duty functions as described in 49 CFR Part 395.2 On-Duty Time. On-duty time means all the time from the time the driver begins to work or is required to be in readiness to work until the time he/she is relieved from work or the responsibility for performing work.
14. SAMHSA (Substance Abuse and Mental Health Services Administration (formerly National Institute on Drug Abuse)): was established by the DHHS in 1986 to regulate laboratories performing analytical tests (drug tests) on human body fluids for employment purposes in the public sector.

**Appendix C – Classifications Requiring a Commercial Driver’s License (CDL)**

1. Bus Driver
2. Field Coordinator, Safety & Training
3. Maintenance Foreman I (Selected Positions)
4. Maintenance Foreman II (Selected Positions)
5. Maintenance Leader I (Selected Positions)
6. Maintenance Leader II (Selected Positions)
7. Mechanic Specialist
8. School Bus Dispatcher
9. School Bus Router
10. School Bus Repair Technician
11. School Bus Service Technician
12. Transportation Field Assistant
13. Transportation Liaison
14. Transportation Parts Purchasing Specialist
15. Transportation Routing Coordinator
16. Transportation Maintenance Supervisor
17. Transportation Operations Supervisor

**Appendix D – Certificate of Receipt**

CERTIFICATE OF RECEIPT

CONTROLLED SUBSTANCE ABUSE AND ALCOHOL POLICY

I, \_\_\_\_\_, have been given a copy of the Beaverton School District’s Controlled Substance and Alcohol Testing Policy.

I understand that if I violate the Prohibited Conduct rules of this policy, I may be terminated from my employment with the district.

Employee’s Printed Name

Employee’s Signature

Witness Signature

Date

**Appendix E - REASONABLE SUSPICION INCIDENT REPORT INSTRUCTIONS**

Note: Reasonable suspicion for DOT can be observed only by a supervisor who has been trained under the DOT regulations. The regulations (49 CFR 382.603) require two (2) hours of training – one (1) hour of training on drugs; 138 one (1) hour of training on alcohol.

1. DOT does not require a second supervisor to be involved, but if you decide to involve a second supervisor, that person must also have received the required two-hour training according to DOT regulations.
2. Document the incident using the Reasonable Suspicion Incident Report below. If a second supervisor is included, he/she should also sign each section of the Incident Checklist.
3. Take the driver to a private location and say something like:

“I have observed you and I am concerned about your [behavior, appearance, ability to perform your job safely]. I have documented what appears to be happening, and I have determined you are not able to operate a vehicle safely. You might have to be tested for drugs and alcohol. Before I make that decision, there are some questions I need to ask you”

4. If you decide the driver should be tested, say:

“This is a requirement under DOT regulations. If the results are negative, you will be paid for any time lost. If the results are positive, you will be subject to further disciplinary action, up to and including termination. If you refuse to be tested, DOT regulations require that we take you out of service. The district’s policy is to treat your refusal as if you tested positive and we will proceed as if a violation of this policy had occurred. Do you understand?”

5. Call the collection site to inform them you are bringing an employee for a DOT Reasonable Suspicion test. Make sure you know exactly where to go, and ask for any information that you need, such as directions to the entrance, name of the person you should ask for when you arrive, etc.
6. Take the driver to the collection site. Do not allow the driver to drive.
7. The collection site will have all the necessary DOT forms for the driver to sign. These forms will accompany the specimen when it is sent to the testing lab.
8. Be sure the collection site understands this is a DOT Reasonable Suspicion Test. The collection site personnel will be sure the specimens are properly sealed, labeled and signed off by both the driver and the collection site personnel.
9. The clinic will courier or overnight the sample to the testing laboratory.
10. If the employee is tested for alcohol, you will know the results immediately. If the test is negative, the driver can return to work. If it is above 0.01%, or if a drug test (urine collection) was also conducted, you will have to arrange transportation home for the driver. Again, do not allow the driver to drive. If the alcohol test was above 0.01%, he/she cannot operate a vehicle. If a drug test was conducted, there is no way to know whether he/she is impaired until the test results are received.
11. Complete the Incident Report, sign and date it. If you have chosen to involve a second supervisor, ensure they sign and date the report as well. Notify the Administrator for Transportation and the Director of Certified Human Resources immediately.

#### **Appendix F - Reasonable Suspicion Incident Report**

Directions: Supervisor or Manager, please document your observations of the employee’s behavior and indications on this form. You must personally observe the probable indicators of substance and/or alcohol use and note your observations below.

