

Regular School Board Meeting  
Wednesday, November 17, 2021 6:00 PM

Blachly School District #90---Board Zoom  
Meeting Link  
20264 Blachly Grange Rd.  
Blachly, OR 97412

## **Agenda**

1. **CALL TO ORDER**
2. **WELCOME GUESTS AND VISITORS**
3. **PUBLIC FORUM/COMMUNICATION**
4. **CHANGES OR ADDITIONS TO THE AGENDA**
5. **CONSENT AGENDA**
  1. **BOARD MINUTES**
  2. **FINANCIAL REPORT**
  3. **AMENDED CALENDAR**
  4. **ACCEPTING RESIGNATION**
  5. **FIRST READ BOARD POLICY: ACB & ACB-AR**
  6. **SECOND READ BOARD POLICY**
  7. **MOTION**
6. **REPORTS**
  1. **ENROLLMENT**
  2. **CHARTER BOARD REPORT**
  3. **FACILITIES REPORT**
  4. **TRANSPORTATION/TECHNOLOGY REPORT**
  5. **PRINCIPAL'S REPORT**
  6. **SUPERINTENDENT'S REPORT**
7. **UNFINISHED BUSINESS**
8. **NEW BUSINESS**
  1. **GRADUATE PROFILE**
9. **THE BOARD MAY RECESS THE REGULAR MEETING AND CONVENE EXECUTIVE SESSION**
10. **RECONVENE REGULAR SESSION**
11. **ANNOUNCEMENTS**
  1. **UPCOMING BOARD MEETING**
12. **ADJOURN THE REGULAR MEETING**

## **Public Comment at Board Meetings**

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites district community members to attend Board meetings to become acquainted with the program and operation of the district. Members of the public also are encouraged to share their ideas and opinions with the Board when appropriate.

It is the intent of the Board to ensure communications with individuals with disabilities are as effective as communications with others. Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings. Primary consideration will be given to requests of qualified individuals with disabilities in selecting appropriate auxiliary aids<sup>1</sup> and services.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual. All auxiliary aids and/or service requests must be made with appropriate advance notice. Should the Board demonstrate such requests would result in a fundamental alteration in the service, program or activity or in undue financial and administrative burdens, an alternative, equally effective means of communication will be used.

### **Audience**

During a session of a Board meeting open to the public, members of the public may be invited to present comments during the designated portion of the agenda. At the discretion of the Board chair, further public comment may be allowed.

### **Request for an Item on the Agenda**

A member of the public may request the superintendent consider placing an item on the agenda of a regular Board meeting. This request should be made in writing and presented to the superintendent for consideration at least five working days prior to the scheduled meeting.

### **Procedures for Public Comment at Meetings**

The Board will establish procedures for public comment in open meetings. The purpose of these procedures will be to inform the public how to effectively participate in Board meetings for the best interests of the individual, the district and the patrons. The information will be easily accessible and available to all patrons attending a public Board meeting.

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<sup>1</sup>Auxiliary aids may include, but are not limited to, such services and devices as qualified interpreters, assistive listening systems, note takers, readers, taped texts, Braille materials and large print.

1. Discussion or presentation concerning a published agenda item is limited to its designated place on the agenda, unless otherwise authorized by the Board chair.
2. A visitor speaking during the meeting may introduce a topic not on the published agenda. The Board, at its discretion, may require that a proposal, inquiry or request be submitted in writing, and reserves the right to refer the matter to the administration for action or study.
3. Any person who is invited by the Board chair to speak to the Board during a meeting should state his/her name and address and, if speaking for an organization, the name and identity of the organization. A spokesperson should be designated to represent a group with a common purpose.
4. Statements by members of the public should be brief and concise. The Board chair may use discretion to establish a time limit on discussion or oral presentation by visitors.
5. Questions asked by the public, when possible, will be answered by the Board chair or referred to the superintendent for reply. Questions requiring investigation may, at the discretion of the Board chair, be referred to the superintendent for response at a later time.
6. At the discretion of the Board chair, anyone wishing to speak before the Board, either as an individual or as a member of a group, on any agenda item or other topic, may do so by providing the Board secretary with a completed registration card or sign-in sheet, prior to the Board meeting in order to allow the chair to provide adequate time for each agenda item.

The Board chair should be alert to see that all visitors have been acknowledged and thanked for their presence and for any contributed comments on agenda issues. Similar courtesy should be extended to members of staff who have been in attendance. Their return for future meetings should be welcomed.

### **Petitions**

Petitions may be accepted at any Board meeting. No action will be taken in response to a petition before the next regular meeting. Petitions will be referred to the superintendent for consideration and recommendation.

### **Comments Regarding Staff Members**

Speakers may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy for Board consideration of a legitimate complaint involving a staff member. A commendation involving a staff member should be sent to the superintendent, who will forward it to the employee, his/her supervisor and the Board.

END OF POLICY

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**Legal Reference(s):**

[ORS 165.535](#)  
[ORS 165.540](#)

[ORS 192.610 to -192.690](#)

[ORS 332.057](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2017); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

Americans with Disabilities Act Amendments Act of 2008.

*Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719 (C.D. Cal. 1996).

*Leventhal v. Vista Unified Sch. Dist.*, 973 F. Supp. 951 (S.D. Cal. 1997).

**Cross Reference(s):**

BDDC - Board Meeting Agenda

KC - Community Involvement in Decision Making

KLD - Public Complaints about District Personnel

**Blachly School District #90**

Code: **BDDH-AR**  
Revised/Reviewed: 2/21/18

**Public Comment at Board Meetings**

The Board requests that a public comment add information or a perspective that has not already been mentioned previously, and that the patron refrains from repeating a similar point.

To make a comment or present a topic during public comment, if the opportunity is available on the Board agenda, please complete the Intent to Speak card and submit it to the Board secretary prior to the start of the meeting. An individual that has submitted an Intent to Speak card and has been invited to speak by the Board chair, will be allowed three minutes.

Any person, who is invited by the Board chair to speak to the Board during a meeting, should state his/her name and address and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.

Please keep in mind that reference to a specific employee or group of employees, is prohibited as follows:

Board policy BDDH - Public Comment at Board Meetings:

“Comments Regarding Staff Members -  
Speakers may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy KL - Public Complaints for Board consideration of a legitimate complaint involving a staff member. A commendation involving a staff member should be sent to the superintendent, who will forward it to the employee, his/her supervisor and the Board.”

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**INTENT TO SPEAK**

The Board welcomes your input. Please submit this completed card to the Board secretary prior the start of the meeting.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email (optional): \_\_\_\_\_  
Topic or comment to be presented (brief description): \_\_\_\_\_

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A complaint brought before the Board shall be referred to the proper school authorities. A complaint shall be processed in accordance with Board policy. A hearing conducted before the Board regarding personnel shall take place in an executive session.

**The Board requests that a topic or comment is limited to three minutes or less.**

<p><u>Board Members:</u>  Dwight Coon, Board Chair  Derek Pennel, Vice Chair  Meleah Drago  Jeff Eastburn  Lanae Sjostrom  Bev Schiesser  Jeff Thiessen</p>	<p><b>BLACHLY SCHOOL DISTRICT #90</b>  <b>Triangle Lake Charter School</b>  <b>20264 Blachly Grange Road</b>  <b>Blachly, OR 97412</b>  <b>(541) 925-3262</b>  <b><a href="http://www.blachly.k12.or.us">www.blachly.k12.or.us</a></b></p>	<p><u>Administration:</u>  Adam Watkins,  Superintendent  Pat Rufo,  Business Manager  Bri Simington  Executive Asst.</p>
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## REGULAR SCHOOL BOARD MEETING MINUTES—October 21, 2021

### 1-0 CALL TO ORDER

Board Chair Coon called the meeting to order at 6:05 p.m.

Those present in this virtual zoom setting were:

**Board:** Board Chair Coon, Vice Chair Pennel, Directors Schiesser, Drago, Thiessen and Sjostrom.

**Staff:** Ariaah Richardson, Dennis Boyd, Kara Severino, Kelly Goodwin, Lisa Wagner, Pat Rufo, Bri Simington, Brittany Bottensek, Superintendent Watkins Watkins.

**Guests:** Sue Wilson with LESD

### 2-0 WELCOME GUESTS AND VISITORS

Board Chair Coon asked that all board members remember that voting needs to be voiced and cameras need to be on during the voting.

### 3-0 PUBLIC FORUM/COMMUNICATIONS

To make public comment please click on Public Comment Link below. Submission deadline for public comment is noon on the Monday prior to scheduled board meeting. Comments may be submitted in writing and/or verbally presented to the board—either format must meet the request deadline above. Comments submitted solely in writing will be read into the record during public comment and should take less than three minutes to read. Verbal comments will be limited to 3 minutes per person and 15 minutes maximum total for public comment.

[comments@blachly.k12.or.us](mailto:comments@blachly.k12.or.us)

[Blachly Policy BDDH - Public Comment at Board Meetings](#)

[Blachly Policy BDDH - AR Public Comment at Board Meetings](#)

There were two submissions for public comment both Lisa Wagner & Kelly Goodwin read their submissions.

Ms. Wagner commented on the public comment format and public relations.

Ms. Goodwin commented on the meeting agenda posting time and the zoom platform for board meetings.

### 4-0 CHANGES OR ADDITIONS TO THE AGENDA

**Add to Consent Agenda:**

5-4: Hire of Paige Wynn for Middle School Girls Basketball Head Coach

5-4: Hire of Mike Kaiser for High School Girls Basketball Head Coach

## **5-0 CONSENT AGENDA**

### **5-1 Board Secretary Appointment**

Superintendent Watkins thanked Anni Thiessen for her years of service and appointed Bri Simington as Board Secretary for remainder of 2021-22 school year.

### **5-2 Board Minutes**

September 15, 2021—Regular Board Meeting

Director Drago asked if Kelly Goodwin had time to go over the job description provided last meeting, Superintendent Watkins answered by saying all classified employees receive a copy of their job description at the beginning of the year. Specific information around Ms. Goodwin's position will need to be addressed by the school principle Ms. Bottensek.

### **5-3 Financial Report**

September 2021 End of Month Report

Board review of check register

The Business Manager, Pat Rufo, forwarded the Check Register to the Board. A review of Business Office activities included hiring of 15 people, more than double the usual amount. Health insurance open enrollment went smoothly. Grants and G/L accounts have been reconciled for the prior year and the Phase II Seismic grant is complete. Auditors were on property earlier in the week. Audit results had no material weaknesses or deficiencies. Auditors recommended a study by the district of Implicit Health Subsidy liability. Board Vice Chair Pennel asked if there was a recommendation to reserve funds for this liability and Ms. Rufo replied that this was just a study. Director Schiesser asked when we would know about an increase in revenue from the additional district ADM and Ms. Rufo said it would likely not be until December.

### **5-4 Approve Staff Hires**

Superintendent Watkins presented three new hires:

Brooklyn Gilbert has been hired as Grade 5 Teacher.

Paige Wynn has been hired as the Middle School Girls Basketball coach.

Mike Kaiser has been hired as the High School Girls Basketball coach.

Board Vice Chair Pennel asked if we have all of the extra duty coaching positions filled. Superintendent Watkins replied that our Athletic Director Tony Wynn says assistants to come based on student participation.

### **5-5 First Reading Board Policy**

Policy updates below are recommended by OSBA and are presented for first reading.

[Blachly Policy Draft 10.19.2021](#)

Superintendent Watkins states there are several policies being recommended. The small adjustment is that you will see Superintendent Watkins recommended adjustments included in the first reading. Board Vice Chair Pennel wanted to make clear that Superintendent Watkins plans to, from this time forward, send out his recommendations with first reading, Superintendent Watkins verified. Director Drago asked for clarification, when there is a required policy change, why would Superintendent Watkins go in and add his own. Superintendent

Watkins clarified he doesn't go in and make his own changes, there are requirements or changes, they grey out the deletes or added. Bracket means there are options to make choices, that's when Superintendent Watkins reviews our current policy and practice, if one of those are not an option then he brings the recommendation to the board, if it is the same then he crosses out the other options. So far there is no changes, just updates currently. Includes additions to include house bill. Board Vice Chair Pennel asked if we are close to being current on policy or if we are still back logged. Superintendent Watkins answered, we now have all the policies they have requested we update. Superintendent Watkins suggests we go through and update some more that haven't been reviewed in a long time and also update ones we have left as draft versions. But we are up to date on all that they have requested. Director Drago asked if we will be voting on the approval of all the presented policy as a whole. She would like to vote on each policy individually. Even if we have to add more time or break them apart into two meetings. Board Vice Chair Pennel asked if we can do it on an exceptional basis, can we vote as a whole and Board Vice Chair Pennel made a suggestion to Director Drago that she can make a motion to exclude specific policies from policy batch as the whole group and then vote on those policies individually. Board Chair Coon says it is a board decision about how we want to vote on the policies. Director Schiesser asks if these policies apply to also our online school as far as reporting procedures, does it work the same for online. Superintendent Watkins answers yes, they are written in a way that it doesn't matter in the sense of the way a student receives their learning.

Superintendent Watkins asked that they notice: under Grad requirements IKF they have changed the fact that requirements for graduation use to sit in Administrative Rule (AR) and now it is in Policy. Usually it's a general policy and then districts can establish their own requirements, now it is embedded. Recommendation is that 24 credits be required, right now TLCS requires 25 credits, Ms. Bottensek will talk more later on this. Board Vice Chair Pennel applauds Superintendent Watkins for being up to date on these policies and agrees with the suggestion about needing to go back and update and audit other policies. Superintendent Watkins adds that some things around policy that take OSBA support might take longer. As OSBA is dealing with staff shortages, some things he would like to do with policy might take longer.

AC – Nondiscrimination, Required

AC-AR – Discrimination Complaint Procedure, Required

BBAA – Individual Board Member's Authority and Responsibilities, Optional

BD/BDA – Board Meetings, Optional

BDDH - Public Comment at Board Meetings, Highly Recommended

BDDH-AR - Public Comment at Board Meetings, Optional

CM – Compliance and Reporting on Standards, Highly Recommended

DJC – Bidding Requirements, Highly Recommended (Versions 1 or 2)

GBA – Equal Employment Opportunity, Required

GBEA – Workplace Harassment \*, Required

GBNAA/JHFF – Suspected Sexual Conduct with Students and Reporting Requirements \*, Required

GBNAA/JHFF-AR – Suspected Sexual Conduct Report Procedures and Form \*, Required

GBNA-AR – Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying Reporting Procedures -- Staff, Highly Recommended

GBNAB/JHFE – Suspected Abuse of a Child Reporting Requirements, Required  
 GBNAB/JHFE-AR(1) – Reporting of Suspected Abuse of a Child, Required  
 GBNAB/JHFE-AR(2) – Reporting of Suspected Abuse of a Child, Highly Recommended  
 IA - Instructional Goals, Optional  
 IB – Freedom of Expression, Required  
 IGBHA – Alternative Education Programs\*\*, Required  
 IGBI - Bilingual Education\*\*, Required  
 IIA – Instructional Resources/Instructional Materials, Highly Recommended  
 IJ – School Counseling Program, Highly Recommended  
 IKF – Graduation Requirements\*\*, Conditionally Required  
 IKFB – Graduation Exercises, Optional  
 IL – Assessment Program, Highly Recommended  
 JB – Equal Educational Opportunity[\*\*], Required  
 JBB – Educational Equity, Optional  
 JECB - Admission of Nonresident Students, Highly Recommended  
 JFC – Student Conduct, Required  
 JFCF – [Hazing, ]Harassment, Intimidation, Bullying, [Menacing, ]Cyberbullying, Teen Dating Violence, or Domestic Violence – Student\*\*, Required  
 JFCJ – Weapons in Schools\*\*, Required  
 JHFE/GBNAB – Suspected Abuse of a Child Reporting Requirements, Required  
 JHFE/GBNAB-AR(1) – Reporting of Suspected Abuse of a Child, Required  
 JHFE/GBNAB-AR(2) – Reporting of Suspected Abuse of a Child, Highly Recommended  
 JHFF/GBNAA – Suspected Sexual Conduct with Students and Reporting Requirements \*, Required  
 JHFF/GBNAA-AR – Suspected Sexual Conduct Report Procedures and Form \*, Required  
 KGBB – Firearms Prohibited, New Conditionally Required

**MOTION:** Board Vice Chair Pennel moved to approve the consent agenda as presented/amended. Director Sjostrom seconded the motion. The board gave a unanimous approval.

## 6-0 REPORTS

### 6-1 Enrollment

Grade	K	1	2	3	4	5	6	7	8	9	10	11	12	Total
In-Person enrollment 2022	11	12	15	13	17	13	16	16	20	20	19	16	14	202
Online Enrollment 2022	17	18	23	19	21	8	11	18	12	7	5	2	2	163
Total Enrollment														365

Superintendent Watkins states that we are holding numbers on campus and that online has some growth opportunities. He believes that focus now needs to be on fine tuning our program and procedures and thinks that size should stay about the same now to continue to focus on improvement.

## **6-2 SIA Presentation Report**

Superintendent Watkins and Sue Wilson (Lane ESD) will present the SIA Plan for the 2021-23 school year.

(Please note, you may need to copy these hyperlinks into your browser for them to open properly.)

[SIA Integrated Planning Tool 2021-2023](#)

[Blachly SD SIA Budget 2021-23](#)

[SIA Budget Narrative 2021-23](#)

[SIA Annual Report 2020-21](#)

Sue Wilson from LESD joined us, and has been working with Superintendent Watkins our districts SIA plan. A requirement is to provide an annual report of the previous year. Additionally part of the work we want to engage in is the planning of our districts mission and vision. Ms. Wilson is partnering with Superintendent Watkins to coordinate the work that will engage the districts stake holders in developing a graduate profile. Ms. Wilson shared that it is a requirement of the SIA that all stakeholders be able to give comment regarding the SIA. Comments can also be left on the website slides. Comments can be sent to [comments@blachly.k12.or.us](mailto:comments@blachly.k12.or.us)

Ms. Wagner commented on prior knowledge of public comment and gathering surveys from students on personal interest. Superintendent Watkins absolutely wants to engage our student.

Of the 16 school districts we are the only one engaging in the process of the graduate profile this year, every other district said they wanted to wait. We want to do this work now and engage our stakeholders in the planning. Board Vice Chair Pennel states that the school looks much different now than when we started this plan, should we clarify that the greater population has online included. Superintendent Watkins feels it will be important that we hear voice from all our families, in district, surrounding districts and our online families no matter how they are receiving instruction in our district.

Question was asked by Ms. Richardson about how the district website was rolled out to everyone, feels like it was unknown. Superintendent Watkins states that we were working to clean up some things before we pushed it out to families. We will be rolling it out via emails, community posts, ect.

Director Drago asks for clarification on the wording "CDL". Superintendent Watkins answered that there is no more CDL students, the only time students are moved to remote learning is when shifted due to Covid related situations. Our reference to online students refers to the TLCS Online Program.

Ms. Wilson then shares the 21-22 spending plan.

## **6-3 Charter Board Report**

Lisa Wager, newly appointed President for the Charter Board reported to the board.

