

Agenda

1. Call Meeting to Order
2. Pledge of Allegiance
3. Early Items
 - 3.a. Celebrate Student Success
 - Summer Graduation Announcement
4. Citizen Input
 - Information on Public Input policies is available at www.brookings.k12.or.us/board/. Written comments must be received at least 24 hours in advance of the meeting date and time. Interested members of the public who wish to speak at the meeting during the public comment time, can RSVP online up until noon on the day of the meeting. For in-person meetings, all are welcome to come to the meeting and fill out a "blue card" signifying that they would like to give public comment and give it to the Board Chair at the start of the meeting with no prior reservation or notification needed.
5. Consent Agenda
 - 5.a. Approve Minutes
 - July 17, 2024 Annual Organizational Meeting
 - July 17, 2024 Regular School Board Meeting
 - 5.b. Approve Bills
 - 5.c. Approve New Hires
 - 5.d. Approve Extra Duty Contracts
 - 5.e. Acceptance of Grants and Donations
6. District Reports and Information
 - 6.a. Comments from the Superintendent
 - Secondary Professional Development Training
 - Turf Field and Track Construction Project Updates
 - Student Registration Update
 - Kindergarten Academy
 - Revised Budget Resolution No. 2024-002
 - Administrative Rule (AR) Updates
 - 6.b. Finance Reports
7. Action Items
 - 7.a. Approve First Reads of Policies
 - AC - Nondiscrimination
 - BBF - Board Member Standards of Conduct
 - BBFC - Reporting of Suspected Abuse of a Child
 - BCBA - Student Representative(s) on the Board
 - CB - Superintendent

- CBC - Superintendent's Contract
- CBG - Evaluation of the Superintendent
- CCG - Evaluation of Administrators
- DJC - Bidding Requirements, Delete
- DJC - Bidding Requirements, New
- DJCA - Personal Service Contracts, Delete
- EBBA - First Aid**, Delete
- EBBA - Student Health Services**, New
- EBBAA - Infection Control and Bloodborne Pathogens
- EBBB - Injury or Illness Reports
- EBC - Emergency Plan and First Aid**, New
- EBC/EBCA - Emergency Procedures and Disaster Plans, Delete
- EBCA - Safety Threats**, New
- EBCB - Emergency Procedure Drills and Instruction
- GBEB - Communicable Diseases in Schools
- GBEBA - Staff - HIV, AIDS, and HBV, Delete
- GBEBC/JHCCC/EBBAA - Infection Control - HIV, AIDS, HBV, Delete
- GBEBD/JHCCD Staff/Students - Rumor Control - HIV, AIDS and HBV, Delete
- GBEBE/JHCCE/KBCAA News/Media - HIV, AIDS or HBV, Delete
- GBN/JBA - Sexual Harassment
- GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements**
- GCDA/GDDA - Criminal Records Checks and Fingerprinting *, Delete
- GCDA/GDDA - Criminal Records Checks and Fingerprinting *, New
- IGBAF - Special Education - Individualized Education Program (IEP)**
- IGBAG - Special Education - Procedural Safeguards**
- JBA/GBN - Sexual Harassment
- JBAA - Section 504 - Students**
- JEA - Compulsory Attendance**
- JGA - Corporal Punishment**
- JGAB - Use of Restraint or Seclusion**
- JH - Student Welfare**
- JHC - Student Health Services and Requirements**, Delete (in lieu of new EBBA)
- JHCA/JHCB - Immunization and School Sports Participation**
- JHCC - Communicable Diseases - Students, Delete
- JHCCA - Students - HIV, HBV and AIDS**, Delete
- JHCCF - Pediculosis (Head Lice) Delete
- JHCCF - Pediculosis (Head Lice)
- JHFE/GBNAB - Suspected Abuse of a Child Reporting Requirements**

8. Board Functions and Comments
 - 8.a. Budget Committee Application 2024
9. Key Dates and Calendar Updates

- District Leadership Team Meeting (24-25 Kick-Off), 4 to 6 p.m. Friday, Aug. 23, at the Brookings-Harbor High School Library.
- Regular School Board Meeting and School Board Work Session, 5:30 p.m. Wednesday, Sept. 18, Kalmiopsis Elementary Room 51.
- Regular School Board Meeting and School Board Work Session, 5:30 p.m. Wednesday, Oct. 16, Kalmiopsis Elementary Room 51.
- 2024 OSBA Annual Convention, Nov. 7-10, Portland.
- Regular School Board Meeting and School Board Work Session, 5:30 p.m. Wednesday, Nov. 20, Kalmiopsis Elementary Room 51.
- Regular School Board Meeting and School Board Work Session, 5:30 p.m. Wednesday, Dec. 18, Kalmiopsis Elementary Room 51.

10. Adjournment



Congratulations!

HAPPY GRADUATION



Maisie Rook

CLASS OF 2024

You're Invited to Celebrate
Summer Graduation Ceremony
3:30 PM Friday, August 23, 2024
Brookings-Harbor High School Library

DRAFT Minutes July 17 2024
Annual Organizational Meeting
Kalmiopsis Elementary/Room 51
650 Easy St. Brookings, Oregon 97415

Video available at: <https://www.youtube.com/watch?v=fGuSDbZoPMs>

In attendance:

Jay Trost, Board Chair
Alan Nidiffer, Board Member
Janece Payne, Board Member
Trish Walker, Board Member
Katherine Johnson, Board Vice Chair
Helena Chirinian, Superintendent
Nancy Raskauskas-Coons, Admin Asst to the Board

District staff present In audience: Dede Corpening (Director of Fiscal Services); Mike McQueen (Transportation Department - Lead Driver); Bruce Raleigh, Director of Technology.

1. Call Meeting to Order

Board Chair Jay Trost called the meeting to order at 5:30 p.m. Pledge of Allegiance observed.

2. Swearing in of new members/Oath of office

N/A - No need to swear in new members. All current board members previously sworn in.

3. Annual Organizational Procedures - Action (Enclosure #1)

a. Elect Board Officers

Trish Walker made a motion to nominate Jay Trost to continue as Board Chair.

Janece Payne seconded the motion.

Discussion: None.

Vote called:

KJ - Aye

TW - Aye

JP - Aye

AN - Aye

JT - abstain

Motion passed 4-0-1 to approve Jay Trost as School Board Chair for 2024-25.

Janece Payne nominated Alan Nidiffer for vice chair. Trish Walker seconded the motion.

Katherine Johnson nominated Trish Walker for vice chair. Alan Nidiffer seconded the motion.

Discussion: Alan Nidiffer said that he will do what he can to support, a new leadership team, and that it would be good experience for Trish Walker to be vice chair.

Vote called on the second motion (nominating Trish Walker).

TW - Abstain

KJ - Aye

AN - Aye

JP - Nay

JT - Aye

Motion passed 3-1-1 to approve Trish Walker as the School Board Vice Chair for 2024-25.

b. Establishment of Regular Meeting Dates, Times and Location

Janece Payne makes a motion to maintain the status quo and conduct the regular school board meetings on the third Wednesday of each month, in the Kalmiopsis Elementary School Room 51, with the starting time of 5:30 p.m.; and to conduct work sessions on the same evening each month following the regular board meeting with a typical start time of 6:30 p.m. Alan Nidiffer seconded the motion.

Discussion:

Alan Nidiffer: It's worked well, saved staff time

Trish Walker: I like it. I travel a lot, this works for me.

Alan Nidiffer: Question - Does it work with commissioner meetings? Jay Trost responded yes, County Board of Commissioners now meets on third Thursdays.

Vote called:

KJ - Aye

TW - Aye

JP - Aye

AN - Aye

JT - Aye

Motion passed 5-0 to continue with same meeting time on "third Wednesdays" monthly.

c. Designation of District Clerk and Chief Executive Officer (ORS 332.515) (Helena Chirinian)

d. Designation of Deputy District Clerk and Business Manager (Dede Corpening)

e. Designation of Budget Officer (ORS 294.331) (Dede Corpening)

f. Declaration of Vacancies (2) of District Budget Committee

g. Designation of Custodian of District Funds and Authorized Facsimile Signature (ORS 328.441; 328.445) (Superintendent and Director of Fiscal Services)

h. Designation of Depository of District Funds (ORS 328.441 and 294.805 and 328.465) (Umpqua Bank)

i. Designation of District Auditors (ORS 297.405, 327.137 and 328.465) (Pauly Rogers and Co PC)

j. Designation of District Insurance Agent of Record (Zolezzi Insurance Agency)

k. Designation of District Legal Counsel (Garrett, Hemann, Robertson - Rebekah R. Jacobson; Kyle T. Abraham of Ogletree Deakins; and Hungerford Law Firm)

l. Designation of Authorized Officers for Submittal of Federal Grants (Superintendent and Director of Fiscal Services)

m. Designation of School Board as Local Public Contract Review Board (ORS 279A.060) (BHSD School Board)

n. Designation of Press Representative (Nancy Raskauskas-Coons)

Alan Nidiffer moved to approve the recommendations in items C-N of the enclosure. Janece Payne seconded the motion.

Discussion: Question from Jay Trost if there were any changes from previous year. We are retaining same attorneys, auditors? Superintendent Helena Chirinian responded, Yes, same, status quo.

Vote called:

KJ - Aye

TW - Aye

JP - Aye

AN - Aye

JT - Aye

Motion passed 5-0 to approve C-N as listed in the enclosure.

4. Adjournment:

Jay Trost adjourned the meeting at 5:38 p.m.

DRAFT Minutes July 17 2024
Regular School Board Meeting
Kalmiopsis Elementary/Room 51
650 Easy St., Brookings, Oregon 97415

Video available at: https://www.youtube.com/live/fGuSDBZoPMs?si=NGA_iEyYK9_q8DAh&t=1042

In attendance:

Jay Trost, Board Chair

Alan Nidiffer, Board Member

Janece Payne, Board Member

Trish Walker, Board Vice Chair

Katherine Johnson, Board Member

Helena Chirinian, Superintendent

Nancy Raskauskas-Coons, Admin Asst to the Board

1. Call Meeting to Order

Jay Trost called the meeting to order at 5:38 p.m.

2. Pledge of Allegiance

N/A. Already observed at the start of the Annual Organizational Meeting that preceded this agenda.

3. Citizen Input

Michael McQueen, President of the Brookings Harbor Education Association, addressed the board. He introduced himself, highlighting his background in Hawaii, his 30-year career in the Convention and Event Service industry, and his various roles in the Brookings community, including being a Mason, Shriner, licensed radio amateur, and a volunteer with Brookings Fire and Rescue. Since 2012, McQueen has been with the Brookings-Harbor School District as a school bus driver and currently serves as the lead driver. He has extensive experience in union leadership, having chaired four of the last six bargaining contracts for BHEA and serving as Treasurer of the local Association and the South Coast Education Council. Recently elected to lead the membership team for the 2024-2025 school year, McQueen emphasized his commitment to collaboration and communication with district leadership and expressed readiness to address upcoming challenges. He invited everyone to visit the BHEA website at bhea.info for more information.

4. Consent Agenda

a. Approve Minutes

- June 18, 2024 Regular School Board Meeting
- June 18, 2024 School Board Work Session

b. Approve Bills

c. Approve New Hires

d. Approve Extra Duty Contracts

Alan Nidiffer made a motion to approve the Consent Agenda items. Trish Walker seconded the motion.

Discussion: Janece Payne stated at the end of this Regular Meeting that she had a correction for the Minutes. There was a sentence that incorrectly portrayed her comment regarding the AMS “Night At the Museum” video. Her comment will be updated from “Janece Payne: Suggested longer project presentations.” to “Janece Payne: Commented that she would like to see each project photo twice as long (during video to better read about and appreciate the student projects).”

Vote called:

KJ - Aye

TW - Aye

JP - Aye

AN - Aye

JT - Aye

Motion passed 5-0 to approve the consent agenda items.

5. District Reports and Information

a. Comments from the Superintendent

• Summer construction updates

The Superintendent provided a brief update on the summer track and turf field project's progress, noting that everything is on schedule. The construction activities, visible from the District Office windows, are impressive. Benyon along with Ricky, the construction manager, is on-site to ensure proper placement of elements like the long jump and other track and field components. The team is mindful of the weather, as warm and dry conditions are essential for laying down the turf. Additionally, the rubber track needs to be sprayed under specific conditions, avoiding foggy and wet weather. Drone footage and a time-lapse video are being captured to document the progress, color samples for the track and field have been reviewed. The softball field construction is also on track. It's a welcome “quieter” month at the office.

6. Action Items

- N/A for July

7. Board Functions and Comments

• Board member travel discussion

During the discussion on board member travel, Trish Walker recommended attending the Board Convention every other year to save money, suggesting that only one person attend the summer conferences. Janece Payne expressed difficulty with online learning, while Jay Trost emphasized the value of in-person education over three days and proposed a follow-up workshop for those who attend. Walker reiterated her opinion on cost-saving, and Katherine Johnson shared her experiences, noting the benefits of hearing about new legislation but acknowledging it might be less necessary for seasoned members. A compromise was suggested, allowing members to choose between attending either the summer conference or the Board Convention each year.

Consensus: The board will try to schedule out conferences starting next year so that board members go to one or the other of the available conferences, but not all. This year, Janece Payne will attend both the Summer OSBA Conference and OSBA Convention.

8. Key Dates and Calendar Updates

- **OSBA Summer Conference, Aug. 9-11, Salem, OR**

Week of Aug. 19-23 of August. - Need to schedule a District Leadership Team Meeting. Will plan to hold it on Friday the 23rd 4 - 6 p.m.; following the Regular Meeting on Wednesday, Aug. 21st.

9. Recess to Executive Session

- **To consider information or records that are exempt by law from public inspection. (ORS 192.660(2)(f))**

Jay Trost called the Executive Session to order at 6:06 PM

In attendance:

Jay Trost, Board Chair

Trish Walker, Board Vice Chair

Janece Payne, Board Member

Alan Nidiffer, Board Member

Katherine Johnson, Board Member

Helena Chirinian, Superintendent

Nancy Raskauskas-Coons, Board Secretary

Patrick Velliquette, BHEA Member

Mike McQueen, BHEA President

Daniel O'Donnell, OEA Uniserv Consultant

Dede Corpening, Director of Fiscal Services

10. Adjourn Executive Session and Return to Public Special Board Meeting to Consider Board Action Following Executive Session

The executive session concluded at 7:12 p.m. No board action followed.

11. Adjournment

Jay Trost also adjourned the Regular Meeting at 7:12 p.m.

Brookings-Harbor School Dist. 17C

Expenditure Summary Report

Fiscal Year: 2024-2025

Criteria: Report Sort: Fund

From Date: 07/01/2024

To Date: 07/31/2024

Fund: 100	GENERAL FUND	Check#	FUND	FUNCTION	OBJECT	Amount
AMAZON						
		133917	GENERAL FUND	FISCAL SERVICES	SUPPLIES	\$42.86
		133953	GENERAL FUND	ELEMENTARY	SUPPLIES	\$69.25
		133953	GENERAL FUND	TECHNOLOGY SERVICES	SUPPLIES	\$2,277.21
		133981	GENERAL FUND	ELEMENTARY	SUPPLIES	\$409.51
		133981	GENERAL FUND	SERVICE DIRECTION, STUDENT SUPPORT	SUPPLIES	\$402.92
		133981	GENERAL FUND	TECHNOLOGY SERVICES	SUPPLIES	\$93.45
		134016	GENERAL FUND	FISCAL SERVICES	SUPPLIES	\$12.78
		134016	GENERAL FUND	TECHNOLOGY SERVICES	SUPPLIES	\$24.87
				Total for AMAZON		\$3,332.85
BADGER, CYNTHIA D						
		0	GENERAL FUND	Undesignated	Payroll Deductions and Withholdings	\$500.00
BEAMAN, JESS						
		0	GENERAL FUND	Undesignated	Payroll Deductions and Withholdings	\$500.00
CANON FINANCIAL SERVICES INC.						
		133956	GENERAL FUND	ALTERNATIVE EDUCATION	RENTALS	\$97.92
		133956	GENERAL FUND	ALTERNATIVE EDUCATION	REPAIR AND MAINTENANCE	\$1.37
		133956	GENERAL FUND	ELEMENTARY	RENTALS	\$1,068.66
		133956	GENERAL FUND	ELEMENTARY	REPAIR AND MAINTENANCE	\$767.37
		133956	GENERAL FUND	FISCAL SERVICES	RENTALS	\$132.21
		133956	GENERAL FUND	FISCAL SERVICES	REPAIR AND MAINTENANCE	\$70.33
		133956	GENERAL FUND	HIGH SCHOOL PROGRAMS	RENTALS	\$700.82
		133956	GENERAL FUND	HIGH SCHOOL PROGRAMS	REPAIR AND MAINTENANCE	\$148.56
		133956	GENERAL FUND	MIDDLE/JUNIOR HIGH PROGRAMS	RENTALS	\$583.70
		133956	GENERAL FUND	MIDDLE/JUNIOR HIGH PROGRAMS	REPAIR AND MAINTENANCE	\$166.96
		133956	GENERAL FUND	OFFICE OF THE PRINCIPAL	RENTALS	\$19.80
		133956	GENERAL FUND	OFFICE OF THE PRINCIPAL	REPAIR AND MAINTENANCE	\$0.00

Brookings-Harbor School Dist. 17C

Expenditure Summary Report

Fiscal Year: 2024-2025

Criteria: Report Sort: Fund

From Date: 07/01/2024

To Date: 07/31/2024

Fund: 100	GENERAL FUND	Check#	FUND	FUNCTION	OBJECT	Amount
Remit Name						
		133956	GENERAL FUND	STUDENT TRANSPORTATION SERVICES	RENTALS	\$19.55
		133956	GENERAL FUND	STUDENT TRANSPORTATION SERVICES	REPAIR AND MAINTENANCE	\$10.58
		133956	GENERAL FUND	STUDENTS WITH DISABILITIES	RENTALS	\$171.82
		133956	GENERAL FUND	STUDENTS WITH DISABILITIES	REPAIR AND MAINTENANCE	\$73.87
		133982	GENERAL FUND	ELEMENTARY	RENTALS	\$419.53
		134017	GENERAL FUND	FISCAL SERVICES	RENTALS	\$4.47
		134017	GENERAL FUND	STUDENTS WITH DISABILITIES	RENTALS	\$4.47
				Total for CANON FINANCIAL SERVICES INC.		\$4,461.99
CASCADE HOME CENTER						
		133957	GENERAL FUND	CARE AND UPKEEP OF BUILDINGS	SUPPLIES	\$180.81
		133984	GENERAL FUND	CARE AND UPKEEP OF BUILDINGS	SUPPLIES	\$11.99
		134019	GENERAL FUND	CARE AND UPKEEP OF BUILDINGS	SUPPLIES	\$95.92
				Total for CASCADE HOME CENTER		\$288.72
CITY OF BROOKINGS						
		133918	GENERAL FUND	STUDENT SAFETY	NON INSTRUCTIONAL PROFESSIONAL & TECH	\$73,638.50
COASTAL PAPER & SUPPLY INC						
		133958	GENERAL FUND	CARE AND UPKEEP OF BUILDINGS	SUPPLIES	\$7,747.39
		133985	GENERAL FUND	CARE AND UPKEEP OF BUILDINGS	REPAIR AND MAINTENANCE	\$0.00
		133985	GENERAL FUND	CARE AND UPKEEP OF BUILDINGS	SUPPLIES	\$2,264.61
		134020	GENERAL FUND	CARE AND UPKEEP OF BUILDINGS	SUPPLIES	\$662.20
				Total for COASTAL PAPER & SUPPLY INC		\$10,674.20
COOS CURRY ELECTRIC CO-OP INC						
		134021	GENERAL FUND	MAINTENANCE SERVICES	ELECTRICITY	\$11,464.85
CORPENING, DANIELLE L						
		134022	GENERAL FUND	FISCAL SERVICES	TRAVEL	\$280.66
COSA						

Brookings-Harbor School Dist. 17C

Expenditure Summary Report

Fiscal Year: 2024-2025

Criteria: Report Sort: Fund

From Date: 07/01/2024

To Date: 07/31/2024

Fund: 100	GENERAL FUND	Check#	FUND	FUNCTION	OBJECT	Amount
Remit Name						
		133919	GENERAL FUND	OFFICE OF THE PRINCIPAL	DUES AND FEES	\$4,714.00
		133919	GENERAL FUND	OFFICE OF THE SUPERINTENDENT	DUES AND FEES	\$845.00
		133919	GENERAL FUND	OFFICE OF THE SUPERINTENDENT	TRAVEL	\$795.00
		133919	GENERAL FUND	SERVICE DIRECTION, STUDENT SUPPORT	DUES AND FEES	\$695.00
				Total for COSA		\$7,049.00
CRISIS PREVENTION INSTITUTE						
		133920	GENERAL FUND	SERVICE DIRECTION, STUDENT SUPPORT	PROFESSIONAL AND TECHNICAL SERVICES	\$1,949.00
CROWE, PEGGY D						
		0	GENERAL FUND	Undesignated	Payroll Deductions and Withholdings	\$250.00
DA CAPO WEB DEVELOPMENT LLC						
		133921	GENERAL FUND	MIDDLE/JUNIOR HIGH PROGRAMS	COMPUTER SOFTWARE	\$150.00
ESS WEST, LLC						
		0	GENERAL FUND	CARE AND UPKEEP OF BUILDINGS	ESS Classified Substitutes	\$3,935.08
		0	GENERAL FUND	MAINTENANCE SERVICES	ESS Classified Substitutes	\$5,913.86
		0	GENERAL FUND	Undesignated	Prepaid Expenses	\$72,881.78
				Total for ESS WEST, LLC		\$82,730.72
ESTELLE, RALPH						
		0	GENERAL FUND	Undesignated	Payroll Deductions and Withholdings	\$250.00
GOALBOOK - ENOME, INC						
		133987	GENERAL FUND	SERVICE DIRECTION, STUDENT SUPPORT	PROFESSIONAL AND TECHNICAL SERVICES	\$8,154.00
H&S ENERGY GROUP						
		133960	GENERAL FUND	STUDENT TRANSPORTATION SERVICES	FUEL	\$250.61
HERNANDEZ, FRANK A						
		0	GENERAL FUND	Undesignated	Payroll Deductions and Withholdings	\$250.00
HUNGERFORD LAW FIRM						
		133923	GENERAL FUND	SERVICE DIRECTION, STUDENT SUPPORT	PROFESSIONAL AND TECHNICAL SERVICES	\$950.00

Brookings-Harbor School Dist. 17C

Expenditure Summary Report

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Criteria: Report Sort: Fund

From Date: 07/01/2024

To Date: 07/31/2024

Fund: 100	GENERAL FUND	Check#	FUND	FUNCTION	OBJECT	Amount
Remit Name						
HUNGERFORD ONLINE, LLP		133924	GENERAL FUND	SERVICE DIRECTION, STUDENT SUPPORT	PROFESSIONAL AND TECHNICAL SERVICES	\$10,000.00
INTOUCH RECEIPTING		133989	GENERAL FUND	HIGH SCHOOL PROGRAMS	COMPUTER SOFTWARE	\$2,400.00
LAWRENCE COMPANY		133925	GENERAL FUND	FISCAL SERVICES	NON INSTRUCTIONAL PROFESSIONAL & TECH	\$160.00
LES SCHWAB TIRE CENTER INC		133990	GENERAL FUND	STUDENT TRANSPORTATION SERVICES	SUPPLIES	\$49.99
LOPEZ-STONE, JENNIFER C		0	GENERAL FUND	Undesignated	Payroll Deductions and Withholdings	\$500.00
MEDINA BERMEJO, FABIOLA		133887	GENERAL FUND	Undesignated	Payroll Deductions and Withholdings	\$0.00
MISSION LINEN SUPPLY		133961	GENERAL FUND	STUDENT TRANSPORTATION SERVICES	SUPPLIES	\$210.27
		133992	GENERAL FUND	STUDENT TRANSPORTATION SERVICES	SUPPLIES	\$96.02
				Total for MISSION LINEN SUPPLY		\$306.29
NAPA AUTO PARTS		133962	GENERAL FUND	STUDENT TRANSPORTATION SERVICES	SUPPLIES	\$65.68
		133993	GENERAL FUND	STUDENT TRANSPORTATION SERVICES	SUPPLIES	\$144.62
				Total for NAPA AUTO PARTS		\$210.30
OSBA		133963	GENERAL FUND	BOARD OF DIRECTORS	COMPUTER SOFTWARE	\$1,560.00
		133963	GENERAL FUND	BOARD OF DIRECTORS	DUES AND FEES	\$2,503.00
		133963	GENERAL FUND	BOARD OF DIRECTORS	PERIODICALS	\$1,730.00
		134025	GENERAL FUND	BOARD OF DIRECTORS	COMPUTER SOFTWARE	\$3,000.00

Brookings-Harbor School Dist. 17C

Expenditure Summary Report

Fiscal Year: 2024-2025

Criteria: Report Sort: Fund

From Date: 07/01/2024

To Date: 07/31/2024

			Total for OSBA		\$8,793.00
OSPA					
	133994	GENERAL FUND	STAFF SERVICES	DUES AND FEES	\$110.00
PACE					
	133927	GENERAL FUND	BOARD OF DIRECTORS	Insurance & Judgements	\$67,638.00
	133927	GENERAL FUND	MAINTENANCE SERVICES	INSURANCE PREMIUMS	\$227,220.00
	133927	GENERAL FUND	STUDENT TRANSPORTATION SERVICES	INSURANCE PREMIUMS	\$36,846.00
			Total for PACE		\$331,704.00
PITNEY BOWES GLOBAL - LEASING					
	133928	GENERAL FUND	FISCAL SERVICES	POSTAGE	\$873.09
PRESENCELEARNING, INC.					
	133929	GENERAL FUND	OTHER STUDENT TREATMENT OT/PT	NON CONSUMABLE SUPPLIES	\$4,620.00
PURCHASE POWER					
	133964	GENERAL FUND	FISCAL SERVICES	POSTAGE	\$500.00
QUILL CORPORATION					
	133930	GENERAL FUND	FISCAL SERVICES	SUPPLIES	\$88.65
	133965	GENERAL FUND	FISCAL SERVICES	SUPPLIES	\$178.30
	134026	GENERAL FUND	FISCAL SERVICES	SUPPLIES	\$135.28
			Total for QUILL CORPORATION		\$402.23
ROTARY CLUB OF B-H					
	133931	GENERAL FUND	OFFICE OF THE SUPERINTENDENT	DUES AND FEES	\$370.00
SAIF CORPORATION					
	0	GENERAL FUND	Undesignated	SAIF Liability	\$58,144.21
SECRETARY OF STATE - CORPORATION DIVISIO					
	133966	GENERAL FUND	FISCAL SERVICES	PROFESSIONAL AND TECHNICAL SERVICES	\$40.00
TYREE OIL, INC					
	133933	GENERAL FUND	STUDENT TRANSPORTATION SERVICES	FUEL	\$1,481.21
US CELLULAR					

Brookings-Harbor School Dist. 17C

Expenditure Summary Report

Fiscal Year: 2024-2025

Criteria: Report Sort: Fund

From Date: 07/01/2024

To Date: 07/31/2024

Fund: 100 GENERAL FUND		Check#	FUND	FUNCTION	OBJECT	Amount
Remit Name						
		133996	GENERAL FUND	STUDENT TRANSPORTATION SERVICES	Other Communication Services	\$640.37
WALLIN, TERI A		0	GENERAL FUND	Undesignated	Payroll Deductions and Withholdings	\$500.00
WESEL, DUSTIN		0	GENERAL FUND	Undesignated	Payroll Deductions and Withholdings	\$250.00
WESTERN BUS SALES INC		133969	GENERAL FUND	STUDENT TRANSPORTATION SERVICES	SUPPLIES	\$352.44
ZIPLY FIBER		133970	GENERAL FUND	TECHNOLOGY SERVICES	TELEPHONE	\$2,487.20
ZOLEZZI INSURANCE AGENCY		133971	GENERAL FUND	BOARD OF DIRECTORS	DUES AND FEES	\$33,170.00
Total for GENERAL FUND						\$665,189.43

Fund: 203 TITLE IIA - INNOVATIVE EDUCATION		Check#	FUND	FUNCTION	OBJECT	Amount
Remit Name						
BELONG PARTNERS		133955	TITLE IIA - INNOVATIVE EDUCATION	INSTR. STAFF DEVELOPMENT	PROFESSIONAL AND TECHNICAL SERVICES	\$10,000.00
		133955	TITLE IIA - INNOVATIVE EDUCATION	INSTR. STAFF DEVELOPMENT	TRAVEL	\$0.00
Total for BELONG PARTNERS						\$10,000.00
Total for TITLE IIA - INNOVATIVE EDUCATION						\$10,000.00

Fund: 215 E-RATE FUTURE TECHNOLOGY FUNDS		Check#	FUND	FUNCTION	OBJECT	Amount
Remit Name						
ZIPLY FIBER		133935	E-RATE FUTURE TECHNOLOGY FUNDS	TECHNOLOGY SERVICES	Other Communication Services	\$1,256.00
Total for E-RATE FUTURE TECHNOLOGY FUNDS						\$1,256.00

Fund: 221 YTP GRANT		Check#	FUND	FUNCTION	OBJECT	Amount
Remit Name						

Brookings-Harbor School Dist. 17C

Expenditure Summary Report

Fiscal Year: 2024-2025

Criteria: Report Sort: Fund

From Date: 07/01/2024

To Date: 07/31/2024

						Amount
LEIGH, MAUREEN F						
	134024	YTP GRANT		YOUTH TRANSITION PROGRAM	TRAVEL	\$132.75
					Total for YTP GRANT	\$132.75
Fund: 252	HIGH SCHOOL SUCCESS - M98					
Remit Name	Check#	FUND		FUNCTION	OBJECT	Amount
ADOBE INC						
	133980	HIGH SCHOOL SUCCESS - M98		HIGH SCHOOL PROGRAMS	COMPUTER SOFTWARE	\$2,496.00
CANON SOLUTIONS AMERICA						
	133983	HIGH SCHOOL SUCCESS - M98		HIGH SCHOOL PROGRAMS	RENTALS	\$0.00
	133983	HIGH SCHOOL SUCCESS - M98		HIGH SCHOOL PROGRAMS	REPAIR AND MAINTENANCE	\$83.05
					Total for CANON SOLUTIONS AMERICA	\$83.05
					Total for HIGH SCHOOL SUCCESS - M98	\$2,579.05
Fund: 259	Transp Equip Lease/Purchase					
Remit Name	Check#	FUND		FUNCTION	OBJECT	Amount
SANTANDER LEASING LLC						
	133886	Transp Equip Lease/Purchase		DEBT SERVICE	REDEMPTION OF PRINCIPAL	\$16,566.00
					Total for Transp Equip Lease/Purchase	\$16,566.00
Fund: 265	EIIS-Early Indicator Intervention Systems					
Remit Name	Check#	FUND		FUNCTION	OBJECT	Amount
WILLAMETTE ESD						
	134028	EIIS-Early Indicator Intervention Systems		HIGH SCHOOL PROGRAMS	COMPUTER SOFTWARE	\$2,544.67
					Total for EIIS-Early Indicator Intervention Systems	\$2,544.67
Fund: 274	HS Co-Curricular					
Remit Name	Check#	FUND		FUNCTION	OBJECT	Amount
BASHOR'S TEAM ATHLETICS						
	133954	HS Co-Curricular		HIGH SCHOOL EXTRACURRICULAR	SUPPLIES	\$3,669.85
CTR INC						
	133959	HS Co-Curricular		HIGH SCHOOL EXTRACURRICULAR	DUES AND FEES	\$586.00

Brookings-Harbor School Dist. 17C

Expenditure Summary Report

Fiscal Year: 2024-2025

Criteria: Report Sort: Fund

From Date: 07/01/2024

To Date: 07/31/2024

Fund: 274 HS Co-Curricular		Check#	FUND	FUNCTION	OBJECT	Amount
GUY, DAVID S						
		133988	HS Co-Curricular	HIGH SCHOOL EXTRACURRICULAR	TRAVEL	\$103.25
MCQUEEN, MICHAEL						
		133991	HS Co-Curricular	HIGH SCHOOL EXTRACURRICULAR	TRAVEL	\$44.25
Total for HS Co-Curricular						\$4,403.35

Fund: 275 Azalea MS Athletics		Check#	FUND	FUNCTION	OBJECT	Amount
BASHOR'S TEAM ATHLETICS						
		133954	Azalea MS Athletics	MIDDLE/JUNIOR HIGH EXTRACURRICULAR	SUPPLIES	\$1,530.65
Total for Azalea MS Athletics						\$1,530.65

Fund: 277 HB3499 ELL		Check#	FUND	FUNCTION	OBJECT	Amount
E.L. ACHIEVE, INC.						
		133922	HB3499 ELL	HIGH SCHOOL PROGRAMS	SUPPLIES	\$11,401.50
		133922	HB3499 ELL	MIDDLE/JUNIOR HIGH PROGRAMS	SUPPLIES	\$11,401.50
Total for E.L. ACHIEVE, INC.						\$22,803.00
Total for HB3499 ELL						\$22,803.00

Fund: 283 TEXTBOOK ADOPTION		Check#	FUND	FUNCTION	OBJECT	Amount
AMAZON						
		133981	TEXTBOOK ADOPTION	MIDDLE/JUNIOR HIGH PROGRAMS	TEXTBOOKS	\$903.68
CAROLINA BIOLOGICAL SUPPLY INC						
		134018	TEXTBOOK ADOPTION	MIDDLE/JUNIOR HIGH PROGRAMS	TEXTBOOKS	\$16,413.44
FLINN SCIENTIFIC						
		133986	TEXTBOOK ADOPTION	MIDDLE/JUNIOR HIGH PROGRAMS	TEXTBOOKS	\$383.63
STILE EDUCATION						
		133932	TEXTBOOK ADOPTION	MIDDLE/JUNIOR HIGH PROGRAMS	TEXTBOOKS	\$41,460.00

Brookings-Harbor School Dist. 17C

Expenditure Summary Report

Fiscal Year: 2024-2025

Criteria: Report Sort: Fund

From Date: 07/01/2024

To Date: 07/31/2024

Total for TEXTBOOK ADOPTION						\$59,160.75
Fund: 285	FACILITY MAINTENANCE					
Remit Name	Check#	FUND	FUNCTION	OBJECT		Amount
CTR INC						
	133959	FACILITY MAINTENANCE	MAINTENANCE SERVICES	NON INSTRUCTIONAL PROFESSIONAL & TECH		\$145.00
	133959	FACILITY MAINTENANCE	MAINTENANCE SERVICES	REPAIR AND MAINTENANCE		\$0.00
			Total for CTR INC			\$145.00
						Total for FACILITY MAINTENANCE \$145.00
Fund: 291	HIGH SCHOOL STUDENT BODY					
Remit Name	Check#	FUND	FUNCTION	OBJECT		Amount
BASHOR'S TEAM ATHLETICS						
	133954	HIGH SCHOOL STUDENT BODY	HIGH SCHOOL EXTRACURRICULAR	SUPPLIES		\$749.70
						Total for HIGH SCHOOL STUDENT BODY \$749.70
Fund: 299	Nutrition Services					
Remit Name	Check#	FUND	FUNCTION	OBJECT		Amount
OREGON CHILD NUTRITION COALITION						
	133926	Nutrition Services	FOOD SERVICES	COMPUTER SOFTWARE		\$310.00
	133926	Nutrition Services	FOOD SERVICES	DUES AND FEES		\$347.10
						Total for OREGON CHILD NUTRITION COALITION \$657.10
SUNRISE DISTRIBUTORS INC						
	133967	Nutrition Services	FOOD SERVICES	FOOD		\$245.80
	133995	Nutrition Services	FOOD SERVICES	FOOD		\$253.40
	134027	Nutrition Services	FOOD SERVICES	FOOD		\$49.50
						Total for SUNRISE DISTRIBUTORS INC \$548.70
US FOODS						
	133934	Nutrition Services	FOOD SERVICES	FOOD		\$546.20
	133968	Nutrition Services	FOOD SERVICES	FOOD		\$781.76
						Total for US FOODS \$1,327.96

Brookings-Harbor School Dist. 17C

Expenditure Summary Report

Fiscal Year: 2024-2025

Criteria: Report Sort: Fund

From Date: 07/01/2024

To Date: 07/31/2024

Fund: 299		Nutrition Services		FUNCTION	OBJECT	Amount
Remit Name	Check#	FUND				
ZIPLY FIBER						
	133970	Nutrition Services		FOOD SERVICES	TELEPHONE	\$158.76
Total for Nutrition Services						\$2,692.52
Fund: 410		CAPITAL PROJECTS		FUNCTION	OBJECT	Amount
Remit Name	Check#	FUND				
FIELDTURF USA, INC.						
	134023	CAPITAL PROJECTS		BLDG ACQUISITION, CONTR. & IMPROVEMENT	* OVER \$5000 NOT BLD IMPROVEMENTS	\$62,253.46
Total for CAPITAL PROJECTS						\$62,253.46
Fund: 412		TRACK & FIELD PROJECT		FUNCTION	OBJECT	Amount
Remit Name	Check#	FUND				
FIELDTURF USA, INC.						
	134023	TRACK & FIELD PROJECT		BLDG ACQUISITION, CONTR. & IMPROVEMENT	* OVER \$5000 NOT BLD IMPROVEMENTS	\$564,223.48
Total for TRACK & FIELD PROJECT						\$564,223.48

Brookings-Harbor School Dist. 17C

Expenditure Summary Report

Fiscal Year: 2024-2025

Criteria: Report Sort: Fund

From Date: 07/01/2024

To Date: 07/31/2024

Grand Total: \$1,416,229.81

Recap for FUND for GENERAL FUND		
100	GENERAL FUND	\$665,189.43
203	TITLE IIA - INNOVATIVE EDUCATI	\$10,000.00
215	E-RATE FUTURE TECHNOLOGY I	\$1,256.00
221	YTP GRANT	\$132.75
252	HIGH SCHOOL SUCCESS - M98	\$2,579.05
259	Transp Equip Lease/Purchase	\$16,566.00
265	EIIS-Early Indicator Intervention Sys	\$2,544.67
274	HS Co-Curricular	\$4,403.35
275	Azalea MS Athletics	\$1,530.65
277	HB3499 ELL	\$22,803.00
283	TEXTBOOK ADOPTION	\$59,160.75
285	FACILITY MAINTENANCE	\$145.00
291	HIGH SCHOOL STUDENT BODY	\$749.70
299	Nutrition Services	\$2,692.52
410	CAPITAL PROJECTS	\$62,253.46
412	TRACK & FIELD PROJECT	\$564,223.48

End of Report

Recommendation to Hire New Hire Form - Certified

For: **Richcreek, Katie**
Sent By: Tristinh

Completed By: User - jenniferlo@brookings.k12.or.us
Overall Status: Approved - Next step

Sent On: 7/15/2024 8:27am
Completed: 7/18/2024 9:00am

For Job ID: **1125 - High School Math Teacher at Brookings-Harbor High School**

RECOMMENDATION TO HIRE - CERTIFIED

Katie Richcreek is being recommended for:
High School Math Teacher at Brookings-Harbor High School
Current City/State: CRESCENT CITY / CA

Advanced Mathematics

Undergraduate College and GPA:

Western Governor's University
3.0

University where Teaching Degree was conferred:

N/A
Math Emergency Lisence

Top Quality (1-2 sentences) that compelled the committee to select this candidate over others:

She is very organized and works well with students.