Employee Name:

Date:

Location of Observations:

Time:

Name of Observer:

Speech

- Slurred, thick
- Slow
- Rapid
- Silent
- Loud
- Hostile
- Talkative
- Incoherent
- Difficulty speaking
- Cursing, inappropriate
- Nonsensical, silly

Mood

- Hostile/Angry
- Elated, "up"
- Irritable, agitated
- Anxious
- Combative
- Aggressive
- Violent
- Evasive
- Sad/Depressed

Movement

- Slowed
- Normal
- Quickened
- Shaking
- Tremors

Eyes

- Bloodshot/Reddened
- Pupils dilated
- Pupils constricted
- Repetitive jerky motion
- Glazed appearance
- Droopy/Partially closed
- Tearing, watery
- Unfocused, blank stare

Mental

- Poor judgment
- Decreased inhibitions
- Disoriented
- Unpredictable
- Distracted
- Drowsy/Sleepy
- Restless
- Suspicious/Paranoid
- Withdrawn

Appearance

- Flushed
- Sweating
- Cold, clammy
- Disheveled, messy
- Vomit on clothing

Odor

- Alcohol smell on breath or closing
- Chemical odor
- Burnt rope odor
- Other odor:

Balance

- Slowed
- Normal
- Quickened
- Staggering
- Swaying
- Falling
- Holding on
- Unsteady/Uncoordinated
- Clumsy

Other

- Frequent use of breath mints, gum, mouthwash
- Physical evidence (like liquor bottle, drug paraphernalia)
- Other:

I certify that I have had training in the signs and symptoms of substance use and alcohol abuse, and to the best of my judgment, reasonable suspicion exists based on the physical and behavior indicators noted above.

Signed:

Date:

2nd Observer (if used):

Date:

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## Drug and Alcohol Testing [and Record Query](#) – Transportation Personnel\*

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The following procedures shall govern the district's drug use and alcohol misuse prevention program:

1. Program Coordinator

The superintendent or designee will be designated as the district's drug use and alcohol misuse prevention program coordinator. The superintendent or designee will coordinate the district's responsibilities and compliance efforts with the applicable provisions of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The superintendent or designee will:

- a. Ensure that all covered employees receive written materials explaining the district's drug use and alcohol misuse prevention program requirements including:
  - 1) The district policy and administrative regulations;
  - 2) A contact person knowledgeable about the materials, policy, administrative regulations and the OTETA;
  - 3) Categories of employees covered;
  - 4) Information about the safety-sensitive functions and what period of the workday the employee is required to be in compliance. Safety-sensitive functions shall include such responsibilities as all on-duty time waiting to be dispatched, driving time, assisting or supervising loading or unloading, repairing, obtaining assistance or remaining in attendance upon a disabled vehicle. All time spent providing drug and alcohol samples, including travel time to and from the collection or testing site as needed to comply with random, reasonable suspicion, post-accident, return-to-duty or follow-up testing, will also be considered as on-duty time;
  - 5) Specific information concerning prohibited conduct;
  - 6) Circumstances under which employees will be tested;
  - 7) Procedures used in the testing process;
  - 8) The requirement that covered employees submit to drug and alcohol testing, administered in accordance with 49 C.F.R. Part 382;
  - 9) Explanation of what constitutes a refusal to submit to a drug and/or alcohol test;
  - 10) Consequences of violations (e.g., discipline up to and including dismissal as may be required by the district and removal from safety-sensitive functions as required by the OTETA) and notification of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of drugs including the names, addresses and telephone numbers of substance abuse professionals (SAP) and counseling and treatment programs. Such information will include the consequences for covered employees found to have a breath alcohol concentration rate of 0.02 or greater, but less than 0.04, and for those employees found to have a breath alcohol content level greater

than 0.04. Minimally, no driver tested and found to have a breath alcohol concentration rate of 0.02 or greater but less than 0.04 shall be permitted to perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test;

- 11) Information on the effects of drug use and alcohol misuse on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem (driver's or coworker's); and available methods of intervening when such problems are suspected, including confrontation, referral to an employee assistance program as available and/or referral to the administration; and
- 12) Requirement of the district to collect, maintain and report the following information to the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse<sup>1</sup>:
  - (a) A verified positive, adulterated, or substituted drug test result;
  - (b) An alcohol confirmation test with a concentration of 0.04 or higher;
  - (c) A refusal to submit to any test required by subpart C of 49 C.F.R. Part 382;
  - (d) An employer's report of actual knowledge (as defined at 49 C.F.R. § 382.107) of a violation of regulations, including:
    - i. On duty alcohol use;
    - ii. Pre-duty alcohol use;
    - iii. Alcohol use following an accident;
    - iv. Controlled substance use.
  - (e) A SAP's report of the successful completion of the return-to-duty process;
  - (f) A negative return-to-duty test; and
  - (g) An employer's report of completion of follow-up testing.
- b. Ensure that employees sign statements certifying that they have received the materials;
- c. Ensure that administrators or their designee, designated to determine reasonable suspicion, receive at least 60 minutes of drug abuse training and an additional 60 minutes of alcohol misuse training. Training will include the physical, behavioral, speech and performance indicators of probable drug use and alcohol misuse;
- d. Ensure district compliance with applicable provisions of the OTETA's requirements regarding the district's management information system, retention and confidentiality of records;
- e. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug testing;
- f. Ensure selection of a site with a certified breath alcohol technician and evidential breath testing devices for alcohol testing;
- g. Ensure selection of a laboratory certified by the Oregon Health Authority, Public Health Division ("OHA") to conduct drug specimen analysis;
- h. Ensure selection of a qualified medical or osteopathic doctor to serve as a medical review officer (MRO) to verify laboratory drug test results;
- i. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in the OTETA;
- j. Ensure the district's drug use and alcohol misuse prevention program is maintained in at least outline form, on file and available for inspection at the district office. The district shall maintain the following:

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<sup>1</sup> <https://clearinghouse.fmcsa.dot.gov/>

- 1) Information on the effects and consequences of drug and alcohol use on personal health, safety and the work environment;
  - 2) Information on the manifestations and behavioral changes that may indicate drug and alcohol use or abuse;
  - 3) Documentation that drug training for all supervisory personnel has consisted of at least 60 minutes;
  - 4) Documentation that alcohol training for all supervisory personnel has consisted of at least 60 minutes;
  - 5) Documentation of training given to employees.
- k. Ensure the establishment of clearly defined communication procedures to include the method (e.g., mail, facsimile) and frequency (e.g., monthly, daily, weekly) as well as the authorized individuals to impart and receive information to meet the documentation and confidentiality requirements of the OTETA;
- l. Ensure employee organizations receive written notice of the availability of all pertinent drug use and alcohol misuse prevention program information;
- m. Ensure compliance with stand-down prohibitions as set forth by the OTETA. "Stand-down" means the practice of temporarily removing an employee from the performance of safety-sensitive functions, based on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test or a substituted test, before the MRO has completed verification of the test results. The district will not stand-down employees, except as provided by the FMCSA below:
- 1) The district may seek a waiver of the prohibition against standing down an employee;
  - 2) Requests which include all required information will be submitted to FMCSA for approval.

## 2. Pre-employment and Annual Queries from, and Required Reporting to FMCSA

The district is required to conduct a pre-employment query with FMCSA on drivers who are subject to controlled substance and alcohol testing regulation, and is required to report information obtained through its controlled substance and alcohol testing program to FMCSA. All offers of employment for positions identified by the district, as required by the OTETA, will be contingent upon the results of a pre-employment query.

- a. The district will obtain written or electronic consent from a driver subject to controlled substances and alcohol testing to conduct a pre-employment query with FMCSA. The consent will include consent to obtain the following information:
- 1) If the driver has a verified positive, adulterated, or substituted controlled substances test result;
  - 2) If the driver has an alcohol confirmation test with a concentration of 0.04 or higher;
  - 3) If the driver has refused to submit to a test (in violation of 49 C.F.R. § 382.211); or
  - 4) If the driver has a report submitted by another employer on actual knowledge (as defined at 49 C.F.R. § 382.107) of a violation of regulations that included:
    - (a) On duty alcohol use;
    - (b) Pre-duty alcohol use;
    - (c) Alcohol use following an accident; or
    - (d) Controlled substance use.

The district will conduct annual queries<sup>2</sup> with the FMCSA on employees subject to such queries as required by law.

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<sup>2</sup> Written consent from the driver is required. This may be a limited query when allowed. If the limited query indicates that the FMCSA contains information on the driver, the district will conduct a full query within 24 hours and must not allow driver to perform safety-sensitive functions.

b. The district will report<sup>3</sup> to FMCSA the following personal information about a driver that is collected and maintained in connection with the district's testing program:

- 1) An alcohol confirmation test with an alcohol concentration of 0.04 or greater;
- 2) A refusal to submit to an alcohol test pursuant to conditions found in 49 C.F.R. § 40.261 or a refusal to drug test determination made in accordance with 49 C.F.R. § 40.191(a)(1)-(4), (a)(8)-(11) or (d)(1), but in the case of a refusal to test under (a)(11), the district may report only those admissions made to the specimen collector;
- 3) A SAP's report of the successful completion of the return-to-duty process;
- 4) A negative return-to-duty test; and
- 5) An employer's report of completion of follow-up testing.

The report will include, as applicable:

- 1) Reason for the test;
- 2) Driver's name, date of birth, and CDL number and State of issuance;
- 3) Employer name, address, and USDOT number;
- 4) Date of the test;
- 5) Date the result was reported; and
- 6) Test result. The test result must be one of the following:
  - (a) Negative (only required for return-to-duty tests administered in accordance with law);
  - (b) Positive; or
  - (c) Refusal to take a test.
- 7) An employer's report of a driver's refusal to submit<sup>4</sup> to alcohol or drug testing must include the following information:
  - (a) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;
  - (b) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable); and
  - (c) Documentation, including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported herein.
- 8) An employer's report of a violation of one of the following will occur by the close of the third business day following the date on which the employer obtains actual knowledge (as defined at 49 C.F.R. § 382.107):
  - (a) On duty alcohol use;
  - (b) Pre-duty alcohol use;
  - (c) Alcohol use following an accident;
  - (d) Controlled substance use.