[Charter Board Report 10.2021](#) \*\*

Director Schiesser asked if they came up with an MOU for the board, Superintendent Watkins said they submitted one to Board Chair Coon and himself and they are still reviewing it. Next meeting is November 3<sup>rd</sup>. Ms. Wagner will send out invites.

Director Drago asked about clubs and which clubs are currently happening. Ms. Wagner was unsure but believes there are two high school clubs now.

**6-4 Facilities Report**

Maintenance Director, Shane Benscoter submitted the attached report to the board.

[Maintenance 10.2021](#) \*\*

There were no questions in regards to this report.

**6-5 Transportation/Technology Report**

Transportation & Technology Manager, Dennis submitted the attached report to the board.

[Tech.Transportation Report 10.2021](#) \*\*

Director Schiesser said there was mention of community having issue accessing the agenda, she wanted to know why. Superintendent Watkins said he had not heard of the issue, and we currently post it in multiple locations.

**6-6 Principal's Report**

Ms. Bottensek shared her report.

[Bottensek Admin Report](#) \*\* [TLCS School Profile 10.2021](#) \*\*

Ms. Bottensek discussed:

TLCS School profile and shared the "At a Glance" report. Director Schiesser asks for clarification in regards to our data groups with why our female students were not listed. Superintendent Watkins is researching this as well.

Director Schiesser asks for clarification in regards to our data groups. Principle Bottensek shared concerns for students who have been living in this pandemic and will need recovery for credits due to the situation. They will need help recovering. Ms. Bottensek reminds everyone that in a small district one kid can make a significant difference in district percentages. Superintendent Watkins points out that it will take more than one summer to get students back on track. Also, he is proud of our 5 year data, it says we made sure students received all the support they need to complete in the 5 year window, and we are at 100% with that.

Playoff game tomorrow for HS football at Crow and Saturday league playoff for HS volleyball at Harrisburg.

**6-7 Superintendent's Report**

Mr. Watkins will report.

Superintendent Watkins shared the Administrative Evaluation document.

Superintendent Watkins shared the district website and will provide the link to the board.

Superintendent Watkins shared info about the TalenEd website we have implemented has allowed us to streamline a lot of our HR processes, but we are still developing most of our templates. We will eventually add evaluation process to this platform. Documents will live there and will be a file that both administration and staff have access.

**7-0 UNFINISHED BUSINESS**

Director Thiessen had left the meeting prior to section 7-1.

**7-1 Board Goals**

[Board goals](#)

Board Vice Chair Pennel presented the Board Goals drafted from there last work session.

Superintendent Watkins feels these really align with the goals he has for the district.

Board Vice Chair Pennel mentioned that there will be opportunities for all board members to participate and engage as the district partners with Superintendent Watkins in this process.

**MOTION:** Director Schiesser moves to adopt the board goals as presented. Board Vice Chair Pennel seconds the motion. The board gave a unanimous approval.

## **7-2 Superintendent Goals**

Superintendent Watkins presented his goals for the 2021-22 school year.

[Superintendent Goals 2022](#)

Superintendent Watkins wanted to give an update about the joint training for board and charter board. Meeting with OSBA and it was brought forth that the charter board wanted some training, Kristen Miles met with the Charter Board and provided a broad public meeting training. Ms. Miles identified some concerns regarding current practices and shared them with Superintendent Watkins regarding a school board member sitting as a voting member on the charter board. This concern has been corrected. This prompted Superintendent Watkins to request Ms. Miles to review the bylaws and charter board contract and to provide an analysis to both school board and charter board. Once completed Superintendent Watkins and Ms. Miles will meet with both boards to review recommendations.

## **8-0 NEW BUSINESS**

### **8-1 Lane ESD Transit Dollar Request**

Superintendent Watkins presented information regarding the LESD Transit Dollar Request. In the past this body has approved not to exceed 50%.

[LESD Transit Dollar Request](#)

**MOTION:** Board Vice Chair Pennel moves that Blachly SD approve the Lane ESD Transit Dollar Request for 2022-23 not to exceed 50%. Director Schiesser seconds the motion. The board gave a unanimous approval.

### **8-2 Division 22 Standards presentation**

Superintendent Watkins presented information regarding the Division 22 Standards.

[Division 22 Standards](#)

Superintendent Watkins shared and reported on the Division 22 standards that we were in complete compliance.

**MOTION:** Board Vice Chair Pennel moves to approve the Division 22 Standards for the 2021-22 school year as presented. Director Sjostrom seconds. The board gave a unanimous approval.

## **9-0 RECESS THE REGULAR MEETING AND CONVENE EXECUTIVE SESSION**

Board Chair Coon reconvened regular session at 8:35 p.m.

**10-0 RECONVENE REGULAR SESSION**

Regular session reconvenes at 8:37 p.m.

**11-0 ANNOUNCEMENTS**

The next regular Board meeting is scheduled for Wednesday, November 17, 2021 at 6 pm via Zoom.

**12-0 ADJOURN THE REGULAR MEETING**

Hearing no objection, Board Chair Coon adjourned the meeting at 8:38 p.m.

\*\*Documents hyperlinked in these meeting notes may be obtained in hard copy by requesting such of the Board Secretary at 541-925-3262.



# DISTRICT CALENDAR 2021-22

Blachly SD #90

ADOPTED AMENDED 11/17/2021\*

Term 1							A	B
August/September								
M	T	W	T	F				
30	31	1	2	3	0	3.5		
6	7**	8**	9	10	4	5		
13	14	15	16	17	4	4		
20	21	22	23	24	4	5		
27	28	29	30		4	4		

October								
M	T	W	T	F				
				1	0	0		
4	5	6	7	8	4	4		
11	12	13	14	15	4	5		
18	19	20	21	22	4	4		
25	26	27	28	29	4	4		

November								
M	T	W	T	F				
1	2	3	4	5	4	5		

<b>End of Term 1</b>	<b>36</b>	<b>44</b>
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Term 2							A	B
November								
M	T	W	T	F				
8	9	10	11	12	4	5		
15	16	17	18	19	4	4		
22	23	24	25	26	2	3		
29	30				2	2		

December								
M	T	W	T	F				
		1	2	3	2	2		
6	7	8	9	10	4	5		
13	14	15	16	17	4	4		
20	21	22	23	24	0	1		
27	28	29	30	31	0	1		

January								
M	T	W	T	F				
3	4	5	6	7	4	4		
10	11	12	13	14	4	4		
17	18	19	20	21	4	4		
24	25	26	27	28	4	5		

<b>End of Term 2</b>	<b>38</b>	<b>44</b>
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<b>Year to date</b>	<b>74</b>	<b>88</b>
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Term 3							A	B
Jan. / February								
M	T	W	T	F				
31	1	2	3	4	4	4		
7	8	9	10	11	4	4		
14	15	16	17	18	4	4		
21	22	23	24	25	4	5		

March								
M	T	W	T	F				
28	1	2	3	4	4	5		
7	8	9	10	11	4	5		
14	15	16	17	18	4	4		
21	22	23	24	25	0	0		
28	29	30	31		4	4		

April								
M	T	W	T	F				
				1	0	0		
4	5	6	7	8	4	4		
11	12	13	14	15	4	5		

<b>End of Term 3</b>	<b>40</b>	<b>44</b>
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<b>Year to Date</b>	<b>114</b>	<b>132</b>
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







Term 4							A	B
April								
M	T	W	T	F				
18	19	20	21	22	4	4		
25	26	27	28	29	4	4		

May								
M	T	W	T	F				
2	3	4	5	6	4	4		
9	10	11	12	13	4	4		
16	17	18	19	20	4	5		
23	24	25	26	27	4	4		
30	31				1	2		

June								
M	T	W	T	F				
		1	2	3	3	3		
6	7	8	9	10	4	4		
13	14	15	16	17	4	5		

<b>End of Term 4</b>	<b>36</b>	<b>39</b>
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<b>Year to date</b>	<b>150</b>	<b>170.5</b>
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 All staff report	 Teacher Work Day*	 School start/stop	 ** Kinder starts half on 9/7, half on 9/8	 Holiday	 Non-school day	 All Day Parent Conferences	 Classified holiday, tchr non-work day	 Make up days if needed	 1/2 day Teacher workday	 Graduation June 11th	 MS/HS Only
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\*corrected 11/17/2021

# OSBA Model Sample Policy

Code:                   ACB

Adopted:

## Every Student Belongs

Blachly School District.

All students are entitled to a high quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

All employees are entitled to work in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

All visitors are entitled to participate in a school or educational environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

“Bias incident” means a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate. Bias incidents may include derogatory language or behavior.

“Symbol of hate” means nooses<sup>[1]</sup>, symbols of neo-Nazi ideology or the battle flag of the Confederacy.

The district prohibits the use or display of any symbols of hate<sup>{2}</sup> on school property<sup>3</sup> or in an education program<sup>4</sup> except where used in teaching curriculum that is aligned with state standards of education for public schools.

**[In responding to the use of any symbols of hate or bias incidents, the district will use non-disciplinary remedial action whenever appropriate.]**

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<sup>1</sup> [The display of a noose on public property with the intent to intimidate may be a Class A Misdemeanor under Senate Bill 398 (2021).]

<sup>2</sup> {Prior to adopting the symbols of hate prohibition, or adding other symbols to the list, we recommend that the district document why the district feels that the presence of these symbols will cause a “material and substantial interference with schoolwork or discipline” or collide “with the rights of other students to be secure and be let alone.” These reasons may include previous incidents, current conditions in the schools and other factors.}

<sup>3</sup> “School property” means any property under the control of the district.

<sup>4</sup> “Education program” includes any program, service, school or activity sponsored by the district.

The district prohibits retaliation against an individual<sup>{5}</sup> because that individual has in good faith reported information that the individual believes is evidence of a violation of a state or federal law, rule or regulation.

Nothing in this policy is intended to interfere with the lawful use of district facilities pursuant to a lease or license.

The district will use administrative regulation ACB-AR - Bias Incident Complaint Procedure to process reports or complaints of bias incidents.

END OF POLICY

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**Legal Reference(s):**

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<sup>5</sup> {ORS 659.852 prohibits retaliation only against students. Other statutes (and other complaint procedures) prohibit retaliation against staff and others for reporting or providing information regarding a complaint or investigation. }

[ORS 659.850](#)  
[ORS 659.852](#)  
[OAR 581-002-0005](#)

[OAR 581-022-2312](#)  
[OAR 581-022-2370](#)

House Bill 2697 (2021)  
House Bill 3041 (2021)

*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).  
*Dariano v. Morgan Hill Unified Sch. Dist.*, 767 F.3d 764 (9th Cir. 2014).  
*State v. Robertson*, 293 Or. 402 (1982).

# OSBA Model Sample

Code: ACB-AR

Adopted:

## Bias Incident Complaint Procedure

The terms “bias incident” and “symbols of hate” are defined in policy. Persons impacted by a bias incident or display of a symbol of hate shall be defined broadly to include persons directly targeted by an act, as well as the community of students as a whole who are likely to be impacted by the act.<sup>1</sup>

Step 1 {<sup>2</sup>}: When a staff member learns of a potential bias incident or display of a symbol of hate, the staff member will prioritize the safety and well-being of all persons impacted and ~~{immediately}~~ ~~{promptly}~~ ~~{without unreasonable delay}~~ report the incident to the ~~{building or program administrator}~~.

Step 2: The ~~{administrator or designee}~~ shall acknowledge receipt of the complaint, ~~[reduce the complaint to writing,]~~ and investigate any complaint of a bias incident. ~~{Responding staff}~~ will recognize the experience of all persons impacted, acknowledge the impact, commit to taking immediate action, and commit to preventing further harm against those persons impacted from taking place. Educational components and redirection procedures, if any, will:

- Address the history and impact of bias and hate;
- Advance the safety and healing of those impacted by bias and hate;
- Promote accountability and transformation for people who cause harm; and
- Promote transformation of the conditions that perpetuated the harm. {<sup>3</sup>}

The ~~{administrator or designee}~~ must consider whether the behavior implicates other district policies or civil rights laws, and if so, respond accordingly<sup>4</sup>.

The ~~{administrator or designee}~~ will ~~{make a decision}~~ ~~{determine responsibility}~~ within ~~{10}~~ days of receiving the complaint.

All persons impacted by the act will be provided with information<sup>5</sup> relating to the investigation and outcome of the investigation, including:

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<sup>1</sup> The term “complainant” in this administrative regulation includes persons filing formal complaints and persons reporting bias incidents, regardless of whether the complainant is a victim. Similarly, the term “complaint” includes any report, information or complaint.

<sup>2</sup> {These specific steps and procedures are not required. The procedures must include all of the requirements listed in House Bill 2697 § 1(3)(e) (2021) and OAR 581-022-2312(4)(e). If making changes, we recommend working closely with legal counsel.}

<sup>3</sup> {Additional guidance from ODE can be found [here](#).}

<sup>4</sup> The nature of the behavior or act must determine the process used to respond; what rights and protections are available to the person(s) impacted by the behavior or act; and an individual’s right to appeal to the Oregon Department of Education or the U.S. Department of Education.

<sup>5</sup> For additional information regarding required notices, see OAR 581-022-2312(4)(e)(E).

- Notice that an investigation has been initiated;
- Notice when an investigation has been completed;
- Findings of the investigation and the final determination based on those findings;
- Actions taken to remedy a person’s behavior and prevent reoccurrence; and
- When applicable, the legal citation of any law prohibiting disclosure of any information described above, and an explanation of how that law applies to the current situation.

Step 3: If complainant or a respondent wishes to appeal the decision of the {administrator or designee}, the complainant or respondent may submit a written appeal to the {superintendent} within {five} school days after receipt of the {administrator or designee}'s response to the complaint.

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

The {superintendent or designee} will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 3, as appropriate.

Step 4: If the complainant or respondent is not satisfied with the decision of the {superintendent or designee}, a written appeal may be filed with the Board within {five} school days of receipt of the {superintendent or designee}'s response to Step 3. The Board may decide to hear or deny the request for appeal at a Board meeting. The Board may use an executive session if the subject matter qualifies under Oregon law. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative {at the next regular or special Board meeting} {at a Board meeting}. The Board’s decision will be final and will address each allegation in the complaint and contain reasons for the Board’s decision. A copy of the Board’s final decision shall be sent to the complainant in writing within {10} days of this meeting.

The {Board} will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 4, as appropriate.

Complaints can be filed with or communicated directly to the {administrator or designee}, in which case Step 1 will be skipped. Complaints against the [administrator] can be directed to the {superintendent or designee} and will begin at Step 3. Complaints against the superintendent or a Board member(s) can be directed to the Board and will begin at Step 4. If complaints begin later than Step 1, the individuals reviewing the complaint will ensure that all requirements are met.

The complainant, if a person who resides in the district{,} {or} a parent or guardian of a student who attends school in the district[ or a student,] is not satisfied after exhausting local complaint procedures, the district fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal<sup>6</sup> the district’s final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

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<sup>6</sup> An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

Complaints may also be filed directly with the U.S. Department of Education Office for Civil Rights.<sup>7</sup>

~~{Building administrators}~~{District administration} will develop and implement instructional materials to ensure that all school employees, staff and students are made aware of the policy, this administrative regulation and related practices. The materials will include reporting procedures, educational processes, and possible consequences.

~~{~~When necessary, timelines may be adjusted by the district by communicating to all parties in writing. This communication must include a new timeline and an explanation of why the timeline must be adjusted.~~}~~

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<sup>7</sup> Complaints must meet criteria as established by law. For more information, visit <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

# OSBA Model Sample Policy

Code: AC  
Adopted:

## Nondiscrimination

The district prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race<sup>1</sup>, color, religion, sex, sexual orientation<sup>2</sup>, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status, or because of the perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status of any other persons with whom the individual associates.

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

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

The superintendent shall appoint individuals at the district to contact on issues concerning the Americans with Disabilities Act ~~of 1990~~ and Americans with Disabilities Act Amendments Act ~~of 2008~~ (ADA), Section 504 of the Rehabilitation Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments ~~of 1972~~, 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.

END OF POLICY

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### Legal Reference(s):

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

[ORS 326.051\(1\)\(e\)](#)  
[ORS 408.230](#)

[ORS 659.805](#)  
[ORS 659.815](#)

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<sup>1</sup> 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)).

<sup>2</sup> ~~“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated with the individual’s sex at birth.~~

[ORS 659.850 - 659.860](#)  
[ORS 659.865](#)  
~~[ORS 659.870](#)~~  
[ORS 659A.001](#)  
[ORS 659A.003](#)  
[ORS 659A.006](#)  
[ORS 659A.009](#)  
[ORS 659A.029](#)

[ORS 659A.030](#)  
[ORS 659A.040](#)  
[ORS 659A.103 - 659A.145](#)  
[ORS 659A.230 - 659A.233](#)  
[ORS 659A.236](#)  
[ORS 659A.309](#)  
[ORS 659A.321](#)  
[ORS 659A.409](#)

[OAR 581-002-0001 – 002-0005](#)  
[OAR 581-021-0045](#)  
[OAR 581-021-0046](#)  
[OAR 581-021-0047](#)  
[OAR 581-022-2310](#)  
[OAR 581-022-2370](#)  
[OAR 839-003](#)

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (~~2012~~2018).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (~~2012~~2018); 29 C.F.R Part 1626 (~~2018~~2019).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (~~2012~~2018); 29 C.F.R. Part 1630 (~~2018~~2019); 28 C.F.R. Part 35 (~~2018~~2019).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (~~2012~~2018).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (~~2012~~2018); 34 C.F.R. Part 104 (~~2018~~2019).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (~~2012~~2018);

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (~~2018~~2020).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (~~2012~~2018); 28 C.F.R. §§ 42.101-42.106 (~~2018~~2019).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (~~2012~~2018); 29 C.F.R. § 1601 (~~2018~~2019).

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

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (~~2012~~2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (~~2012~~2018).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (~~2012~~2018); 29 C.F.R. Part 1635 (2019).

House Bill 2935 (2021).

House Bill 3041 (2021).

# OSBA Model Sample Policy

Code: AC-AR

Adopted:

## Discrimination Complaint Procedure

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

Step 1: <sup>1</sup>Complaints may be oral or in writing and must be filed with the ~~principal~~. Any staff member that receives an oral or written complaint shall report the complaint to the [principal].

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

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

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

Step 3: If the complainant is not satisfied with the decision of the superintendent ~~or designee~~, a written appeal may be filed with the Board within ~~five~~ school days of receipt of the superintendent's ~~or designee's~~ response to Step 2. The Board may decide to hear or deny the request for appeal at a Board meeting. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative ~~at the next regular or special Board meeting~~ ~~a Board meeting~~. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing or electronic form within ~~10~~ days of this meeting.

If the [principal] is the subject of the complaint, the individual may start at Step 2 and should file a complaint with the superintendent ~~or designee~~.

If the superintendent is the subject of the complaint, the complaint may start at Step 3 and should be referred to the Board chair. ~~The Board may refer the investigation to a third party.~~

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<sup>1</sup> ~~For district information. The district's timeline established by each step of the district's complaint procedure must be within 30 days of the submission of the complaint at any step, unless the district and complainant have agreed in writing to a longer time period for that step. The district's complaint procedure should not exceed a total of 90 days from the initial filing of the complaint, regardless of the number of steps involved, unless the district and the complainant have agreed in writing to a longer time period. (OAR 581-002-0005)~~

Complaints against the Board as a whole or against an individual Board member, may start at Step 3 and should be submitted to the Board chair and may be referred to district counsel. Complaints against the Board chair may start at Step 3 and be referred directly to the ~~[district counsel]~~ [Board vice chair].