Teaching Assignment / School:

BHHS

Work Schedule:

1.0 FTE

* Anticipated Start Date:

08/01/2024

Hiring Manager Signature:

X

Signed: **Tristin Harkins**

Stamped: 7/15/2024 10:33:41 AM; 50.45.231.2; User - Tristinh - tristinh@brookings.k12.or.us;

Recommendation to Hire New Hire Form - Certified

For: **Mathisen, Richard**
Sent By: Tristinh

Completed By: User - jenniferlo@brookings.k12.or.us
Overall Status: Approved - Next step

Sent On: 7/22/2024 2:34pm
Completed: 7/31/2024 2:22pm

For Job ID: **1121 - High School Science Teacher at Brookings-Harbor High School**

RECOMMENDATION TO HIRE - CERTIFIED

Richard Mathisen is being recommended for:
High School Science Teacher at Brookings-Harbor High School
Current City/State: Sandisfield / MA

Chemistry

Undergraduate College and GPA:

University of Connecticut 3.0
Wheeling Jesuit University 3.5

University where Teaching Degree was conferred:

Wheeling Jesuit University

Top Quality (1-2 sentences) that compelled the committee to select this candidate over others:

He is very knowledgeable about chemistry and earth sciences. He has won state awards in Arizona for integrating community service with engineering programs he taught his students

Teaching Assignment / School:

BHHS

Work Schedule:

1 FTE

* Anticipated Start Date:

8/1/2024

Hiring Manager Signature:

X

Signed: **Tristin Harkins**

Stamped: 7/30/2024 4:02:12 PM; 47.25.214.46; User - Tristinh - tristinh@brookings.k12.or.us:

Recommendation to Hire New Hire Form - Certified

For: **Olsen, April**
Sent By: Vickien

Completed By: User - jenniferlo@brookings.k12.or.us
Overall Status: Approved - Next step

Sent On: 7/29/2024 8:40pm
Completed: 8/1/2024 12:00pm

For Job ID: **1127 - Middle School Language Arts Teacher at Azalea Middle School**

RECOMMENDATION TO HIRE - CERTIFIED

April Olsen is being recommended for:
Middle School Language Arts Teacher at Azalea Middle School
Current City/State: Brookings / OR

Elementary - Multiple Subjects

Undergraduate College and GPA:
Eastern Oregon University 3.03/4

University where Teaching Degree was conferred:
Eastern Oregon University

Top Quality (1-2 sentences) that compelled the committee to select this candidate over others:

Ms. Olsen has experience as a teacher and a behavior tech. She builds strong positive relationships with staff and students. She is very collaborative and will be a strong addition to our Azalea family.

Teaching Assignment / School:
Azalea Middle School

Work Schedule:
8:00-4:00

* Anticipated Start Date:

08/19/2024

Hiring Manager Signature:

X Signed: **Vickie Nigh**

Stamped: 7/30/2024 9:47:04 PM; 99.132.154.78; User - Vickien - Vickien@brookings.k12.or.us;

Recommendation to Hire New Hire Form - Certified

For: **Maine, Trevor**
Sent By: TristinH

Completed By: User - jenniferlo@brookings.k12.or.us
Overall Status: Approved - Next step

Sent On: 8/6/2024 1:49pm
Completed: 8/12/2024 8:40am

For Job ID: **1119 - High School Art Teacher at Brookings-Harbor High School**

RECOMMENDATION TO HIRE - CERTIFIED

Trevor Maine is being recommended for:
High School Art Teacher at Brookings-Harbor High School
Current City/State: Hansville / WA

Art

Undergraduate College and GPA:
Eastern Washington University - 3.91

University where Teaching Degree was conferred:
Eastern Washington University

Top Quality (1-2 sentences) that compelled the committee to select this candidate over others:

He is a new candidate who is looking forward to entering the profession. He has completed a year long student teaching process and comes highly recommended from his supervising teacher and field experience coordinator

Teaching Assignment / School:
BHHS

Work Schedule:
1 FTE

* Anticipated Start Date:

08/06/2024

Hiring Manager Signature:

X

Signed: **Tristin Harkins**

Stamped: 8/6/2024 3:55:39 PM; 50.45.231.2; User - TristinH - tristinH@brookings.k12.or.us;

Recommendation to Hire New Hire Form - Certified

For: **Hinkle, Trisha**
Sent By: Vickien

Completed By: User - jenniferlo@brookings.k12.or.us
Overall Status: Approved - Next step

Sent On: 8/7/2024 9:54am
Completed: 8/12/2024 8:41am

For Job ID: **1131 - Middle School Math Teacher at Azalea Middle School**

RECOMMENDATION TO HIRE - CERTIFIED

Trisha Hinkle is being recommended for:
Middle School Math Teacher at Azalea Middle School
Current City/State: Crescent City / CA

Foundational Mathematics

Undergraduate College and GPA:

Antelope Vally College and Cerro Community College 3.8

University where Teaching Degree was conferred:

Western Governors University

Top Quality (1-2 sentences) that compelled the committee to select this candidate over others:

Ms. Hinkle completed her student teaching with use and was hired as a temporary math teacher for the 23.24 school year. She is already part of our team and has managed a 6th grade classroom with Azalea.

Teaching Assignment / School:

Azalea Middle School

Work Schedule:

8:00-4:00

* Anticipated Start Date:

08/19/2024

Hiring Manager Signature:

X

Signed: **Vickie Nigh**

Stamped: 8/7/2024 11:57:38 AM; 99.132.154.78; User - Vickien - Vickien@brookings.k12.or.us;



Brookings Harbor School District 17C

629 Easy Street
Brookings, OR 97415
Tel 541 469-7443
Fax 541 469-6599
www.brookings.k12.or.us

DONATION RECEIPT

Tidewater Contractors

DONOR NAME

\$556.08

AMOUNT

BROOKINGS-HARBOR SCHOOL DISTRICT TAX ID: 93-6000388

DONATION DESCRIPTION	
BHHS Softball Field 3/4"-1/4" Washed Per Invoice # 56436	

OFFICE USE ONLY	
Received By:	Jess Beaman
Date Received:	7/10/2024
Destination of Gift:	BHHS Softball Field

585



Brookings Harbor School District 17C

629 Easy St
 Brookings, OR 97415
 Tel 541 469-7443
 Fax 541 469-6599
www.brookings.k12.or.us

DONATION RECEIPT

O'Reilly Auto parts

 DONOR NAME

1201 Chetco Ave Brookings Or 97415

 MAILING ADDRESS, CITY, STATE, ZIP

↑ ↑ Same as Above ↑

 PHYSICAL ADDRESS, CITY, STATE, ZIP

541-211-92

 PHONE NUMBER

BROOKINGS-HARBOR SCHOOL DISTRICT TAX ID: 93-6000388

DONATION DESCRIPTION	
Middle School Football team (Azalea)	

OFFICE USE ONLY	
Received By:	<i>[Signature]</i>
Date Received:	
Destination of Gift:	



BROOKINGS-HARBOR
"Every Student Can Succeed"

Brookings Harbor School District 17C

629 Easy St
Brookings, OR 97415
Tel 541 469-7443
Fax 541 469-6599
www.brookings.k12.or.us

DONATION RECEIPT

ENTERED

FEB 21 2024

Lance Kessler Construction Inc.

DONOR NAME

Po Box 938 Brookings OR 97415

MAILING ADDRESS, CITY, STATE, ZIP

97980 Shopping Center Ave #300

Brookings OR 97415

PHYSICAL ADDRESS, CITY, STATE, ZIP

541-469-9616

PHONE NUMBER

BROOKINGS-HARBOR SCHOOL DISTRICT TAX ID: 93-6000388

DONATION DESCRIPTION

Azalea middle school cheer.

OFFICE USE ONLY

Received By:	
Date Received:	
Destination of Gift:	



Brookings Harbor School District 17C

629 Easy St
Brookings, OR 97415
Tel 541 469-7443
Fax 541 469-6599
www.brookings.k12.or.us

DONATION RECEIPT

Curry Transfer & Recycling
DONOR NAME.

PO Box 4008 Brookings, OR 97415
MAILING ADDRESS, CITY, STATE, ZIP

17498 Carpenterville Rd Brookings, OR 97415
PHYSICAL ADDRESS, CITY, STATE, ZIP

541-469-2425 ext 21047
PHONE NUMBER

BROOKINGS-HARBOR SCHOOL DISTRICT TAX ID: 93-6000388

DONATION DESCRIPTION

Azalea middle school cheer.

OFFICE USE ONLY

Received By:

Date Received:

Destination of Gift:



Brookings Harbor School District 17C

629 Easy St
 Brookings, OR 97415
 Tel 541 469-7443
 Fax 541 469-6599
 www.brookings.k12.or.us

DONATION RECEIPT

South Coast Lumber
 DONOR NAME

P.O. Box 670 Brookings, OR 97415
 MAILING ADDRESS, CITY, STATE, ZIP

885 Railroad Brookings, OR 97415
 PHYSICAL ADDRESS, CITY, STATE, ZIP

541-469-2136
 PHONE NUMBER

BROOKINGS-HARBOR SCHOOL DISTRICT TAX ID: 93-6000388

DONATION DESCRIPTION	
Azalea middle school cheer.	\$100.00

OFFICE USE ONLY	
Received By:	
Date Received:	
Destination of Gift:	



Brookings Harbor School District 17C

629 Easy St
Brookings, OR 97415
Tel 541 469-7443
Fax 541 469-6599
www.brookings.k12.or.us

DONATION RECEIPT

Angela Siquig

DONOR NAME

MAILING ADDRESS, CITY, STATE, ZIP

PHYSICAL ADDRESS, CITY, STATE, ZIP

PHONE NUMBER

BROOKINGS-HARBOR SCHOOL DISTRICT TAX ID: 93-6000388

DONATION DESCRIPTION	
<i>Bruin Jr. Band Camp / AMS Music Program</i>	
<i>\$50.00</i>	

OFFICE USE ONLY	
Received By:	<i>Cha Lee</i>
Date Received:	<i>8-9-2024</i>
Destination of Gift:	<i>Band Club acct.</i>



Brookings Harbor School District 17C

629 Easy St
Brookings, OR 97415
Tel 541 469-7443
Fax 541 469-6599
www.brookings.k12.or.us

DONATION RECEIPT

Kendric Brissette

DONOR NAME

MAILING ADDRESS, CITY, STATE, ZIP

PHYSICAL ADDRESS, CITY, STATE, ZIP

PHONE NUMBER

BROOKINGS-HARBOR SCHOOL DISTRICT TAX ID: 93-6000388

DONATION DESCRIPTION

Bruin Jr. Band Camp / AMS Music Program

\$50.00

OFFICE USE ONLY

Received By:

Chia Lee

Date Received:

8-9-2027

Destination of Gift:

Band Club acct.



Brookings Harbor School District 17C

629 Easy St
Brookings, OR 97415
Tel 541 469-7443
Fax 541 469-6599
www.brookings.k12.or.us

DONATION RECEIPT

Kate Ferris

DONOR NAME

MAILING ADDRESS, CITY, STATE, ZIP

PHYSICAL ADDRESS, CITY, STATE, ZIP

PHONE NUMBER

BROOKINGS-HARBOR SCHOOL DISTRICT TAX ID: 93-6000388

DONATION DESCRIPTION	
<i>Bruin Jr. Band Camp / AMS Music Program</i>	
<i>\$50.00</i>	

OFFICE USE ONLY	
Received By:	<i>Chae Lee</i>
Date Received:	<i>8-9-2024</i>
Destination of Gift:	<i>Band Club acct.</i>

RESOLUTION No. 2024-002REVISED

RESOLUTION ADOPTING THE BUDGET

BE IT RESOLVED that the Board of the Brookings-Harbor School District 17C hereby adopts the budget for fiscal year 2024-2025 in the total amount of \$35,424,213.* This budget is now on file at 629 Easy St in Brookings, Oregon.

RESOLUTION MAKING APPROPRIATIONS

BE IT RESOLVED that the amounts shown below are hereby appropriated for the fiscal year beginning July 1, 2024, for the following purposes:

<u>General Fund 100</u>		<u>Special Revenue Fund 200</u>	
Instruction.....	9,092,554	Instruction.....	3,472,708
Support Services.....	8,769,718	Support Services....	1,929,360
Transfers.....	1,131,000	Enterprise & Comm	1,018,772
Debt Service	0	Facilitites Acquisiti	50,000
Contingency.....	200,000	Debt Service	101,169
Total.....	\$19,193,272	Contingency.....	0
		Total.....	\$6,572,008
<u>Capital Projects Funds 410, 411, 412</u>		<u>Debt Service Fund 300</u>	
Facilities Acquisition.	4,722,949	Debt Service	\$1,357,683
Total.....	\$4,722,949	Total.....	\$1,357,683
		Total APPROPRIATIONS, All Funds . . .	\$31,845,912
		Total Unappropriated and Reserve Amounts, All Funds . . .	3,578,301
		TOTAL ADOPTED BUDGET . . .	\$35,424,213 *

(* amounts with asterisks must match)

RESOLUTION IMPOSING THE TAX

BE IT RESOLVED that the following ad valorem property taxes are hereby imposed upon the assessed value of all taxable property within the district for tax year 2024- 2025

(1)At the rate of \$ 3.2494 per \$1000 of assessed value for permanent rate tax;

RESOLUTION CATEGORIZING THE TAX

BE IT RESOLVED that the taxes imposed are hereby categorized for purposes of Article XI section 11b as:

Subject to the Education Limitation

Permanent Rate Tax..... \$ 3.2494/\$1000

The above resolution statements were approved and declared adopted on June 18, 2024.

X _____
Signature

RESOLUTION No. 2024-002

RESOLUTION ADOPTING THE BUDGET

BE IT RESOLVED that the Board of the Brookings-Harbor School District 17C hereby adopts the budget for fiscal year 2024-2025 in the total amount of \$35,424,213.* This budget is now on file at 629 Easy St in Brookings, Oregon.

RESOLUTION MAKING APPROPRIATIONS

BE IT RESOLVED that the amounts shown below are hereby appropriated for the fiscal year beginning July 1, 2024, for the following purposes:

General Fund 100		Special Revenue Fund 200	
Instruction.....	9,092,554	Instruction.....	3,472,708
Support Services.....	8,769,718	Support Services....	1,929,360
Transfers.....	1,131,000	Enterprise & Comm	1,018,772
Debt Service	0	Facilitites Acquisiti	50,000
Contingency.....	200,000	Debt Service	101,169
Total.....	\$19,193,272	Contingency.....	0
		Total.....	\$6,572,008
Capital Projects Funds 410, 411, 412		Debt Service Fund 300	
Facilities Acquisition.	1,771,782	Debt Service	\$1,357,683
Total.....	\$4,722,949	Total.....	\$1,357,683
		Total APPROPRIATIONS, All Funds . . .	\$31,845,912
		Total Unappropriated and Reserve Amounts, All Funds . . .	3,578,301
		TOTAL ADOPTED BUDGET . . .	\$35,424,213 *

(* amounts with asterisks must match)

RESOLUTION IMPOSING THE TAX

BE IT RESOLVED that the following ad valorem property taxes are hereby imposed upon the assessed value of all taxable property within the district for tax year 2024- 2025

(1)At the rate of \$ 3.2494 per \$1000 of assessed value for permanent rate tax;

RESOLUTION CATEGORIZING THE TAX

BE IT RESOLVED that the taxes imposed are hereby categorized for purposes of Article XI section 11b as:

Subject to the Education Limitation

Permanent Rate Tax..... \$ 3.2494/\$1000

The above resolution statements were approved and declared adopted on June 18, 2024.

X _____
Signature

Brookings-Harbor School District 17C

Code: **DJC-AR**
Revised/Reviewed: 1/15/14 ; 6/17/15; 2/17/16;
7/06/16

Special Procurements and Exemptions from Competitive Bidding

(Version 1)

(Delete)

SPECIAL PROCUREMENTS

The district shall submit a written request to the Board, acting as the Local Contract Review Board (LCRB), that describes the contracting procedure, the goods and services or class of goods and services that are the subject of the special procurement and circumstances that justify the use of a special procurement under the standards as follows: the special procurement is unlikely to encourage favoritism in the awarding of public contract or to substantially diminish competition for public contracts and, (A) is reasonably expected to result in substantial cost savings to the district or to the public, or (B) otherwise substantially promote the public interest in a matter that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065, 279B.070 or under any related rules. Public notice of the approval of a special procurement must be given in the same manner as provided in ORS 279B.055(4). If the district intends to award a contract through special procurements that calls for competition among prospective contractors, the district shall award the contract to the contractor it determines to be most advantageous to the district. When the LCRB approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for a special procurement.

1. Brand Names or Products, "Or Equal," Single Seller and Sole Source

- b. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
- c. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections c. and d. of this rule.
- d. The district may specify a particular brand name or equal specification when the use of a brand name or equal specification is advantageous to the district, because the brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the district.
 - (1) The district is entitled to determine what constitutes a product that is equal or superior to the product specified, and any such determination is final;
 - (2) The district is not prohibited from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the district;
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification

D

will meet the needs of the district based on one or more of the following written determinations:

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- (a) The use of a brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
- (b) Specification of the brand name, mark or product would result in cost savings to the district; or
- (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
- (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.

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e. The district may award a contract for goods or services without competition when the LCRB determines in writing that the goods or services, or the class of goods or services, are available from only one source. The determination of source must be based upon written findings that shall include:

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- (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
- (2) Description of the product or service to be purchased; and
- (3) The reasons the district is seeking this procurement method, which shall include any of the following:

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- (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services; or
- (b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source; or
- (c) That the goods or services are for use in a pilot or an experimental project; or
- (d) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.

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e. The district may specify a product or service available from only one manufacturer but available through multiple sellers after complying with subsection c. above documenting the procurement file with the following information:

- (2) If the total purchase is over \$10,000 but does not exceed \$150,000, and a comparable product or service is not available under an existing Mandatory Use Contract, the district must obtain informal competitive quotes, bids, or proposals and document this process in the procurement file;
- (3) If the purchase does not exceed \$150,000, and the supplies or services are not available under an existing price agreement for information technology with competing products or Mandatory Use Contract, the district must first request and obtain prior written authorization from the LCRB to proceed with the acquisition.

f. If the district intends to make several purchases of brand name-specific supplies and services from a particular manufacturer or seller for a period not to exceed five years, the district must

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so state this in the procurement file and in the solicitation document, if any, or a public notice of a solicitation. If the total purchase amount is estimated to exceed \$150,000, this shall be stated in the advertisement for bids or proposals.

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Findings of Fact/Conclusion of Compliance with Law (OAR 125-247-0275)

The district shall submit a written request to the local contract review board that describes the contracting procedure, goods and services subject of the special procurement and the circumstances that justify the use of the special procurement.

- a. It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts and is reasonably expected to result in substantial cost savings to the district which could not be realized under ORS 279B.055, 279B.060, 279B.065, or 279B.070 as required by ORS 279B.085(4).
- b. Public notice of the approval must be given in the same manner as provided in ORS 279B.055(4).
- c. This rule requires the districts to make a good faith effort to determine that no other sources are available for the specified products.
- d. The district maintains open lists from which vendors are contacted for quotations and utilizes electronic means of determining new vendors on an ongoing basis.
- e. The awarding of a contract as described in this special procurement should result in substantial cost savings by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.
- f. When the local review board approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for procurement.

3. Advertising Contracts, Purchase of

- b. The district may purchase advertising in any media, regardless of dollar amount, without competitive bidding.
- c. The Board acting as the LCRB of the district must use competitive methods whenever possible to achieve best value and must document in the procurement file the reasons why a competitive process was deemed impractical and the resulting contract must be in writing.
- d. If the anticipated purchase exceeds \$10,000 and a competitive method is used, the district must post notice on the Oregon Procurement Information Network (ORPIN).

Findings of Fact

The district traditionally purchases advertising in newspapers. The following findings relate primarily to newspapers and written publications; however, the district may also purchase advertising for student activities or educational programs in other media, such as radio or television, where these findings apply:

- a. By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves;
- b. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the district is limited;
- c. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
- d. Advertisements may be placed to satisfy legal notice or Board policy requirements;
- e. Other published advertisements or notices, such as routine public notices, personnel recruitment information, etc., are placed in one or more of the publications of general circulation in the local area and other publications, as appropriate;

- f. The communities served by the district rely upon its use of the local daily newspaper as a central source of news and information regarding district activities;
- g. It is unknown whether contracts for advertisements placed with radio, television or other broadcast media are going to result in cost savings if not placed for competitive bid or request for proposal (RFP). If possible savings could be obtained through competitive means, the district would attempt to obtain competitive quotes or bids, as appropriate.

Conclusion of Compliance with Law

Due to limited competition and unique nature of sources, it is unlikely that this class special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Further, any contracts awarded under this class special procurement would result in a cost savings available to the district where the district can achieve volume savings through contracts for advertising with a particular media source, or otherwise substantially promote the public interest.

4. Advertising Contracts, Sale of

The district may sell advertising for district publications and activities, regardless of dollar amount, without competitive bidding, including school newspapers, yearbooks, athletic programs, drama or music programs and the like.

Findings of Fact

Sales of advertising for student activities are generally other fund revenues, where student groups solicit advertisements from local businesses to help with the cost of the activity itself. A common example is the sale of advertising in school newspapers and yearbooks. The circulation of the newspaper and yearbook is limited to the students, teachers, parents and interested members of the community associated with the activities of that particular school. Due to the limited circulation and audience, the businesses that participate by purchasing advertising do so partly in the spirit of good will. Any business is welcome to place an advertisement in the school newspaper or yearbook; all it needs to do is to contact any district school department which publishes one. The district itself would not achieve any increased revenue to the General Fund by seeking competitive bids or proposals for such advertising. This holds true for other student activities, such as athletics, drama or music events and the like.

Conclusion of Compliance with Law

These findings indicate that it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Any business or individual who wishes to advertise in this manner may do so by simply contacting the student group responsible for the activity.

The sale of advertising for student activities such as school newspapers, yearbooks, athletic, drama or music programs would not benefit from competitive procurement. Such a requirement would place an unnecessary burden on the student group's activity and there is no financial advantage to the district in doing so. Consequently, the cost savings test is not an issue.

5. Equipment Repair and Overhaul

D a. The district may enter into a public contract for equipment repair or overhaul without competitive bidding, subject to the following conditions:

- (1) Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
- (2) Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
- (3) The purchase is made within the limits and pursuant to the methods in subsection b. of this rule.

E c. The following limitations apply to this rule:

- (1) If the contract is less than or equal to \$150,000, the school or department shall submit in writing to the superintendent or designee the reasons why competitive bids or quotes are deemed to be impractical. The superintendent or designee will accordingly document in its procurement file and may enter directly into the contract;
- (2) If the school or department official thinks the contract may exceed \$150,000, he/she shall submit in writing to the superintendent or designee the reasons why competitive bidding is deemed to be impractical and a description of the cost savings to be obtained by an special procurement. The superintendent or designee may prepare a specific request for the anticipated contract to be obtained through special procurement procedures to submit to the LCRB for approval.

Findings of Fact

- a. The need for equipment repair or overhaul cannot be anticipated by district staff. If a piece of equipment is broken or not working properly, the district incurs cost of downtime, possible replacement equipment rental fees, staff time and other inconveniences or liabilities to its programs.
- b. Generally, there are a limited number of vendors who are able to perform repair or overhaul on a particular piece of equipment because of its make or manufacture. Sophisticated equipment may require specially trained personnel available from only one source. Often, a piece of equipment will have a partial warranty in place which will guarantee some savings to the district in the parts and/or labor needed to do the repair or overhaul. This warranty savings may only be achieved if the original manufacturer or provider of the equipment performs the necessary repair or overhaul.
- c. The dollar limits on the use of this special procurement procedure ensure that when the cost of the equipment repair or overhaul is expected to exceed \$150,000, the district will either seek formal competitive bids or, if that is not practical or cost effective, obtain a specific special procurement procedure from the LCRB to proceed with the purchase of the needed repair or overhaul.

Conclusion of Compliance with Law

It is unlikely that this special procurement procedure will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts because the dollar limits incorporated into this special procurement when the anticipated costs exceed \$150,000, insure the district will seek formal competitive bids and proposals. If the formal process is not practical, the district will obtain a specific exemption from the LCRB to proceed with the purchase of the needed repair or overhaul.

The awarding of public contracts under this special procurement will result in a cost savings to the district, as required by ORS 279B.085, because the district incurs direct and indirect costs from the moment equipment breaks down or becomes unusable. This special procurement only applies to equipment already owned by the district and does not provide for the purchase of new equipment. The district must be able to purchase necessary services and parts as quickly as possible in order to minimize equipment downtime and potential costs during that downtime.

6. Copyrighted Materials

The district may, without competitive bidding and regardless of dollar amount, purchase copyrighted materials where there is only one known supplier available for such goods. Examples of copyrighted materials covered by this special procurement procedure may include, but are not necessarily limited to, newly adopted textbooks/instructional materials, workbooks, curriculum kits, reference materials, audio and visual media and non-mass-marketed software from a particular publisher or their designated distributor.

Findings of Fact

- a. By their nature, copyrighted materials are protected for the use of a single owner. Copyrighted materials may not be duplicated by others without the copyright owner's permission or license. Copyrights are established and regulated under federal law.
- b. Often, copyrighted materials are produced by only one supplier who may be the owner of the copyright or his/her licensee. Textbooks/Instructional materials are examples of copyrighted materials that the district purchases through a sole source. Textbooks/Instructional materials are adopted through a statewide process under the authority of the Oregon Department of Education. A textbook/instructional material adoption defines the various materials which the district will purchase for use in its educational programs.

The district purchases its textbooks/instructional materials through the Northwest Textbook Depository. This practice enables the regional textbook depository to purchase and warehouse textbooks/instructional materials in conformance with adoptions made in the states of their region. The result is that savings are achieved through the depository's combined purchases on behalf of member districts. Freight costs for individual districts are reduced by the bulk purchases of the depository and the depository takes on the cost of stocking and warehousing enough to meet each member district's needs.

The system of textbook/instructional materials distribution enables the district to participate in the largest possible bulk purchasing activity of adopted textbooks/instructional materials in the region. This ensures a cost savings to the district, a savings that would be jeopardized if the district was to act as an individual purchaser.

Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in the awarding of public contracts. The production and distribution of copyrighted materials is controlled by the owner of the copyright and may only be permitted through a sole source. The district has no control over this.

The awarding of contracts pursuant to this special procurement will result in a cost savings to the district when it needs to purchase copyrighted materials and there is only one known supplier for such goods, or otherwise substantially promote the public interest.

6. Product Prequalification

a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:

- (1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
- (2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.

c. If the district denies an application for including a product on a list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within 7 calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open

until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- d. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- e. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- f. Subsection b., of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or diminish competition for such contracts. There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to contract award. If the prequalification method is chosen, it will result in a cost savings to the district because the normal method of product selection is too cumbersome and costly to pursue, or otherwise substantially promote the public interest.

7. Requirements Contracts (Blanket Purchase Orders, Price Agreements)¹

¹ The Oregon Procurement Information Network (ORPIN) allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized ORCPP members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc., is available. Counties, cities, schools, municipalities or their public corporate entities having local governing authority, a United States governmental agency or American Indian tribe or agency are eligible to participate.

- a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among school and departments and reducing lead time for ordering.
- b. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is let by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- c. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
- d. School and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the superintendent or designee.
- e. Under the authority of ORS 279A.025 and 279B.085, the district may use the requirements contract entered into by another Oregon public agency when:
 - (1) The original contract met the requirements of public contracting code; and
 - (2) The original contract allows other public agency usage of the contract; and
 - (3) The original public contracting agency concurs and this is documented by a written interagency agreement between the district and the agency.
- f. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise permitted under the public contracting code.

Findings of Fact

- a. This rule permits the district to enter into requirements contracts, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools and departments and reducing lead time for ordering.
- g. The district establishes requirements contracts as a result of open competitive bidding or RFP processes, unless otherwise permitted under the public contracting code.
- h. The district limits the term of requirements contracts, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise permitted under the public contracting code.
- i. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

It is unlikely that this special procurement will result in favoritism in the awarding of public contracts or diminish competition for such contracts. The district will only enter into requirements contracts which

result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will result in a cost savings to the district, or otherwise substantially promote the public interest. It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

8. Used Personal Property or Equipment, Purchase²

- a. Subject to the provisions of this rule, the district may purchase used property or equipment without obtaining competitive bids or quotes, if the district has determined that the purchase will result in cost savings to the district and will not diminish competition or encourage favoritism. “Used personal property or equipment” is property or equipment which has been placed in its intended use by a previous owner or user for a period of time recognized in the relevant trade or industry as qualifying the personal property or equipment as “used” at the time of district purchase. Used personal property or equipment generally does not include property or equipment if the district was the previous user, whether under a lease, as part of a demonstration, trial or pilot project or similar arrangement.
- b. For purchases of used personal property or equipment costing less than or equal to \$150,000, the district shall, where feasible, obtain three competitive quotes unless the district has determined and documented that a purchase without obtaining competitive quotes will result in cost savings to the district and will not diminish competition or encourage favoritism.
- c. For purchases of used personal property or equipment totaling \$150,000 or more, the district shall attempt to obtain three competitive quotes. The district will keep a written record of the source and amount of quotes received. If three quotes are not available, a written record must be made of the attempt to obtain quotes.

Findings of Fact

- a. The district is responsible to manage expenditures in the best interests of the public. Cost savings can be achieved through the procurement of used property and equipment. The district purchases used property and equipment when it meets the district’s needs and is cost effective. Considerations include type, quality, quantity and estimated useful life of the used item.
- b. Used equipment and property becomes available sporadically and without notice. Used equipment and property is generally sold on a first-come, first-served basis. When used property or equipment does become available, the district must be able to respond immediately in order to obtain the property or equipment.
- c. Some types of property or equipment may not be readily available in the new goods market. The district may have to look for used items to fill the need.
- d. Competition to provide used property and equipment may be very limited and inconsistent, depending on the type of product.
- e. The district maintains vendor lists which include information on whether a vendor provides used property or equipment. These lists are open to all vendors.

² When contracting with another governmental entity, a district has a statutory exception under ORS 279A.025. The district may purchase state/federal surplus property through the Department of Administrative Services, State Services Division for Surplus Property. For more information on this program, contact DAS at 503-378-4714.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts. The purchase of used property or equipment depends on an inconsistent, sporadic market. When a used item is available, there is often little competition available. Sources for used items of the type, quality and quantity required by the district are inconsistent. This rule requires the district to attempt to obtain and document quotes as appropriate to the dollar amount of the purchase. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. The cost of used equipment or property is generally substantially less than that of new. Savings of 20 percent to 50 percent are not uncommon. Used equipment can provide good value to the district and help ensure the continuation of district services and programs.

9. Information Technology Contracts

The district may enter into a contract to acquire information technology hardware and software without competitive bidding subject to the following conditions:

- a. If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals;
- b. If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules, and shall solicit written proposals in accordance with the requirements of the *Attorney General's Model Public Contract Rules*. The district shall document the evaluation and award process, which will be part of the public record justifying the award;
- c. If the amount of the contract is estimated to exceed \$75,000, the district shall provide proposers an opportunity to review the evaluation of their proposals before final selection is made.

Findings of Fact

- a. Rapid changes in technology make it necessary for the district to be able to purchase needed computer equipment quickly.
- b. Pricing for high-technology equipment also changes rapidly. It is frequently possible to take advantage of frequent price changes in the marketplace in the purchase of computer equipment.
- c. There is generally sufficient competition among vendors of information technology hardware and software for district business.
- d. The district will follow rules governing special procurements and obtain at least three informally solicited quotes for purchases less than or equal to \$150,000.
- e. If the district requires a brand name or sole source product, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure it.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of district contracts or substantially diminish competition for district contracts. The purchase of information technology hardware and software will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of information technology hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

10. Telecommunications Systems - Hardware and Software Contracts

- a. The district may enter into a contract to acquire telecommunications system hardware and software, without competitive bidding, subject to the following conditions:
 - (1) If the contract amount does not exceed \$150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
 - (2) If the contract amount exceeds \$150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules and shall solicit written proposals in accordance with the requirements of Chapter 137, Divisions 047 and 049 of the *Attorney General's Model Public Contract Rules*. The district shall document the evaluation and award process, which will be part of the public record justifying the award.
- b. The telecommunications solicitation authorized in subsection 10.a.(1) of these rules shall:
 - (1) State the contractual requirements in the solicitation document;
 - (2) State the evaluation criteria to be applied in awarding the contract and the role of any evaluation committee. Criteria that would be used to identify the proposal that best meets the district's needs may include, but are not limited to, cost, quality, service and support, compatibility, product or system reliability, vendor viability and financial stability, operating efficiency and expansion potential;
 - (3) State the provisions made for bidders or proposers to comment on any specifications which they feel limit competition.

Findings of Fact

- a. Rapid changes in technology make it necessary for the district to be able to purchase needed telecommunications hardware and software quickly.
- b. Since deregulation, there is generally adequate competition among vendors of telecommunication hardware and software to allow the district to make competitive purchases.
- c. Pricing for telecommunications hardware and software also changes frequently. It is important for the district to take advantage of price competition in the marketplace.

- d. The district will follow procedures governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases over \$10,000 but less than or equal to \$150,000.
- e. If a purchase of telecommunications hardware or software is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract Rules*.
- f. There are also times when the district needs to purchase specific items that are compatible with current equipment. On these occasions, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to make the purchase.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. The purchase of telecommunications hardware and software will be made in accordance with other competitive bidding rules herein. If the anticipated purchase is over \$150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

11. Telecommunications Services

- a. The district shall secure the most competitive, cost-effective telecommunications services of the quality needed to meet all service performance requirements while minimizing administrative and service delivery costs. The district will use routine purchasing procedures whenever possible, but if necessary, the district can consider alternative procurement methods in accordance with this rule.

