

School Board Work Session
Wednesday, April 16, 2025 Following
conclusion of the Regular Board Meeting

Kalmiopsis Elementary/Room 51
650 Easy St
Brookings, Oregon 97415

Agenda

1. Call Meeting to Order
2. Policy Preview
 - Upcoming proposed revisions for first read in May, second read in June 2025
3. Future Work Session Topics
4. Recess from Public Session to Executive Session
 - To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.(ORS 192.660(2)(i))
5. Adjourn Executive Session and Return to Public Session
6. Adjournment

Executive Summary - Policy Preview

Brookings-Harbor School District
Policy Preview - April 16, 2025 Work Session

Please review these policies that are scheduled to come before the board for adoption, revision or deletion during a series of first and second reads in May and June 2025.

Policy Code	Policy Name	Summary of Changes	Why the Change
AC	Non Discrimination and Civil Rights	Added 'gender identity' & 'bias crime' language	OSBA Nov 2024 update
GBNAA/JHFF	Suspected Sexual Conduct Reporting	Clarified reporting procedures & added definitions	OSBA Nov 2024 update
GCAA	Educator Standards	Aligned language with Oregon TSPC standards	OSBA Nov 2024 update
GCBDA/GDBDA	Family Medical Leave	Updated to align with new PFMLI law	OSBA Nov 2024 update
GCBDA/GDBDA-A R(1)	Family Medical Leave Procedures	Added PFMLI process details & clarified procedures	OSBA Nov 2024 update
GCBDC/GDBDC	Leave for Domestic Violence, Harassment, etc.	Expanded leave options & clarified definitions	OSBA Nov 2024 update
GCBDC/GDBDC-A R	Leave Request Procedures	Updated procedures for requesting leave	OSBA Nov 2024 update
GCBDD/GDBDD	Sick Time	Clarified accrual & use of sick time	OSBA Nov 2024 update
GCBDF/GDBDF	Paid Family & Medical Leave Insurance	Updated for equivalent plan compliance	OSBA Nov 2024 update

GCBDF/GDBDF-AR	PFMLI Procedures	Added detailed application & notice procedures	OSBA Nov 2024 update
IIA	Instructional Materials	Clarified material types & adoption process	OSBA Nov 2024 update
IIA-AR DELETE	Complaints Regarding Instructional or Library Materials	Marked for deletion – replaced by more specific reconsideration process (IIA-AR(5)).	OSBA Nov 2024 update
IIA-AR(1)	Instructional Materials Adoption Procedures	Defined roles & responsibilities for adoption	OSBA Nov 2024 update
IIA-AR(2)	Reconsideration of Core Materials	Outlined reconsideration process for core materials	OSBA Nov 2024 update
IIA-AR(3)	Reconsideration of Supplemental Materials	Outlined reconsideration for supplemental materials	OSBA Nov 2024 update
IIA-AR(5)	Request for Reconsideration of Instructional or Library Materials	New AR standardizing the form and process for challenging instructional or library materials.	OSBA Nov 2024 update
IIA-AR(6)	Independent Adoption of Core Instructional Materials	New AR outlining the process for adoption of core instructional materials outside the state-approved list.	OSBA Nov 2024 update
IKF	Graduation Requirements	Updated graduation requirements to align with Oregon law; adds civics, financial	OSBA Nov 2024 update

		literacy, and expanded supports.	
IKF-AR DELETE	Graduation Requirements AR	Marked for deletion – content incorporated into updated IKF policy.	OSBA Nov 2024 update
IKFB	Graduation Exercises	Clarifies eligibility and expectations for student participation in graduation ceremonies.	OSBA Nov 2024 update
IKJ	Artificial Intelligence	New policy establishing responsible use of artificial intelligence by staff and students.	OSBA Nov 2024 update
JECA	Admission of Resident Students	Clarifies admission eligibility for students up to age 21, including those with disabilities or in military families.	OSBA Nov 2024 update
JFE-AR	Individualized Plan for Pregnant and/or Parenting Students	New AR providing structured planning document for supporting pregnant and parenting students.	OSBA Nov 2024 update
JHCD-AR	Medications	Comprehensive update to procedures for medication administration, including emergency opioid response, adrenal crisis treatment, and safe handling.	OSBA Nov 2024 update

JHCD/JHCDA	Medications Policy	Marked for deletion per OSBA guidance	OSBA Nov 2024 update
JHCD/JHCDA DELETE	Delete Medications Policy	Obsolete — recommend deletion	OSBA Nov 2024 update
JHCD/JHCDA-AR	Medications Procedures	Marked for deletion per OSBA guidance	OSBA Nov 2024 update
JHCD/JHCDA-AR DELETE	Delete Medications Procedures	Obsolete — recommend deletion	OSBA Nov 2024 update
JHFF/GBNAA	Sexual Conduct Reporting	Clarified reporting, added retaliation protections	HB 4150 Compliance
JHFF/GBNAA D1	Updated Sexual Conduct Reporting	Updated language per HB 4150	OSBA Nov 2024 update



Annual Convention

Nov. 7-9, 2024
Portland, OR

Watch for information
coming soon for a
Policy Update
webinar

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AC – Nondiscrimination and Civil Rights, Required
AC-AR(1) – Discrimination or Civil Rights Complaint Procedure, Required
AC-AR(2) – Sex-Based Discrimination Under Title IX, Highly Recommended, *New*
GBN/JBA – Sexual Harassment, Required
GBN/JBA-AR(1) – Sexual Harassment Complaint Procedures, Delete
GBN/JBA-AR(2) – Federal Law (Title IX) Sexual Harassment Procedure, Delete
GCBDA/GDBDA – Family and Medical Leave * (Version 1), Highly Recommended
GCBDA/GDBDA-AR(1) – Family and Medical Leave * (Version 1), Highly Recommended
GCBDA/GDBDA – Family Leave * (Version 2), Highly Recommended
GCBDA/GDBDA-AR(1) – Family Leave * (Version 2), Highly Recommended
GCBDC/GDBDC – Domestic Violence, Harassment, Sexual Assault, Bias, or Stalking Leave (Safe Leave) *, Highly Recommended
GCBDC/GDBDC-AR – Request for Domestic Violence, Harassment, Sexual Assault, Bias, or Stalking Leave, Highly Recommended
GCBDD/GDBDD – Sick Time *, Highly Recommended
GCBDF/GDBDF – Paid Family and Medical Leave Insurance * (Version 1), Highly Recommended
GCBDF/GDBDF-AR – Paid Family and Medical Leave Insurance (PFMLI), Highly Recommended
IIA - Instructional Materials**, Highly Recommended, *New*
IIA-AR(1) - Instructional Materials, Optional, *New*
IIA-AR(2) - Reconsideration of Core Instructional Materials, Optional, *New*
IIA-AR(3) - Reconsideration of Supplemental Instructional Materials, Optional, *New*
IIA-AR(4) - Reconsideration of School or Classroom Library Materials, Optional, *New*
IIA-AR(5) - Request for Reconsideration of Instructional or Library Materials Form, Optional, *New*
IIA-AR(6) - Independent Adoption of Core Instructional Materials, Optional, *New*
IKF - Graduation Requirements**, Required
IKFB - Graduation Exercises, Optional
IKJ – Artificial Intelligence, Optional, *New*
JBA/GBN – Sexual Harassment, Required
JBA/GBN-AR(1) – Sexual Harassment Complaint Procedures, Delete
JBA/GBN-AR(2) – Federal Law (Title IX) Sexual Harassment Procedure, Delete
JECA - Admission of Resident Students**, Highly Recommended
JFE – Pregnant and/or Parenting Students**, Required
JFE-AR – Individualized Plan for Pregnant and/or Parenting Students, Optional
JHCD - Medications**/*, Required, *New*
JHCD-AR - Medications**/*, Required, *New*
JHCD/JHCDA - Medications**/*, Delete
JHCD/JHCDA-AR - Medications**/*, Delete

Policy Update is a
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Emielle Nischik

Executive Director

Haley Percell

Chief Legal Officer

Interim Deputy Executive
Director

Spencer Lewis

Director of Policy Services

Rick Stucky

Policy Services Specialist

Leslie Fisher

Policy Services Specialist

Colleen Allen

Senior Policy Services

Assistant

Jean Chiappisi

Policy Services Assistant

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regarding this publication
or OSBA, please call
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503-588-2800 or 800-578-6722

This publication is designed to provide accurate and authoritative information regarding the subject matter covered. It is furnished with the understanding that policies should be reviewed by the district's legal counsel.

TITLE IX AND CIVIL RIGHTS COORDINATORS

Summary

The U.S. Department of Education recently released amendments to the Title IX regulations. These regulations went into effect on August 1, 2024 and made significant changes to complaint procedures for discrimination on the basis of sex. The previous version of these regulations primarily addressed sex-based harassment. With this change, AC-AR(2) – Discrimination Complaint Procedure has been created to provide additional guidance when handling sex-based discrimination under the Title IX regulations. Board policy GBN/JBA – Sexual Harassment still addresses sexual harassment under Oregon law, but GBN/JBA-AR(1) – Sexual Harassment Complaint Procedure and GBN/JBA-AR(2) – Federal Law (Title IX) Sexual Harassment Procedure are both recommended for deletion in lieu of revised AC-AR(1) – Discrimination or Civil Rights Complaint Procedures and new AC-AR(2) – Sex-Based Discrimination under Title IX.

There are multiple cases regarding the Title IX regulations in the federal courts, with at least one of them issuing an injunction. This injunction applies to some schools in some Oregon districts, but not all. This injunction does not prohibit the district from implementing the new regulations or these policies. Districts in which the injunction applies are encouraged to work with legal counsel on implementation.

Additionally, the Oregon State Board of Education recently adopted rules implementing ORS 332.505 regarding civil rights coordinators. These rules outline policy and practice requirements. Additional language has been added to AC – Discrimination and Civil Rights and AC-AR(1) – Discrimination or Civil Rights Complaint Procedures.

Collective Bargaining Impact

None, however, notice of nondiscrimination must be provided to unions and professional organizations holding collective bargaining or professional agreements with the district.

Local District Responsibility

The district should recommend board adoption of revised policies and reissue any updated administrative regulations to the Board for review.

Policy(ies) and ARs Impacted by these Revisions

AC – Nondiscrimination and Civil Rights, Required
AC-AR(1) – Discrimination or Civil Rights Complaint Procedure, Required
AC-AR(2) – Sex-Based Discrimination Under Title IX, Highly Recommended, *New*
GBN/JBA – Sexual Harassment, Required
GBN/JBA-AR(1) – Sexual Harassment Complaint Procedures, Delete
GBN/JBA-AR(2) – Federal Law (Title IX) Sexual Harassment Procedure, Delete
JBA/GBN – Sexual Harassment, Required
JBA/GBN-AR(1) – Sexual Harassment Complaint Procedures, Delete
JBA/GBN-AR(2) – Federal Law (Title IX) Sexual Harassment Procedure, Delete
JFE – Pregnant and/or Parenting Students**, Required
JFE-AR – Individualized Plan for Pregnant and/or Parenting Students, Optional

LEAVE

Summary

There continues to be significant changes in Oregon law regarding leave. This includes changes from SB 1515 (2024) and numerous rule changes to match.

The biggest change governs what conditions qualify for leave taken through the Oregon Family Leave Act (OFLA) and Paid Family and Medical Leave Insurance (PFMLI). While these leave allotments used to run concurrently in many situations, they now cannot be taken concurrently.

Included in this update are versions of GCBDA/GDBDA and GCBDA/GDBDA-AR(1) for districts with 50 or more employees (Version 1) and versions for districts with between 25 and 50 employees (Version 2).

Updates to the remaining GCBDA/GDBDA-ARs will come in future updates.

Collective Bargaining Impact

Review existing collective bargaining agreements for any bargained benefits and their impact.

Local District Responsibility

Review and adopt changes to policy and review updated administrative regulations governing leaves.

Policy(ies) and ARs Impacted by these Revisions

GCBDA/GDBDA – Family and Medical Leave * (Version 1), Highly Recommended
GCBDA/GDBDA-AR(1) – Family and Medical Leave * (Version 1), Highly Recommended
GCBDA/GDBDA – Family Leave * (Version 2), Highly Recommended
GCBDA/GDBDA-AR(1) – Family Leave * (Version 2), Highly Recommended
GCBDC/GDBDC – Domestic Violence, Harassment, Sexual Assault, Bias, or Stalking Leave (Safe Leave) *, Highly Recommended
GCBDC/GDBDC-AR – Request for Domestic Violence, Harassment, Sexual Assault, Bias, or Stalking Leave, Highly Recommended
GCBDD/GDBDD – Sick Time *, Highly Recommended
GCBDF/GDBDF – Paid Family and Medical Leave Insurance * (Version 1), Highly Recommended
GCBDF/GDBDF-AR – Paid Family and Medical Leave Insurance (PFMLI), Highly Recommended

INSTRUCTIONAL, SUPPLEMENTAL, SCHOOL LIBRARY, AND CLASSROOM LIBRARY MATERIALS

Summary

OSBA policy staff worked collaboratively with a work group comprised of school district and ESD staff and professionals from the State Library of Oregon and Intellectual Freedom Committee. The results of this work group culminated in the newly revised proposed sample policy and associated administrative regulations published in this *Policy Update*.

If the district has adopted policy and any associated administrative regulations on the topic of instructional materials, consider the new proposed samples.

Collective Bargaining Impact

None

Local District Responsibility

Consider the new proposed highly recommended policy IIA – Instructional Materials** for board adoption and decide whether any of proposed administrative regulations support local practices and submit to the Board for review. The administrative regulations are proposed as

is for best practices. *If the district has similar coding or existing policy or administrative regulations, consider they may need to be deleted/rescinded with coordination of any new adoptions.*

Policy(ies) and ARs Impacted by these Revisions

IIA - Instructional Materials**, Highly Recommended, *New*

IIA-AR(1) - Instructional Materials, Optional, *New*

IIA-AR(2) - Reconsideration of Core Instructional Materials, Optional, *New*

IIA-AR(3) - Reconsideration of Supplemental Instructional Materials, Optional, *New*

IIA-AR(4) - Reconsideration of School or Classroom Library Materials, Optional, *New*

IIA-AR(5) - Request for Reconsideration of Instructional or Library Materials Form, Optional, *New*

IIA-AR(6) - Independent Adoption of Core Instructional Materials, Optional, *New*

GRADUATION REQUIREMENTS

Summary

There are several recommended changes to policy IKF – Graduation Requirements**.

Senate Bill (SB) 992 (2023) replaced the “Alternative Certificate” with a “Certificate of Attendance.”

Additionally, SB 3 (2023) added one-half credit each of higher education and career path skills and personal financial education to the diploma and the modified diploma, therefore, reducing the number of elective credits by 1 to maintain the 24 credits. Both of these are effective for students who began grade 9 in the 2023-2024 school year.

The State Board of Education adopted the half credit for civics passed in SB 513 (2021) into OAR 581-022-2000. This is effective for students who began grade 9 in the 2022-2023 school year. Additional rules adopted by the State Board affect a variety of changes in policy which include language on additional credit requirements, Essential Skills, and updated parent notice requirements.

Also of note is the requirement for a district board to define criteria for the issuance of a certificate of attendance to a student in their district when they do not satisfy the requirements to receive a diploma.

OSBA still anticipates additional rules (which may affect this policy) resulting from passage of House Bill 4137 (2024) and affecting ORS 329.451; the bill creates a path for students who have completed an International Baccalaureate program to satisfy graduation requirements. More to come.

Collective Bargaining Impact

None

Local District Responsibility

Review existing policy, revise as needed, and readopt required policy IKF – Graduation Requirements**. There were minor changes in IKFB – Graduation Exercises If this policy is present in the board’s policy manual, review existing policy, revise as needed and readopt. The changes to JECA – Admission of Resident Students** are primarily the replacement of ‘alternative certificate’ with ‘certificate of attendance’.

Policy(ies) and ARs Impacted by these Revisions

IKF - Graduation Requirements**, Required

IKFB - Graduation Exercises, Optional

JECA - Admission of Resident Students**, Highly Recommended

ARTIFICIAL INTELLIGENCE

Summary

Artificial intelligence and generative artificial intelligence are the most recent additions to technology tools available to education. The purpose of this new model sample policy is to facilitate actions regarding artificial intelligence. Many OSBA members have developed statements, policies, or positions, or have responsible use agreement language that includes related content; this policy is not intended to replace that language. The Oregon Department of Education (ODE) has [Educational Technology](#) resources which include several on artificial intelligence.

Collective Bargaining Impact

None

Local District Responsibility

Review the available optional model sample policy and decide whether it is beneficial to adopt.

Policy(ies) and ARs Impacted by these Revisions

IKJ – Artificial Intelligence, Optional, *New*

MEDICATIONS

Summary

There were a host of changes in Oregon law and administrative rules around administration of medication to students and for student self-administration in a school/district setting. This includes changes from House Bill 2002 and 2395 passed in the 2023 Legislature; from Senate Bill 1552 passed in the 2024 Legislature affecting statute in ORS 339.866 - 339.871; and rules on administration of medication in OAR 581-021-0037 which include new rules on short-acting opioid antagonist.

The Oregon Department of Education has put together some additional resources [Opioid Overdose Information and Resources](#) which include a template letter to support communication with parents and other toolkits. Other resources on medications in schools are [here](#).

The resulting changes are quite extensive and therefore the model policy and administrative regulation are presented without showing tracked changes.

Collective Bargaining Impact

None

Local District Responsibility

Review and adopt changes to policy and administrative regulation governing administration of medications.

Policy(ies) and ARs Impacted by these Revisions

JHCD - Medications**/*, Required, *New*

JHCD-AR - Medications**/*, Required, *New*

JHCD/JHCDA - Medications**/*, Delete

JHCD/JHCDA-AR - Medications**/*, Delete

ABOUT *POLICY UPDATE*

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Sample model policies reflecting these issues and changes in state and federal law, if applicable, are part of this newsletter. These samples are offered as a starting point for drafting local policy and may be modified to meet particular local needs. They do not replace district legal counsel advice.

To make the best use of *Policy Update*, we suggest you discuss the various issues it presents and use the sample model policies to determine which policies your district should develop or revise, get ideas for what a policy should contain, and as a starting point for editing, modifying and discussing your district's policy position.

If you have questions about *Policy Update*, sample policies or policy in general, call OSBA Policy Services, 800-578-6722 or 503-588-2800.

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GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements *, Required
GCAA - Standards for Competent and Ethical Performance of Oregon Educators, Optional
JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements *, Required

DEFINITION OF "STUDENT" FOR MATTERS RELATED TO SEXUAL CONDUCT

Summary

House Bill 4160 (2024) changed the definition of student; changing a student who left school or graduated from high school “within 90 days” to “within one calendar year”, and is in effect as of July 1, 2024 and is included in the recommended revisions.

Collective Bargaining Impact

None

Local District Responsibility

Adopt updated language in required policy GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements * and adopt the updated definition in optional policy GCAA – Standards for Competent and Ethical Performance of Oregon Educators if present in the board’s manual.

Policy(ies) and ARs Impacted by these Revisions

GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements *, Required
GCAA - Standards for Competent and Ethical Performance of Oregon Educators, Optional
JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements *, Required

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Emielle Nischik

Executive Director

Haley Percell

Chief Legal Officer

Interim Deputy Executive Director

Spencer Lewis

Director of Policy Services

Rick Stucky

Policy Services Specialist

Leslie Fisher

Policy Services Specialist

Colleen Allen

Senior Policy Services

Assistant

Jean Chiappisi

Policy Services Assistant

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503-588-2800 or 800-578-6722

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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; 9/18/24
Orig. Code: AC

Nondiscrimination and Civil Rights

The district does not discriminate on any basis listed below and prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race¹, color, religion, 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 superintendent shall appoint individuals at the district to contact on issues concerning the Americans with Disabilities Act and Americans with Disabilities Act Amendments Act (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments, and other civil rights or discrimination issues, and notify students, parents, and staff with their names, office addresses, and phone numbers. The district will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public, and such procedures will be available at the district's administrative office and available on the home page of the district's website.

The district prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice; because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising any rights guaranteed under state and federal law.

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)).~~

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

The district will document and track:

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

Civil Rights Coordinator

[The [insert position title(s)] is the district's civil rights coordinator.]

The civil rights coordinator(s) will:

1. Be knowledgeable of the requirements in OARs 581-021-0038, 581-021-0045, 581-021-0046, and 581-021-0660;
2. Have the independence and authority necessary to carry out the provisions of OAR 581-021-0660;
3. Monitor, coordinate, and oversee district compliance with state and federal laws prohibiting discrimination in education, including ensuring the availability of, and providing to students and staff:
 - a. The notice of nondiscrimination² required by OAR 581-021-0045; and
 - b. The district written complaint process for making reports of discrimination.
4. Oversee and ensure the resolution of district investigations of complaints alleging and substantiating discrimination, including the provision of remedies designed to restore or preserve equal access to an education program or activity;
5. Provide guidance to district staff on civil rights issues in the district;
6. Respond to questions and concerns about civil rights in the district;
7. Coordinate efforts to prevent civil rights violations from occurring in the district; and
8. ^{3}[Satisfy the training requirements in OAR 581-021-0660 (2)-(3)] [Satisfy the following training requirements:
 - a. Upon initial designation, a civil rights coordinator must receive the following training in accordance with a schedule established by the Oregon Department of Education (ODE):

² The notice of nondiscrimination will include the name or title, work address, email address, and phone number of each civil rights coordinator.

³ {OAR 581-021-0655(3)(a) requires the district adopt a policy including the requirements in OAR 581-021-0660, including the training requirements referenced and listed here. The district can meet this requirement by choosing either of the two bracketed options.}

- (1) The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964 Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;
- (2) The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American’s with Disabilities Act of 1990, those statutes’ implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education’s Office for Civil Rights;
- (3) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators’ duties;
- (4) Identifying discrimination and reports of discrimination;
- (5) Responding to reports of discrimination;
- (6) Conducting civil rights investigations, including identifying conflicts of interest, and using strategies to mitigate conflicts of interest;
- (7) Preventing discrimination in public school programs and activities;
- (8) Identifying retaliation taken in response to reports of discrimination, responding to reports of such retaliation, and preventing such retaliation in public school programs and activities;
- (9) Tracking and documenting reports of discrimination.

b. In years subsequent to being designated a civil rights coordinator, a civil rights coordinator must annually receive the following training in accordance with a schedule established by ODE:

- (1) The meaning of discrimination under state and federal nondiscrimination law, including ORS 659.850, Title VI of the Civil Rights Act of 1964 Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;
- (2) The duties of districts under state and federal nondiscrimination law, including ORS 342.700 to 342.708, ORS 659.850 and 659.855, Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American’s with Disabilities Act of 1990, those statutes’ implementing rules and regulations, and determinations made by the Oregon Department of Education and the United States Department of Education’s Office for Civil Rights;
- (3) The coordinators required by Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and those coordinators’ duties;

Reporting discrimination, and responding to reports of discrimination, including through complaint processes and investigations.⁴]

END OF POLICY

⁴ Training must first be completed by June 30, 2025.

Legal Reference(s):

[ORS 174.100](#)
[ORS 192.630](#)
[ORS 326.051\(1\)\(e\)](#)
[ORS 332.505](#)
[ORS 408.230](#)
[ORS 659.805](#)
[ORS 659.815](#)
[ORS 659.850 - 659.860](#)
[ORS 659.865](#)
[ORS 659A.001](#)
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[ORS 659A.006](#)
[ORS 659A.009](#)
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[OAR 581-021-0650 - 0665](#)
[OAR 581-022-2310](#)
[OAR 581-022-2370](#)
[OAR 581-075-0001 - 075-0005](#)
[OAR 581-075-0901](#)
[OAR 839-003](#)

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

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

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

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

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

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

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: GBNAA/JHFF
Adopted: 4/15/20
Revised/Readopted: 12/15/21
Orig. Code(s): JHFF

Suspected Sexual Conduct with Students and Reporting Requirements

Sexual conduct by district employees, contractors¹, agents², and volunteers³ is prohibited and will not be tolerated. All district employees, contractors, agents, volunteers, and students⁴ are subject to this policy.

⁵“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile educational environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the district or any applicable employment agreements.

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

¹ “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.

² “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.

³ “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.

⁴ Student conduct may only be sexual conduct if the student is also an employee, contractor, agent, or volunteer.

⁵ This definition of “sexual conduct” affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

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

Any district employee [{}⁷], contractor, agent or volunteer] who has reasonable cause to believe that a student has been subjected to sexual conduct by another district employee, contractor, agent or volunteer, or that another district employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the [{}⁸]designated licensed administrator] or the [alternate designated licensed administrator], in the event the designated administrator is the suspected perpetrator, for their school building. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements.

If the superintendent is the alleged perpetrator the report shall be submitted to the [insert {}⁹]designated licensed administrator position title] who shall report the suspected sexual conduct to the Board chair.

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

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

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

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

⁷ {The following language in brackets, i.e., [, contractor, agent or volunteer], is optional language for the district to consider including. If the language is kept, the district must make these groups aware of the policy and its administrative regulation and their responsibilities under both. This may also be included in contracts with agents and contractors and include reference to this policy.}

⁸ {ORS 339.372 requires the district to have a policy that designates the licensed administrators and requires the district to post the names and contact information of the designees 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.}

⁹ {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.}

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

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

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

The district will provide to employees 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 sexual conduct;
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All district employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding 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 prohibited.

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 339.370 - 339.400](#)

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

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

House Bill 4160 (2024).

Brookings-Harbor School District 17C

Code: GCAA
Adopted:

Standards for Competent and Ethical Performance of Oregon Educators

[Application of Rules

1. Oregon Administrative Rules were adopted by the Teacher Standards and Practices Commission (TSPC) in accordance with Oregon Revised Statutes (ORS).
2. Oregon Administrative Rules (OAR) may be used as criteria by the TSPC in matters pertaining to the revocation or suspension of licenses issued by TSPC under Oregon law or the discipline of any license holder or any person who has held a license at any time within five years prior to issuance of the notice of charges under ORS.
3. The TSPC determines whether an educator's performance is ethical or competent in light of all the facts and circumstances surrounding the educator's performance as a whole.
4. The TSPC will promptly investigate complaints:
 - a. The TSPC may at its discretion defer action to charge an educator against whom a complaint has been filed under law when the investigation report indicates that disciplinary action against the educator is pending at the local district level or when criminal charges are pending or are likely to be filed against the educator. In considering whether to defer action to charge an educator, the TSPC shall consider all relevant circumstances including the nature and seriousness of the allegations and whether the educator is currently employed as a teacher or school administrator;
 - b. The executive secretary shall regularly inform the TSPC of the status of any complaints on which the TSPC has deferred action.]