The timelines established in each step of this procedure may be extended upon mutual consent of the district and the complainant in writing~~],~~ but will not be longer than 30 days from the date of the submission of the complaint at any step~~].~~ The overall timeline of this complaint procedure may be extended beyond 90 days from the initial filing of the complaint upon written mutual consent of the district and the complainant.

The complainant, if a person who resides in the district~~],~~ ~~for~~ a parent or guardian of a student who attends school in the district~~],~~ or a student~~],~~ is not satisfied after exhausting local complaint procedures, the district fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal<sup>2</sup> the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

### **Charter Schools of which the District Board is a Sponsor**

~~[The district Board, [through its charter agreement with [name of charter school sponsored by the district board]] [through a board resolution] [through this administrative regulation], will review an appeal of a decision reached by the Board of [name of public charter school] on a complaint alleging violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or 581-021-0046 (Discrimination). A complainant may appeal will submit such appeal to the [superintendent] [Board chair] on behalf of the district Board within [30] days of receipt of the decision from the public charter school board. A final decision reached by this district Board may be appealed to the Oregon Department of Education under OAR 581-002-0001 – 581-002-0023.]~~

OR

~~[The district Board, [through its charter agreement with [name of public charter school sponsored by the district board]] [through a board resolution] [through this administrative regulation], will not review an appeal of a decision reached by the Board of the [name of public charter school] on a complaint alleging a violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or 581-021-0046 (Discrimination), for which the district Board has jurisdiction, and recognizes a decision reached by the Board of [name of public charter school] as the district Board's final decision. A final decision reached by this district Board may be appealed to the Oregon Department of Education under OAR 581-002-0001 – 581-002-0023.]~~

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<sup>2</sup> An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

**DISCRIMINATION COMPLAINT FORM**

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Name of Person Filing Complaint \_\_\_\_\_ Date \_\_\_\_\_ School or Activity \_\_\_\_\_

Student/Parent  Employee  Job applicant  Other  \_\_\_\_\_

Type of discrimination:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Race                      | <input type="checkbox"/> Mental or physical disability | <input type="checkbox"/> Age  |
| <input type="checkbox"/> Color                     | <input type="checkbox"/> Marital status                | <input type="checkbox"/> Sexual orientation                             |
| <input type="checkbox"/> Religion                  | <input type="checkbox"/> Familial status               | <input type="checkbox"/> Pregnancy                                      |
| <input type="checkbox"/> Sex                       | <input type="checkbox"/> Economic status               | <input type="checkbox"/> Discriminatory use of a Native American mascot |
| <input type="checkbox"/> National or ethnic origin | <input type="checkbox"/> Veterans' status              | <input type="checkbox"/> Other _____                                    |
| <input type="checkbox"/> Gender identity           |  |   |

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of the discussion.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Who should we talk to and what evidence should we consider? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Suggested solution/resolution/outcome: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This complaint form should be mailed or submitted to the [principal].

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

# OSBA Model Sample Policy

Code: BBAA

Adopted:

## Individual Board Member's Authority and Responsibilities

An individual Board member exercises the authority and responsibility of their position when the Board is in legal session only.

A Board member has the authority to act in the name of the Board when authorized by a specific Board motion. The affirmative vote of the majority of members of the Board is required to transact any business. When authorized to act as the district's designated representative in collective bargaining, a Board member may make and accept proposals in bargaining subject to subsequent approval by the Board.

~~A Board member has the right to express personal opinions.~~ When expressing ~~personal~~ such opinions in public, the Board member ~~should~~ must clearly identify the opinions as their own.

Members will be knowledgeable of information requested through Board action, supplied by the superintendent, gained through attendance at district activities and through professional Board activities.

Members of the Board will adhere to the following in carrying out the responsibilities of membership:

### 1. Request for Information

Any individual Board member who desires a copy of an existing written report or survey prepared by the administrative staff will make such a request to the superintendent. A copy of the material may be made available to each member of the Board. Requests for the generation of reports or information, which require additional expense to the district, must be submitted to the Board for consideration.

### 2. Requests for Legal Opinions

Requests for legal ~~advice or~~ opinions by a Board member ~~that will incur a cost for the district~~ must be approved by a majority vote of the Board before the request is made to legal counsel. ~~The Board chair is authorized to obtain legal advice or opinions if advantageous to do so prior to the next meeting (e.g., advice regarding an executive session or a decision to invite district legal counsel) without a need for Board approval.~~ ~~If the legal opinion sought involves the superintendent's employment or performance, the request should be made to the board chair.~~ Legal counsel is responsible to the Board.

### 3. Action on Complaints or Requests Made to Board Members

When Board members receive complaints or requests for action from staff, students or members of the public, the Board members will direct the staff, students, members of the public to the appropriate complaint policy ~~Board policy KL – Public Complaints~~. Such information will be conveyed to the superintendent.

4. Board Member’s Relationship to Administration

Individual Board members will be informed about the district’s educational program, may visit schools or other facilities to gain information, and may request information from the superintendent. No individual Board member may direct the superintendent to action without Board authorization. Board members will not intervene in the administration of the district or its schools.

5. Contracts or Agreements

All contracts of the district must be approved by the Board, unless otherwise delegated by the Board to the superintendent or designee for approval, before an order can be drawn for payment. If a contract is made without authority of the Board, the individual making such contract shall be personally liable.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.045](#)

[ORS 332.057](#)

[ORS 332.055](#)

[ORS 332.075](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

S. Benton Educ. Ass’n v. Monroe Union High Sch. Dist., 83 Or. App. 425 (1987).

# OSBA Model Sample Policy

Code: BD/BDA  
Adopted:

## Board Meetings

The Board has the authority to act only when a quorum is present at a duly called regular, special or emergency meeting. “Meeting” means the convening of a quorum of the Board as the district’s governing body to make a decision or to deliberate toward a decision on any matter. This includes meeting for the purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, i.e. a work session. The affirmative vote of the majority of members of the Board is required to transact any business.

All regular, special and emergency meetings of the Board will be open to the public except as provided by law. Access to and the ability to attend all meetings (excluding executive sessions) by telephone, video or other electronic or virtual means will be made available when reasonably possible. All meetings will be conducted in compliance with state and federal statutes. For information how to give or submit public comment it is outlined in Board policy BDDH - Public Comment at Board Meetings<sup>1</sup> and/or posted on the district’s website.

All Board meetings, including Board retreats and work sessions, will be held within district boundaries, except as allowed by law<sup>2</sup>. The Board may attend training sessions outside the district boundaries but cannot deliberate or discuss district business. No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation<sup>3</sup>, gender identity, age or national origin is practiced.

The Board will give public notice reasonably calculated to give actual notice to interested persons, including those with disabilities, of the time and place for all Board meetings and of the principal subjects to be considered. The Board may consider additional subjects at a meeting, even if they were not included in the notice.

If requested to do so at least 48 hours before a meeting held in public, the Board shall make a good faith effort to provide an interpreter for hearing-impaired persons. Other appropriate auxiliary aids and services

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<sup>1</sup> When telephone or other electronic means of communication is used during a meeting open to the public, the Board shall make at least one place available to the public where, or at least one electronic means by which, the public can listen during the meeting. At all meetings of the Board open to the public, the public will be provided an opportunity, to the extent reasonably possible, to access and attend the meeting by telephone, video or other electronic or virtual means. If in-person oral testimony (or public comment) is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit oral testimony during the meeting, at the designated portion of the agenda, by telephone, video or other electronic or other means. If in-person written testimony is allowed, the public will be provided, to the extent reasonably possible, an opportunity to submit written testimony including by email or other electronic means, so that the Board is able to consider the submitted testimony in a timely manner.

<sup>2</sup> ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction if no deliberations toward a decision are involved.

<sup>3</sup> As defined in ORS 174.100.

will be provided upon request and appropriate advance notice. ~~Communications with all qualified individuals with disabilities shall be as effective as communications with others.~~

If requested to do so at least [72] hours before a meeting held in public, the Board will make a reasonable effort to provide translation services. <sup>{4}</sup>

All meetings held in public shall comply with the Oregon Indoor Clean Air Act ~~and the smoking provisions contained in the Public Meetings Law.~~

The possession of dangerous or deadly weapons and firearms, as defined in law and Board policy, is prohibited on district property.

## 1. Regular, Special and Emergency Meetings

Generally, a regular Board meeting will be held each month. The regular meeting schedule will be established at the ~~annual~~ organizational meeting ~~in July~~ and may be changed by the Board with proper notice. The purpose of each regular monthly meeting will be to conduct the regular Board business.

No later than the next regular meeting following July 1, the Board will hold ~~an~~ the annual organizational meeting to elect Board officers for the coming year and to establish the year's schedule of Board meetings. In Board election years (odd numbered years), the first meeting will be held no later than July 31.

Special meetings can be convened by the Board chair, upon request of three Board members, or by common consent of the Board at any time to discuss any topic. A special meeting may also be scheduled if less than a quorum is present at a meeting or additional business still needs to be conducted at the ending time of a meeting. At least 24 hours' notice must be provided to all Board members, the news media, which have requested notice, and the general public for any special meeting.

Emergency meetings can be called by the Board in the case of an actual emergency upon appropriate notice under the circumstances. The minutes of the emergency meeting must describe the emergency. Only topics necessitated by the emergency may be discussed or acted upon at the emergency meeting.

## 2. Communications Outside of Board Meetings

Communications, to, by and among a quorum of Board members outside of a legally called Board meeting, in their capacity as Board members, shall not be used for the purpose of discussing district business. This includes electronic communication. Electronic communications among Board members shall be limited to messages not involving deliberation, debate, decision-making or gathering of information on which to deliberate.

Electronic communications may contain:

- a. Agenda item suggestions;

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<sup>{4}</sup> Districts are encouraged to evaluate translation needs and resources prior to adding this language. A district may decide that translating the agenda, minutes or other documents, or public comment is sufficient.

- b. Reminders regarding meeting times, dates and places;
- c. Board meeting agendas or information concerning agenda items;
- d. One-way information from Board members or the superintendent to each Board member (e.g., an article on student achievement or to share a report on district progress on goals) ~~so long as that information is also being made available to the public;~~
- e. Individual responses to questions posed by community members, subject to other limitations in Board policy.

E-mails sent to other Board members will have the following notice:

*Important: Please do not reply or forward this communication if this communication constitutes a decision or deliberation toward a decision between and among a quorum of a governing body which could be considered a public meeting. Electronic communications on district business are governed by ~~Public Records and Meetings Law.~~*

### 3. Private or Social Meetings

Private or social meetings of a quorum of the Board for the purpose of making a decision or to deliberate toward a decision on any matter are prohibited by ~~the Public Meetings Law.~~

### 4. Work Sessions

The Board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with ~~the state law on public meetings, including notice and minutes.~~ ~~The Board may make~~ ~~is discouraged from making~~ official decisions during a work session. ~~Generally, Boards do not take official action during work sessions, although there is no legal prohibition to do so.~~

### 5. Executive Sessions

Executive sessions may be held ~~as an agenda item~~ during regular, special or emergency meetings for a reason permitted by law. ~~(See Board policy BDC - Executive Sessions)~~

END OF POLICY

#### Legal Reference(s):

<a href="#">ORS 174.100</a>	<a href="#">ORS Chapter 193</a>	<a href="#">ORS 433.835 - 433.875</a>
<a href="#">ORS 174.104</a>	<a href="#">ORS 255.335</a>	
<a href="#">ORS Chapter 192</a>	<a href="#">ORS 332.040 - 332.061</a>	

~~38 OR. ATTY. GEN. OP. 1995 (1978)~~

~~41 OR. ATTY. GEN. OP. 28 (1980)~~

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2016 2020); 28 C.F.R. Part 35 (2016 2020).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

OR. ATTY. GEN. Public Records and Meetings Manual (2014).

Oregon House Bill 2560 (2021).

Oregon House Bill 3041 (2021).

# OSBA Model Sample Policy

Code: BDDH  
Adopted:

## Public Comment at Board Meetings

*{HB 2560 (2021) goes into effect on January 1, 2022, and requires that districts provide the same opportunity for public comment to those attending virtually as is provided to those attending in person. We recommend that districts review current public comment practices and adopt policy language that meets the law and the desired district practice.}*

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites the district's community members to attend Board meetings to become acquainted with the program and operation of the district. The public has a right to attend public meetings held in open session, and may be invited to share comments, ideas and opinions with the Board during designated times on the agenda. The Board may conduct a meeting without public comment.

Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings and submit written comments to the Board. Individuals requesting assistance, aids or accommodations are encouraged to notify the district at least 48 hours prior to the Board meeting with the request, consistent with Board policy BD/BDA – Board Meetings.

### Procedures for Oral Public Comment

The Board establishes the following procedures for public comment at Board meetings held in open session. The information will be accessible and available to all patrons accessing or attending such a Board meeting.

1. Public comment is limited to its designated place on the agenda and while time allows.
2. ~~{A person wishing to provide public comment, if an opportunity is provided by the Board during a meeting open to the public, will sign in on the public comment sheet provided} complete and submit the Intent to Speak card to the Board secretary} {submit their request and name electronically} {do so as directed}~~ prior to the Board meeting.<sup>1</sup> A request to give public comment in-person or electronically does not guarantee time will be available.
3. A person speaking during the public comment portion of the meeting may ~~{comment on a topic not on the published agenda} {may comment only on agenda items}~~.
4. A person speaking during the public comment portion of the meeting should state their name ~~{, whether they are a resident of the district,}~~ and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.
5. A person giving public comment is limited to an established time limit of ~~{three}~~ minutes. Statements should be brief and concise. ~~{The Board chair has discretion to waive time limits or extend the overall time allotted for public comment. Additional time will be allocated in a fair and~~

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<sup>1</sup> When in-person attendees are allowed to provide oral comment, virtual attendees will be afforded the same opportunity.

equitable manner.] ~~[Time limits will be determined based on the number of commenters and the amount of time available for public comment.]~~ If a person has more comments than time allows or is unable to comment due to time constraints, the person is encouraged to submit additional written comments to the Board through the district office as directed.

6. Inquiries from the public during the designated portion of the agenda will not generally be responded to immediately by the Board chair, and may be referred to the superintendent for reply at a later date. The Board will not respond to inquiries that are expected to be addressed during another designated portion of the agenda.]

~~{The Board will not hear public comment at Board work sessions.}~~

~~{Topics raised during the public comment portion may be considered for inclusion as agenda items at future Board meetings.}~~

### Procedures for Written Comment

Members of the public may submit written comments or materials to the Board at any time at the district office, by mail or by email to [insert email address]. Materials or comments submitted at least ~~{72 hours}~~ in advance of a Board meeting will be provided to the Board before the Board meeting ~~[, but will not be read at the Board meeting]~~. Written materials or comments submitted may not warrant action by the Board.

### Comments Regarding Staff Members

A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the ~~{procedures in Board policy KL - Public Complaints}~~ ~~[published complaint procedures]~~ for consideration of a legitimate complaint involving a staff member. ~~{Any association contract governing the employee's rights will be followed.}~~ A commendation involving a staff member should be sent to the superintendent ~~{, who will forward it to the {employee, a supervisor and the Board}}~~.

END OF POLICY

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#### Legal Reference(s):

[ORS 165.535](#)  
[ORS 165.540](#)

[ORS 192.610 - 192.690](#)  
[ORS 332.057](#)

[ORS 332.107](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

*Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719 (C.D. Cal. 1996).

*Leventhal v. Vista Unified Sch. Dist.*, 973 F. Supp. 951 (S.D. Cal. 1997).

Oregon House Bill 2560 (2021).

# OSBA Model Sample Policy

Code:  
Adopted:

BDDH

**DELETE and SEE NEW VERSION**

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## Public Comment at Board Meetings

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites district community members to attend Board meetings to become acquainted with the program and operation of the district. Members of the public also are encouraged to share their ideas and opinions with the Board when appropriate.

It is the intent of the Board to ensure communications with individuals with disabilities are as effective as communications with others. Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings. Primary consideration will be given to requests of qualified individuals with disabilities in selecting appropriate auxiliary aids<sup>1</sup> and services.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual. All auxiliary aids and/or service requests must be made with appropriate advance notice. Should the Board demonstrate such requests would result in a fundamental alteration in the service, program or activity or in undue financial and administrative burdens, an alternative, equally effective means of communication will be used.

### Audience

During a session of a Board meeting open to the public, members of the public may be invited to present comments during the designated portion of the agenda. At the discretion of the Board chair, further public comment may be allowed.

### Request for an Item on the Agenda

A member of the public may request the [superintendent] [Board chair] consider placing an item on the agenda of a regular Board meeting. This request should be made in writing and presented to the [superintendent] [Board chair] for consideration at least [five working days] prior to the scheduled meeting.

### Procedures for Public Comment at Meetings

The Board will establish procedures for public comment in open meetings. The purpose of these procedures will be to inform the public how to effectively participate in Board meetings for the best interests of the individual, the district and the patrons. The information will be easily accessible and available to all patrons attending a public Board meeting.

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<sup>1</sup> Auxiliary aids may include, but are not limited to, such services and devices as qualified interpreters, assistive listening systems, note takers, readers, taped texts, Braille materials and large print.

1. Discussion or presentation concerning a published agenda item is limited to its designated place on the agenda, unless otherwise authorized by the Board chair.
2. A visitor speaking during the meeting may introduce a topic not on the published agenda. The Board, at its discretion, may require that a proposal, inquiry or request be submitted in writing, and reserves the right to refer the matter to the administration for action or study.
3. Any person who is invited by the Board chair to speak to the Board during a meeting should state his/her name and address and, if speaking for an organization, the name and identity of the organization. A spokesperson should be designated to represent a group with a common purpose.
4. Statements by members of the public should be brief and concise. The Board chair may use discretion to establish a time limit on discussion or oral presentation by visitors.
5. Questions asked by the public, when possible, will be answered by the Board chair or referred to the superintendent for reply. Questions requiring investigation may, at the discretion of the Board chair, be referred to the superintendent for response at a later time.
6. At the discretion of the Board chair, anyone wishing to speak before the Board, either as an individual or as a member of a group, on any agenda item or other topic, may do so by providing the Board secretary with a completed registration card or sign-in sheet, prior to the Board meeting in order to allow the chair to provide adequate time for each agenda item.

The Board chair should be alert to see that all visitors have been acknowledged and thanked for their presence and for any contributed comments on agenda issues. Similar courtesy should be extended to members of staff who have been in attendance. Their return for future meetings should be welcomed.

### **Petitions**

Petitions may be accepted at any Board meeting. No action will be taken in response to a petition before the next regular meeting. Petitions will be referred to the superintendent for consideration and recommendation.

### **Comments Regarding Staff Members**

Speakers may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy [KL - Public Complaints] for Board consideration of a legitimate complaint involving a staff member. [The association contract governing the employee’s rights will be followed.] A commendation involving a staff member should be sent to the superintendent[, who will forward it to the [employee, his/her supervisor and the Board]].