The district will generally follow the normal competitive procurement processes in obtaining telecommunications services. This process will only be used if necessary where there is a lack of sufficient competition to furnish needed services.

- b. In determining the appropriate procurement method for telecommunications services, the district shall comply with the requirements of ORS 291.038 and determine whether competition exists. In determining whether competition exists, the district may consider the following factors:
 - (1) The extent to which alternative providers exist in the relevant geographic and service market; the greater area of Curry County;
 - (2) The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance. For example, if the district requires digital services, analog services are not comparable or substitutable. If the district requires fiber optic technology, then copper, microwave or satellite transmission technology may not be comparable or substitutable;

(3) The extent to which alternative providers can respond to the district's interest in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management and limiting district liability. For example, to be considered as the district's long-distance service provider, any long-distance service vendor must be able to meet, support and interface with the district's centralized automated billing requirements. The district must document for the record its findings on these factors or any other factors used in determining whether competition exists. In developing its findings, the district may solicit the information either through informal telephone or written contacts or through a formal solicitation such as an RFP.

- c. If the district determines that competition does not exist in the area for the relevant service, the district may proceed to secure the service on a sole source basis, as described in the district's rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements.

Findings of Fact

- a. Since deregulation, there is generally adequate competition among vendors of telecommunication services to allow the district to make competitive procurements.
- b. Since there is competition, price competition exists in the marketplace. It is important for the district to take advantage of existing competition.
- c. The district will follow its rules governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than or equal to \$150,000. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
- d. If a purchase of service is expected to cost more than \$150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract Rules*.
- e. There may be occasions where there is limited competition that can furnish telecommunications services of the quality and extent required by district operations. In such instances, the district will follow this rule and also its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure needed services from the sole source.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Routinely, the purchase of telecommunications services will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over \$150,000, the district will advertise its need, issue a written solicitation document and invite written bids or proposals to be furnished in response.

There may be circumstances, however, where sufficient competition does not exist in the relevant geographic and service market area. In such cases, the district will follow this rule in determining whether sufficient competition exists to make a competitive procurement.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur. The rule also states the steps to be taken to document situations where sufficient competition may not exist and a sole source purchase needs to be made.

12. Hazardous Material Removal; Oil Cleanup

- a. The district may enter into public contracts without competitive bidding, regardless of dollar amount, when ordered to clean up oil or hazardous waste pursuant to the authority granted to the Oregon Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through 466.680. In exercising its authority under this exemption, the district shall:
 - (1) To the extent reasonable under the circumstances, encourage competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods and services;
 - (2) Make written findings describing the circumstances that require the cleanup or maintain a copy of the DEQ order for the cleanup;
 - (3) Record the measures taken under a.1. of this rule to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the contractor to whom award is made.
- b. The district shall not contract pursuant to this special procurement in the absence of an order from the DEQ to clean up a site which includes a time limit that would not allow the district to hire a contractor under normal competitive bidding procedures. Goods and services to perform other hazardous material removal or cleanup will be purchased in accordance with normal competitive bidding procedures as described in Board policy with this administrative regulation.

Findings of Fact

- a. When the DEQ orders a public agency to remove or clean up hazardous material or oil, the public agency must respond within a very short time, which is stated in the DEQ order. This time period does not generally allow the agency to take the time necessary to solicit written bids or proposals for the work to be performed. The district would be liable for any delay in responding to DEQ orders to perform hazardous material removal or cleanup.
- b. This exemption will not be used in those situations where there is no DEQ order to remedy the situation. Routine competitive procurement methods will be used where there is no DEQ order to act immediately. The district maintains open lists of vendors who are interested in providing hazardous material removal and cleanup services. Whenever it needs hazardous material removal or disposal, the district makes use of these lists to solicit quotes, bids or proposals as needed, in addition to advertising the procurement as required.
- c. Cost savings are achieved through this exemption because the district can be liable for DEQ penalties and fines if it does not timely remove hazardous materials or oil as ordered. There is also serious risk in these situations that property damage or personal injury could result if the district is slow to act.

Conclusions of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279B.085 (3)(a). If it is under DEQ order to act immediately, the district will still attempt to obtain competitive quotes for the work to be performed as it has the ability and time to do so. Unless the district is faced with the quasi-emergency situation of a DEQ order to remove or clean up hazardous waste or oil, it will follow normal competitive procedures to obtain these services.

The award of public contracts pursuant to this special procurement will result in a cost savings to the district in these situation, as required by ORS 279B.085 (3)(b), because the district must comply with the law and avoid and minimize risk to persons and property. Where possible, it will seek competitive quotes for the work to be performed and will award the contract to the lowest, responsive and responsible bidder.

13. Renegotiation of Existing Contracts with Incumbent Contractors

- a. The district may amend or renegotiate contracts with existing vendors, service providers or other parties subject to the limitations of this rule.
- b. The district has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this special procurement procedure.
- c. The renegotiated contract falls within a current special procurement procedure, but if not the LCRB must approve a separate special procurement.
- d. The district may renegotiate certain terms, but they must not unreasonably alter the scope of the original contract.

Findings of Fact

- a. The LCRB may amend contracts when it is in the best interest of the district. The superintendent and/or other designee, acting on behalf of the LCRB, may renegotiate certain provisions, including:
 - (1) Price;
 - (2) Term;
 - (3) Delivery and shipping;
 - (4) Order size;
 - (5) Substitution;
 - (6) Warranties;
 - (7) Online ordering systems;
 - (8) Price adjustments;
 - (9) Product availability;
 - (10) Product quality;
 - (11) Reporting requirements; or
 - (12) Discounts.

Any contract amendment will be supported by legal consideration when necessary to validate the amended provision.

- b. The amended terms must be within a reasonable scope of the original contract, but not fundamentally alter the agreement or nature of goods or services. Districts may, however, request functionally equivalent substitutes for goods or services in the original contract.
- c. The contract as a whole must be more favorable to the individual needs of the district to justify renegotiation. Cost may be a factor in determining what is a favorable change to the original

contract, but the district may use factors other than cost that demonstrate that the amended contract is more favorable to the unique needs of the district.

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Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in awarding public contracts because it already exists as a contract awarded in compliance with the district's special procurement and public contracting code.

The awarding of contracts under this special procurement will result in cost savings to the district when it need to renew its original contract with vendors, service providers or other parties, or otherwise substantially promote the public interest.

EXEMPTIONS FROM COMPETITIVE BIDDING

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

1. Contracts which have been specifically exempted under ORS 279A.025 and 279C.335; and
2. Contracts covered by the class exemptions in the following set of rules developed pursuant to ORS 279C.335 (2) and (5) and based on Oregon Administrative Rules, Chapter 137, Divisions 46 through 49.

The Board, acting as the Local Contract Review Board (LCRB) for the district, has made the findings required by ORS 279C.330, ORS 279C.335 and ORS 279C.345, and determined that awarding a contract under this exemption is unlikely to encourage favoritism or substantially diminish competition for the public contract and will likely result in a substantial cost savings and other substantial benefits to the district.

In approving a finding under this section, the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

1. How many persons are available to bid;
3. The construction budget and the projected operating costs for the completed public improvements;
4. Public benefits that may result from granting the exemption;
5. Whether value engineering techniques may decrease the cost of the public improvement;
6. The cost and availability of specialized expertise that is necessary for the public improvement;
7. Any likely increases in public safety;
8. Whether granting the exemption may reduce risks to the district or the public that are related to the public improvement;
9. Whether granting the exemption will affect the sources of funding for the public improvement;
10. Whether granting the exemption will better enable the district to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;

11. Whether granting the exemption will better enable the district to address the size and technical complexity of the public improvement;
12. Whether the public improvements involves new construction or renovates or remodels an existing structure;
13. Whether the public improvement will be occupied or unoccupied during construction;
14. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
15. Whether the district has or has retained under contract, and will use district personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the district will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

Only these findings are required for each class or individual contract exemption, unless the LCRB specifically excludes a finding or includes an additional finding.

Promulgation of these exemptions can only occur after public notification and a public hearing to receive testimony pertaining to the draft exemptions and findings, pursuant to ORS 279C.355.

1. Brand Names or Products, “Or Equal,” Single Seller and Sole Source

- a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
- b. The district has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this exemption.
- c. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections d. and e. of this rule.
- d. The district may specify a particular brand name, make or product suffixed by “or equal,” “or approved equal,” “or equivalent,” “or approved equivalent” or similar language if there is no other practical method of specification after documenting the procurement file with the following:
 - (1) A brief description of the solicitation(s) to be covered, including contemplated future purchases;
 - (2) Description of the brand name, mark or product to be specified; and
 - (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:
 - (a) The use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
 - (b) Specification of the brand name, mark or product would result in substantial cost savings to the district; or

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- (c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
 - (d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.

(4) The district shall make reasonable effort to notify all known suppliers of the specified product and invite such vendors to submit competitive bids or proposals.

E

e. The district may purchase a particular product or service available from only one source, after documenting the procurement file with the district's findings of current market research to support the determination that the product is available from only one seller or source. The district's findings shall include:

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- (1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
 - (2) Description of the product or service to be purchased; and
 - (3) The reasons the district is seeking this procurement method, which shall include any of the following:

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- (a) That the efficient utilization of existing equipment, supplies or services requires the acquisition of compatible equipment, supplies or services; or
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available for only one source; or
 - (c) That the goods or services are for use in a pilot or an experimental project; or
 - (d) Other findings that support the conclusion that the goods or services are available from only one source.

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(4) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.

F

f. The district may specify a product or service available from only one manufacturer but available through multiple sellers, after documenting the procurement file with the following information:

- E**
- (1) If the total purchase is over \$10,000 but does not exceed \$100,000, and a comparable product or service is not available under an existing state cooperative purchasing contract, competitive quotes shall be obtained by the district and retained in the procurement file; or
 - (2) If the amount of the purchase exceeds \$100,000, the product or service shall be obtained through competitive bidding unless a specific exemption is granted by the LCRB.

g. If the district intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed five years, the district will so state in the solicitation file and in the solicitation document, if any. Such documentation shall be sufficient notice as to subsequent purchases. If the total purchase amount is estimated to exceed \$100,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law

It is unlikely that this process will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts, as required by ORS 279C.335 (2)(a).

This class exemption applies only to contracts under a limited dollar amount, and then, only after efforts to obtain competitive quotes are made, or other methods have been employed to ensure that competitive means are used if available. The district maintains open lists from which vendors are contracted for quotations. In addition, as required by ORS 279C.335 (2)(b) award of a public contract subject to the above described exemption should likely result in substantial cost savings or other substantial benefits to the district by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.

2. Product Prequalification

- a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:
 - (1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and
 - (2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.
- b. The district has determined that special expertise required, generally, does not apply to this rule.
- c. If the district denies an application for inclusion of a product on its list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within 7 calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

- a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It

would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

- b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
- c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
- d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
- e. Subsection c. of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this exemption will encourage favoritism in the awarding of public contracts or diminish competition for such contracts as required by ORS 279C.335 (2)(a). There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to contract award. If the prequalification method is chosen, it will likely result in a substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b) because the normal method of product selection is too cumbersome and costly to pursue.

3. Requirements Contracts (Blanket Purchase Orders, Price)³

- a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among schools and departments and reducing lead time for ordering.
- b. The district has determined that value engineering, specialized expertise required, public safety and technical complexity generally, do not apply to this rule.
- c. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is let by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.
- d. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
- e. Schools and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the superintendent or designee.
- f. Under the authority of ORS 279A.025 and 279C.335, the district may use the requirements contract entered into by another Oregon public agency when:
 - (3) The original contract met the requirements of the public contracting code; and
 - (4) The original contract allows other public agency usage of the contract; and
 - (5) The original public contracting agency concurs and this is documented by a written interagency agreement between the district and the agency.
- g. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise exempted pursuant to ORS 279C.335.

Findings of Fact

- a. This rule permits the district to enter into requirements contracts, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, building, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.
- b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among school, buildings and departments and reducing lead time for ordering.
- c. The district establishes requirements contracts as a result of open competitive bidding or RFP processes, unless otherwise exempted.

³ The Oregon Procurement Information Network (ORPIN) allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized ORCPP members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc., is available.

- d. The district limits the term of requirements contracts, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise exempted.
- e. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

Conclusion of Compliance with Law

It is unlikely that this exemption will result in favoritism in the awarding of public contracts or diminish competition for such contracts, as required by ORS 279C.335 (2)(a). The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will likely result in a substantial cost savings and other substantial benefits to the district, as required by ORS 279C.335 (2)(b). It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

4. Waiver of Bid Security Requirements (Public Improvement Contracts under \$100,000)

The LCRB may, at its discretion, waive the bid security requirements of ORS 279C.390, if the amount of the contract for the public improvement is less than \$100,000. Although the bid security requirements of ORS 279C.390 are waived for public improvement contracts under \$100,000, the district may impose a bid or quote security requirements for projects under \$100,000, when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

This rule allows the LCRB to waive bid security requirements for certain public improvement contracts. Waiver of the bid security is provided for by statute without a requirement for findings.

5. Waiver of Performance and Payment Security Requirements (Public Improvement Contracts under \$100,000)

The LCRB may, at its discretion, waive the performance/payment security requirements of ORS 279C.390 if the amount of the contract for the public improvement is less than \$100,000. Although the performance/payment security requirements of ORS 279C.390 are waived for public improvement contracts less than \$100,000, the district may impose a performance/payment security requirement for projects less than \$100,000 when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

This rule allows the LCRB to waive performance/payment security requirements for certain public improvement contracts. Waiver of the performance/payment security is provided for by statute without a requirement for findings.

6. Projects with Complex Systems or Components

- a. For contracts for public improvements with significant components that are inherently complex and are also complex to procure through competitive bid, the district may, at its discretion, use RFP competitive procurement methods subject to the conditions described in ORS 279C.400 and conditions enumerated in this exemption.
- b. Definitions. For purposes of this exemption only: “Complex Systems” are defined as those systems which incorporate the procurement of materials or other components which are difficult, if not impossible, to create in an “equal” specifications basis for competitive bid. Examples of such systems include but are not limited to, contracts for supplying and installing computerized controls for building heating, venting, air conditioning systems; and contracts for artificial surface outdoor multipurpose athletic fields. “Significant” is intended to mean something more than de minimus, but not necessarily the majority of the project as determined by cost.

Finding of Fact/Conclusion of Compliance with the Law

It is unlikely that this exemption will encourage favoritism in the awarding of the public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). Contracts for public improvements occasionally incorporate the procurement of systems, materials, or other components (complex systems) for which it is extremely difficult to design bid specifications. In these situations, utilization of an RFP process where each of the systems can be evaluated utilizing a number of factors, in addition to price, will likely result in substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b).

ORS 279C.400 enumerates how RFP’s are to be used if authorized by the LCRB. This criteria, ensures that competitive means will be used and selection will be fair and impartial. As a result, it is unlikely that this process will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). The awarding of contracts pursuant to this process will result in optimal value to the district based on selection by the district of the best competitive proposal that meets the stated evaluative criteria.

This class exemption is intended to be used for the types of procurements describe in the findings, where the specific system, materials or components represent a significant portion of the project. This class exemption **is not** intended to be used for CM/GC projects or other methods of alternative procurement unless these projects meet the requirements of this class exemption. The CM/GC and others, not meeting the requirements of this class exemption, may still be procured by RFP, provided that a project or contract specific exemption is promulgated by the LCRB.

Brookings-Harbor School District 17C

Code: DJCA-AR
Revised/Reviewed: 1/15/14

Personal Services Contracts

(Delete)

1. Personal Services Contracts Defined

- a. Personal services contracts include, but are not limited to: a contract or member of a class of contracts, that the local contracting agency's Local Contract Review Board (LCRB) has designated as a personal services contract pursuant to ORS 279A.055. Personal services include but are not limited to the following:
 - (1) Contracts for services performed as an independent contractor in a professional capacity (e.g., services of an accountant, attorney, data processing consultant, etc.);
 - (2) Contracts for services as an artist in the performing or fine arts (e.g., photographer, painter, etc.);
 - (3) Contracts for services that are specialized, creative and research oriented;
 - (4) Contracts for services as a consultant;
 - (5) Contracts for educational consulting services.
- b. Personal services contracts may include: (1) public contracts for architectural, engineering and land surveying and related services; or (2) other public contracts for nonconstruction services.

2. Eligibility

The district will follow ORS 670.600, Public Employees Retirement System (PERS) rules OAR 459-010-0030 and Internal Revenue Service (IRS) Ruling 87-41 in determining whether the individual or business entity qualifies as an independent contractor or is an employee of the district. A valid independent contractor must meet all eight of the following points:

State requirements¹:

- a. The contractor must be free from the direction and the control of the employer;
- b. The contractor must obtain required business licenses;
- c. The contractor must furnish necessary tools and equipment;
- d. The contractor has authority to hire and fire employees;
- e. The contractor is paid on completion of portions of projects or on a retainer basis;
- f. The construction contractor must be registered under ORS Chapter 701 (For more information call the Construction Contractors Board at 503-378-4621 in Salem.);
- g. The contractor must file appropriate business tax returns;
- h. The contractor must represent to the public that the labor or services are provided by an independent business.

¹ See ORS 670.600 for complete listing.

PERS requirements:

In determining whether an individual is an employee or independent contractor for PERS contribution purposes, the district will consider the following factors:

- a. Instructions. An employee must comply with instructions about when, where and how to work. Even if no instructions are given, the control factor is present if the employer has the right to control how the work results are achieved;
- b. Training. An employee may be trained to perform services in a particular manner. Independent contractors ordinarily use their own methods and receive no training from the purchasers of their services;
- c. Integration. An employee's services are usually integrated into the business operations because the services are important to the success or continuation of the business. This shows that the employee is subject to direction and control;
- d. Services rendered personally. An employee renders services personally. This shows that the employer is interested in the methods as well as the results;
- e. Hiring, supervising and paying assistants. An employee works for an employer who hires, supervises and pays workers. An independent contractor can hire, supervise and pay assistants under a contract that requires him/her to provide materials and labor and to be responsible only for the result;
- f. Continuing relationship. An employee generally has a continuing relationship with an employer. A continuing relationship may exist even if work is performed at recurring although irregular intervals;
- g. Set hours of work. An employee usually has set hours of work established by an employer. An independent contractor generally can set his/her own work hours;
- h. Full-time required. An employee may be required to work or be available full-time. This indicates control by the employer. An independent contractor can work when and for whom he/she chooses;
- i. Doing work on employer's premises. An employee usually works on the premises of an employer, or works on a route or at a location designated by an employer;
- j. Order or sequence set. An employee may be required to perform services in the order or sequence set by an employer. This shows that the employee is subject to direction and control;
- k. Oral or written reports. An employee may be required to submit reports to an employer. This shows that the employer maintains a degree of control;
- l. Payment by hour, week, month. An employee is generally paid by the hour, week or month. An independent contractor is usually paid by the job or on a straight commission;
- m. Payment of business and/or traveling expenses. An employee's business and travel expenses are generally paid by an employer. This shows that the employee is subject to regulation and control;
- n. Furnishing of tools and materials. An employee is normally furnished significant tools, materials and other equipment by an employer;
- o. Significant investment. An independent contractor has a significant investment in the facilities he/she uses in performing services for someone else;
- p. Realization of profit or loss. An independent contractor can make a profit or suffer a loss;
- q. Working for more than one employer at a time. An independent contractor is generally free to provide his/her services to two or more unrelated persons or firms at the same time;

- r. Making service available to general public. An independent contractor makes his/her services available to the general public;
- s. Right to discharge. An employee can be fired by an employer. An independent contractor cannot be fired so long as he/she produces a result that meets the specifications of the contract;
- t. Right to terminate. An employee can quit his/her job at any time without incurring liability. An independent contractor usually agrees to complete a specific job and is responsible for its satisfactory completion, or is legally obligated to make good for failure to complete it.

IRS requirements:

Additionally, in determining employee or independent contract status for purposes of the Federal Insurance Contributions Act (FICA), the Federal Unemployment Tax Act (FUTA) or for federal income tax withholding from wages, the district will consider:

- u. Behavioral control. A worker is an employee when the district has the right to direct and control the worker;
- v. Financial control. A worker is an independent contractor if he/she can realize a profit or incur a loss. The individual may also be an independent contractor if he/she is not reimbursed for some or all business expenses, especially if those expenses are high or if he/she has a significant investment in his/her work;
- w. Relationship of the parties. Facts weighed by the district will include any written contracts describing the relationship the parties intended to create; the extent to which the worker is available to perform services for other similar businesses; whether the district provides the worker with employee-type benefits, such as insurance, vacation pay or sick pay; and the permanency of the relationship.

2. Personal Services Contracts - Procurement Requirements

- a. Contracts for personal services less than \$25,000 within a 12-month period, shall, where practical, be based on written or verbal quotes or may be procured through direct negotiations with the contractor.
- b. Contracts for personal services greater than \$25,000 that do not exceed \$75,000 may be based on three written or verbal quotes, or response to a request for proposal (RFP) as deemed appropriate by the superintendent or designee.
- c. Contracts for personal services greater than \$75,000 shall be based on written solicitations, request for qualifications, or the request for proposal (RFP) process.
- d. The district may enter into a personal services contract when the amount of the services does not exceed \$100,000 without obtaining quotes or utilizing the RFP process when only one contractor or sole source provides the services as follows:

- (1) The superintendent or designee shall make the following written findings for inclusion in the contract file:
 - (a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services;
 - (b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source;
 - (c) That the goods or services are for use in a pilot or an experimental project; or

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- (d) Other findings that support the conclusion that the goods or services are available from only one source.
- E**
- e. If the cost of the services is more than \$100,000, the district may award a contract on a sole source basis, only with Board approval and if prior to the award:
 - (1) Notice of the district's intent to contract for the services, including the general specifications of the intended contract, is advertised in at least one newspaper or trade journal of general circulation in the area where the services are to be performed;
 - (2) The advertised notice is published at least 14 days before award of contract to allow prospective contractors a reasonable opportunity to submit a protest of the district's intent to contract through the sole source process unless the superintendent gives prior written approval to reduce the number of days based on extraordinary circumstance that do not meet the criteria for an Emergency Procurement pursuant to OAR 137-047-0280; and
 - (3) The protest shall be submitted in writing to the district by the closing date and time of the advertisement notice. It shall state the reason the contract should be competitively solicited.
- L**

Protests shall be heard by the Board, whose decision shall be final.

4. ITB/RFP Requirements

- E**
- a. An invitation to bid (ITB) or (RFP) will be used as a formal competitive solicitation that describes the specific services to be performed within a defined period of time. The solicitation will set forth criteria and methods for screening, selecting and ranking the most qualified proposal(s). The solicitation document may result in contracts with more than one provider.
 - b. The solicitation document must provide that the district is not responsible for any cost incurred while submitting proposals and that all proposers who respond do so at their own expense.
 - c. The solicitation document must, at a minimum, address the following:
 - (1) Requirements for solicitation documents under ORS 279B.055 (2) and 279B.060 (2):
 - (a) A time and date by which the bids or proposals must be received and a place at which bids must be submitted, and may, in the sole discretion of the contracting agency, direct or permit the submission and receipt of bids or proposals by electronic means;
 - (b) The name and title of the person designated for receipt of bids or proposals and the person designated by the contracting agency as the contact person for the procurement, if different;
 - (c) A procurement description;
 - (d) A time, date and place that prequalified applications, if any, must be filled and the classes of work, if any, for which bidders must be prequalified in accordance with ORS 279B.120;
 - (e) A statement that the contracting agency may cancel the bid or procurement, or reject any of all bids in accordance with ORS 279B.100;
- T**
- E**

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- (f) A statement that “Contractors shall use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this document.” if the invitation to bid is issued by a state contracting agency;
- (g) A statement that requires the contractor or subcontractor to possess an asbestos abatement license, if required under ORS 468A.710; and
- (h) All contractual terms and conditions applicable to the procurement.

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(2) Requirements for solicitation documents under OAR 137-047-0255 (2) and 137-047-0260 (2):

(a) General Information.

(i) Notice of any pre-offer conferences as follows:

- 1) The time, date and location of any pre-offer conferences; and
- 2) Whether attendance at the conference will be mandatory or voluntary; and
- 3) A provision that provides that statements made by the contracting agency’s representatives at the conference are not binding upon the contracting agency unless confirmed by written addendum;

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- (ii) The form and instructions for submission of proposals and any other special information, (e.g., whether proposals may be submitted by electronic means);
- (iii) The time, date and place of opening;
- (iv) The office where the solicitation document may be reviewed;
- (v) For bidders, a statement whether the bidder is a “resident bidder,” as defined in ORS 279A.120 (1);
- (vi) Contractor’s certification of nondiscrimination in obtaining required subcontractors in accordance with ORS 279A.110 (4); and
- (vii) How the contracting agency will notify proposers of addenda and how the contracting agency will make addenda available.

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(b) Contracting Agency Need.

The character of the goods and services the contracting agency is purchasing including, if applicable, a description of the acquisition, specifications, delivery or performance schedule, inspection and acceptance requirements.

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(c) Bid/Proposal and Evaluation Process.

- (i) The anticipated solicitation schedule, deadlines, protest process, and evaluation process.
- (ii) The contracting agency shall set forth selection criteria in the solicitation document in accordance with the requirements or ORS 279B.060 (2)(h)(E).
- (iii) If the contracting agency intends to award contracts to more than one proposer pursuant to OAR 137-047-0600 (4)(d), the contracting agency must identify in the solicitation document the manner in which it will determine the number of contracts it will award.

D

- (d) Applicable preferences described in ORS 279A.125 (2) and 282.210.
- (e) For contracting agencies subject to ORS 305.385, contractor's certification of compliance with the Oregon tax laws in accordance with ORS 305.385.
- (f) All contract terms and conditions, including a provision indicating whether the contractor can assign the contract, delegate its duties, or subcontract the goods or services without prior written approval from the contracting agency.

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- d. Bids or proposals must be advertised at least once in a newspaper of general circulation in the area where the contract is to be performed and in as many additional issues and publications as may be necessary or desirable to achieve adequate competition unless the contracting agency uses electronic advertising.
- e. Unless otherwise specified in rules adopted pursuant to ORS 279A.065, the LCRB will give notice at least seven days before the solicitation closing date.
- f. All advertisements shall describe at minimum the requirements under OAR 137-047-0300 (3):

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- (1) Where, when, how, and for how long the solicitation document may be obtained;
- (2) A general description of the goods or services to be acquired;
- (3) The interval between the first date of notice and closing, which will be at least seven days, unless a shorter period is in the public interest and it will not substantially affect competition;

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- (4) The date that persons must file applications for prequalification if prequalification is a requirement and the class of goods or services is one for which persons must be prequalified;
- (5) The office where contract terms, conditions and specifications may be reviewed;
- (6) The name, title and address of the individual authorized by the contracting agency to receive offers;
- (7) The scheduled opening; and
- (8) Any other information the contracting agency deems appropriate.

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5. Screening and Selection Procedures

a.

The superintendent or designee shall review, score and rank all responsive proposals according to the evaluation criteria in the ITB or RFP and applicable law. The contracting agency will award the contract to the lowest responsible bidder or proposer or multiple responsible bidders or proposers in accordance with ORS 279B.055 (10) and 279B.060 (10), and OAR 137-047-0600.

b.

To determine whether the bidder or proposer has met the standards of responsibility under ORS 279B.110 (2) and OAR 137-047-0640 (1)(c)(F), the LCRB will consider whether the bidder or proposer has:

- (1) Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain the resources and expertise, necessary to indicate the capability of the bidder or proposer to meet all contractual responsibilities;

- (2) A satisfactory record of performance.² The contracting agency will document in the solicitation file its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;
 - (3) A satisfactory record of integrity.³ The contracting agency will document its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;
 - (4) Qualified legally to contract with the contracting agency;
 - (5) Supplied all necessary information in connection with the inquiry concerning responsibility. If an offeror fails to promptly supply information requested by the contracting agency concerning responsibility, the contracting agency shall base the determination of responsibility upon any available information, or may find the bidder or proposer not to be responsible; and
 - (6) Not been debarred by the contracting agency under ORS 279B.130.
- c. Final ranking will be based on all information obtained during the evaluation process. Price will be considered, but will not necessarily govern selection of the contractor(s).
 - d. Contracts entered into may be amended, provided the original contract allows for the particular amendment and the services to be provided under the amendment are included within or directly related to, the scope of the project or the scope of the services described in the solicitation document.

6. Documentation

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

7. Fingerprinting

If the scope of the work performed by a contractor(s) or his/her employee(s) may result in direct, unsupervised contact with students, he/she will be required to submit to fingerprinting and criminal records checks as required by law.

8. Payment

Payment will be made only upon completion of the performance of specific portions of the project or on the basis of an annual or periodic retainer as specified by the district in the personal services contract.

² A contracting agency should review carefully the offeror’s record of contract performance if the offeror is or recently has been materially deficient in contract performance. In reviewing the offeror’s performance, the contracting agency should determine whether the offeror’s deficient performance was expressly excused under the terms of the contract, or whether the offeror took appropriate corrective action. The contracting agency may review the offeror’s performance on both private and public contracts.

³ A contracting agency may determine that an offeror lacks integrity because of a lack of business ethics such as a violation of environmental laws or false certification made to the contracting agency. A contracting agency may find that an offeror is not responsible based on a lack of integrity of a person having influence or control over the offeror.

Brookings-Harbor School District 17C

Code: **EBBA-AR**
Adopted: 12/07/92
Revised/Readopted: 10/22/03; 1/15/14
Orig. Code: EBBA-AR

First Aid - Infection Control

(Delete)

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

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

Those who administer first aid, provide physical care or may otherwise incur occupational exposure to blood or other potentially infectious materials as determined by the district, will be specifically protected through the district’s Exposure Control Plan. The following procedures are a review for all staff and students of appropriate hygienic and sanitation practices:

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

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

5. If exposure to blood or other potentially infectious materials occurs through coughing, any first-aid procedure, or through an open sore or break in the skin, thorough washing, preferably with germicidal soap, is necessary;
6. In the event hand-washing facilities are not readily available, thorough cleaning using an antiseptic cleanser and clean cloth/paper towels or antiseptic towelettes provided by the district as an alternative is necessary. In the event alternatives are used, hands must be washed with soap and running water as soon as feasible;
7. Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures; immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials; and at the end of the work shift if the surface may have become contaminated since the last cleaning. Clean surfaces with soap and water and then rinse with an Environmental Protection Agency (EPA)-approved disinfectant² following labeling instructions for use, or a freshly made solution of one part bleach to nine parts water, and allow to air dry. These surfaces include equipment, counters, mats (including those used in physical education classes and athletic events), toys or changing tables;
8. An EPA-approved disinfectant must be used when cleaning fluids such as blood or vomit from the floor or other such contaminated surfaces;
9. Contaminated laundry such as clothing and towels must be placed and transported in bags and containers in accordance with the district's standard precautions. All such items must be laundered in hot or cold water and soap and placed in a dryer;
10. Needles, syringes, broken glassware and other sharp objects found on district property must not be picked up by students at any time, nor by staff without appropriate puncture-proof gloves or mechanical device such as a broom, brush and dust pan. Any such items found must be disposed of in closable, puncture-resistant, leakproof containers that are appropriately labeled or color-coded;
11. All wastebaskets used to dispose of potentially infectious materials must be lined with a plastic bag liner that is changed daily;
12. Gloves and repellent gowns, aprons or jackets are required for tasks in which exposure to blood or other potentially infectious materials can be reasonably anticipated to contaminate street clothing. Type and characteristics of such protective clothing will depend on the task. Such tasks may include diapering/toileting with gross contamination, assisting with wound care, sorting or bagging contaminated laundry/clothing and disposing of regulated waste with gross contamination;
13. Maximum protection with gloves, face and/or eye protection and gowns are required whenever splashes, spray, spatter or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated. Such tasks may include feeding a student with a history of spitting or forceful vomiting and assisting with severe injury and wound with spurting blood;

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

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

Additional Precautions

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

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

Brookings-Harbor School District 17C

Code: GBEB-AR
Revised/Reviewed: 3/07/18; 10/21/20
Orig. Code(s): GBEB-AR; JHCC-AR

Communicable Diseases – Staffin Schools

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

1. “Restrictable diseases” are defined by rule¹ and include but are not limited to COVID-19², chickenpox, diphtheria~~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 in a child who~~if~~, in the opinion of the local health officer, the person-poses an unusually high risk to other children~~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 Board policy³ or by the local public health administrator after determining that it poses a danger to the public’s health.~~
2. “Susceptible” for a child means lacking documentation of immunization required under OAR 333-050-0050, or if immunization is not required, lacking evidence of immunity to the disease.
3. “Susceptible” for an a school employee means lacking evidence of immunity to the disease.
4. “Reportable diseases” means a disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health.

Restrictable Diseases

1. ~~An~~ A student or employee of the district will not attend school or work, respectively, at a district school or facility while in a communicable stage of a restrictable disease, ~~including a communicable stage of COVID-19⁴~~, unless authorized to do so under Oregon law. When an administrator has reason to suspect that a student or an employee has a restrictable disease, the administrator shall send ~~them~~ the employee home.

¹ OAR 333-019-0010 lists restrictable diseases.

² Added per OAR 333-019-1000(2).

³ “OAR 333-019-0010(7) Nothing in these rules prohibits a school or children’s facility from adopting more stringent exclusion standards under ORS 433.284.”

⁴ “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19.

2. An administrator shall exclude a susceptible student or an employee if the administrator has reason to suspect they have that an employee 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 or designee may will report the occurrence to the local health department.
- ~~3. An administrator shall exclude an employee if the administrator has been notified by a local public health administrator or local public health officer that the employee has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.~~
4. An A student or employee will be excluded in such instances until such time as the student or employee, respectively, presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 - 677.525, a nurse practitioner licensed under ORS 678.375 - 678.390, local health department nurse or school nurse stating that the student or employee does not have or is not a carrier of any restrictable disease.
5. An exclusion An administrator may allow attendance of an employee restricted for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting may be if the restriction has been removed by a school nurse or health care provider.
6. More stringent exclusion standards for students or employees from school or work may be adopted by the local health department.
- ~~7. The district's emergency plan shall address the district's plan with respect to a declared public health emergency at the local or state level.~~

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate district response when the administrator is notified that an employee or a student has been exposed to a restrictable disease which that is also a reportable disease.
3. District staff with impaired immune responses, that are of childbearing age or some other medically fragile condition, should consult with a medical provider for additional guidance⁵.
4. An administrator shall determine other persons who may be informed of an employee's communicable disease, or that of a student's when a legitimate educational interest exists or for health and safety reasons, in accordance with law.

Equipment and Training

⁵ Refer to *Communicable Disease Guidance for Schools* published by the Oregon Health Authority and the Oregon Department of Education.

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

Brookings-Harbor School District 17C

Code: **GBNAB/JHFE-AR(1)**
Adopted: 10/22/03
Revised/Readopted: 8/22/12; 4/15/15; 7/14/15;
5/02/18; 9/12/18; 4/15/20
Orig. Code(s): JHFE-AR(1)

Reporting of Suspected Abuse of a Child

Reporting

Any district employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse¹ shall ~~make a orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) through the centralized child abuse reporting system^[2] 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 person³ adult or student** 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 419.010.~~

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 through or its centralized child abuse reporting system or to a designee or the local law enforcement agency pursuant to ORS 419B.015, and to at the designated licensed administrator or alternate licensed administrator for their school building.~~

The report must contain, ~~if~~ if known, 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 a building principal 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 child~~ 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

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

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

³ "Person" could include adult, student or other child.

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~~ ~~person~~ 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.

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 leave⁴ 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 been 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. If the district determines there is reasonable cause to support the report of suspected abuse, the district shall prohibit the contractor agent or volunteer from providing services. 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 investigated⁵ 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.

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement.

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, a record of the findings of the 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

⁴ The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁵ The district will investigate all reports of suspected abuse, unless otherwise requested by DHS or ~~its designee or law~~ enforcement pursuant to law.

1. Oregon law defines “recognizes these types of abuse” in ORS 419B.005(1):
 - 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 a child in care, as defined in ORS 418.257.
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 suspected abuse of a child or fails to maintain confidentiality of records as required by ~~this policy~~ or this administrative regulation, the employee will be disciplined up to and including dismissal.

Cooperation with Investigator

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

1. Any investigation of abuse of a child will be directed by the DHS or law enforcement officials as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the school administrator, unless the school administrator is the subject of the investigation. When an administrator is notified that the DHS or law enforcement would like to interview a student at school, the administrator must request that the investigating official fill out the appropriate form (See ~~GBNAB~~/JHFE-AR(2) – Abuse of a Child Investigations Conducted on District Premises). The administrator or designee should not deny the interview based on the investigator’s refusal to sign the form. If the student is to be interviewed at the school, the administrator or designee shall make a private space available. The administrator or designee of the school may, at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification the administrator shall refuse access to the student.