Definitions

The following definitions apply to Oregon Administrative Rules unless otherwise indicated by context:

1. "Administrator": any educator who holds a valid Oregon administrative license or registration and who works in a position requiring an administrative license;
2. "Competent": discharging required duties as set forth in these rules;
3. "Educator": any licensed or registered or certified person who is authorized to be engaged in the instructional program including teaching, counseling, school psychology, administering and supervising;
4. "Ethical": conforming to the professional standards of conduct set forth in these rules;
5. "Sexual conduct": means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student that are:

- a. Sexual advances or requests for sexual favors directed toward the student; or
- b. Of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with the student’s educational performance, or of creating an intimidating or hostile educational environment.

“Sexual conduct” does not include:

- a. Touching or other physical contact:
 - (1) That is necessitated by the nature of the district employee’s job duties or by the services required to be provided by the contractor, agent, or volunteer; and
 - (2) For which there is no sexual intent.
- b. Verbal, written or electronic communications that are provided as part of an education program that meets the state educational standards or a policy approved by the Board
- c. Conduct or communications described in above if the district employee, contractor, agent or volunteer is also a student and the conduct or communications:
 - (1) Arise out of a consensual relationship between students;
 - (2) Do not create an intimidating or hostile educational environment; and
 - (3) Are not prohibited by law, any policies of the district or any applicable employment agreements.

6. “Sexual harassment”: any unwelcome conduct with an individual which includes but is not limited to sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. Such conduct unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive working environment.

7. “Teacher”: any person who holds a teacher’s license as provided in ORS 342.125.

8. “Student”: means any person who is:

- a. In any grade from kindergarten through grade 12; or
- b. Twenty-one years of age or younger and receiving educational or related services from an education provider that is not a post-secondary institution of education; or
- c. Who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within one calendar year prior to the sexual conduct.

The Competent Educator

The teacher or administrator demonstrates a commitment to:

- 1. Recognize the worth and dignity of all persons and respect for each individual;
- 2. Encourage scholarship;

3. Promote democratic and inclusive citizenship;
4. Raise educational standards;
5. Use professional judgment; and
6. Promote equitable learning opportunities.

Curriculum and Instruction

The competent educator measures success by the progress of each student toward realization of personal potential as a worthy and effective citizen. The competent educator stimulates the spirit of inquiry, the acquisition of knowledge and understanding and the thoughtful formulation of goals as they are appropriate for each individual.

The competent teacher demonstrates:

1. Use of state- and district-adopted curriculum and goals;
2. Skill in setting instructional goals and objectives expressed as learning outcomes;
3. Use of current subject matter appropriate to the individual needs of students;
4. Use of students' growth and development patterns to adjust instruction to individual needs consistent with number of students and amount of time available; and
5. Skill in the selection and use of teaching techniques conducive to student learning.

The competent administrator demonstrates:

1. Skill in assisting individual staff members to become more competent educator by complying with federal, state and local law, rules and lawful and reasonable district policy and contracts;
2. Knowledge of curriculum and instruction appropriate to assignment;
3. Skill in implementing instructional programs through adequate communication with staff; and
4. Skill in identifying and initiating any needed change which helps each student toward realization of personal learning potential.

Supervision and Evaluation

The competent educator is a student of human behavior and uses this knowledge to provide a climate that is conducive to learning and that respects the rights of all persons without discrimination. The competent educator assumes responsibility for the activities planned and conducted through the district's program and assists colleagues to do the same. The competent educator gathers relevant information and uses it in the planning and evaluation of instructional activities.

The competent teacher demonstrates:

1. Multiple ways to assess the academic progress of individual students;

2. Skill in the application of assessment data to assist individual student growth;
3. Procedures for evaluating curriculum and instructional goals and practices;
4. Skill in the supervision of students; and
5. Skill in differentiating instruction.

The competent administrator demonstrates:

1. Skill in the use of assessment data to provide effective instructional programs;
2. Skill in the implementation of the district’s student evaluation program;
3. Skill in providing equal opportunity for all students and staff; and
4. Skill in the use of employee and leadership techniques appropriate to the assignment and according to well-established standards which ensure due process for the staff for which the administrator is responsible for evaluating.

Management Skills

The competent educator is a person who understands students and is able to relate to them in constructive and culturally competent ways. The competent educator establishes and maintains good rapport. The competent educator maintains and uses records as required and as needed to assist the growth of students.

The competent teacher demonstrates skills in:

1. Establishing and maintaining classroom management that is conducive to learning;
2. Using and maintaining district property, equipment and materials appropriately;
3. Using and maintaining student records as required by federal and state law and district policies and procedures;
4. Using district and school business and financial procedures; and
5. Using district lawful and reasonable rules and regulations.

The competent administrator demonstrates:

1. Leadership skills in managing the school, its students, staff and programs as required by lawful and reasonable district policies, rules and regulations, state and federal laws and regulations and other programs as assigned and assures that staff is informed of these requirements; and
2. Skills in planning and staff assignment.

Human Relations and Communications

The competent educator works effectively with others — students, staff, parents and patrons. The competent educator is aware of the ways the community identifies with the school, as well as community needs and ways the school program is designed to meet these needs. The competent educator can

communicate with knowledge, clarity and judgment about educational matters, the school and the needs of students.

The competent teacher demonstrates:

1. Willingness to be flexible in cooperatively working with others; and
2. Skill in communicating with students, staff, parents and other patrons.

The competent administrator demonstrates:

1. Skill in helping students, staff, parents and other patrons to learn about the school, the district and its program;
2. Skill in communicating district and school goals to staff and the public;
3. Willingness to be flexible in cooperatively working with others; and
4. Skill in reconciling conflict.

The Ethical Educator

The ethical educator is a person who accepts the requirements of membership in the teaching profession and acts at all times in ethical ways. In so doing the ethical educator considers the needs of the students, the district and the profession.

The ethical educator, in fulfilling obligations to the student, will:

1. Keep the confidence entrusted in the profession as it relates to confidential information concerning a student and the student's family;
2. Refrain from exploiting professional relationships with any student for personal gain or in support of persons or issues; and
3. Maintain an appropriate professional student-educator relationship by:
 - a. Not demonstrating or expressing professionally inappropriate interest in a student's personal life;
 - b. Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student;
 - c. Reporting to the educator's supervisor if the educator has reason to believe a student is or may be becoming romantically attached to the educator; and
 - d. Honoring appropriate adult boundaries with students in conduct and conversations at all times.

The ethical educator, in fulfilling obligations to the district, will:

1. Apply for, accept, offer or assign a position of responsibility only on the basis of professional qualifications and will adhere to the conditions of a contract or the terms of the appointment;
2. Conduct professional business, including grievances, through established lawful and reasonable procedures;

3. Strive for continued improvement and professional growth;
4. Accept no gratuities or gifts of significance that could influence judgment in the exercise of professional duties; and
5. Not use the district's or school's name, property or resources for noneducational benefit without approval of the educator's supervisor or the appointing authority.

The ethical educator, in fulfilling obligations to the profession, will:

1. Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty;
2. Extend equal treatment to all members of the profession in the exercise of their professional rights and responsibilities;
3. Respond to requests for evaluation of colleagues and to keep such information confidential as appropriate; and
4. Respond to requests from a TSPC representative for information, furnish documents to TSPC, and participate in interviews with a TSPC representative relating to a TSPC investigation, except subject to the exercise of any legal right or privilege.

END OF POLICY

Legal Reference(s):

[OAR 584-020-0000 - 0035](#)

House Bill 4160 (2024).

Brookings-Harbor School District 17C

Code: GCBDA/GDBDA
Adopted: 2/17/10
Revised/Readopted: 10/22/03; 3/04/10; 1/15/14;
11/14/17; 12/13/23

Family and Medical Leave

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

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

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

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

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

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

~~Federal and state leave entitlements generally run concurrently.~~

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

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

³ Time to effectuate the legal process for the placement of a child in foster care or a child being adopted qualifies for PFMLI starting January 1, 2025. Until then, leave is available through OFLA. {See SB 1515 (2024) Sections 4, 13, 21 and 25.} ~~See OAR 471-070-1010 for additional information.~~

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

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)

[ORS 657B.010](#)

[ORS 657B.025](#)

[ORS 659A.090](#)

[ORS 659A.093](#)

[ORS 659A.096](#)

[ORS 659A.099](#)

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

[OAR 839-009-0210 - 0460](#)

Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654; 5 U.S.C. §§ 6381-6387 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2023).

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12133 (2018); 29 C.F.R. Part 1630 (2023); 28 C.F.R. Part 35 (2023).

Escriva v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9th Cir. 2014).

Senate Bill 1515 (2024).

Brookings-Harbor School District 17C

Code: GCBDA/GDBDA-AR(1)
Revised/Reviewed: 2/17/10; 12/18/13; 2/17/16; 11/14/17

~~Federal Family and Medical Leave/State Family Medical Leave~~

{The law does not require districts to have this information in an administrative regulation (AR), but the district is required to follow the law; having an AR in place can assist with compliance. This AR is intended for districts with 50 or more employees. If the district has between 25 and 50 employees, use version 2 (Oregon Family Leave Act (OFLA)) of GCBDA/GDBDA-AR(1) - Family Leave *. If the district does not have 25 employees, the district should not use this AR.}

Coverage

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

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

Employee Eligibility

FMLA benefits are available ~~applies~~ to employees who have been employed by ~~worked for~~ the district for at least 12 months, have ~~(not necessarily consecutive) and~~ worked ~~for~~ at least 1,250 hours during the past 12-month period and work at a worksite that employs 50 district employees within 75 miles ~~immediately preceding the start of the worksite~~ leave.

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

Generally, in order for an employee to be eligible for the benefits under OFLA, the employee must ~~applies to employees who~~ work an average of 25 hours or more per week during the 180 calendar days ¹ ~~or more~~ immediately prior to the first day of the start of the requested leave.²

¹ Thirty days during a declared public health emergency.

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

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

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

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

1. Separates from employment with the district, irrespective of any reason:
 - a. Is eligible to take leave OFLA, ~~an employee becomes eligible upon completing~~ at the time the employee separates; and
 - b. Is reemployed by the district within ~~least~~ 180 days of separation from employment; or
2. Is eligible to take OFLA leave:
 - a. At ~~immediately preceding~~ the beginning of a temporary cessation of scheduled hours of 180 days or less; and
 - b. Returns to work at ~~date on which~~ the end of the temporary cessation of scheduled hours of 180 days or less.

Any OFLA leave taken by the employee within any one-year period continues to count against the length of time of OFLA leave the employee ~~parental leave begins. There~~ is entitled. The amount of time that an employee is deemed to have ~~no minimum average number of hours~~ worked for the district prior to a break in service due to a separation from employment or a temporary cessation of scheduled hours shall be restored to the employee ~~per week~~ when the employee is reemployed by the district within 180 days of separation from employment or when the employee returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

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

An employee taking, in any order, ~~who has previously qualified for and has taken~~ some or all of 12 weeks ~~portion~~ of OFLA pregnancy disability leave and some or all of 12 weeks of OFLA leave for any other purpose, need not requalify each time the employee takes, ~~may request additional~~ OFLA leave within the same leave year; ~~In such instances, the employee must requalify as an eligible employee for each additional leave requested unless one of the following exceptions apply:~~

An

- 4. ~~A female employee who has taken 2 weeks of OFLA child placement~~~~12 weeks of pregnancy disability leave need not requalify leave in the same leave year for any other purpose;~~
- 5.3. ~~An employee who has taken 12 weeks of parental leave need not requalify for up to take an additional 12 weeks of leave within~~~~in the same leave year when used for the purposes of OFLA for sick child leave; and~~
- 6.4. ~~An employee unable to work because of granted leave for a disabling compensable injury~~~~3 serious health condition for the employee or a family member need not requalify under OAR 839-009-0210 if additional leave is taken in order to use OFLA leave following a period the employee is off work due to this leave year for the compensable injury~~~~same reason.~~

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

Leave under the Oregon Military Family Leave Act (OMFLA)

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

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

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

Qualifying Reason

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

- 6. ~~Serious health condition of the employee or the employee’s covered family member. “Serious health condition” means an illness, injury, impairment or physical or mental condition that involves inpatient:~~
 - b. ~~Inpatient care~~⁴ ~~or continuing;~~
 - e. ~~Continuing treatment by a health;~~
 - d. ~~Chronic conditions;~~
 - e. ~~Permanent, long term or terminal conditions;~~
 - f. ~~Multiple treatments;~~

³ As defined in ORS 656.005.

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

~~g.a.~~ ~~Pregnancy and prenatal~~ care provider⁵.

~~7.5.~~ Parental leave⁶ (separate from eligible leave as a result of a child's serious health condition):

- a. Bonding with and ~~caring~~~~the care~~ for the employee's newborn ~~child~~ (within 12 months following birth);
- b. Bonding with and ~~caring~~~~the care~~ for a newly adopted ~~child~~ or newly placed ~~child in foster care~~⁷ ~~child~~ under the age of 18 (within 12 months of placement);
- c. ~~Caring~~~~Care~~ for a newly adopted ~~child~~ or newly placed ~~child in foster care~~ ~~child over~~ 18 years of age or older who is incapable of self-care because of a ~~mental or physical disability~~ or ~~mental impairment~~ (within 12 months of placement);
- d. Time to effectuate the legal process required for placement of a ~~child in foster care~~ ~~child~~ or the adoption of a child.

~~8.6.~~ Military caregiver leave ~~Caregiver Leave~~: leave for the care for spouse, ~~child~~ ~~son, daughter~~ or next-of-kin who is a covered servicemember/~~veteran~~ with a serious injury or illness;

~~9.7.~~ Qualifying exigency leave ~~Exigency Leave~~: leave arising out of ~~the foreign~~ deployment to a foreign country of the employee's spouse, ~~child~~ ~~son, daughter~~ or parent who is a military member on active duty or call to covered active duty status.

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

~~10.8.~~ Pregnancy disability leave: leave taken by an employee for their own disability related to pregnancy, including pregnancy termination or childbirth, whether the disability occurs before, during or after the birth of the child or for prenatal care, including fertility or infertility treatment.

~~11.9.~~ Sick child leave: leave taken to care for an employee's child suffering from an illness, injury, or condition that requires home care. Under OFLA, sick child leave includes leave to care for an employee's child whose school or child care provider has been closed⁸ in conjunction with a statewide public health emergency declared by a public health official.⁹

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

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

⁷ {ORS 659A.159 uses the term "foster child." Districts can choose to use either "foster child" or "child in foster care" throughout this administrative regulation.}

⁸ "Closure" (OAR 839-009-0210(5)) for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider as defined in OAR 839-009-0210(4).

⁹ The district may request verification of the need for sick child leave under OFLA due to a closure during a statewide public health emergency. Verification may include:

1. The name of the child being cared for;
2. The name of the school or child care provider that has closed or become unavailable;
3. A statement from the employee that no other family member of the child is willing and able to care for the child; and
4. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

~~12.10.~~ Bereavement leave: leave taken to deal with the death of a covered family member and includes leave taken to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member.¹⁰ [When such leave is used for a family member who is related by affinity, the district requires an attestation form signed and submitted by the employee.]

~~12.~~ [Child placement leave: leave taken under OFLA before January 1, 2025, ~~Serious health condition of the employee or the employee's covered family member:~~

- ~~b. Inpatient care;~~
- ~~c. Continuing treatment;~~
- ~~d. Chronic conditions;~~
- ~~e. Permanent, long term or terminal conditions;~~
- ~~f. Multiple treatments;~~
- ~~g. Pregnancy and prenatal care.~~

~~12.~~ Parental leave (separate from eligible leave as a result of the child's serious health condition):

- ~~i. Bonding with and the care for the employee's newborn (within 12 months following birth);~~
- ~~j. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);~~
- ~~k. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);~~
- ~~l.a. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.]~~

~~13.11.~~ [Leave previously protected by OFLA¹¹: 1) leave to which an eligible employee was entitled under ORS 659A.150 - ORS 659A.186 on June 30, 2024; and 2) leave to which an eligible employee would not be entitled under ORS 659A.150 - ORS 659A.186 on July 1, 2024 and may now be entitled leave under Paid Family Medical Leave (ORS 657B).]

~~14.~~ Sick Child Leave: leave for non-serious health conditions of the employee's child.

~~15.~~ Bereavement Leave: leave related to the death of a covered family member.¹²

~~16.12.~~ Eligible employees may also access OMFLA under OFLA for the purpose of spending time with a spouse or ~~same-gender~~ domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.

~~17.~~ The eligibility of an employee who takes multiple leaves for different qualified reasons during the same district designated leave period may be reconfirmed at the start of each qualified leave requested.

¹⁰ Bereavement leave under OFLA must be completed within 60 days of the date the employee received notice of the death. The notice of the death of a family member may be by any means and from any source.

¹¹ OAR 839-009-0215. OFLA: Leave Previously Protected by OFLA.

¹² Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

Definitions

1. Family member:

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

- (1) Spouse¹³;
- (2) Parent¹⁴;
- (3) Child; or
- (4) Persons who are “in loco parentis.”¹⁵

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

- ~~(1)~~ Spouse or;
- ~~(2)~~~~(1)~~ Registered, same-gender domestic partner;
- ~~(3)~~ Child or the child’s spouse or Parent;
- ~~(4)~~ Parent-in-law;
- ~~(5)~~~~(2)~~ Parent of employee’s registered, same-gender domestic partner;
- ~~(6)~~ Parent or the parent’s spouse or Child;
- ~~(7)~~~~(3)~~ Child of employee’s registered, same-gender domestic partner;
- ~~(8)~~~~(4)~~ Sibling or stepsibling, or the sibling’s or stepsibling’s spouse or domestic partner;
- ~~(9)~~ Grandchild;
- ~~(10)~~~~(5)~~ Grandparent or the grandparent’s spouse or domestic partner; or
- ~~(11)~~~~(6)~~ Grandchild or the grandchild’s spouse or domestic partner; or
- ~~(12)~~~~(7)~~ Any individual related by blood or affinity whose close association with an eligible employee is the equivalent of a family relationship.¹⁵
- ~~(0)~~ Persons who are “in loco parentis”.

3.2. Child:

a. For the purposes of FMLA, “child” means the eligible employee’s a biological or; adopted or foster child, a child the employee is fostering, a stepchild, a legal ward or a child of a person

¹³ “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

¹⁴ “Parent” means a biological, adoptive, step or foster parent, or any other individual who stood “in loco parentis” to the employee when the employee was a child as defined herein. This does not include parents “in law.”

¹⁵ “Affinity” means a relationship for which there is a significant personal bond that, when examined under the totality of the circumstances, is like a family relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:

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

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

4.3. In loco parentis:

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

~~e.b.~~

5.4. Next of kin:

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

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

6.5. Covered servicemembers:

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

7.6. Covered veteran:

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

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

~~§-7.~~ Public health emergency:

For OFLA a “public health emergency” means;

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

Leave Period

For the purposes of calculating an employee’s leave period for FMLA, the district will use [the calendar year] [any fixed 12-month “leave year”] [the 12-month period measured forward from the date the employee’s leave begins] [a “rolling” 12-month period measured backward from the date the employee uses any FMLA ~~family and medical~~ leave].

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

The methods for calculating the leave period for FMLA or ~~the 12-month period for FMLA and~~ OFLA leave entitlement shall be used for all employees.

The ~~However, in all instances, the~~ leave period for the purposes of ~~OMFLA and~~ Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district’s designated ~~12-month~~ leave period described above.

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period (12-month period)¹⁶.¹⁷ Spouses who work for the

¹⁶ An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district’s leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee’s 26-week entitlement under Military Caregiver Leave under FMLA.

¹⁷ ~~An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district’s leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent~~
Federal Family and Medical Leave/~~State Family Medical Leave~~

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

1. Birth ~~the birth~~ of a child or to care for a child after birth;
2. Placement, ~~placement~~ of an adopted ~~or foster~~ child or child in foster care, the care for an adopted child or child in foster care ~~child~~ after placement;⁵ or
3. ~~2.~~ Care of ~~to care for~~ the employee's parent with ~~parent's~~ serious medical condition.

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

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

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

Under OFLA, the employee may use all or part of the ~~parental leave during the district's designated leave period following the birth of a child regardless of how much OFLA-qualified leave she has taken prior to the birth of such child during the district's designated leave period. Likewise, an employee who uses the full~~ 12 weeks of sick child or bereavement ~~parental~~ leave and all or part of ~~during~~ the 12 weeks of pregnancy disability ~~district designated~~ leave in any order.

[In addition to the 24 weeks of possible OFLA leave identified above, an eligible employee ~~is period, will be~~ entitled to a total of two ~~an additional 12~~ weeks of ~~sick-child placement leave under OFLA during the district's designated~~ leave within an OFLA leave year until January 1, 2025. The adoption or foster placement of multiple children at one time entitles ~~period for~~ the employee to take only one two-week period of child placement leave.]

~~purpose of caring for a child(ren) with a non-serious health condition requiring home care.~~¹⁸—Unlike FMLA, OFLA does not combine the leave entitlement when two or more family members work ~~for spouses working~~ for the district. Under ~~However, under~~ OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.¹⁹

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

~~¹⁸ Sick child leave under OFLA need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.~~

¹⁹ Exceptions to the ability to require family members to take ~~from taking~~ OFLA qualified leave at different times are when ~~1) employee is caring for the other employee who has a serious medical condition; 2) one employee needs to care is caring~~ for a child for a purpose described in ORS 659A.159 (1)(a) while another employee is taking pregnancy disability leave or, one or more of the employees is taking bereavement ~~with a serious medical condition when the other employee is suffering a serious~~

Federal Family and Medical Leave/State Family Medical Leave

GCBDA/GDBDA-AR(1)

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

Qualified ~~Except as otherwise noted above, qualified~~ leave under FMLA and OFLA for an eligible employee will run concurrently during the ~~district's~~ designated leave period if for the same qualifying reason. Qualified leave under FMLA will run concurrently with other qualified leave covered under Paid Family and Medical Leave Insurance (PFMLI) and/or available sick leave under ORS 653.601 - 653.661 for eligible employees. Qualified leave under OFLA may also run concurrently with leave taken under the sick leave law in ORS 653.601 - 653.661 if for the same qualifying reason, but not concurrent with PFMLI.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12²⁰. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 ~~months~~ ~~weeks~~ worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek²¹. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Holidays which occur within the week taken as FMLA may be counted against FMLA entitlement.²² However, for leave taken in increments of less than one week, holidays in which employees generally are not expected to report do not count against the employees FMLA leave entitlement.

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

Intermittent Leave

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

Intermittent leave is taken in ~~separate periods~~ ~~multiple blocks~~ of time (i.e., hours, days, weeks, etc.), ~~and~~ rather than in one continuous period of time, and/or requiring an altered or reduced work schedule. For OFLA this includes but is not limited to sick child leave taken requiring an altered or reduced work

~~medical condition; 3) each family member is suffering a serious medical condition; 4) each family member wants to take Bereavement Leave under OFLA; and 5) the employer allows the family members to take concurrent leave.~~

²⁰ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

²¹ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

²² See 29 CFR § 825.200(h).

schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official ~~block of time and/or requires a modified or reduced work schedule.~~

When an exempt employee is eligible for both OFLA and ~~leave, but not~~ FMLA leave, and the employee takes intermittent leave ~~employer:~~

~~May allow an exempt employee, as defined by state and federal law, with accrued paid time off to take OFLA leave in blocks of less than one a full day, if done in accordance with 29 CFR § 825.206, the district may; but~~

~~May not reduce the employee's salary for the part-day absence without the loss of the employee's exempt status in accordance with OAR 839-020-0004(32). of an employee who is taking intermittent leave when they do not have accrued paid leave available. To do so would result in the loss of exemption under state law.~~

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

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

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

Alternate Work Assignment

Under FMLA, the

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

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

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

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

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

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

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

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

An ~~When an~~ employee is not on OFLA leave if the employee has been transferred – as provided for in OAR 839-009-0245 (5) – to an alternate position ~~as described above but such transfer does not result in a~~

~~reduced schedule, time worked in any such alternate position shall not be considered~~ for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's pregnancy disability, but not requiring a reduced workweek ~~FMLA and/or OFLA leave~~. An employee working in an alternate position retains the right to return to the employee's original position at any time during the employee's OFLA leave. This does not impair the right of an employee to a reasonable accommodation or the application of any other state or federal law ~~unless all FMLA and/or OFLA leave taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.~~

Special Rules for School Employees

For the purposes of FMLA, "instructional ~~school~~ employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual ~~setting~~ ~~settlement~~. Athletic coaches, driving instructors and special education assistants, such as interpreters²³ for the hearing impaired, are included in this definition. This definition does not include ~~apply to~~ teacher assistants or aides who do not have as their principal job actual teaching or instructing, auxiliary personnel such as; counselors, psychologists ~~psychologist~~, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

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

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

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

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

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

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

²³ 29 CFR 825.600(c) uses "signers."

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

2. Limitation on Leave Near the End of the Term²⁴ School Year

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

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

~~(2)~~(1) For the district may require purposes of FMLA leave, the eligible school employee may be required to continue taking leave until the end of the term if school year provided:

- (a) The leave will last at least three weeks; and
- (b) The employee would return to work during the three-week period before the end of the term.

~~(0)~~ — When For the purposes of OFLA leave, if the reason for the leave is because of the eligible school employee's own serious health condition, the eligible school employee may be required to remain in leave until the end of the school year, provided:

- ~~(-)~~ — The leave will last at least three weeks; and
- ~~(-)~~ — The employee's return to work would occur within three weeks of the end of the school year.

e.b. ~~For the purposes of FMLA and/or OFLA leave, when~~ the qualified leave begins during a within five-week period before weeks of the end of the term school year and the purpose of such leave is parental leave, for the serious health condition of a family member or to care for the serious health condition of a covered servicemember, the eligible instructional school employee may be required by the district to remain on leave until the end of the term if school year provided:

- (1) The leave will last more than two weeks; and
- (2) The employee would return to work during the two-week period before the end of the term school year.

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

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

²⁴ "Academic term" means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA. 29 CFR § 825.602(b)

For the purposes of OFLA leave, if an employee²⁵ begins a period of bereavement leave during the three-week period before the end of the term and the duration of the leave is greater than five working days, the district may require the employee continue on family leave until the end of the term.