END OF POLICY

#### **Legal Reference(s):**

[ORS 165.535](#)  
[ORS 165.540](#)

[ORS 192.610 to -192.690](#)  
[ORS 332.057](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).  
Americans with Disabilities Act Amendments Act of 2008.  
*Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719 (C.D. Cal. 1996).  
*Leventhal v. Vista Unified Sch. Dist.*, 973 F. Supp. 951 (S.D. Cal. 1997).

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# OSBA Model Sample Policy

Code: BDDH-AR

Revised/Reviewed:

## Public Comment at Board Meetings

The Board requests that a public comment add information or a perspective that has not already been mentioned previously, and that the patron refrains from repeating a similar point.

To provide public comment in person, if the opportunity is available on the Board agenda, please ~~sign in on the public comment sheet provided~~ [submit the Intent to Speak request to the Superintendent, Monday of the week of the Board meeting to [comments@blachly.k12.or.us](mailto:comments@blachly.k12.or.us) ]~~do so as directed~~. Those attending virtually and want to provide public comment should ~~notify the Board secretary~~ [submit the Intent to Speak request to the Superintendent, Monday of the week of the Board meeting to [comments@blachly.k12.or.us](mailto:comments@blachly.k12.or.us) ] ~~an email to boardsecretary@district.k12.or.us~~ [as directed] ].

[A person speaking during the public comment portion of the meeting may [comment on a topic not on the published agenda] ~~comment only on agenda items~~.] A person providing public comment will be allowed [three] minutes. Signing up to provide public comment does not guarantee time will be available.

Any person, who is allowed to speak to the Board during a meeting, should state their name[, whether they are a resident of the district] and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.

Comments about a specific employee or group of employees should comply with Board policy BDDH - Public Comment at Board Meetings:

“A person speaking during the designated portion of the agenda for public comment may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the [procedures in Board policy KL - Public Complaints] ~~published complaint procedures~~ for consideration of a legitimate complaint involving a staff member. [Any association contract governing the employee’s rights will be followed.] A commendation involving a staff member should be sent to the superintendent[, who will forward it to the [employee, a supervisor and the Board]].”

*SEE FORM ON REVERSE*

**INTENT TO SPEAK**

The Board welcomes input. To provide in-person public comment please complete the request at [comments@blachly.k12.or.us](mailto:comments@blachly.k12.or.us) that can be found on the District and School websites Monday the week of the Board meeting.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of organization (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

Email (optional): \_\_\_\_\_

Topic or comment to be presented (brief description): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A complaint brought before the Board shall be referred to the proper school authorities. A complaint shall be processed in accordance with ~~{Board policy KL - Public Complaints and KL-AR - Public Complaints Procedure}~~ ~~{published complaint procedures}~~. A hearing conducted by the Board regarding personnel may take place in an executive session.

**The Board requests that a topic or comment is limited to ~~{three}~~ minutes or less.**

# OSBA Model Sample Policy

Code: BDDH-AR  
Revised/Reviewed:

**DELETE and SEE NEW VERSION**



## Public Comment at Board Meetings

The Board requests that a public comment add information or a perspective that has not already been mentioned previously, and that the patron refrains from repeating a similar point.

To make a comment or present a topic during public comment, if the opportunity is available on the Board agenda, please complete the Intent to Speak card and submit it to the Board secretary prior to the start of the meeting. An individual that has submitted an Intent to Speak card and has been invited to speak by the Board chair, will be allowed [three] minutes.

Any person, who is invited by the Board chair to speak to the Board during a meeting, should state his/her name and address and, if speaking for an organization, the name of the organization. A spokesperson should be designated to represent a group with a common purpose.

Please keep in mind that reference to a specific employee or group of employees, is prohibited as follows:

Board policy BDDH - Public Comment at Board Meetings:

“Comments Regarding Staff Members -

Speakers may offer objective criticism of district operations and programs. The Board will not hear comments regarding any individual district staff member. The Board chair will direct the visitor to the procedures in Board policy [KL - Public Complaints] for Board consideration of a legitimate complaint involving a staff member. [The association contract governing the employee’s rights will be followed.] A commendation involving a staff member should be sent to the superintendent[, who will forward it to the [employee, his/her supervisor and the Board]].”

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### INTENT TO SPEAK

The Board welcomes your input. Please submit this completed card to the Board secretary prior the start of the meeting.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email (optional): \_\_\_\_\_

Topic or comment to be presented (brief description): \_\_\_\_\_

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A complaint brought before the Board shall be referred to the proper school authorities. A complaint shall be processed in accordance with [Board policy KL - Public Complaints and KL-AR - Public Complaints Procedure]. A hearing conducted before the Board regarding personnel shall take place in an executive session.

**The Board requests that a topic or comment is limited to three minutes or less.**

# OSBA Model Sample Policy

Code: CM  
Adopted:

## Compliance and Reporting on Standards

The superintendent will prepare an annual report that represents the district's compliance with the standards adopted by the State Board of Education for the preceding school year and submit that report to the Board.

The district's annual report will be presented orally at a public Board meeting by ~~February~~ November 1 of each school year and will allow public comment on such report. This report will be posted on the district's web page by ~~February 1 of each school year~~. ~~The Board will acknowledge receipt of the report prior to its submission to the Oregon Department of Education (ODE).~~

The district will report on its compliance with state standards to Oregon Department of Education (ODE) by ~~February~~ November 15 each year on a form provided by ODE.

END OF POLICY

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### Legal Reference(s):

[ORS 329.095](#)  
[ORS 329.105](#)

[OAR 581-022-2260](#)  
[OAR 581-022-2305](#)

# OSBA Model Sample Policy

Code: DJC  
Adopted:

## Bidding Requirements (Version 2)

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

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

The ~~Board~~ will serve as the LCRB for the district. All district purchasing shall be conducted in accordance with the ~~Board's~~ adopted rules<sup>{2}</sup>.

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<sup>1</sup> Attorney General rules may still apply.

<sup>2</sup> {The Board may contract with another public agency to serve as its LCRB.}

The Board acting as its own LCRB adopts<sup>{3}</sup> ~~{the Oregon Attorney General’s Model Public Contract Rules Oregon Administrative Rule (OAR) Chapter 137, Divisions 046 through 049,} [its own rules of procedure that will govern district purchasing. Consequently, the model rules adopted by the Attorney General shall not apply to the district. The district’s rules may include portions of the Oregon Attorney General’s Model Public Contract Rules OAR Chapter 137, Division 046 through 049,]~~ in effect at the time this policy is adopted. These rules govern purchasing procedures, and other matters subject to public contracting provisions of law.<sup>{4}</sup>

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

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

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

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

The district shall review its rules each time the Attorney General adopts a modification of the model rules, as required by ORS 279A.065(6)(b), to determine whether any modifications need to be made to district rules to ensure compliance with statutory changes. ~~[Modifications will be made only following review by the district’s legal counsel.]~~ New rules, as necessary, will be adopted by the Board. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required. ~~The Board recognizes that a public contracting agency that has not established its own rules of procedure as required by ORS 279A.065(5) is subject to the model rules adopted by the Attorney General, including all modifications to the model rules that the Attorney General may adopt.~~

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

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

ORS Chapters [279](#), [279A](#), [279B](#) and [OAR Chapter 125](#), Divisions 246-249  
[279C](#)

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S MODEL PUBLIC CONTRACT RULES MANUAL.

# OSBA Model Sample Policy

Code: GBA  
Adopted:

## Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race<sup>1</sup>, color, religion, sex, sexual orientation<sup>2</sup>, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition<sup>3</sup>, age, veterans' status<sup>4</sup>, service in uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability<sup>5</sup> if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act ~~of 1990~~, and the Americans with Disabilities Act Amendments Act ~~of 2008~~ (ADA), and Section 504 of the Rehabilitation Act. The superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments ~~of 1972~~. The Title IX coordinator will investigate complaints communicated to the district alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

The superintendent will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

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### Legal Reference(s):

<a href="#">ORS 174.100</a>	<a href="#">ORS 408.230</a>	<a href="#">ORS 659A.006</a>
<a href="#">ORS 243.317 – 243.323</a>	<a href="#">ORS 408.235</a>	<a href="#">ORS 659A.009</a>
<a href="#">ORS 326.051</a>	<a href="#">ORS 652.210 - 652.220</a>	<a href="#">ORS 659A.029</a>
<a href="#">ORS 332.505</a>	<a href="#">ORS 659.850</a>	<a href="#">ORS 659A.030</a>
<a href="#">ORS 342.934</a>	<del><a href="#">ORS 659.870</a></del>	<a href="#">ORS 659A.040</a>
<a href="#">ORS 408.225</a>	<a href="#">ORS 659A.003</a>	<a href="#">ORS 659A.082</a>

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<sup>1</sup> 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)).

<sup>2</sup> ~~“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated within the individual’s sex at birth.~~

<sup>3</sup> This unlawful employment practice related to pregnancy, childbirth or a related medical condition as described in House Bill 2341 (2019) (added to ORS 659A) applies to employers who employ six or more persons.

<sup>4</sup> The district grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.

<sup>5</sup> This unlawful employment practice related to disability as described in ORS 659A.112 applies to employers who employ six or more persons (ORS 659A.106).

[ORS 659A.109](#)  
[ORS 659A.112](#)  
[ORS 659A.147](#)  
[ORS 659A.233](#)  
[ORS 659A.236](#)  
[ORS 659A.309](#)

[ORS 659A.321](#)  
[ORS 659A.409](#)  
[ORS 659A.820](#)  
[OAR 581-021-0045](#)  
[OAR 581-022-2405](#)  
[OAR 839-003-0000](#)

[OAR 839-006-0435](#)  
[OAR 839-006-0440](#)  
[OAR 839-006-0450](#)  
[OAR 839-006-0455](#)  
[OAR 839-006-0460](#)  
[OAR 839-006-0465](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (~~2012~~2018).  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (~~2012~~2018).  
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2018); 29 C.F.R Part 1626 (2019).  
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (~~2012~~2018).  
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).  
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (~~2012~~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 (~~2019~~2020).  
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (~~2012~~2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).  
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).  
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (~~2012~~2018).  
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 (~~2012~~2018).  
Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).  
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303 (2018).  
[House Bill 2935 \(2021\)](#)  
[House Bill 3041 \(2021\)](#)

# OSBA Model Sample Policy

Code: GBEA

Adopted:

## Workplace Harassment \*

Workplace harassment is prohibited and shall not be tolerated. This includes workplace harassment that occurs between district employees or between a district employee and the district in the workplace or at a work-related event that is off district premises and coordinated by or through the district, or between a district and a district employee off district premises. Elected school board members, volunteers and interns are subject to this policy.

Any district employee who believes they have been a victim of workplace harassment may file a report with the district employee designated in the administrative regulation GBEA-AR - Workplace Harassment Reporting and Procedure, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process or under any other available law. The reporting of such information is voluntary. The district employee making the report is advised to document any incidents of workplace harassment.

“Workplace harassment” means conduct that constitutes discrimination prohibited by Oregon Revised Statute (ORS) 659A.030 (discrimination in employment based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, age, or expunged juvenile record), including conduct that constitutes sexual assault<sup>1</sup> or that constitutes conduct prohibited by ORS 659A.082 (discrimination against person in uniformed service) or 659A.112 (discrimination in employment based on disability).

The district, upon receipt of a report from a district employee who believes they are a victim of workplace harassment, shall provide information about legal resources and counseling and support services, including any available employee assistance services. The district employee receiving the report, whether a supervisor of the employer or the district employee designated to receive reports, is advised to document any incidents of workplace harassment, and shall provide a copy of this policy and accompanying administrative regulation to the victim upon their disclosure about alleged workplace harassment.

All incidents of behavior that may violate this policy shall be promptly investigated.

Any person who reports workplace harassment has the right to be protected from retaliation.

The district may not require or coerce a district employee to enter into a nondisclosure<sup>2</sup> or nondisparagement<sup>3</sup> agreement.

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<sup>1</sup> “Sexual assault” means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.

<sup>2</sup> A “nondisclosure” agreement or provision prevents either party from disclosing the contents of or circumstances surrounding the agreement.

<sup>3</sup> A “nondisparagement” agreement or provision prevents either party from making disparaging statements about the other party.

The district may not enter into an agreement with an employee or prospective employee, as a condition of employment, continued employment, promotion, compensation, or the receipt of benefits, that contains a nondisclosure provision, a nondisparagement provision or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing workplace harassment that occurred between district employees or between a district employee and the district, in the workplace or at a work-related event that is off district premises and coordinated by or through the district, or between a district employee and employer off district premises.

The district may enter into a settlement agreement, separation or severance agreement that includes one or more of the following provisions only when a district employee claiming to be aggrieved by workplace harassment requests to enter into the agreement: 1) a nondisclosure or nondisparagement provision; 2) a provision that prevents disclosure of factual information relating to the claim of workplace harassment; or 3) a no-rehire provision that prohibits the employee from seeking reemployment with the district as a term or condition of the agreement. The agreement must provide the district employee at least seven days after signing the agreement to revoke it.

If the district determines in good faith that an employee has engaged in workplace harassment, the district may enter into a settlement, separation or severance agreement that includes one or more of the provisions described in the previous paragraph.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop workplace harassment, prevent its recurrence and address negative consequences. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional workplace harassment awareness training, as appropriate. Other individuals (e.g., board members, witnesses, and volunteers) whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

The district shall make this policy available to all district employees and shall be made a part of district orientation materials provided and copied to new district employees at the time of hire.

The superintendent will establish a process of reporting incidents of workplace harassment and the prompt investigation.

END OF POLICY

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**Legal Reference(s):**

[ORS 243.317 - 243.323](#)  
[ORS 659A.001](#)  
[ORS 659A.003](#)  
[ORS 659A.006](#)  
[ORS 659A.029](#)

[ORS 659A.030](#)  
[ORS 659A.082](#)  
[ORS 659A.112](#)  
[ORS 659A.820](#)  
[ORS 659A.875](#)

[ORS 659A.885](#)  
[OAR 584-020-0040](#)  
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (~~2012~~2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (~~2012~~2018).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (~~2019~~2020).

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

House Bill 3041 (2021)

# OSBA Model Sample Policy

Code: GBNA-AR

Revised/Reviewed:

## Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying Reporting Procedures – Staff

The following definitions and procedures shall be used for reporting, investigating, and resolving reports of hazing, harassment, intimidation, bullying, menacing, and cyberbullying of staff or third parties.

### Definitions

1. “Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.
2. “District” includes district facilities, district premises, and nondistrict property if the employee is at any district-sponsored, district-approved, or district-related activity or function, such as field trips, athletic events or where the employee is engaged in district business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored work activity, work group or work assignment, or other such activities intended to degrade or humiliate regardless of the person’s willingness to participate.
4. “Harassment” is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation<sup>+</sup>, gender identity, national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
5. “Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the perception of the other’s race, color, religion, national origin, disability, ~~or~~ sexual orientation or gender identity.
6. “Bullying” is a pattern of repeated mistreatment that harms, intimidates, undermines, offends, degrades, or humiliates an employee.
7. “Cyberbullying” means the use of any electronic device to [convey a message in any form (e.g., text, image, audio, or video) that intimidates, harasses, or otherwise harms, insults, or humiliates another in a deliberate, repeated or hostile and unwanted manner under a person’s true or false identity. In

<sup>+</sup> ~~“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated with the individual’s sex at birth.~~

addition, any communication of this form which substantially disrupts or prevents a safe and positive working environment may also be considered cyberbullying. ~~It~~ ~~harass, intimidate, or bully.~~ Staff will refrain from using personal electronic devices or district equipment to harass or stalk another person or people.

8. “Menacing” includes, but is not limited to, any act intended to place a district employee, student, or third party in fear of imminent serious physical injury.

## Reporting Procedures

The ~~principals and the superintendent~~ ~~have~~ ~~has~~ responsibility for investigations concerning reports of hazing, harassment, intimidation, bullying, menacing, or cyberbullying of staff or third parties. The investigator(s) shall be a neutral party having had no involvement in the report presented.

Any employee or third party who has knowledge of conduct in violation of Board policy JFCF - ~~Hazing,~~ Harassment, Intimidation, Bullying, ~~Menacing,~~ Cyberbullying, Teen Dating Violence, or Domestic Violence – Student shall immediately report concerns to the designated district official.

Any employee or third party who has knowledge of conduct in violation of Board policy GBNA – Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff and this administrative regulation or feels they have been hazed, harassed, intimidated, bullied, cyberbullied, or menaced in violation of Board policy or this administrative regulation, ~~shall~~ ~~is encouraged to~~ immediately report concerns to the designated district official.

All reports and information will be promptly investigated in accordance with the following procedures:

- Step 1 Any reports or information on acts of hazing, harassment, intimidation, bullying, menacing, or cyberbullying (e.g., complaints, rumors) shall be presented to the ~~principal or superintendent~~. Reports against the principal shall be filed with the superintendent. Information may be presented anonymously. Reports against the superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The district official receiving the report shall promptly investigate. Parents will be notified of the nature of any report involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within ~~10~~ working days after receipt of the information or report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the report will be reduced to writing. The district official(s) conducting the investigation shall notify the person making the report within ~~10~~ working days of receipt of the information or report, and parents as appropriate, ~~in writing,~~ when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.  
  
~~A copy of the notification letter or the date and details of notification to the person making the report, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.~~
- Step 3 If the person making the report is not satisfied with the decision at Step 2, they may submit a written appeal to the superintendent or designee. Such appeal must be filed within ~~5~~ working

days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the person making the report and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the appeal within ~~{10}~~ working days.

Step 4 If the person making the report is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within [5] working days after receipt of the Step 3 decision. The Board shall, within ~~{20}~~ working days, conduct a hearing at which time the person making the report shall be given an opportunity to present the information or report. The Board shall provide a written decision to the person making the report within ~~{10}~~ working days following completion of the hearing.

Reports against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within ~~{20}~~ days, in open session what action, if any, is warranted.

Reports against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within ~~{20}~~ days, in open session what action, if any, is warranted.

Reports against the Board chair may be made directly to the ~~{district counsel}~~ ~~{Board vice chair}~~ on behalf of the Board. The ~~{district counsel}~~ ~~{Board vice chair}~~ shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within ~~{20}~~ days, in open session what action, if any, is warranted.

Timelines may be extended upon written agreement between both parties. This also applies to reports filed against the superintendent or any Board member.

Direct complaints of discriminatory harassment related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Documentation related to the incident may be maintained as a part of the employee's personnel file. ~~{Additionally, a copy of all reported acts of hazing, harassment, intimidation, bullying, menacing, or cyberbullying and documentation will be maintained as a confidential file in the district office.}~~

# OSBA Model Sample Policy

Code: GBNAA/JHFF

Adopted:

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

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

<sup>4</sup>“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 ~~or offensive~~ educational environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the district or any applicable employment agreements.

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

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

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

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

<sup>4</sup> 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<sup>{5}</sup> 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<sup>{6}</sup>, 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 <sup>{7}</sup>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 Principal 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 the 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) as appropriate, for investigation 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.