Law enforcement officers wishing to remove a student from the premises shall present themselves at the office and contact the administrator or designee. The law enforcement officer shall sign the student out in accordance with district procedures on a form to be provided by the school;

4. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, district employees shall not notify parents or anyone else other than DHS or law enforcement agency and any school employee necessary to enable the investigation;
5. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
6. 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.

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend their 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.

Brookings-Harbor School District 17C

Code: **GBNAB/JHFE-AR(2)**
Revised/Reviewed: 4/15/15; 3/07/18; 9/12/18
Orig. Code(s): JHFE-AR(2)

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).

Investigator Name (Printed)

Name of Agency

Name of Worker's/Investigator's Supervisor

Supervisor Contact Information

Investigator Position and Badge or ID Number

Student Name

School

Investigator Signature

Date

- Investigator refused to sign. District staff should not deny entry based on refusal to sign.

FOR COMPLETION BY DISTRICT STAFF

- Student not available for interview
- Student refused to be interviewed
- Administrator participated in interview

Name of Administrator Notified

Name of Office Staff Involved

Name of Participating Administrator

This form should be placed in a separate secure file and not in the student's file.

Brookings-Harbor School District 17C

Code: GBN/JBA-AR(1)
Revised/Reviewed: 10/21/20; 8/06/24
Orig. Code(s): GBN/JBA-AR

Sexual Harassment Complaint Procedure

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

Name	Position	Phone	Email
<u>Helena Chirinian</u>	<u>Superintendent</u>	<u>541-469-7443</u>	<u>helenac@brookings.k12.or.us</u>

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

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

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

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

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

administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within 30 working days following receipt of the appeal.

If the Board chooses not to hear the complaint, the superintendent's or designee' decision in Step 2 is final¹.

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

Complaints against the principal may start at Step 2 and may be filed with the superintendent or designee. The superintendent or designee will cause the required notices to be provided. The superintendent or designee will investigate the complaint and will notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. If the complaint remains unresolved within 10 working days of receipt by the superintendent or designee, the complainant may appeal to the Board in Step 3.

Complaints against the superintendent or a Board member (other than the Board chair) may start at Step 3 and should be referred to the Board chair on behalf of the Board. The Board chair will cause required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Complaints against the Board chair may start at Step 3 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

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

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

¹ If the Board chooses to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).

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

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

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

Brookings Harbor School District 17C
629 Easy St
Brookings, Oregon 97415
541-469-7443

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____ Date: _____

Brookings Harbor School District 17C
629 Easy St
Brookings, Oregon 97415
541-469-7443

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

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

Signature: _____

Date: _____

Brookings-Harbor School District 17C

Code: **GCDA/GDDA-AR**
Adopted: 11/18/09
Revised/Readopted: 11/14/12; 12/18/13; 7/06/16; ;
11/20/19
3/07/18; 9/12/18

Criminal Records Checks and Fingerprinting

Requirements

1. Any newly hired employee¹, whether full-time or part-time, and not requiring licensure under Oregon Revised Statute (ORS) 342.223 such as a teacher, administrator, personnel specialist or school nurse shall submit to a criminal records check and fingerprinting.
2. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to undergo a criminal records check and fingerprinting with TSPC.
3. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to submit to a criminal records check and fingerprinting with TSPC.
4. Any individual hired as or by a contractor², whether part-time or full-time, hired into a position having direct, unsupervised contact with students as determined by the district shall be required to submit to a criminal records check and fingerprinting.
The superintendent will identify contractors who are subject to such requirements.
5. Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early education program or a kindergarten through grade 12 school site during the regular school day shall be required to undergo a criminal records check and fingerprinting.
6. Any individual who is an employee of a public charter school not requiring licensure under ORS 342.223 shall be required to undergo a criminal records check and fingerprinting.
7. Any volunteer allowed by the district into a position allowing direct, unsupervised contact with students shall undergo an in state criminal records check.

¹ Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

² A contractor's employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

8. Any volunteer allowed to have direct, unsupervised contact with students, into a volunteer position identified in Board policy³ by the district as requiring a fingerprint-based criminal records check, shall undergo a state and national criminal records check based on fingerprints.
9. Any volunteer that is not likely to have direct, unsupervised contact with students will be required to undergo an in state criminal records check.

Exceptions

A newly hired employee⁴ is not subject to fingerprinting if the district has evidence on file that the employee successfully completed a state and national criminal records check for a previous employer that was a school district or private school, and has not resided outside the state between the two periods of employment .

Notification

1. The district will provide the following notification to individuals subject to criminal records checks and fingerprinting:
 - a. Such criminal records checks and/or fingerprinting are required by law or Board policy;
 - b. Any action resulting from such checks completed by the Oregon Department of Education (ODE) that impact employment, contract or volunteering may be appealed as a contested case to ODE;
 - c. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
 - d. A refusal to consent to a required criminal records check and/or fingerprinting shall result in immediate termination from employment, contract status or the ability to volunteer in the district.
 - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts or ODE forms (written or electronic) may result in immediate termination from employment or contract status
 - f. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status;
 - g. A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number may result in immediate termination from the ability to volunteer in the district. The district may remove the volunteer from the position allowing direct, unsupervised contact with students.
2. The district will provide the written notice described above through means such as staff handbooks, employment applications, contracts or volunteer forms.

³See policy GCDA/GDDA - Criminal Records Checks and Fingerprinting.

⁴ Any individual hired within the last three months.

Processing and Reporting Procedures

1. Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and/or fingerprinting shall complete the appropriate authorizing such checks and report to an authorized finger printer as directed by the district. The district shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.

Fingerprints may be collected by one of the following:

- a. Employing district staff;
 - b. Contracted agent of employing district; or
 - c. Local or state law enforcement agency.
2. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized finger printer.
 3. The authorized finger printer will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the district of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment, contract or volunteering.
 4. A copy of the fingerprinting results will be kept by the district.

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district and not requiring licensure, including persons hired as or by contractors⁵, shall be paid by the individual.
2. An individual offered a contract or employment by the district may, only upon request, may request that the amount of the fee be withheld from the amount otherwise due the individual in accordance with Oregon law.
3. Fees associated with required criminal records checks for volunteers shall be paid by the district.
4. Fees associated with a required fingerprinting for volunteers shall be paid be the district.

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

1. A subject individual required to submit to a criminal records checks and/or fingerprinting in accordance with law and/or Board policy will be terminated from employment or contract status or withdrawal of offer of employment or contract will be made by the district upon:
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or

⁵A contractor's employees may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

- D** b. Notification⁶ from the Superintendent of Public Instruction that the employee has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.
2. A subject individual may be terminated from employment or contract status, upon notification from the Superintendent of Public Instruction that the employee has knowingly made a false statement as to the conviction of any crime.
- E** 3. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.
4. A volunteer who that refuses to submit to a criminal records check or a fingerprint-based criminal records check in accordance with law and/or Board policy will be denied such ability to volunteer in the district.
- E** 5. If the district has been notified by the Superintendent of Public Instruction that a volunteer knowingly made a false statement or has a conviction for any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, the individual will be denied the ability to volunteer.
- E** 6. Any volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form may be denied the ability to volunteer in the district.

Appeals

E A subject individual may appeal a determination from ODE, that prevents his/her employment or eligibility to contract with the district, to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470

E A volunteer may appeal a determination from a fingerprint-based criminal records checks by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case, under ORS 183.413 – 183.470.

⁶ Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

Brookings-Harbor School District 17C

Code: IGBAF-AR
Adopted: 4/15/15
Revised/Readopted: 4/20/16

Special Education - Individualized Education Program (IEP)**

1. General IEP Information

- a. The district ensures that an IEP is in effect for each eligible student:
 - (1) Before special education and related services are provided to a student;
 - (2) At the beginning of each school year for each student with a disability for whom the district is responsible; and
 - (3) Before the district implements all the special education and related services, including program modifications, supports and/or supplementary aids and services, as identified on the IEP.
- b. The district uses:
 - (1) The Oregon standard IEP; or
 - (2) An IEP form that has been approved by the Oregon Department of Education.
- c. The district develops and implements all provisions of the IEP as soon as possible following the IEP meeting.
- d. The IEP will be accessible to each of the student's regular education teacher(s), the student's special education teacher(s) and the student's related services provider(s) and other service provider(s). This includes all district employees assigned to work with a student with specialized needs to assist with the educational, behavioral, medical, health or disability-related support needs of the student.
- e. The district takes steps to ensure that parent(s) are present at each IEP meeting or have the opportunity to participate through other means.
- f. The district ensures that each teacher and service provider is informed of:
 - (1) Their specific responsibilities for implementing the IEP specific accommodations, modifications and/or supports that must be provided for, or on behalf of the student; and
 - (2) Their responsibility to fully implement the IEP including any amendments the district and parents agreed to make between annual reviews.

The district takes whatever action is necessary to ensure that parents understand the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

- g. The district provides a copy of the IEP to the parents at no cost.

2. IEP Meetings

- a. The district conducts IEP meetings within 30 calendar days of the determination that the student is eligible for special education and related services.
- b. The district convenes IEP meetings for each eligible student periodically, but not less than once per year.
- c. At IEP meetings, the team reviews and revises the IEP to address any lack of expected progress toward annual goals and in the general curriculum, new evaluation data or new information from the parent(s), the student's anticipated needs, or the need to address other matters.
- d. Between annual IEP meetings, the district and the parent(s) may amend or modify the student's current IEP without convening an IEP team meeting using the procedures in the Agreement to Amend or Modify IEP subsection.
- e. When the parent(s) requests a meeting, the district will either schedule a meeting within a reasonable time or provide timely written prior notice of the district's refusal to hold a meeting.
- f. If an agency other than the district fails to provide agreed upon transition services contained in the IEP, the district convenes an IEP meeting to plan alternative strategies to meet the transition objectives and, if necessary, to revise the IEP.

3. IEP Team Members

- a. The district's IEP team members include the following:
 - (1) The student's parent(s);
 - (2) The student, if the purpose of the IEP meeting is to consider the student's postsecondary goals and transition services (beginning for IEPs in effect at age 16), or for younger students, when appropriate;
 - (3) At least one of the student's special education teachers or, if appropriate, at least one of the student's special education providers;
 - (4) At least one of the student's regular education teachers if the student is or may be participating in the regular education environment. If the student has more than one regular education teacher, the district will determine which teacher or teachers will participate;
 - (5) A representative of the district (who may also be another member of the team) who is qualified to provide or supervise the provision of special education and is knowledgeable about district resources. The representative of the district will have the authority to commit district resources and be able to ensure that all services identified in the IEP can be delivered;
 - (6) An individual, who may also be another member of the team, who can interpret the instructional implications of the evaluation results; and
 - (7) At the discretion of the parent or district, other persons who have knowledge or special expertise regarding the student.
- b. Student participation:
 - (1) Whenever appropriate, the student with a disability is a member of the team.
 - (2) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, the district includes the student in the IEP team meeting.

- (3) If the purpose of the IEP meeting includes consideration of postsecondary goals and transition services for the student, and the student does not attend the meeting, the district will take other steps to consider the student's preferences and interests in developing the IEP.
- c. Participation by other agencies:
- (1) With parent or adult student written consent, and where appropriate, the district invites a representative of any other agency that is likely to be responsible for providing or paying for transition services if the purpose of the IEP meeting includes the consideration of transition services (beginning at age 16, or younger if appropriate); and
 - (2) If the district refers or places a student in an education service district, state-operated program, private school or other educational program, IEP team membership includes a representative from the appropriate agencies. Participation may consist of attending the meeting, conference call or participating through other means.

d. Participation by other employees:

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

4. Agreement for Nonattendance and Excusal

- a. The district and the parent may consent to excuse an IEP team member from attending an IEP meeting, in whole or in part, when the meeting involves a discussion or modification of team member's area of curriculum or service. The district designates specific individuals to authorize excusal of IEP team members.
- b. If excusing an IEP team member whose area is to be discussed at an IEP meeting, the district ensures:
 - (1) The parent and the district consent in writing to the excusal;
 - (2) The team member submits written input to the parents and other members of the IEP team before the meeting; and
 - (3) The parent is informed of all information related to the excusal in the parent's native language or other mode of communication according to consent requirements.

5. IEP Content

- a. In developing the IEP, the district considers the student's strengths, the parent's concerns, the results of the initial or most recent evaluation, and the academic, developmental and functional needs of the student.
- b. The district ensures that IEPs for each eligible student includes:

- (1) A statement of the student's present levels of academic achievement and functional performance that:
 - (a) Includes a description of how the disability affects the progress and involvement in the general education curriculum;
 - (b) Describes the results of any evaluations conducted, including functional and developmental information;
 - (c) Is written in language that is understood by all IEP team members, including parents;
 - (d) Is clearly linked to each annual goal statement;
 - (e) Includes a description of benchmarks or short-term objectives for children with disabilities who take alternative assessments aligned to alternate achievement standards.

- (2) A statement of measurable annual goals, including academic and functional goals, or for students whose performance is measured by alternate assessments aligned to alternate achievement standard, statements of measurable goals and short-term objectives. The goals and, if appropriate, objectives:
 - (a) Meet the student's needs that are present because of the disability, or because of behavior that interferes with the student's ability to learn, or impedes the learning of other students;
 - (b) Enable the student to be involved in and progress in the general curriculum, as appropriate; and
 - (c) Clearly describe the anticipated outcomes, including intermediate steps, if appropriate, that serve as a measure of progress toward the goal.

- (3) A statement of the special education services, related services, supplementary aids and services that the district provides to the student:
 - (a) The district bases special education and related services, modifications and supports on peer-reviewed research to the extent practicable to assist students in advancing toward goals, progressing in the general curriculum and participating with other students (including those without disabilities), in academic, nonacademic and extracurricular activities;
 - (b) Each statement of special education services, related or supplementary services, aids, modifications or supports includes a description of the inclusive dates, amount or frequency, location and who is responsible for implementation.

- (4) A statement of the extent, if any, to which the student will not participate with nondisabled students in regular academic, nonacademic and extracurricular activities.
- (5) A statement of any individual modifications and accommodations in the administration of state or ~~districtwide~~ district-wide assessments of student achievement.
 - (a) A student will not be exempt from participation in state or ~~districtwide~~ district-wide assessment because of a disability unless the parent requests an exemption;
 - (b) If the IEP team determines that the student will take the alternate assessment instead of the regular statewide or a districtwide assessment, a statement of why

the student cannot participate in the regular assessment and why the alternate assessment is appropriate for the student.

- (6) A statement describing how the district will measure student's progress toward completion of the annual goals and when periodic reports on the student's progress toward the annual goals will be provided.

6. Agreement to Amend or Modify IEP

Between annual IEP meetings, the district and the parent may agree to make changes in the student's current IEP without holding an IEP meeting. These changes require a signed, written agreement between the district and the parent.

- a. The district and the parent record any amendments, revisions or modifications on the student's current IEP. If additional IEP pages are required these pages must be attached to the existing IEP.
- b. The district files a complete copy of the IEP with the student's education records and informs the student's IEP team and any teachers or service providers of the changes.
- c. The district provides the parent prior written notice of any changes in the IEP and upon request, provides the parent with a revised copy of the IEP with the changes incorporated.

7. IEP Team Considerations and Special Factors

- a. In developing, reviewing and revising the IEP, the IEP team considers:
 - (1) The strengths of the student and concerns of the parent for enhancing the education of the student;
 - (2) The results of the initial or most recent evaluation of the student;
 - (3) As appropriate, the results of the student's performance on any general state or districtwide assessments;
 - (4) The academic, developmental, and functional needs of the child.
- b. In developing, reviewing and revising the student's IEP, the IEP team considers the following special factors:
 - (1) The communication needs of the student; and
 - (2) The need for assistive technology services and/or devices.
- c. As appropriate, the IEP team also considers the following special factors:
 - (1) For a student whose behavior impedes ~~their~~^{his or her} learning or that of others, strategies, positive behavioral intervention and supports to address that behavior;
 - (2) For a student with limited English proficiency, the language needs of the student as those needs relate to the IEP;
 - (3) For a student who is blind or visually impaired, instruction in Braille and the use of Braille unless the IEP team determines (after an evaluation of reading and writing skills, needs and media, including evaluation of future needs for instruction in Braille or the use

of Braille, appropriate reading and writing), that instruction in Braille or the use of Braille is not appropriate; ~~and~~

- (4) For a student who is deaf or hard of hearing, the student's language and communication needs, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
 - (5) If a student is deaf, deafblind, or hard of hearing, the district will provide information about relevant services and placements offered by the school district, the education service district, regional programs, and the Oregon School for the Deaf; and
 - (6) A statement of any device or service needed for the student to receive a free appropriate public education (FAPE).
- d. In addition to the above IEP contents, the IEP for each eligible student of transition age includes:
- (1) Beginning not later than the first IEP in effect when the student turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)), and updated annually thereafter, the IEP must include:
 - (a) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training education, employment, and where appropriate, independent living skills; and
 - (b) The transition services (including courses of study) needed to assist the student in reaching those goals.

Regarding employment planning, the parent shall be provided information about and opportunities to experience employment services provided by Oregon Vocational Rehabilitation or the Oregon Office of Developmental Disability Services. These services must be provided in a competitive integrated employment setting, as defined by Oregon Administrative Rule (OAR) 411-345-0020. Information about these services shall also be provided to the parent by the district at each annual review for IEPs to be in effect when the child turns 16, or as early as 14 or younger, if determined appropriate by the IEP team (including parent(s)).
 - (2) At least one year before a student reaches the age of majority (student reaches the age of 18, or has married or been emancipated, whichever occurs first), a statement that the district has informed the student that all procedural rights will transfer at the age of majority; and
 - (3) If identified transition service providers, other than the district, fail to provide any of the services identified on the IEP, the district will initiate an IEP meeting as soon as possible to address alternative strategies and revise the IEP if necessary.
- e. To promote self-determination and independence, the district shall provide the student and the student's parents with information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies to remain engaged in the student's secondary education and post-school outcomes.

The district shall provide this information at each IEP meeting that includes discussion of post-secondary education goals and transition services.

8. Incarcerated Youth

- a. For students with disabilities who are convicted as adults, incarcerated in adult correctional facilities and otherwise entitled to FAPE, the following IEP requirements do not apply:
 - (1) Participation of students with disabilities in state and districtwide assessment; and
 - (2) Transition planning and transition services, for students whose eligibility will end because of their age before they will be eligible to be released from an adult correctional facility based on consideration of their sentence and eligibility for early release.
- b. The IEP team may modify the student's IEP, if the state has demonstrated a bona fide security or other compelling interest that cannot be otherwise accommodated.

9. Extended School Year Services

- a. The district makes extended school year (ESY) services available to all students for whom the IEP team has determined that such services are necessary to provide FAPE.
- b. ESY services are:
 - (1) Provided to a student with a disability in addition to the services provided during the typical school year;
 - (2) Identified in the student's IEP; and
 - (3) Provided at no cost to the parent.
- c. The district does not limit consideration of ESY services to particular categories of disability or unilaterally limit the type, amount or duration of service.
- d. The district provides ESY services to maintain the student's skills or behavior, but not to teach new skills or behaviors.
- e. The district's criteria for determining the need for extended school year services include:
 - (1) Regression (a significant loss of skills or behaviors) and recoupment time based on documented evidence; or
 - (2) If no documented evidence, on predictions according to the professional judgment of the team.
- f. "Regression" means significant loss of skills or behaviors in any area specified on the IEP as a result of an interruption in education services.
- g. "Recoupment" means the recovery of skills or behaviors specified on the IEP to a level demonstrated before the interruption of education services.

10. Assistive Technology

- a. The district ensures that assistive technology devices or assistive technology services, or both, are made available if they are identified as part of the student's IEP. These services and/or devices may be part of the student's special education, related services or supplementary aids and services.

- b. On a case-by-case basis, the district permits the use of district-purchased assistive technology devices in the student’s home or in other settings if the student’s IEP team determines that the student needs access to those devices to receive ~~FAPE, a free appropriate public education~~. In these situations, district policy will govern liability and transfer of the device when the student ceases to attend the district.

11. Transfer Students

- a. In state:

If a student with a disability (who had an IEP that was in effect in a previous district in Oregon) transfers into the district and enrolls in a district school within the same school year, the district (in consultation with the student’s parents) provides ~~FAPE, a free appropriate public education~~ to the student (including services comparable to those described in the student’s IEP from the previous district), until the district either:

- (1) Adopts the student’s IEP from the previous district; or
- (2) Develops, adopts and implements a new IEP for the student in accordance with all of the IEP provisions.

- b. Out of state:

If a student transfers into the district with a current IEP from a district in another state, the district, in consultation with the student’s parents, will provide ~~FAPE, a free appropriate public education~~ to the student, including services comparable to those described in the student’s IEP from the previous district, until the district:

- (1) Conducts an initial evaluation (if determined necessary by the district to determine Oregon eligibility) with parent consent and determines whether the student meets eligibility criteria described in ~~the OARs Oregon Administrative Rules~~.
- (2) If the student is eligible under Oregon criteria, the district develops, adopts and implements a new IEP for the student using the Oregon Standard IEP or an approved alternate IEP.
- (3) If the student does not meet Oregon eligibility criteria, the district provides prior written notice to the parents explaining that the student does not meet Oregon eligibility criteria and specifying the date when special education services will be terminated.

12. Abbreviated School Day

“Abbreviated school day” means any school day during which a student with a disability receives instruction or educational services for fewer hours than the majority of other students who are in the same grade within the student’s resident school district.

“Abbreviated school day program” means an education program:

- a. In which a school district restricts access for a student with a disability to hours of instruction or educational services to less than the number of hours of instruction or educational services that are provided to the majority of other students who are in the same grade within the student’s resident school district; and

b. That results in a student with a disability having an abbreviated school day for more than 10 school days per school year.

Abbreviated school day programs are only allowed when all requirements in state law are met.

Informed and written consent from the parent or foster parent is necessary prior to implementing an abbreviated school day program. A parent or a foster parent may, at any time, revoke consent for the placement of a student on an abbreviated school day program. Revoking consent or objecting to an abbreviated school day program shall be in writing.

Abbreviated school day programs limitations do not apply to students who are exempt per ORS 343.331.

Brookings-Harbor School District 17C

Code: JBAA-AR
Adopted: 2/17/10
Revised/Readopted: 6/17/15; 7/14/15

Section 504 – Students**

In order to meet the requirements of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA), the following procedures have been established:

Definitions

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

¹ HIV - Human Immunodeficiency Virus

3. “Major life activities,” as defined by the ADA, means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating; and major bodily functions including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions;
4. “Program or activity” includes all district programs and activities. The district will also ensure that contracts with those who provide services to the district, such as alternative programs, also provide students with disabilities an equal opportunity to participate in the program or activity;
5. “Potentially disabling conditions” under Section 504, if they substantially limit a major life activity, may include, but are not limited to:
 - a. Attention deficit disorder (ADD);
 - b. Behavior disorders;
 - c. Chronic asthma and severe allergies;
 - d. Physical disabilities such as spina bifida, hemophilia and conditions requiring students to use crutches;
 - e. Diabetes.

District Responsibilities

The superintendent or ~~his/her~~ designee will:

1. Provide written assurance of nondiscrimination whenever the district receives federal money in accordance with application guidelines;
2. Designate an employee to coordinate the district’s compliance efforts with Section 504;
3. Provide procedures to resolve student, parent and employee complaints of discrimination;
4. Provide notice to students, parents, employees, including those with vision or hearing impairments, of the district’s policy of compliance with Section 504 prohibiting nondiscrimination in admission or access to or treatment or employment in district programs or activities. District aids, benefits and services will afford students with disabilities equal opportunity to obtain the same result, gain the same benefit or reach the same level of achievement as students without disabilities, in the most integrated setting appropriate to the student’s needs. Notice will specify the employee designated by the district to coordinate the district’s Section 504 compliance efforts;
5. Annually identify and locate ~~Section 504-qualified~~ students with disabilities **who are Section 504 qualified** in the district **and** who qualify for services;
6. Annually notify students with disabilities and their parents or guardians of the district’s responsibilities under Section 504;
7. Provide parents or guardians with procedural safeguards:

- a. Notice of their rights under Section 504, including the right to request an impartial hearing as provided by Oregon Administrative Rule (OAR) 581-015-2390-109;
 - b. An opportunity to review relevant records.
8. Provide all employees assigned to work with a student with specialized needs to assist the student with educational, behavioral, medical, health or disability-related support access to the 504 Plan.

Transportation

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

Evaluation

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

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

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

Placement

1. In interpreting evaluation data and making placement decisions, the evaluation team will:
 - a. Draw upon information from a variety of sources;
 - b. Ensure that all relevant information is documented and considered;
 - c. Ensure that the student is educated with students without disabilities to the maximum extent possible.

Reevaluations

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

Discipline

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

Complaints

Student, parent or staff complaints of noncompliance with the provisions of Section 504 will be reported to the superintendent or designee and processed [as provided in Board policy AC - Nondiscrimination and the accompanying administrative regulation] [~~in accordance with established district complaint procedures~~].

Section 405 Complaint Form

1. Name of the individual or the representative _____
2. Address of the individual or the representative _____
3. Date of the alleged allegation _____
4. Complete description of the alleged discriminatory action _____

5. Identification (by name, if possible) of the alleged victims of the discrimination for any complaint
filed on behalf of classes or third parties _____

6. Description of the alleged discriminatory action in sufficient detail to inform the district of the nature
and date of the alleged violation _____

Signature by the complainant or authorized representative _____ Date

Individuals may initiate complaint procedures and/or civil actions with or without first complying with local complaint procedures.

Brookings-Harbor School District 17C

Code: JBA/GBN-AR(1)
Revised/Reviewed: 10/21/20; 8/06/24
Orig. Code(s): JBA/GBN-AR

Sexual Harassment Complaint Procedure

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

Name	Position	Phone	Email
<u>Helena Chirinian</u>	<u>Superintendent</u>	<u>541-469-7443</u>	<u>helenac@brookings.k12.or.us</u>

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

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

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

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

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

administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within 30 working days following receipt of the appeal.

If the Board chooses not to hear the complaint, the superintendent's or designee' decision in Step 2 is final¹.

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

Complaints against the principal may start at Step 2 and may be filed with the superintendent or designee. The superintendent or designee will cause the required notices to be provided. The superintendent or designee will investigate the complaint and will notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. If the complaint remains unresolved within 10 working days of receipt by the superintendent or designee, the complainant may appeal to the Board in Step 3.

Complaints against the superintendent or a Board member (other than the Board chair) may start at Step 3 and should be referred to the Board chair on behalf of the Board. The Board chair will cause required notices to be provided. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Complaints against the Board chair may start at Step 3 and should be referred to the Board vice chair on behalf of the Board. The Board vice chair will cause required notices to be provided. The Board vice chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board vice chair shall notify the parties in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

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

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

¹ If the Board chooses to accept the superintendent's decision as the district's final decision on the complaint, the superintendent's written decision must meet the requirements of OAR 581-022-2370(4)(b).

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

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

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

Brookings Harbor School District 17C
629 Easy St
Brookings, Oregon 97415
541-469-7443

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

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

Any other information: _____

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

Signature: _____ Date: _____

Brookings Harbor School District 17C
629 Easy St
Brookings, Oregon 97415
541-469-7443

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

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

Signature: _____

Date: _____

Brookings-Harbor School District 17C

Code: JEA-AR
Adopted: 8/15/94; 1/18/88
Revised/Reviewed: 10/22/03; 3/04/10; 7/14/15;
11/18/15
Orig. Code: JEA-AR

Compulsory Attendance Notices [and Citations]**

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

~~Compulsory attendance citations may be issued by the superintendent or designee as a means to enforce the compulsory attendance law. All such citations shall be issued according to the following procedures:~~

1. Attendance Supervisor

The attendance supervisor shall:

- a. Determine whether ~~that the~~ parent or guardian has either failed to enroll their child and his/her student or to maintain the child student in regular attendance at a public school. “Regular attendance” means ~~shall mean~~ attendance which does not include more than eight unexcused one-half day absences, or the equivalent thereof, in any four-week period in which school is in session;
- ~~b. Verify the compulsory attendance violation through such means as matching attendance supervisor records with classroom teacher records;~~
- c. Provide written compulsory attendance noncompliance notification to the parent or guardian within 24 hours of notification verification of the violation from the proper authority. If the student is an adjudicated youth offender on parole or probation, at the same time notice is given to the parent or other person, the attendance supervisor shall notify the student’s parole or probation officer of the student’s absence;
- d. Serve the notification personally or by certified mail. The notification will be written in the ~~home~~ native language of the parent or guardian of the student;
- e. Ensure ~~that such~~ notification includes a statement requiring the student to appear at the public school on the next school day following receipt of the notice and to maintain regular attendance for the remainder of the school year;
- f. Ensure that the notification states that the parent or guardian has the right to request an evaluation to determine if the child should have an individualized education program (IEP) or Section 504 plan (“504 plan”) or right to request a review of their child’s current IEP or 504 plan;
- g. Provide a copy of the notice and ~~pertinent attendance records~~ to the [superintendent or designee^{2}] at the time notice is given to the parent or guardian.;

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

² {OAR 581-021-0077, requires such notice to the superintendent, a principal or other appropriate school official.}

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

2. [Superintendent or Designee

~~The superintendent or designee will:~~

a. ~~Review the compulsory attendance noncompliance notice and pertinent student attendance records;~~

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

b. (1) The student is required to attend regularly, a ~~school~~ full-time ~~school~~ during the school year;

~~(2) Failure to send the student to school and to maintain the student in regular attendance is a Class C violation;~~

c. ~~(3) A citation for violation of ORS 339.035 compulsory attendance laws may be issued by the superintendent or designee;~~

(4) The parent has the right to request:

(a) An evaluation to determine if the student should have an individualized education program (IEP), if the student does not have one; or

(b) A review of the student's current IEP.

d. ~~The parent or guardian has the right to request an evaluation to determine if the student should have an IEP or 504 plan, if the student does not have one, or a review of the student's current IEP or 504 plan;~~

e. (5) The parent or guardian and student are required to attend a ~~scheduled~~ conference with the superintendent or designee. The date, time and place of conference will be specified in the ~~notice. This conference may not be scheduled until after an evaluation or review as described in item 4. above, if requested by the parent, has been completed;~~

~~If an evaluation or review as described in item c. above has been requested, this conference will be scheduled after its completion.]~~

~~(6) Failure to attend the conference or failure to send the student to school following the conference may result in the issuance of a citation.~~

3. [Conference

The superintendent or designee ~~may will~~ conduct a conference with the parent or guardian and student. Auxiliary aids and services ~~service~~ will be provided upon advance request. The superintendent or designee ~~may will~~:

a. Review Oregon's ~~compulsory~~ attendance law and the student's attendance record;

- b. Determine the reasons~~reason~~ for the noncompliance;
- c. Develop a plan for student attendance improvement (i.e., contract, etc.);
- d. Inform the parent and student of other available resources in the district and community, if available;
- e. ~~Refer the parent or guardian and student to other agencies as necessary (i.e., Building Support Team; Youth Services Team; Oregon Department of Human Services, Community Human Services; Juvenile Department; etc.);~~
- f. Discuss the potential consequences for continued compulsory attendance noncompliance, including the potential for the issuance of a citation, if applicable, and the consequences violation of the Board's student conduct and truancy policies.

4. ~~Citation~~

~~Compulsory attendance noncompliance citations may be issued by the superintendent or designee. The superintendent or designee shall:~~

- a. ~~Determine that the parent or guardian has continued to fail to enroll his/her student in school or maintain the student in regular attendance following a conference or has refused to attend the conference as required;~~
- b. ~~Contact the clerk of the court for the county and determine which court will hear the case and when;~~
- c. ~~Ensure official representing the district will be available to present evidence of the violation at the time and date specified;~~
- d. ~~Determine whether the local court's interpretation of ORS 339.925 requires the student to be named as defendant. Complete form accordingly;~~
- e. ~~Complete Uniform Compulsory Attendance Citation and Complaint form as follows:~~
 - (1) ~~Specify appropriate court, district, circuit, municipal or justice as appropriate;~~
 - (2) ~~Specify when the court will hear the case, including date, time and location of the court appearance at the bottom of the form;~~
 - (3) ~~Provide all pertinent defendant information, including name and address of parent or guardian. Only one adult should be named as defendant;~~
 - (4) ~~Provide all pertinent offense information, including the period of time during which the absences occurred;~~
 - (5) ~~Ensure the minimum number of absences constituting irregular attendance as defined in law has in fact occurred. Excused absences should not be counted for purposes of this citation;~~
 - (6) ~~Provide all pertinent student information including the grade, date of birth, length of time in the school district and parent(s) name(s). The Oregon Department of Education will compile this information at the end of the calendar year to determine trends in excessive absenteeism;~~
 - (7) ~~Provide date superintendent's or designee's prior notification of attendance requirements, consequences including possibility of citation and conference meeting date was sent;~~
 - (8) ~~Ensure that the prior notice was served to the same parent or guardian who is named as the defendant in the citation;~~
 - (9) ~~Provide district name, date, superintendent's name and signature. If the superintendent has designated another district official to issue citations, such delegation will be documented and the delegated official's name and signature will appear on the form;~~

- ~~(10) Personally serve (not mail) the citation;~~
 - ~~(11) Complete time and date citation was issued, name, title and signature of district official serving the citation;~~
 - ~~(12) Ensure that the parent or guardian is served with the goldenrod (bottom) copy;~~
 - ~~(13) Ensure the white and yellow copies are sent to the appropriate court, immediately after the citation is served;~~
 - ~~(14) Ensure the pink copy is retained by the district. Additional information may be maintained on the back of the pink copy, including the dates the attendance supervisor's and the superintendent's or designee's notifications were sent, dates of contact with parents or guardians and names of school staff who have been involved with the issue;~~
 - ~~(15) Consult with district's attorney to assist in these procedures as necessary.~~
- ~~f. Maintain student attendance records in accordance with applicable education records laws.~~

BROOKINGS-HARBOR SCHOOL DISTRICT 17C

629 Easy St.

Brookings, Oregon 97415

Phone: 469-7443

***** ATTENDANCE SUPERVISOR'S NONENROLLMENT NOTICE *****

Date: _____

Parent(s)/Guardian: _____

Address: _____

Dear _____,
(Parent/Guardian)

After review of attendance records, ~~A determination has been made that~~ your student/child, _____, (child's name) has not enrolled in school and has not been exempted from compulsory attendance ~~for~~ in school, under the law, provisions of ORS 339.030, and is not currently enrolled in school.

In accordance with Oregon law, children between ages 6 through 18 you are hereby notified that you must be enrolled in school. Please enroll your child/student at _____ School no later than the next school day following receipt of this notice and maintain your child/student in regular attendance for the remainder of the school year.

~~Please be advised that failure to comply with Oregon's compulsory attendance law is a Class C violation and may result in a compulsory attendance citation and complaint issued by the superintendent and a fine by a court.~~

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

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

If you have questions and/or need assistance, please contact _____ at _____.

Sincerely,

Attendance Supervisor/Principal

cc: Principal/Superintendent

BROOKINGS-HARBOR SCHOOL DISTRICT 17C

629 Easy St.

Brookings, Oregon 97415

Phone: 469-7443

***** ATTENDANCE SUPERVISOR'S IRREGULAR ATTENDANCE NOTICE *****

Date: _____

Parent(s)/Guardian: _____

Address: _____

Dear _____,
(Parent/Guardian)

After review of attendance records, ~~A determination has been made that your student~~child, _____, (child's name) is not maintaining regular attendance at a public school as required by ORS 339.065. "Regular attendance" is defined by Oregon law as attendance which does not include more than eight unexcused one-half day absences or the equivalent thereof in any four-week period school is in session. According to school attendance records, your student has been unexcused absent from school (#) _____ days on the following dates: () () () () ().

~~You are hereby notified that you must~~ Please send your ~~child~~student to school no later than the next school day following receipt of this notice and maintain your ~~child~~student in regular attendance for the remainder of the school year.

~~Please be advised that failure to comply with Oregon's compulsory attendance law is a Class C violation and may result in a compulsory attendance citation and complaint issued by the Superintendent and a fine by a court.~~

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

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

If you have questions ~~and/or need assistance~~, please contact _____ at _____.