Paid/Unpaid Leave

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Paid Family and Medical Leave Insurance (PFMLI) leave taken via Paid Leave Oregon or an equivalent plan will run concurrently with FMLA and leave available under ORS 653.601 - 653.661 when taken for the same purpose. An employee may elect ~~Subject to any related provisions in any applicable collective bargaining agreement, the district requires the eligible employee to~~ use any available accrued paid leave, including personal, ~~and sick or leave or available accrued~~ vacation leave ~~before taking FMLA and/or OFLA leave without pay~~ during the leave period ^{26} ~~[to. The employee may select the extent that~~ order in which the total combined amount of accrued ~~available~~ paid leave and benefits received from PFMLI does not exceed an amount equal to the employee's full wage replacement during the period of leave]. ~~[The total combined amount received by using accrued leave and PFMLI may exceed the employee's full wage replacement during the period of leave.] is used.~~

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

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

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

Benefits and Insurance

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

²⁵ Applies only to an employee who is employed principally in an instructional capacity by the district.

²⁶ {Select one of the two bracketed options based on district practice, i.e., keep the ending to this sentence OR delete this ending and keep the following bracketed sentence. See ORS 657B.030(2) (as amended by SB 1515 (2024) for additional guidance).}

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other district policy provide otherwise.²⁷ The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.

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

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

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

Fitness-for-Duty Verification Certification

For purposes of FMLA, prior

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

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

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

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

Application

For purposes of FMLA ~~Under federal and state law~~, an eligible employee requesting FMLA ~~and/or OFLA~~ leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including

²⁷ See also ORS 342.934(4)(d) in reduction force situations.

intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district. An eligible employee able to give advance notice of the need to take FMLA leave must follow the district's known, reasonable and customary procedures for requesting any kind of leave.

For purposes of OFLA, an eligible employee shall provide at least [²⁸30] days' written notice of the need for foreseeable leave before starting family leave. An employee may commence family leave without prior notice in the event of: an unexpected illness, injury or condition of a child of the employee that requires home care; the death of a family member; or an illness, injury or condition related to the employee's own pregnancy or childbirth that disables the employee from performing any available job duties offered by the district. If an employee commences leave without prior notice as allowed above, the employee must give oral notice²⁹ to the employer within 24 hours of the commencement of the leave and must provide the written notice within three days after returning to work. Failure of an employee to provide the required notice for leave may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

The district may request additional information³⁰ to determine ~~that~~ the requested leave qualifies as FMLA ~~and/or~~ OFLA leave. The district may designate the employee as provisionally on FMLA ~~and/or~~ OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take ~~FMLA and/or OFLA~~ leave must follow the ~~district's~~ ~~employer's~~ known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. In most situations, as soon as practicable will be within one business day of an employee becoming aware of the need. ~~the employee must comply with the employer's normal call-in procedures except in limited and under unique circumstances.~~ Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.³¹

For the purposes of OFLA, ~~if an eligible employee is taking leave in an unforeseeable situation, an employee must give~~ ~~required to provide~~ oral or written notice³² within 24 hours ~~before or after~~ of commencement of the leave. ~~in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the district during that period of time. Failure of an employee to provide the required notice for leave covered by OFLA may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.~~

²⁸ {This number of days should align with the days provided in the leave request form.}

²⁹ Oral notice may be given by any other person on behalf of the employee taking the leave.

³⁰ Except in cases to verify OFLA bereavement leave unless the district requires the use of an attestation form for purposes of determining affinity.

³¹ See 29 CFR § 825.304.

³² Notice may be given by any other person on behalf of the employee taking the leave.

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

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

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

Verification

Under FMLA, the

Medical Certification

The district may require an eligible employee to provide medical certification~~documentation~~, when appropriate³³, to support the stated reason for such leave. In most cases, the~~The~~ district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. ~~The~~~~If the employee provides less than 30 days' notice, the~~ employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required, unless not practicable. Any additional certifications, including second and third opinions, will be in accordance with applicable law.

Under OFLA, the district may require an eligible employee to provide medical verification, when appropriate³⁴, to support the stated reason for qualifying OFLA leave. The district will provide written notification to an employee of this requirement and state the consequences for failure to provide the requested medical verification. If the employee gives advance written notice of foreseeable leave, the district may require the employee to provide medical verification for OFLA leave before the leave starts. If the employee begins unforeseeable OFLA leave without prior notice, the employee is required to submit such medical verification within 15 calendar days after receipt of the district's request for medical verification. The employee may be subject to disciplinary action for not providing the requested medical verification.

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

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

1. The name of the child requiring home care;

³³ Medical verification is not allowed in every situation. Review current laws and guidance for more information.

³⁴ Medical verification is not allowed in every situation. Review current laws and guidance for more information. (OAR 839-009-0260)

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

Posted Notice

The district will post the Bureau of Labor and Industries Family Leave notice in each building or worksite in an area that is accessible to and regularly frequented by employees.³⁵ The district will also post a notice explaining the provisions of FMLA and providing information concerning the procedures for filing complaints.³⁶

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

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

Second and Third Opinions

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

³⁵ https://www.oregon.gov/boli/employers/Documents/BOLI_Printable_FamilyMedLv.pdf; electronic posting is not sufficient to satisfy this requirement, but may be used to supplement the physical posting.

³⁶ <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf>; electronic posting is sufficient as long as it is posted prominently where it can be readily seen by employees and applicants for employees. The poster and the text must be large enough to be easily read and contain fully legible text.

Notification

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

Record Keeping/~~Posted Notice~~

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

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

~~The district will post notice of FMLA and OFLA leave requirements.~~

Federal vs. State Law

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

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

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

*The FMLA definition of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same **purpose**, terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar

days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

Brookings-Harbor School District 17C

Code: GCBDC/GDBDC
Adopted: 4/16/08
Revised/Readopted: 1/15/14; 6/17/15; 9/12/18;
7/17/19

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

{Applies to employers who employ six or more employees in Oregon and meet the definition of “covered employer.”}

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

Definitions

~~“Covered employer” means an employer who employs six or more individuals in the state of Oregon for each working day through each of protected leave identified in ORS 659A.272 the year in which the eligible employee takes leave to address domestic violence, harassment, sexual assault, bias, or stalking, or in the year immediately preceding the year in which an eligible employee takes leave for domestic violence, harassment, sexual assault or stalking.~~

~~1. “Eligible employee” means an employee who is a victim of domestic violence, harassment, sexual assault, or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault or stalking.~~

~~1. “Protective order” means an order authorized by Oregon Revised Statute (ORS) 30.866, 107.095(1)(c), 107.700–107.735, 124.005–124.040 or 163.730–163.750 or any other order that restrains an individual from contact with an eligible employee or the employee’s minor child or dependent.~~

~~“Victim of domestic violence” means an individual who has been a victim of abuse as defined by ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.~~

~~1. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.467 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.~~

~~1. “Victim of stalking means an individual against whom stalking has been committed as described in ORS 163.732; or an individual designated as a victim of stalking by rule adopted under ORS 659A.805; or an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order under ORS 30.866.~~

~~2. “Victim services provider” means a prosecutor-based victims assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault or stalking.~~

~~“Victim of harassment” means an individual against whom harassment has been committed as described in ORS 166.805 and any other individual designated as a victim of harassment by rule adopted under ORS 659A.805~~

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

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee’s minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, bias, or stalking;
2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to, ~~or~~ harassment or stalking of, or the commission of a bias crime against the eligible employee or the employee’s minor child or dependent;
3. To obtain, or to assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, bias, or stalking;
4. To obtain services from a victims services provider for the eligible employee or the eligible employee’s² minor child or dependent; or
5. To relocate³ or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee’s minor child or dependent.

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

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

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

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

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

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

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

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

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

Sufficient certification to support a request for such leave includes:

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

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

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

Definitions

1. "Protective order" means an order authorized by ORS 30.866, 107.095 (1)(c), 107.700 to 107.735, 124.005 to 124.040, 163.730 to 163.750 or 163.760 to 163.777 or any other order that restrains an individual from contact with an eligible employee or the employee's minor child or dependent.

2. “Victim of bias” means an individual who has been a victim of a bias crime as defined in ORS 147.380; or any other individual designated as a victim of bias by rule adopted under ORS 659A.805.
3. “Victim of domestic violence” means an individual who has been a victim of abuse, as defined in ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
4. “Victim of harassment” means an individual against whom harassment has been committed as described in ORS 166.065; or any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.
5. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.305 to 163.467, 163.472 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
6. “Victim of stalking” means an individual against whom stalking has been committed as described in ORS 163.732; an individual designated as a victim of stalking by rule adopted under ORS 659A.805; or an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order under ORS 30.866.
7. “Victim services provider” means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault, bias or stalking.

END OF POLICY

Legal Reference(s):

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

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

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

Brookings-Harbor School District 17C

Code: GCBDC/GDBDC-AR

Revised/Reviewed: 7/06/16; 9/12/18

Request for Domestic Violence, Harassment, Sexual Assault, Bias, or Stalking Leave

PLEASE PRINT

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

PLEASE PRINT

Name of employee _____

Name of Eligible Employee _____ Effective Date of the Leave _____

Department _____ Title _____

Effective date of the leave _____

Status: Full-time Part-time Temporary Hire Date _____ Length of Service _____

The requested leave is for:

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

The leave is for:

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

To relocate¹ or take steps to secure an existing home to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent.

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

A copy of a report from law enforcement indicating ~~myself~~ ~~that the eligible employee~~ or ~~my~~ ~~the eligible employee's~~ minor child or dependent ~~is~~ ~~was~~ a victim ~~or alleged victim~~ of domestic violence, harassment, sexual assault, bias, or stalking.

A copy of a protective order or ~~or~~ ~~any other~~ ~~order that restrains an individual from contact with an eligible employee or the employee's minor child or dependent~~, evidence from a court, administrative agency or attorney that I or my minor child or dependent ~~the eligible employee~~ appeared in or is preparing for a civil or criminal ~~administrative~~ proceeding related to domestic violence, harassment, sexual assault, bias, or stalking ~~or other order authorized by ORS 30.866, 107.095(1)(c), 107.700-107.735, 124.005-120.040 or 163.730-163.750.~~

Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy, employee of the Department of Justice division providing victim and survivor services or victim services provider ~~that I~~ ~~with~~ or ~~my~~ ~~from whom the eligible employee or the eligible employee's~~ minor child or dependent is receiving services.

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

If my request for a leave is approved, I understand ~~it is my understanding~~ that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end. ~~I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the district may terminate my employment.~~ I understand if I am unable to return to work following the period of authorized leave, I will notify the district ~~my employer~~ as soon as practical and provide any required information which will allow the district ~~my employer~~ to determine my eligibility for an extension of leave.

I authorize the district to deduct from my paychecks or seek to recover any amounts paid ~~employee contributions~~ for ~~health~~ insurance coverage by the district on my behalf ~~premiums, life insurance or long term disability insurance~~ which remain unpaid after my leave, consistent with state law.

Signature of employee: ~~Employee:~~ _____ Date: _____

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

Brookings-Harbor School District 17C

Code: GCBDD/GDBDD
Adopted: 11/16/16
Revised/Readopted:

Sick Time

“Employee” means an individual who renders personal services at a fixed rate to ~~is employed by~~ the district if the district either pays ~~and who is paid on an hourly, stipend~~ or agrees to pay for personal services or permits the individual to perform personal services ~~salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221~~. The definition does not include volunteers or independent contractors.

Employees qualify to begin earning and/or accruing sick time on the first day of employment with the district and are eligible to use. ~~Employees hired on or after January 1, 2016, who accrue~~ sick time beginning on ~~may not access~~ the 91st calendar ~~time until their 91 st~~ day of employment with the district and may use sick time as it is accrued.

[The ~~A~~ district employs ^{1} ~~employing~~ 10 or more employees and therefore shall allow an eligible employee ~~provide sick time~~ to access up to 40 hours of ~~all employees based on the following classifications: Substitutes; Coaches; All other employees.~~

~~Substitute employees~~ paid sick time per year. [Paid sick time shall accrue at the rate of at least one hour of paid sick time for every ~~303-0~~ hours the employee works, or 1-1/3 hours for every 40 hours the employee works.] [Paid sick time of 40 hours ~~. Coaches and All other employees~~ shall be ^{2} front-loaded to an employee ~~have 40 hours of paid sick time frontloaded~~ at the beginning of each year.]] ~~or a proration of the 40 hours if the employees is hired after the start of the fiscal year. Employees who are already entitled to 40 or more hours of sick leave under another agreement or policy will not receive additional sick time hours under this policy.~~

OR

[The district employs ^{3} 10 or more employees and has established and invokes the “undue hardship” exception of ORS 653.621 (1)(b); therefore, 56 hours of paid sick time shall be ^{4} front-loaded to an eligible employees at the beginning of each year.]

¹ {If the district is located in a city with a population exceeding 500,000, the threshold is whether the district employs at least six employees working anywhere in this state.}

² {For employees employed by an employer for less than a full year, “front-load” means to assign and make available to an employee as soon as the employee becomes eligible to use sick time a number of hours of sick time that is the pro rata percentage of the hours the employee would be entitled to for an entire year based on the number of hours the employee was actually employed by the employer for the year. ORS 653.601(5)(b)}

³ {If the district is located in a city with a population exceeding 500,000, the threshold is whether the district employs at least six employees working anywhere in this state.}

⁴ {For employees employed by an employer for less than a full year, “front-load” means to assign and make available to an employee as soon as the employee becomes eligible to use sick time a number of hours of sick time that is the pro rata

The ~~A substitute~~ employee may carry up to 40 hours of unused sick time from one year to the subsequent year. ^{5} An employee ~~and~~ is limited to [accruing no more than 80 hours of sick time] [and] [using no more than 40 hours of sick time in a year]. ~~Coaches paid sick time does not carry forward from year to year. All other employees paid sick time shall carry forward without limit.~~

[Sick time shall be taken in hourly increments] ^{6} Sick time shall be taken in increments of more than [one] hour[s]] [Sick time may be used in increments of less than one hour] and may be used for the employee's ~~for the employee's~~ or a family member's ~~member's~~⁷ mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive care, or for reasons consistent with qualifying ~~the~~ Family Medical Leave Act (FMLA), Paid Family and Medical Leave Insurance (PFMLI) or Oregon Family Leave (OFLA). Sick time may also be used in the event of a public health emergency or for leave to address domestic violence, harassment, sexual assault, bias, or stalking under ORS 659A.272. [When sick time is used to care for, or to deal with the death of, an individual related by blood or affinity whose close association with the district employee is the equivalent of a family relationship, the district requires an attestation form signed and submitted by the employee.]~~]~~

The use of sick time may not lead to, or result in, an adverse employment action against the employee.

The district reserves the right, [after an employee uses sick time for more than [three] consecutive scheduled workdays], ~~days of absence,~~ to require verification ~~proof of personal illness~~ or certification in accordance with law of the need for the sick time ~~injury from an employee,~~ including a medical verification or certification ⁸ ~~examination by a physician chosen and~~ paid for by the district. If an ~~An~~ employee fails ~~refusing~~ to provide verification or certification or fails ~~submit to such an examination or~~ to provide other evidence as required by the district, the employee shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA, PFMLI or ~~/OFLA~~ leave, ~~the~~ sick time leave and qualifying ~~the~~ FMLA, PFMLI or ~~/OFLA~~ leave may run concurrently.

When the reason for sick time is consistent with ORS 332.507, ~~the~~ sick time leave and leave pursuant to ORS 332.507 may run concurrently.

percentage of the hours the employee would be entitled to for an entire year based on the number of hours the employee was actually employed by the employer for the year. ORS 653.601(5)(b)}

⁵ {If the district chooses to limit the accrual or usage, the district must choose language in the bracketed sentence and keep this sentence in policy. The application of these limits need not be applied to employers with less than 10 employees and who front-load at least 40 hours of unpaid sick time or unpaid time off at the beginning of each year used to calculate the accrual and usage of sick time or time off. (ORS 653.606 (1)(d))}

⁶ {This bracketed option only applies if the public charter school claims "undue hardship" (as is defined in OAR 839-007-0000(7)) and front-loads 56 hours of paid sick time per year. The school may require the employee to use paid sick time in increments of more than one hour; however in the case of front-loading 56 hours of paid sick time, the school cannot require an employee to use sick time in increments that exceed four hours, however the employee may choose to do so. OAR 839-007-0025}

⁷ "Family member" is defined in OAR 839-007-0000. ~~by the Oregon Family Leave Act (OFLA).~~

⁸ In the case of need for leave under ORS 659A.272, the district may not require the verification or certification to explain the nature of the illness or details related to the domestic violence, sexual assault, harassment, bias, or stalking, which necessitates the use of sick time.

If the reason for sick time is a foreseeable absence, the district requires an ~~may require the~~ employee to provide advance notice of ~~the~~^{their} intention to use sick time ^{⁹} 10 days prior to when the requested sick time is to begin or as soon as otherwise practicable. When an ~~the~~ employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the district (e.g., grading deadlines, inservice training, mandatory meetings). [The district may discipline an employee if the employee fails to make a reasonable effort to schedule leave in a manner that does not unduly disrupt the operations of the district.]

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district [consistent with the reporting time established by the district] [at least 24 hours in advance] [before the start of the employee’s shift], or when circumstances prevent the employee from providing notice as required, as soon as practicable.~~as soon as practicable.~~

[The district may discipline an employee for violating workplace policies and procedures if the employee fails to provide notice as required.]

The district shall establish a standard process to track the eligibility for sick time of a substitute.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 342.545](#)

[ORS 342.610](#)
[ORS 653.601 - 653.661](#)

[ORS 659A.150 - 659A.186](#)
[OAR 839-007-0020 - 0065](#)

Americans with Disabilities Act/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2023); 28 C.F.R. Part 35 (2023).
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2023).

⁹ {ORS 653.621(3): “...not to exceed 10 days”}

Brookings-Harbor School District 17C

Code: GCBDF/GDBDF
Adopted: 7/11/23

Paid Family and Medical Leave Insurance

The district provides an equivalent plan for paid family and medical leave and does not participate in Paid Leave Oregon. This plan [has been approved] by the Employment Department. ^{1}. The district will file the Oregon Quarterly Tax Report as required.

The district will make available a notice poster that outlines the requirements and procedures for the equivalent plan. ² This poster will be displayed in each of the district's buildings or worksites in an area that is accessible to and regularly frequented by employees. This poster will be provided ³ to remote employees upon hire or assignment to remote work.

END OF POLICY

Legal Reference(s):

[ORS 657B.210 – 657B.260](#)

[OAR 471-070-2200 - 2460](#)

¹ {Deadlines for the district to file an exemption application can be found on OAR 471-070-2205. Application requirements can be found in OAR 471-070-2210.}

² For poster requirements, see OAR 471-070-2330.

³ By hand delivery, regular mail, or through an electronic delivery method.

Brookings-Harbor School District 17C

Code: GCBDF/GDBDF-AR
Revised/Reviewed: 6/21/23

Paid Family and Medical Leave Insurance (PFMLI)

{This administrative regulation is for use only with Version 1 of policy GCBDF/GDBDF - Paid Family and Medical Leave Insurance and is not intended to be used with an equivalent plan. OSBA does not recommend simply replacing “Employment Department” with the name of the entity administering an equivalent plan.}

Application

Employees may submit applications for Paid Leave Oregon¹ ~~the equivalent plan for paid family and medical leave~~ to the Oregon Employment Department (“Department”).² ~~American Fidelity~~. Applications may be submitted up to 30 days prior to the start of the leave and up to 30 days after the start of the leave.³ The Department ~~American Fidelity~~ may require verification from the employee.⁴ The Department ~~American Fidelity~~ will make all decisions regarding acceptance and denial of an application, including determining the amount of the benefit.⁵ The district cannot accept, file, process or make decisions on applications.

An employee may appeal an approval or denial of claim, the amount of a weekly benefit or a disqualification from receipt of benefits to the Department ~~American Fidelity~~ in accordance with Oregon Revised Statute (ORS) 657B.410~~040~~ and Oregon Administrative Rule (OAR) 471-070-8005~~2220~~.

Employee Notice to District

If the leave is foreseeable⁶, the employee must provide the district with written notice⁷ at least 30 calendar days prior to the leave.⁸ If the leave is not foreseeable⁹ the employee must give oral notice to the district

¹ “Paid Leave Oregon” means the Paid Family and Medical Leave Insurance program described in ORS 657B.

² For application requirements see Oregon Administrative Regulation (OAR) 471-070-1100. Applications can be submitted at <https://frances.oregon.gov/> to the Employment Department through the Paid Leave Oregon program.

³ Exceptions may be granted when the applicant can demonstrate good cause for late submission.

⁴ See verification requirements in OAR 471-070-1110 - OAR 471-070-1130.

⁵ The benefit may be less than the employee’s salary. See ORS 657B.050.

⁶ Examples of foreseeable leave include, but are not limited to, an expected birth, planned placement of a child, or a scheduled medical treatment for a serious health condition of the eligible employee or a family member of the eligible employee. See OAR 471-070-1310~~(+)~~.

⁷ Written notice includes, but it not limited to, handwritten or typed notices, and electronic communication such as text messages and email.

⁸ {OAR 471-017-1310(6) states “An employer that requires eligible employees to provide a written notice before the eligible employee commences leave, must outline the requirements in the employer’s written policy and procedures.”}

⁹ Leave circumstances that are not foreseeable include, but are not limited to, an unexpected serious health condition of the eligible employee or a family member of the eligible employee, a premature birth, an unexpected adoption, an unexpected foster placement by or with the eligible employee, or for safe leave.

within 24 hours of the start of the leave, and must provide written notice within 3 days after the start of leave.¹⁰ The district requests as much advanced notice as possible.

The notice must include:

1. The employee's first and last name;
2. Type of leave;
3. Explanation of the need for leave; and
4. Anticipated timing and duration of leave, including if it is continuous or intermittent.

Notice need only be given one time, but the employee shall notify the district as soon as practicable if dates of scheduled leave change, are extended, or were initially unknown. This notice does not need to mention PFMLI or Paid Leave Oregon to satisfy the notice requirements.^{11} Notice may be provided by another party on behalf of the employee in accordance with state law.

Failure to comply with these notice requirements may result in a penalty imposed by the Department. The Department ~~American Fidelity. American Fidelity~~ may reduce the amount of the benefit by 25 percent in accordance with OAR 471-070-1310(9)-(10).

Concurrent Use of District-Provided Paid Leave^{12}

The employee will be allowed to use available district-provided paid leave (e.g., sick, vacation or otherwise) for days that Paid Leave Oregon is received ^{13}[to the extent that the total combined amount of accrued paid leave and benefits received by the employee does not exceed an amount equal to the employee's full wage replacement during the period of leave]. [The total combined amount received by using accrued leave and Paid Leave Oregon may exceed the employee's full wage replacement during the period of leave.] [*The district will determine the particular order in which accrued leave is used when more than one type of accrued leave is available to the employee.]

Example: The Department ~~The district allows employees to use employer-provided paid leave in addition to receiving PMFLI benefits to replace an employee's wages up to 100 percent of the eligible employee's average weekly wage. Example:~~

~~An employee applies and is approved for PFMLI for a personal serious medical condition. American Fidelity determines that the rate of pay will be 75 percent of the employee's regular salary. The~~

¹⁰ An eligible employee who takes safe leave shall give the employer reasonable advance notice of the individual's intention to take safe leave, unless giving the advance notice is not feasible. If other leave also applies, ~~(OFLA, FMLA, etc.)~~, notice requirements for those types of leave may also apply.

¹¹ {A district requiring written notice must outline the requirements in policy and procedures. A copy of the written policy and procedure must be provided to all eligible employees at the time of hire and each time the policy and procedure changes and in the language that the employer typically uses to communicate with the employee.}

¹² {Consider any collective bargaining requirements prior to adopting this language.}

¹³ {Select one of the two bracketed options based on district practice, i.e., keep the ending to this sentence OR delete this ending and keep the following bracketed sentence. See ORS 657B.030(2) (as amended by SB 1515 (2024) for additional guidance).}

employee will be allowed to use available district-provided paid leave (sick, vacation or otherwise), subject to any applicable collective bargaining agreement or other agreement for days Paid Leave Oregon benefits are received. The employee [may use such leave to the extent that the total combined amount of accrued paid leave and Paid Leave Oregon benefits received by the employee does not exceed an amount equal to the employee’s full wage replacement during the period of leave] [will be able to choose how much other paid leave to use (which may result in the employee receiving more than 100 percent of their typical salary)]. ~~for days that PFMLI is received, but is limited to only utilizing an amount that increases the employee paid leave to 100 percent of regular payment. In this example, the amount would be 25 percent.~~

Return to Work

Upon completion of leave, the employee is entitled to return to the position held in the district prior to the leave, if that position still exists and if the employee had been employed in the district for 90 days prior to taking leave.¹⁴ [*For districts with 25 or more employees:*] If the position no longer exists, the employee is entitled to be restored to any available equivalent~~a~~ position with equivalent employment ~~equal to their previous position, with equal~~ benefits, pay and other terms and conditions of employment. [*For districts with fewer than 25 employees:*] If the position no longer exists, the employee may be placed in a different position with similar job duties and with the same employment benefits and pay.]

Communications Between the District and the Department ~~American Fidelity~~

Upon receipt of an application or update in information from a district employee for Paid Leave Oregon, the Department ~~PFMLI, American Fidelity~~ will notify the district. The district may provide additional information to the Department ~~American Fidelity~~ within 10 days. This information may include, but is not limited to, information about the employee’s notice to the district or verification of the employee’s continued employment with the district. If the district does not report such information to the Department, the Department ~~American Fidelity, American fidelity~~ will proceed using available information. The district can provide additional information to the Department ~~American Fidelity~~ as it becomes available.

If the Department ~~American Fidelity~~ requests additional information from the district, the district will respond within 10 calendar days.

Once the Department ~~American Fidelity~~ has issued a decision regarding an application submitted by an employee of the district, the Department ~~American Fidelity~~ will notify the district regarding the approval or denial and any applicable dates and periods of leave. ~~The district cannot appeal an American Fidelity decision.~~

District Notice to Employees

At the time of hire and each time the policy or procedure changes, the district must provide notice to employees. This notice must be in the language that the employer typically uses to communicate with employees and will include:

1. The right of an eligible employee to claim and receive family and medical leave insurance benefits;

¹⁴ If the employee’s leave also qualifies for ~~OFLA~~/FMLA protection, see also Board policy GCBDA/GDBDA ~~Family Medical Leave~~ and its accompanying administrative regulations.