This report will include the following information:

- (a) Driver's name, date of birth, CDL number and state of issuance;
- (b) Employer name, address, and USDOT number, if applicable;
- (c) Date the employer obtained actual knowledge of the violation;
- (d) Witnesses to the violation, if any, including contact information;
- (e) Description of the violation;

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<sup>3</sup> The district will complete such reporting to FMCSA by close of the third business day following receipt of the information.

<sup>4</sup> 49 C.F.R. § 40.261(a)(1) or 40.191(a)(1)

- (f) Evidence supporting each fact alleged in the description of the violation required under paragraph above in this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to §382.121), correspondence, or other documentation; and
- (g) A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph above in this section.

If the district's program coordinator is the subject of the testing, the district will ensure compliance with applicable consent, testing, and reporting requirements pursuant to law.

### 3. Pre-employment Testing

The district shall conduct pre-employment testing as follows:

- a. All offers of employment for positions as identified by board policy and as required by the OTETA will be contingent upon drug test results;
- b. Individuals offered employment with the district and employees transferring to positions subject to the OTETA contingent on drug testing, must provide written consent for the release of any prior employer positive drug and failed alcohol testing results, refusals to be tested, other violations of testing regulations and, with respect to any employee who violated drug and alcohol regulations, documentation of the employee's successful completion of return-to-duty requirements (including SAP evaluations and follow-up tests) within the preceding two years;
- c. The district shall obtain and review such drug and alcohol information from previous employers of the past two years before the driver is used for the first time. The district will provide the written permission of the driver, for release of information, to the previous employers;
- d. The district will maintain a written, confidential record of information obtained from another employer or the good faith efforts to obtain such information, and will maintain the same for three years from the date the driver's service began.
- e. <sup>5</sup>Requests received by the district for release of such information to another employer must include written consent from the subject driver. Records will be released immediately in any written form (e.g., fax, email, letter) that ensures confidentiality. The district will maintain a written record and summary of information released, the date, and to whom the information was released;
- d. The district must ask a driver, and will not use such driver, if they have a positive drug test or a failed alcohol test while employed with a previous employer or who refused to test while under employment with a previous employer in the past two years unless the driver is in compliance with the SAP's treatment program and the OTETA's return-to-duty test requirements;
- g. Prior to being directed by the district to a collection site for drug testing, the applicant will be notified that the urine sample collected shall be tested for the presence of drugs;
- h. Failure to report to the collection site for testing within the time frame specified by the district shall constitute a refusal to report for testing and result in immediate withdrawal of the employment or transfer offer;
- i. Pre-employment drug testing will be paid for by the district;
- j. Tests must indicate negative drug test results. Individuals who fail to meet such drug requirements will not be hired or transferred voluntarily or involuntarily to covered positions;

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<sup>5</sup> Pertains to requests received by the district from other employers.

- k. Such testing will also be required of covered employees each time an employee returns to work after a layoff period if the employee was removed from the random testing pool. As long as the employee remains in the random testing pool, additional testing or subsequent pre-employment drug testing will not be necessary following a layoff;
- l. The district will notify individuals offered employment with the district contingent on drug testing of the results of such testing upon request within 60 days of being notified of the disposition of the employment application;
- m. Refusal to submit to drug and alcohol testing and/or to provide signed permission for the release of past testing information as required by the district shall result in immediate termination from employment or transfer consideration;
- n. The individual may request a screening of the split specimen at their own expense. All such requests must be received by the *MRO* no later than 72 hours following notification to the applicant of the positive test results.

#### 4. Post-Accident Testing

The district shall conduct post-accident testing as follows:

- a. *As soon as practicable following an occurrence involving a commercial motor vehicle, the district shall test for alcohol for each of its surviving driver(s) (1) who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life or (2) who receives a citation within eight (8) hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.*

*As soon as practicable following an occurrence involving a commercial motor vehicle, the district shall test for controlled substances for each of its surviving drivers(s) (1) who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life or (2) who receives a citation within thirty-two (32) hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.*

- 1) The employee will report to the designated collection site for post-accident drug and alcohol testing as soon as practicable following the occurrence of the accident;
  - 2) If alcohol testing has not been administered within two hours, the district shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered;
  - 3) If alcohol testing is not administered within eight hours, the district shall cease attempts to administer an alcohol test and shall state and maintain on file a record specifying why the test was not administered;
  - 4) If drug testing has not been administered within 32 hours following the accident, the district will cease attempts to administer such tests and will document why the test was not administered;
  - 5) The employee will contact *their supervisor* as soon as practicable following the accident giving as much detailed information about the accident as possible (e.g., fatalities, injuries, tow-a-ways, traffic citation issued, etc.).
- b. The district will provide employees with necessary post-accident testing information, procedures and instructions a part of its employee training program. Additionally, written instructions to follow in the event of an accident will be provided in district vehicles as appropriate. Instructions will include

locations of drug specimen collection and alcohol testing sites and telephone number of the district drug use and alcohol misuse prevention program coordinator or other district officials to contact;