Sincerely,

Attendance Supervisor/Principal

cc: Principal/Superintendent

BROOKINGS-HARBOR SCHOOL DISTRICT 17C

629 Easy St.

Brookings, Oregon 97415

Phone: 469-7443

~~** SUPERINTENDENT'S NOTICE OF COMPULSORY ATTENDANCE NONCOMPLIANCE **~~

Date: _____

Parent(s)/Guardian: _____

Address: _____

Dear _____,
(Parent/Guardian)

According to ~~school~~ district records, you were notified by the district's attendance supervisor on [date] that your ~~child~~student, [name], [is not yet enrolled] ~~has [failed to enroll]~~ [is not maintaining] ~~failed to maintain~~ regular school attendance] [is not enrolled with the local education service district] as required by Oregon ~~law~~ compulsory attendance laws.

Your ~~child~~student was required to appear in school no later than the next school day following your receipt of ~~the~~that notice and to maintain regular attendance for the remainder of the school year. ~~District~~School district records indicate your ~~child~~student continues to be absent from a ~~public~~ school.

~~The superintendent or designee may issue a citation for your continued violation of Oregon's compulsory attendance law.~~

~~A ~~child~~student is required to regularly attend a full-time school. Failure to send the student to school and to maintain the student in regular attendance is a Class C violation. A citation for such compulsory attendance violations may result in a court fine.~~

You:

- ~~did not~~ may request an evaluation of your ~~child's~~student's individualized education program (IEP) or Section 504 plan or a review of ~~same~~ your student's current IEP;
- requested an evaluation to determine if your ~~child~~student should have an individualized education program (IEP) or Section 504 plan;
- requested a review of an existing IEP or Section 504 plan for your student; and the requested evaluation or review was completed on [date] (date).

~~In accordance with the law, you~~You and your ~~child~~student are ~~requested~~required to attend a conference with _____ on _____ [date] at _____ [time] to discuss:

- ~~1. Oregon's compulsory attendance law and your student's attendance record;~~
- ~~2. The reasons for your noncompliance;~~
1. 3. The development of a plan for improvement;

2. ~~4. —~~Resources available to help your ~~child~~ student be successful in school, referrals to other agencies as may be needed and such alternative education information as may be required by law;
3. ~~5. —~~Any questions you may have concerning ~~district programs~~ the potential consequences for continued noncompliance with Oregon's compulsory attendance law, as set forth above and resources to help your child attend regularly, as provided in Board student conduct and truancy policies.

~~Failure to attend this conference or failure to send your student to school and to maintain your student in regular school attendance following this conference will result in the issuance of a citation to you, as provided by law.~~

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

If you have questions ~~and/or need assistance~~, please contact _____ at _____.

Sincerely,

Superintendent/Designee

Brookings-Harbor School District 17C

Code: **JGAB-AR**
Revised/Reviewed: 10/17/07; 1/25/12; 3/19/14;
7/14/15; 11/20/19

Use of Restraint or Seclusion

Procedures

1. If restraint or seclusion continues for more than 30 minutes, school staff will attempt to immediately notify parents or guardians verbally or electronically.
2. Following an incident involving the use of restraint or seclusion, school staff will provide parents or guardians of the student the following:
 - a. Verbal or electronic notice of the incident by the end of the school day when the incident occurred.
 - b. Written documentation of the incident within 24 hours that provides:
 - (1) A description of the restraint or seclusion including:
 - (a) The date of the restraint or seclusion;
 - (b) The times the restraint or seclusion began and ended; and
 - (c) The location of the incident.
 - (2) A description of the student's activity that prompted the use of restraint or seclusion;
 - (3) The efforts used to de-escalate the situation and the alternatives to restraint or seclusion that were attempted;
 - (4) The names of staff of the district who administered the restraint or seclusion;
 - (5) A description of the training status of the staff of the district who administered the restraint or seclusion, including any information that may need to be provided to the parent or guardian; and
 - c. Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.
 - d. Immediate¹, written notification of the existence of any records^{2} related to an incident of restraint or seclusion (including photos or audio or video recording).
3. If the restraint or seclusion was administered by a person without training, the administrator~~district~~ will ensure written notice is issued to the parent or guardian of the student which includes notice of the lack of training and provide that information along with the reason restraint or seclusion was administered by why a person without training. The administrator will ensure written notice of the same to the superintendent administered the physical restraint or seclusion.

¹ "Immediate" means to act as soon as possible without undue delay, but in no case later than within 24 hours of the incident. (OAR 581-021-0556 (2)(e))

² {Such records shall be maintained in accordance with ORS 339.294(9).}

4. An administrator will be notified as soon as practicable whenever ~~physical~~-restraint and/or seclusion has been used.
5. If ~~physical~~ restraint or seclusion continues for more than 30 minutes the student must be provided with adequate access to bathroom and water every 30 minutes. If ~~physical~~-restraint or seclusion continues for more than 30 minutes, every 15 minutes after the first 30 minutes, an administrator for the ~~district public education program~~ must provide written authorization for the continuation of the ~~physical~~-restraint or seclusion, including providing documentation for the reason the ~~physical~~ restraint or seclusion must be continued. Whenever ~~physical~~ restraint or seclusion extends beyond 30 minutes, ~~staff personnel~~ of the district will immediately attempt to verbally or electronically notify a parent or guardian.
6. A district ~~Physical~~ Restraint and/or Seclusion Incident Report must be completed and copies provided to those attending the debriefing meeting for review and comment.
- ~~7. A documented debriefing meeting must be held within two school days after the use of physical restraint or seclusion; staff members involved in the intervention must be included in the meeting. The debriefing team shall include an administrator. Written notes shall be taken and a copy of the written notes shall be provided to the parent or guardian of the student.~~

The completed ~~Physical~~-Restraint and/or Seclusion Incident Report Form shall include the following:

- a. Name of the student;
 - b. Name of staff member(s) administering the ~~physical~~-restraint or seclusion;
 - c. Date of the ~~physical~~-restraint or seclusion and the time the ~~physical~~-restraint or seclusion began and ended;
 - d. Location of the ~~physical~~ restraint or seclusion;
 - e. A description of the ~~physical~~-restraint or seclusion;
 - f. A description of the student's activity immediately preceding the behavior that prompted the use of ~~physical~~-restraint or seclusion;
 - g. A description of the behavior that prompted the use of restraint or seclusion;
 - h. Efforts to de-escalate the situation and alternatives to ~~physical~~-restraint or seclusion that were attempted;
 - i. Information documenting parent or guardian contact and notification~~;~~ and
8. A documented debriefing meeting must be held within two school days after the use of restraint or seclusion. The parent or guardian of the student must be invited to attend the meeting³, and the meeting will include staff members involved in the intervention and any other appropriate personnel. The debriefing team shall include an administrator. At the debriefing meeting, the district shall review, in its entirety, any audio or video recording^[4] preserved as a record of the incident involving

³ "Meeting" means the debriefing meeting at which the audio or video recording will be viewed. (OAR 581-021-0556(9))

⁴ [To the extent practicable without altering the meaning of the record, the district shall segregate or redact from such a record any personally identifiable information of other students before disclosure to the student's parent or guardian. If the district is unable to segregate or redact personally identifiable information of other students without altering the meaning of the record, the district shall disclose the record to the student's parent or guardian in its original format and without any alteration. "Disclose" means to inform the student's parent or guardian that the record exists; that the record in its original format and without alteration will be available for review by the parent or guardian privately and in the debriefing meeting; and that a copy of the

restraint or seclusion in accordance with law. Written notes shall be taken and a copy of the written notes shall be provided to the parent or guardian of the student.

The parent or guardian has the right to request another meeting in the event they were unable to attend the debriefing meeting scheduled to be held within two school days of the incident.

9. If serious bodily injury or death of a student occurs in relation to the use of restraint or seclusion:
 - a. Oral notification of the incident must be provided immediately to a parent or guardian of the student and to the Oregon Department of Human Services (DHS); and
 - b. Written notification of the incident must be provided to DHS within 24 hours of the incident.
10. If serious bodily injury or death of a staff member occurs in relation to the use of restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the superintendent, to the Superintendent of Public Instruction and, if applicable, to the union representative for the affected person.
11. The district shall maintain a record of each incident in which injuries or death occurs in relation to the use of restraint or seclusion.
12. [The district, upon request from DHS regarding an investigation of an incident of restraint or seclusion as suspected child abuse, shall disclose any records preserved to DHS or its designee which are deemed relevant to the subject investigation, in its original format and without any alteration.]
13. ~~A summary of the debriefing meeting held.~~

Physical Restraint and/or seclusion as a part of a behavioral support plan in the student's Individual Education Program (IEP) or Section 504 plan.

1. Parent participation in the plan is required.
14. The IEP team that develops the behavioral support plan shall include knowledgeable and trained staff personnel, including a behavioral specialist and a district representative who is familiar with the physical restraint and seclusion training practices adopted by the district.
15. Prior to the implementation of any behavioral support plan that includes physical-restraint and/or seclusion, a functional behavioral assessment must be completed. The assessment plan must include an individual threshold for reviewing the plan.
16. [When a behavior support plan includes physical-restraint or seclusion the parents [will] [may] be provided a copy of the district Use of Restraint and Seclusion policy at the time the plan is developed.]

record will be provided to the student's parent or guardian upon request in its original and unaltered format except to the extent that the redaction is needed to protect the personally identifiable information of another student. (ORS 339.294; OAR 581-021-0556(10))

17. If a student is involved in five incidents in a school year, the team, including a parent or guardian of the student, will form for the purpose of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

Use of ~~physical~~ restraint and/or seclusion in an emergency by school administrator, staff or volunteer to maintain order or prevent a student from harming ~~themselves/herself~~, other students or, school staff or property.

Use of ~~physical~~ restraint and /or seclusion under these circumstances with a student who does not have ~~physical~~ restraint and/or seclusion as a part of their IEP or Section 504 plan, is subject to all of the requirements established by **Board policy and** this administrative regulation with the exception of those specific to plans developed in an IEP or 504 plan.

~~(Recommend using newer versions available from ODE)~~ **Physical Restraint
and/or Seclusion Incident Report Form**

Name of Student _____

- ~~Physical Restraint~~
 ~~Seclusion~~

Name of personnel of the public education program who administered the physical restraint or seclusion _____

Date of the incident _____

Time the incident began _____ and ended _____

Location of the incident _____

Description of the incident _____

Description of the student's activity immediately preceding the behavior that prompted the use of the physical restraint or seclusion _____

~~Efforts to de-escalate the situation and alternatives to physical restraint or seclusion that were attempted~~

~~A description of the training status of the personnel who administered the physical restraint or seclusion, including any information that may need to be provided to the parent or guardian~~ _____

~~Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting~~ _____

~~Information documenting parent contact and notification~~ _____

~~A summary of the debriefing meeting held~~ _____

Signed _____ Date _____

Brookings-Harbor School District 17C

Code: JHCC-AR
Adopted: 3/07/18
Revised/Readopted: 10/21/20

Communicable Diseases – Student

(Delete)

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

1. “Restrictable diseases” are defined by rule and include but are not limited to COVID-19¹, chickenpox, diphtheria, hepatitis A, hepatitis E, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxigenic Escherichia coli (STEC) infection, shigellosis and infectious tuberculosis, and may include a communicable stage of hepatitis B infection if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by the local public health administrator, after determining that it poses a danger to the public’s health.
2. “Susceptible” for a child means lacking documentation of immunization required under OAR 333-050-0050.
3. “Reportable 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-19², unless authorized to do so under Oregon law. When an administrator has reason to suspect any child has a restrictable disease, the administrator shall send the student home.
4. An administrator shall exclude a susceptible child from school if the administrator has reason to suspect that the student has been exposed to measles, mumps, rubella, diphtheria, pertussis, hepatitis A, or hepatitis B, unless the local health officer determines that exclusion is not necessary to protect the public’s health. The administrator may request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator will report the occurrence to the local health department.

¹ Added per OAR 333-019-1000(2).

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

5. 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.
6. A student will be excluded in such instances until such time as the student or the parent or guardian of the student presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505-677.525, a nurse practitioner licensed under ORS 678.375-678.390, local health department nurse or school nurse stating that the student does not have or is not a carrier of any restrictable diseases.
7. 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.
8. More stringent exclusion standards for students from school may be adopted by the local health department.
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.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by the Oregon Health Authority, Public Health Division and the local health department.
10. 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.
11. 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.
12. 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.

13. The administrator or designee shall review the appropriateness of the educational program and the educational setting of each individual student 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.
14. 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.
15. All district personnel will be instructed annually to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA).). (*See policy EBBAA*).

Brookings-Harbor School District 17C

Code: **JHCCF-AR**
Revised/Reviewed: 7/14/15; 7/20/17

Pediculosis (Head Lice)

Students found to have contracted head lice will be subject to the following procedures:

1. Suggested school measures for head lice control, as provided in Communicable Disease issued through the Oregon Department of Education.
2. Periodic head lice checks of students are not recommended; however screening recommendations are as follows:
 - a. Criteria for screening an individual for lice are:
 - (1) Persistent itching or scratching of the head
 - (2) Know exposure from a sibling or others with close contact with head lice
 - (3) Self referral (student or parent)
3. Students found to have contracted head lice will be not be excluded from school. The management of head lice should not interfere with the access to education. Head lice are known to not cause disease and transmission occurs primarily from head to head contact and infrequently through indirect contact with shared personal belongings. Students should be returned to class or school sponsored events and parents notified by the end of the day.
4. Treatment information, district policy requirements and treatment education will be provided to the parent. Parents will be provided education that covers:
 - a. Use a lice-killing agent that their health- care provider, local health authority has recommended on all family members who have symptoms of infestation;
 - b. Follow the personal and household cleaning instructions provided by the district, health- care provider or local health authority, as appropriate; and
 - c. Remove all nits after treatment.
5. Following treatment, the student may be readmitted to school. A parent must either accompany their student to school for assessment by nursing or office staff, or provide a signed statement that treatment has been initiated;
6. The student will be subject to screening by designated personnel to determine the treatment's effectiveness. The student will be readmitted to school as appropriate. The absence of live lice is required for re-admittance.
7. A student whom has been readmitted to school may be subject to follow-up screening by designated personnel.

8. The parent should contact their local health department in the event additional assistance and/or information is needed regarding the treatment of the student, other family members, close contacts and the home environment (e.g., bedding, linens, grooming equipment, etc.).
9. A student with persistent head lice may be referred for follow-up to the school's nurse or local health department , as appropriate; Persistent head lice requires concentrated efforts to address the treatment as well as the stress experienced by the student and family.
10. Parents that identify head lice on their student(s) at home and should complete treatment prior to the readmission of their student, as required above. Parents are also encouraged to notify the school of their student's condition so that appropriate preventative measures, follow up and education to student and families may be implemented.

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Brookings-Harbor School District 17C

Code: JHFE/GBNAB-AR(1)
Adopted: 10/22/03
Revised/Readopted: 8/22/12; 4/15/15; 7/14/15;
5/02/18; 9/12/18; 4/15/20
Orig. Code(s): JHFE-AR(1)

Reporting of Suspected Abuse of a Child

Reporting

Any district employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse¹ shall ~~make a orally report or cause an oral~~ report immediately ~~by telephone or otherwise~~ to the ~~local office of the~~ Oregon Department of Human Services (DHS) ~~through the~~ centralized child abuse reporting system^[2] 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 person³ adult or student** 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 419.010.~~

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 ~~through or its centralized child abuse reporting system or to a designee or the local~~ law enforcement agency ~~pursuant to ORS 419B.015~~, and to ~~at the~~ designated licensed administrator or alternate licensed administrator for their school building.

~~The report must contain,~~ ~~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 a building principal 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~~ ~~child~~ 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

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

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

³ "Person" could include adult, student or other child.

report; date and time that the report was made; and name of district administrator~~person~~ 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.

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 leave⁴ 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 been~~en~~ 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. If the district determines there is reasonable cause to support the report of suspected abuse, the district shall prohibit the contractor agent or volunteer from providing services. 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 investigated⁵ 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.

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement.

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, a record of the findings of the 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 defines "~~recognizes these types of abuse~~" in ORS 419B.005(1):

⁴ The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁵ The district will investigate all reports of suspected abuse, unless otherwise requested by DHS or ~~its designee or law enforcement~~ pursuant to law.

- 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 a child in care, as defined in ORS 418.257.
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 suspected abuse of a child or fails to maintain confidentiality of records as required by this policy or this administrative regulation, the employee will be disciplined up to and including dismissal.

Cooperation with Investigator

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

1. Any investigation of abuse of a child will be directed by the DHS or law enforcement officials as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the school administrator, unless the school administrator is the subject of the investigation. When an administrator is notified that the DHS or law enforcement would like to interview a student at school, the administrator must request that the investigating official fill out the appropriate form (See JHFE/GBNAB-AR(2) – Abuse of a Child Investigations Conducted on District Premises). The administrator or designee should not deny the interview based on the investigator’s refusal to sign the form. If the student is to be interviewed at the school, the administrator or designee shall make a private space available. The administrator or designee of the school may, at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification the administrator shall refuse access to the student.

Law enforcement officers wishing to remove a student from the premises shall present themselves at the office and contact the administrator or designee. The law enforcement officer shall sign the student out in accordance with district procedures on a form to be provided by the school;

4. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, district employees shall not notify parents or anyone else other than DHS or law enforcement agency and any school employee necessary to enable the investigation;
5. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
6. 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.

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend their 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.

Brookings-Harbor School District 17C

Code: **JHFE/GBNAB-AR(2)**
Revised/Reviewed: 4/15/15; 3/07/18; 9/12/18
Orig. Code(s): JHFE-AR(2)

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).

Investigator Name (Printed)

Name of Agency

Name of Worker's/Investigator's Supervisor

Supervisor Contact Information

Investigator Position and Badge or ID Number

Student Name

School

Investigator Signature

Date

Investigator refused to sign. District staff should not deny entry based on refusal to sign.

FOR COMPLETION BY DISTRICT STAFF

- Student not available for interview
- Student refused to be interviewed
- Administrator participated in interview

Name of Administrator Notified

Name of Office Staff Involved

Name of Participating Administrator

This form should be placed in a separate secure file and not in the student's file.

Brookings-Harbor School District 17C

Code: KBA-AR
Adopted: 10/22/03
Revised/Readopted: 3/18/15; 5/02/18

Public Records Request

In compliance with Oregon law ~~ORS 192.430~~ the following guidelines apply to the dissemination, inspection and examination of the public records of the district:

1. A public records request shall be submitted in writing through the ^{1}superintendent's office at 629 Easy St, Brookings, Oregon 97415.
2. Upon receipt of a written request, the district shall respond within five business days² acknowledging receipt of the request or completing³ the district's response to the request. If the district provides an acknowledgment of the request, it must:
 - a. Confirm that the district is the custodian of the requested record;
 - b. Inform the requester that the district is not the custodian of the requested record; or
 - c. Notify the requester that the district is uncertain whether the district is the custodian of the requested record.
3. If the district is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the district is required to acknowledge receipt of the request as described above, the district shall:
 - a. Complete its response to the public records request in accordance with ORS 192.329(2). If the district determines that a record is exempt from public disclosure, the district will include a statement to that effect and that the requester may appeal the decision pursuant to state law; or
 - b. Provide a written statement that the district is still processing the request and a reasonable estimated date by which the district expects to complete its response based on the information currently available.
4. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the district if compliance would be impracticable because:

¹ {ORS 192.324(7) requires a public body to include the name of one or more individuals to whom a public records request may be sent, with addresses, in written procedures. If the district does not have other written procedures which includes this required designation besides a KBA-AR, add the required name(s) here per ORS 192.324(7).}

² "Business day" means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the district is scheduled to and does report to work. Business day does not include any day on which the central administration offices of the district are closed.

³ The district response to a public records request will be considered complete when it complies with criteria in Oregon law (ORS 192.329).

- a. The staff or volunteers⁴ necessary to complete a response to the public records request are unavailable;
- b. Compliance would demonstrably impede the district's ability to perform other necessary services; or
- c. Of the volume of the public records request being simultaneously processed by the district.

~~In these situations, the~~ The district shall, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request.

5. The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request as permitted by law. If the district requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification. ~~If the requester fails to respond within 60 days to a good faith request from the district for information or clarification, the district shall close the request.~~
6. If a copy of a public record is requested, the district will provide a single ~~certified~~ copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be ~~made available~~ provided in the form the record is maintained. If a person who is a party to a civil judicial proceeding to which the district is a party or who has filed notice under Oregon Revised Statute (ORS) 30.275(5)(a) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of district records and at the same time to the district's attorney.
7. Information will be made available to individuals with disabilities in an ~~accessible~~ appropriate format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.
8. Where the labor effort exceeds ~~[30 minutes]~~, labor, material and out-of-pocket charges will be ~~reimbursed to the district~~ charged to the requester.

~~[Labor will be calculated at the hourly rate of the employee affected. Materials and out-of-pocket charges will be reimbursed at the established rate.]~~

~~[⁵Costs will be as follows:~~

- a. Clerical time: \$40 per hour;
- b. Administrator time: \$90 per hour;
- c. Attorney time: \$300 per hour;

⁴ Staff member or volunteers who are on leave or are not scheduled to work are considered to be unavailable.

⁵ {ORS 192.324(7) requires the public body to include "the amounts of and the manner of calculating fees that the public body charges for responding to requests of public records." If the district does not have other written procedures which include this required information besides a KBA-AR, add this information here. Dollar amounts should be reviewed to reflect actual district costs.}

d. Printing: \$0.25 per page.]

Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.

If the district has informed the requester of a permitted fee, the obligation of the district to complete its response to the request is suspended until the fee has been received by the district. If the requester fails to pay the fee within 60 days of the date they were he/she was informed of the fee or fails to pay the fee within 60 days of the date on which the district informed them of the denial of the fee waiver, the district shall close the request.

~~2. The district reserves the right to restrict the inspection of some public records to the district's facilities.~~

Brookings-Harbor School District 17C

Code: **KG-AR**
Revised/Reviewed: 1/25/12; 4/15/15; 5/18/16
4/10/19

Use of School Facilities

Facility Use Request's will be made electronically on the district website. The building administrator will determine the appropriateness of the event and approve room assignment and will electronically approve / disapprove the request.

After the administrator approves the request it will be forwarded to the superintendent with his/her approval or disapproval indicated. The request will be reviewed by the superintendent/designee for final approval and placement on the facility use calendar.

An Invoice will be issued for any district determined costs at the appropriate time and rate. The district recognizes the following groups for facility use:

1. Group I: Groups Granted Free Use of District Facilities

The following groups, organizations or activities will be granted free use of district facilities providing such use shall in no way interfere with or be detrimental to school functions. Such free use will be limited to those times when a district employee is on regularly scheduled duty. A charge will be made for the use of the facility when a district employee is required to be present or when extra heating, utility costs or cleanup are incurred beyond the normal operating hours.

- a. Parent club meetings and activities;
- b. After-school district sponsored activities;
- c. Boy Scouts;
- d. Girl Scouts;
- e. 4-H Clubs;
- f. Police Department activities;
- g. Fire Department activities;
- h. Wellness activities for district employees only;
- i. Fund raising activities for educational, athletic or fine art purposes benefitting district students;
- j. Educational meetings or conferences which benefit the district;
- k. Other youth sports;
- l. Other groups or organizations may be added at the district's discretion.

2. Group II: Groups Granted a Reduced Rate for use of District Facilities

The following groups, organizations or activities will be granted a reduced rate for use of district facilities;

- a. Adult athletics;
- b. Adult recreation classes;
- c. Schools other than those in the district (for nonprofit activities);
- d. Other groups or organizations may be added at the district's discretion.

3. Group III: Groups Expected to Pay Regular Rate for use of District Facilities

The following groups, organizations or activities will be expected to pay regular rate, as prescribed by the district's fee schedule.

- a. Political organizations;
- b. Commercial organizations;
- c. Religious organizations;
- d. Professional organizations;
- e. Fraternal organizations;
- f. Social groups;
- g. Recreational groups not identified as a group granted a reduced rate;
- h. Fund raising activities where the net proceeds are identified and retained for the direct benefit of the patron;
- i. Schools other than those in the district for profit-making activities;
- j. Other groups or organizations may be added at the district's discretion.

Groups II and III shall assume all liability for damage to buildings, contents and/or grounds, and agree to indemnify and hold Brookings-Harbor School District 17C harmless from any responsibility for said liability. The district reserves the right to require a certificate of insurance in the amount of \$1,000,000 from any group with district identified as additional insured.

The superintendent or his/her designee may enter into no charge agreements with other public agencies or educationally related professional groups usage of district facilities when it is deemed in the best interest of staff or students.

Approval for use of district facilities shall not be considered an endorsement of a group or organization, or the views and purposes they represent.

The superintendent or designee may deny use of a facility when it is deemed not in the best interest of the district.

Use of district facilities by individuals or groups from outside the Curry County area shall be subject to advance deposits per rate schedule.

Use of tobacco products or alcoholic beverages is not permitted on school property.

The facilities rental fee will be reviewed and updated periodically by the superintendent or his/her designee.

Facility Usage Fee

Facility	Group II	Group III
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High School

Gibney Center	\$20 per day	\$200 per day
Gymnasium	\$20 per day	\$200 per day
Auditorium	\$20 per day	\$200 per day
Cafeteria	\$20 per day	\$200 per day
Library	\$20 per day	\$100 per day
Classroom	\$20 per day	\$20 per hour

Middle School

Gymnasium	\$20 per day	\$200 per day
Multipurpose Room	\$20 per day	\$200 per day
Library	\$20 per day	\$100 per day
Classroom	\$20 per day	\$20 per hour

Elementary School

Gymnasium	\$20 per day	\$200 per day
Multipurpose Room	\$20 per day	\$200 per day
Library	\$20 per day	\$100 per day
Classroom	\$20 per day	\$20 per hour

Athletic Fields

Any single field	Clean-up fee possibly	\$100 per day
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*A \$40 per hour custodial fee may be charged to any group.

BROOKINGS HARBOR SCHOOL DISTRICT 17C
Revenue and Expenditure Summary/Projection (Unaudited)

July 31, 2024

	Actual July	Projected August	Projected September	1st Quarter Projected	1st Quarter % of Budget	Last Year % of Budget	Projected October	Projected November	Projected December	2nd Quarter Projected	2nd Quarter % of Budget	Last Year % of Budget	Projected January	Projected February	Projected March	3rd Quarter Projected	3rd Quarter % of Budget	Last Year % of Budget	Projected April	Projected May	Projected June	4th Quarter Projected YTD	4th Quarter as % of Budget	Last Year % of Budget	4th Quarter Projected YTD	YTD Total	2024-2025 Budget	Projected YTD as % of Budget	
REVENUES																													
*Property Taxes	0	0	42,000	42,000	0.6%	3.4%	42,000	6,500,000	150,000	6,692,000	93.4%	96.7%	100,000	28,000	100,000	228,000	96.6%	101.94%	50,000	50,000	144,081	244,081	100.0%	105.90%	244,081	7,206,081	7,206,081	100.0%	
Other Local	300	100,578	35,112	135,990	26.7%	34.2%	30,000	30,000	65,000	125,000	51.2%	85.8%	30,000	30,000	65,000	125,000	75.8%	131.00%	30,000	30,000	65,000	125,000	100.3%	168.24%	125,000	510,990	509,500	100.3%	
*Intermediate Sources (Cnty Sch Fund)	0	0	145,000	145,000	100.0%	95.8%	0	0	0	0	100.0%	95.8%	0	0	0	0	100.0%	95.84%	0	0	0	0	100.0%	95.84%	0	145,000	145,000	100.0%	
ESD Flow-Thru	0	0	0	0	0.0%	0.0%	0	0	0	0	0.0%	0.0%	0	0	0	0	0.0%	0.00%	500,000	0	0	0	100.0%	83.74%	500,000	500,000	500,000	100.0%	
*State School Fund	1,527,762	763,423	764,914	3,056,099	33.3%	35.0%	764,914	764,914	764,914	2,294,741	58.3%	61.3%	764,914	764,914	764,914	2,294,742	83.3%	87.49%	764,914	764,911	0	1,529,825	100.0%	102.20%	1,529,825	9,175,407	9,176,897	100.0%	
*State SrCs (St Timber, Common Sch Fund)	0	0	0	0	0.0%	0.0%	0	0	0	0	0.0%	0.0%	0	88,958	0	88,958	50.0%	47.63%	0	0	88,958	88,958	100.0%	95.26%	88,958	177,915	177,915	100.0%	
Federal Forest fees	0	0	0	0	0.0%	0.0%	0	0	0	0	0.0%	0.0%	0	0	0	0	0.0%	0.00%	0	265,000	0	265,000	100.0%	105.41%	265,000	265,000	265,000	100.0%	
Sale of Fixed Assets	0	0	0	0	0.0%	0.0%	0	0	0	0	0.0%	0.0%	0	0	0	0	0.0%	0.00%	0	0	15,000	15,000	100.0%	100.00%	15,000	15,000	15,000	100.0%	
Beginning fund balance	3,700,000	0	0	3,700,000	100.0%	118.9%	0	0	0	0	100.0%	118.9%	0	0	0	0	100.0%	118.86%	0	0	0	0	100.0%	118.86%	0	3,700,000	3,700,000	100.0%	
Total Period Revenues	5,228,062	864,001	987,026	7,079,089			836,914	7,294,914	979,914	9,111,741			894,914	911,872	929,914	2,736,700			1,344,914	1,109,911	313,039	2,767,864			2,767,864	21,695,393	21,695,393	100.0%	
Cumulative Revenues	5,228,062	6,092,063	7,079,089	7,079,089	32.6%	31.7%	7,916,002	15,210,916	16,190,830	16,190,830	74.6%	75.0%	17,085,744	17,997,615	18,927,529	18,927,529	87.2%	90.1%	20,272,443	21,382,354	21,695,393	21,695,393	100.0%	100.8%	21,695,393	21,695,393	21,695,393	100.0%	
*Offset State Revenue Formula																													
EXPENDITURES by Object																													
Salaries	226,024	226,024	810,000	1,262,048	13.5%	13.46%	810,000	810,000	810,000	2,430,000	39.6%	38.17%	810,000	810,000	810,000	2,430,000	65.7%	62.34%	810,000	810,000	1,572,465	3,192,465	100.0%	95.92%	3,192,465	9,314,513	9,314,513	100.0%	
Employee Benefits	114,262	114,096	465,000	693,358	12.3%	11.44%	465,000	465,000	465,000	1,395,000	37.0%	34.06%	465,000	465,000	465,000	1,395,000	61.7%	56.63%	465,000	465,000	1,236,899	2,166,899	100.0%	90.43%	2,166,899	5,650,257	5,650,091	100.0%	
Purchased Services	126,178	100,000	100,000	326,178	20.4%	15.35%	140,000	140,000	140,000	420,000	46.7%	44.92%	140,000	140,000	140,000	420,000	73.0%	78.41%	140,000	140,000	151,966	431,966	100.0%	113.91%	431,966	1,598,144	1,598,210	100.0%	
Supplies/Materials	30,809	50,000	75,000	155,809	17.8%	22.89%	75,000	75,000	75,000	225,000	43.4%	46.61%	75,000	75,000	75,000	225,000	69.0%	64.72%	75,000	75,000	121,453	271,453	100.0%	143.56%	271,453	877,262	877,500	100.0%	
Other Objects	374,249	3,000	3,000	380,249	90.1%	103.62%	3,000	3,000	3,000	9,000	92.2%	105.12%	3,000	3,000	3,000	9,000	94.4%	108.02%	3,000	3,500	17,348	23,848	100.0%	119.06%	23,848	422,097	421,958	100.0%	
Transfers	0	0	1,131,000	1,131,000	100.0%	100.00%	0	0	0	0	100.0%	100.00%	0	0	0	0	100.0%	100.00%	0	0	0	0	100.0%	100.00%	0	1,131,000	1,131,000	100.0%	
Contingency & Reserves	0	0	0	0	0.0%	0.00%	0	0	0	0	0.0%	0.00%	0	0	0	0	0.0%	0.00%	0	0	2,702,121	2,702,121	100.0%	100.00%	2,702,121	2,702,121	2,702,121	100.0%	
Total Period Expenditures	871,521	493,120	2,584,000	3,948,641			1,493,000	1,493,000	1,493,000	4,479,000			1,493,000	1,493,000	1,493,000	4,479,000	59.5%	54.9%	1,493,000	1,493,500	5,802,252	8,788,752	100.0%	93.2%	8,788,752	21,695,393	21,695,393	100.0%	
Cumulative Expenditures	871,521	1,364,641	3,948,641	3,948,641	18.2%	11.8%	5,441,641	6,934,641	8,427,641	8,427,641	38.8%	36.5%	9,920,641	11,413,641	12,906,641	12,906,641			14,399,641	15,893,141	21,695,393	21,695,393			21,695,393	0	0	0	
Month-end Fund Balance	4,356,541	4,727,422	3,130,448	3,130,448			2,474,361	8,276,275	7,763,189	7,763,189			7,165,103	6,583,974	6,020,888	6,020,888			5,872,802	5,489,213	0	0			0	0	0	0	
Informational only:																													
EXPENDITURES by Function																													
Instruction	15,106	30,000	750,000	795,106	8.7%	8.20%	750,000	750,000	750,000	2,250,000	33.5%	32.48%	750,000	750,000	750,000	2,250,000	58.2%	56.21%	750,000	750,000	2,297,447	3,797,447	100.0%	97.63%	3,797,447	9,092,553	9,092,554	100.0%	
Supporting Services	856,415	700,000	700,000	2,256,415	25.7%	23.36%	700,000	700,000	700,000	2,100,000	49.7%	46.76%	700,000	700,000	700,000	2,100,000	73.6%	70.40%	700,000	700,000	913,542	2,313,542	100.0%	99.88%	2,313,542	8,769,957	8,769,718	100.0%	
Other Uses	0	0	1,131,000	1,131,000	100.0%	100.00%	0	0	0	0	100.0%	100.00%	0	0	0	0	100.0%	100.00%	0	0	0	0	100.0%	100.00%	0	1,131,000	1,131,000	100.0%	
Contingency & Reserves	0	0	0	0	0.0%	0.00%	0	0	0	0	0.0%	0.00%	0	0	0	0	0.0%	0.00%	0	0	2,702,121	2,702,121	100.0%	100.00%	2,702,121	2,702,121	2,702,121	100.0%	
Total Period Expenditures	871,521	730,000	2,581,000	4,182,521	19.3%	11.8%	1,450,000	1,450,000	1,450,000	4,350,001	39.3%	36.5%	1,450,000	1,450,000	1,450,000	4,349,999	59.4%	54.9%	1,450,000	1,450,000	5,913,110	8,813,109	100.0%	93.2%	8,813,110	21,695,629	21,695,393	100.0%	

Brookings-Harbor School District 17C

Code: AC
Adopted: 6/05/95
Revised/Readopted: 10/22/03; 4/15/09; 3/04/10;
10/16/13; 11/18/15; 3/07/18;
11/20/19; 12/15/21
Orig. Code: AC

Nondiscrimination

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

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

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

~~[The Board designates the [Superintendent] as the district's civil rights coordinator.] [The Board directs the superintendent to designate the district's civil rights coordinator and make contact information available to staff, students and parents. ⁽²⁾]~~

The superintendent shall appoint individuals at the district to contact on issues concerning the Americans with Disabilities Act and Americans with Disabilities Act Amendments Act (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments, and other civil rights or discrimination issues, and notify students, parents, and staff with their names, office addresses, and phone numbers. The district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the district's administrative office and available on the home page of the district's website.

The district prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice; because that person has filed a charge, testified, assisted or participated in

¹ Includes discriminatory use of a Native American mascot pursuant to OAR 581-021-0047. Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

² ~~{For additional information regarding civil rights coordinators and their responsibilities, see ORS 332.505(2).}~~

an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising any rights guaranteed under state and federal law.

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 659A.003	ORS 659A.321
ORS 192.630	ORS 659A.006	ORS 659A.409
ORS 326.051(1)(e)	ORS 659A.009	OAR 581-002-0001 – 002-0005
ORS 332.505	ORS 659A.029	OAR 581-021-0045
ORS 408.230	ORS 659A.030	OAR 581-021-0046
ORS 659.805	ORS 659A.040	OAR 581-021-0047
ORS 659.815	ORS 659A.103 - 659A.145	OAR 581-022-2310
ORS 659.850 - 659.860	ORS 659A.230 - 659A.233	OAR 581-022-2370
ORS 659.865	ORS 659A.236	OAR 839-003
ORS 659A.001	ORS 659A.309	

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

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R Part 1626 (2019).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2019).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

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

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (2019).

Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).

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

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018); 29 C.F.R. Part 1635 (2019).