2. The procedure for filing a claim for benefits;
3. That an eligible employee must provide notice to the district before the employee commences leave, and a description of the penalties for failure to comply with the notice requirements;
4. The right of an eligible employee to job protection and benefits continuation;
5. The right of an eligible employee to appeal a decision or determination made by the Department director ~~American Fidelity~~;
6. That discrimination and retaliatory personnel actions against an employee for inquiring about the PFMLI or Paid Leave Oregon program, giving notification of leave under the program, taking leave under the program or claiming PFMLI or Paid Leave Oregon benefits are prohibited;
7. The right of an employee to bring a civil action or to file a complaint for violation of ORS 657B.060 or 657B.070; and
8. That any health information related to family leave, medical leave or safe leave provided to the district ~~an employer~~ by an employee is confidential and may not be released without the permission of the employee unless state or federal law or a court order permits or requires disclosure.¹⁵

The district will display the Department's ~~this~~ notice poster in an area that is accessible to and regularly frequented by employees in each building or worksite. The district will provide this notice poster to employees working remotely by hand delivery, regular mail or through an electronic delivery method at the time of hire or assignment to remote work.

District Filings

The district will file the Oregon Quarterly Tax Report, the Oregon Employee Detail Report and any other reports required by law. If the district fails to submit required filings or report, or fails to pay all required contributions, the district may be penalized in accordance with OAR 471-070-8520.

{For districts with fewer than 25 employees:} [The district may apply for an assistance grant.¹⁶]

Employee Protections

No employee or prospective employee will be discriminated or retaliated against for inquiring about PFMLI or Paid Leave Oregon, giving notification of leave under Paid Leave Oregon ~~PFMLI~~, taking such ~~PFMLI~~ leave or claiming such ~~PFMLI~~ benefits. Eligible employees have a right to file a complaint and/or bring a civil action for violations of ORS 657B.060 or ORS 657B.070.

¹⁵ ~~American Fidelity and~~ Paid Leave Oregon has provided ~~will provide~~ a model notice, <https://assets.americanfidelity.com/media/vbznc3vr/or-equivalent-plan-notice.pdf> and <https://paidleave.oregon.gov/DocumentsForms/Paid-Leave-ModelNotice-Poster-EN.pdf>. ~~This policy can also be used as the notice.~~

¹⁶ See OAR 471-070-3705 - 3710 for eligibility and application requirements.

Any health information related to family leave, medical leave or safe leave provided to the district by an employee is confidential and may not be released without the permission of the employee unless state or federal law or a court order permits or requires disclosure.

Brookings-Harbor School District 17C

Code: IIA
Adopted: 10/22/03
Revised/Readopted: 3/18/15; 7/14/15; 1/19/22

Instructional Resources/Instructional Materials

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

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

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

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

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

Definitions

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

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

“School library materials” means materials which are kept in the school library for student selection and use. The use of these materials may not be required for a particular class, but they may be selected by

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

students to use. These may include books, media, newspapers, magazines, videos, websites, or databases, including in digital or print, etc. These materials are not adopted by the Board.

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

Core Instructional Materials

The Board retains the authority to approve ~~core~~ ~~district~~ instructional materials used in district schools and ~~adoptions, it~~ authorizes the superintendent [or designee] to develop and implement administrative regulations governing selection and adoption of such materials. Procedures ~~how selections are determined. Such procedures~~ will provide for involvement of administrators ~~administrator~~, staff, parents, [students,] ~~parent, student~~ and community members; will use established ~~involvement and employ suitable~~ selection criteria to ~~contribute to ensure that~~ the attainment ~~recommended instructional materials will meet the needs~~ of district, ~~the~~ program, ~~students, teachers~~ and course or grade-level goals; and will reflect recent knowledge, trends, and technology in the field ~~community~~.

The district will review ~~core~~ instructional materials in accordance with the State Board of Education adoption cycle. Each core instructional program and its ~~basic~~ instructional materials will be reviewed [on a seven-year cycle], and any resulting recommendations will be issued by district administration to the Board for approval. All recommended core instructional materials shall be approved by the Board prior to use. [The adoption of textbooks [for American history and government] by the Board and any committee shall be done in a manner in accordance with ORS 337.260.] ~~for appropriate instructional materials will be made.~~

~~Recommended instructional resources and materials will be free of racial, color, national origin, religious, disability, age, marital status, gender identity, sexual orientation or sexual bias. The instructional materials will contain appropriate readability levels, support the district’s adopted curriculum content, provide ease of teacher use, be attractive and durable and be purchased at a reasonable cost.~~

The district will establish a process and timeline for regularly determining and considering whether ~~core~~ ~~the textbooks and other~~ instructional materials are available through online resources that enable students with print disabilities to receive textbooks and instructional materials free of charge. [All requests for reconsideration of core instructional materials may be considered under administrative regulation IIA-AR(2) - Reconsideration of Core Instructional Materials.]

[The district may choose to independently adopt ~~core~~ ~~All basic~~ instructional materials which are not on the state ~~recommended for adoption need to be~~ approved list, using state-approved selection criteria. (See administrative regulation IIA-AR(6) – Independent Adoption of Instructional Materials)]

Supplemental Instructional Materials

All supplemental ~~for use by the Board. Prior to Board approval, parents and interested district patrons will have the opportunity to review the recommended~~ instructional materials ~~and be encouraged to provide opinions about them and their use in the classrooms.~~

~~All supplementary materials and library resources~~ will be selected ~~cooperatively~~ by [teachers, principals, librarians, and/or others, as determined appropriate] [which may not be through any formal selection

procedure]. Such materials ~~and sometimes with the assistance of students and parents. Recommended supplementary materials and library resources will also be free of racial, color, national origin, religious, disability, age, marital status, gender identity, sexual orientation or sexual bias.~~ The instructional materials will contain suitable ~~appropriate~~ readability levels and, support the district’s adopted curriculum content. Materials will be used for their intended audience. [All requests for reconsideration of supplemental instructional materials may be considered under administrative regulation IIA-AR(3) - Reconsideration; ~~provide for ease~~ of Supplemental Instructional Materials.]

School Library Materials

All school library materials will ~~teacher use,~~ be selected by ~~attractive and durable and be purchased at a~~ librarian using established selection criteria. Such materials will contain suitable readability levels. [All requests for reconsideration of school library materials may be considered under administrative regulation IIA-AR(4) - Reconsideration of School or Classroom Library Materials.] ~~reasonable cost.~~

Classroom Library Materials

All classroom library materials will be selected by a classroom teacher and/or others[, with no formal selection procedure]. Such materials will contain suitable readability levels. Teachers are responsible for knowing the available materials in their classroom library. [All requests for reconsideration of classroom library materials may be considered under administrative regulation IIA-AR(4) - Reconsideration of School or Classroom Library Materials.] ~~To be in compliance with the requirements of federal law, the Board directs the superintendent to distribute curriculum materials and instructional supplies to district schools in such a manner that ensures all schools receive equivalent materials.~~

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 332.107](#)
[ORS 336.035](#)
[ORS 336.082](#)
[ORS 336.840](#)
[ORS 337.120](#)
[ORS 337.141](#)

[ORS 337.150](#)
[ORS 337.260](#)
[ORS 337.511](#)
[ORS 339.155](#)
[ORS 659.850](#)

[OAR 581-011-0050 - 0117](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-2310](#)
[OAR 581-022-2340](#)
[OAR 581-022-2350](#)
[OAR 581-022-2355](#)

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

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

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

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

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

Brookings-Harbor School District 17C

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

Instructional Materials

Core Instructional Materials¹

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

Materials selection committees will be appointed by the administration at the time necessary adoption areas are determined. The committee will review the materials and the general criteria for materials selection and provide a recommendation to the superintendent. The superintendent may make changes to the recommendation and shall submit a recommendation(s) to the Board for adoption prior to use. [{}²] The meetings of a selection committee for core instructional materials will follow Public Meetings Law.]

[If the district chooses to adopt core instructional materials which are not on the state-approved list, the rules outlined in OAR 581-022-2350 will apply [and are represented in administrative regulation IIA-AR(6) - Independent Adoption of Core Instructional Materials].]

Supplemental Instructional Materials³

The responsibility for evaluating and selecting supplemental instructional materials is delegated to [teachers, principals, librarians, and/or others, as determined appropriate], who may collaborate as part of the process. Other authoritative matter experts may be included when practicable, as determined by the district.

1. Materials will contain suitable readability levels and support the district's adopted curriculum content.
2. Recommendations for selection may be solicited from staff and may include students.

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

² {Depending on the structure of the committee and who the committee reports to, Public Meetings Law may apply to the committee meetings.}

³ "Supplemental instructional materials" means instructional materials used as part of the course of study, which are not part of the core instructional materials. They contain materials to supplement and/or differentiate core instruction and are generally teacher selected. These materials are not adopted by the Board. Materials required or assigned to be used as part of a class may be considered supplemental instructional materials, regardless of the source or location of the material.

3. Donated materials will be evaluated using the district’s selection criteria and will be accepted or rejected based on those criteria.
4. Selection is an ongoing process which should include the removal of materials which no longer meet the selection criteria and the replacement of lost and worn materials still of educational value.

School Library Materials⁴

1. In selecting materials for the school library or media center, a librarian, under supervision of the principal, will evaluate the existing collection and the curriculum needs. The librarian will consult reputable, professionally prepared selection aids and other professional sources. Materials will contain suitable readability levels.
2. Recommendations for selection may be solicited from staff and students.
3. Donated materials will be evaluated using the established selection criteria and will be accepted or rejected based on those criteria.
4. Selection is an ongoing process which should include the removal of materials which no longer meet the selection criteria and the replacement of lost and worn materials still of educational value.

Classroom Library Materials⁵

1. When selecting materials for a classroom library, the teacher may consult staff and/or accept recommendations from staff and students.
2. Donated materials will be evaluated and may be accepted or rejected by the teacher.
3. Selection is an ongoing process which should include the removal of materials which no longer meet the selection criteria.

⁴ “School library materials” means materials that are kept in the school library for student selection and use. The use of these materials may not be required for a particular class, but they may be selected by students to use. These may include books, media, newspapers, magazines, videos, websites, or databases, including in digital or print, etc. These materials are not adopted by the Board.

⁵ “Classroom library materials” means materials that are kept in the classroom for student selection and use. The use of these materials is not required for the class, but they may be selected by students to use. These may include books, media, newspapers, magazines, videos, etc. These materials are not adopted by the Board.

Brookings-Harbor School District 17C

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

Reconsideration of Core Instructional Materials

Any staff member, student or their parent or guardian, or resident of the district may raise concern about core instructional materials¹ used in the district’s educational program. This procedure is meant to provide a forum for those persons in the schools and the community who are not directly involved in the selection process. Access to materials under reconsideration will not be restricted during the reconsideration process.

Complaints alleging a material constitutes protected-class discrimination should be submitted through the district’s discrimination complaint policy and procedures.

This reconsideration process will be completed in its entirety and not subverted or ended prematurely. The person making a request for reconsideration may withdraw their request at any time during the process.

1. Concern

- a. Concerns about core instructional materials should be submitted to the [principal]. If a staff member receives an informal inquiry, the staff member is to forward the inquiry to the [principal] [promptly].
- b. Any concern made to the [principal] about core instructional materials by any person(s) will be made known to the staff member(s) most directly involved with its use.
- c. The [principal] will arrange to meet with the person(s) with the concern[, and may include the staff member(s) most directly involved with its use,] in an effort to resolve the issue informally, within [15] days of receipt of the concern.
 - (1) The [principal] initially receiving a concern will explain to the person the district’s selection procedure.
 - (2) The [principal] initially receiving a concern will explain to their best ability the particular place the material in question occupies in the educational program and its intended educational usefulness or include someone who can identify and explain the use of the material.
- d. The [principal] will inform the person(s) submitting the concern that if they are not satisfied with the outcome of the informal inquiry process above, they may file a written request for reconsideration of the material within [10] days of the conclusion of 1.c. The initial contact

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

Concerns and requests for reconsideration of supplementary instructional materials or school or classroom library materials will be processed in accordance with the applicable administrative regulation.

from the person and any outcome of a meeting or conversation will be documented and maintained by the [principal].

2. Request for Reconsideration

- a. [A staff member, student or their parent or guardian, or resident of the district wishing to file a request for reconsideration of core instructional materials must complete Step 1 above prior to filing a request for reconsideration.]
- b. All requests for reconsideration will be in writing [on the form prepared for this purpose] [, signed by the complainant,] and must be submitted to the superintendent. All school offices will make forms available.
- c. Upon receipt of a written request for reconsideration, the superintendent [or designee] will appoint a reconsideration committee.
- d. The reconsideration committee will be made up of at least [nine^{2}] members:
 - (1) [Two] teacher[s] designated [annually] by the superintendent [or designee];
 - (2) [One school librarian designated [annually] by the superintendent [or designee];]
 - (3) [One administrator designated [annually] by the superintendent [or designee];]
 - (4) [[Four] members from the community [having expressed willingness to serve on this committee] appointed annually by the Board;]
 - (5) [One student selected [annually] by the student council.]

[The reconsideration committee may include other designated district personnel in discussions about complaints which relate to an underrepresented group or a protected class.]

[The committee selected will only serve to consider the material, which is the subject of the request for reconsideration, unless otherwise specified. After completion of the reconsideration committee's responsibilities, committee members will be returned to the pool.]

- e. The use of the material identified in the request for reconsideration will not be suspended during the reconsideration process. Materials will not be removed for discriminatory reasons.
- f. The reconsideration committee will convene to consider the request for reconsideration received by the district. The committee will receive the request for reconsideration and copies of related materials and instructions on procedure during this committee meeting.

3. Procedures for the Reconsideration Committee

- a. The procedures for the reconsideration committee are as follows:
 - (1) Select a chair [and a secretary]. [The chair of the committee will [not] be an employee of the district. The secretary will be an employee of the district];
 - (2) Be responsible for documenting all proceedings; adhering to Public Meetings Law, when required; and established procedures and guidelines; and preparing and representing the recommendations to the superintendent;
 - (3) [Establish a calendar for review of the material;]
 - (4) Review copies of the request for reconsideration;

² {An odd number of members is recommended.}

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- (5) [Review applicable materials such as a copy of the district or school mission statement; professional reviews of the materials being reconsidered, when available; state standards; and curriculum planning;]
- (6) Review copies of material being reconsidered, as available;
- (7) Consider the material's suitability in the context of the original use and the context in which the request for reconsideration was made;
- (8) Review the material under reconsideration in its entirety, considering the theme, concept, vocabulary, and illustrations as they apply to:
 - (a) The suitability of the material for the instructional objectives established for the lesson(s) in which it was used, including its presentation and follow-up;
 - (b) The material's level of difficulty; and
 - (c) The age group(s) with which it was used.

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- b. An opportunity will be provided to the person who filed the request and staff member(s) involved to offer oral or written testimony on the reconsideration; outside consultants, lay people, other staff members, or other individuals may be offered an opportunity to provide offer oral or written testimony on the reconsideration within such procedures and limitations as may be established by the chair with the consensus of the committee.
- c. The person who made the request for reconsideration will be kept informed by the superintendent or designee concerning the status of the request throughout the committee process. The person and known interested parties will be given notice of committee meetings.
- d. Every request for reconsideration will be acted upon by the committee. However, the committee may consider requests with similar concerns together.
- e. Review and discuss possible options for decision, including:
 - (1) Continued use of the material as used, with no restrictions;
 - (2) Restricted or modified use of the material in terms of subject area, grade level, and/or districtwide, related to the specific request for reconsideration; or
 - (3) Removal of the material from the educational setting in which it was used.

[The reconsideration committee will consider the material's suitability in the context in which the request for reconsideration was made.]

Following the discussion and review of possible options for recommendation, a committee member may offer a motion outlining the committee's recommendation. Action will be taken on the motion and any subsequent motions within the procedures outlined above and consistent with Oregon law.

- f. The reconsideration committee's final recommendation will be issued within [45] days of receipt of the request by the district.

The written recommendation and its justification from the committee will be forwarded to the superintendent within [seven] days of issuance of the recommendation. Within [seven] days of receipt of the recommendation by the superintendent, a copy of the recommendation will be sent by the superintendent or designee to the person who requested the reconsideration and to the Board.

g. Procedures for voting:

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- (1) A quorum³ will be present to act upon any business to come before the committee.
 - (2) All outcomes of motions and votes by name will be recorded and reported in the minutes of the meeting(s).
 - (3) Only votes of the members present at the time of the vote will be recorded⁴.
 - (4) A vote in the affirmative from a majority of those present is required for a motion to pass.

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4. Board Review

The Board will review the final recommendation and announce its decision at a Board meeting. If the Board's decision is contrary to the committee's recommendation, the reasons will be communicated, in writing, to the superintendent. The Board's decision, at minimum, should include a reference to grade level and subject area, for which the subject material can be used, if any. The Board will issue a decision within [30] days of receipt of the reconsideration committee's recommendation. The district will provide a copy of the Board's decision to the person who requested the reconsideration.

The timelines may be modified by the district based on the availability of staff and/or committee participants. Notice of a modified timeline must be provided to the person who made the request, and the staff member(s) involved.

Requests for reconsideration of the same material will not be accepted for at least [two] calendar year[s] following issuance of a decision on said material.

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³ A "quorum" is a majority (one-half of an odd number of members rounded up to the next whole number; one-half of an even number of members plus one). A quorum of a five-member committee is three; a quorum of a six-member committee is four; a quorum of a seven-member committee is four.

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⁴ Committee members may attend virtually. Members attending virtually are considered present for quorum and voting purposes.

Brookings-Harbor School District 17C

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

Reconsideration of Core Instructional Materials

Any staff member, student or their parent or guardian, or resident of the district may raise concern about core instructional materials¹ used in the district’s educational program. This procedure is meant to provide a forum for those persons in the schools and the community who are not directly involved in the selection process. Access to materials under reconsideration will not be restricted during the reconsideration process.

Complaints alleging a material constitutes protected-class discrimination should be submitted through the district’s discrimination complaint policy and procedures.

This reconsideration process will be completed in its entirety and not subverted or ended prematurely. The person making a request for reconsideration may withdraw their request at any time during the process.

1. Concern

- a. Concerns about core instructional materials should be submitted to the [principal]. If a staff member receives an informal inquiry, the staff member is to forward the inquiry to the [principal] [promptly].
- b. Any concern made to the [principal] about core instructional materials by any person(s) will be made known to the staff member(s) most directly involved with its use.
- c. The [principal] will arrange to meet with the person(s) with the concern[, and may include the staff member(s) most directly involved with its use,] in an effort to resolve the issue informally, within [15] days of receipt of the concern.
 - (1) The [principal] initially receiving a concern will explain to the person the district’s selection procedure.
 - (2) The [principal] initially receiving a concern will explain to their best ability the particular place the material in question occupies in the educational program and its intended educational usefulness or include someone who can identify and explain the use of the material.
- d. The [principal] will inform the person(s) submitting the concern that if they are not satisfied with the outcome of the informal inquiry process above, they may file a written request for reconsideration of the material within [10] days of the conclusion of 1.c. The initial contact

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

Concerns and requests for reconsideration of supplementary instructional materials or school or classroom library materials will be processed in accordance with the applicable administrative regulation.

from the person and any outcome of a meeting or conversation will be documented and maintained by the [principal].

2. Request for Reconsideration

- a. [A staff member, student or their parent or guardian, or resident of the district wishing to file a request for reconsideration of core instructional materials must complete Step 1 above prior to filing a request for reconsideration.]
- b. All requests for reconsideration will be in writing [on the form prepared for this purpose] [, signed by the complainant,] and must be submitted to the superintendent. All school offices will make forms available.
- c. Upon receipt of a written request for reconsideration, the superintendent [or designee] will appoint a reconsideration committee.
- d. The reconsideration committee will be made up of at least [nine^{2}] members:
 - (1) [Two] teacher[s] designated [annually] by the superintendent [or designee];
 - (2) [One school librarian designated [annually] by the superintendent [or designee];]
 - (3) [One administrator designated [annually] by the superintendent [or designee];]
 - (4) [[Four] members from the community [having expressed willingness to serve on this committee] appointed annually by the Board;]
 - (5) [One student selected [annually] by the student council.]

[The reconsideration committee may include other designated district personnel in discussions about complaints which relate to an underrepresented group or a protected class.]

[The committee selected will only serve to consider the material, which is the subject of the request for reconsideration, unless otherwise specified. After completion of the reconsideration committee's responsibilities, committee members will be returned to the pool.]

- e. The use of the material identified in the request for reconsideration will not be suspended during the reconsideration process. Materials will not be removed for discriminatory reasons.
- f. The reconsideration committee will convene to consider the request for reconsideration received by the district. The committee will receive the request for reconsideration and copies of related materials and instructions on procedure during this committee meeting.

3. Procedures for the Reconsideration Committee

- a. The procedures for the reconsideration committee are as follows:
 - (1) Select a chair [and a secretary]. [The chair of the committee will [not] be an employee of the district. The secretary will be an employee of the district];
 - (2) Be responsible for documenting all proceedings; adhering to Public Meetings Law, when required; and established procedures and guidelines; and preparing and representing the recommendations to the superintendent;
 - (3) [Establish a calendar for review of the material;]
 - (4) Review copies of the request for reconsideration;

² {An odd number of members is recommended.}

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- (5) [Review applicable materials such as a copy of the district or school mission statement; professional reviews of the materials being reconsidered, when available; state standards; and curriculum planning;]
- (6) Review copies of material being reconsidered, as available;
- (7) Consider the material's suitability in the context of the original use and the context in which the request for reconsideration was made;
- (8) Review the material under reconsideration in its entirety, considering the theme, concept, vocabulary, and illustrations as they apply to:
 - (a) The suitability of the material for the instructional objectives established for the lesson(s) in which it was used, including its presentation and follow-up;
 - (b) The material's level of difficulty; and
 - (c) The age group(s) with which it was used.

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- b. An opportunity will be provided to the person who filed the request and staff member(s) involved to offer oral or written testimony on the reconsideration; outside consultants, lay people, other staff members, or other individuals may be offered an opportunity to provide offer oral or written testimony on the reconsideration within such procedures and limitations as may be established by the chair with the consensus of the committee.
- c. The person who made the request for reconsideration will be kept informed by the superintendent or designee concerning the status of the request throughout the committee process. The person and known interested parties will be given notice of committee meetings.
- d. Every request for reconsideration will be acted upon by the committee. However, the committee may consider requests with similar concerns together.
- e. Review and discuss possible options for decision, including:
 - (1) Continued use of the material as used, with no restrictions;
 - (2) Restricted or modified use of the material in terms of subject area, grade level, and/or districtwide, related to the specific request for reconsideration; or
 - (3) Removal of the material from the educational setting in which it was used.

[The reconsideration committee will consider the material's suitability in the context in which the request for reconsideration was made.]

Following the discussion and review of possible options for recommendation, a committee member may offer a motion outlining the committee's recommendation. Action will be taken on the motion and any subsequent motions within the procedures outlined above and consistent with Oregon law.

- f. The reconsideration committee's final recommendation will be issued within [45] days of receipt of the request by the district.

The written recommendation and its justification from the committee will be forwarded to the superintendent within [seven] days of issuance of the recommendation. Within [seven] days of receipt of the recommendation by the superintendent, a copy of the recommendation will be sent by the superintendent or designee to the person who requested the reconsideration and to the Board.

g. Procedures for voting:

- P**
- (1) A quorum³ will be present to act upon any business to come before the committee.
 - (2) All outcomes of motions and votes by name will be recorded and reported in the minutes of the meeting(s).
 - (3) Only votes of the members present at the time of the vote will be recorded⁴.
 - (4) A vote in the affirmative from a majority of those present is required for a motion to pass.

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4. Board Review

The Board will review the final recommendation and announce its decision at a Board meeting. If the Board's decision is contrary to the committee's recommendation, the reasons will be communicated, in writing, to the superintendent. The Board's decision, at minimum, should include a reference to grade level and subject area, for which the subject material can be used, if any. The Board will issue a decision within [30] days of receipt of the reconsideration committee's recommendation. The district will provide a copy of the Board's decision to the person who requested the reconsideration.

The timelines may be modified by the district based on the availability of staff and/or committee participants. Notice of a modified timeline must be provided to the person who made the request, and the staff member(s) involved.

Requests for reconsideration of the same material will not be accepted for at least [two] calendar year[s] following issuance of a decision on said material.

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³ A "quorum" is a majority (one-half of an odd number of members rounded up to the next whole number; one-half of an even number of members plus one). A quorum of a five-member committee is three; a quorum of a six-member committee is four; a quorum of a seven-member committee is four.

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⁴ Committee members may attend virtually. Members attending virtually are considered present for quorum and voting purposes.

Brookings-Harbor School District 17C

Code: IIA-AR(3)
Revised/Reviewed:

Reconsideration of Supplemental Instructional Materials

Any staff member, student or their parent or guardian, or resident of the district may raise concern about supplemental instructional materials¹ used in the district’s educational program. This procedure is meant to provide a forum for those persons in the schools and the community who are not directly involved in the selection process. Access to materials under reconsideration will not be restricted during the reconsideration process.

Complaints alleging a material constitutes protected-class discrimination may be submitted through the district’s discrimination complaint policy and procedures.

This reconsideration process will be completed in its entirety and not subverted or ended prematurely. The person making a request for reconsideration may withdraw their reconsideration request at any time during the process.

1. Concern

- a. Any concern made regarding supplemental instructional materials by any staff member, student or their parent or guardian, or resident of the district will be made known to the [principal].
- b. The [principal] will arrange to meet with the person(s) with the concern [, and may include the staff member(s) most directly involved with its use,] in an effort to resolve the issue informally, within [15] days of receipt of the concern.

The [principal or staff member] will explain to their best ability the particular place the material in question occupies in the educational program and its intended educational usefulness or include someone who can identify and explain the use of the material.

- c. The [principal] will inform the person(s) submitting the concern that if the person is not satisfied with the outcome of the informal inquiry, they may file a written request for reconsideration within [10] days of the conclusion in 1.b. The initial contact from the person and any outcome of a meeting or conversation will be documented and maintained by the [principal].

2. Request for Reconsideration

- a. A staff member, student or their parent or guardian, or resident of the district wishing to file a request for reconsideration of supplemental instructional materials must complete Step 1 above prior to filing a request for reconsideration.