- c. The employee shall remain readily available for testing or may be deemed by the district to have refused to submit to testing. Such refusal is treated as if the district received an alcohol test result of 0.04 or greater or received a positive drug test. Nothing in this requirement shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care;
- d. Results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by on-site federal, state and/or local law enforcement officials having independent authority for the test shall be considered to meet necessary requirements provided results of the test are obtained by the district and the tests conform to all applicable federal, state and/or local requirements;
- e. An employee who is involved in an accident involving a fatality, injury and/or tow-away as described by the OTETA is prohibited from using alcohol for eight hours after the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

## 5. Random Testing

The district shall conduct random drug and alcohol testing annually as follows:

- a. Not less than 25 percent of the average number of driver positions shall be tested for drugs and not less than 10 percent shall be tested for alcohol in accordance with current minimum random testing requirements of the OTETA. Any unfilled, covered positions will be included as part of the total number of positions counted by the district for testing rate purposes.
- b. The testing rate may be adjusted by FMCSA based on industry wide data;
- c. The testing process shall, in fact, be random. Unless advised otherwise by their consortium, all employees will remain in the pool of drivers for each subsequent period, including vacations, holiday periods and summer recesses, whether or not they have been chosen for testing in the past;
- d. The selection of employees for random testing shall be made by a scientifically valid method. The process selected by the district will ensure that all employees shall have an equal chance of being tested each time selections are made. The district will use the following system:

Computerized system:

A random number generating program will be loaded into a computer along with the employees' social security number, payroll identification number or other comparable identification number for the drivers.

## 6. Reasonable Suspicion Testing

The district shall conduct reasonable suspicion drug and alcohol testing as follows:

- a. The district will test covered employees when there is reasonable suspicion to believe that the employee has engaged in drug use or alcohol misuse;
- b. Reasonable suspicion will be based on specific contemporaneous, articulable observations made by a trained supervisor as designated by the district, concerning appearance, behavior, speech or body odors indicative of employee use of drugs or the misuse of alcohol. Observations of drug use may include indications of chronic and withdrawal effects of drugs and noticeable degradation of job performance that may be associated with the use of drugs;
- c. Hearsay or secondhand information is not sufficient to require an employee to submit to testing;

- d. Alcohol testing may be authorized only if observations resulting in reasonable suspicion are made during, just preceding or just after the period of the workday that the employee is required to be in compliance with this policy, administrative regulations and applicable OTETA provisions;
- e. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the administrator or designee authorized to make such observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier;
- f. The district will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.

## 7. Referrals, Evaluation and Treatment

The district shall provide information related to referrals, evaluation and treatment as follows:

- a. The district shall advise covered employees, who violate the drug and alcohol prohibitions, of referral services available for evaluating and resolving problems associated with the use of drugs and the misuse of alcohol. Such information will include the names, addresses and telephone numbers of SAPs and counseling and treatment programs;
- b. An employee who engages in such prohibited conduct shall be evaluated by a SAP;
- c. The SAP will determine what assistance if any the employee needs in resolving problems associated with drug use and alcohol misuse;
- d. This requirement applies only to current employees and not to job applicants who refuse testing or who test positive for drugs;
- e. This requirement shall not be interpreted to require the district to provide or pay for any rehabilitation costs or to hold a job open for an employee with or without salary;
- f. SAPs, as referred to in these administrative regulations, means:
  - 1) Licensed physicians with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders;
  - 2) Licensed or certified psychologists, social workers or employee assistance professionals with like knowledge; and
  - 3) Alcohol and drug abuse counselors certified by the Association for Addiction Professionals (NAADAC). This does not include state-certified counselors.

## 8. Return-to-Duty Testing

Employees, if they continue employment and before they return to duty, shall comply with the following:

- a. When an employee has previously tested greater than or equal to 0.04 for alcohol, the employee must retest (return-to-duty test) with an alcohol concentration of less than 0.02;
- b. When an employee has previously tested positive for drug use, the employee must retest (return-to-duty test) with a verified negative test result.

## 9. Follow-up Testing

Employees, if they continue employment, shall comply with the following:

- a. Follow-up testing will be conducted whenever a SAP determines that an employee is in need of resolving problems associated with drug use and/or alcohol misuse;

- b. Follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, just before or just after the driver has performed safety-sensitive functions;
- c. Follow-up drug and alcohol testing will be unannounced<sup>6</sup>;
- d. The number and frequency of such tests shall be determined by the SAP. Minimally, there shall be:
  - 1) At least 6 unannounced tests in the first 12 months following the driver's return to duty;
  - 2) Testing shall not exceed 60 months from the date of the employee's return to duty. The SAP, however, may terminate the follow-up testing at any time after the first six tests if the SAP determines the testing is no longer needed.