Brookings-Harbor School District 17C

Code: **BBF**
Adopted: 3/21/07
Revised/Readopted: 11/18/09; 10/16/13; 4/15/20

Board Member Standards of Conduct

A Board member should:

1. Comply with the Code of Ethics for public officials provided in state law;
2. Understand that the Board sets the standards for the district through Board policy. Board members do not manage the district on a day-to-day basis;
3. Understand that the Board makes decisions by a quorum vote of the Board. Individual Board members may not commit the Board to any action;
4. Respect the right of other Board members to have opinions and ideas which differ;
5. Recognize that decisions are made by a quorum vote are the final decisions of the Board. Such decisions should be supported by all Board members;
6. Make decisions only after the facts are presented and discussed;
7. Understand the chain of command and refer problems or complaints to the proper administrative office;
8. Recognize that the Board must comply with the Public Meetings Law and only has authority to make decisions at properly noticed Board meetings;
9. Insist that all Board and district business is ethical and honest;
10. Be open, fair and honest – no hidden agendas;
11. Understand that you will receive information that is confidential and cannot be shared;
12. Recognize that the superintendent is the Board's employee and designated as the chief executive officer of the district;
13. Take action only after hearing the superintendent's recommendations;
14. Refuse to bring personal or family problems into Board considerations;
15. Give district staff the respect and consideration due to skilled, professional employees;
16. Present personal criticism of district operations to the superintendent, when appropriate, not to district staff;

17. Respect the right of the public to attend and observe Board meetings;
18. Respect the right of the public to be informed about district decisions and school operations as allowed by law;
19. Remember that content discussed in executive session is confidential;
20. Use social media, websites, or other electronic communication judiciously, respectfully, and in a manner that does not violate Oregon's Public Meetings Laws;
21. When posting online or to social media, Board members will treat and refer to other Board members, staff, students and the public with respect, and will not post confidential information about students, staff or district business;
22. A Board member is a mandatory reporter of child abuse. A Board member having reasonable cause to believe that any child with whom the Board member comes in contact with has suffered abuse or that any person with whom the Board member comes in contact with has abused a child shall immediately make a ~~an oral report by telephone or otherwise~~ report to the local Department of Human Services (DHS)^[1], ~~to the designee of the department or to a local law enforcement~~ within the county where the person making the report is located at the time of contact.

END OF POLICY

Legal Reference(s):

¹ [How to report abuse or neglect: [Oregon DHS](#). Call 855-503-SAFE (7233)]

[ORS 162.015 - 162.035](#)
[ORS 162.405 - 162.425](#)
[ORS 192.610 - 192.710](#)

[ORS 244.040](#)
[ORS Chapter 244](#)
[ORS 332.055](#)

[ORS 419B.005](#)
[ORS 419B.010](#)
[ORS 419B.015](#)

Brookings-Harbor School District 17C

Code: BBFC
Adopted: 4/15/20

Reporting of Suspected Abuse of a Child

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

The Board member making a report of child abuse, as required by ORS 419B.010, shall make an oral report through DHS² by telephone or otherwise to the local office of the Department of Human Services, to the designee of the department or to a law enforcement agency within the county where the Board member making the report is located at the time of the contact.

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

END OF POLICY

Legal Reference(s):

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

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

[ORS 332.107](#)

[ORS 419B.005](#)

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

Brookings-Harbor School District 17C

Code: BCBA
Adopted: 1/18/88
Revised/Readopted: 10/22/03; 10/16/13
Orig. Code: BCJ

Student Representatives to the Board

Two essential factors in creating a stimulating learning climate for students are the active involvement of students in their education, including educational planning and evaluation, and the fostering of a spirit of inquiry whereby students may freely express their views and listen to and evaluate opinions of others. Student advisory participation on the Board is therefore authorized in order to facilitate more effective communication and to help promote sound education.

Student representation brings to the Board different information and opinions. Board members may be unaware of student reactions to school issues. Conversely, explanations of Board decisions which concern students can be appropriately explained. Student representation will be as follows:

1. There shall be one high school representative to the Board from the district's high school;
2. The representative shall be chosen by the students of the high school from their number in a manner upon which the students and the high school principal shall agree. Alternates, if desired, may be chosen in a like manner, and in the absence of the regular representative may have the same privileges as the regular representative;
3. The representative shall be chosen each spring, and shall serve for a one-year term, July 1 through June 30.

A student representative shall not be a voting member of the Board.

A student representative shall not be liable for any acts of the Board.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

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 (2023).

Brookings-Harbor School District 17C

Code: CB
Adopted: 1/18/88
Revised/Readopted: 10/22/03; 1/15/14; 12/14/22
Orig. Code: CB

Superintendent

The superintendent¹ is designated as the district's chief executive officer. Under the Board's direction, the superintendent exercises general supervision of all district schools, personnel and departments. The superintendent is responsible for managing the schools under the Board's policies and is accountable to the Board for that management.

The Board may not direct the superintendent to take any action that violates a local, state or federal law² that applies to school districts³.

The superintendent may delegate to other district personnel any powers and duties imposed upon the superintendent by Board policies or by vote of the Board. Delegation of power or duty will not relieve the superintendent of responsibility for action taken under such delegation.

END OF POLICY

Legal Reference(s):

¹ The term "superintendent" includes an interim superintendent.

² "Local, state or federal law" means a local, state or federal directive having the force of law, including an ordinance, a city or county resolution, a statute, a court decision, an administrative rule or regulation, an order issued in compliance with ORS Chapter 183, an executive order or any other directive, declaration or statement that is issued in compliance with the law as having the force of law and that is issued by a local government as defined in ORS 174.116, the state government as defined in ORS 174.111 or the federal government.

³ ~~Also includes taking any action that conflicts with law that applies to education service districts.~~

[ORS 332.505](#)

[ORS 332.515](#)

[OAR 581-022-2405](#)
[OAR 584-005-0005\(51\)](#)

Brookings-Harbor School District 17C

Code: CBC
Adopted: 1/18/88
Revised/Readopted: 10/22/03; 1/15/14
Orig. Code: CBC/CBD

Superintendent's Contract

The superintendent, upon appointment by the Board, will receive a written contract which will state the terms of employment, such as compensation, benefits and other conditions. The Board may not issue a contract that includes terms which direct the superintendent¹ to take any action that conflicts with a local, state or federal law² that applies to the district, or which allows the Board to take an adverse employment action against the superintendent for complying with such laws. Contracts shall not be issued for more than three years in duration at a time. The contract shall automatically expire at the end of its term. The Board may, however, elect to issue a subsequent contract at any time for up to not more than an additional three years at any time.

The compensation and benefits for the position of superintendent contract will meet any requirements of state law and will be fixed by mutually acceptable to the Board and based upon the responsibilities required of the superintendent in performing their duties.

The Board may not enter into an employment contract that contains provisions that expressly obligates the district to compensate the superintendent for work that is not performed.

The compensation and benefits for the position of superintendent will be fixed by the Board, based upon the responsibilities required of the superintendent in the performance of his/her duties. Provisions for termination of the superintendent's employment, either by the Board or the superintendent, will also be set forth in the superintendent's employment contract. The employment contract, if it includes a mutually agreed to termination-without-cause provision by the Board, will include a 12-month notice of termination for such provision.

The district may provide health benefits for a superintendent that is no longer employed by the district until the superintendent:

1. Reaches 65 years of age; or
2. Finds new employment that provides health benefits.

¹ The term "superintendent" includes an interim superintendent.

² "Local, state or federal law" means a local, state or federal directive having the force of law, including an ordinance, a city or county resolution, a statute, a court decision, an administrative rule or regulation, an order issued in compliance with ORS Chapter 183, an executive order or any other directive, declaration or statement that is issued in compliance with the law as having the force of law and that is issued by a local government as defined in ORS 174.116, the state government as defined in ORS 174.111 or the federal government.

For a period of one year after termination of the contract, the superintendent may not:

1. Purchase property or surplus property owned by the district or public charter school; or
2. Use property owned by the district or public charter school in a manner other than the manner permitted for the general public.

END OF POLICY

Legal Reference(s):

[ORS 332.432](#)
[ORS 332.505](#)

[ORS 342.549](#)
[ORS 342.815](#)

[OAR 584-005-0005\(51\)](#)

Brookings-Harbor School District 17C

Code: CBG
Adopted: 1/15/14
Revised/Readopted: 11/14/17

Evaluation of the Superintendent

The Board will formally evaluate the superintendent's job performance [at least once each year]. The evaluation will be based on the superintendent's administrative job description, any applicable standards of performance, Board policy and progress in attaining any goals for the year established by the superintendent and/or the Board. [The Board will discuss and give direction on progress toward goals on a quarterly basis.]

Additional criteria for the evaluation, if any, will be developed at a public board meeting prior to conducting the evaluation. The superintendent will be notified of the additional criteria prior to the evaluation.

The Board's discussion and conferences with and about the superintendent and their/his/her performance will be conducted in an executive session, unless the superintendent requests a session open to the public. Such an executive session will not include a general evaluation of any district goal, objective or operation. Results of the evaluation will be written and placed in the superintendent's personnel file.

At the Board's discretion, it may notify the superintendent in writing of specific areas to be remedied, and the superintendent may be given an opportunity to correct the problem(s). Where the Board provided written notice pursuant to the prior sentence, if the Board determines the superintendent's performance remains unsatisfactory, the Board may dismiss or non-renew the superintendent pursuant to Board policy, the superintendent's employment contract and state law and rules. In those situations where the superintendent's employment contract includes an evaluation, dismissal or non-renewal provision, it shall take precedent over this policy.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\), \(8\)](#)
[ORS 332.107](#)

[ORS 332.505](#)

[OAR 581-022-2405](#)

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

Brookings-Harbor School District 17C

Code: CCG
Adopted: 10/22/03
Revised/Readopted: 11/14/12; 1/15/14; 3/07/18

Evaluation of Administrators

The superintendent will implement and supervise an evaluation system for ~~administrators, administrative personnel.~~ The purpose of administrator evaluations is to assist an administrator with developing and strengthening ~~his/her~~ professional abilities, to improve the instructional program and management of the school system, and for supervisors to make recommendations regarding their employment and/or salary status.

[Evaluation and support systems established by the district must evaluate administrators on a regular cycle.] [A formal evaluation ~~Formal evaluations~~ will be conducted ~~[regularly]~~ [made at least once each year].]

The evaluation shall be conducted according to the following guidelines:

1. Evaluative criteria for each position will be in written form and made available to the administrator;
2. Evaluations will be made by the superintendent and/or a qualified, licensed designee;
3. Evaluations will be in writing and discussed with the administrator by the person who conducts the evaluation; and
4. The administrator being evaluated will have the right to attach a memorandum to the written evaluation, and ~~have~~ the right of appeal through established grievance procedures, if applicable.

An administrator's evaluation shall use the following educational leadership-administrator standards¹ adopted by the State Board of Education.

1. Visionary leadership;
2. Instructional improvement;
3. Effective management;
4. Inclusive practice;
5. Ethical leadership; ~~and~~
6. Socio-political context.

¹ These standards are aligned with the Interstate School Leaders Licensure Consortium (ISLLC) and the Educational Leadership Constituents Council (ELCC) standards for Education Leadership.

Administrator evaluations shall be based on the core administrator standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with the administrators and any exclusive bargaining representative of the administration.

Local evaluation and support systems established by the district for administrators must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems, including:

1. Four performance level ratings of effectiveness;
2. Consideration of multiple measures of administrator practice and responsibility which may include, but are not limited to:
 - a. Classroom-based assessments including observations, lesson plans and assignments;
 - b. Portfolios of evidence;
 - c. Supervisor reports; and
 - d. Self-reflections and assessments.
3. Consideration of evidence of student academic growth and learning based on multiple measures of student progress including performance data of students, schools and districts that is both formative and summative. Evidence may also include other indicators of student success;
4. A summative evaluation method for considering multiple measures of professional practice, professional responsibilities, and student learning and growth to determine the administrator's professional growth path;
5. Customized by the district, which may include individualized weighting and application of the standards.

An evaluations using the administrator standards must attempt to:

1. Strengthen the knowledge, skills, disposition and administrative practices of ~~the administrator~~ administrators;
2. Refine the support, assistance and professional growth opportunities offered to ~~the~~ an administrator, based on the individual needs of the administrator and the needs of the students, the school and the district;
3. Allow the administrator to establish a set of administrative practices and student learning objectives that are based on the individual circumstances of the administrator, including other assignments of the administrator;
4. Establish a formative growth process for each administrator that supports professional learning and collaboration with other ~~teachers and~~ administrators;
5. Use evaluation methods and professional development, support and other activities that are based on curricular standards and are targeted to the needs of the administrator; and
6. Address ways to help all educators strengthen their culturally responsive practices.

~~Evaluation and support systems established by the district must evaluate administrators on a regular cycle.~~
The superintendent shall regularly report to the Board on the implementation of the evaluation and support systems and educator effectiveness.

END OF POLICY

Legal Reference(s):

[ORS 192.660\(2\),\(8\)](#)
[ORS 332.505](#)
[ORS 342.120](#)

[ORS 342.815](#)
[ORS 342.850](#)

[ORS 342.856](#)
[OAR 581-022-2405](#)
[OAR 581-022-2410](#)
[OAR 581-022-2420](#)

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

Brookings-Harbor School District 17C

Code: DJC
Adopted:
Orig. Code(s): DJC

Bidding Requirements

(Version 2)

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

~~OR~~

~~[The Board is the Local Contract Review Board (LCRB) for the district. The LCRB has adopted its own rules of procedure that will govern district purchasing.³ Consequently, the model rules⁴ adopted by the Attorney General shall not apply to the district. The district shall review its rules each time the Attorney General adopts a modification of the model rules to determine whether any modifications need to be made to district rules, as required by ORS 279A.065(6)(b). New rules, as necessary, shall be adopted by the LCRB. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required.]~~

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

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

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

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

Goods and Services

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

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

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

³ ~~[The district should insert date of adoption of such rules and their location here and remove brackets.]~~

⁴ ~~Oregon Administrative Rules (OAR) 137-045 - 049~~

1. Small Procurement. For purchases of goods and services with a contract price not exceeding \$25,000, the district can use any manner deemed practical or convenient, including direct selection or award. Amendments to a contract awarded through small procurement must be in accordance with OAR 137-047-0800.
2. Intermediate Procurement. For purchases of goods and services with a contract price exceeding \$25,000, but not exceeding \$250,000, the district shall seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The district will keep record of the request and quotes. If three quotes are not reasonably available, fewer will suffice, but the district will make a written record of the effort made. The district may negotiate with a prospective contractor to clarify the quote or offer, or to effect modifications. Amendments to a contract awarded through intermediate procurement must be in accordance with OAR 137-047-0800.
3. Regular Procurement. For purchases exceeding \$250,000, the district will use competitive sealed bids (OAR 137-047-0255) or competitive sealed proposals (OAR 137-047-0260). Amendments to contracts awarded through regular procurement must be in accordance with OAR 137-047-0800.
4. Emergency Procurements. In situations of emergency⁵, the LCRB or designee may authorize an emergency procurement. In an emergency procurement, the district is not required to follow general procurement requirements. The district must ensure competition for the contract that is reasonable and appropriate under the circumstances. The district must document the nature of the emergency and the method used for the selection of the contractor.
5. Sole-source Procurements. If the LCRB or designee determines that the goods or services are available from only one source, the district may award a contract without competition. To the extent reasonably practicable, the district shall negotiate with the sole source to obtain contract terms that are advantageous to the district. The determination of sole source must be based on written findings and may include:
 - a. That the efficient utilization of existing goods requires acquiring compatible goods or services;
 - b. That the goods or services required to exchange software or data with other public or private agencies are available from only one source;
 - c. That the goods or services are for use in a pilot or experimental project; or
 - d. Other findings that support the conclusion that the goods or services are available from only one source.⁶
6. Special Procurements. “Special procurement” means a contract or class of contracts that use a contracting procedure other than competitive sealed proposals, competitive sealed bidding, small procurement or intermediate procurement. Special procurements require LCRB approval and will be conducted in accordance with ORS 279B.085, OAR 137-047-0285[, and] this policy [and

⁵ “Emergency” means circumstances that:

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

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

7. Personal Services Contracts. “Personal services contract,” as used in this policy, means a contract whose primary purpose is to acquire specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment.⁸ Unless otherwise designated by the LCRB, personal services contracts will be procured in accordance with applicable procurement laws. The LCRB may designate certain service contracts or classes of service contracts as personal services contracts and exempt them from competitive bidding.^{9} All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price. Personal service contractors may be required to qualify as independent contractors in accordance with applicable laws.¹⁰

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

Public Improvements

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

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

⁷ {If the LCRB has designated contracts or classes of contracts as special procurements, include this information along with reference to the LCRB action.}

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

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

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

¹¹ Public improvement does not include:

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

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

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

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

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

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

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

Brookings-Harbor School District 17C

Code: DJC
Adopted: 7/21/97
Revised/Readopted: 10/22/03; 1/15/13; 6/17/15;
1/19/22
Orig. Code: DJC

Bidding Requirements (Version 1)

(Delete)

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

1. Contracts between contracting agencies or between the district and the federal government;
2. Insurance and services contracts as provided for under state law;
3. Contracts for the procurement or distribution of textbooks;
4. Energy savings performance contracts¹;
5. Contracts made with qualified nonprofit agencies providing employment opportunities for disabled individuals;
6. Public improvement contracts exempted by the Local Contract Review Board (LCRB) upon findings that the award would not encourage favoritism or substantially diminish competition and would result in substantial cost savings and other substantial benefits to the district;
7. Emergency contracts;
8. Any other public contract specifically exempted from the code by another provision or law.

The Board will serve as the LCRB for the district. All district purchasing shall be conducted in accordance with the Board's adopted rules².

¹ Attorney General rules may still apply.

² The Board may contract with another public agency to serve as its LCRB.

The Board, acting as its own LCRB, adopts³ the *Oregon Attorney General's Model Public Contract Rules* OAR Chapter 137, Divisions 046 through 049, in effect at the time this policy is adopted. These rules govern purchasing procedures and other matters subject to competitive procurement provisions of law.⁴

The district shall procure the construction manager/general contractor services in accordance with model rules the Attorney General adopts under ORS 279A.065(3).

Additionally, the Board may include as part of its rules portions of the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246-249 in effect at the time this policy is adopted.

The Board, acting as the LCRB, may enact a resolution that authorizes the district to designate a public improvement as a community benefit contract per the requirements included in ORS 279C.300 to 279C.470.

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

The district shall review its rules each time the Attorney General adopts a modification of the model rules, as required by ORS 279A.065(6)(b), to determine whether any modifications need to be made to district rules to ensure compliance with statutory changes. Modifications will be made only following review by the district's legal counsel. New rules, as necessary, will be adopted by the Board. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required.

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

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

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

END OF POLICY

³ Purchases shall be governed by ORS Chapter 279, 279A, 279B and 279C. Additionally, the Board may, as provided by ORS 279, 279A.065, adopt the Oregon Attorney General's Model Public Contract Rules, OAR Chapter 137 governing purchasing/bid procedures. The Board may also adopt the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125. The Board may adopt portions of those rules or adopt its own rules. A Board that creates its own LCRB but has not established its own rules of procedure for public contracts is subject to the model rules (OAR Chapter 137) adopted by the Attorney General.

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

Legal Reference(s):

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

[ORS Chapter 279C](#)
[ORS 670.600](#)
[OAR Chapter 125](#), Divisions 246 - 249

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

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

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Brookings-Harbor School District 17C

Code: DJCA
Adopted: 1/15/14

Personal Services Contracts

(Delete)

The district may enter into personal services contracts with qualified professionals as provided by ORS 279A.055. Personal services contracts, as used in this policy, means contracts for specialized skills, knowledge and resources in the application of highly technical or scientific expertise or the exercise of professional, artistic or management discretion or judgment. The district may enter into a personal services contract with a current district employee only when the individual meets independent contractor status in accordance with state, Public Employees Retirement System (PERS) and Internal Revenue Service (IRS) requirements.

Selection of a personal services contractor will be based primarily on qualifications and performance history, expertise, knowledge and creativity and the ability to exercise sound professional judgment.

All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price.

Contracts for personal services in excess of \$100,000 shall require prior Board approval.

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

END OF POLICY

Legal Reference(s):

[ORS Chapters 279](#)

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

[ORS 332.107](#)

[ORS 670.600](#)

[OAR 459-010-0030](#)

INTERNAL REVENUE SERVICE, PUBLICATION 1779: INDEPENDENT CONTRACTOR OR EMPLOYEE.

Brookings-Harbor School District 17C

Code: **EBBA**
Adopted: 1/18/88
Revised/Readopted: 10/22/03; 3/04/10; 1/15/14
Orig. Code: EBBA

First Aid**

(Delete)

In cases of sudden illness or injury to a student or staff member, first aid will be given by school staff. Further medical attention to students is the responsibility of the parents, or of someone the parents designate in case of emergency. Each school will maintain a record of persons to contact in case of emergencies.

Each principal is charged with providing for the immediate care of ill or injured persons within his/her area of responsibility. Staff members shall report self-administered first-aid treatment to an immediate supervisor.

In each school, procedures for handling health emergencies will be established and made known to the staff. Each school and school vehicle will be equipped with appropriate first-aid supplies and equipment.

All employees are expected to know where first-aid supplies and equipment are kept in their work areas.

Designated employees in each building shall hold current first-aid cards. In compliance with Oregon Administrative Rules, each school shall have, at a minimum, at least one staff member with a current first-aid card for every 60 students enrolled or an emergency response team per building. Such team shall consist of no less than six persons who hold current first-aid/CPR cards and who are trained annually in the district and building emergency plans. Names of the designated employees will be posted.

END OF POLICY

Legal Reference(s):

[ORS 329.025](#)
[ORS 332.107](#)
[ORS 336.201](#)
[ORS 336.204](#)

[ORS 336.211 – 336.214](#)
[OAR 581-021-0017](#)
[OAR 581-021-0031](#)
[OAR 581-021-0587](#)

[OAR 581-021-0590](#)
[OAR 581-022-2050](#)
[OAR 581-022-2220](#)
[OAR 581-022-2515](#)

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

Brookings-Harbor School District 17C

Code: EBBAA

Adopted:

Infection Control and Bloodborne Pathogens

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

Consequently, the Board directs adherence to standard precautions. Standard precautions require that staff and students approach infection control as if all direct contact with human blood and body fluids is known to be infectious for bloodborne pathogens¹.

The district shall develop an Exposure Control Plan in accordance with the requirements in law².

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

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

The plan shall include training followed by an offer of hepatitis B vaccine and vaccination series for all staff who are required to provide first aid to students and/or for all staff who have occupational exposure as determined by the district. Training shall be provided at the time of initial assignment to tasks where occupational exposure may take place and at least annually^[3] thereafter. Staff will receive the annual

¹ “Bloodborne pathogens” are pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV). 29 CFR 1910.1030(b)

² See 29 CFR 1910.1030(c)(1) and OAR 437-002-1059 for more information about an Exposure Control Plan. {A template for an exposure control plan may be available from [Oregon OSHA](#).}

³ [Annual training for all employees shall be provided within one year of their previous training. (29 CFR 1910.1030(g)(2)(iv))]

training⁴ as well as the location and a content review of first-aid and clean-up kits. Kits shall be readily available⁵ in close proximity⁶ to all employees in the building and for district vehicles, including each bus⁷.

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

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

Documentation, including a sharps injury log, will be maintained in accordance with law⁸.

The Exposure Control Plan will be accessible to employees in accordance with law⁹.

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

END OF POLICY

Legal Reference(s):

⁴ See 29 CFR 1910.1030(g)(2) for information about training requirements.

⁵ OAR 437-002-0161(2) First-Aid Supplies. (a) The employer shall provide first-aid supplies based upon the intended use and types of injuries that could occur at the place of employment. The first-aid supplies shall be available in close proximity to all employees. Either bulk pack or unit pack supplies are acceptable. (b) “In proximity” is defined as that which is available nearby to ensure prompt treatment in the event of need.

⁶ “In proximity” is defined as that which is available nearby to ensure prompt treatment in the event of need. (OAR 437-002-0161(1)(b))

⁷ Emergency equipment for buses, includes, but is not limited to, body fluid cleanup and first-aid kits. (OAR 581-053-0240(23); OAR 581-053-0640)

⁸ See OAR 437-002-1030(3) and OAR 437-002-1035.

⁹ See 29 CFR 1910.1020(e) for requirements on providing access.

[ORS 332.107](#)
[OAR 437-002-0161](#)
[OAR 437-002-0360](#)

[OAR 437-002-1030](#)
[OAR 437-002-1035](#)
[OAR 581-022-2050](#)

[OAR 581-022-2220](#)
[OAR 581-053-0240\(23\)](#)
[OAR 581-053-0250\(1\)](#)
[OAR 581-053-0640\(2\)](#)

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

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Brookings-Harbor School District 17C

Code: EBBAA/GBEBC/JHCCC
Adopted: 12/07/92
Revised/Readopted: 10/22/03; 1/15/14
Orig. Code: EBBAA/GBEBC/JHCCC

Infection Control - HIV, AIDS, HBV

(Delete)

The district shall use standard precautions at all times for infection control. Each person is therefore treated as though an HIV, AIDS or HBV¹ infection exists.

The district shall develop an Exposure Control Plan that includes infection control procedures for staff and students.

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

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

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

The district will cooperate with Oregon Department of Education, Oregon Department of Humans Services, Health Services, the local health department and the education service district in delivering HIV, AIDS and HBV education.

END OF POLICY

Legal Reference(s):

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

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)

[OAR 581-022-0705](#)
[OAR 581-022-1440](#)

[OAR 581-053-0240\(23\)](#)
[OAR 581-053-0250\(1\)](#)

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Brookings-Harbor School District 17C

Code: **EBBB**
Adopted: 1/18/88
Revised/Readopted: 10/22/03; 12/18/13; 1/15/14;
6/17/15; 3/07/18
Orig. Code: EBBB

Injury/ or Illness Reports

All injuries or illnesses¹, sustained by the employee while in the actual performance of the duty of the employee, occurring on district premises, in district vehicles, at a district school-sponsored activity or involving staff members who may be elsewhere on district business will be reported immediately to a supervisor. [Staff members will report self-administered first-aid² treatment to an immediate supervisor.] All accidents involving employees, students, visiting public or district property will be reported immediately to a supervisor.

A written report will be submitted within 24 hours to the district's safety officer. Reports will cover property damage as well as personal injury.

In the event of a work-related³ illness or injury to an employee resulting in in-patient overnight hospitalization for medical treatment⁴ other than first aid, loss of an eye, amputation or avulsion⁵ the district safety officer shall report the incident to the Oregon Occupational Safety and Health Division (OR-OSHA)). ~~This report will be made~~ within 24 hours after notification to the district of an illness or injury. Fatalities or catastrophes⁶ shall be reported⁷ to OSHA within eight hours.

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

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

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

⁴ "Medical treatment" ~~includes managing or caring for a patient for the purpose of combatting~~ is the management or care of a patient to combat disease or disorder. The following are not considered medical treatment: visits to a physician, doctor or other licensed health-care professional solely for observation or counseling; diagnostic procedures, such as x-rays and blood tests, including administering prescription medications used solely for diagnostic purposes; ~~and~~ any procedure that can be labeled first aid according to OAR 437-001-0700(8)(d)(A)(iii).

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

⁶ A "cCatastrophe" is an accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility. (OAR 437-001-0015(11))

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

ALL injuries or illnesses sustained by an employee, while in the actual performance of the duty of the employee, or by a student or visiting public and accidents involving district property, employees, students or visiting public will be promptly investigated. As a result of the investigation any corrective measures needed will be acted upon.

The district safety officer will maintain records and reports on serious injuries, illnesses, and accidents involving district property, employees, students or visiting public. These records will include prevention measures taken, reporting information, and periodic statistical reports on the number and types of injuries, illnesses and accidents occurring in the district, and monthly and annual analyses of accident data as well as on the measures being taken to prevent such injuries/illnesses in the future. These records will include prevention measures taken, reporting information, periodic statistical reports on the number and types of injuries, illnesses and accidents occurring in the district, and monthly and annual analyses of accident data. The records will include monthly reporting information and an analysis of the data and trends will be conducted at least annually. Such reports will be submitted to the superintendent for review annually.⁶

END OF POLICY

Legal Reference(s):

⁶Annual reporting is required, but may occur more often.

[ORS 339.309](#)

[OAR 437-001-0015](#)

[OAR 437-001-0700](#)

[OAR 437-001-0704](#)

[OAR 437-001-0760](#)

[OAR 437-002-0360](#)

[OAR 437-002-0377](#)

[OAR 581-022-2225](#)

Brookings-Harbor School District 17C

Code: EBC
Adopted:
Orig. Code(s): EBC/EBCA; EBBA

Emergency Plan and First Aid**

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 30.800](#)
[ORS 192.660\(2\)\(k\)](#)
[ORS 332.107](#)
[ORS 433.260](#)
[ORS 433.441](#)

[OAR 437-002-0042](#)
[OAR 437-002-0120 - 0139](#)
[OAR 437-002-0161](#)
[OAR 437-002-0360](#)
[OAR 437-002-0377](#)
[OAR 581-022-2030\(3\)\(c\)](#)

[OAR 581-022-2220](#)
[OAR 581-022-2225](#)
[OAR 581-053-0003\(40\)](#)
[OAR 581-053-0220\(3\)\(e\)\(B\)\(iii\)](#)
[OAR 581-053-0320\(5\)\(b\)](#)
[OAR 581-053-0420\(2\)\(f\)\(B\)](#)

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

Brookings-Harbor School District 17C

Code: EBC/EBCA
Adopted: 11/15/06
Revised/Readopted: 3/04/10; 1/15/14; 2/17/16

Emergency Procedures and Disaster Plans

(Delete)

The superintendent will develop and maintain a plan specifying procedures to be used in such emergencies as disorderly conduct, unlawful assembly, disturbances at school activities, natural disasters, fire, illness or injury of a student or staff member, and use of force on school property. The superintendent will consult with community and county agencies while developing this plan.

The district's Emergency Procedures Plan will meet the standards of the State Board of Education.

Copies of the Emergency Procedures Plan will be available in every school office and other strategic locations throughout the district. Parents will be informed of the district's plan for the care of students during an emergency situation. The Board may use Oregon Revised Statute (ORS) 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward a school in the district.

In the case of long term disruption to district operations as a result of a pandemic flu, declared public health emergency or other catastrophe, the district emergency plan shall at a minimum include the following:

1. Who is in charge of the district plan;
2. What steps the district will take to stop the spread of disease;
3. How sick students will be identified;
4. Transportation plan for sick students;
5. Disease containment measures for the district;
6. Communication plan for staff, students and parents;
7. Continuing education plan for students;
8. Procedures for dealing with student privacy rights;
9. Employee leave procedures during a pandemic flu or other catastrophe;
10. Employee pay and benefit plan and procedures;
11. Facility utilization by other agencies procedures;
12. Business operations plan for offsite operation or alternative measures.

END OF POLICY

Legal Reference(s):

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

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

[OAR 581-022-0705](#)
[OAR 581-022-1420](#)

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Brookings-Harbor School District 17C

Code: EBCA
Adopted:

Safety Threats**

“Safety threat action” means a lockdown, lockout, shelter in place or evacuation that: (a) is initiated by a school in response to a safety threat; and (b) is not a planned drill.

When a school or the district initiates a safety threat action, the school or district shall issue an electronic communication as expediently as possible and not later than 24 hours after initiation of the safety threat action. The communication will be issued in culturally appropriate languages to effectively communicate with parents and guardians of students attending the school at which the safety threat action occurred.

The communication must include:

1. A general description of the issue that caused the safety threat action to be taken;
2. The duration of time the safety threat action was taken, from when the action was initiated until when it concluded;
3. Actions taken by the school or district to resolve the situation that caused the safety threat action and actions taken to protect student safety; and
4. An explanation of how the situation was resolved.

The communication shall be provided in a manner which communicates relevant facts and details as may be necessary or useful for parents and guardians to understand any potential threats to student safety, and to assist parents and guardians in helping students understand and mentally process the incident and any resulting trauma.

A communication will also be issued to employees of the school at which the safety threat action occurred, and must include the same information as above and any additional information as may be permitted by relevant confidentiality and privacy requirements.

The Board may use Oregon Revised Statute (ORS) 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward a school in the district.

END OF POLICY

Legal Reference(s):

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

[ORS 332.107](#)

[ORS 339.324](#)

Brookings-Harbor School District 17C

Code: EBCB
Adopted: 6/05/95
Revised/Readopted: 10/22/03; 3/04/10; 1/15/10;
6/17/15; 2/17/16
Orig. Code: EBCB

Emergency Procedure Drills and Instruction

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

All schools are required to instruct and drill students on district emergency procedures so they that students can respond to an emergency without confusion and panic. The emergency procedures shall include drills and instruction on fires, earthquakes, which shall include tsunami procedures in a tsunami hazard zone, and safety threats. Instruction on emergency procedures fires, earthquakes, safety threats and tsunami dangers⁺, and drills for students, shall be conducted for at least 30 minutes each school month.

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

Fire Emergencies

~~The district will conduct monthly fire drills. At least one fire drill will be held within the first 10 days of the school year.~~ Drills and instruction on fire emergencies shall include routes and methods of exiting the school building.

Earthquake and Tsunami Emergencies

At least three drills on earthquakes that include tsunami drills shall be conducted each year.¹

Drills and instruction for earthquake emergencies shall include the earthquake emergency response procedure of “drop, cover and hold on” during the earthquake. When based on the evaluation of specific engineering and structural issues related to a building, the district may include additional response procedures for earthquake emergencies.

Drills and instruction on tsunami emergencies shall include immediate evacuation after an earthquake, when appropriate, or after a tsunami warning to protect students against inundation by tsunamis.¹

Safety Threats

At least two drills on safety threats shall be conducted each year.

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

[The district may provide additional instruction relating to other disasters such as flooding, drought, excessive snowfall or wildfires. ^{1}]

~~The Board may use ORS 192.660(2)(k) to conduct an executive session to consider matters related to school safety or a plan that responds to safety threats made toward a school in the district.~~

Local units of government and state agencies associated with emergency procedures training and planning shall review the emergency procedures and assist the district with the instruction and the conducting of drills for students in these emergency procedures.

END OF POLICY

Legal Reference(s):

¹ {The Oregon Department of Education has resources available at <https://www.oregon.gov/ode/schools-and-districts/grants/pages/threat-and-hazard-resources.aspx>.}

[ORS 192.660\(2\)\(k\)](#)
[ORS 336.071](#)

[ORS 339.324](#)
[ORS 476.030](#)

[OAR 581-022-2225](#)

[OREGON STATE FIRE MARSHAL](#), OREGON FIRE CODE.

Brookings-Harbor School District 17C

Code: GBEB
Adopted: 1/08/96
Revised/Readopted: 10/22/03; 1/15/14; 3/07/18;
10/21/20
Orig. Code: GBEB; JHCC

Communicable Disease – Staffin Schools

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

~~A student or an employee may not attend school or work, respectively, while in a communicable stage of a restrictable disease or when an administrator has reason to suspect that the student or employee has or has been exposed to any disease for which exclusion is required in accordance with law. The district may provide an educational program in an alternative setting. Services will be provided to students as required by 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 other measures adopted by the district and with all rules adopted by the Oregon Health Authority, Public Health Division, and the local health department.

~~The district shall protect the confidentiality of each student’s and employee’s health condition and record to the extent possible and consistent with federal and state law.~~

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

~~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 general emergency plans plan, a description of the actions to be taken by district staff in buildings and by the district in response to medical emergencies staff in the case of a declared public health emergency or other catastrophe that disrupts district operations.

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 431.150 - 431.157](#)

[ORS 433.001 - 433.004](#)

[ORS 433.010](#)

[ORS 433.110](#)

[ORS 433.235 - 433.284](#)

[OAR 333-018](#)

[OAR 333-019-0010](#)

[OAR 333-019-0014](#)

[OAR 581-022-2220](#)

[OAR 581-022-2225](#)

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance for Schools*.

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 (2023).

Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d to -1320d-8 (2018); 45 C.F.R. Parts 160, 164 (2023).

Brookings-Harbor School District 17C

Code: **GBEBA**
Adopted: 3/12/96
Revised/Readopted: 10/22/03; 3/04/10; 1/15/14;
7/17/19
Orig. Code: GBEBA

Staff - HIV, AIDS and HBV

(Delete)

The district will strictly adhere in its policies and procedures to the Oregon law and Oregon Administrative Rules as they relate to staff infected with HIV, AIDS, or HBV¹.

The district recognizes a staff member has no obligation under any circumstances to report a condition to the district and the staff member has a right to continue working.

If the staff member reports a condition to the district, strict adherence to written guidelines outlined by the staff member shall be followed.