¹ “Supplemental instructional materials” means instructional materials used as part of the course of study, which are not part of the core instructional materials. They contain materials to supplement and/or differentiate core instruction and are generally teacher selected. These materials are not adopted by the Board. Materials required or assigned to be used as part of a class may be considered supplemental instructional materials, regardless of the source or location of the material.

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- b. All requests for reconsideration will be in writing [on the form prepared for this purpose] [, signed by the complainant,] and must be submitted to the [principal]. If a request for reconsideration involves more than one material, a separate form must be completed for each material. A request to reconsider multiple titles in a series may be submitted on a single form. All school offices will make forms available.
 - c. Upon receipt of a written reconsideration request, the [principal] will appoint a reconsideration committee [by random selection] [from a pool of previously identified interested individuals].
 - d. Use of the material identified in the request for reconsideration will not be suspended during the reconsideration process. Materials will not be removed for discriminatory reasons.

3. Reconsideration Committee

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- a. The reconsideration committee shall be made up of at least [seven] members:
 - (1) [Two] teacher[s] [designated by the principal] and will be from the grade level of the material under reconsideration;
 - (2) [One librarian designated [annually] by the principal;]
 - (3) [One administrator designated [annually] by the principal;]
 - (4) [[Two] members from the community [having expressed willingness to serve on this committee] appointed by the principal;]
 - (5) [One student selected [annually] by the student council.]

[The reconsideration committee may include equity, Title IX, and/or Section 504 personnel in discussions about concerns which relate to an underrepresented group or a protected class.]

[Committee members directly associated with the selection of the material under reconsideration will be excused from the committee. The [principal] may appoint a replacement for the excused committee member, but such replacement will be of the same general qualifications as the person excused.]

[The committee selected will only serve to consider the material, which is the subject of the request for reconsideration, unless otherwise specified. After completion of the reconsideration committee's responsibilities, committee members will be returned to the pool.]

4. Procedures for the Reconsideration Committee

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- a. [{²}Designate a committee member to keep minutes of the committee.]
 - b. Every request for reconsideration will be acted upon by the committee. However, the committee may consider requests with similar concerns together.
 - c. [Review applicable materials such as a copy of the district or school mission statement, professional reviews of the materials being reconsidered, when available, state standards and curriculum planning.]
 - d. Be responsible for documenting all proceedings; adhering to established procedures and guidelines; and preparing and representing the recommendations to the [principal].
 - e. [Establish a calendar for review of the material.]

² {Will the district provide staff to keep minutes or will the committee be responsible for keeping its own minutes?}

- f. Review the material under reconsideration in its entirety, considering the theme, concept, vocabulary, and illustrations (if any) as they apply to:
- (1) [The suitability of the material for the instructional objectives established for the lesson(s) in which it was used, including its presentation and follow-up;
 - (2) The alignment of the material with the standards and curriculum;
 - (3) The material’s reading level and intended audience (literary level to comprehend the words as opposed to difficult topics);
 - (4) The suitability of the material for the students it was used with; and
 - (5) Professional review sources for the title/material, when available.]
- g. An opportunity will be provided to the person who filed the request and staff member(s) involved to offer oral or written testimony on the reconsideration; outside consultants, lay people, other staff members, or other individuals may be offered an opportunity to provide oral or written testimony on the reconsideration within such procedures and limitations as may be established by the committee.
- h. The person who made the request will be kept informed by the principal or designee concerning the status of the request throughout the committee process. The person and known interested parties will be given notice of such meetings.
- i. Review and discuss possible options for decision, including:
- (1) Continued use of the material as used, with no restrictions;
 - (2) Restricted or modified use of the material in terms of [subject area, grade level, districtwide, related to the specific request];
 - (3) Removal of the material from the educational setting in which it was used.

[The reconsideration committee will consider the material’s suitability in the context in which the request for reconsideration was made.]

Following the discussion and review of possible options for recommendation, a committee member may offer a motion outlining the committee’s recommendation. Action will be taken on the motion and any subsequent motions within the procedures outlined above and consistent with Oregon law.

The written recommendation and its justification from the committee will be forwarded to the [principal] within [seven] days of issuance of the recommendation. Within [seven] days of receipt of the recommendation by the superintendent, a copy of the recommendation will be sent by the superintendent or designee to the person who made the request for reconsideration and to the Board.

- j. Procedures for voting:
- (1) A quorum³ will be present to act upon any business to come before the committee.
 - (2) All outcomes of motions and votes will be recorded and reported in the minutes of the meeting(s).

³ A quorum is a majority (one-half of an odd number of members rounded up to the next whole number; one-half of an even number of members plus one). A quorum of a five-member committee is three; a quorum of a six-member committee is four; a quorum of a seven-member committee is four.

- (3) Only votes of the members present at the time of the vote will be recorded⁴.
- (4) A vote in the affirmative from a majority of those present is required for a motion to pass.

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- k. The decision from the reconsideration committee will be issued within [45] days of receipt of the written request for reconsideration by the principal. The response to the request for reconsideration will include the committee’s decision [and information regarding an appeal to the [superintendent] [Board]]. The decision will be copied to the involved parties, including the [principal]. The [principal] will also communicate the decision to the affected staff [and to the public].
 - l. [The committee’s decision will be the final decision of the district.]

5. [Appeal to the [Superintendent]][Board]

A decision from the reconsideration committee may be appealed by [{⁵}the person who requested the reconsideration] to the [superintendent] [Board] by submission of the appeal to the [superintendent] [Board chair] within [15] days from issuance of the committee’s decision. A copy of all procedural documents, recommendations, and decisions will be made available to the [superintendent] [Board]. [The Board will review the appeal and information at a Board meeting.] [The [superintendent] [Board] should review whether the correct procedure was followed. If the correct procedure was followed, the decision of the committee should be affirmed.] [The Board will make a decision regarding the appeal at a Board meeting.] The [superintendent] [Board] will issue a written decision to the involved parties within [30] days of receipt of the appeal.]

[If an appeal is made, the decision made by the reconsideration committee [is suspended pending the appeal (meaning, if applicable, that the material may remain in use until the appeal decision is made)] [remains in effect until the appeal is decided].]

The timelines in this administrative regulation may be modified by the district based on the availability of staff and/or committee participants. Notice of a modified timeline must be provided to the person who made the request and staff member(s) involved.

Requests for reconsideration of the same materials will not be accepted for at least [two] calendar year[s] following issuance of a decision on those materials.

⁴ Committee members may attend virtually. Members attending virtually are considered present for quorum and voting purposes.

⁵ {Does the district want to limit who can file an appeal? Consider:

- Communication regarding the reconsideration committee’s decision (if any member of the public can file an appeal, should the decision be communicated to the public);
- The impact of the decision (if the decision applies throughout the entire district, should the entire district be able to appeal the decision).}

Brookings-Harbor School District 17C

Code: IIA-AR(4)
Revised/Reviewed:

Reconsideration of School or Classroom Library Materials

[Student choice reading is endorsed by the district as a key component of literacy and reading instruction. Students select reading materials with the understanding that parents or guardians will discuss concerns and expectations with them.]

Any staff member, student or their parent or guardian, or resident of the district may raise concerns about the materials available to students through the district's school and classroom libraries. This procedure is to provide a forum for those persons in the schools and the community who are not directly involved in the selection process. Access to materials under reconsideration will not be restricted during the reconsideration process.

Concerns and requests for reconsideration alleging a material constitutes protected-class discrimination may be submitted through and will be processed in accordance with the district's discrimination complaint policy and procedures.

Meetings of the reconsideration committee are subject to Public Meeting Law.

This reconsideration process will be completed in its entirety and not subverted or ended prematurely. The person filing the request may withdraw their reconsideration request at any time during the process.

1. Concerns about School or Classroom Library Materials

- a. Any concern made regarding school or classroom library materials by any staff member, student or their parent or guardian, or resident of the district will be made known to the person responsible for the selection. For school library materials, share concerns with the [building's designated librarian]. For classroom library materials, share concerns with the classroom teacher.
- b. The person responsible for the selection of the material in question will respond and attempt to resolve the issue informally. Alternatively, the person responsible for selection may move the concern to the [principal] in 1.d. An initial response will be provided within [15] days of receipt of the concern.
- c. If the person who made the inquiry is not satisfied, they can request a meeting with the [principal].
- d. The [principal] will meet with the person, attempt to resolve the concern, and document the meeting. The staff member responsible for selection may be requested to attend this meeting. The [principal] will issue a follow-up communication about the outcome of the meeting to the person who made the informal inquiry and relevant staff within [10] days of receipt in 1.c.
- e. If the person who made the request is not satisfied with the outcome of the informal inquiry, they may file a written request for reconsideration within [10] days of the conclusion in 1.d. The initial contact from the person and any outcome of a meeting or conversation will be documented and maintained by the [principal].
- f. No materials will be removed or restricted from use as a result of an informal concern.

2. Request for Reconsideration of School or Classroom Library Materials

- a. A staff member, student or their parent or guardian, or resident of the district wishing to file a request for reconsideration of school or classroom library materials must complete Step 1 above, prior to filing a request.
- b. All requests for reconsideration will be in writing [on the form prepared for this purpose] [, signed by the complainant,] and must be submitted to the [principal]. If a request for reconsideration involves more than one material, a separate form must be completed for each material. A request to reconsider multiple titles in a series may be submitted on a single form. All school offices will make forms available.
- c. Upon receipt of a request for reconsideration, the [principal] will notify all staff member(s) who are directly involved in the request [, and forward the request to the [district librarian]]; a copy will be forwarded to the superintendent [or designee]].
- d. The [district librarian] [principal] [curriculum director] will, within [15] days, appoint a reconsideration committee [by random selection] [from a pool of previously identified interested individuals].
- e. Use of the material identified in the request for reconsideration will not be suspended during the reconsideration process. Materials will not be removed for discriminatory reasons.

3. Reconsideration Committee

- a. The reconsideration committee will be made up of at least [seven] members:
 - (1) [Two] teacher[s] [designated by the principal] and will be from the grade level of the material under reconsideration;
 - (2) [One librarian designated [annually] by the principal;]
 - (3) [One administrator designated [annually] by the principal;]
 - (4) [[Two] members from the community [having expressed willingness to serve on this committee] appointed by the principal;]
 - (5) [One student selected [annually] by the student council.]

[The reconsideration committee may include equity, Title IX and/or Section 504 personnel in discussions about requests that relate to an underrepresented group or a protected class.]

[The committee selected will only serve to consider the material, which is the subject of the request for reconsideration, unless otherwise specified. After completion of the reconsideration committee's responsibilities, committee members will be returned to the pool.]

4. Procedures for the Reconsideration Committee

- a. [{}¹] Designate a committee member to keep minutes of the committee.]
- b. Every request for reconsideration will be acted upon by the committee. However, the committee may consider requests with similar concerns together.
- c. [Review applicable materials such as a copy of the district or school library mission statement and professional reviews of the materials being reconsidered, when available.]
- d. Be responsible for documenting all proceedings; adhering to established procedures and guidelines; and preparing and representing the recommendations to the [principal].

¹ {Will the district provide staff to keep minutes, or will the committee be responsible for keeping its own minutes?}

- e. Review the material under reconsideration in its entirety, considering the theme, concept, vocabulary, and illustrations (if any) as they apply to:
- (1) [The material’s availability for student selection from the school or classroom library;
 - (2) The alignment of the material with the school or classroom library material selection criteria;
 - (3) The material’s reading level and intended audience (literary level to comprehend the words as opposed to controversial topics);
 - (4) The suitability of the material for the students it is available for; and
 - (5) Professional review sources for the title/material, when available.]
- f. An opportunity will be provided to the person who filed the request and staff member(s) involved to offer oral or written testimony on the reconsideration; outside consultants, lay people, other staff members, or other individuals may be offered an opportunity to provide oral or written testimony on the reconsideration within such procedures and limitations as may be established by the committee.
- g. The person who made the request will be kept informed by the principal or designee concerning the status of the request throughout the committee process. The person and known interested parties will be given notice of such meetings.
- h. Review and discuss possible options for a decision, including:
- (1) Continued use of the material as used, with no restrictions;
 - (2) Restricted or modified use of the material in terms of [subject area, grade level, district-wide related to the specific request]; or
 - (3) Removal of the material from the educational setting.

[The reconsideration committee will consider the material’s suitability in the context in which the request for reconsideration was made.]

Following the discussion and review of possible options for recommendation, a committee member may offer a motion outlining the committee’s recommendation. Action will be taken on the motion and any subsequent motions within the procedures outlined above and consistent with Oregon law.

The written recommendation and its justification from the committee will be forwarded to the [principal] within [seven] days of issuance of the recommendation. Within [seven] days of receipt of the recommendation by the [principal], a copy of the recommendation will be sent by the [principal or designee] to the person who requested the reconsideration and to the Board.

- i. Procedures for voting:
- (1) A quorum² will be present to act upon any business to come before the committee.
 - (2) All outcomes of motions and votes will be recorded and reported in the minutes of the meeting(s).

² A quorum is a majority (one-half of an odd number of members rounded up to the next whole number; one-half of an even number of members plus one). A quorum of a five-member committee is three; a quorum of a six-member committee is four; a quorum of a seven-member committee is four.

- (3) Only votes of the members present at the time of the vote will be recorded³.
- (4) A vote in the affirmative from a majority of those present is required for a motion to pass.

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- j. The decision from the reconsideration committee will be issued within [45] days of receipt of the written request for reconsideration by the [principal]. The response to the request for reconsideration will include the committee's decision [and information regarding an appeal to the [superintendent] [Board]]. The decision will be copied to the involved parties, including the [principal]. The [principal] will also communicate the decision to the affected staff [and to the public].
- k. [The committee's decision will be the final decision of the district.]

5. [Appeal to the [Superintendent] [Board]]

A decision from the reconsideration committee may be appealed by [{⁴}the person who requested the reconsideration] to the [superintendent] [Board] by submission of the appeal to the [superintendent] [Board chair] within [10] days from issuance of the committee's decision. A copy of all procedural documents, recommendations, and decisions will be made available to the [superintendent] [Board]. [The Board will review the appeal and information at a Board meeting.] [The [superintendent] [Board] should review whether the correct procedure was followed. If the correct procedure was followed, the [superintendent] [Board] should affirm the decision of the committee.] [The Board will make a decision regarding the appeal at a Board meeting.] The [superintendent] [Board] will issue a written decision within [30] days of receipt of the appeal to the involved parties.]

[If an appeal is made, the decision made by the reconsideration committee [is suspended pending the appeal (meaning, if applicable, that the material may remain in use until the [superintendent] [Board] makes its decision)] [remains in effect until the appeal is decided by the [superintendent] [Board].]

The timelines in this administrative regulation may be modified by the district based on the availability of staff and/or committee participants. Notice of a modified timeline must be provided to the person who requested the reconsideration and staff member(s) involved.

Requests for reconsideration of the same materials will not be accepted for at least [two] calendar year[s] following issuance of a decision on those materials.

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³ Committee members may attend virtually. Members attending virtually are considered present for quorum and voting purposes.

⁴ {Does the district want to limit who can file an appeal? Consider:

- Communication regarding the reconsideration committee's decision (if any member of the public can file an appeal, should the decision be communicated to the public);
- The impact of the decision (if the decision applies throughout the entire district, should the entire district be able to appeal the decision).}

Brookings-Harbor School District 17C

Code: IIA-AR(5)
Revised/Reviewed:

Request for Reconsideration of Instructional or Library Materials Form (Submit to [Principal])

[Student choice reading is endorsed by the district as a key component of literacy and reading instruction. Student choice in reading materials is honored, with the understanding that parents/guardians have the final decision in what their child is reading. When materials are challenged, the principles of the freedom to read, listen, and view will also be considered for all students.]

Please complete this form in its entirety for consideration. This document will become a public record and is subject to public records requests.

Requests for reconsideration will be processed in accordance with the following:

1. Core instructional materials: IIA-AR(2) - Reconsideration of Core Instructional Materials
2. Supplemental instructional materials: IIA-AR(3) - Reconsideration of Supplemental Instructional Materials
3. School and classroom library materials: IIA-AR(4) - Reconsideration of School or Classroom Library Materials

People who wish to file a request for reconsideration of [supplemental and/or school or classroom library materials] must follow the informal process for concerns related to those instructional materials prior to filing this request for reconsideration.

Request initiated by: _____ Phone _____

Address _____ City _____ Zip _____

Email: _____

Book or other material:

Title: _____ Author _____

Publisher: _____ Publication Date: _____

Type of material: Article Audio recording Book Textbook Video Website
 Other: _____

Producer/Source (if known): _____

Please respond to the following questions.

1. Did you discuss your concerns with the teacher or other involved staff? Yes No

If no, you must first discuss your concerns with the teacher or other involved staff before filing a request for reconsideration.

If yes, on what date? _____

Please provide a summary of the conversation: _____

P What is the name of the staff member(s)? _____

2. Did you review the entire material? Yes No

If not, what sections did you review? _____

3. How was the material acquired by the student (i.e., required reading, free choice selection, etc.)?

4. To what in the material do you object and why? (Please be specific and cite pages, frames, etc.)

5. What material do you recommend in its place which would provide information on the subject?

6. What action are you requesting the reconsideration committee consider? _____

7. Do you wish to provide oral or written testimony to the reconsideration committee?
 Yes, oral testimony Yes, written testimony No

If yes, please call the [principal's] office at [_____].

Signature

Date

Received by [principal]: _____

Date

References:

Brookings-Harbor School District 17C

Code: IIA-AR(6)
Revised/Reviewed:

Independent Adoption of Core Instructional Materials

This administrative regulation applies to independent adoption of core instructional materials—materials which are not included on the state-approved list and are not supplemental, school library, or classroom library materials. The committee will include relevant subject area criteria published by the Oregon Department of Education.

1. Prior to an adoption study, teachers, administrators, parents, community members, and students may suggest materials they feel should be considered for adoption. Their specific suggestions or recommendations should be submitted to the [curriculum coordinator/curriculum administrator] of the content area to be reviewed.
2. The [curriculum coordinator/curriculum administrator] will compile and present all suggestions listed in Step 1 to a review committee. The review committee will be comprised of at least [five] members including the [curriculum coordinator/curriculum administrator,] [two] teachers, [two] parents of students in the district selected by the [curriculum coordinator/curriculum administrator] to represent elementary and secondary levels [and a district administrator or a librarian], as deemed appropriate.
3. In order to inform constituents who may wish to volunteer of the review process, an announcement will be made at a regular Board meeting, a public notice will be written, and affected parents will be notified at each building within one month of the committee's first meeting.
4. The committee will conduct a preliminary study of materials suitable for basic adoption. Publishers and curriculum consultants may be invited to participate in the study. Material under consideration for adoption by the committee will be available for review by district constituents upon request. An evaluation/rating instrument will be employed for all program/instructional materials considerations. The committee will decide whether to first initiate a pilot or trial use of a particular series or text or to proceed directly with an adoption. Any trial use or pilot should be coordinated and compatible with the proposed revisions in the curriculum guide. The proposed pilot or trial use must have approval of the principal and the teachers involved.
5. After a trial use or pilot in the classroom and/or committee review, the committee will release results of its evaluation of the instructional materials studied to the [superintendent]. Specific recommendations will be prepared and forwarded to the [superintendent]. The committee must show evidence of having used an evaluation or instrument to ensure conformity with curriculum program goals.
6. The [superintendent] [or designee] will review the recommended adoption and ensure that:
 - a. Appropriate procedures have been complied with;
 - b. Compatibility exists with other texts or skills presented at the same grade level in other curriculum areas;
 - c. The cost is within budgeted amounts.

The [superintendent] [or designee] will issue a recommendation either endorsing the adoption proposal and forwarding it to the Board for approval or referring it back to the committee for revision or further study.

7. The Board may rule on the adoption recommendation or direct the superintendent to further action as it deems appropriate or conducive to reach established goals and objectives.

It is a principal's responsibility to implement and maintain the district-adopted instructional materials. Exceptions to implementation of this district-adopted instructional materials could occur only after following the procedure defined below:

1. If a teacher has a concern regarding the effectiveness/appropriateness of the adoption in the teacher's assignment area, the teacher may submit that concern in writing to the [principal]. If the [principal] shares that concern, the [principal] may refer the concern to the superintendent. [The superintendent will refer the concern to the [curriculum coordinator/curriculum administrator] for a recommendation.] The superintendent will issue a decision on the concern after receiving the recommendation;
2. If an administrator has a concern regarding the effectiveness/appropriateness of the adoption, or if the administrator would like to trial use/pilot a specific program, the concern or the request to pilot/trial use must be submitted to the superintendent for a decision. Should any pilot or trial use justify continuation beyond a single school year, the continued use requires the superintendent's approval.

A teacher or administrator may withdraw their concern at any time during the process.

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Brookings-Harbor School District 17C

Code: IIA-AR
Revised/Reviewed: 6/17/15; 7/14/15



Complaints Regarding Instructional or Library Materials

Instructional Materials

It is understood that honest differences of opinion may arise regarding instructional materials. Differences of opinion will be handled as follows:

1. All complaints are to be reported first to the teacher and building principal, then to the superintendent;
2. The complainant shall acquire the Request for Reconsideration of Instructional Materials form from the district office, which must be filled out before further consideration can be given to the complaint;
3. If necessary, the superintendent shall arrange for a review by the curriculum council;
4. The curriculum council shall meet, study all the information available regarding the material involved and submit a report of its findings to the superintendent;
5. The curriculum council may recommend the questioned material be:
 - a. Retained without restriction;
 - b. Retained with appropriate restriction;
 - c. Not retained.
6. Requests to reconsider materials, which have previously been before the committee, must receive approval of a majority of the committee members before the materials will again be reconsidered.
7. Generally, access to challenged material shall not be restricted during the reconsideration process.
8. The superintendent, under special circumstances, may call a special meeting to consider temporary removal of materials.
9. The superintendent shall immediately report the curriculum council's recommendation to the school Board;
10. The decision of the Board shall be final.
11. A decision to sustain a challenge shall not be interpreted as a judgment of irresponsibility on the part of the professional involved in the original selection or use of the material.

Library Materials

Criticism or challenge of any school library materials may occur. Challenges will be handled as follows:

1. All complaints shall be reported first to the library media specialist and the principal;
2. The complainant shall acquire the Request for Reconsideration of Instructional Materials form from the district office, which must be filled out before further consideration can be given to the complaint;
3. The principal and library media specialist will review the Request for Reconsideration of Instructional and Library Media form with the complainant prior to submission to the superintendent;
4. The superintendent will appoint a review committee from the staff, which includes a library media specialist;
5. The committee shall meet, study all the information available regarding the materials involved and submit a report of its finding to the superintendent;
6. The committee may recommend the questioned material be:
 - a. Retained without restriction;
 - b. Retained with appropriate restriction;
 - c. Not retained
7. If findings of the local review committee are not satisfactory to the complainant, a written request may be made to the superintendent. The complainant must make this written request. The Board will respond with a written statement of the findings and final decision.
8. A decision to sustain a challenge shall not be interpreted as a judgment of irresponsibility on the part of the professional involved in the original selection or use of the material.

Request for Reconsideration of Instructional or Library Materials

Your name _____

Telephone _____

Address _____ City _____ Zip _____

Signature of Complainant _____ Date _____

Fill in information as appropriate.

If printed give:

If audiovisual give:

Title _____

Title _____

School personnel will provide the following information:

Hardcover Paperback

Producer _____

Publisher _____ Copyright Date _____

You represent (check one):

Yourself only

Name of organization _____

Identify any other group _____

1. To what in the material do you object? (Please be specific, cite pages, frames, etc.) _____

2. What do you believe might be the result of using this material? _____

3. For what age group would you recommend this material? _____

4. Did you review the material in its entirety? (Read all of the book or see the film and hear the discussions preceding and following the showing?) If not, what sections did you review? _____

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5. Are you acquainted with the judgment of this material by professional critics? _____

6. Do you understand the objective of these materials? _____

7. What would you like your school to do about this material?

Do not use it with my child.

Withdraw it from use with all students as well as from my child.

Present at a different level

Send it back to the selector or selectors for reevaluation.

Other _____

8. In its place, what material or book of equal literary quality would you recommend that would be an appropriate substitute in the curriculum subject area involved?

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Brookings-Harbor School District 17C

Code: **IKF**
Adopted: 11/18/09
Revised/Readopted: 12/18/13; 7/06/16; 5/02/18;
9/12/18; 7/17/19; 11/20/19;
2/16/22

Graduation Requirements**

The Board establishes graduation requirements for awarding of a high school diploma, a modified diploma, an extended diploma and ~~an alternative~~ certificate of attendance which meet or exceed state requirements.

A student may satisfy graduation requirements in less than four years. The district will award a diploma to a student fulfilling graduation requirements in less than four years if consent is given by the student's parent or guardian or by the student if the student is 18 years of age or older or emancipated.

If the district requires diploma requirements beyond the state requirements, the district shall grant a waiver for those requirements to any student who, at any time from grade 9 to 12, was:

In

~~2.1.~~ A foster care child¹;

~~3.2.~~ Experiencing homelessness²;

~~4.~~ Homeless;

~~5.3.~~ A runaway;

~~6.4.~~ A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;

~~7.5.~~ A child of a migrant worker; ~~or~~

~~8.6.~~ Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program;
or

~~9.7.~~ Enrolled in an approved recovery school under ORS 336.680.

For any student identified above, the district shall accept any credits earned by the student in an educational program⁴ in this state ~~another district or public charter school~~, applying those credits toward

¹ "Foster child" is ~~is~~ defined in ORS 30.297.

² {ORS 329.451(2) and OAR 581-022-use the term "homeless."} See OAR 581-022-2000 for additional information.

³ Applies to high school diplomas awarded on or after January 1, 2026.

⁴ "Educational program in this state" means an educational program that is provided by a school district, a public charter school, an approved recovery school (applies to diplomas awarded on or after January 1, 2026), the Youth Corrections Education

the state requirements for a diploma if the credits satisfied those requirements in that educational program in this state ~~district or public charter school~~.

Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of ⁵24 credits which include at least:

1. Three credits ~~in~~of mathematics (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);
2. Four credits ~~in~~of language arts⁶ (shall include the equivalent of one unit in written composition);
3. Three credits ~~in~~of science;
4. Three credits ~~in~~of social sciences (shall include 0.5 unit of US civics⁷ credit in addition to at least 2.5 units of credit aligned to the Oregon State Board adopted standards for US and world ~~including~~ history, ~~civics~~⁸, geography, ~~and~~ economics and ⁹financial literacy);
5. ¹⁰One-half credit of higher education and career path skills;
6. ¹¹One-half credit of (~~including~~ personal financial education; ~~finance~~);
7. One credit in health education;
8. One credit in physical education; and
9. Three credits in career and technical education, the arts or world languages¹² ~~language~~ (units shall be earned in any one or a combination).