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~~<sup>5</sup> Senate Bill 155 (2019) requires the district to designate a licensed administrator and an alternate licensed administrator for each school building.~~

<sup>6</sup> {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.}

<sup>7</sup> {ORS 339.372 requires the district to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual conduct for a school building in the respective school building. A “licensed administrator” is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}

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

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**Legal Reference(s):**

[ORS 332.107](#)

[ORS 339.370 - 339.400](#)

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

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

House Bill 2136 (2021).

Senate Bill 51 (2021).

# OSBA Model Sample Policy

Code: GBNAA/JHFF-AR

Revised/Reviewed:

## Suspected Sexual Conduct Report Procedures and Forms \*

The district posts in each school building the names and contact information of the district employees<sup>{1}</sup> ~~in each school building~~ designated for the respective school building to receive reports of suspected sexual conduct and the procedures the designee(s) will follow upon receipt of the report.

When ~~the~~ a designee designated licensed administrator<sup>2</sup> receives a report of suspected sexual conduct that may have been committed by a ~~person licensed~~ commission licensee<sup>3</sup> ~~through Teacher Standards and Practices Commission (TSPC)~~, the designee shall notify Teacher Standards and Practices Commission (TSPC) ~~as soon as possible. When the designee~~ The designee shall notify the Oregon Department of Education (ODE) if the administrator receives a report of suspected sexual conduct that may have been committed by a ~~person who~~ school employee, contractor, agent or volunteer that is not ~~licensed through TSPC, the designee shall notify the Oregon Department of Education (ODE)~~ a commission licensee ~~as soon as possible.~~

If the superintendent is the alleged perpetrator the report shall be submitted to the ~~Principal~~ who shall refer the report to the Board chair.

The district will investigate all reports of suspected sexual conduct, unless otherwise requested by TSPC or ODE as appropriate.

When the designee receives a report of suspected sexual conduct by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave<sup>4</sup> and take necessary actions to ensure the student's safety. The employee shall remain on leave until

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<sup>1</sup> ~~{Senate Bill 155 (2019) requires the district to designate a licensed administrator and an alternate licensed administrator for each school building.~~ ORS 339.372 requires the district to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual conduct for a school building, in the respective school building. A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}

<sup>2</sup> 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.

<sup>3</sup> ~~"License" includes a license, registration or certificate issued by the Teacher Standards and Practices Commission.~~ "Commission licensee," as is defined in ORS 342.120 (as amended by HB 2136 (2021)), means a person whom the TSPC has authority to investigate or discipline because the person is enrolled in an approved educator preparation program, is an applicant for a TSPC license or registration, holds a license or registration issued by TSPC, or has held a license or registration issued by the TSPC at any time during the previous five years.

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

TSPC<sup>5</sup> or ODE<sup>6</sup> determines that the report is substantiated and the district takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and the district determines either: 1) an employment policy was violated and the district will take appropriate employment action against the employee; or 2) an employment policy has not been violated and an employment action against the employee is not required. ~~The district will investigate all reports of suspected sexual conduct by persons who are licensed by the TSPC, unless otherwise requested by TSPC, and all reports of suspected sexual conduct by persons who are not licensed by TSPC, unless otherwise requested by ODE.~~

When the designee receives a report of suspected sexual conduct by a contractor<sup>{7}</sup>, an agent or a volunteer, the district ~~may~~~~shall~~ prohibit the contractor, agent or volunteer from providing services to the district. ~~If the district determines there is reasonable cause to support a report of suspected sexual conduct, the district shall prohibit the contractor, agent or volunteer from providing services.~~ ~~The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE, as appropriate, that the report is unsubstantiated.~~

Upon request from ODE or TSPC the district will provide requested documents or materials to the extent allowed by state and federal law.

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

~~{An “investigation” means a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the person who initiated the report, the person who may have been subjected to sexual conduct, witnesses and the person who is the subject of the report, and results in a finding that the report is a substantiated report, cannot be substantiated, or is not a report of sexual conduct. If the subject of the report is a district employee represented by a contract or a collective bargaining agreement, the investigation must meet any negotiated standards of such employment contract or agreement.}~~

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

~~{A “substantiated report” means a report of sexual conduct that TSPC or ODE determines is founded.}~~

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

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<sup>5</sup> TSPC investigates reports on commission licensees.

<sup>6</sup> ODE investigates reports on persons who are not commission licensees.

<sup>7</sup> {The district is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the district shall notify the company and request another company employee be assigned to complete the work.}

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

## **Training**

The district shall provide information and training each school year to district employees on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of district employees under ORS 339.388 and 419B.005 - 419B.050 and under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The district shall make available each school year the training described above to contractors, agents, volunteers and to parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees.

The district shall provide to contractors, agents and volunteers each school year information on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of district employees under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The district shall make available each school year training that is designed to prevent sexual conduct to students attending district-operated schools.

**Blachly School District**

**SUSPECTED SEXUAL CONDUCT REPORT FORM**

Name of person making report: \_\_\_\_\_

Position of person making report: \_\_\_\_\_

Name of person suspected of sexual conduct: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

Description of suspected sexual conduct: \_\_\_\_\_

\_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

\_\_\_\_\_

Evidence of suspected sexual conduct, e.g., letters, photos, etc. (attach evidence if possible): \_\_\_\_\_

Any other information: \_\_\_\_\_

\_\_\_\_\_

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

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

**Blachly School District**

**WITNESS DISCLOSURE FORM**

Name of witness: \_\_\_\_\_

Position of witness: \_\_\_\_\_

Date of testimony/interview: \_\_\_\_\_

Description of instance witnessed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Any other information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

# OSBA Model Sample Policy

Code: GBNAB/JHFE

Adopted:

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

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

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

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

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

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

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

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

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

The district will designate a <sup>{6}</sup> licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

If the superintendent is the alleged perpetrator the report shall be submitted to the ~~Principal~~ <sup>{7}</sup> who shall also report to the Board chair.

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

When a designee receives a report of suspected abuse, the designee will follow procedure established by the district and set forth in administrative regulation GBNAB/JHFE-AR(1) - Reporting of Suspected Abuse of a Child. All such reports of suspected abuse will be reported to a law enforcement agency or DHS, or its designee, for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

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

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

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

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

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<sup>6</sup> {ORS 339.372 requires the district to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual abuse for a school building in the respective school building. A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}

<sup>7</sup> {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 shall provide ~~information and~~ training each school year to district employees on the prevention and identification of abuse, the obligations of district employees under ORS 339.388 and ORS 419B.005 - 419B.050 and as directed by Board policy to report suspected abuse of a child, and appropriate electronic communications with students. The district shall make available each school year the training described above to contractors, agents, volunteers, and parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees. The district shall provide each school year information on the prevention and identification of abuse, the obligations of district employees under Board policy to report abuse, and appropriate electronic communications with students to contractors, agents and volunteers. The district shall make available each school year training that is designed to prevent abuse to students attending district-operated schools.

The district shall provide to a district employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378. ~~{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 or probable cause to believe the district employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.}~~

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 339.370 - 339.400](#)  
[ORS 418.257 - 418.259](#)

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

[OAR 581-022-2205](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9<sup>th</sup> Cir. 2011).  
[Senate Bill 51 \(2021\)](#).

# OSBA Model Sample Policy

Code: **GBNAB/JHFE-AR(1)**

Adopted:

## Reporting of Suspected Abuse of a Child

### Reporting

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

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

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

If the superintendent is the alleged abuser the report shall be submitted to the ~~{Principal {<sup>3</sup>}~~ who shall refer the report to the Board chair.

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

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

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

<sup>3</sup> {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 written record of the abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the designee that received the report.

When the designee receives a report of suspected abuse of a child by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave<sup>4</sup> and take necessary actions to ensure the student's safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either 1) an employment policy was violated and the district will take appropriate employment action against the employee, or 2) an employment policy has not be violated and no action is required by the district against the employee.

When the designee receives a report of suspected abuse by a contractor<sup>{5}</sup>, agent or volunteer, the district ~~may~~ shall prohibit the contractor, agent or volunteer from providing services to the district. If the district determines there is reasonable cause to support the report of suspected abuse, the district shall prohibit the contractor agent or volunteer from providing services. The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated<sup>6</sup> and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

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

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

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

## Definitions

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

<sup>5</sup> {The district is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the district shall notify the company and request another company employee be assigned to complete the work.}

<sup>6</sup> The district will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law.

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

### **Confidentiality of Records**

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

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

### **Failure to Comply**

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

### **Cooperation with Investigator**

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

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

Law enforcement ~~officers~~ **officials** wishing to remove a student from the premises shall present themselves at the office and contact the administrator or designee. The **law enforcement officer**

official shall sign the student out ~~on a form to be provided by the school~~ in accordance with district procedures;

2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, district employees shall not notify parents or anyone else other than DHS or law enforcement agency and any school employee necessary to enable the investigation;
3. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

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

# OSBA Model Sample Policy

Code: **GBNAB/JHFE-AR(2)**

Revised/Reviewed:

## Abuse of a Child Investigations Conducted on District Premises

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

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

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

\_\_\_\_\_  
Investigator Name (Printed)

\_\_\_\_\_  
Name of Agency

\_\_\_\_\_  
Name of Worker's/Investigator's Supervisor

\_\_\_\_\_  
Supervisor Contact Information

\_\_\_\_\_  
Investigator Position and Badge or ID Number

\_\_\_\_\_  
Student Name

\_\_\_\_\_  
School

\_\_\_\_\_  
Investigator Signature

\_\_\_\_\_  
Date

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

### FOR COMPLETION BY DISTRICT STAFF

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

\_\_\_\_\_  
Name of Administrator Notified

\_\_\_\_\_  
Name of Office Staff Involved

\_\_\_\_\_  
Name of Participating Administrator

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

HR6/21/18 | 10/05/21 | SLF

Abuse of a Child Investigations Conducted on  
District Premises – **GBNAB/JHFE-AR(2)**

# OSBA Model Sample Policy

Code: IA  
Adopted:

## Instructional Goals

In establishing an effective educational program as part of the students' total education, the district recognizes the importance of developing a partnership that promotes the involvement of staff, parents and the community ~~[through such means as 21st Century Schools Councils, local school committees and advisory committees].~~

The district is committed to a continual process of collaborative decision making and goal setting that supports the ~~physical and cognitive growth and development of students around the~~ following characteristics:

1. Provides equal and open access and educational opportunities for all students regardless of their linguistic background, culture, race, sex, sexual orientation, gender, capability or geographic location;
2. Assumes that all students can learn and establishes high, specific skill and knowledge expectations, and recognizes individual differences at all instructional levels;
3. Provides special education, compensatory education, linguistically and culturally appropriate education and other specialized programs to all students who need those services;
4. Supports the physical and cognitive growth and development of students;
5. Provides students with a solid foundation in the skills of reading, writing, problem solving and communication;
6. Provides opportunities for students to learn, think, reason, retrieve information, use technology and work effectively alone and in groups;
7. Provides for rigorous academic content standards and instruction in mathematics, science, ~~English~~ language arts, history, geography, economics, civics, physical education, health, the arts and world languages;
8. Provides students with an educational background to the end that they will function successfully in a constitutional republic, a participatory democracy and a multicultural nation and world;
9. Provides students with the knowledge and skills that will provide the opportunities to succeed in the world of work, as members of families and as citizens;
10. Provides students with the knowledge and skills that lead to an active, healthy lifestyle;
11. Provides students with the knowledge and skills to take responsibility for their decisions and choices;
12. Provides opportunities for students to learn through a variety of teaching strategies;

13. Emphasizes involvement of parents and community in the total education of students;
14. Transports students safely to and from school;
15. Ensures that the funds allocated to schools reflect the uncontrollable differences in costs facing each district;
16. Ensures that local schools have adequate control of how funds are spent to best meet the needs of students in their communities;
17. Provides for a safe, educational environment;
18. Provides increased learning time;
19. Provides each student an education experience that supports students' academic growth beyond proficiency in academic content standards and encourages their attainment of challenging and aspirational individual goals.
20. Utilizes valid and reliable data for evaluating the success of curriculum, instruction, resource allocation and school improvement.

END OF POLICY

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**Legal Reference(s):**

[ORS 329.025](#)  
[ORS 329.125](#)

[ORS 336.067](#)  
[OAR 581-022-2030](#)

[OAR 581-022-2315](#)

House Bill 2056 (2021).

# OSBA Model Sample Policy

Code: IB  
Adopted:

## Freedom of Expression

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

### Freedom of Student Inquiry and Expression

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

### Freedom of Association

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

### Publications K-8, Displays and Productions

On occasion, materials such as leaflets, newsletters, cartoons and other items including displays and productions are prepared, produced and/or distributed by students as part of the educational process and free expression in an academic community. Materials may be reviewed by the administrator or may be restricted or prohibited pursuant to legitimate educational concerns. Such concerns include:

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

6. The material is or may be otherwise generally disruptive to the school environment. Such disruption may occur, e.g., if the material uses, advocates or condones the use of profane language or advocates or condones the commission of unlawful acts;
7. Students, parents and members of the public might reasonably perceive the materials to bear the sanction or approval of the district.

### High School Student Journalists

Generally, high school student journalists have the right to exercise freedom of speech and of the press in school-sponsored media. "School-sponsored media" means materials that are prepared, substantially written, published or broadcast by student journalists; that are distributed or generally made available, either free of charge or for a fee, to members of the student body; and that are prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classrooms in which they are produced.

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

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

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

~~[If the complainant is not satisfied with the decision of the superintendent, he/she the complainant may appeal to the Board under established district procedures.]~~

END OF POLICY

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**Legal Reference(s):**

[ORS 174.100](#)

[ORS 332.072](#)

[ORS 332.107](#)

[ORS 336.477](#)

[ORS 339.880](#)

[ORS 339.885](#)

[ORS 659.850](#)

[OAR 581-021-0050](#)

[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (~~2012~~2018).  
Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).  
Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).  
U.S. CONST. amend. I; U.S. CONST. amend. XIV.  
OR. CONST., art. I, § 8.  
House Bill 3041 (2021).

# OSBA Model Sample Policy

Code: IGBHA  
Adopted:

## Alternative Education Programs\*\*

The Board is dedicated to providing educational options for all students. It is recognized there will be students in the district whose needs and interests are best served by participation in an alternative education program.

“Alternative education program” means a school or separate class group designed to best serve students’ educational needs and interests and assist students in achieving the academic standards of the school district and the state.

A list of alternative education programs will be approved by the Board annually. The superintendent may provide for the involvement of staff, parents or guardians and the community in recommending alternative education programs for Board approval, and in the development of related Board policy and an administrative regulation. Annual evaluation of alternative education programs will be made in accordance with Oregon Revised Statute (ORS) 336.655 and Oregon Administrative Rule (OAR) 581-022-2505. The superintendent will develop administrative regulations as necessary to evaluate the district’s alternative education programs.

Alternative education programs will consist of instruction or instruction combined with counseling. These programs may be public or private. A private alternative education program shall be registered with the Oregon Department of Education. Alternative education programs must meet all the requirements set forth in state law and rules, and federal law, as applicable. ~~†A qualified district may contract with a qualified private alternative education program to provide services to a qualified home-schooled child.‡~~

Students, ~~upon approval from~~ after consultation with a parent or guardian, may be placed in an alternative education program if the district determines that the placement serves the student’s educational needs and interests, and assists the student in achieving district and state academic content standards. Such placement must have the approval of the student’s resident district and, as appropriate, the attending district. The district will also consider and propose alternative education programs for students prior to expulsion or leaving school as required by law.

The district shall pay the actual cost of an alternative education program or an amount equal to 80 percent of the district’s estimated current year’s average per-student net operating expenditure, whichever is less. ~~The district will enter into a written contract for a district approved private alternative education programs, as required by~~ When contracting with a private alternative education program, the district’s contract will meet the requirements of law.

END OF POLICY

### Legal Reference(s):

[ORS 329.485](#)  
[ORS 332.072](#)  
[ORS 336.014](#)  
[ORS 336.175](#)  
[ORS 336.615 - 336.665](#)  
[ORS 339.030](#)

[ORS 339.250](#)  
  
[OAR 581-021-0045](#)  
[OAR 581-021-0065](#)  
[OAR 581-021-0070](#)  
[OAR 581-021-0071](#)

[OAR 581-022-2320](#)  
[OAR 581-022-2505](#)  
[OAR 581-023-0006](#)  
[OAR 581-023-0008](#)

# OSBA Model Sample Policy

Code: IGBHA-AR(1)

Adopted:

## Evaluation of Alternative Education Programs

(For use by the alternative education program coordinator)

Date \_\_\_\_\_

Dear Alternative Education Program Coordinator:

In accordance with Oregon Administrative Rule (OAR) 581-022-2505, the district is required to evaluate alternative education programs annually. Please provide the documentation required below and return to the [ ] District office at [ ] no later than [September 30<sup>th</sup>]. Please include the program name, program coordinator and telephone number. A copy of the district's written evaluation shall be provided to the program coordinator.

### Staff

1. Have criminal records checks requirements been met?
  - \* Provide list of individuals subject to criminal records checks and copy of Form 581-2283-M from the Oregon Department of Education (ODE).

### Curriculum

1. Are students receiving instruction in the state academic content standards and earning diploma credits?
  - \* Attach supportive documentation including such evidence as program overview, curriculum guide, course syllabi or other material that demonstrates that program curriculum is aligned with standards.
2. Are Oregon Statewide Assessments administered and the results reported annually to students, parents and the district?
  - \* Attach copy of summary report and sample of information reported to student, parents and the district.
3. Are students receiving, at least annually, a report of academic progress?
  - \* Attach copy of report used.
4. Does the program meet the physical education requirements of Oregon Revised Statute (ORS) 329.496?
  - \* Attach the document that supports the physical education requirements.

## Discrimination

1. Does the program comply with nondiscrimination requirements of law? (Program does not discriminate based on age, disability, national origin, sexual orientation, **gender identity**, race, color, marital status, religion or sex)
- \* Attach student enrollment/withdrawal summary based on above criteria.

## Registration (Private alternative education programs only)

1. Is the program registered with the ODE?
- \* Attach copy of the approval from ODE (including the institution identification number assigned by ODE).

## Site Evaluation

1. Does the program comply with health and safety statutes and rules?
- \* Attach copy of appropriate documentation, including first aid, ~~and~~ emergency procedures plan, **healthy and safe schools plan, radon testing plan**, such as staff/student handbooks, in-service agenda, **plans**, fire marshal's report, safety inspection reports, etc.

## Tuition and Fees

1. Does the program comply with Oregon Revised Statutes regarding tuition and fees (ORS 337.150, 339.141, 339.147, 339.155)?
- \* Attach list of any fees required and explanation.

## Contract

1. The program complies with any statute, rule or district policy specified in the contract with the **{public or}** private alternative education program.
- \* Attach as applicable.
2. Does the contract with the **{public or}** private alternative education program state that noncompliance with a rule or statute may result in termination of the contract?
- \* Contract on file with district and program, as applicable.

## Expenditures

1. Does the program comply with Oregon Revised Statutes regarding expenditures (ORS 336.635(4))?
- \* Attach annual statement of expenditures.

## Advertising

1. Does the program meet the advertising requirements of ORS 339.122?
- \* Attach a copy of the program description. Is it a virtual public school and is it advertised as such?

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Superintendent

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Dated

- \* Compliance indicators are intended as examples only. District may modify, as appropriate.