These guidelines shall identify who may have the information, who will give the information, how the information will be given, and where and when the information will be given. All such information will be held in confidence in accordance with Oregon law.

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

END OF POLICY

Legal Reference(s):

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

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

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

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

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Brookings-Harbor School District 17C

Code: **GBEBC/JHCCC/EBBAA**
Adopted: 12/7/92
Revised/Readopted: 10/22/03; 1/15/14
Orig. Code: GBEBC/JHCCC

Infection Control - HIV, AIDS, HBV

(Delete)

The district shall use standard precautions at all times for infection control. Each person is therefore treated as though an HIV, AIDS or HBV¹ infection exists.

The district shall develop an Exposure Control Plan that includes infection control procedures for staff and students.

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

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

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

The district will cooperate with Oregon Department of Education, Oregon Department of Health Services, Health Services, the local health department and the education service district in delivering HIV, AIDS and HBV education.

END OF POLICY

Legal Reference(s):

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

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)

[OAR 581-022-0705](#)
[OAR 581-022-1440](#)

[OAR 581-053-0240\(23\)\(c\)](#)
[OAR 581-053-0250\(1\)](#)

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Brookings-Harbor School District 17C

Code: **GBEBD/JHCCD**
Adopted: 1/08/96
Readopted: 10/22/03; 3/04/10; 1/15/14
Orig. Code: GBEBD/JHCCD

Staff/Students - Rumor Control - HIV, AIDS and HBV**

(Delete)

The district shall use a two-pronged approach for rumor control related to HIV, AIDS and HBV¹ before a rumor begins and during an “active” rumor.

In preparation for rumor control, the district shall annually notify staff, students, parents, media and the general public through such means as handbooks of confidentiality and individual rights requirements placed upon school districts. The requirements are outlined in Oregon Revised Statutes and Oregon Administrative Rules. Individual rights include the right a staff member or a student may have to continue working or attending school.

The district shall emphasize that if a staff member or the parent (student) chooses not to divulge an HIV, AIDS or HBV condition, the district will have no information except to reiterate the requirements in the law regarding confidentiality and individual rights. This will be stated routinely and in cases of an “active” rumor.

If the staff member or parent (student) wishes to divulge information and continues working or attending school, the district shall meet with the infected party or representative to develop a written procedure. This procedure will minimally outline what information will be given, how the information will be given and who will receive the information, who will give the information, when and where the information will be given. The procedures will be signed for approval by the infected party or representative.

The district shall appoint a district spokesperson who shall be responsible for responding to staff, students, parents, media and the general public.

END OF POLICY

Legal Reference(s):

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

[ORS 433.008](#)
[ORS 433.045](#)

[OAR 333-018-0000](#)

[OAR 333-018-0005\(1\)\(a\)](#)
[OAR 333-018-0030](#)
[OAR 581-015-0005](#)

Cross Reference(s):

JHCCD/GBEBD - Staff/Students - Rumor Control - HIV, AIDS and HBV

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Brookings-Harbor School District 17C

Code: **GBEBE/JHCCE/KBCAA**
Adopted: 1/08/96
Readopted: 10/22/03; 1/15/14; 3/18/15
Orig. Code: **GBEBE/JHCCE/ KBCAA**

News/Media - HIV, AIDS or HBV**

(Delete)

The district shall appoint a district spokesperson who shall respond to media inquiries regarding rumored or identified HIV, AIDS or HBV¹ cases.

The spokesperson shall stress:

1. School districts are not informed of a person infected with HIV, AIDS or HBV unless the infected person or his/her parent releases the information;
2. School districts, if informed, may not release the information unless the infected person or parent gives permission for such release;
3. School districts may not prevent a staff member from working if he/she is able to perform his/her job responsibilities. Students have a right to continue to attend school;
4. "Susceptible" for a child means lacking documentation of immunization required under OAR 333-050-0050, or if immunization is not required, lacking evidence of immunity to the disease.

END OF POLICY

Legal Reference(s):

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

[ORS 326.565](#)
[ORS 326.575](#)
[ORS 332.061](#)
[ORS 336.187](#)

<http://landru.leg.state.or.us/ors/342.htm>
[IORS 342.850\(7\)](#)
[ORS 433.008](#)
[ORS 433.045](#)

[OAR 333-018-0000](#)
[OAR 333-018-0005](#)
[OAR 333-018-0030](#)
[OAR 581-015-0005](#)
[OAR 581-022-1440](#)

Cross Reference(s):

JHCCE/KBCAA/GBEBE - News/Media - HIV, AIDS or HBV
KBCAA/GBEBE/JHCCE - News/Media - HIV, AIDS or HBV

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Brookings-Harbor School District 17C

Code: GBN/JBA
Adopted: 10/21/20
Revised/Readopted: 12/15/21
Orig. Code: GBN/JBA

Sexual Harassment

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

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

General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties¹ shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or district staff member's ability to perform their job; or
 - c. Creates an intimidating, offensive, or hostile environment.

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

3. Assault when sexual contact occurs without ~~the student's, staff member's or third party's consent~~². ~~because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.~~

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

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

Oregon Procedures

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

Name	Position	Phone	Email
Helena Chirinian	Superintendent	541-469-7443	helenac@brookings.k12.or.us

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX Coordinator. *See* GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure. If this individual is the subject of the complaint, the report may be made to the Director of Special Programs or Director of Finance, as an alternative to reporting to the Superintendent.

Response

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

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

This includes providing resources for support measures that may include counseling, extension of deadlines, or other course-related adjustments, modifications of class schedules, mutual restrictions on contact between the parties, and connection to community supports for the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future

² "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

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

Investigation

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

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

The District will provide a support person or advisor who is trained in all district policies and procedures related to sexual harassment and sexual harassment proceedings for any reporting or reported student.

Upon the student's request, the District support person or advisor will accompany the individual to any interview or meeting held as part of any district sexual harassment proceeding.

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

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

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

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

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

No Retaliation

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

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

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

Notice

When a person³ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and

³ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include⁴:

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

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

The notice must:

1. Be written in plain language that is easy to understand;

⁴ Remember confidentiality laws when providing any information.

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

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

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

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity⁵;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.
7. ~~For the purposes of the Title IX sexual harassment, "consent" does not exist when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.~~

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

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

Federal Procedures

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

Reporting

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

The Superintendent is designated as the Title IX Coordinator and can be contacted at 541-469-7443. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this policy. ~~AR:~~ The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed⁶. The district shall treat complainants and respondents equitably by providing supportive measures⁷ to the complainant and by following a grievance procedure⁸ prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint⁹.

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place¹⁰. The

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

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

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

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

¹⁰ The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the

district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

The District will provide a support person or advisor who is trained in all district policies and procedures related to sexual harassment and sexual harassment proceedings for any reporting or reported student.

Upon the student's request, the District support person or advisor will accompany the individual to any interview or meeting held as part of any district sexual harassment proceeding.

Notice

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

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

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary¹¹, or both.

No person designated as the investigator, decision-maker, or any person designated by the district to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A conflict of interest occurs when personal or private interests may compromise one's judgment, decisions, or actions. Conflict of interests may arise from family, friendships, past relationships as student-teacher, financial investments, or other social factors. A bias is defined as a tendency, inclination, or prejudice toward/against someone. A conflict of interest or bias exists that disqualifies a person from being involved in the investigation or decision-making process if it prevents the person from impartially participating in the process. Any staff member with a designated role in the Title IX process who believes they have a conflict of interest may recuse themselves from the process without reprisal.

No Retaliation

Neither the district or any person may retaliate¹² against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act

Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

¹¹ Of the United States Department of Education.

¹² Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

(FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹³

Publication

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

END OF POLICY

Legal Reference(s):

¹³ This includes creating a record for each investigation. This record must include:

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

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

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

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

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

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

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

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

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

Brookings-Harbor School District 17C

Code: **GBNAB/JHFE**
Adopted: 1/18/88
Revised/Readopted: 10/22/03; 1/25/12; 8/22/12;
4/15/15; 4/15/20; 12/15/21
Orig. Code: JHFE

Suspected Abuse of a Child Reporting Requirements**

Any district employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse¹ shall ~~orally report or cause an oral report~~ immediately ~~make a report by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) through the centralized child abuse reporting system^[2] 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**³ with whom the employee is in contact has abused a child shall immediately report ~~in the same manner described above, 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.~~

The report must contain, ~~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, contractors⁴, agents⁵, volunteers⁶, 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 regulations.

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 through its centralized child abuse reporting system or to~~

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

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

³ "Person" could include an adult, student or other child.

⁴ "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.

⁵ "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.

⁶ "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.

~~a designee of 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 administrator⁷, 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 Director of Special Programs or the Director of Fiscal Services⁸ who shall also report to the Board chair.

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 ~~making a report to local law enforcement~~ ~~and the centralized child abuse reporting system of 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(1) - 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

⁷~~ORS 339.372 requires the district to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual abuse for a school building in the respective school building. A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.~~

⁸~~A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.~~

any district employee, contractor, agent or volunteer. Intentionally making a false report of 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.

The district shall provide to a district employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378.

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

Legal Reference(s):

[ORS 339.370 - 339.400](#)
[ORS 418.257 - 418.259](#)

[ORS 419B.005 - 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 (9th Cir. 2011).

Brookings-Harbor School District 17C

Code: **GCDA/GDDA**
Adopted: 11/18/09
Revised/Readopted: 11/14/12; 12/18/13; 11/18/15;
7/06/16; 3/07/18; 9/12/18;
11/20/19

Criminal Records Checks and Fingerprinting (Version 1)

(Delete)

In a continuing effort to ensure the safety and welfare of students and staff, the district shall require all newly hired full-time and part-time employees¹ not requiring licensure under Oregon Revised Statute (ORS) 342.223 to submit to a criminal records check and fingerprinting as required by law. Other individuals, as determined by the district that will have direct, unsupervised contact with students shall submit to criminal records checks and/or fingerprinting as established by Board policy and as required by law.

“Direct, unsupervised contact with students” means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision.

Pursuant to state law, a criminal records check or fingerprint- based criminal records checks shall be required of the following individuals²;

1. All individuals employed as or by a contractor , whether employed part-time or full-time, and considered by the district to have direct, unsupervised contract with students;
2. Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early education program or at a kindergarten through grade 12 school site during the regular school day;
3. Any individual who is an employee of a public charter school and not requiring licensure under ORS 342.223; and
4. Any individual considered for volunteer service with the district who is allowed to have direct, unsupervised contact with students.

The district will provide the written notice about the requirements of fingerprinting and criminal records checks through means such as staff handbooks, employment applications, contracts or volunteer forms. The district shall require a nationwide criminal records check based on fingerprinting for a volunteer with direct, unsupervised contact with students in the following positions:

1. Head coach;

¹ Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

²Subject individuals and requirements are further outlined in GCDA/GDDA-AR - Criminal Records Checks and Fingerprinting.

2. Assistant coach;
3. Overnight chaperone;
4. Volunteers transporting students, other than their own, in a private vehicle off district property for a district-sponsored activity.

The procedure for processing fingerprint collection is further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting .

A subject individual shall be subject to the collection of fingerprint information, only after the offer of employment or contract from the district and may be charged a fee by the district. A subject individual may request the fee be withheld from the amount otherwise due the individual.

The district shall not begin the employment of a subject individual or terms of a district contractor before the return and disposition of the required criminal records checks.

When the district is notified of a subject individual who has been convicted of any crimes prohibiting employment or contract the individual will not be employed or contracted, or if employed will be terminated. When the district is notified of a subject individual who knowingly made a false statement as to the conviction of any crime, the individual may be employed or contracted with by the district, or if employed by the district may be terminated. A subject individual who fails to disclose the presence of convictions that would not otherwise prohibit employment or contract with the district as provided by law may be employed or contracted with by the district.

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

The service of a volunteer allowed to have direct, unsupervised contact with students will not begin before the return and disposition of a criminal records check.

The service of a volunteer into a position identified by the district as requiring a fingerprint -based criminal records check will not begin before the return and disposition of the a state and national criminal records check based on fingerprints.

A volunteer who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, , or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number may result in immediate termination from the ability to volunteer in the district.

The superintendent shall develop administrative regulations as necessary to meet the requirements of law.

Appeals

A subject individual eligible may appeal a determination from ODE that prevents his/her employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

A volunteer may appeal a determination from a fingerprint-based criminal records checks by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

END OF POLICY

Legal Reference(s):

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

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

[OAR 414-061-0010 – 061-0030](#)
[OAR 581-021-0510 – 021-0512](#)
[OAR 581-022-2430](#)
[OAR 584-050-0012](#)
[OAR 584-050-0100](#)

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

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OSBA Model Sample Policy

Code: GCDA/GDDA

Adopted:

Criminal Records Checks and Fingerprinting * **(Version 2)**

In a continuing effort to ensure the safety and welfare of students and staff, the district shall require certain individuals to submit to a criminal records check and fingerprinting as required by law. This includes employees, contractors, volunteers and others.

Requirements for Employees ^[1] not Licensed, Certified or Registered by the Teachers Standards Practices Commission (TSPC)

All newly hired employees² not identified under Oregon Revised Statutes (ORS) 342.223³ are required to submit to a criminal records check and fingerprinting as required by law. A newly hired employee is not subject to fingerprinting if the district has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district⁴ or private school, and has not resided outside the state between the two periods of employment⁵.

An individual shall be subject to the collection of fingerprint information, only after the offer of employment from the district. Fees associated with criminal records checks and fingerprinting for individuals applying for employment with the district and not requiring licensure shall be paid by the ~~district.~~ individual. An individual may request the fee be withheld from the amount otherwise due the individual. The district will withhold this amount only upon request of the subject individual.]

The district ~~may~~⁶ [shall not] begin the employment of an individual ~~on a probationary basis pending~~ [before] the return and disposition of the required criminal records checks.

When the criminal records check indicates an individual has been convicted of any crimes⁷ prohibiting employment, the individual will not be employed, or if employed will be terminated. When the criminal

¹ {If the district wants to include the larger section on TSPC-licensed employees (see p. 2), keep this bracketed language. If the district does not want to include the larger section on TSPC-licensed individuals, omit this bracketed language.}

² Any individual hired within the last three months. This does not include an employee hired within the last three months if the district has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

³ ORS 342.223 includes teachers, administrators, personnel specialist, school nurses, persons participating in supervised clinical practice experience, practicum or internship as a teacher, administrator or personnel specialist. See statute for details.

⁴ As is defined in OAR 581-021-0510(9); includes school districts, the Oregon School for the Deaf, and educational program under the Youth Corrections Education Program, public charter schools and ESDs.

⁵ {Additional exception applies through July 1, 2024. See ORS 326.603(4)(b).}

~~⁶ Decisions regarding which employees may begin before the return of the required criminal records checks must be made in a nondiscriminatory manner.~~

⁷ See OAR 581-021-0511(8).

records check indicates an individual has knowingly made a false statement as to the conviction of any crime, the individual [may] ~~[will not]~~ be employed by the district, or if employed by the district [may] ~~[will]~~ be terminated. An individual who fails to disclose the presence of convictions that would not otherwise prohibit employment or contract with the district as provided by law [may] ~~[will not]~~ be employed by the district. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.

~~[Requirements for individuals in positions requiring licensure, certification or registration with Teacher Standards and Practices Commission (TSPC) are outlined in ORS 342.223.]~~

OR

[Requirements for TSPC Licensed, Certified or Registered Individuals

1. Any individual who is applying for a license as a teacher, administrator or personnel specialist is subject to a criminal records check and fingerprinting, unless the individual has submitted to such a check through the Teacher Standards and Practices Commission (TSPC) within the previous three years, or has remained continuously licensed by or registered with TSPC for a different license or registration for which the individual has already submitted to a criminal records check and fingerprinting.
2. Any individual who is applying for an initial certificate under ORS 342.475 as a school nurse shall submit to a criminal records check and fingerprinting with TSPC.
3. Any individual who is applying for a registration as a public charter school teacher or administrator with TSPC shall submit to a criminal records check and fingerprinting with TSPC.
4. Any individual applying for reinstatement of an Oregon license or registration as a teacher, administrator or personnel specialist, or a certificate as a school nurse with the TSPC, whose license, registration or certificate has lapsed for at least three years, shall submit to a criminal records check and fingerprinting with TSPC.
5. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist, if the individual does not hold a current license issued by TSPC and has not submitted to a criminal records check by TSPC within the previous three years for student teaching, practicum or internship as a teacher, administrator or personnel specialist, shall be required to submit to a criminal records check and fingerprinting with TSPC.}

Requirements for Contractors^{8}

⁸ {The district should include language regarding background checks in any contract that includes direct, unsupervised contact with students whenever applicable.}

All individuals employed as or by a contractor and considered by the district to have direct, unsupervised contact with students⁹ or unsupervised access to children are required to submit to a criminal records check and a fingerprint-based criminal records check.

The superintendent [or designee] will identify contractors who are subject to such requirements.

A contractor or an employee of a contractor required to submit to a criminal records check and fingerprinting in accordance with law and Board policy will be terminated from contract status, or withdrawal of offer of contract will be made by the district upon:

1. Refusal to consent to a criminal records check and fingerprinting; or
2. Notification¹⁰ from the Superintendent of Public Instruction that the individual has a conviction of any crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number.

A subject individual [may] ~~[will]~~ be terminated from contract status upon notification from the Superintendent of Public Instruction that the individual has knowingly made a false statement as to the conviction of any crime.

Requirements for Volunteers

~~{+}~~ The district shall require a fingerprint-based criminal records check for volunteers allowed direct, unsupervised contact with students, in the following positions:

1. Head coach;
2. Assistant coach;
3. Overnight chaperone;
4. Volunteers transporting students, other than their own, in a private vehicle off district property for a district-sponsored activity;
5. ~~List of other positions subject to this fingerprinting, if any.~~

The service of a volunteer into a position identified by the district as requiring a fingerprint-based criminal records check ~~[may]~~ [will not] begin ~~[on a probationary basis pending]~~ [before] the return and disposition of a state and national criminal records check based on fingerprints.]

⁹ “Direct, unsupervised contact with students” means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision. (OAR 581-021-0510)

¹⁰ Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

~~++ (If the district requires fingerprinting for certain volunteer positions, the district is required to list those volunteer positions in board policy. The bracketed language is only possible examples; modify to identify the positions in the district which require such fingerprinting.)~~

{¹²} Volunteers allowed by the district into a position designated by the district to have direct, unsupervised contact with students shall submit to an in-state criminal records check.

[The service of a volunteer allowed to have direct, unsupervised contact with students ~~[may]~~ [will not] begin ~~[on a probationary basis pending]~~ [before] the return and disposition of a criminal records check.]

[A volunteer that is not likely to have direct, unsupervised contact with students, as determined by the district, [will] ~~[will not]~~ be required to submit to an in-state criminal records check.]

[A volunteer who knowingly made a false statement on a district volunteer application form or has a conviction of a crime listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number [may] ~~[will]~~ result in immediate termination from the ability to volunteer in the district.]

[Fees associated with a required fingerprinting for volunteers shall be paid by the ~~[individual]~~ [district].] Fees associated with required non-fingerprinting criminal records checks for volunteers shall be paid by the ~~[individual]~~ [district].

{A volunteer who refuses to submit, when required, to a criminal records check or a fingerprint-based criminal records check in accordance with law and Board policy will be denied such ability to volunteer in the district.}

Requirements for Others

Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day is required to submit to a criminal records check and a fingerprint-based criminal records check.

Any individual who is an employee of a public charter school and not identified under ORS 342.223 is required to submit to a criminal records check and a fingerprint-based criminal records check.

Notification

The district will provide written notice about the requirements of fingerprinting and criminal records checks through means such as staff handbooks, employment applications, contracts or [volunteer] forms.

The district will provide the following notification to individuals subject to criminal records checks and fingerprinting:

1. Such criminal records checks and fingerprinting are required by law or Board policy;
2. All employment or contract offers [or the ability to volunteer] are contingent upon the results of such checks;

¹² {If the district allows volunteer service and the volunteers have direct, unsupervised contact with students, this policy language is required, and districts are required to conduct criminal records checks on these volunteers.}

3. A refusal to consent to a required criminal records check and fingerprinting shall result in immediate termination from employment[,] [or] contract status[or the ability to volunteer in the district];
4. A determination by the Oregon Department of Education (ODE) which affects an individual's eligibility to be employed, or contracted with, by the district may be appealed to the Superintendent of Public Instruction under ORS 183.413 – 183.470;
5. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts[,] [or] ODE forms [(written or electronic)] [may] ~~[will]~~ result in immediate termination from employment or contract status;
6. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status[:; [.]
7. [A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number [may] ~~[will]~~ result in immediate termination from the ability to volunteer in the district.] [The district [may] ~~[will]~~ remove the volunteer from the position allowing direct, unsupervised contact with students.]

Processing and Reporting Procedures

Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the district. The district shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.

Fingerprints may be collected by one of the following:

1. Employing district staff;
2. Contracted agent of employing district;
3. Local or state law enforcement agency; or
4. Statewide vendor identified by the Oregon Department of Administrative Services.

To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized fingerprinter.

The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the district of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime or has a conviction of a crime prohibiting employment[,] ~~[or]~~ contract[or volunteering].

A copy of the fingerprinting results will be kept by the district. The district's use of criminal history must be relevant to the specific requirements of the position, services or employment.

END OF POLICY

Legal Reference(s):

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

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

[OAR 414-061-0010 – 061-0030](#)
[OAR 581-021-0510 – 021-0512](#)
[OAR 581-022-2430](#)
[OAR 584-050-0012](#)
[OAR 584-050-0100](#)

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

Brookings-Harbor School District 17C

Code: IGBAF
Adopted: 2/26/01
Revised/Readopted: 10/22/03; 4/18/12; 2/18/15
Orig. Code: IGBAF

Special Education - Individualized Education Program (IEP)**

An individualized education program (IEP) shall be developed and implemented for each student with disabilities in the district, kindergarten through 21 years of age, including those who attend a public charter school located in the district, are placed in or referred to a private school or facility by the district, or receive related services from the district. The district is responsible for initiating and conducting the meetings to develop, review and revise the IEP of a student with disabilities. The district will ensure that one or both parents are present at each meeting or are afforded the opportunity to participate and are given a copy of the IEP. A meeting to develop an IEP shall be held within 30 calendar days of a determination that the student needs special education and related services, once every 365 days thereafter and when considering a change in the IEP or placement.

If a student is to be placed or referred to a private school or facility or attends a private or parochial school, the district will ensure that a representative of the private school or facility attends the IEP meeting. If the representative of the private school or facility is unable to attend the IEP meeting, the district shall use other methods to ensure participation including but not limited to, individual or conference telephone calls, or individual meetings.

END OF POLICY

Legal Reference(s):

[ORS 343.068](#)
[ORS 343.151](#)
[ORS 343.155](#)
[ORS 343.321 - 343.333](#)

[OAR 581-015-2195](#)
[OAR 581-015-2200](#)
[OAR 581-015-2205](#)
[OAR 581-015-2210](#)
[OAR 581-015-2215](#)
[OAR 581-015-2220](#)
[OAR 581-015-2225](#)

[OAR 581-015-2229](#)
[OAR 581-015-2230](#)
[OAR 581-015-2235](#)
[OAR 581-015-2055](#)
[OAR 581-015-2600](#)
[OAR 581-015-2065](#)
[OAR 581-015-2265](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.5 - 300.6, 300.22 - 300.24, 300.34, 300.43, 300.105 - 106, 300.112, 320.325, 300.328, 300.501 (2012).

Brookings-Harbor School District 17C

Code: IGBAG
Adopted: 4/15/15

Special Education - Procedural Safeguards**

Procedural Safeguards – General

A district ensures that students with disabilities and their families are afforded their procedural safeguards related to:

1. Access to students' educational records;
2. Parent and adult student participation in special education decisions;
3. Transfer of rights to students who have reached the age of majority;
4. Prior written notice of proposed district actions;
5. Consent for evaluation and for initial placement in special education¹;
6. Independent educational evaluation;
7. Dispute resolution through mediation, state complaint investigation, resolution sessions and due process hearings;
8. Discipline procedures and protections for students with disabilities, including placements related to discipline;
9. Placement of students during the pendency of due process hearings;
10. Placement of students by their parents in private schools;
11. Civil actions; and
12. Attorney's fees.

¹ If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district: 1) may not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services; 2) may not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child; 3) the district will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services; and 4) the district is not required to convene an individualized education program (IEP) team meeting or develop an IEP for the child for further provision of special education or related services.

Procedural Safeguards Notice

1. The district provides to parents a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education, at least once per year and upon initial referral or parent request for special education evaluation and when the parent requests a copy. The district also gives a copy to the student at least a year before the student's 18th birthday or upon learning that the student is considered emancipated.
2. The district provides the *Procedural Safeguards Notice* in the parent's native language or other mode of communication unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district takes steps to ensure that the notice is translated orally or by other means understandable to the parent and that the parent understands the content of the notice. The district maintains written evidence that it meets these requirements.

Parent or Adult Student Meeting Participation

1. The district provides parents or adult students an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the student, and the provision of a free appropriate public education (FAPE)FAPE to the student.
2. The district provides parents or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - a. States the purpose, time and place of the meeting and who is invited to attend;
 - b. Advises that parents or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - c. Advises that the team may proceed with the meeting even if the parents are not in attendance;
 - d. Advises the parents or adult students who to contact before the meeting to provide information if they are unable to attend; and
 - e. Indicates if one of the meeting's purposes is to consider transition services or transition services needs. If so:
 - (1) Indicates that the student will be invited; and
 - (2) If considering transition services, identifies any agencies invited to send a representative (with parent or adult student consent).
3. The district takes steps to ensure that one or both parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - b. Scheduling the meeting at a mutually agreed upon time and place.
4. If neither parent can attend, the district will use other methods to ensure an opportunity to participate, including, but not limited to, individual or conference phone calls or home visits.

5. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.

Access to Records

A parent is entitled at any reasonable time to examine all of the records of the district pertaining to the identification, evaluation and educational placement of their child and the provision of FAPE to their child. Records must be provided without undue delay, which may not exceed 10 business days, as defined in ORS 192.311, from the date of the request for the records. Records may be redacted only to the extent necessary to protect personally identifiable information of other children unless disclosure is authorized by law or court order.

END OF POLICY

Legal Reference(s):

[ORS 343.155](#)

[ORS 343.165](#)

[ORS 343.173](#)

[ORS 343.177](#)

[ORS 343.181](#)

[OAR 581-001-0005](#)

[OAR 581-015-2000](#)

[OAR 581-015-2030](#)

[OAR 581-015-2090](#)

[OAR 581-015-2095](#)

[OAR 581-015-2190](#)

[OAR 581-015-2195](#)

[OAR 581-015-2305](#)

[OAR 581-015-2310](#)

[OAR 581-015-2325](#)

[OAR 581-015-2330](#)

[OAR 581-015-2345](#)

[OAR 581-015-2360](#)

[OAR 581-015-2385](#)

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300, 300.500 - 300.505, 300.515, 300.517.

Brookings-Harbor School District 17C

Code: JBA/GBN
Adopted: 10/21/20
Revised/Readopted: 12/15/21
Orig. Code: JBA/GBN

Sexual Harassment

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

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

General Procedures

When information, a report or complaint regarding sexual harassment is received by the district, the district will review such information, report or complaint to determine which law applies and will follow the appropriate procedures. When the alleged conduct could meet both of the definitions in ORS Chapter 342 and Title IX, both complaint procedures should be processed simultaneously (*see* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure and JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure). The district may also need to use other complaint procedures when the alleged conduct could meet the definitions for other complaint procedures.

OREGON DEFINITION AND PROCEDURES

Oregon Definition

Sexual harassment of students, staff members or third parties¹ shall include:

1. A demand or request for sexual favors in exchange for benefits;
2. Unwelcome conduct of a sexual nature that is physical, verbal, or nonverbal and that:
 - a. Interferes with a student's educational activity or program;
 - b. Interferes with a school or district staff member's ability to perform their job; or
 - c. Creates an intimidating, offensive, or hostile environment.

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

3. Assault when sexual contact occurs without the student's, staff member's or third party's consent²; because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

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

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

Oregon Procedures

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

Name	Position	Phone	Email
Helena Chirinian	Superintendent	541-469-7443	helenac@brookings.k12.or.us

This individual is responsible for accepting and managing complaints of sexual harassment. Persons wishing to report should contact them using the above information. This person is also designated as the Title IX Coordinator. *See* JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure. If this individual is the subject of the complaint, the report may be made to the Director of Special Programs or Director of Finance, as an alternative to reporting to the Superintendent.

Response

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

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

This includes providing resources for support measures that may include counseling, extension of deadlines, or other course-related adjustments, modifications of class schedules, mutual restrictions on contact between the parties, and connection to community supports for the student, staff member or third party who was subjected to the behavior and taking any actions necessary to remove potential future

² "Without consent" means an act performed: (a) without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or (b) when a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

impact on the student, staff member or third party, but are not retaliatory against the student, staff member or third party being harassed or the person who reported to the district official.

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

Investigation

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

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

The District will provide a support person or advisor who is trained in all district policies and procedures related to sexual harassment and sexual harassment proceedings for any reporting or reported student.

Upon the student's request, the District support person or advisor will accompany the individual to any interview or meeting held as part of any district sexual harassment proceeding.

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

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

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

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

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

No Retaliation

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

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

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

Notice

When a person³ who may have been affected by this policy files a complaint or otherwise reports behavior that may violate the policy, the district shall provide written notification to the following:

1. Each reporting person;
2. If appropriate, any impacted person who is not a reporting person;
3. Each reported person; and

³ Student, staff member, or third party, or if applicable, the student or third party's parent. If the person is a minor, the district should consider when to contact the person's parent.

4. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

The written notification must include⁴:

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

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

The notice must:

1. Be written in plain language that is easy to understand;

⁴ Remember confidentiality laws when providing any information.

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

Oregon Department of Education (ODE) Support

The ODE will provide technical assistance and training upon request.

FEDERAL DEFINITION AND PROCEDURES

Federal Definition

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

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity⁵;
3. "Sexual assault": an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
4. "Dating violence": violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship;
5. "Domestic violence": felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
6. "Stalking": engaging in a course of conduct directed at a specific person that would cause a reasonable person fear for the person's own safety or the safety of others, or suffer substantial emotional distress.
7. ~~For the purposes of the Title IX sexual harassment, "consent" does not exist when sexual contact occurs without the student's, staff member's or third party's consent because the student, staff member or third party is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.~~

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

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

Federal Procedures

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

Reporting

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

The Superintendent is designated as the Title IX Coordinator and can be contacted at 541-469-7443. The Title IX Coordinator will coordinate the district's efforts to comply with its responsibilities related to this policy~~AR~~. The district prominently will display the contact information for the Title IX Coordinator on the district website and in each handbook.

Response

The district will promptly respond to information, allegations or reports of sexual harassment when there is actual knowledge of such harassment, even if a formal complaint has not been filed⁶. The district shall treat complainants and respondents equitably by providing supportive measures⁷ to the complainant and by following a grievance procedure⁸ prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes, with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint⁹.

If after an individualized safety and risk analysis, it is determined that there is an immediate threat to the physical health or safety of any person, an emergency removal of the respondent can take place¹⁰. The

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

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

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

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

¹⁰ The district may still have obligations under Individuals with Disabilities Education Act (IDEA), Section 504 of the

district must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. A non-student employee may also be placed on non-disciplinary administrative leave pending the grievance process.

The District will provide a support person or advisor who is trained in all district policies and procedures related to sexual harassment and sexual harassment proceedings for any reporting or reported student.

Upon the student's request, the District support person or advisor will accompany the individual to any interview or meeting held as part of any district sexual harassment proceeding.

Notice

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

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

Inquiries about the application to Title IX and its requirements may be referred to the Title IX Coordinator or the Assistant Secretary¹¹, or both.

No person designated as the investigator, decision-maker, or any person designated by the district to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A conflict of interest occurs when personal or private interests may compromise one's judgment, decisions, or actions. Conflict of interests may arise from family, friendships, past relationships as student-teacher, financial investments, or other social factors. A bias is defined as a tendency, inclination, or prejudice toward/against someone. A conflict of interest or bias exists that disqualifies a person from being involved in the investigation or decision-making process if it prevents the person from impartially participating in the process. Any staff member with a designated role in the Title IX process who believes they have a conflict of interest may recuse themselves from the process without reprisal.

No Retaliation

Neither the district or any person may retaliate¹² against an individual for reporting, testifying, providing evidence, being a complainant, otherwise participating or refusing to participate in any investigation or process in accordance with this procedure. The district must keep confidential the identity of parties and participating persons, except as disclosure is allowed under Family Educational Rights and Privacy Act

Rehabilitation Act of 1973 or the American with Disabilities Act (ADA). (Title 34 C.F.R. § 106.44(c))

¹¹ Of the United States Department of Education.

¹² Retaliation includes, but is not limited to, intimidation, threats, coercion, and discrimination.

(FERPA), as required by law, or to carry out the proceedings herein. Complaints of retaliation may be filed using these procedures.

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

Records

Records will be created and maintained in accordance with the requirements in Title 34 C.F.R. §106.45(a)(10).¹³

Publication

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

END OF POLICY

Legal Reference(s):

¹³ This includes creating a record for each investigation. This record must include:

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

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

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

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

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

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

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

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

Brookings-Harbor School District 17C

Code: JBAA
Adopted: 2/17/10
Revised/Readopted: 3/18/15

Section 504 – Students**

The district recognizes its responsibility to provide a free, appropriate public education to students with disabilities under Section 504 of the Rehabilitation Act of 1973. Accordingly, no otherwise qualified individual with disabilities shall, solely by reason of ~~his/her~~ disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any district program or activity or those provided by the district through contractual or other arrangements. District aids, benefits and services will afford qualified students with disabilities equal opportunity to obtain the same result, gain the same benefit or reach the same level of achievement as students without disabilities in the most integrated setting appropriate to the student's needs. Programs and activities shall be accessible to and usable by individuals with disabilities as prescribed by law.

A qualified individual with disabilities under Section 504 is an individual who has a physical or mental impairment¹ that substantially limits one or more major life activities²; has a record of such an impairment; or is regarded as having such an impairment.

In compliance with the provisions of Section 504, the district will:

1. Provide written assurance of nondiscrimination in accordance with application procedures whenever the district receives federal money;
2. Designate an employee to coordinate compliance with Section 504;
3. Provide procedures to resolve complaints of discrimination under Section 504;
4. Provide notice to students, parents, employees, including those with vision or hearing impairments, of the district's policy and compliance with law assuring nondiscrimination in admission or access to, or treatment, in district programs, activities or employment. Notice will be included in student/parent and staff handbooks and other materials as appropriate;

¹ Impairments which may substantially limit major life activities, and without regard for the ameliorative effects of medication or aids/devices include, but are not limited to, chronic asthma and severe allergies, blindness or visual impairment, cancer, diabetes, deafness or hearing impairment, heart disease, mental illness and conditions which may be episodic or in remission.

² "Major life activities," as defined by the Americans with Disabilities Act Amendments Act of 2008, ~~includes include~~ caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating; and major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

5. Annually identify and locate all ~~Section 504-qualified students~~ in the district, with disabilities, and who qualify for Section 504 but ~~in the district~~ who are not receiving a free appropriate³, public education (FAPE)⁴;
6. Ensure that tests and other evaluation materials have been validated, are administered by trained personnel, are tailored to assess educational need and are not based on IQ scores, and reflect what the tests purport to measure;
7. Provide nonacademic and extracurricular services⁵ and activities in such a manner as to afford students with disabilities an equal opportunity for participation in such services and activities;
8. Annually notify students with disabilities and their parents or guardians of the district's responsibilities under Section 504, including those with limited proficiency in English and those with vision or hearing impairments;
9. Provide parents or guardians with procedural safeguards, including notification of their right:
10. To be notified in writing of any decisions made by the district concerning the identification, evaluation or educational placement of their student pursuant to Section 504[. The district will request parental consent prior to conducting an evaluation of the student];;
11. To examine, copy and request amendments of the student's educational records;
12. To request an impartial hearing, with opportunity for participation by the student's parents or guardian and representation by counsel regarding district decisions concerning identification, evaluation or educational placement of their student. A review procedure will be provided.

Students identified as qualified individuals with disabilities under Section 504 shall be placed in the regular educational environment unless it is demonstrated by the district that the education of the student with the use of related aids and services in such a placement cannot be achieved satisfactorily. All placement decisions will be made by an evaluation team comprised of persons designated by the superintendent or designee, knowledgeable about the student, the meaning of the evaluation data and placement options.