Program or the Juvenile Detention Program, or funded as provided by ORS 343.243 for students in a long-term care or treatment facility described in ORS 343.961 or a hospital identified in ORS 343.261.

⁵ {If the district has additional credit or graduation requirements beyond the state minimum of 24, the district is required to include those additional credits and graduation requirements in the following list.}

⁶ “Language arts” includes reading, writing and other communications in any language, including English.

⁷ Civics becomes a half-credit requirement beginning on January 1, 2026 (ORS 329.451).

⁸ ~~Civics becomes a half credit requirement beginning on January 1, 2026 (Senate Bill 513, 2021).~~

⁹ This requirement is replaced with a one-half credit of personal financial education requirement for students who were first enrolled in grade 9 during the 2023-2024 school year or first enrolled in grade 9 in any subsequent school year.

¹⁰ Higher education and career path skills becomes a one-half credit graduation requirement for students who were first enrolled in grade 9 during the 2023-2024 school year or first enrolled in grade 9 in any subsequent school year (a requirement for a high school diploma awarded on or after January 1, 2027; a district may request a one-year waiver in accordance with law).

¹¹ Personal finance education becomes a one-half credit graduation requirement for students who were first enrolled in grade 9 during the 2023-2024 school year or first enrolled in grade 9 in any subsequent school year (a requirement for a high school diploma awarded on or after January 1, 2027; a district may request a one-year waiver in accordance with law).

¹² “World languages” includes sign language, heritage languages and languages other than a student’s primary language.

The district shall offer students credit options provided the method for obtaining such credits is described in the student's personal education plan and the credit is earned by meeting requirements described in Oregon Administrative Rule (OAR) 581-022-2025.

To receive a diploma, in addition to credit requirements, ~~as outlined above in OAR 581-022-2000~~, a student must¹³:

1. ¹⁴Demonstrate proficiency in the Essential Skills of reading, writing and apply mathematics in a variety of settings;
1. Develop an education plan and build an education profile;
2. Demonstrate extended application of standards through a collection of evidence (or include evidence in existing collection(s)); and
3. Participate in career-related learning experiences.

Modified Diploma

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a high school diploma while receiving reasonable modifications and accommodations. A modified diploma may only be awarded to a student who meets the eligibility criteria below and other criteria, if applicable ~~applicable~~, outlined in OAR 581-022-2010(3):

The student has

~~2.1. Has~~ a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or

The student has ~~Has~~ a documented history of a medical condition that creates a barrier to achievement. Having met the above eligibility criteria, a modified diploma will be awarded to students, who, while in grade nine through completion of high school, complete 24 credits with at least 13 of those credits to ~~which shall~~ include:

1. Three credits in language arts;
2. Two credits in mathematics;
3. Two credits in science;
4. Two credits in social sciences ((which may include history, civics, geography and economics (including personal finance)));

¹³ ~~The proficiency in Essential Skills requirement has been waived and is not a condition of receiving a high school diploma during the 2021-2022, 2022-2023 or 2023-2024 school year (Senate Bill 744, 2021).~~

¹⁴ The State Board of Education has waived this requirement in Essential Skills for students graduating through the 2027-2028 school year.

5. ¹⁵One-half credit in personal financial education;
6. ¹⁶One-half credit in higher education and career path skills;
7. One credit in health education;
8. One credit in physical education; and
9. One credit in career technical education, the arts or a-world languages language (units may be earned in any one or a combination).

Students may earn additional credits to earn a modified diploma pursuant to OAR 581-022-2010.

In addition to credit requirements as outlined in OAR 581-022-2010, a student must:

1. ¹⁷Demonstrate proficiency in the Essential Skills of reading, writing and apply mathematics in a variety of settings;
2. Develop an education plan and build an education profile; and
3. Demonstrate extended application of standards through a collection of evidence (or include evidence in existing collection(s)).

Districts may make modifications to the assessment for students who seek a modified diploma when the following conditions are met:

1. For a student on an individualized education program (IEP) or Section 504 plan, any modifications to work samples must be consistent with the requirements established in the IEP or 504 plan. Modifications include practices and procedures that compromise the intent of the assessment through a change in the achievement level learning expectations, construct, or content that is to be measured, grade level standard, or measured outcome of the assessment. This means that IEP or 504 school teams responsible for approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard. The IEP or 504 team must inform the student's parent that the use of a modification on an assessment will result in an invalid assessment;
2. For a student not on an IEP or 504 plan, any modifications to work samples must have been provided to the student during their instruction in the content area to be assessed and in the year in which the student is being assessed, and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

Students not on an IEP or a Section 504 Plan may not receive a modified statewide Smarter Balanced assessment.

¹⁵ This unit of credit applies to all students who are awarded a modified diploma on or after January 1, 2027.

¹⁶ This unit of credit applies to all students who are awarded a modified diploma on or after January 1, 2027.

¹⁷ The State Board of Education has waived this requirement in Essential Skills for students graduating through the 2027-2028 school year.

A student's school team (which must include an adult student, parent/guardian of the student) shall decide if ~~that~~ a student ~~will~~ ~~should~~ work toward a modified diploma no earlier than the end of grade six and no later than two years before the student's anticipated exit from high school. A student's school team may decide to revise a modified diploma decision.

A student's school team may decide that a student who was not previously working toward a modified diploma should work toward one when the student is less than two years from anticipated exit from high school if the documented history has changed.

For students with

~~Beginning in grade five or beginning after~~ a documented history as described above ~~to qualify for a modified diploma~~, the district shall annually provide ~~to~~ the parents or guardians of students, beginning in grade five or after such documented history has been established, the following:

1. Information ~~student, information~~ about the availability of high school diplomas, modified diplomas and the requirements for such diplomas; and
2. A disclosure that students awarded a certificate of attendance will not be counted as a high school graduate in any reporting for the State or district and that such students awarded a certificate of attendance may not indicate they received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

[¹⁸] Essential Skills

The district [will] [will not] allow English Language Learner (ELL) students to demonstrate proficiency in Essential Skills in the student's language of origin for a high school diploma or ~~of~~ a modified diploma.

The district will develop procedures to provide local performance assessment options as described in the *Local Performance Assessment Manual*, in the ELL student's language of origin, and will develop procedures to ensure that locally scored assessment options administered in an ELL student's language of origin are scored by a qualified rater.

Essential Skills Appeal

The district will [establish an appeal process] [follow Board policy KL - Public Complaints] in the event of an appeal for the denial of a diploma based on the Essential Skills graduation requirement. The district will retain student work samples and student performance data to ensure that sufficient evidence is available in the event of an appeal.]

Extended Diploma

An extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a high school diploma while receiving reasonable modifications and accommodations. ~~To be eligible for an extended diploma, a student must:~~

¹⁸ {[OAR 581-022-2120(2) requires districts to have "policy whether to allow ELL students to demonstrate proficiency in all required Essential Skills in the students' language of origin." OAR 581-022-2120(4) waives this requirement through the 2027-28 school year.] Therefore, these two sections, i.e., Essential Skills and Essential Skills Appeal, are not required to be in policy at this time. The district could elect to keep the language and the bracketed portion of this footnote.}

To be eligible for an extended diploma, a student must:

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than ~~six~~ credits in a self-contained special education classroom, and will include:
 - a. Two credits ~~in~~ mathematics;
 - b. Two credits ~~in~~ language arts;
 - c. Two credits ~~in~~ science;
 - d. Three credits ~~in~~ history, geography, economics or civics;
 - e. One credit ~~in~~ health;
 - f. One credit ~~in~~ physical education; and
 - g. One credit ~~in~~ the arts or a world language; and-
2. Have a documented history of:
 - a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
 - b. A medical condition that creates a barrier to achievement; or
 - c. A change in the student's ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

For students with ~~Beginning in grade five or beginning after~~ a documented history ~~to qualify for an extended diploma~~, the district shall annually provide ~~to the parents or guardians of such the student, information about the availability and requirements of an extended diploma.~~

Alternative Certificates

~~Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, a modified diploma or an extended diploma if the students, beginning meet minimum credit requirements established by the district.~~

~~Beginning~~ in grade five or ~~beginning~~ after ~~such a~~ documented history has been established, the following:

1. Information about the availability of high school diplomas, modified diplomas and the requirements for such diplomas; and
2. A disclosure that students awarded a ~~to qualify for an alternative~~ certificate of attendance will not be counted as a high school graduate in any reporting for the state or district and that such students awarded a certificate of attendance may not indicate they received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

Certificate of Attendance

A ¹⁹ certificate of attendance²⁰ will be awarded to students who:

1. [Have maintained regular full-time attendance²¹ for at least four years beginning in grade nine;
2. Do not satisfy requirements for a high school diploma, modified diploma or extended diploma; and
3. Have a documented history²².]

For students with a documented history²³, the district shall annually provide ~~to~~ the parents or guardians of such students, beginning in grade five or after such a documented history has been established, the following:

Information ~~the student, information~~ about the availability of high school diplomas, modified diplomas and the requirements for the diplomas; and ~~of an alternate certificate.~~

~~2.1.~~

~~3.—~~

~~4.2.~~ A disclosure that students awarded a certificate of attendance will not be counted as a high school graduate in any required reporting for the State or district and that such students awarded a certificate of attendance may not indicate they received a high school diploma on applications for employment, military service, financial aid, admittance to an institution of higher education or any other purpose.

Other District Responsibilities

The district will ensure that all students have onsite access to the appropriate resources and courses to achieve high school diplomas, ~~a diploma, a~~ modified diplomas, and ~~diploma, an~~ extended diplomas ~~diploma or an alternative certificate~~ at each high school in the district. The district will provide [age-appropriate and developmentally appropriate] literacy instruction to all students until graduation.

¹⁹ {The Board shall define criteria for a certificate of attendance. OAR 581-022-2200 (3). See the Oregon Department of Education's [Certificates for School Completion: Questions and Answers Related to the Implementation of SB 992](#).}

²⁰ A student who began grade 9 before July 1, 2020, may be awarded an alternative certificate if the student satisfies the requirements for an alternative certificate which are in effect on the day before July 1, 2024.

²¹ {There is no established definition of “regular full-time attendance. The district should review any existing attendance definitions, consider the needs of students in the district and establish clear criteria. This should include how excused and unexcused absences are counted. A few options are provided.}

[“Regular full-time attendance” means not being absent for more than 10 percent of school days that the student is enrolled in a school year. See OAR 581-020-0631 for definition of chronic absenteeism. Excused absences [are considered absences for this purpose] [will not be counted against a student.]]

[“Regular full-time attendance” means not having eight or more unexcused absences in any four-week period during which school is in session. See ORS 339.065 for definition of irregular attendance. This will be calculated on an annual basis and equates to having unexcused absences for less than 20 percent of the days or class periods during which school is in session.]

²² “Documented history” means evidence in the cumulative record and education plans of a student that demonstrates the inability over time to maintain grade level achievement even with appropriate modifications and accommodations.

²³ “Documented history” means evidence in the cumulative record and education plans of a student that demonstrates the inability over time to maintain grade level achievement even with appropriate modifications and accommodations.

The district may not deny a student who has the documented history listed under the modified diploma or extended diploma requirements outlined above, the opportunity to pursue a diploma with more stringent requirements, ~~than a modified diploma or an extended diploma~~ for the sole reason the student has the document history ~~documented history listed under the above modified diploma or extended diploma requirements~~.

The district may award a modified diploma or an extended diploma to a student only upon the written consent of a student who is an emancipated minor or who has reached the age of 18 (adult student) at the time the modified or extended diploma is awarded, or the student's parent or guardian. The district ~~must~~ shall receive the written consent during the school year in which the modified diploma or the extended diploma is awarded.

A student shall have the opportunity to satisfy the requirements for a modified diploma, an extended diploma or ~~an alternative~~ certificate of attendance in the later of ~~4~~ four years after starting ~~the ninth~~ grade 9, or until the student reaches the age of 21 years if the student is entitled to a public education until the age of 21 under state or federal law.

A student may ~~complete~~ satisfy the requirements for a modified diploma, an extended diploma or ~~an alternative~~ certificate of attendance in less than four years but not less than three years. To satisfy the requirements for a modified diploma, an extended diploma or ~~an alternative~~ certificate of attendance in less than ~~4~~ four years, the student's parent or guardian or a student who is emancipated or has reached the age of 18 must provide written consent which clearly states the parent, guardian or student is waiving the fourth year and/or years until the student reaches the age of 21. A copy of the consent will be forwarded to the district superintendent who will annually report to the Superintendent of Public Instruction the number of such consents.

A student who qualifies to receive or receives a modified diploma, an extended diploma, or ~~an alternative~~ certificate of attendance shall have the option of participating in a high school graduation ceremony with the student's class.

A student who receives a modified diploma, an extended diploma, or ~~an alternative~~ certificate of attendance shall have access to instructional hours, hours of transition services and hours of other services that are designed to meet the unique needs of the student. ~~When and when~~ added together, the district will provide a total number of hours of instruction and services to the student that equals at least the total number of instructional hours that ~~is~~ are required to be provided to students who are attending a public high school.

The district may not unilaterally decrease the total number of hours of instruction and services to which the student has access regardless of the age of the student.

The district will award to students with disabilities a document certifying successful completion of program requirements. No document issued to students with disabilities educated in full or in part in a special education program shall indicate that the document is issued by such a program. When a student who has an IEP completes high school, the district will give the student an individualized summary of performance.

Eligible students with disabilities are entitled to a free appropriate public education ~~Free Appropriate Public Education~~ (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, ~~an alternative~~ certificate of attendance or completion of a General Education Development

document. The continuance of services for students with disabilities for a modified diploma, extended diploma or ~~alternative~~ certificate of attendance is contingent on the IEP team determining the student's continued eligibility and special education services are needed.

Students and their parents will be notified of graduation and diploma requirements.

The district may not deny a diploma to a student who has opted out of statewide assessments if the student is able to satisfy all other requirements for the diploma. Students may opt-out of the Oregon statewide assessments in language arts and/or mathematics ~~Smarter Balanced or alternate Oregon Extended Assessment~~ by completing the Oregon Department of Education's Opt-out Form²⁴ and submitting the form to the district.

The district will issue a high school diploma ~~pursuant to Oregon Law (Oregon Revised Statute (ORS) 332.114)~~; to a veteran if the veteran resides within the boundaries of the district or is an Oregon resident and attended a high school of the district, or to a deceased veteran, upon request from a representative of the veteran, if the deceased veteran resided within the boundaries of the district at the time of death or was an Oregon resident at the time of death and attended a high school of the district.

The act of student-initiated test impropriety is prohibited. A student that participates in an act of student-initiated test impropriety will be subject to discipline. "Student-initiated test impropriety" means student conduct that is inconsistent with the *Test Administration Manual* or accompanying guidance; or results in a score that is invalid.

END OF POLICY

Legal Reference(s):

[ORS 329.007](#)
[ORS 329.045](#)
[ORS 329.451](#)
[ORS 329.479](#)
[ORS 332.107](#)
[ORS 332.114](#)
[ORS 336.585](#)
[ORS 336.590](#)

[ORS 339.115](#)
[ORS 339.505](#)
[ORS 343.295](#)

[OAR 581-021-0009](#)
[OAR 581-022-0102](#)
[OAR 581-022-2000](#)
[OAR 581-022-2005](#)

[OAR 581-022-2010](#)
[OAR 581-022-2015](#)
[OAR 581-022-2020](#)
[OAR 581-022-2025](#)
[OAR 581-022-2030](#)
[OAR 581-022-2115](#)
[OAR 581-022-2120](#)
[OAR 581-022-2505](#)

Test Administration Manual, published by the OREGON DEPARTMENT OF EDUCATION.

Certificates for School Completion: Questions and Answers Related to the Implementation of SB 992, published by the OREGON DEPARTMENT OF EDUCATION.

²⁴Oregon Department of Education page for: [30-day notice and opt-out form](#) www.ode.state.or.us Oregon Department of Education page for: [or navigate to Teaching & Learning > Testing - Student Assessment > Smarter Balanced](#)

Brookings-Harbor School District 17C

Code: IKF-AR
Adopted: 11/20/19
Orig. Code: IKF-AR



Graduation Requirements

Diploma

A high school diploma will be awarded to students in grades 9 through 12 who complete a minimum of 24 credits which include at least:

1. Four credits of English language arts (shall include the equivalent of one unit in written composition);
2. Three credits of mathematics (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);
3. Three credits of science;
4. Three credits of social sciences (including history, civics, geography and economics (including personal finance));
5. One credit in health education;
6. One credit in physical education; and
7. Three credits in career technical education, the arts or world languages (units shall be earned in any one or a combination).

The district shall offer students credit options provided the method for obtaining such credit is described in the student's personal education plan and the credit is earned by meeting requirements described in Oregon Administrative Rule (OAR) 581-022-2025.

To receive a diploma, in addition to credit requirements as outlined in OAR 581-022-2000, a student must:

1. Demonstrate proficiency in the Essential Skills of reading, writing, and Applying mathematics in a variety of settings;
2. Develop an education plan and build an education profile;
3. Demonstrate extended application through a collection of evidence; and
4. Participate in career-related learning experiences outlined in the education plan.

Essential Skills Appeal

The district will follow Board policy KL - Public Complaints in the event of an appeal for the denial of a diploma based on the Essential Skills graduation requirement. The district will retain student work samples and student performance data to ensure that sufficient evidence is available in the event of an appeal.

Modified Diploma

A modified diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic standards adopted by the State Board of Education for a high school diploma even with reasonable modifications and accommodations. A modified diploma may only be awarded to a student who meets the eligibility criteria listed below:

1. Has a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers; or
2. Has a documented history of a medical condition that creates a barrier to achievement.

Having met the above eligibility criteria, a modified diploma will be awarded to students who, while in grade nine through completion of high school, complete 24 credits which shall include:

1. Three credits in English language arts;
2. Two credits in mathematics;
3. Two credits in science;
4. Two credits in social sciences (which may include history, civics, geography and economics (including personal finances));
5. One credit in health education;
6. One credit in physical education; and
7. One credit in career technical education, the arts or a world languages (units may be earned in any one or a combination).

In addition to credit requirements as outlined in OAR 581-022-2010, a student must:

1. Develop an education plan and build an education profile; and
2. Demonstrate extended application through a collection of evidence.

A student must also demonstrate proficiency in the Essential Skills with reasonable modifications and accommodations.

Districts may make modifications to the assessment for students who seek a modified diploma when the following conditions are met:

1. For a student on an individualized education program (IEP) or Section 504 plan, any modifications to work samples must be consistent with the requirements established in the IEP or 504 plan. Modifications include practices and procedures that compromise the intent of the assessment through a change in learning expectations, construct, or content that is to be measured, grade level standard, or measured outcome of the assessment. This means that IEP or 504 school teams responsible for approving modifications for a student's assessment may adjust the administration of the assessment and/or the assessment's achievement standard.
2. For a student not on an IEP or 504 plan, any modifications to work samples must have been provided to the student during his/her instruction in the content area to be assessed, and in the year in which the student is being assessed, and modifications must be approved by the school team that is responsible for monitoring the student's progress toward the modified diploma.

Students not on an IEP or a Section 504 Plan may not receive a modified Smarter Balanced assessment.

A student's school team shall decide that a student should work toward a modified diploma no earlier than the end of grade six and no later than two years before the student's anticipated exit from high school. A student's school team may decide to revise a modified diploma decision.

A student's school team may decide that a student who was not previously working towards a modified diploma should work towards one when the student is less than two years from anticipated exit from high school if the documented history has changed.

Beginning in grade five or beginning after a documented history to qualify for a modified diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma.

Extended Diploma

An extended diploma will be awarded only to students who have demonstrated the inability to meet the full set of academic content standards adopted by the State Board of Education for a diploma while receiving modifications and accommodations. To be eligible for an extended diploma, a student must:

1. While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits in a self-contained special education classroom and will include:
 - a. Two credits of mathematics;
 - b. Two credits of English;
 - c. Two credits of science;
 - d. Three credits of history, geography, economics or civics;
 - e. One credit of health;
 - f. One credit of physical education;
 - g. One credit of the arts or a world language.

2. Have a documented history of:

- a. An inability to maintain grade level achievement due to significant learning and instructional barriers;
- b. A medical condition that creates a barrier to achievement; or
- c. A change in the student’s ability to participate in grade level activities as a result of a serious illness or injury that occurred after grade eight.

Beginning in grade five or beginning after a documented history to qualify for an extended diploma, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an extended diploma.

Alternative Certificates

Alternative certificates will be awarded to students who do not satisfy the requirements for a diploma, a modified diploma or an extended diploma if the students meet minimum credit requirements established by the district.

Beginning in grade five or beginning after a documented history to qualify for an alternative certificate, the district shall annually provide to the parents or guardians of the student, information about the availability and requirements of an alternative certificate.

Assessment

Students may opt-out of the Smarter Balanced or alternate Oregon Extended Assessment by completing the Oregon Department of Education’s Opt-out Form¹ and submitting the form to the district.

¹ www.ode.state.or.us: Educator Resources > Student Assessment > Test administration > Forms > 2018-2019 30-day notice and opt-out form

Brookings-Harbor School District 17C

Code: **IKFB**
Adopted: 4/17/00
Revised/Readopted: 10/22/03; 2/17/10; 3/04/10;
6/17/15; 12/06/17
Orig. Code: IKFB

Graduation Exercises

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

Accordingly, appropriate graduation programs may be planned by the ~~[high school] staff~~ on the date selected by [the Board]. ~~Senior class representatives shall be included in the planning of the exercise.~~

The [district] [school]'s ~~district's~~ valedictorian(s), salutatorian(s) or others, at the discretion of the principal or designee, may be permitted to speak as part of the district's ~~district's~~ planned graduation program. All speeches ~~will~~ **shall** be reviewed and approved in advance by the building principal or designee.

All students [in good standing^[1]] who have successfully completed the requirements for a ~~regular~~ high school diploma, or qualify ~~honors diploma, qualifies~~ to receive or receive ~~receives~~ a modified diploma, an extended diploma or a certificate of attendance, including [students participating in a district-sponsored ~~an~~ alternative education program and] students with disabilities receiving a document certifying successful completion of program requirements, shall have the option to ~~certificate may~~ participate in graduation exercises.

A student shall be allowed to wear a dress uniform issued to the student by a branch of the U.S. Armed Forces if the student:

1. Qualifies to receive a high school diploma, a modified diploma, an extended diploma or a certificate of attendance; and

Has completed basic training ~~Students must earn the required units of credit~~ for, and is an active member of, a branch of the U.S. Armed Forces ~~their specific year of graduation, and fulfill all district requirements.~~

¹ [A student may be denied participation in graduation exercises for conduct that violates board policy, administrative regulation and/or code of conduct provisions.]

Graduating students will be allowed to wear ²“Native American items of cultural significance” [³or other items of cultural significance]⁴.

END OF POLICY

Legal Reference(s):

[ORS 329.451](#)

[ORS 332.107](#)

[ORS 332.112](#)

[ORS 339.505](#)

[ORS 343.295](#)

[ORS 659.850](#)

[OAR 581-021-0050](#)

[OAR 581-021-0055](#)

[OAR 581-021-0060](#)

[OAR 581-022-2000](#)

[OAR 581-022-2010](#)

[OAR 581-022-2015](#)

[OAR 581-022-2020](#)

[OAR 581-022-2505](#)

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

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

Kay v. David Douglas Sch. Dist. No. 40, 1987); cert. den., 484 U.S. 1032 (1988).

Doe v. Madison Sch. Dist. No. 321, 177 F.3d 789 (9th Cir. 1999).

Lee v. Weisman, 505 U.S. 577 (1992).

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

² “Native American items of cultural significance” means items or objects that are traditionally associated with a Native American or that have religious or cultural significance to a Native American.

³ {ORS 332.112 requires that districts allow students to wear “Native American items of cultural significance” to graduation and other school events. Districts can choose to allow students to wear items of significance to other cultures.}

⁴ The district may prohibit an item or object that: a) is likely to cause a substantial disruption of, or material interference with the graduation ceremony, or b) replaces a cap or gown customarily worn at a graduation ceremony.

Brookings-Harbor School District 17C

Code: IKJ
Adopted:

Artificial Intelligence

{The purpose of this policy is to facilitate actions regarding artificial intelligence. Many OSBA members have developed statements, policies, or positions, or have responsible use agreement language that includes related content; this policy is not intended to replace that language.}

The Board believes that artificial intelligence (including generative artificial intelligence) is a useful tool. The Board also recognizes that generative artificial intelligence involves risk, including input and output bias, inaccuracies, and hallucinations. As such, it is critical that staff and student use is conducted responsibly.

Independent Student Use

Specific rules for the independent use of generative artificial intelligence for assigned student work may be developed by the teacher and communicated to students. Teachers should consider the following in establishing these rules:

1. Accessibility of programs and technology for all students outside of school;¹
2. Student awareness of bias and inaccuracies and student ability to responsibly address those concerns; and
3. The teacher's ability to detect usage accurately and consistently.

Failure to follow these rules may result in incomplete credit or disciplinary action.

Student Use as Part of Class

Teachers may use generative artificial intelligence as part of instruction to further course objectives. Only applications approved by the district's [IT Department] will be allowed to be used as part of the class. All Terms of Use will be followed, along with any additional rules established by the [IT Department] or the teacher. Students are not allowed to share logins or passwords.

[Prior to allowing students to use generative artificial intelligence as part of a class the teacher will provide notice to parents with an explanation of its use.] [The [district] [school] will provide notice to parents regarding student use of generative artificial intelligence as part of classes.]

Staff Use

District staff are authorized to use generative artificial intelligence to perform various work functions. Staff are responsible for ensuring their use complies with all laws, including, but not limited to copyright and privacy laws.

¹ For example, do all students have access to computers and internet away from school; does the age of the students affect their ability to access generative artificial intelligence?

Staff Professional Development

The district will seek out professional development opportunities for staff to learn how to use generative artificial intelligence for various work functions.

FERPA and Confidentiality

All laws regarding student records, confidentiality, privacy, and student internet use will be followed at all times. District staff are prohibited from sharing personally identifiable information (PII)² with any generative artificial intelligence application.

Violations

Students and staff in violation of policy or related rules may be subject to discipline and may be referred to law enforcement.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133.