R7/01/17 | 10/05/21 | PHLF

Evaluation of Alternative Education Programs – IGBHA-AR(1)

# OSBA Model Sample Policy

Code: IGBI  
Adopted:

## Bilingual Education\*\*

Students whose primary language is ~~a language~~ other than English will be provided appropriate assistance until they are able to use English in a manner that allows effective, relevant participation in regular classroom instruction and other educational activities.

Parents who are not able to use English in a manner that allows effective, relevant participation in educational planning for their student will be provided with relevant written, verbal or signed communication in a language they can understand.

END OF POLICY

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### Legal Reference(s):

~~ORS 336.074~~ OAR 581-021-0046  
ORS 336.079 OAR 581-022-2310

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (~~2012~~2018).  
Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6801-7014 (~~2012~~2018).

# OSBA Model Sample Policy

Code: IGDJ

Adopted:

## Interscholastic Activities

The Board recognizes the integral role interscholastic activities play in the character development and general enhancement of the education of its students. Accordingly, administrators, coaches, student participants, and others associated with the district's high school activities programs and events<sup>1</sup> shall conduct themselves in a manner that is consistent with the letter and spirit of policies, rules, and regulations of the district and of the Oregon School Activities Association (OSAA) and the fundamental values of sportsmanship. Each will be held accountable for their actions.

The district shall allow homeschooled students that reside in the district, students eligible to attend school and enrolled in a district- or ESD-provided General Education Development (GED) program that reside in the district, and students attending a public charter school that reside in the district to participate in available interscholastic activities when the requirements found in Oregon law are met.

Interscholastic activities when provided by the district will comply with Title IX and other nondiscrimination laws.

District employees, students, parents, alumni, and activity volunteers are prohibited from inducing or attempting to induce a student to attend a district school for interscholastic activity eligibility or participation. The principal, activities director, and coaches are each responsible for ensuring student participants meet all district and OSAA eligibility requirements. The principal is responsible for ensuring accurate certification regarding the eligibility of participating students and for verifying that athletic directors, coaches of sports, and activity advisors have all required certifications prior to assuming their duties. The principal shall ensure that a program is in place to effectively evaluate the performance of all coaches and activity advisors under their supervision.

Volunteers may be approved to assist with district activities with prior approval from the principal.

The principal shall investigate all allegations of district student ineligibility, staff recruitment violations or other student or staff conduct that may violate Board policies, administrative regulations, and/or OSAA rules and regulations. The principal shall notify the superintendent of conduct that violates the terms of this policy and report to the OSAA as required.

An employee determined to have violated rules and regulations of the OSAA will be subject to discipline, up to and including, dismissal. A student in violation of the OSAA rules and regulations will be subject to discipline, up to and including, dismissal from an interscholastic activity or program, suspension and/or expulsion from school. Volunteers in violation of the OSAA rules and regulations shall be subject to discipline, up to and including, removal from district programs and activities and such other sanctions as may be deemed appropriate by the district.

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<sup>1</sup> This applies to only OSAA-sanctioned activities and events.

Employees, volunteers, or students in violation of OSAA rules and/or regulations ~~will~~ ~~may~~ be required to remunerate the district in the event of fines assessed by OSAA as a result of their actions.

The superintendent will develop procedures, as necessary, to implement this policy, including a process to ensure that all district rules governing the conduct of students, staff, and volunteers engaged in district activities are regularly reviewed and updated.

END OF POLICY

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**Legal Reference(s):**

[ORS 326.051](#)

[ORS 332.075\(1\)\(e\)](#)

[ORS 339.450 - 339.460](#)

[OAR 581-015-2255](#)

[OAR 581-021-0045 - 0049](#)

[OAR 581-026-0005](#)

[OAR 581-026-0700](#)

[OAR 581-026-0705](#)

[OAR 581-026-0710](#)

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

OREGON SCHOOL ACTIVITIES ASSOCIATION, OSAA HANDBOOK.

Montgomery v. Bd. of Educ., 188 Or. App. 63 (2003).

# OSBA Model Sample Policy

Code: IIA  
Adopted:

## Instructional Resources/Instructional Materials

The Board believes that proper care and judgment should be exercised in selecting basic instructional materials. While the Board retains the authority to approve district instructional materials adoptions, it authorizes the superintendent to develop and implement administrative ~~procedures~~ regulations governing how selections are determined. Such procedures will provide for administrator, staff, parent, student and community involvement and employ suitable selection criteria to ensure that the recommended instructional materials will meet the needs of the program, students, teachers and community.

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

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

All supplementary materials and library {media}-resources will be selected cooperatively by teachers, principals, librarians and sometimes with the assistance of students and parents. Recommended supplementary materials and library {media}-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 appropriate readability levels; support the district's adopted curriculum content; provide for ease of teacher use; be attractive and durable and be purchased at a reasonable cost.

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

END OF POLICY

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### Legal Reference(s):

[ORS 336.035](#)  
[ORS 336.840](#)

[ORS 337.120](#)  
[ORS 337.141](#)

[ORS 337.150](#)  
[ORS 337.260](#)

HR ~~7/01/17~~ 10/05/21 | PHLF

Instructional Resources/Instructional Materials – IIA

[ORS 337.511](#)  
[ORS 339.155](#)

[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 (~~2012~~2018).  
House Bill 3041 (2021).

# OSBA Model Sample Policy

Code: IJ  
Adopted:

## School Counseling Program

The district's coordinated comprehensive school counseling program supports the academic, career, social-emotional, and community involvement development of all students. Each school will have a comprehensive counseling program for students in ~~[grades K-12]~~ [all grades], which will be based on the Oregon Department of Education's *Oregon's Framework for Comprehensive School Counseling Programs*.<sup>1</sup>

~~[[<sup>2</sup>]The district's [comprehensive school counseling] program may include a child development specialist program for grades K-8 students and families who reside in the attendance areas of district schools.]~~

The district will adopt program goals, which will assist students to:

1. Understand and utilize the educational opportunities and alternatives available to them;
2. Meet academic standards;
3. Establish tentative career and educational goals;
4. Create and maintain an education plan and education portfolio;
5. Demonstrate the ability to utilize personal qualities, education and training, in the world of work;
6. Develop decision-making skills;
7. Obtain information about self;
8. Accept increasing responsibility for their own actions, including the development of self-advocacy skills;
9. Develop skills in interpersonal relations, including the use of effective and receptive communication;
10. Utilize school and community resources;
11. Demonstrate and discuss personal contributions to the larger community; and
12. Know where and how to utilize personal skills in making contributions to the community.

~~[Materials used in the counseling program will be free of content that may discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, age, disability, or marital status, or that which permits or requires different treatment of students on such basis unless such~~

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<sup>1</sup> Oregon Department of Education - [Comprehensive School Counseling](#)

<sup>2</sup> {See optional associated administrative regulation that includes language supporting a child development specialist program.}

differences cover the same occupation and interest areas and the use of such different material is shown to be essential to the elimination of discrimination.†

Consistent with individual rights and the counselor’s obligations as a professional, the counseling relationship and resulting information may be protected as privileged communications by Oregon law.<sup>3</sup>

END OF POLICY

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**Legal Reference(s):**

[ORS 40.245](#)

[\[ORS 174.100\]](#)

[ORS 326.565](#)

[ORS 326.575](#)

[ORS 329.603](#)

[ORS 332.107](#)

[ORS 336.187](#)

[OAR 581-021-0013](#)

[OAR 581-021-0046](#) (†)

[OAR 581-022-2030](#)

[OAR 581-022-2055](#)

[OAR 581-022-2060](#)

[OAR 581-022-2250](#)

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).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2019).

[\[House Bill 3041 \(2021\).\]](#)

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<sup>3</sup> See ORS 40.245.

# OSBA Model Sample Policy

Code: IKF  
Adopted:

## Graduation Requirements\*\*

~~(This version does not require an administrative regulation.)~~ If the district has additional credit or graduation requirements above the state requirements, the district is required to include those additional credits and graduation requirements in the following lists.)  
(Version 1)

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

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

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

1. A foster child<sup>1</sup>;
2. Homeless;
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker; or
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

For any student identified above, the district shall accept any credits earned by the student in another district or public charter school, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that 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 24 credits<sup>{2}</sup> which include at least:

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<sup>1</sup> As defined in ORS 30.297.

<sup>2</sup> {If the district has additional credit or graduation requirements, the district is required to include those additional credits and graduation requirements in the following lists.}

1. Three credits in mathematics (shall include one unit at the Algebra I level and two units that are at a level higher than Algebra I);
2. Four credits in ~~English~~-language arts (shall include the equivalent of one unit in written composition);
3. Three credits in science;
4. Three credits in social sciences (including history, civics<sup>3</sup>, geography and economics (including personal finance));
5. One credit in health education;
6. One credit in physical education; and
7. Three credits in career and 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 credits is described in the student’s personal education plan and the credit is earned by meeting requirements described in Oregon Administrative Rule (OAR) 581-022-2025.

To receive a diploma, in addition to credit requirements outlined in OAR 581-022-2000, a student must<sup>4</sup>:

- ~~1. Demonstrate proficiency in the Essential Skills of reading, writing, and applying mathematics in a variety of settings;~~
- ~~2.1. Develop an education plan and build an education profile;~~
- ~~3.2. Demonstrate extended application through a collection of evidence; and~~
- ~~4.3. Participate in career-related learning experiences.~~

### **Essential Skills**

~~The district [will] [will not] allow English Language Learner (ELL) students to demonstrate proficiency in all required Essential Skills in the student’s language of origin.~~

~~{<sup>5</sup>The district will develop procedures to provide assessment options as described in the *Test Administration 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.}~~

<sup>3</sup> Civics becomes a half-credit requirement beginning on January 1, 2026 (Senate Bill 513, 2021).

<sup>4</sup> 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).

~~{<sup>5</sup>This paragraph is required if the district allows ELL students to demonstrate proficiency in Essential Skills in their language of origin.}~~

## ~~[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.]~~

## **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 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, outlined in OAR 581-022-2010(3):**

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 finance));
5. One credit in health education;
6. One credit in physical education; and
7. One credit in career technical education, the arts or world languages (units may be earned in any one or a combination).

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

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

1. 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 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 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 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.

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 in mathematics;
  - b. Two credits in **English** 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.
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 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.

### **Other District Responsibilities**

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

The district may not deny a student 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 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 emancipated or who has reached the age of 18 at the time the modified or extended diploma is awarded, or the student’s parent or guardian. The district 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 in ~~either~~ the later of 4 years after starting the ninth grade, or until the student reaches the age of 21 if the student is entitled to a public education until the age of 21 under state or federal law.

A student may satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate 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 in less than 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 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 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 and when added together provide a total number of hours of instruction and services that equals at least the total number of instructional hours that are required to be provided to students who are attending a public high school.

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

Eligible students with disabilities are entitled to a free appropriate public education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, an alternative certificate 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 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 will review graduation requirements biennially in conjunction with the secondary school improvement plan. Graduation requirements may be revised to address student performance.]~~

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 who opt out will need to meet the Essential Skills graduation requirement using another approved assessment option.~~ Students may opt-out of the Smarter Balanced or alternate Oregon Extended Assessment by completing the Oregon Department of Education's Opt-out Form<sup>6</sup> and submitting the form to the district.

The district will issue a high school diploma pursuant to Oregon law (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 district shall establish conduct and discipline consequences for student-initiated test impropriety.~~ 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

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**Legal Reference(s):**

[ORS 329.007](#)

[ORS 329.045](#)

[ORS 329.451](#)

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<sup>6</sup> [www.ode.state.or.us: Educator Resources > Student Assessment > Test Administration > Forms > 2018-2019 30-day notice and opt-out form](http://www.ode.state.or.us: Educator Resources > Student Assessment > Test Administration > Forms > 2018-2019 30-day notice and opt-out form) Oregon Department of Education page for: [30-day notice and opt-out form](#)

[ORS 329.479](#)  
[ORS 332.107](#)  
[ORS 332.114](#)  
[ORS 339.115](#)  
[ORS 339.505](#)  
[ORS 343.295](#)

[OAR 581-021-0009](#)  
[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.

House Bill 2056 (2021).

Senate Bill 744 (2021).

# OSBA Model Sample Policy

Code: IKF  
Adopted:

**DELETE**

## Graduation Requirements\*\*

(This policy requires an administrative regulation, see IKF-AR.)  
(Version 2)

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

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

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

1. A foster child<sup>1</sup>;
2. Homeless;
3. A runaway;
4. A child in a military family covered by the Interstate Compact on Educational Opportunity for Military Children;
5. A child of a migrant worker; or
6. Enrolled in the Youth Corrections Education Program or the Juvenile Detention Education Program.

For any student identified above, the district shall accept any credits earned by the student in another district or public charter school, applying those credits toward the state requirements for a diploma if the credits satisfied those requirements in that other district or public charter school.

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

### Essential Skills

The district [will] [will not] allow English Language Learner (ELL) students to demonstrate proficiency in all required Essential Skills in the student's language of origin.

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<sup>1</sup> As defined in ORS 30.297.

[<sup>2</sup>] The district will develop procedures to provide assessment options as described in the *Test Administration 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.]

The district may not deny a student 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 documented history listed under the 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 emancipated or has reached the age of 18 at the time the modified or extended diploma is awarded, or the student's parent or guardian. The district 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 in either four years after starting the ninth grade, or until the student reaches the age of 21, if the student is entitled to a public education until the age of 21 under state or federal law.

A student may satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than four years but not less than three years. In order to satisfy the requirements for a modified diploma, an extended diploma or an alternative certificate in less than 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.

Beginning in grade five or after a documented history to qualify for a modified diploma, an extended diploma, or an alternative certificate has been established, the district will annually provide to the parents or guardians of the student, information about the availability and requirements of a modified diploma, an extended diploma, and an alternative certificate.

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

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

The district 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

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{<sup>2</sup> This paragraph is required if the district allows ELL students to demonstrate proficiency in Essential Skills in their language of origin.}

who has an IEP completes high school, the district will give the student an individualized summary of performance.

Eligible students with disabilities are entitled to a free appropriate public education (FAPE) until the age of 21, even if they have earned a modified diploma, an extended diploma, an alternative certificate or completion of a General Education Development document. The continuance of services for students with disabilities for a modified diploma, an extended diploma or an alternative certificate 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 will review graduation requirements biennially in conjunction with the secondary school improvement plan. Graduation requirements may be revised to address student performance.]

The district may not deny a diploma to a student who has opted-out of the statewide assessments if the student is able to satisfy all other requirements for the diploma. Students who opt-out will need to meet the Essential Skills graduation requirement using another approved assessment option.

The district will issue a high school diploma pursuant to Oregon law (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 district shall establish conduct and discipline consequences for student-initiated test impropriety. “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 329.045](#)  
[ORS 329.451](#)  
[ORS 329.479](#)  
[ORS 332.107](#)  
[ORS 332.114](#)  
[ORS 339.115](#)  
[ORS 339.505](#)

[ORS 343.295](#)  
[OAR 581-021-0009](#)  
[OAR 581-022-2000](#)  
[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.



# OSBA Model Sample Policy

Code:

IKF-AR

Adopted:

D

DELETE

## 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 [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.]

## 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 Form<sup>1</sup> and submitting the form to the district.

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<sup>1</sup> [www.ode.state.or.us](http://www.ode.state.or.us): Educator Resources > Student Assessment > Test administration > Forms > 2018-2019 30-day notice and opt-out form

# OSBA Model Sample Policy

Code: IKFB

Adopted:

## Graduation Exercises

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

Accordingly, appropriate graduation programs may be planned by the [school] on the date selected by [the Board].

The [district][school]'s valedictorian(s), salutatorian(s) or others, at the discretion of the principal or designee, may be permitted to speak as part of the district's planned graduation program. All speeches will be reviewed and approved in advance by the building principal or designee.

All students [in good standing<sup>1</sup>]-who have successfully completed the requirements for a high school diploma, or ~~qualifies~~ qualify to receive or receives a modified diploma, an extended diploma or an alternative certificate, including [a student participating in a district-sponsored alternative education program and] a student with disabilities receiving a document certifying successful completion of program requirements, shall have the option to participate in graduation exercises.

A student shall be allowed to wear a dress uniform issued to the student by a branch of the U.S. Armed Forces if the student:

1. Qualifies to receive a high school diploma, a modified diploma, an extended diploma or an alternative certificate; and
2. Has completed basic training for, and is an active member of, a branch of the U.S. Armed Forces.

[Graduating students will be allowed to wear Native American [or other] items of cultural significance<sup>2</sup>]; ~~in accordance with consistently enforced rules established by the principal or designee.~~<sup>3</sup> [4]

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<sup>1</sup> [A student may be denied participation in graduation exercises for conduct that violates board policy, administrative regulation and/or code of conduct provisions.]

<sup>2</sup> {HB 2052 (2021) 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.} "Native American items of cultural significance" means items or objects that are traditionally associated with Native American or that have religious or cultural significance to a Native American.

<sup>3</sup> 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.

<sup>4</sup> [See letter from ODE regarding Graduation Ceremonies (click on [Year] Graduation Ceremonies).] (This could cause some controversy. OSBA recommends communicating with community cultural leaders and high school administration prior to

## END OF POLICY

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### Legal Reference(s):

[ORS 329.451](#)

[ORS 332.107](#)

[ORS 339.505](#)

[ORS 343.295](#)

[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).

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*adopting this language. If one group of students is allowed to wear an item of cultural significance, the same rule must be applied to other students in a non-discriminatory manner.*

# OSBA Model Sample Policy

Code: IL  
Adopted:

## Assessment Program\*\*

The district's assessment program shall be designed for the purpose of determining district and school program improvement and individual student needs including the requirements of the Oregon Administrative Rules. Each year the district shall determine each student's progress toward achieving federal, state and local achievement requirements.

Assessments shall be used to measure the academic content standards ~~and Essential Skills~~ and to identify students who meet or exceed the performance standards ~~and Essential Skills~~ adopted by the State Board of Education.

Accordingly, the district shall maintain the following assessment program:

1. Criterion-reference assessments, including performance-based assessments, content-based assessments and other valid methods as may be required by state and federal requirements;

~~2. Assessment of Essential Skills;~~

~~3.2.~~ Individual diagnostic and ability evaluations in all grades when students have been referred and parental permission obtained;

~~4.3.~~ Assessments by individual teachers;

~~5.4.~~ ~~Optional~~ Other schoolwide and grade level-wide assessments, ~~as recommended by the superintendent and as approved by the Board.~~

It is the intent of the Board that progress be measured in a manner that clearly enables the student and parents to know whether the student is making progress toward meeting or exceeding academic content standards and Essential Skills. District, school and individual results shall be reported to the Board, parents and the community, as prescribed by law.

The district shall make additional services or alternative educational or public school options available to any student who has not met or has exceeded all of the state-required academic content standards. Additionally, students in schools receiving Title I moneys that have been identified by the Oregon Department of Education (ODE), will be provided supplemental services and public school options as required by law.

The district shall not discriminate in the methods, practices and materials used for assessment, evaluating and counseling students on the basis of race, color, national origin, religion, sex, sexual orientation, ~~gender identity~~, age, disability or marital status. Discrimination complaints shall be processed in accordance with established procedures.