## 10. Drug and Alcohol Testing Procedures

The district, in cooperation with contracted collection and testing facilities, shall maintain drug and alcohol testing procedures as follows:

- a. Drugs
  - 1) The applicant or employee reports to the district-designated collection site and provides positive identification (e.g., photo ID);
  - 2) A urine sample for drug testing is provided. A "split specimen" (two urine specimen bottles) is prepared from the urine sample;
  - 3) Following completion of a chain-of-custody form, both specimen bottles are forwarded to the OHA certified laboratory for analysis. The split specimen is stored at the laboratory for later testing as may be necessary. Initial testing is performed only on one specimen bottle;
  - 4) Testing results are reported to the district-selected MRO by mail or electronic transmission. Results may not be given over the phone;
  - 5) The MRO will verify negative and positive testing results;
  - 6) The MRO will report the verified negative testing results to the district;
  - 7) The MRO will report verified positive testing results to the applicant or employee, discuss the type of illegal substance found and determine whether there is any valid medical reason for the positive testing results;
  - 8) A verified valid medical reason for a positive test result will be reported as a negative test result to the district;
  - 9) If no legitimate medical reason exists for positive drug testing, the MRO will report a confirmed positive test result and identity of the substance(s) to the district;
  - 10) The employee or applicant may request within 72 hours of a positive test notice that the split specimen (second bottle) be screened. Such screening costs will be paid for by the [employee] [district];
  - 11) Unlike the original specimen analyzed for specific levels of controlled substances, the split specimen is analyzed only for the presence of drugs;
  - 12) The MRO will report results of the second screening to the employee and the district;
  - 13) The MRO will meet all the OTETA requirements including review of chain-of-custody control form, administrative processing of negative test results, verification of positive testing results, report to the FMCSA, and maintenance of confidentiality requirements as may be applicable;
  - 14) Detailed drug testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention coordinator or designee.
- b. Alcohol
  - 1) The employee reports to the district-designated testing site and provides positive identification;
  - 2) Under the alcohol testing rule, an alcohol test result will be considered failing even if over-the-counter or legally prescribed medication is involved;

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<sup>6</sup> A follow-up test shall not also serve as a random test, and vice versa.

- 3) All alcohol screening tests will be conducted by a qualified breath alcohol technician using evidential breath testing devices;
- 4) Testing may be conducted at an OHA certified laboratory or other location including mobile facilities equipped for such testing as may meet the requirements of the OTETA;
- 5) District supervisors should generally not be used as a breath alcohol or screening test technician for covered employees. Under certain circumstances, a properly trained district supervisor may conduct such testing in the absence of another technician;
- 6) The employee submits to breath or saliva testing;
- 7) If the result of the testing indicates an alcohol concentration rate of 0.02 or greater, a confirmation breath test is administered after at least 15 minutes, but no longer than 30 minutes, after the initial testing. All confirmation tests will be conducted using evidential breath testing devices;
- 8) The technician will report any invalid tests, confirmed failing and passing results to the district;
- 9) Employee refusal to sign forms as required (i.e., Step 2 on the Alcohol Testing Form) shall be considered as refusal to be tested;
- 10) The breath alcohol or screening test technician will meet all OTETA requirements including such testing procedures, Alcohol Testing Form and confidentiality requirements as may be required;
- 11) Detailed alcohol testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention program coordinator or designee.

#### 11. Positive Test Result

When the MRO determines a positive test result is valid, the MRO will report the finding to the Oregon Department of Transportation (ODOT) and the Oregon Department of Education. The person who is the subject of the test results will be notified by ODOT that the person has a right to a hearing to determine whether the test results reported will be placed in the employee's employment driving record.

#### 12. Record Keeping/Record Reporting

The district shall maintain records of its drug use and alcohol misuse prevention program as follows:

- a. Records related to the collection process:
  - 1) Documents relating to the random selection process;
  - 2) Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
  - 3) Documents generated in connection with decisions on post-accident testing;
  - 4) Documents verifying the existence of an explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing;
  - 5) An annual calendar year report summarizing results of the district's drug use and alcohol misuse prevention program will be prepared and maintained when requested by FMCSA as part of an inspection, investigation, special study or for statistical purposes;
  - 6) Documentation of breath alcohol or screening test technician training while the individual performs the functions which require the training.
- b. Records related to each query:
  - 1) Documents related to consent of any query;
  - 2) Documents related to information received for a pre-employment or annual query;
  - 3) Documents related to meeting reporting requirements.
- c. Records related to pre-employment verification with a driver's previous employer;
- d. Records related to a driver's test results, including:
  - 1) The district's copy of the alcohol testing form, including the test results;
  - 2) The district's copy of the controlled substance test custody and control form;