Students will be reevaluated periodically, but no less than every three years. Additionally, before implementing discipline that constitutes a significant change in the placement (i.e., expulsion, serial

³ ~~Appropriate education means the provision of regular or special education and related aids and services that are designed to meet the student's individual educational needs as adequately as the needs of persons without disabilities are met and are based upon adherence to appropriate procedural requirements of 34 C.F.R. §§ 104.34 – 104.36 concerning educational setting, evaluation and placement and procedural safeguards.~~

⁴ "Appropriate education" (34 C.F.R. § 104.33) means the provision of regular or special education and related aids and services that are designed to meet the student's individual educational needs as adequately as the needs of persons without disabilities are met and are based upon adherence to appropriate procedural requirements of 34 C.F.R. §§ 104.34, 104.35 and 104.36 concerning educational setting, evaluation and placement and procedural safeguards.

⁵ Nonacademic and extracurricular services and activities may include, but are not limited to, counseling services, transportation, health services, athletics, intramurals, clubs or organization activities, referrals to agencies which provide assistance to persons with disabilities and employment of students, including both employment by the district and assistance by the district in making available outside employment.

suspensions which exceed 10 school days in a school year, a series of suspensions each of which is 10 or fewer school days in duration but that creates a pattern of exclusion), the district shall conduct a reevaluation of the student to determine whether the misconduct in question is caused by the student's disability and, if so, whether the student's current educational placement is appropriate.

If it is determined that the misconduct of the student is caused by the disability, the district's team will continue the evaluation, following the requirements of Section 504 and the Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments Act of 2008 (ADA) for evaluation and placement to determine whether the student's current educational placement is appropriate. Due process procedures that meet the requirements of the ~~Individuals with Disabilities Education Act (IDEA)~~ ~~IDEA~~ may be used to meet the procedural safeguards of law. If it is determined that the misconduct is not caused by the student's disability, the student may be excluded from school in the same manner as are similarly situated students who do not have disabilities.

A student identified as a qualified individual with disabilities under Section 504, who is also covered by the ~~IDEA Individuals with Disabilities Education Act~~, will be disciplined in accordance with Board policy JGDA ~~/JGEA~~ Discipline of ~~Disabled Students~~ ~~with Disabilities~~ and accompanying administrative regulation.

A reevaluation will also be required before any other significant change in placement (i.e., transferring a student to alternative education, graduation from high school, significantly changing the composition of the student's class schedule, such as from regular education to the resource room), ~~etc.~~

END OF POLICY

Legal Reference(s):

[ORS 192.630](#)

[ORS 326.051\(1\)\(e\)](#)

[ORS 343.068](#)

[ORS 659.850](#)

[ORS 659.865](#)

[ORS 659A.103](#)

[ORS 659A.109](#)

[OAR 581-015-2030](#)

[OAR 581-021-0045](#)

[OAR 581-021-0046](#)

[OAR 581-021-0049](#)

[OAR 581-022-2310](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2012).

Americans with Disabilities Amendments Act of 2008.

Nondiscrimination on the Basis of Handicap in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 104 (2017).

Brookings-Harbor School District 17C

Code: JEA
Adopted: 8/15/94; 1/18/88
Revised/Readopted: 10/22/03; 3/04/10; 6/17/15;
4/20/16; 3/07/18; 4/15/20;
12/14/22
Orig. Code: JEA; JEG

Compulsory Attendance**

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

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

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

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

A parent who is not supervising their child by requiring school attendance may also be in violation of Oregon Revised Statute (ORS) 163.577(1)(c); failing to supervise a child is a Class A violation.

Exemptions from Compulsory School Attendance

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

1. Children being taught in a private or parochial school in courses of study usually taught in kindergarten through grade 12 in the public schools, and in attendance for a period equivalent to that required of students attending public schools.
2. Children proving to the Board's satisfaction that they have acquired equivalent knowledge to that acquired in the courses of study taught in kindergarten through grade 12 in the public schools.
3. Children who have received a high school diploma or a modified diploma.
4. Children being taught, by a private teacher, the courses of study usually taught in kindergarten through grade 12 in the public school for a period equivalent to that required of students attending public schools.
5. Children being educated in the home by a parent, ~~legal~~ guardian or private teacher:

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 153.018](#)

[ORS 163.577](#)

[ORS 339.010 - 339.095](#)

[ORS 339.139](#)

[ORS 339.990](#)

[OAR 581-021-0026](#)

[OAR 581-021-0029](#)

[OAR 581-021-0076](#)

[OAR 581-021-0077](#)

Brookings-Harbor School District 17C

Code: JGA
Adopted: 12/04/95
Revised/Readopted: 10/22/03; 3/04/10; 3/18/15
Orig. Code: JGA

Corporal Punishment**

The use of corporal punishment in any form is strictly prohibited in the district. No student will be subject to the infliction of corporal punishment.

“Corporal punishment” is defined as the willful infliction of, or willfully causing the infliction of, physical pain. Corporal punishment does not include the use of physical force authorized in ORS 161.205 (2), (4) or (5) for the reasons specified therein, or physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.

No teacher, administrator, other school personnel or school volunteer will subject a student to corporal punishment or condone the use of corporal punishment by any person under their supervision or control. Permission to administer corporal punishment will not be sought or accepted from any parent or school official.

[A parent or legal guardian of a minor child may use reasonable physical force upon the minor child when and to the extent the person reasonably believes the physical force is necessary to maintain discipline or promote the welfare of the minor child, unless the physical force constitutes abuse as defined in ORS 418.257 or 419B.005.]

A staff member is authorized to employ reasonable physical force upon a student only when and to the extent that the application of physical force is consistent with ORS 339.285 - 339.303 and is not corporal punishment as defined in ORS 339.250(9). Physical force shall not be used to discipline or punish a student. A staff member found in violation of this policy may be subject to discipline up to and including dismissal. A volunteer found in violation of this policy by administration may be subject to sanctions and/or prohibited from volunteer service in the district.

The superintendent shall inform all staff members and volunteers of this policy.

END OF POLICY

Legal Reference(s):

[ORS 161.205](#)
[ORS 332.107](#)

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

[OAR 581-021-0050 – 0075](#)
[OAR 584-020-0040](#)

Brookings-Harbor School District 17C

Code: **JGAB**
Adopted: 10/17/07
Revised/Readopted: 1/25/12; 12/18/13; 3/19/14;
3/18/15; 7/14/15; 3/07/18;
11/20/19; 4/15/20

Use of Restraint or Seclusion**

The Board is dedicated to the development and application of best practices within the district's public educational/behavioral programs. The Board establishes this policy and its administrative regulation to define the circumstances that must exist and the requirements that must be met prior to, during, and after the use of restraint or seclusion as an intervention with district students.

The use of the following types of restraint on a student in the district is prohibited:

1. Chemical restraint.
2. Mechanical restraint.
3. Prone restraint.
4. Supine restraint.
5. Any restraint that involves the intentional and nonincidental use of a solid object¹, including a wall or the floor, to impede a student's movement, unless the restraint is necessary to prevent an imminent life-threatening injury or to gain control of a weapon.
6. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, neck or throat.
7. Any restraint that places, or creates a risk of placing, pressure on a student's mouth, unless the restraint is necessary for the purpose of extracting a body part from a bite.
8. Any restraint that impedes, or creates a risk of impeding, breathing.
9. Any restraint that involves the intentional placement of the hands, feet, elbow, knee or any object on a student's neck, throat, genitals or other intimate parts.
10. Any restraint that causes pressure to be placed, or creates a risk of causing pressure to be placed, on the stomach or back by a knee, foot or elbow bone.
11. Any action designed for the primary purpose of inflicting pain.

The use of a seclusion cell is prohibited.

¹ The use of a solid object, including furniture, a wall, or the floor, by district staff performing a restraint is not prohibited if the object is used for the staff's own stability or support while performing the restraint and not as a mechanism to apply pressure directly to the student's body.

Restraint or seclusion may not be used for discipline, punishment, retaliation or convenience of staff, contractors or volunteers of the district.

Restraint may be imposed on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and substantial physical or bodily injury to the student or others; and
12. Less restrictive interventions would not be effective.

Seclusion may be used on a student in the district only under the following circumstances:

1. The student's behavior imposes a reasonable risk of imminent and serious bodily injury to the student or others; and
13. Less restrictive interventions would not be effective.

If restraint or seclusion is used on a student, by trained staff or other staff available in the case of an emergency when trained staff are not immediately available due to the unforeseeable nature of the emergency, e.g., teacher, administrator, [or volunteer,] it will be used only for as long as the student's behavior poses a reasonable risk of imminent and substantial physical or bodily injury to the student or others and less restrictive interventions would not be effective. Students will be continuously monitored by staff for the duration of the restraint or seclusion.

Definitions

1. "Restraint" means the restriction of a student's actions or movements by holding the student or using pressure or other means.

"Restraint" does not include:

- a. Holding a student's hand or arm to escort the student safely and without the use of force from one area to another;
 - b. Assisting a student to complete a task if the student does not resist the physical contact; or
 - c. Providing reasonable intervention with the minimal exertion of force necessary if the intervention does not include a restraint prohibited under Oregon Revised Statute (ORS) 339.288 and the intervention is necessary to:
 - (1) Break up a physical fight;
 - (2) Interrupt a student's impulsive behavior that threatens the student's immediate safety, including running in front of a vehicle or climbing on unsafe structures or objects; or
 - (3) Effectively protect oneself or another from an assault, injury or sexual contact with the minimum physical contact necessary for protection.
14. "Seclusion" means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. Seclusion includes, but is not limited to, the involuntary confinement of a student alone in a room with a closed door, whether the door is locked or unlocked.

“Seclusion” does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving, or a student being left alone in a room with a closed door for a brief period of time if the student is left alone for a purpose that is unrelated to the student’s behavior.

15. “Seclusion cell” means a freestanding, self-contained unit that is used to isolate the student from other students or physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.
16. “Serious bodily injury” means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.
17. “Substantial physical or bodily injury” means any impairment of the physical condition of a person that requires some form of medical treatment.
18. “Mechanical restraint” means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student.

“Mechanical restraint” does not include:

- a. A protective or stabilizing device ordered by a licensed physician; or
 - b. A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.
19. “Chemical restraint” means a drug or medication that is used on a student to control behavior or restrict freedom of movement that ~~is has not been~~ prescribed by a licensed physician or other qualified health professional acting under the ~~professional’s~~ ~~professionals~~ scope of practice for standard treatment of the student’s medical or psychiatric condition; and administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice .
 20. “Prone restraint” means a restraint in which a student is held face down on the floor.
 21. “Supine restraint” means a restraint in which a student is held face up on the floor.

Any student being restrained or secluded within the district whether in an emergency or as a part of a plan shall be constantly monitored by staff for the duration of the intervention. Any room used for seclusion of a student must meet the standards as outlined in Oregon Administrative Rule (OAR) 581-021-0568.

~~The district shall utilize the OIS training program of restraints or seclusion for use in the district. As required by state regulation, the selected program shall be one approved by the Oregon Department of Education (ODE) and include, but not limited to, positive behavior support, conflict prevention, de-escalation and crisis response techniques. Any program selected by the district must be in compliance with state and federal law with respect to the use of restraint and seclusion.~~

The district shall only utilize a training program for restraint or seclusion to train staff and use in the district which has been approved by the Oregon Department of Education (ODE).

The district shall preserve, and may not destroy, any records related to an incident of restraint or seclusion, including an audio or video recording. The records must be preserved in the original format and without alteration in accordance with law.

An annual review of the use of restraint and seclusion during the preceding school year shall be completed and submitted to ODE to ensure compliance with district policies and procedures.

The results of the review and annual report shall be documented and shall include at a minimum:

1. The total number of incidents involving restraint;
22. The total number of incidents involving seclusion;
23. The total number of seclusions in a locked room;
24. The total number of students placed in restraint;
25. The total number of students placed in seclusion;
26. The total number of incidents that resulted in injuries or death to students or staff as a result of the use of restraint or seclusion;
27. The total number of students placed in restraint or seclusion more than 10 times in a school year and an explanation of what steps have been taken by the district to decrease the use of restraint and seclusion for each student;
28. The total number of restraint or seclusion incidents carried out by untrained individuals;
29. The demographic characteristics² of all students upon whom restraint or seclusion was imposed;
30. The total number of rooms available for use by the district for seclusion of a student and a description of the dimensions and design of the rooms.

This annual report shall be made available to the public at the district's main office and on the district's website, and to the Board.

At least once each school year the parents and guardians of students of the district shall be notified about how to access the report.

The district shall investigate all complaints regarding the use of restraint and/or seclusion practices according to the procedures outlined in Board policy KL - Public Complaints and KL-AR - Public Complaint Procedure. The complaint procedure is available at the district's administrative office and is available on the home page of the district's website.

² Including race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

The complainant, whether an organization or an individual, may appeal a district's final decision to the Oregon Department of Education pursuant to OAR 581-002-0001 – 581-002-0023. This appeal process is represented/identified in administrative regulation KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction.

The superintendent shall develop administrative regulations to carry out the requirements set forth in this policy and to meet any additional requirements established by law related to the use, reporting, and written documentation of the use of l restraint or seclusion by district staff. A staff member who violates this policy or its administrative regulation may be subject to discipline, up to and including dismissal.

END OF POLICY

Legal Reference(s):

[ORS 161.205](#)
[ORS 339.250](#)
[ORS 339.285](#)
[ORS 339.288](#)
[ORS 339.291](#)
[ORS 339.294](#)
[ORS 339.297](#)

[ORS 339.300](#)
[ORS 339.303](#)

[OAR 581-021-0061](#)
[OAR 581-021-0550](#)
[OAR 581-021-0553](#)
[OAR 581-021-0556](#)

[OAR 581-021-0563](#)
[OAR 581-021-0566](#)
[OAR 581-021-0568](#)
[OAR 581-021-0569](#)
[OAR 581-021-0570](#)
[OAR 581-022-2267](#)
[OAR 581-022-2370](#)

Brookings-Harbor School District 17C

Code: JH
Adopted: 1/18/88
Revised/Readopted: 10/22/03; 3/18/15
Orig. Code: JH

Student Welfare

The district provides ~~Students' safety will be assured through close supervision of students, in all school buildings and grounds during the hours when students are normally present.~~ Such supervision does not include early morning or the time following usual departure, unless students are present for a scheduled school-sponsored activity. Hours when supervision is available shall be included in the [student/parent handbook].

The district further ~~requires~~ assures the following practices:

1. Maintaining a safe school environment; ~~designated~~ appropriate personnel will be responsible for periodically inspecting the physical condition of all ~~equipment~~, buildings and grounds;
2. ~~Expecting~~ Observation of safe practices on the part of school personnel and students to observe safe practices, particularly in those areas of instruction or extracurricular activities that offer special hazards;
3. ~~Providing~~ Offering safety education to students as is germane to particular subjects such as, ~~but not limited to~~, science, professional technical, ~~and~~ health and physical education courses;
4. Providing, ~~through the services of the school nurse~~, first-aid care for students in case of accident or sudden illness; ~~and~~
5. Providing adequate supervision on the grounds of playgrounds when they are used by students during ~~established~~ school hours or school-sponsored activities.

School ~~In addition, school~~ personnel will be concerned about school safety issues, including but not limited to, safety issues in or on school property and awareness of persons ~~suspicious strangers~~ loitering in or near school buildings or sitting in parked vehicles nearby. Staff shall report all such instances to the principal [or designee]. The principal [or designee] will notify law enforcement ~~the police~~ if the circumstances warrant such action.

Students ~~Teachers~~ will be instructed on personal safety and that of others in accordance with State Health Standards. ~~instruct students not to accept gifts or vehicle rides from strangers.~~ Students will be instructed to tell or report to teachers, their parents, law enforcement ~~police~~ or school security personnel ~~patrols~~ of any safety concerns. ~~suspicious strangers.~~

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[OAR 581-022-2220](#)

[OAR 581-022-2225](#)

Brookings-Harbor School District 17C

Code: **JHC**
Adopted: 6/17/15
Revised/Readopted: 1/03/18; 12/14/22

Student Health Services and Requirements

(Delete)

Although the district's primary responsibility is to educate students, the students' health and general welfare is also an important Board responsibility. The Board believes school programs should be conducted in a manner that protects and enhances student and employee health and is consistent with good health practices.

The district shall staff nursing services appropriate for students with medical needs and prevention-oriented health services per applicable requirements of Oregon Revised Statutes (ORS) 336.201 and Oregon Administrative Rule (OAR) 581-022-2220.

The district shall provide:

1. One registered nurse or school nurse for every 125 medically fragile students;
2. One registered nurse or school nurse or one licensed practical nurse under the supervision of a registered nurse or school nurse for each nursing-dependent student; and
3. One registered nurse or school nurse for every 225 medically complex students.

The district may use the most cost effective means available to meet the above requirements.

The nurse(s) employed by the district shall be licensed to practice as a registered nurse or nurse practitioner in Oregon and will function as an integral member of the instructional staff, serving as a resource person to teachers in securing appropriate information and materials on health-related topics.

Any nurse(s) providing services on behalf of the district shall follow all applicable requirements of ORS Chapter 678 and OAR Chapter 851. This includes, but is not limited to, delegation in accordance with OAR 851-047, which includes performing a nursing assessment of the patient prior to delegation, providing adequate supervision during the delegation, and evaluating the skills, ability and willingness of the delegee.¹

The district shall maintain a prevention-oriented health services program which provides:

1. Pertinent health information on the students, as required by Oregon statutes or rules;
2. Health appraisal to include screening for possible vision or hearing problems;
3. Health counseling for students and parents, when appropriate;

¹ For additional delegation requirements, see OAR [851-047-0030](#).

4. Health care and first-aid assistance that are appropriately supervised and isolate the sick or injured child from the student body;
5. Control and prevention of communicable diseases as required by Oregon Health Authority, Public Health Division, and the county health department;
6. Assistance for students in taking prescription and/or nonprescription medication according to established district procedures;
7. Services for students who are medically fragile or have special healthcare needs;
8. Integration of school health services with school health education programs.

The Board directs its district health staff to coordinate with health personnel from other public agencies in matters pertaining to health instruction or the general health of students and employees.

In accordance with the requirements of federal law, the district recognizes its responsibility to notify parents in advance of any nonemergency, invasive physical examination² or screening that is required as condition of attendance; administered and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students.

Notification will be provided at least annually at the beginning of the school year or when enrolling students for the first time in school and will include the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

Procedures shall be developed and implemented to carry out this policy. All district employees will be apprised of their responsibilities in this area. Parents shall have the opportunity to request their students be exempt from participation in vision or hearing screening. The district will abide by those requests.

END OF POLICY

Legal Reference(s):

² The term “invasive physical examination,” as defined by law, means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening. The term does not include any physical examination or screening that is permitted or required by state law, including physical examinations or screenings that are permitted without parental notification.

[ORS 329.025](#)
[ORS 336.201](#)

[ORS 336.211](#)
[OAR 581-022-2050](#)

[OAR 581-022-2220](#)
[OAR 581-022-2225](#)

Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2022).

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

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

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Brookings-Harbor School District 17C

Code: JHCA/JHCB
Adopted: 1/18/88
Revised/Readopted: 5/02/18; 6/16/21
Orig. Code: JHCA; JHCB

~~Immunization, Physical Examination, Vision Screening/Eye Examination and Dental Screening**~~ **Immunization and School Sports Participation****

Immunization

Proof of immunization must be presented at the time of initial enrollment¹ in school or within 30 days of transfer to the district in accordance with Oregon law. Proof consists of a signed Certificate of Immunization Status form documenting either evidence of immunization, a religious, philosophical beliefs and/or medical exemption or immunity documentation.²

~~School Sports Participation~~ **Physical Examination**

~~The Board recommends that all students initially enrolling in school have a physical examination. Parents will be asked to complete a district Health History form when initially enrolling their student in the district and when registering them for grade 7.~~

~~All students~~ A student participating in extracurricular sports in grades 7 through 12 athletic programs are required to submit to an appropriate ~~the district~~ a School Sports Pre-Participation ~~participation~~ Examination³ form prior to their initial participation in a related district athletic program. The form⁴ is to be completed and signed by a parent or guardian ~~and physician~~ giving permission for the student to participate and be signed by a medical provider authorized by law⁵ who has examined and evaluated the student. The completed form(s) must be returned [as directed] [to the school office].

A student who is subsequently diagnosed with a significant illness or has had a major surgery is required to have a physical examination prior to further participation ~~in extracurricular sports.~~

A student who exhibits signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body, or who has been diagnosed with a concussion will not be allowed to participate in any athletic event or training on that day, unless an athletic trainer licensed by the Board of

¹ The district shall immediately enroll a ~~homeless~~ student experiencing houselessness in the school selected even if the student is unable to produce records normally required for enrollment.

² Documentation requirements for exemptions are outlined in ORS 433.267.

³ The required form is available at , a copy may be obtained from a school office, or a form generated by the medical provider may be used if it meets requirements of law in OAR 581-021-0041. Form available at <http://www.osaa.org/governance/forms>

⁴ The form may be used in either a hard copy or electronic format.

⁵ This physical examination must be conducted by a physician possessing an unrestricted license to practice medicine, a licensed naturopathic physician, a licensed physician assistant, a licensed nurse practitioner or a licensed chiropractic physician who has clinical training and experience in detecting cardiopulmonary diseases and defects.

Athletic Trainers or a physician licensed pursuant to ORS 677.100 - 677.228 has determined the student has not suffered a concussion.⁶ Except as allowed above, a student excluded for concussion reasons will not be allowed to return to participate in an athletic event or training until the following three conditions have been met:

1. It is not the same day as the student exhibited signs, symptoms or behaviors, experienced a blow to the head or body, or was diagnosed with a concussion;
2. The student no longer exhibits signs, symptoms or behaviors consistent with a concussion; and
3. The student has received a medical release form from a health care professional⁷.

A student who continues to participate in extracurricular sports in grades 7 through 12 shall be required to complete a sports physical examination once every two years, thereafter.

Vision Screening or Eye Examination

~~The parent or guardian of a student who is 7 years of age or younger and is beginning an education program with the district for the first time shall, within 120 days of beginning the education program, submit a certification that the student has received:~~

- ~~1. A vision screening or eye examination; and~~
- ~~2. Any further examination, treatments or assistance necessary.~~

~~The certification is not required if the parent or guardian provides a statement to the district that:~~

- ~~1. The student submitted a certification to a prior education provider; or~~
- ~~3. The vision screening or eye examination is contrary to the religious beliefs of the student or the parent or guardian of the student.~~

Dental Screening

~~The district shall file in the student's dental health record any dental screening certifications and any results of a dental screening known by the district. The district will provide to the parent or guardian of each student, standardized information developed by the Oregon Health Authority's dental director regarding dental screenings, further examinations or necessary treatments and preventative care including fluoride varnish, sealants and daily brushing and flossing.~~

~~The parent or guardian of a student who is 7 years of age or younger, and is beginning an education program with the district for the first time, shall submit a certification within 120 days of beginning the education program that the student has received a dental screening within the previous 12 months.~~

⁶ For more information regarding medical releases for students in grades 9-12, see OSAA rules.

⁷ "Health care professional" includes a chiropractic physician, a naturopathic physician, a psychologist, a physical therapist, an occupational therapist, a physician assistant or a nurse practitioner who is licensed or registered under the laws of Oregon.

~~The certification is not required if the parent or guardian provides a statement to the district that:~~

- ~~1. The student submitted a certification to a prior education provider;~~
- ~~4. The dental screening is contrary to the religious beliefs of the student or the parent or guardian of the student; or~~
- ~~5. The dental screening is a burden for the student or the parent or guardian of the student in the following ways:
 - ~~a. The cost of obtaining the dental screening is too high;~~
 - ~~b. The student does not have access to an approved screener;~~
 - ~~c. The student was unable to obtain an appointment with an approved screener.~~~~

~~The certification may be provided by a licensed dentist, a dental hygienist or a health care practitioner as defined by state law. The certification must include the:~~

- ~~1. Student's name;~~
- ~~6. Date of screening; and~~
- ~~7. Name of entity conducting the dental screening.~~

~~The district shall submit to the Oregon Department of Education a report that identifies the percentage of students who failed to submit the certification for the previous year, no later than October 1 of each year. If the district is causing the dental screening to be conducted, the district will follow the notice requirements in accordance with law.~~

END OF POLICY

Legal Reference(s):

[ORS 326.580](#)

[ORS 433.235 - 433.280](#)

[OAR 333-050-0010 - 050-0120](#)

[ORS 336.479](#)

[OAR 581-021-0041](#)

[ORS 336.485 - ORS 336.490](#)

[OAR 333-019-0010](#)

McKinney-Vento Homeless Assistance Act, Subtitle VII-B, reauthorized by Title IX-A of the Every Student Succeeds Act, 42 U.S.C. §§ 11431-11435 (2018).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2024).

Brookings-Harbor School District 17C

Code: JHCC
Adopted: 3/12/96
Revised/Readopted: 10/22/03; 6/17/15; 3/07/18;
10/21/20
Orig. Code: JHCC

Communicable Diseases - Students

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

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

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

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

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

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

END OF POLICY

Legal Reference(s):

[ORS 431.150 - 431.157](#)
[ORS 433.001 - 433.526](#)

[OAR 333-018](#)
[OAR 333-019-0010](#)
[OAR 333-019-0014](#)

[OAR 333-019-1000](#)
[OAR 437-002-0360](#)
[OAR 437-002-0377](#)
[OAR 581-022-2220](#)

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

D E L E T E

Brookings-Harbor School District 17C

Code: JHCCA
Adopted: 3/12/96
Revised/Readopted: 10/22/03; 3/04/10; 6/17/15
Orig. Code: JHCCA

Students - HIV, HBV and AIDS**

(Delete)

The district will adhere strictly in policies and procedures to the Oregon Revised Statutes and the Oregon Administrative Rules as they relate to a student infected with HIV or HBV or diagnosed with AIDS¹.

The district recognizes a parent (student) has no obligation to inform the district of an HIV, HBV or AIDS condition and that the student has a right to attend school. If the district is informed of such a student, written guidelines shall be requested of the parent (student). These guidelines shall include who may have the information, who will give the information, how the information will be given, and where and when the information will be given.

When informed of the infection, and with written permission from the parent (student), the district will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. The team shall continue to monitor the student's condition.

Notification of alternative educational programs shall be made to the parent or eligible student, if an HIV, HBV or AIDS student withdraws from school.

The district shall also develop procedures for rumor control, infection control, student accommodations and public relations/media.

END OF POLICY

Legal Reference(s):

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

[ORS 326.565](#)
[ORS 326.575](#)
[ORS 332.061](#)
[ORS 336.187](#)

[ORS 339.030](#)
[ORS 339.250](#)
[ORS 433.008](#)
[ORS 433.045](#)

[OAR 333-018-0000](#)
[OAR 333-018-0005](#)
[OAR 581-022-0705](#)
[OAR 581-022-1660](#)

OREGON SCHOOL HEALTH SERVICES MANUAL: COMMUNICABLE DISEASES APPENDIX IV. GUIDELINES FOR SCHOOLS WITH CHILDREN WHO HAVE BLOODBORNE PATHOGENS, OREGON DEPARTMENT OF EDUCATION 2012.

E L E T E

Brookings-Harbor School District 17C

Code: JHCCC/EBBAA/GBEBC
Adopted: 12/07/92
Revised/Readopted: 10/22/03; 3/04/10; 1/15/14
Orig. Code: JHCCC

Infection Control - HIV, AIDS, HBV

The district shall use standard precautions at all times for infection control. Each person is therefore treated as though an HIV, AIDS or HBV¹ infection exists.

The district shall develop an Exposure Control Plan that includes infection control procedures for staff and students.

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

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

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

The district will cooperate with Oregon Department of Education, Oregon Department of Human Services, Health Services, the local health department and the education service district in delivering HIV, AIDS and HBV education.

END OF POLICY

Legal Reference(s):

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

[OAR 437-002-0360](#)
[OAR 437-002-0377](#)

[OAR 581-022-0705](#)
[OAR 581-022-1440](#)

[OAR 581-053-0240\(23\)\(c\)](#)
[OAR 581-053-0250\(1\)](#)

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Brookings-Harbor School District 17C

Code: JHCCD/GBEBD
Adopted: 1/08/96
Revised/Readopted: 10/22/03; 1/15/14
Orig. Code: JHCCD/GBEBD

Staff/Students - Rumor Control - HIV, AIDS and HBV**

(Delete)

The district shall use a two-pronged approach for rumor control related to HIV, AIDS and HBV¹ before a rumor begins and during an “active” rumor.

In preparation for rumor control, the district shall annually notify staff, students, parents, media and the general public through such means as handbooks of confidentiality and individual rights requirements placed upon school districts. The requirements are outlined in Oregon Revised Statutes and Oregon Administrative Rules. Individual rights include the right a staff member or a student may have to continue working or attending school.

The district shall emphasize that if a staff member or the parent (student) chooses not to divulge an HIV, AIDS or HBV condition, the district will have no information except to reiterate the requirements in the law regarding confidentiality and individual rights. This will be stated routinely and in cases of an “active” rumor.

If the staff member or parent (student) wishes to divulge information and continues working or attending school, the district shall meet with the infected party or representative to develop a written procedure. This procedure will minimally outline what information will be given, how the information will be given, when and where the information will be given and who will receive the information. The procedures will be signed for approval by the infected party or representative.

The district shall appoint a district spokesperson who shall be responsible for responding to staff, students, parents, media and the general public.

END OF POLICY

Legal Reference(s):

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

[ORS 433.008](#)
[ORS 433.045](#)

[OAR 333-018-0000](#)

[OAR 333-018-0005](#)
[OAR 333-018-0030](#)
[OAR 581-015-0005](#)

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Brookings-Harbor School District 17C

Code: JHCCE/KBCAA/GBEBE
Adopted: 1/08/96
Revised/Readopted: 10/22/03; 1/15/14; 3/18/15
Orig. Code: JHCCE/KBCAA/GBEBE

News/Media - HIV, AIDS or HBV**

(Delete)

The district shall appoint a district spokesperson who shall respond to media inquiries regarding rumored or identified HIV, AIDS or HBV cases.

The spokesperson shall stress:

1. School districts are not informed of a person infected with HIV, AIDS or HBV unless the infected person or his/her parent releases the information;
2. School districts, if informed, may not release the information unless the infected person or parent gives permission for such release;
3. School districts may not prevent a staff member from working if he/she is able to perform his/her job responsibilities. Students have a right to continue to attend school;
4. The district shall ask the local health department or other health authorities to assist the district spokesperson in responding to media inquiries.

END OF POLICY

Legal Reference(s):

[ORS 326.565](#)
[ORS 326.575](#)
[ORS 332.061](#)
[ORS 336.187](#)

<http://landru.leg.state.or.us/ors/342.htm>
[ORS 342.850\(7\)](#)
[ORS 433.008](#)
[ORS 433.045](#)

[OAR 333-018-0000](#)
[OAR 333-018-0005](#)
[OAR 333-018-0030](#)
[OAR 581-015-0005](#)
[OAR 581-022-1440](#)

Brookings-Harbor School District 17C

Code: JHCCF
Adopted: 7/14/15
Revised/Readopted: 7/20/17

Pediculosis (Head Lice)

(Version 1)

(Delete)

The Board recognizes that district programs should be conducted in a manner that protects and enhances student and employee health and is consistent with recognized health practices. Consequently, in order to prevent the spread of pediculosis (head lice) in the school setting, district staff shall institute guidelines for classrooms that will assist in the prevention of and the spread of head lice. The management of head lice in the school setting should not disrupt the educational process. A student with a suspected case of lice shall be referred to the school nurse or administrator for an assessment. A student found with live lice or nits should be allowed to remain in class and participated in school-sponsored activities. Parents/Guardians will be notified by the end of the school day when findings indicate the presence of head lice. The district recognizes that the Oregon Health Authority, public health division no longer requires exclusion of a student for the presence of nits and live lice. It allows for the discretion of the school district. A student excluded from school will be readmitted after an assessment by designated personnel to confirm no live lice are present, and that treatment has been completed. Students may be subject to periodic checks for lice.

Successful treatment of head lice requires a coordinated approach and may involve the use of ovicidal products, combing and implementation of preventative measures recommended by health authorities. Treatment information and education will be provided by the district to parents of students found to have head lice.

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Brookings-Harbor School District 17C

Code: **JHFE/GBNAB**
Adopted: 1/18/88
Revised/Readopted: 10/22/03; 1/25/12; 8/22/12;
4/15/15; 4/15/20; 12/15/21
Orig. Code: JHFE

Suspected Abuse of a Child Reporting Requirements**

Any district employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse¹ shall ~~orally report or cause an oral report~~ immediately ~~make a report by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) through the centralized child abuse reporting system^[2] 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**³ with whom the employee is in contact has abused a child shall immediately report ~~in the same manner described above, 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.~~

The report must contain, ~~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, contractors⁴, agents⁵, volunteers⁶, 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 regulations.

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 through its~~ centralized child abuse reporting system or to

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

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

³ "Person" could include ~~an~~ adult, student or other child.

⁴ "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.

⁵ "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.

⁶ "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.

~~a designee of 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 administrator⁷, 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 Director of Special Programs or the Director of Fiscal Services⁸ who shall also report to the Board chair.

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 JHFE/GBNAB-AR(1) - Reporting of Suspected Abuse of a Child the designee will follow upon receipt of a report, the contact information for ~~making a report to local law enforcement~~ ~~and the centralized child abuse reporting system of 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 JHFE/GBNAB-AR(1) - 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

⁷~~ORS 339.372 requires the district to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual abuse for a school building in the respective school building. A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.~~

⁸~~A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.~~

any district employee, contractor, agent or volunteer. Intentionally making a false report of 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.

The district shall provide to a district employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378.

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

Legal Reference(s):

[ORS 339.370 - 339.400](#)
[ORS 418.257 - 418.259](#)

[ORS 419B.005 - 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 (9th Cir. 2011).

Brookings-Harbor School District 17C

Code: **KBCAA/GBEBE/JHCCE**
Adopted: 1/08/96
Readopted: 10/22/03; 1/15/14; 3/18/15
Orig. Code: KBCAA/GBEBE/JHCCE

News/Media - HIV, AIDS or HBV**

(Delete)

The district shall appoint a district spokesperson who shall respond to media inquiries regarding rumored or identified HIV, AIDS or HBV cases.

The spokesperson shall stress:

1. School districts are not informed of a person infected with HIV, AIDS or HBV unless the infected person or his/her parent releases the information;
2. School districts, if informed, may not release the information unless the infected person or parent gives permission for such release;
3. School districts may not prevent a staff member from working if he/she is able to perform his/her job responsibilities. Students have a right to continue to attend school;
4. The district shall ask the local health department or other health authorities to assist the district spokesperson in responding to media inquiries.

END OF POLICY

Legal Reference(s):

ORS 326.565	http://landru.leg.state.or.us/ors/342.htm	OAR 333-018-0000
ORS 326.575	ORS 342.850(7)	OAR 333-018-0005
ORS 332.061	ORS 433.008	OAR 333-018-0030
ORS 336.187	ORS 433.045	OAR 581-015-0005
		OAR 581-022-1440

Cross Reference(s):

GBEBE/JHCCE/KBCAA - News/Media - HIV, AIDS or HBV
JHCCE/KBCAA/GBEBE - News/Media - HIV, AIDS or HBV

**Brookings-Harbor School District
629 Easy Street
Brookings OR 97415**

Application for Brookings Harbor School District Budget Committee

The School Board genuinely appreciates your interest in serving on our School District Budget Committee. To be considered for appointment to this Committee, please complete this form and return it to the District Office, 629 Easy Street, Brookings, OR 97415 or email a copy to the Board's Admin Assistant Nancy Raskauskas-Coons at nancyr@brookings.k12.or.us. The district has 2 open positions out of 5 total at this time.

The initial deadline for applications is 4 p.m. on Oct. 11, 2024. If positions remain to be filled after the October 2024 Regular Board Meeting, the Board will consider applications for appointment monthly until filled. For more information, see <https://www.brookings.k12.or.us/budget/>

By state law and district policy, School District Budget Committee members must meet three criteria:

- 1) Live within the geographic boundaries of District 17-C
- 2) Be a registered voter in the State of Oregon.
- 3) NOT be an employee or agent of District 17-C

Name _____

Address _____

Phone _____

Do you have any school-age children? _____ If yes, what ages? _____

Please list any relevant school committees or business/community activities which you have been involved with in the past two years:

Please describe any special qualifications or abilities you may have that would help you to fulfill your responsibilities as a member of the Budget Committee:

Which of the following terms are you willing to serve? (You may select one or both).

- Open 3-Year Term Expiring June 30, 2025 (1 position available)
- Open 3-Year Term Expires June 30, 2026 (1 positions available)

(Please use the back of this page or another sheet if necessary)