Staff will receive in-service education in the use of designated assessments and interpretation of assessment results.

A parent on behalf of their student or an adult student may annually opt-out of taking a statewide summative assessment by completing and submitting ODE’s opt-out form<sup>1</sup> to the school. The district shall provide supervised study time for students who are excused from participating in the assessment. A student may be excused from the Oregon Statewide Assessment Program for disability or religious reasons. Parents and adult students will be provided the required notices<sup>2</sup> and access to forms by the district that include a time frame in which statewide assessments will take place, and an adult student’s or parent’s right to request an exemption from taking the statewide summative assessments.

~~A student may opt out of the Smarter Balanced and/or alternate Oregon Extended Assessments in English language arts and mathematics as provided in state law. The district shall provide the required notice and necessary forms to the student. The district shall provide supervised study time for students who are excused from participating in the assessment. A student may be excused from the Oregon Statewide Assessment Program for disability or religious reasons. Parents and adult students will be provided the required notices<sup>3</sup> and access to forms by the district that include a time frame in which statewide assessments will take place, and an adult student’s or parent’s right to request an exemption from taking the statewide summative assessments.~~

~~The district shall establish conduct and discipline consequences for student-initiated test impropriety.~~ 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.

The superintendent shall ensure a periodic review and evaluation of the district’s assessment program is conducted.

END OF POLICY

**Legal Reference(s):**

<a href="#">ORS 40.245</a>	<del><a href="#">ORS 659.870</a></del>	<a href="#">OAR 581-022-2110</a>
<a href="#">ORS 326.565</a>	<a href="#">OAR 581-021-0009</a>	<a href="#">OAR 581-022-2115</a>
<a href="#">ORS 326.575</a>	<a href="#">OAR 581-021-0030</a>	<a href="#">OAR 581-022-2250</a>
<a href="#">ORS 329.479</a>	<del><a href="#">OAR 581-022-1910</a></del>	<a href="#">OAR 581-022-2270</a>
<a href="#">ORS 329.485</a>	<a href="#">OAR 581-022-2030</a>	<a href="#">OAR 581-022-2310</a>
<a href="#">ORS 336.187</a>	<a href="#">OAR 581-022-2060</a>	House Bill 3041 (2021)
<a href="#">ORS 659.850</a>	<a href="#">OAR 581-022-2100</a>	Senate Bill 602 (2021)

<sup>1</sup> Oregon Department of Education page for: [30-day notice and opt-out form](#)

<sup>2</sup> Districts are required to provide notice twice each year: once at the beginning of the year and second time at least 30 days prior to the administration of the test.

~~<sup>3</sup> Districts are required to provide notice twice each year: once at the beginning of the year; and second time at least 30 days prior to the administration of the test.~~

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (~~2012~~2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (~~2017~~2021).  
Protection of Pupil Rights, 20 U.S.C. § 1232h (~~2012~~2018); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (~~2017~~2021).  
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (~~2012~~2018).  
Every Student Succeeds Act, 20 U.S.C. §§ 6311-6322 (~~2012~~2018).

# OSBA Model Sample Policy

Code: JB  
Adopted:

## Equal Educational Opportunity<sup>[\*\*]</sup>

Every student of the district will be given equal educational opportunities regardless of age, sex, sexual orientation<sup>+</sup>, gender identity, race<sup>2</sup>, religion, color, national origin, disability, marital status, familial status, parental status, linguistic background, culture, socioeconomic status, capability or geographic location.

~~{The district shall develop and implement an Equal Educational Opportunity Plan that assures that} [N]o student will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or activity conducted by the district or denied access to facilities in the district.~~

~~{A student or parent may also access and use the district’s general complaint procedure through Board policy KL - Public Complaints.}~~

All reports, complaints or information will be investigated.

~~{The district will communicate the availability of policy and available complaint procedures to students and their parents through available district communication systems[,] [and] [handbooks] [and will be published to the district website and made available at the district office during regular business hours.}~~

A student of the district may not be subjected to retaliation by the district for the reason that the student has in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation.

END OF POLICY

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### Legal Reference(s):

[ORS 174.100](#)  
[ORS 192.630](#)  
[ORS 326.051](#)  
[ORS 329.025](#)  
[ORS 332.107](#)  
[ORS 336.086](#)  
[ORS 659.850](#)

[ORS 659.852](#)  
[ORS 659A.001](#)  
[ORS 659A.003](#)  
[ORS 659A.006](#)  
[ORS 659A.103 - 659A.145](#)  
[ORS 659A.400](#)  
[ORS 659A.403](#)

[ORS 659A.406](#)  
[OAR 581-021-0045](#)  
[OAR 581-021-0046](#)  
[OAR 581-022-2310](#)  
[OAR 839-003-0000](#)

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

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 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

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<sup>+</sup> ~~“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behaviors differs from that traditionally associated with the individual’s sex at birth.~~

<sup>2</sup> 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)).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).  
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12333 (2018).  
House Bill 2935 (2021).  
House Bill 3041 (2021).

# OSBA Model Sample Policy

Code: JBB  
Adopted:

## Educational Equity

The district is committed to the success of every student in each of our schools. For that success to occur, the district is committed to equity by recognizing institutional barriers and creating access and opportunities that benefit each student. “Achieving educational equity” means students’ identities will not predict or predetermine their success in school.

Educational equity is based on the principles of fairness and justice in allocating resources, opportunity, treatment and creating success for each student.

Educational equity promotes the real possibility of equality of educational results for each student and between diverse groups of students. Equity strategies are intentional, systemic and focused on the core of the teaching and learning process.

To achieve educational equity the district will commit to:

1. Systematically using districtwide and individual school level data, disaggregated by [<sup>1</sup>race/ethnicity, national origin, language, special education, sex, non-binary, socioeconomic status and mobility] to inform district decision making.
2. Raising the achievement of all students while narrowing the gap between the lowest and the highest performing students.
3. Eliminating the predictability and disparity in all aspects of education and its administration, including but not limited to, the disproportionate representation of students by race, poverty, sex, sexual orientation<sup>2</sup>, gender identity, and national origin in discipline, special education and in various advanced learning.
4. Graduating all students ready to succeed in a diverse local, national and global community.

In order to achieve educational equity for each and every student:

1. The district shall provide every student with equitable access to high quality curriculum, support, facilities and other educational resources, even when this means differentiating resource allocation.

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<sup>1</sup> These are data categories that the Oregon Department of Education collects. Districts may choose to add to this list from data the district collects.

<sup>2</sup> “Sexual orientation” is defined by Oregon Revised Statute (ORS) 174.100(7) to mean an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identify, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated with the individual’s sex at birth.

2. The district shall review existing policies, programs, professional development and procedures for the promotion of educational equity, and all applicable new policies, programs and procedures will be developed ~~[using an educational equity analysis tool]~~ [with educational equity as a priority].
3. The district shall actively work toward a balanced teacher and administrator workforce to reflect the diversity of the student body. The district seeks to recruit, employ, support and retain a workforce that includes racial, ~~sex~~ gender and linguistic diversity, as well as culturally and linguistically responsive administrative, instructional and support personnel.
4. The district shall provide professional development to strengthen employees' knowledge and skills for eliminating opportunity gaps and other disparities in achievement.
5. The district shall create schools with a welcoming, inclusive culture and environment that reflects and supports diversity of the student population, their families and their community.
6. The district shall include partners who have demonstrated culturally specific expertise, including but not limited to, families, government agencies, institutions of higher learning, early childhood education organizations, community-based organizations, local businesses and the community in general, in meeting our high goals for educational outcomes. The district shall seek to involve students, staff, families and community members that reflect district demographics to inform decisions regarding the narrowing of the achievement and other opportunity gaps.
7. The district shall provide multiple pathways to success in order to meet the needs of the diverse student body and shall actively encourage, support and expect high academic achievement for each student.
8. The district shall provide materials and assessments that reflect the diversity of students and staff and are geared toward the understanding and appreciation of ~~[culture, class, language, ethnicity, poverty, ability and other differences that contribute to]~~ the uniqueness of each student and staff member.

The superintendent shall ~~[develop procedures]~~ ~~[develop an action plan]~~ include equity practices in the district's strategic plan strategies] to implement this policy. The superintendent will ~~[annually]~~ report to the Board the progress of the ~~[implementation of this policy]~~ ~~[action plan]~~ [strategic plan].

END OF POLICY

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**Legal Reference(s):**

[ORS 174.100](#) ~~(7)~~  
[ORS 332.075](#)

[ORS 332.107](#)  
[ORS 342.437 - 342.449](#)

House Bill 3041 (2021).

# OSBA Model Sample Policy

Code: JECB  
Adopted:

## Admission of Nonresident Students

The district may enroll nonresident students as follows:

1. **Interdistrict Transfer Agreement.** By written consent of the affected school boards, the student becomes a resident student of the attending district thereby allowing the attending district to receive State School Fund moneys;
2. **Tuition Paying Student.** By admitting nonresident student with tuition, whereby neither affected districts are eligible for State School Fund moneys;
3. **Court Placement.** If a juvenile court determines it is in the student's best interest, a student placed in a substitute care program outside the district will continue to be considered a resident student and allowed to attend the school the student attended prior to placement. The public agency placing the student in a substitute care program will be responsible for the transportation of the student, if public agency funds are available.

The Board shall deny regular school admission to nonresident students who are under expulsion from another district for a weapons policy violation. The Board ~~[will]~~~~[will not]~~ ~~[may, based on district criteria,]~~ deny ~~[regular school]~~ ~~[alternative education program]~~ admission to nonresident students who are under expulsion from another district for reasons other than a weapons policy violation.

### Consent for Admission of a Nonresident Student by Interdistrict Transfer or Consent for Admission of a Tuition Paying Student

Annually, by January 15th<sup>{1}</sup>, the Board shall establish the number of student transfer requests into the district, and out of the district, to which consent will be given for the upcoming school year.

The Board may not consider nor ask for any information from the student about race, religion, sex, sexual orientation, **gender identity**, ethnicity, national origin, disability, health, whether a student has an individualized education program (IEP) or the terms of that IEP, identified as talented and gifted, income level, residence, proficiency in English, athletic ability, or academic records. The Board may not request or require the student to participate in an interview, tour any of the schools or facilities, or otherwise meet with any representatives of the school or district prior to the district deciding whether to give consent.

The Board may **only** ask for the student's name, contact information, date of birth, grade level, whether the student may be given priority on consent for admission (see the following paragraph for priorities), information about which schools the student prefers to attend, and whether the student is currently expelled.

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<sup>{1}</sup> The district must annually make this determination by a date set by the Board. Insert the date set by the Board.

If the number of students seeking consent exceeds the number of spaces, the Board will use an equitable lottery selection process. The process may give priority to students who have siblings currently enrolled in the district; who previously received consent for admission because of a change in legal residence; or who attended a public charter school located in the same district in which the student seeks to attend, for three consecutive years, completed the highest grade offered by the public charter school, and did not enroll and attend school in another district following completion of that highest grade in the public charter school.

The Board may revise the maximum number of students to whom consent will be given at a time other than the annual date established by the Board if there are no pending applications for consent.

If the Board decides not to give consent to a student the Board must provide a written explanation to the student.

The district may require minimum standards of behavior and/or attendance once the student has been accepted. The minimum standards must be the same for all students that are given consent. The district is not allowed to establish minimum standards for academics as a criteria for the student to remain in the district. Students whose consent is revoked for violation of set attendance and/or behavior standards will not be allowed to apply for consent to return to this district in the same or the following school year.

The Board may determine the length of time the consent is given. Any limitations in length of time must be applied consistently among all students to whom consent is given.

The district is not required to provide transportation outside the boundaries of the district. The student will be allowed to use existing bus routes and transportation services of the district. Transportation will be provided if required by federal law.

The attending district is responsible for a free appropriate public education for those students on an IEP.

END OF POLICY

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**Legal Reference(s):**

[ORS 174.100](#)  
[ORS 327.006](#)  
[ORS 329.485](#)  
[ORS 335.090](#)

[ORS 339.115 - 339.133](#)  
[ORS 339.141](#)  
[ORS 339.250](#)  
[ORS 343.221](#)

[ORS 433.267](#)  
[OAR 581-021-0019](#)

# OSBA Model Sample Policy

Code: JFC  
Adopted:

## Student Conduct\*\*

The Board expects student conduct to contribute to a productive learning climate. Students shall comply with the district’s written rules, pursue the prescribed course of study, submit to the lawful authority of district staff and conduct themselves in an orderly manner at school during the school day or during district-sponsored activities.

Careful attention shall be given to procedures and methods whereby fairness and consistency without bias in discipline shall be assured each student. The objectives of disciplining any student must be to help the student develop a positive attitude toward self-discipline, realize the responsibility of one’s actions and to maintain a productive learning environment. All staff members have responsibility for consistency in establishing and maintaining an appropriate behavioral atmosphere.

A student handbook, code of conduct or other document shall be developed by district administration~~}, in cooperation with staff,~~ and will be made available and distributed to parents, students and employees outlining student conduct expectations and possible disciplinary actions, including consequences for disorderly conduct. In addition, each school in the district shall publish a student/parent handbook detailing additional rules specific to that school.~~[All rules applying to student conduct shall be posted in a prominent place in each school building.]~~

Students in violation of Board policy, administrative regulation and/or code of conduct provisions will be subject to discipline up to and including expulsion. ~~}[Students are subject to discipline for conduct while traveling to and from school, at the bus stop, at school-sponsored events, while at other schools in the district and while off campus, whenever such conduct causes a substantial and material disruption of the educational environment or the invasion of rights of others.]~~ Students may be denied participation in extracurricular activities. Titles and/or privileges available to or granted to students may also be denied and/or revoked (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.). A referral to law enforcement may also be made.

Students are prohibited from making knowingly false statements or knowingly submitting false information in bad faith as part of a complaint or report, or associated with an investigation into misconduct.<sup>1</sup>

The district will annually record and report expulsion data for conduct violations as required by the Oregon Department of Education.

END OF POLICY

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### Legal Reference(s):

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<sup>1</sup> The district is prohibited from retaliating against any student “for the reason that the student has in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation.” ORS 659.852.

Nondiscrimination on the Bases of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Tinker v. Des Moines Sch. Dist., 393 U.S. 503 (1969).

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

Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).

Shorb v. Grotting and Powers Sch. Dist., Case No. 00CV-0255 (Coos County Circuit Ct.) (2000).

Ferguson v. Phoenix Talent Sch. Dist. #4, 172 Or. App. 389 (2001).

Morse v. Frederick, 551 U.S. 393, 127 S. Ct. 2618 (2007).

C.R. v. Eugene S.D. 4J, No. 12-1042, U.S. District Court of OR (2013).

# OSBA Model Sample Policy

Code: JFCF  
Adopted:

D

## Harassment, Intimidation, Bullying, Cyberbullying, Teen Dating Violence, and Domestic Violence – Student\*\*

(Version 1)

The Board, in its commitment to providing a safe, positive, and productive learning environment for all students, will consult with parents/guardians, employees, volunteers, students, administrators, and community representatives in developing this policy in compliance with applicable Oregon law.

Harassment, intimidation, or bullying and acts of cyberbullying by students, staff, or third parties toward students is strictly prohibited. Teen dating violence is unacceptable behavior and prohibited.

Retaliation against any person who is a victim of, who reports, is thought to have reported, or files a complaint about an act of harassment, intimidation or bullying, an act of cyberbullying, or teen dating violence, or otherwise participates in an investigation or inquiry is strictly prohibited. A person who engages in retaliatory behavior will be subject to consequences and appropriate remedial action. False charges shall also be regarded as a serious offense and will result in consequences and appropriate remedial action.

Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion.

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

Students, staff, or third parties may also be referred to law enforcement officials.

The [principal and the] superintendent [are] [is] responsible for ensuring that this policy is implemented.

### Definitions

“District” includes district facilities, district premises, and nondistrict property if the student is at any district-sponsored, district-approved, or district-related activity or function, such as field trips or athletic events where students are under the jurisdiction of the district.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to district grounds, at any district-sponsored activity, on district-provided transportation, or at any official district bus stop, that may be based on, but not limited to, the protected class status of a person, having the effect of:

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or
3. Creating a hostile educational environment including interfering with the psychological well-being of the student.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation<sup>1</sup>, national origin, marital status, familial status, source of income, or disability.

“Teen dating violence” means:

1. A pattern of behavior in which a person uses or threatens to use physical, mental, or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or
2. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

“Domestic violence” means abuse by one or more of the following acts between family and/or household members<sup>2</sup>:

1. Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury;
2. Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury;
3. Causing another to engage in involuntary sexual relations by force or threat of force.

“Cyberbullying” is the use of any electronic communication device to harass, intimidate, or bully.

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<sup>1</sup> “Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behaviors differs from that traditionally associated with the individual’s sex at birth.

<sup>2</sup> “Family or household members” [as defined in ORS 107.705.] OR [means any of the following:

1. Spouses;
2. Former spouses;
3. Adult persons related by blood, marriage or adoption;
4. Persons who are cohabiting or who have cohabited with each other;
5. Persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition under Oregon Revised Statute 107.710;
6. Unmarried parents of a child.]

“Retaliation” means any acts of, including but not limited to, harassment, intimidation or bullying, , or cyberbullying toward the victim, a person in response to an actual or apparent reporting of, or participation in the investigation of, harassment, intimidation or bullying, teen dating violence, acts of cyberbullying, or retaliation.

## **Reporting**

The [employee position title<sup>3</sup>] will take reports and conduct a prompt investigation of any report of any act of harassment, intimidation or bullying, cyberbullying, or teen dating violence. Any employee who has knowledge of conduct in violation of this policy shall immediately report concerns to the [employee position title] who has overall responsibility for all investigations. Any employee who has knowledge of incidents of teen dating violence that took place on district property, at a district-sponsored activity, or in a vehicle used for district-provided transportation shall immediately report the incident to the [employee position title]. Failure of an employee to report an act of harassment, intimidation or bullying, teen dating violence, or an act of cyberbullying to the [employee position title] may be subject to remedial action, up to and including dismissal. Remedial action may not be based solely on an anonymous report.

Any student who has knowledge of conduct in violation of this policy or feels they have been harassed, intimidated or bullied, been a victim of teen dating violence or acts of being cyberbullied in violation of this policy is encouraged to immediately report their concerns to the [employee position title] who has overall responsibility for all investigations. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report their concerns to the [employee position title]. A report from a student or volunteer may be made anonymously. A student or volunteer may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate district official.

Reports against the principal shall be filed with the superintendent. Reports against the superintendent shall be filed with the Board chair.

The person who makes the report shall be notified when the investigation has been completed and, as appropriate, the findings of the investigation and any remedial action that has been taken. The person who made the report may request that the [superintendent] review the actions taken in the initial investigation, in accordance with [administrative regulations] [district complaint procedures].

## **Training and Education**

The district shall incorporate into existing training programs for students, information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, and acts of cyberbullying and this policy.

The district shall incorporate age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grade 7 through 12.

The district shall incorporate into existing training programs for staff, information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, teen dating violence, domestic violence, and acts of cyberbullying and this policy.

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<sup>3</sup> [Required by ORS 339.356(2)(g). Other bracketed language regarding hazing and menacing exceeds the requirements of ORS 339.356 and is under Board authority ORS 332.107.]