- 3) Documents sent by the MRO to the district;
  - 4) Documents related to the refusal of any employee to submit to drug and/or alcohol testing;
  - 5) Documents presented by a driver to dispute the results of a drug and/or alcohol test administered in connection with the requirements of the OTETA.
- e. Records related to evaluations as follows:
- 1) Records pertaining to a determination by a SAP concerning an evaluation of covered employees' need for assistance;
  - 2) Records concerning a driver's compliance with recommendations of the SAP.
- f. Records related to education and training as follows:
- 1) Materials on drug use awareness and alcohol misuse including a copy of the district's policy and administrative regulations on drug use and alcohol misuse and related information;
  - 2) Driver's signed receipt of education materials;
  - 3) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and/or alcohol testing based on reasonable suspicion;
  - 4) Certification that any training conducted in compliance with the OTETA meets all pertinent requirements for such training.
- g. Records related to alcohol and drug testing as follows:
- 1) Agreements with collection site facilities, laboratories, MROs and consortia (includes breath alcohol technicians, screening test technicians and third party providers), as applicable;
  - 2) Names and positions of officials and their role in the district's drug and alcohol testing program(s);
  - 3) Semiannual laboratory statistical summaries of urinalysis as required by the OTETA and as reported by the laboratory. The district will document laboratory failures to provide statistical summaries and any district follow-up efforts to obtain such reports.
- h. Records will be retained by the district as follows:
- 1) Five Years:
    - a) Records of employee alcohol-testing results with results indicating an alcohol concentration of 0.02 or greater;
    - b) Records of verified positive drug testing results;
    - c) Documentation of refusals to take required drug and/or alcohol tests;
    - d) Employee evaluation and referrals;
    - e) Testing program records including violations;
    - f) A copy of each annual calendar year report summary;
    - g) Equipment calibration documentation when required (See 12. a. (7)).
  - 2) Three Years:
    - a) Records related to each query and all information received in response to each query. Documentation of a consent will be retained for three years from the date of the last query.
    - b) Pre-employment records obtained, or good faith efforts to obtain, from a previous employer about a driver.
  - 3) Two Years:
 

Records related to the drug and alcohol collection process (except calibration of evidential breath testing devices).

4) One Year:

Records of negative and cancelled drug-testing results and alcohol test results with a concentration of less than 0.02.

5) Indefinite Period:

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors and drivers shall be maintained by the district while the individual performs the functions which require training and for two years after ceasing to perform those functions.

i. Records will be maintained in a secure location with controlled access to ensure confidentiality requirements are met as follows:

- 1) Drug use and alcohol misuse prevention program records will be maintained at the district office. Records relating to individual employee drug and/or alcohol testing, evaluation and treatment will be maintained separately from the employee's personnel file;
- 2) Employees are entitled upon written request to obtain copies;
- 3) The district may disclose information in connection with employee benefit proceedings, Department of Transportation agency action against an employee or National Transportation Safety Board safety investigations;
- 4) The district shall disclose such information<sup>7</sup> to subsequent employers upon written request from the employee (in accordance with 49 C.F.R. § 382.413).

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<sup>7</sup> Information that must be disclosed to subsequent employers upon receipt of proper authorization form/release signed by the employer's ex-driver: (a) Failed alcohol tests (breath alcohol content of 0.04 or greater); (b) Verified positive drug test; (c) Refusals to test. 152

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## Family Medical Leave

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When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA) of 1993, the Oregon Family Leave Act (OFLA) of 1995, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act (OMFLA) of 2009 and other applicable provisions of Board policies and collective bargaining agreements regarding family medical leave.

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

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

In order for an employee to be eligible for the benefits under FMLA, he/she must have been employed by the district for at least 12 months and have worked at least 1,250 hours during the past 12- month period.

In order for an employee to be eligible for the benefits under OFLA, he/she must work an average of 25 hours per week and have been employed at least 180 calendar days prior to the first day of the family medical leave of absence. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

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

Federal and state leave entitlements generally run concurrently.

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

END OF POLICY

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**Legal Reference(s):**

[ORS 332.507](#)

[ORS 342.545](#)

[ORS 659A.090](#)

[ORS 659A.093](#)

[ORS 659A.096](#)

[ORS 659A.099](#)

[ORS 659A.150 to -659A.186](#)

[OAR 839-009-0200 to -0320](#)

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2012); 5 U.S.C. §§ 6381-6387 (2012); Family and Medical Leave Act, 29 C.F.R. Part 825 (2017).

Americans with Disabilities Act Amendments Act of 2008.

Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9<sup>th</sup> Cir. 2014).

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## Family Medical Leave\*

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

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

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must work an average of 25 hours or more per week during the 180 calendar days immediately prior to the first day of the start of the requested leave. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar days immediately preceding the date on which the parental leave begins: there is no minimum average number of hours worked per week. Special requirements apply during public health emergencies.

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

PMFLI is generally available to district employees who have earned \$1,000 in subject wages or taxable income during the alternate or base years<sup>1</sup>, contributed to the PMFLI fund in the alternate or base years and are otherwise eligible.<sup>2</sup>

Federal and state leave entitlements generally run concurrently.

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

END OF POLICY

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### Legal Reference(s):

ORS 332.507  
ORS 659A.090

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

<sup>2</sup> See OAR 471-070-1010 for additional information.