Children’s Internet Protection Act (CIPA), 47 U.S.C. §§ 254(h) and (l); 47 C.F.R. § 54.520.

Children’s Online Privacy Protection Act of 1998, 15 U.S.C. §§ 6501–6505

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

Protection of Pupil Rights, 20 U.S.C. § 1232h.

² See Board policy JOB – Personally Identifiable Information for additional information.

Brookings-Harbor School District 17C

Code: JECA
Adopted: 10/23/95
Revised/Readopted: 10/22/03; 4/16/08; 6/17/15;
3/07/18; 9/12/18; 4/15/20
Orig. Code: JECA

Admission of Resident Students**

Resident students may be admitted under the following conditions:

1. A school-age student who lives within the district attendance area between the ages of 5 and 19 shall be allowed to attend school without paying tuition.
2. A student who turns 19 years of age during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year.
3. The Board may admit an otherwise eligible student who is not receiving special education and who has not yet attained 21 years of age prior to the beginning of the current school year if the student is shown to be in need of additional education in order to receive a diploma or a modified diploma. This student may attend school without paying tuition for the remainder of the school year.
4. The Board shall admit an otherwise eligible student~~s~~ who has not yet attained age 21 prior to the beginning of the current school year if the student is receiving special education services and:
 - a. Has not yet received a regular high school diploma; or
 - b. Has ~~not~~ received a modified diploma, an extended diploma or a certificate of attendance~~an~~ ~~alternative certification~~.
5. Students whose parent or guardian voluntarily placed the child outside the child's home with a public or private agency and who is living in a licensed, certified or approved substitute care program, and whose residency is established pursuant to Oregon Revised Statute (ORS) 339.134.
6. Students who are military children¹ are considered resident of the district, if the district is the district of military residence² for the military child. Parents of military students must provide proof of residency within 10 days after the date of military transfer or pending transfer indicated on the official military order.
7. The district [~~Board will~~] [will not] [may, based on district criteria,] deny regular school admission to a student who has become a resident student and who is under expulsion from another district for reasons other than a weapons policy violation.

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

² "School district of military residence" means the school district in which 1) the family of a military child intends to reside as the result of a military transfer; or 2) if the school district in which the family intends to reside is unknown, the school district in which the military installation identified in the official military order is located.

8. The district ~~Board~~ shall deny, for at least one calendar year from the date of the expulsion, regular school admission to a student who has become a resident student and who is under expulsion from another district for a weapons policy violation.
9. The district [will] [will not] ~~Board~~ may, based on district criteria, provide alternative programs of instruction to a student who has become a resident student and who is under expulsion from another district ~~expelled~~ for a weapons policy violation.

END OF POLICY

Legal Reference(s):

[ORS 109.056](#)
[ORS 327.006](#)
[ORS 339.115](#)

[ORS 339.133](#)
[ORS 339.134](#)
[ORS 339.139](#)

[ORS 433.267](#)

Brookings-Harbor School District 17C

Code: JFE-AR
Revised/Reviewed:

Individualized Plan for Pregnant and/or Parenting Students

District _____ Date _____

School _____

Student Information

Student name: _____

Age: _____ Date of birth: _____

Pregnant? Yes No Due date: _____

Parenting? Yes No No. of children: _____ Ages: _____

Living situation: _____

Sources of financial support: _____

Education status:

Grade completed 6 7 8 9 10 11 12

On track for graduation? Yes No

Number of credits needed to be on track? _____

Date of enrollment in individualized plan: _____

Program Information

Check whether service is to be provided and paid for by family, school or agency. If agency, please indicate source. Briefly describe service to be provided.

Education

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

Transportation

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

Child Care

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

Life Skills Training

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

Parenting Education

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

Career Development

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

Health and Nutrition Services

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

Counseling

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

Other Social Services

Provided by:

- Family
- School
- Agency

Paid for by:

- Family
- School
- Agency

Description

I have been informed of the services available for pregnant and/or parenting students in the district and I have received information about the availability of resources provided by other agencies, including health and social services.

Signature of student

Date

Signature of parent/guardian

Date

Signature of school representative

Date

Termination Data

Date of termination from program: _____

Reason (check one): Nonattendance Moved Completed diploma¹ Completed GED
 Returned to regular school program
 Other _____

Comments: _____

¹ A “diploma,” as it pertains to Board policy JFE – Pregnant and/or Parenting Students, means a diploma, a modified diploma, or an extended diploma.

Brookings-Harbor School District 17C

Code: JHCD
Adopted:

Medications**/*

{Required policy. The requirement for policy comes from ORS 339.866 (2).}

The district recognizes administering a medication to a student and/or permitting a student to administer a medication to themselves, may be necessary to allow the student to attend school. Therefore, the district allows medication, including injectable medications, to be administered to a student by designated personnel and the administration of medication by a student to themselves without assistance from designated personnel, subject to criteria established by the district and in accordance with Oregon law.

The district shall designate personnel authorized to administer medications to students. Medications, including injectable medications, may be administered by designated district personnel as part of a formal delegation by a registered nurse. Annual training shall be provided to designated personnel in accordance with law. The training will align with the ODE Medication Administration Training and include discussion of this policy, procedures and materials, including but not limited to, procedures outlined in administrative regulation JHCD-AR - Medications.

When a licensed health care professional is not immediately available, trained personnel designated by the district may administer epinephrine, glucagon, treatment for adrenal insufficiency, or another medication to a student as prescribed and/or as otherwise allowed by Oregon law.

A current first-aid/CPR/AED card is required for designated personnel.

The district reserves the right to reject a request for administration of medication at school, either by district personnel or student self-administration, if the medication is not necessary for the student to remain in school.

The district may revoke permission given to a student to self-administer medication if the student does not responsibly self-administer the medication or abuses the use of the medication, as determined by district personnel.

Medications will be handled, stored, monitored, disposed of and records maintained in accordance with law and established district procedures governing the administration of prescription or nonprescription medications to students, including procedures for the disposal of sharps and glass.

A process shall be established by which, upon parent or guardian written request, a backup medication is kept at a reasonably, secure location in the student's classroom as provided by state law.

A premeasured dose of epinephrine may be administered by trained, designated personnel to any student or other individual on district premises who the person believes in good faith is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

[¹] A non-injectable short-acting opioid antagonist may be administered to any student or other individual by district personnel (whether or not they have received training on administering medications) on district premises who the individual administering the short-acting opioid antagonist believes in good faith is experiencing an opioid overdose.

A school administrator, teacher or other school employee, may administer a short-acting opioid antagonist to a student who experienced or is experiencing an opioid overdose without written permission and instructions of the student’s parents or guardian.]

This policy shall not prohibit, in any way, the administration of recognized first aid to a student by district employees in accordance with established state law, Board policy and administrative regulation.

The superintendent shall develop administrative regulations to meet the requirements of law and the implementation of this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 339.866 - 339.871](#)
[ORS 433.800 - 433.830](#)
[ORS 689.800](#)

[OAR 166-400-0010\(17\)](#)
[OAR 166-400-0060\(29\)](#)
[OAR 333-055-0000 - 0035](#)
[OAR 581-021-0037](#)

[OAR 581-022-2220](#)
[OAR 851-047-0000 - 0030](#)

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

OREGON HEALTH AUTHORITY AND OREGON DEPARTMENT OF EDUCATION, *Medication Administration: A Manual for School Personnel*.

House Bill 1552 (2024).

¹ {The district is not required to provide or administer this medication. If the district is going to provide for, and administer this medication, this policy language is required. If the district does not intend to provide or administer this medication, there is no requirement to include this language in this policy.}

Brookings-Harbor School District 17C

Code:
Adopted:

JHCD-AR

Medications**/*

{Required administrative regulation. The requirement comes from ORS 339.866 (2).}

Students may, subject to the provisions of this administrative regulation, have prescription or nonprescription medication administered by designated district personnel, or may be permitted to administer prescription or nonprescription medication to themselves.

1. Definitions¹

- a. ["Administer" means the direct application of a drug or device whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (1) a practitioner or the practitioner's authorized agent; or (2) the patient or research subject at the direction of the practitioner. (ORS 689.005)]
- b. "Adrenal crisis" means a sudden, severe worsening of symptoms associated with adrenal insufficiency, such as severe pain in the lower back, abdomen or legs, vomiting, diarrhea, dehydration, low blood pressure or loss of consciousness. (ORS 433.800)
- c. "Adrenal insufficiency" means a hormonal disorder that occurs when the adrenal glands do not produce enough adrenal hormones. (ORS 433.800)
- d. "Asthma" means a chronic inflammatory disorder of the airways that requires ongoing medical intervention. (ORS 339.866)
- e. "Delegation" means a formal delegation of a nursing procedure by a registered nurse to district personnel in accordance with the Oregon Nurse Practice Act. (OAR Chapter 851)
- f. "Designated personnel" means the school personnel designated and trained to administer medication pursuant to district policy and procedure.
- g. "Medication" means medication that is not injected; premeasured doses of epinephrine that are injected; medication that is available for treating adrenal insufficiency; and Naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug. "Medication" also means any prescription for bronchodilators or autoinjectable epinephrine prescribed by a student's Oregon licensed health care professional for asthma or severe allergies. "Medication" does not include nonprescription sunscreen. (ORS 339.866; ORS 339.867)
- h. "Nonprescription medication" means nonprescription drugs as defined in ORS 689.005, which means drugs that may be sold without prescription and that are prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of this state and the federal government. (OAR 581-021-0037)
- i. "Notice of a diagnosis of adrenal insufficiency" means written notice to the district from the parent or guardian of a student who has been diagnosed as adrenal insufficient with a copy of an order from the student's primary care provider that includes the student's diagnosis, description of symptoms indicating the student is in crisis, prescription for medication to treat

¹ There are several laws that apply to medications in schools. Some of these laws have unique definitions that may apply in specific situations. If the applicable law uses a definition that varies from the definition here, use the definition in the law.

adrenal insufficiency crisis, and instructions for follow-up care after medication to treat adrenal insufficiency crisis has been administered. (OAR 581-021-0037)

j. ["Opioid overdose" means a medical condition that causes depressed consciousness, depressed respiratory function or the impairment of vital bodily functions as a result of ingesting opioids. (ORS 689.800)]

- k. "Prescriber²" means a "practitioner" as defined in ORS 689.005, which means a person licensed and operating within the scope of such license to prescribe, dispense, conduct research with respect to or administer drugs in the course of professional practice or research: (a) in this state; or (b) in another state or territory of the U.S. if the person does not reside in Oregon and is registered under the federal Controlled Substances Act. (OAR 581-021-0037)
- l. "Prescription medication" means a "prescription drug" as defined in ORS 689.005, which means a drug that is: required by federal law, prior to being dispensed or delivered, to be labeled with "Caution: Federal law prohibited dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; or required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.
- m. "Severe allergy" means a life-threatening hypersensitivity to a specific substance such as food, pollen, or dust. (ORS 339.866)
- n. "Short-acting opioid antagonist" means any short-acting drug approved by the U.S. Food and Drug Administration for the complete or partial reversal of an opioid overdose. (ORS 689.800)

2. Designated Staff/Training

- a. Medications, including injectable medications, may be administered by trained personnel as part of a formal delegation by a registered nurse.
- b. The principal, in consultation with the school nurse, will designate district personnel authorized to administer prescription or nonprescription medication to a student which takes into account when the student is in school, at a district-sponsored activity, under the supervision of district personnel, or in transit to or from school-or district-sponsored activities, and may include when a student is in a before-school or after-school care program on school-owned property when required by law. The principal will supervise and ensure building and activity practices and procedures are consistent with the requirements of law, rules, policy and this administrative regulation.
- c. The district will provide staff who are designated personnel to administer prescription or nonprescription medication access to a school nurse.
- d. The principal will ensure the annual training required by Oregon law is provided to designated district personnel. Training must be conducted by a qualified trainer, which is a person who is familiar with the delivery of health services in a school setting and who is either a registered nurse licensed by the Oregon State Board of Nursing or a prescriber. District personnel designated to administer epinephrine, glucagon, and medication to treat adrenal insufficiency shall be trained using related training developed by the Oregon Health Authority (OHA). The first training and every third training thereafter shall be provided in-person³. During

² A registered nurse who is employed by a district or local public health authority to provide nursing services at a district may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the district for not more than 90 days.

³ An online training may qualify as "in-person" when these measures are met: content is provided via synchronous, interactive online sessions with a trainer and learners visible on screen; trainers must be licensed and work within their scope of practice;

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- e. subsequent years, designated district personnel may complete an online training so long as a trainer is available following the training to answer questions and provide clarification. The training for district personnel will provide an overview of applicable provisions of Oregon law, administrative rules, district policy and administrative regulations and include, but not be limited to, discussion of the following: safe storage, administration, handling and disposing of medications; accessibility of medication during an emergency; record keeping; whether response to medication should be monitored by designated personnel and the role of designated personnel in such monitoring; emergency medical response procedures following administration of the medication; confidentiality of health information; and assessment of gained knowledge. Training as recommended and/or approved by ODE will be used.
- f. The district shall maintain documentation of district personnel's completion of training in accordance with OAR 166-400-0010.

3. Administering Premeasured Doses of Epinephrine to a Student or Other Individual

A premeasured dose of epinephrine may be administered by trained district personnel to any student or other individual on district premises who the person believes in good faith is experiencing a severe allergic response, regardless of whether the student or individual has a prescription for epinephrine.

4. Administering Short-Acting Opioid Antagonists

{⁴} A short-acting opioid antagonist may be administered by any district personnel⁵ to any student or other individual, on school premises who the individual administering the short-acting opioid antagonist believes in good faith is experiencing an overdose of an opioid drug.

The [principal] [or [school] [district] nurse] shall immediately notify the parent or guardian of a minor student enrolled in a school within the district when a short-acting opioid antagonist is administered to the student while at school, on school property under the jurisdiction of the district or at any activity under the jurisdiction of the district.]

The district shall provide to the parent or legal guardian of each minor student enrolled in a school in the district information regarding short-acting opioid antagonists. The information will include at least:

- a. A description of short-acting opioid antagonists and their purpose;
- b. A statement regarding, in an emergency situation, the risks of administering to an individual a short-acting opioid antagonist and the risks of not administering to an individual a short-acting opioid antagonist;
- c. A statement identifying which schools in the district, if any, have short-acting opioid antagonists, and the necessary medical supplies to administer short-acting opioid antagonists, onsite and available for emergency situations; and

and include in-person, skills demonstration for training developed by the Oregon Health Authority for epinephrine, glucagon, and for medication to treat adrenal insufficiency.

⁴ {If the district plans to provide for, and administer a short-acting opioid antagonist, this bracketed language is highly recommended. If the district does not intend to provide and/or administer this medication, there is no requirement to include this language.}

⁵ Including district personnel who have not received medication administration training.

- d. A statement that a representative of the district may administer a short-acting opioid antagonist to a student in an emergency if the student appears to be unconscious and experiencing an opioid overdose.

5. Administering of Medication to a Student Experiencing Symptoms of Adrenal Crisis

A student experiencing symptoms of adrenal crisis while the student is in school, at a district-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and/or in transit to or from a school or a district-sponsored activity, may be treated by designated personnel and shall be subject to the following:

- a. Upon notice of a diagnosis of adrenal insufficiency, as defined in Oregon Administrative Rule (OAR) 581-021-0037, the building principal of the school the student attends will designate one or more district personnel to receive training and be responsible for administering the medication to treat adrenal insufficiency to a student in the event the student exhibits symptoms the district personnel believe in good faith indicate the student is experiencing symptoms of adrenal crisis;
- b. The designated personnel will successfully complete required training to administer medication to treat a student who has adrenal insufficiency and is experiencing symptoms of adrenal crisis;
- c. The student's parent or guardian must provide adequate supply of the student's prescribed medication to the district;
- d. The district will develop an individualized health care plan for the student;
- e. In the event that a student experiences symptoms of adrenal crisis and the designated personnel determines the medication to treat adrenal insufficiency should be administered, any available district staff member will immediately call 911 and the student's parent or guardian.

6. Administering Medication to a Student

- a. A request to permit designated personnel to administer medication to a student may be approved by the district and is subject to the following:
 - (1) A written request for designated personnel to administer prescription medication to a student, if because of the prescribed frequency or schedule, the medication must be given while the student is in school, at a school-sponsored activity, while under the supervision of school personnel and in transit to or from school or a school-sponsored activity, must be submitted to the school office and shall include:
 - (a) The written permission of the student's parent or guardian; and
 - (b) The written instruction from the prescriber for the administration of the medication to the student that includes:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Method of administration;
 - (iv) Dosage;
 - (v) Frequency of administration;
 - (vi) Other special instructions from the prescriber, if any; and
 - (vii) Signature of the prescriber.

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The prescription medication is provided in the original prescription packaging by the student’s parent or guardian. The prescription label prepared by a pharmacist at the direction of the prescriber, will be sufficient to meet this requirement if it contains the information listed in (i)-(vi) above.

- (2) A written request for designated personnel to administer nonprescription medication to a student must be submitted to the school office and is subject to the following:

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- (a) The nonprescription medication is necessary for the student to remain in school;
- (b) The nonprescription medication is:

- (i) Provided in the original manufacturer’s container by the student’s parent or guardian; or
- (ii) Is part of the district’s stock medication program in compliance with the Oregon Board of Pharmacy rules including OAR 855-035-0005.

- (c) The written instruction and permission from the student’s parent or guardian for the administration of the nonprescription medication⁶ includes:

- (i) Name of the student;
- (ii) Name of the medication;
- (iii) Method of administration;
- (iv) Dosage;
- (v) Frequency of administration;
- (vi) Other special instructions, if any; and
- (vii) Signature of the student’s parent or guardian.

If the written instruction is not consistent with the manufacturer’s guidelines for the nonprescription medication, the written instruction must also include a written order allowing the inconsistent administration signed by a prescriber.

- (d) If the nonprescription medication is not approved by the Food and Drug Administration (FDA), a written order from the student’s prescriber is required and will include:

- (i) Name of the student;
- (ii) Name of the medication;
- (iii) Dosage;
- (iv) Method of administration;
- (v) Frequency of administration;
- (vi) A statement that the medication must be administered while the student is in school;
- (vii) Other special instructions, if any; and
- (viii) Signature of the prescriber.

⁶ For nonprescription medication that is not approved by the Food and Drug Administration (FDA), see requirements in 6.a.(2)(d).

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- b. The principal or designee will require an individualized health care plan or allergy plan be developed for every student with a need to manage asthma or a known life-threatening allergy. A plan will include protocols for preventing exposures to allergens and procedures for responding to life-threatening allergic responses, and include provisions for administering medication and/or responding to emergency situations while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity;
 - c. A student being administered a medication may be monitored by designated personnel to monitor the student's response to the medication;
 - d. A determination will be made by the district on if or when the student may self-carry prescription medication if the student has not been approved to self-administer medication;
 - e. It is the student's parent or guardian's responsibility to ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;
 - f. It is the student's parent or guardian's responsibility to ensure that the school is informed in writing of any changes in medication instructions;
 - g. In the event a student refuses medication, the parent or guardian will be notified immediately. No attempt will be made to administer medication to a student who refuses a medication;
 - h. Any error in administration of a medication will be reported to the parent or guardian immediately and documented on a medication administration record. Errors include, but are not limited to, administering medication to the wrong student, administering the wrong medication, dose, frequency of administration or method of administration;
 - i. Medication shall not be administered until the necessary permission form and written instructions have been submitted and received as required by the district.

7. Administration of Medication by a Student to Themselves

- a. A student, including a student in grade K through 12 with asthma or severe allergies, may be permitted to administer prescription or nonprescription medication to themselves without assistance from designated personnel and is subject to the following:
 - (1) A student must demonstrate the ability, developmentally and behaviorally, to self-administer prescription medication and must have:
 - (a) The written permission from a parent or guardian and other documentation requested by the district must be submitted for self-medication of all prescription medications;
 - (b) If the student has asthma or a severe allergy, a medication that is prescribed by a prescriber and a written treatment plan developed by a prescriber or other Oregon licensed health care professional for managing of the student's asthma, diabetes and/or severe allergy, and directs use by the student while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity. The prescriber will include acknowledgment that the student has been instructed in the correct and responsible use of the prescribed medication;
 - (c) The permission to self-administer the medication from a building administrator and a prescriber or registered nurse practicing in a district setting.

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- (2) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication⁷ and must have:
 - (a) The written permission of the student's parent or guardian;
 - (b) The student's name affixed to the manufacturer's original container; and
 - (c) The permission to self-administer medication from a building administrator.

- (3) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication that is not approved by the FDA and must have:
 - (a) The written permission of the student's parent or guardian; and
 - (b) A written order from the student's prescriber that includes:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Dosage;
 - (iv) Method of administration;
 - (v) Frequency of administration;
 - (vi) A statement that the medication must be administered while the student is in school, at a district-sponsored activity, under the supervision of district personnel, or in transit to or from school or district-sponsored activities;
 - (vii) Other special instructions, if any; and
 - (viii) Signature of the prescriber.

- b. A determination will be made by the district on if or when the student may self-carry prescription medication if the student has not been approved to self-administer medication;
- c. A student may have in their possession only the amount of medication needed for that school day, except for manufacturer's packaging that contains multiple dosage, the student may carry one package, such as, but not limited to, autoinjectable epinephrine or bronchodilators/inhalers;
- d. The sharing and/or borrowing by a student of any medication with another student is strictly prohibited^[8];
- e. The district personnel will request backup medication, when the medication is to treat a student's asthma or severe allergy emergency, from the student's parent or guardian. Backup medication, if provided by a student's parent or guardian, will be kept at the student's school in a location to which the student has immediate access in the event the student has an asthma and/or severe allergy emergency;
- f. A student shall not administer medication to themselves until the necessary permission form and written instructions have been submitted as required by the district;
- g. The permission for a student to administer medication to themselves may be revoked if the student does not responsibly self-administer the medication or abuses the use of the medication as determined by district personnel;
- h. A student may be subject to discipline, up to and including expulsion, as appropriate for violations of these procedures;

⁷ For nonprescription medication that is not approved by the Food and Drug Administration (FDA), see requirements in 7.a.(3).

⁸ [Except for short-acting opioid antagonists.]

- i. A student permitted to administer medication to themselves may be monitored by designated personnel to monitor the student's response to the medication[.] [;]
- j. [The district allows the application of and use by students of nonprescription sunscreen, including sunscreen that contains para-aminobenzoic acid, without any required documentation from a licensed health care professional per ORS 339.874.]

8. Handling, Monitoring and Safe Storage of Medication Supplies for Administration of Medication

- a. Any medication must be delivered to the school in its original manufacturer's or current prescription container, accompanied by the permission form and written instructions, as required above.
- b. Prescription medication must always be the most current prescription and kept in the original, labeled container.
- c. Nonprescription medication must be kept in original manufacturer's bottle or box.
- d. [Never administer medication sent to school in unlabeled containers.]
- e. [Never repackage medication into a plastic bag or other container for any reason.]
- f. [Medication in any form categorized as a sedative, stimulant, anti-convulsive, narcotic analgesic or psychotropic medication will be counted or measured by designated personnel or parent or guardian in the presence of another district employee upon receipt [and initialed by the two individuals who counted or witnessed the procedure], documented in the student's medication administration record (MAR) and routinely monitored during storage and administration. Any discrepancies will be reported to the [school] [district] nurse or principal immediately and documented in the student's MAR. For such medication not in capsule or tablet form, standard measuring and monitoring procedures will apply.]
- g. Designated personnel will follow the written instructions of the prescriber and the student's parent or guardian, and training guidelines as may be recommended by ODE for administering all forms of prescription and/or nonprescription medications.
- h. [Medication will be secured as follows:
 - (1) Nonrefrigerated medications will be stored in a locked cabinet, drawer or box in a secure area;
 - (2) Medications requiring refrigeration will be stored in a locked box in a refrigerator or in a separate refrigerator used solely for the storage of medication in a secure area;
 - (3) Access to medication storage keys will be limited to the principal and designated personnel.]
- i. [Designated personnel will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times, not left unattended after administering and that the medication container is properly sealed and returned to storage.]
- j. When medication is running low or an inadequate dosage is on hand to administer the medication, the designated personnel will notify the student's parent or guardian immediately.

9. Emergency Response

- a. Designated personnel will immediately call 911 or other appropriate emergency medical response systems and administer first aid, as necessary, in the event of life-threatening side effects and allergic reactions, including the administration of epinephrine. The parent or guardian[, [school] [district] nurse] and principal will be notified immediately.
- b. Adverse reactions which result from district-administered medication or from student self-medication will be reported to the parent or guardian immediately.

- c. Any available district staff will immediately call 911 and the student's parent or guardian if the designated personnel believes the student is experiencing symptoms of adrenal crisis and plans to administer medication.
- d. Any available staff will immediately call 911 when a short-acting opioid antagonist is administered to any student or other individual on district premises.

10. Disposal of Medications

- a. [Medication not picked up by the student's parent or guardian, at the end of the school year or within [five] school days of the end of the medication period, whichever is earlier, will be disposed of by designated personnel in the presence of another school employee. The medication may be disposed through a designated drug take-back collection program or in a nonrecoverable fashion as follows:
 - (1) Medication will be removed from its original container and personal information will be destroyed;
 - (2) Mix with an undesirable substance, e.g., coffee grounds, used cat litter;
 - (3) Place in a plastic bag or other sealable container, e.g., such as an empty plastic container; and
 - (4) Place the sealed container with the mixture in the trash as close to garbage pickup time as possible, to prevent theft and misuse.]
- b. [Prescriptions will never be flushed down the toilet or drain or burnt with other waste.]
- c. [Sharps and glass will be disposed of in accordance with state guidelines.]
- d. [All medication will be disposed of by designated personnel following DEQ guidelines and documented on the student's MAR as described below.]

11. Transcribing, Recording and Record Keeping

- a. A medication administration record (MAR) will be maintained for each student administered medication by the district. [The MAR will be in paper⁹ or electronic form and will include, but not be limited to:
 - (1) The full name of the student, date of birth, name of medication, dosage, method of administration, date and time of administration, frequency of administration and the name of the person administering the medication;
 - (2) Student refusals of medication;
 - (3) Errors in administration of medication;
 - (4) Incidents of emergency and minor adverse reaction by a student to medication;
 - (5) Discrepancies in medication supply;
 - (6) Disposal of medication including date, quantity, manner in which the medication was destroyed and the signature of the staff involved.]
- b. A MAR for medication administered as part of an IEP goal should be maintained in the IEP record at the end of each school year.