ORS 659A.093  
ORS 659A.096  
ORS 659A.099  
ORS 659A.150 - 659A.186  
ORS 659B.010  
OAR 839-009-0200 - 0320

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).  
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654; 5 U.S.C. §§ 6381-6387 (2012); Family and Medical Leave Act, 29 C.F.R. Part 825 (2017).  
Americans with Disabilities Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).  
Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9th Cir. 2014).  
Senate Bill 999 (2023).

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## Electronic Communications System

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The board is committed to the development and establishment of a quality, equitable and cost-effective electronic communications system. The system's sole purpose shall be for the advancement and promotion of learning and teaching.

The district's [electronic communications](#) system will be used to provide ~~statewide, national and global~~ communications opportunities for staff and students [and the advancement and promotion of teaching and learning](#).

The superintendent will establish administrative regulations for use of the district's [electronic communication](#) system ~~by staff using their own personal electronic devices to download and store district proprietary information including personally recognizable information about the district students or staff.~~ [including compliance with the following provisions of](#) the Children's Internet Protection Act:

1. Technology protection measures, installed and in continuous operation, that protect against internet access by both adults and minors to visual depictions that are obscene, child pornography or, with respect to the use of the computers by minors, harmful to minors;
2. Educating minors about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social [media](#) ~~networking~~ sites and in chat rooms;
3. Monitoring the online activities of minors;
4. Denying access by minors to inappropriate matter on the internet and [online](#) ~~World Wide Web~~;
5. Ensuring the safety and security of minors when using e-~~lectronic~~ mail, [social media](#), chat rooms and other forms of direct electronic communications;
6. Prohibiting unauthorized access, including ~~so-called~~ "hacking" and other unlawful activities by minors online;
7. Prohibiting unauthorized disclosure, use and dissemination of personal information regarding minors; [and](#)
8. Installing measures designed to restrict minors' access to materials harmful to minors.

The administrative regulations shall ensure compliance with privacy rights under applicable federal and state laws and regulations, including but not limited to the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act of 2008 (GINA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

The administrative regulations will be consistent with sound guidelines as may be provided by the education service district, the Oregon Department of Education and/or the Oregon Government Ethics Commission and will include a complaint procedure for reporting violations.

The superintendent will also establish administrative regulations for use of the district's electronic communications system to comply with copyright law.

Failure to abide by district policy and administrative regulations governing use of the district's [electronic communications](#) system may result in the suspension and/or revocation of system access. Additionally, student violations ~~will~~ [may](#) result in discipline up to and including expulsion. Staff violations ~~will~~ [may](#) also result in discipline up to and including dismissal. Violations of law ~~will~~ [may](#) be reported to law enforcement officials and may result in criminal or civil sanctions. Fees, fines or other charges may also be imposed.

END OF POLICY

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**Legal Reference(s):**

~~ORS 30.765~~

~~ORS 133.739~~

~~ORS 163.435~~

~~ORS 164.345~~

~~ORS 164.365~~

[ORS 167.060 to -167.100](#)

[ORS Chapter 192](#)

[ORS 260.432](#)

[ORS 332.107](#)

[ORS 339.250](#)

[ORS 339.270](#)

[OAR 581-021-0050](#)

[OAR 581-021-0055](#)

[OAR 584-020-0040](#)

[OAR 584-020-0041](#)

Children's Internet Protection Act, 47 U.S.C.§§ 254(h) and (l) (~~2012~~ [2018](#)); 47 C.F.R. Section 54.520 (~~2017~~ [2019](#)).  
Copyrights, 17, U.S.C. §§ 101-1332 (~~2012~~ [2018](#)); 19 C.F.R. Part 133 (~~2017~~ [2020](#)).

~~Oregon Attorney General's Public Records and Meetings Manual, Appendix H,(2014):~~

Safe and Drug-Free Schools and Communities Act, 20 U.S.C.§§ 7101-7117 (~~2012~~ [2018](#)).

Drug-Free Workplace Act of 1988, 41 U.S.C.§§ 8101-8107 (~~2012~~ [2018](#)); 34 C.F.R. Part 84, Subpart F (~~2017~~ [2020](#)).

Controlled Substances Act, 21 U.S.C.§ 812, Schedules I through V (~~2012~~ [2018](#)) 21 C.F.R. §§ 1308.11-1308.15 (~~2017~~ [2020](#)).

Americans with Disabilities Act of 1990, 42 U.S.C.§§ 12101-12213 (~~2012~~ [2018](#)); 29 C.F.R. Part 1630 (~~2017~~ [2020](#)); 28 C.F.R. Part 35 (~~2017~~ [2020](#)).

Family Educational Rights and Privacy Act, 20 U.S.C.§ 1232g (~~2012~~ [2018](#)); 34 C.F.R. Part 99 (~~2012~~ [2018](#)).

~~Oregon Government Standards and Practices Commission, Advisory Opinion No. 98A-1003 (July 9, 1998):~~

Every Student Succeeds Act, 20 U.S.C. § 7131 (~~2012~~ [2018](#)).

Americans with Disabilities Act Amendments Act of 2008, [42 U.S.C. §§ 12101-12133 \(2018\)](#).