⁹ If a paper record is kept, the record will be documented in blue or black ink, and never in pencil or with use of white-out.

- c. All records relating to administration of medications, including permissions and written instructions, will be maintained. Records will be retained in accordance with applicable provisions of OAR 166-400-0010(17) and OAR 166-400-0060(29).
- d. All records relating to the training of designated district personnel will be maintained by the district in accordance with applicable provisions of OAR 166-400-0010.
- e. Student health information will be kept confidential. Access shall be limited to those designated personnel authorized to administer medication to students, the student and their parent or guardian. Information may be shared with school personnel with a legitimate educational interest in the student or others authorized by the parent or guardian in writing or others as allowed under state and federal law.

[Non-liability Provisions for Administration of Prescription and Nonprescription Medications and Short-Acting Opioid Antagonists

A school administrator, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of nonprescription medication, if the school administrator, teacher or other school employee in good faith administers nonprescription medication to a student pursuant to written permission and instructions of the student's parents or guardian.

A school administrator, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of prescription medication, if the school administrator, teacher or other school employee in compliance with the instructions of a physician, physician assistant, nurse practitioner, naturopathic physician or clinical nurse specialist, in good faith administers prescription medication to a student pursuant to written permission and instructions of the student's parents or guardian.

A person may not maintain an action for injury, death or loss that results from acts or omissions of a school administrator, teacher or other school employee during the administration of a short-acting opioid antagonist unless it is alleged and proved by the complaining party that the school administrator, teacher or other school employee was grossly negligent in administering the short-acting opioid antagonist unless other conditions exist and which are outlined in Oregon law in ORS 339.870.

The civil and criminal immunities provided for above do not apply to an act or omission accounting to gross negligence or willful and wanton misconduct.

Non-Liability Provisions for Self-Administration and Autoinjectable Epinephrine

A school administrator, school nurse, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of a student's self-administration of medication, as described in ORS 339.866, if the school administrator, school nurse, teacher or other school employee, in compliance with the instructions of the student's Oregon licensed health care professional, in good faith assists the student's self-administration of the medication, if the medication is available to the student pursuant to written permission and instructions of the student's parent, guardian or Oregon licensed health care professional.

A school administrator, school nurse, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the use of medication if the school administrator, school nurse, teacher or other school employee in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self-

administer the medication regardless of whether the student or individual has a prescription for epinephrine.

The district and the members of a district Board are not liable in a criminal action or for civil damages as a result of the use of medication if any person in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self-administer the medication, regardless of whether the student or individual has a prescription for epinephrine; and the person administered the autoinjectable epinephrine on school premises, including at a school, on school property under the jurisdiction of the district or at an activity under the jurisdiction of the district.

The civil and criminal immunities described above (which are identified in ORS 339.871) do not apply to an act or omission to gross negligence or willful and wanton misconduct.]

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Brookings-Harbor School District 17C

Code: JHCD/JHCDA
Adopted: 6/08/98
Revised/Readopted: 3/07/18; 4/15/20
Orig. Code: JHCD; JHCDA

Medications**

The district recognizes that administering a medication to a student and/or permitting a student to administer a medication to themselves, may be necessary when the failure to take such medication during school hours would prevent the student from attending school, and recognizes a need to ensure the health and well-being of a student who requires regular doses or injections of a medication as a result of experiencing a life-threatening allergic reaction or adrenal crisis¹, or a need to manage hypoglycemia, asthma or diabetes. Accordingly, the district may administer or a student may be permitted to administer to themselves prescription (injectable and noninjectable) and/or nonprescription (noninjectable) medication at school.

The district shall designate personnel authorized to administer medications to students. Annual training shall be provided to designated personnel as required by law in accordance with guidelines approved by the Oregon Department of Education (ODE). When a licensed health care professional is not immediately available, trained personnel designated by the district may administer epinephrine, glucagon or another medication to a student as prescribed and/or allowed by Oregon law.

A current first-aid and CPR card is required for designated personnel.

The district reserves the right to reject a request for administration of medication at school, either by district personnel or student self-administration, if the medication is not necessary for the student to remain in school.

The superintendent and/or designee will require that an individualized health care plan and allergy plan is developed for every student with a known life-threatening allergy or a need to manage asthma, and an individualized health care plan for every student for whom the district has been given proper notice of a diagnosis of adrenal insufficiency. Such a plan will include provisions for administering medication and/or responding to emergency situations while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity.

A student may be allowed to self-administer a medication for asthma, diabetes, hypoglycemia or severe allergies as prescribed by an Oregon licensed health care professional, upon written and signed request of the parent or guardian and subject to age-appropriate guidelines. This self-administration provision also requires a written and signed confirmation the student has been instructed by the Oregon licensed health care professional on the proper use of and responsibilities for the prescribed medication.

¹ Under proper notice given to the district by a student or student's parent or guardian.

A request to the district to administer or allow a student to self-administer prescription medication shall include a signed prescription and treatment plan from a prescriber².

A request to the district to administer or allow a student to self-administer nonprescription that is not approved by the Food and Drug Administration (FDA) shall include a written order from the student's prescriber that meets the requirements of law.

A written request and permission form signed by a student's parent or guardian, unless the student is allowed to access medical care without parental consent under state law³, is required and will be kept on file.

If the student is deemed to have violated Board policy or medical protocol by the district, the district may revoke the permission given to a student to self-administer medication.

Prescription and nonprescription medication will be handled, stored, monitored, disposed of and records maintained in accordance with established district administrative regulations governing the administration of prescription or nonprescription medications to students, including procedures for the disposal of sharps and glass.

A process shall be established by which, upon parent or guardian written request, a back-up prescribed autoinjectable epinephrine is kept at a reasonably, secure location in the student's classroom as provided by state law.

A premeasured dose of epinephrine may be administered by trained, designated personnel to any student or other individual on school premises who the person believes in good faith, is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

Naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug may be administered by trained, designated personnel to any student or other individual on school premises who the person believes in good faith is experiencing an overdose of an opioid drug.

This policy shall not prohibit, in any way, the administration of recognized first aid to a student by district employees in accordance with established state law, Board policy and administrative regulation.

A school administrator, teacher or other district employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration, in good faith and pursuant to state law, of prescription and/or nonprescription medication, subject to state law.

A school administrator, school nurse, teacher or other district employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of a student's self-

² A registered nurse who is employed by a public or private school, ESD or local public health authority to provide nursing services at a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.

³ Subject to ORS 109.610, 109.640 and 109.675.

administration of medication, as described in Oregon Revised Statute (ORS) 339.866, if that person in good faith assisted the student in self-administration of the medication.

A school administrator, school nurse, teacher or other district employee designated by the school administration is not liable in a criminal action or for civil damages as a result of the use of medication if that person in good faith administers autoinjectable epinephrine to a student or other individual with a severe allergy, who is unable to self administer the medication regardless of whether the student or individual has a prescription for epinephrine, or administers naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug to a student or other individual who that person believes in good faith is experiencing an overdose of an opioid drug.

The district and the members of the Board are not liable in a criminal action or for civil damages as a result of the use of medication if any person in good faith, on school premises, including at a school, on school property under the jurisdiction of the district or at an activity under the jurisdiction of the district, administers autoinjectable epinephrine to a student or other individual with a severe allergy who is unable to self-administer the medication, regardless of whether the student or individual has a prescription for epinephrine, or administers naloxone or any similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug to a student or other individual who the person believes in good faith is experiencing an overdose of an opioid drug.

The superintendent shall develop administrative regulations as needed to meet the requirements of law, Oregon Administrative Rules and the implementation of this policy.

END OF POLICY

Legal Reference(s):

[ORS 109.610](#)
[ORS 109.640](#)
[ORS 109.675](#)
[ORS 332.107](#)
[ORS 339.866 - 339.871](#)

[ORS 433.800 - 433.830](#)
[ORS 475.005 - 475.285](#)

[OAR 166-400-0010\(17\)](#)
[OAR 166-400-0060\(29\)](#)

[OAR 333-055-0000 -055-0115](#)
[OAR 581-021-0037](#)
[OAR 581-022-2220](#)
[OAR 851-047-0030](#)
[OAR 851-047-0040](#)

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

OREGON HEALTH AUTHORITY AND OREGON DEPARTMENT OF EDUCATION, *Medication Administration: A Manual for School Personnel*.

Brookings-Harbor School District 17C

Code: **JHCD/JHCDA-AR**
Adopted: 6/08/98
Revised/Readopted: 10/22/03; 10/16/13; 6/17/15;
11/18/15; 7/06/16; 3/07/18;
9/12/18; 4/15/20
Orig. Code: JHCD-AR

Medications**

Students may, subject to the provisions of this administrative regulation, have prescription or nonprescription medication administered by designated personnel, or may be permitted to administer prescription or nonprescription medication to themselves.

1. Definitions

- a. “Medication” means any drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken internally or externally but not injected except for premeasured doses of epinephrine, medication to treat adrenal insufficiency and glucagon to treat severe hypoglycemia. Medication includes any prescription for bronchodilators or autoinjectable epinephrine prescribed by a student’s Oregon licensed health care professional for asthma or severe allergies. Medication also includes naloxone or any similar medication that is in any form available for the safe administration and that is designed to rapidly reverse an overdose of an opioid drug.
- b. “Prescription medication” means any medication that under federal or state law requires a prescription by a prescriber.
- c. “Nonprescription medication” means medication that under federal law does not require a prescription from a prescriber.
- d. “Adrenal crisis” means adrenal crisis as defined in Oregon Revised Statute (ORS) 433.800.
- e. “Adrenal insufficiency” means adrenal insufficiency as defined in ORS 433.800.
- f. “Notice of a diagnosis of adrenal insufficiency” means written notice to the district from a student or the parent or guardian of a student who has been diagnosed as adrenal insufficient with a copy of an order from the student’s primary care provider that includes the student’s diagnosis, description of symptoms indicating the student is in crisis, prescription for medication to treat adrenal insufficiency crisis and instructions for follow-up care after medication to treat adrenal insufficiency crisis has been administered.
- g. “Prescriber¹” means a doctor of medicine or osteopathy, a physician assistant licensed to practice by the Board of Medical Examiners for the state of Oregon, an Oregon-licensed, advance practice registered nurse with prescriptive authority, a dentist licensed by the Board of Dentistry for the state of Oregon, an optometrist licensed by the Board of Optometry for the state of Oregon, a naturopathic physician licensed by the Board of Naturopathy for the state of Oregon or a pharmacist licensed by the Board of Pharmacy for the state of Oregon.
- h. “Qualified trainer” means a person who is familiar with the delivery of health services in a school setting and who is a registered nurse licensed by the Oregon State Board of Nursing, a

¹ A registered nurse who is employed by a public or private school may accept an order from a physician licensed to practice medicine or osteopathy in another state or territory of the U.S. if the order is related to the care or treatment of a student who has been enrolled at the school for not more than 90 days.

doctor of medicine or osteopathy or a physician assistant licensed by the Board of Medical Examiners for the state of Oregon, or a pharmacist licensed by the Board of Pharmacy for the state of Oregon.

- i. “Severe allergy” means a life-threatening hypersensitivity to a specific substance such as food, pollen, dust or insect sting.
- j. “Asthma” means a chronic inflammatory disorder of the airways that requires ongoing medical intervention.
- k. “Designated personnel” means the school personnel who is designated to administer medication pursuant to district policy and procedure.

2. Designated Personnel/Training

- a. The principal will designate personnel authorized to administer prescription or nonprescription medication to a student while the student is in school, at a school-sponsored activity, under the supervision of school personnel, in a before-school or after-school care programs on school-owned property and in transit to or from school or a school-sponsored activity, as required by Oregon law. The principal will supervise and ensure building and activity practices and procedures are consistent with the requirements of law, rules and this administrative regulation.
- b. The principal will ensure the training required by Oregon law is provided to designate personnel. Training must be conducted by a qualified trainer. Training will be provided annually to designated personnel authorized to administer medication to students. The first year and every third year of training requires in-person instruction; during the intervening years, designated personnel may complete an online training that has been approved by the Oregon Department of Education (ODE) so long as a trainer is available within a reasonable amount of time following the training to answer questions and provide clarification.
- c. Training will provide an overview of applicable provisions of Oregon law, administrative rules, district policy and administrative regulations and include, but not be limited to, the following: safe storage, handling, monitoring medication supplies, disposing of medications, record keeping and reporting of medication administration and errors in administration, emergency medical response for life-threatening side effects, allergic reactions or adrenal insufficiency and student confidentiality. Materials as recommended and/or approved by the ODE will be used.
- d. A copy of the district’s policy and administrative regulation will be provided to all staff authorized to administer medication to students and others, as appropriate.
- e. A statement that the designated personnel has received the required training, will be signed by the staff member and filed in each school.

3. Administering Premeasured Doses of Epinephrine to a Student or Other Individual

A premeasured dose of epinephrine may be administered by trained, designated personnel to any student or other individual on school premises who the person believes in good faith, is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine.

4. Administering Naloxone or Other Similar Medication to a Student or Other Individual

Naloxone or any other similar medication that is in any form available for safe administration and that is designed to rapidly reverse an overdose of an opioid drug may be administered by trained,

designated personnel to any student or other individual on school premises who the person believes in good faith is experiencing an opioid overdose.

5. Administering of Medication to a Student Experiencing Symptoms of Adrenal Crisis

A student experiencing symptoms of adrenal crisis while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from a school or a school-sponsored activity, may be treated by designated personnel and shall be subject to the following:

- a. Upon notice of a diagnosis of adrenal insufficiency, as defined in Oregon Administrative Rule (OAR) 581-021-0037, the principal will designate one or more school personnel to be responsible for administering the medication to treat adrenal insufficiency;
- b. The designated personnel will successfully complete training to administer medication to treat a student who has adrenal insufficiency and is experiencing symptoms of adrenal crisis in accordance with the rules adopted by the Oregon Health authority;
- c. The student or the student's parent or guardian must provide adequate supply of the student's prescribed medication to the district;
- d. The district will require the development of an individualized health care plan for the student that includes protocols for preventing exposures to allergens and establishes if or when a student may self-carry prescription medication when the student has not been approved to self-administer medication;
- e. In the event that a student experiences symptoms of adrenal crisis and the designated personnel determines the medication to treat adrenal insufficiency should be administered, any available staff member will immediately call 911 and the student's parent or guardian.

6. Administering Medication to a Student

- a. A request to permit designated personnel to administer medication to a student may be approved by the district and is subject to the following:
 - (1) A written request for designated personnel to administer prescription medication to a student, if because of the prescribed frequency or schedule, the medication must be given while the student is in school, at a school-sponsored activity, while under the supervision of school personnel and in transit to or from school or a school-sponsored activity must be submitted to the school office and shall include:
 - (a) The written permission of the student's parent or guardian or the student if the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675; and
 - (b) The written instruction from the prescriber for the administration of the medication to the student that includes:
 - (i) Name of the student;
 - (ii) Name of the medication;
 - (iii) Method of administration;
 - (iv) Dosage;
 - (v) Frequency of administration;
 - (vi) Other special instructions from the prescriber, if any; and
 - (vii) Signature of the prescriber.

The prescription label prepared by a pharmacist at the direction of the prescriber will be considered to meet this requirement if it contains the information listed in (i)-(vi) above.

D (2) A written request for designated personnel to administer nonprescription medication to a student must be submitted to the school office and is subject to the following:

- (a) The nonprescription medication is necessary for the student to remain in school;
- (b) The nonprescription medication is provided in the original manufacturer's container by the parent or guardian of the student;
- (c) The written instruction from the student's parent or guardian for the administration of the nonprescription medication includes:

- (i) Name of the student;
- (ii) Name of the medication;
- (iii) Method of administration;
- (iv) Dosage;
- (v) Frequency of administration;
- (vi) Other special instructions, if any; and
- (vii) Signature of the student's parent or guardian.

If the written instruction is not consistent with the manufacturer's guidelines for the nonprescription medication, the written instruction must also include a written order allowing the inconsistent administration signed by a prescriber.

- (d) If the nonprescription medication is not approved by the Food and Drug Administration (FDA), a written order from the student's prescriber is required and will include:

- (i) Name of the student;
- (ii) Name of the medication;
- (iii) Dosage;
- (iv) Method of administration;
- (v) Frequency of administration;
- (vi) A statement that the medication must be administered while the student is in school;
- (vii) Other special instructions, if any; and
- (viii) Signature of the prescriber.

- b. An individualized health care and allergy plan will be developed for a student with a known life-threatening allergy and will include protocols for preventing exposures to allergens and procedures for responding to life-threatening allergic reactions while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity, and will include a determination on if or when the student may self-carry prescription medication if the student has not been approved to self-administer medication;
- c. It is the student's parent's or guardian's, or student if the student is allowed to seek medical care without parental consent, responsibility to ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;

- d. It is the student's parent's or guardian's, or student if the student is allowed to seek medical care without parental consent, responsibility to ensure that the school is informed in writing of any changes in medication instructions;
- e. In the event a student refuses medication, the parent or guardian will be notified immediately, except where a student is allowed to seek medical care without parental consent. No attempt will be made to administer medication to a student who refuses a medication;
- f. Any error in administration of s medication will be reported to the parent or guardian immediately, except where a student is allowed to seek medical care without parental consent. Errors include, but are not limited to, administering medication to the wrong student, administering the wrong medication, dose, frequency of administration or method of administration;
- g. Medication shall not be administered until the necessary permission form and written instructions have been submitted as required by the district.

7. Administration of Medication by a Student to Themselves

- a. A student, including a student in kindergarten through grade 12 with asthma or severe allergies, may be permitted to administer medication to themselves without assistance from designated personnel and is subject to the following:
 - (1) A student must demonstrate the ability, developmentally and behaviorally, to self-administer prescription medication and must have:
 - (a) A permission form from a parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675 and other documentation requested by the district must be submitted for self-medication of all prescription medications;
 - (b) If the student has asthma, diabetes and/or a severe allergy, a medication that is prescribed by a prescriber and a written treatment plan developed by a prescriber or other Oregon licensed health care professional for managing of the student's asthma, diabetes and/or severe allergy, and directs use by the student while the student is in school, at a school-sponsored activity, while under the supervision of school personnel, in a before-school or after-school care program on school-owned property and in transit to or from school or a school-sponsored activity. The prescriber will include acknowledgment that the student has been instructed in the correct and responsible use of the prescribed medication;
 - (c) The permission to self-administer the medication from a building administrator and a prescriber or registered nurse practicing in a school setting.
 - (2) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication and must have:
 - (a) The written permission of the student's parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675;
 - (b) The student's name affixed to the manufacturer's original container; and
 - (c) The permission to self-administer medication from a building administrator.
 - (3) A student must demonstrate the ability, developmentally and behaviorally, to self-administer nonprescription medication that is not approved by the FDA and must have:

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- (a) The written permission of the student's parent or guardian, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675; and
- (b) A written order from the student's prescriber that includes:

- (i) Name of the student;
- (ii) Name of the medication;
- (iii) Dosage;
- (iv) Method of administration;
- (v) Frequency of administration;
- (vi) A statement that the medication must be administered while the student is in school;
- (vii) Other special instructions, if any; and
- (viii) Signature of the prescriber.

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- b. The student may have in their possession only the amount of medication needed for that school day, except for manufacturer's packaging that contains multiple dosage, the student may carry one package, such as but not limited to, autoinjectable epinephrine or bronchodilators/inhalers;
 - c. Sharing and/or borrowing of any medication with another student is strictly prohibited;
 - d. For a student who has been prescribed bronchodilators or epinephrine, the designated personnel will request that the parent or guardian provide backup medication for emergency use by that student. Backup medication, if provided, will be kept at the student's school in a location to which the student has immediate access in the event the student has an asthma and/or severe allergy emergency;
 - e. Upon written request from a parent or guardian and with a prescriber's written statement that the lack of immediate access to a backup autoinjectable epinephrine may be life threatening to a student, and the location the school stores backup medication is not located in the student's classroom, a process shall be established to allow the backup autoinjectable epinephrine to be kept in a reasonably secure location in the student's classroom;
 - f. A student shall not administer medication to themselves until the necessary permission form and written instructions have been submitted as required by the district;
 - g. Permission to for a student to administer medication to themselves may be revoked if the student violates Board policy and/or this administrative regulation;
 - h. A student may be subject to discipline, up to and including expulsion, as appropriate;
 - i. A student permitted to administer medication to themselves may be monitored by designated personnel to monitor the student's response to the medication.
8. Handling, Monitoring and Safe Storage of Medication Supplies for Administering Medication to Students
- a. Medication administered by designated personnel to a student or self administered by a student, must be delivered to the school, in its original container, accompanied by the permission form and written instructions, as required above.
 - b. Medication in capsule or tablet form and categorized as a sedative, stimulant, anti-convulsant, narcotic analgesic or psychotropic medication will be counted by designated personnel in the presence of another district employee upon receipt, documented in the student's medication log and routinely monitored during storage and administration. Discrepancies will be reported to the principal immediately and documented in the student's medication log. For such

medication not in capsule or tablet form, standard measuring and monitoring procedures will apply.

c. Designated personnel will follow the written instructions of the prescriber and the student or the student's parent or guardian and training guidelines as may be recommended by the the ODE for administering all forms of prescription and/or nonprescription medications.

d. Medication will be secured as follows:

- (1) Nonrefrigerated medications will be stored in a locked cabinet, drawer or box;
- (2) Medications requiring refrigeration will be stored in a locked box in a refrigerator or a separate refrigerator used solely for the storage of medication;
- (3) Access to medication storage keys will be limited to the principal and designated personnel.

e. Designated personnel will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times, not left unattended after administering and that the medication container is properly sealed and returned to storage.

f. In the event medication is running low or an inadequate dosage is on hand to administer the medication, the designated personnel will notify the student's parent or guardian or the student (in situations involving ORS 109.610, 109.640 and 109.675) immediately.

9. Emergency Response

a. Designated personnel will notify 911 or other appropriate emergency medical response systems and administer first aid as necessary in the event of life-threatening side effects that result from district-administered medication or from student self-medication or allergic reactions. The parent or guardian, school nurse and principal will be notified immediately.

b. Minor adverse reactions that result from district-administered medication or from student self-medication will be reported to the parent or guardian immediately, except when the student is allowed to seek medical care without parental consent pursuant to ORS 109.610, 109.640 or 109.675.

c. Any available district staff will immediately call 911 and the student's parent or guardian if the designated personnel believes the student is experiencing symptoms of adrenal crisis and plans to administer medication.

10. Disposal of Medications

a. Medication not picked up by the student's parent or guardian, or the student when allowed pursuant to ORS 109.610, 109.640 and 109.675, at the end of the school year or within five school days of the end of the medication period, whichever is earlier, will be disposed of by designated personnel in a nonrecoverable fashion as follows:

- (1) Medication will be removed from its original container and personal information will be destroyed;
- (2) Solid medications will be crushed, mixed or dissolved in water and liquid medications will be mixed or dissolved in water; and
- (3) Mixed with an undesirable substance, e.g., coffee grounds, kitty litter, flour; and
- (4) Placed in impermeable, nondescriptive containers, e.g., empty cans or sealable bags; and
- (5) Placed in the trash.

Prescriptions will be flushed down the toilet **only** if the accompanying patient information specifically instructs it is safe to do so.

- D** Other medication will be disposed of in accordance with established training procedures including sharps and glass.
- b. All medication will be disposed of by designated personnel in the presence of another school employee and documented as described in 10. below.

11. Transcribing, Recording and Record Keeping

- a. A medication log will be maintained for each student administered medication by the district. The medication log will include, but not be limited to:
- (1) The name of the student, name of the medication, dosage, method of administration, date and time of administration, frequency of administration and the name of the person administering the medication;
 - (2) Student refusals of medication;
 - (3) Errors in administration of medication;
 - (4) Incidents of emergency and minor adverse reaction by a student to medication;
 - (5) Discrepancies in medication supply;
 - (6) Disposal of medication including date, quantity, manner in which the medication was destroyed and the signature of the school staff involved.
- b. All records relating to administration of medications, including permissions and written instructions, will be maintained in a separate, medical file apart from the student's education records file unless otherwise related to the student's educational placement and/or individualized education program. Records will be retained in accordance with applicable provisions of OAR 166-414-0010(17) and OAR 166-400-0060(29).
- c. Student health information will be kept confidential. Access shall be limited to those designated personnel authorized to administer medication to students, the student and their parent or guardian. Information may be shared with other staff with a legitimate educational interest in the student or others as may be authorized by the parent or guardian in writing or others as allowed under state and federal law.

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Brookings-Harbor School District 17C

Code: JHFF/GBNAA
Adopted: 11/18/09
Revised/Readopted: 9/15/10; 8/22/12; 6/17/15;
9/12/18; 4/15/20; 12/15/21
Orig. Code(s): JHFF

Suspected Sexual Conduct with Students and Reporting Requirements

Sexual conduct by district employees, contractors¹, agents², and volunteers³ is prohibited and will not be tolerated. All district employees, contractors, agents, volunteers, and students⁴ are subject to this policy.

⁵“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile educational environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the district or any applicable employment agreements.

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

¹ “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.

² “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.

³ “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.

⁴ Student conduct may only be sexual conduct if the student is also an employee, contractor, agent, or volunteer.

⁵ This definition of “sexual conduct” affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

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

Any district employee [{}⁷], contractor, agent or volunteer] who has reasonable cause to believe that a student has been subjected to sexual conduct by another district employee, contractor, agent or volunteer, or that another district employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the [{}⁸] designated licensed administrator] or the [alternate designated licensed administrator], in the event the designated administrator is the suspected perpetrator, for their school building. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy JHFE/GBNAB – Suspected Abuse of a Child Reporting Requirements.

If the superintendent is the alleged perpetrator the report shall be submitted to the [insert {}⁹] designated licensed administrator position title] who shall report the suspected sexual conduct to the Board chair.

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

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

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

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

⁷ {The following language in brackets, i.e., [, contractor, agent or volunteer], is optional language for the district to consider including. If the language is kept, the district must make these groups aware of the policy and its administrative regulation and their responsibilities under both. This may also be included in contracts with agents and contractors and include reference to this policy.}

⁸ {ORS 339.372 requires the district have a policy that designates the licensed administrators and requires the district to post the names and contact information of the designees 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.}

⁹ {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.}

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

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

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

The district will provide to employees 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 sexual conduct;
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All district employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding 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~~ prohibited.

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

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 339.370 - 339.400](#)

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

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).
House Bill 4160 (2024).