## Notice

The superintendent shall be responsible for ensuring annual notice of this policy is provided in a student or staff handbook, school and district website, and school and district office [and the development of administrative regulations, including reporting and investigative procedures]. [Complaint procedures, as established by the district, shall be followed.]

Domestic violence posters provided by the Oregon Department of Education (ODE) shall be posted in clearly visible locations on school campuses in accordance with rules adopted by ODE.

END OF POLICY

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### Legal Reference(s):

[ORS 107.705](#)  
[ORS 166.065](#)  
[ORS 166.155 - 166.165](#)  
[ORS 174.100\(7\)](#)  
[ORS 332.072](#)

[ORS 332.107](#)  
[ORS 339.240](#)  
[ORS 339.250](#)  
[ORS 339.351 - 339.368](#)  
[OAR 581-021-0045](#)

[OAR 581-021-0046](#)  
[OAR 581-021-0055](#)  
[OAR 581-022-2310](#)  
[OAR 581-022-2370](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).

# OSBA Model Sample Policy

Code: JFCF

Adopted:

## [Hazing, ]Harassment, Intimidation, Bullying, [Menacing, ]Cyberbullying, Teen Dating Violence, or Domestic Violence – Student\*\*

~~(Version 2)~~

The Board, in its commitment to providing a safe, positive, and productive learning environment for all students, will consult with parents/guardians, employees, volunteers, students, administrators, and community representatives in developing this policy in compliance with applicable Oregon law.

~~[Hazing, ]~~harassment, intimidation or bullying, ~~[menacing, ]~~ and acts of cyberbullying by students, staff, or third parties toward students is strictly prohibited in the district. Teen dating violence is unacceptable behavior and prohibited. Each student has the right to a safe learning environment.

Retaliation against any person who is a victim of, who reports, is thought to have reported, or files a complaint about an act of ~~[hazing, ]~~harassment, intimidation or bullying, ~~[menacing, ]~~an act of cyberbullying, or teen dating violence, or otherwise participates in an investigation or inquiry is strictly prohibited. A person who engages in retaliatory behavior will be subject to consequences and appropriate remedial action. False charges shall also be regarded as a serious offense and will result in consequences and appropriate remedial action.

Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion.

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

Students, staff, or third parties may also be referred to law enforcement officials.

The ~~[principal and the ]~~superintendent ~~[are ]~~~~[is]~~ responsible for ensuring that this policy is implemented.

### Definitions

“District” includes district facilities, district premises, and nondistrict property if the student is at any district-sponsored, district-approved, or district-related activity or function, such as field trips or athletic events where students are under the jurisdiction of the district.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.

{“Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored activity or grade level attainment{.} (i.e., personal servitude, sexual stimulation/sexual assault, forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student);{ requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article; or assignment of pranks to be performed or other such activities intended to degrade or humiliate.} It is not a defense against hazing that the student subjected to hazing consented to or appeared to consent to the hazing.}

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to district grounds, at any district-sponsored activity, on district-provided transportation, or at any official district bus stop, that may be based on, but not limited to, the protected class status of a person, and having the effect of:

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or
3. Creating a hostile educational environment including interfering with the psychological well-being of the student.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation<sup>+</sup>, gender identity, national origin, marital status, familial status, source of income, or disability.

“Teen dating violence” means:

1. A pattern of behavior in which a person uses or threatens to use physical, mental, or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or
2. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

“Domestic violence” means abuse between family and/or household members, as those terms are described in ORS 107.705.

“Cyberbullying” is the use of any electronic communication device to harass, intimidate or bully.

“Retaliation” means any acts of, including but not limited to, {hazing, }harassment, intimidation or bullying,{ menacing,}, or cyberbullying toward the victim, a person in response to an actual or apparent

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<sup>+</sup>“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behaviors differs from that traditionally associated with the individual’s sex at birth.

reporting of, or participation in the investigation of, ~~hazing,~~ harassment, intimidation or bullying, ~~menacing,~~ teen dating violence, acts of cyberbullying, or retaliation.

~~“Menacing” includes, any act intended to place a district employee, student, or third party in fear of imminent serious physical injury.~~

## Reporting

The ~~Principal~~ will take reports and conduct a prompt investigation of any reported acts of ~~hazing,~~ harassment, intimidation or bullying, ~~menacing,~~ cyberbullying, or teen dating violence. Any employee who has knowledge of conduct in violation of this policy shall immediately report concerns to the ~~Principal~~ who has overall responsibility for all investigations. Any employee who has knowledge of incidents of teen dating violence that took place on district property, at a district-sponsored activity, or in a vehicle used for district-provided transportation shall immediately report the incident to the ~~Principal~~. Failure of an employee to report any act of ~~hazing,~~ harassment, intimidation or bullying, ~~menacing,~~ cyberbullying, or teen dating violence to the ~~Principal~~ may be subject to remedial action, up to and including dismissal. Remedial action may not be based solely on an anonymous report.

Any student who has knowledge of conduct in violation of this policy or feels they have been subjected to an act of ~~hazing,~~ harassment, intimidation or bullying, ~~menacing,~~ or cyberbullying or feel they have been a victim of teen dating violence in violation of this policy, is encouraged to immediately report concerns to the ~~Principal~~ who has overall responsibility for all investigations. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report concerns to the ~~Principal~~. A report made by a student or volunteer may be made anonymously. A student or volunteer may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate district official.

Reports against the principal shall be filed with the superintendent. Reports against the superintendent shall be filed with the Board chair.

The person who makes the report shall be notified when the investigation has been completed and, as appropriate, the findings of the investigation and any remedial action that has been taken. The person who made the report may request that the ~~superintendent~~ review the actions taken in the initial investigation, in accordance with ~~administrative regulations~~ ~~district complaint procedures~~.

## Notification to Parents or Guardians

The ~~Principal~~ shall notify the parents or guardians of a student who was subject to an act of harassment, intimidation, bullying or cyberbullying, and the parents or guardians of a student who may have conducted an act of harassment, intimidation, bullying or cyberbullying.

The notification must occur with involvement and consideration of the needs and concerns of the student who was the subject to an act of harassment, intimidation, bullying or cyberbullying. The notification is not required if the ~~Principal~~ reasonably believes notification could endanger the student who was subjected to an act of harassment, intimidation, bullying or cyberbullying or if all of the following occur:

1. The student who was subjected to an act of harassment, intimidation, bullying, or cyberbullying requests that notification not be provided to the student’s parents or guardians.

2. The {Principal} determines that notification is not in the best interest of the student who was subjected to an act of harassment, intimidation, bullying, or cyberbullying; and
3. The {Principal} informs the student that federal law may require the student’s parents and guardians to have access to the student’s education record, including any requests of nondisclosure (from item 1 above).

If the {Principal} determines the notification is not in the best interest of the student, they must inform the student of that determination prior to providing notification.

When notification is provided, the notification must occur:

1. Within a reasonable period of time; or
2. Promptly, for acts that caused physical harm to the student.

### Training and Education

The district shall incorporate into existing training programs for students, information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, and acts of cyberbullying and this policy.

The district shall incorporate age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grades 7 through 12.

The district shall incorporate into existing training programs for staff information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, teen dating violence, domestic violence, and acts of cyberbullying and this policy.

### Notice

The superintendent shall be responsible for ensuring annual notice of this policy is provided in a student or staff handbook, school and district’s website, and school and district office ~~[and the development of administrative regulations, including reporting and investigative procedures]~~. [ Complaint procedures, as established by the district, shall be followed.]

Domestic violence posters provided by the Oregon Department of Education (ODE) shall be posted in clearly visible locations on school campuses in accordance with rules adopted by ODE.

END OF POLICY

### Legal Reference(s):

<a href="#">[ORS 163.190]</a>	<a href="#">ORS 332.072</a>	<a href="#">OAR 581-021-0046</a>
<a href="#">[ORS 163.197]</a>	<a href="#">ORS 332.107</a>	<a href="#">OAR 581-021-0055</a>
<a href="#">ORS 107.705</a>	<a href="#">ORS 339.240</a>	<a href="#">OAR 581-022-2310</a>
<a href="#">ORS 166.065</a>	<a href="#">ORS 339.250</a>	<a href="#">OAR 581-022-2370</a>
<a href="#">ORS 166.155 - 166.165</a>	<a href="#">ORS 339.351 - 339.368</a>	House Bill 2631 (2021)
<a href="#">ORS 174.100(7)</a>	<a href="#">OAR 581-021-0045</a>	House Bill 3041 (2021)

R7/18/19 10/05/21 | RS [Hazing, ]Harassment, Intimidation, Bullying, [Menacing, ]Cyberbullying, Teen Dating Violence, or Domestic Violence – Student\*\* – JFCF

| Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (~~2012~~2018).

# OSBA Model Sample Policy

Code: JFCF-AR

Revised/Reviewed:

## Harassment, Intimidation, Bullying, Cyberbullying, and Teen Dating Violence Reporting Procedures – Student

(Version 1)

The [employee position title(s)] [has] [have] responsibility for investigations concerning reported acts of harassment, intimidation or bullying, acts of cyberbullying, and incidents of teen dating violence. The investigator(s) shall be a neutral party having had no involvement in the report presented.

All reports will be investigated in accordance with the following procedures:

Step 1 Any reports or information on acts of harassment, intimidation or bullying, acts of cyberbullying, or incidents of teen dating violence (e.g., complaints, rumors) shall be presented to the [employee position title]. Reports against the principal shall be filed with the superintendent. Reports against the superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.

Step 2 The [employee position title] receiving the report shall promptly investigate. Parents will be notified of the nature of any report involving their student. The [employee position title] will arrange such meetings as may be necessary with all concerned parties within [five] working days after receipt of the information or report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the report will be reduced to writing. The [employee position title] conducting the investigation shall notify the person making the report within [10] working days of receipt of the information or report, and parents as appropriate, [in writing] when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.

[A copy of the notification letter or the date and details of notification to the person making the report, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.]

Step 3 If the person making the report is not satisfied with the decision at Step 2, they may submit a written appeal to the superintendent or designee. Such appeal must be filed within [10] working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the person making the report and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the appeal within [10] working days.

[Step 4 If the person making the report is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within [10] working days after receipt of the Step 3 decision. The Board shall, within [20] working days, conduct a hearing at which time the person making the report shall be given an opportunity to present the report. The Board

shall provide a written decision to the person making the report within [10] working days following completion of the hearing.]

Reports against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

Reports against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

Reports against the Board chair may be made directly to the [district counsel] [Board vice chair] on behalf of the Board. The [district counsel] [Board vice chair] shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

Timelines may be extended upon written agreement between both parties. This also applies to reports filed against the superintendent or any Board member.

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

Documentation related to the incident may be maintained as a part of the student's education records. Additionally, a copy of all reported acts of harassment, intimidation or bullying, cyberbullying, or incidents of teen dating violence and documentation will be maintained as a confidential file in the district office.

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E

# OSBA Model Sample Policy

Code: JFCJ

Adopted:

## Weapons in ~~the~~ Schools\*\*

Students shall not bring, possess, conceal or use a weapon on or at ~~any district~~ property under the jurisdiction of the district, ~~any~~ activities under the jurisdiction of the district or ~~any~~ interscholastic activities administered by a voluntary organization.

In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A “school zone,” as defined by federal law, means in or on school grounds or within 1,000 feet of school grounds.

The superintendent may authorize persons to possess weapons for courses, programs and activities approved by the district and conducted on district property ~~[including, but not limited to, hunter safety courses, weapons-related vocational courses or weapons-related sports]~~. The district will post a notice at any site or premise off district grounds that at the time is being used exclusively for a school program or activity. The notice shall identify the district as the sponsor, the activity as a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under Oregon Revised Statute (ORS) 166.370.

For purposes of this policy, and as defined by state and federal law, “weapon” includes:

1. A “dangerous weapon” means any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. A “deadly weapon” means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. A “firearm” means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm ~~muffler or~~ silencer or any destructive device;
4. A “destructive device” ~~includes but is not limited to~~ ~~means~~ any explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line-throwing, safety or similar device.

~~[Weapons may also include, but are not limited to, knives, metal knuckles, straight razors, noxious or irritating gases, poisons, unlawful drugs or other items fashioned with the intent to use, sell, harm, threaten or harass students, staff members, parents and patrons community members.]~~

~~[Replicas of weapons, fireworks and pocket knives] are also prohibited by Board policy. Exceptions to the district’s replicas prohibition may be granted only with prior principal approval for certain curriculum or school-related activities.]~~

Prohibited weapons~~], replicas of weapons], fireworks]] and pocket knives]] are subject to seizure or forfeiture.~~

In accordance with Oregon law, any district employee who has reasonable cause to believe a student or other person, while in a school, is or ~~has,~~ within the previous 120 days, ~~has unlawfully~~ been in possession of a firearm or destructive device, as defined by this policy, shall immediately report such violation to an administrator, ~~his/her~~ or designee or law enforcement. ~~[Any district employee who has reasonable cause to believe that a person, while in a school, is or has been in possession of a firearm or destructive device more than 120 days previously, may report to law enforcement.]~~ Employees who report directly to law enforcement shall also immediately inform an administrator.

Administrators shall promptly notify the appropriate law enforcement agency of staff reports received and at any other time there is reasonable cause to believe violations ~~for firearms or destructive devices~~ have occurred or that a student has been expelled for bringing, possessing, concealing or using a dangerous or deadly weapon, firearm or destructive device.

A person making a report as described above who has reasonable grounds for making the report is immune from liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the report. The identity of a person participating in a good faith report as described above may not be disclosed except when allowed by law.

Parents will be notified of all conduct by their student that violates this policy.

Employees shall promptly report all other conduct prohibited by this policy to an administrator.

Students ~~found-~~ ~~determined~~ to have brought, possessed, concealed or used a firearm, as defined in policy, in violation of this policy or state law shall be expelled ~~from school~~ for a period of not less than one year. All other violations of the policy will result in discipline ~~up to and including~~ ~~may include~~ expulsion and/or referral to law enforcement, as appropriate. The superintendent may, on a case-by-case basis, modify this expulsion requirement. The superintendent may propose alternative programs of instruction or instruction combined with counseling that are ~~age-appropriate~~ ~~and accessible to the student~~, and shall provide such information in writing to the student and the parent in accordance with law<sup>1</sup>. Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

Special education students shall be disciplined in accordance with federal law and Board policy JGDA – Discipline of Students with Disabilities and accompanying administrative regulation.

~~Weapons under the control of law enforcement personnel [or a person who has a valid license under ORS 166.291 and 166.292] are permitted.~~

~~The district [will] [may] post a notice at any site or premise off district grounds that at the time is being used exclusively for a school program or activity. The notice shall identify the district as the sponsor, the activity as a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370.~~

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<sup>1</sup> At least once every six months or at any time the information changes because of the availability of new programs.

~~In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A “school zone,” as defined by federal law, means in or on school grounds or within 1,000 feet of school grounds.~~

“Gun-Free School Zone” signs ~~[will]~~ ~~[may]~~ be posted in cooperation with city and/or county officials as appropriate. Violations, unless otherwise excepted by law or this policy, shall be reported to the appropriate law enforcement agency.

The superintendent will annually report the name of each school and the number of students from each listed schools expelled for bringing, possessing, concealing or using a firearm to the Oregon Department of Education.

END OF POLICY

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**Legal Reference(s):**

[ORS 161.015](#)  
[ORS 166.210 - 166.370](#)  
[ORS 166.382](#)  
[ORS 332.107](#)  
[ORS 339.115](#)  
[ORS 339.240](#)

[ORS 339.250](#)  
[ORS 339.315](#)  
~~[ORS 339.327](#)~~  
~~[ORS 809.135](#)~~  
~~[ORS 809.260](#)~~

[OAR 581-021-0050 - 0075](#)  
[OAR 581-053-0010\(5\)](#)  
[OAR 581-053-0230\(9\)\(k\)](#)  
[OAR 581-053-0330\(1\)\(r\)](#)  
[OAR 581-053-0430\(17\)](#)  
[OAR 581-053-0531\(16\)](#)

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (~~2012~~2018).  
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (~~2012~~2018).  
Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (~~2012~~2018).  
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101, 7111-7121 (~~2012~~2018).  
Oregon Senate Bill 554 (2021).

# OSBA Model Sample Policy

Code: JHFE/GBNAB  
Adopted:

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

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

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

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

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

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

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

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

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

The district will designate a <sup>{6}</sup> licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

If the superintendent is the alleged perpetrator the report shall be submitted to the ~~{Principal{7}}~~ who shall also report to the Board chair.

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

When a designee receives a report of suspected abuse, the designee will follow procedure established by the district and set forth in administrative regulation JHFE/GBNAB-AR(1) - Reporting of Suspected Abuse of a Child. All such reports of suspected abuse will be reported to a law enforcement agency or DHS, or its designee, for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

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

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

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

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

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<sup>6</sup> {ORS 339.372 requires the district to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual abuse for a school building in the respective school building. A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}

<sup>7</sup> {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 shall provide **information and** training each school year to district employees on the prevention and identification of abuse, the obligations of district employees under ORS 339.388 and ORS 419B.005 - 419B.050 and as directed by Board policy to report suspected abuse of a child, and appropriate electronic communications with students. The district shall make available each school year the training described above to contractors, agents, volunteers, and parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees. The district shall provide each school year information on the prevention and identification of abuse, the obligations of district employees under Board policy to report abuse, and appropriate electronic communications with students to contractors, agents and volunteers. The district shall make available each school year training that is designed to prevent abuse to students attending district-operated schools.

The district shall provide to a district employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378. [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 or probable cause to believe the district employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.]

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

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

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

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

END OF POLICY

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**Legal Reference(s):**

[ORS 339.370 - 339.400](#)  
[ORS 418.257 - 418.259](#)

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

[OAR 581-022-2205](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9th Cir. 2011).  
[Senate Bill 51 \(2021\)](#).

# OSBA Model Sample Policy

Code: JHFE/GBNAB-AR(1)

Adopted:

## Reporting of Suspected Abuse of a Child

### Reporting

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

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

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

If the superintendent is the alleged abuser the report shall be submitted to the **Principal**<sup>3</sup> who shall refer the report to the Board chair.

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

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

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

<sup>3</sup> {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 written record of the abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the designee that received the report.

When the designee receives a report of suspected abuse of a child by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave<sup>4</sup> and take necessary actions to ensure the student's safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either 1) an employment policy was violated and the district will take appropriate employment action against the employee, or 2) an employment policy has not been violated and no action is required by the district against the employee.

When the designee receives a report of suspected abuse by a contractor<sup>{5}</sup>, agent or volunteer, the district ~~{may}~~ ~~{shall}~~ prohibit the contractor, agent or volunteer from providing services to the district. ~~{If the district determines there is reasonable cause to support the report of suspected abuse, the district shall prohibit the contractor agent or volunteer from providing services.}~~ ~~{The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated<sup>6</sup> and a determination has been made by law enforcement or DHS that the report is unsubstantiated.}~~

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

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

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

## Definitions

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

<sup>5</sup> {The district is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the district shall notify the company and request another company employee be assigned to complete the work.}

<sup>6</sup> The district will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law.

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

### **Confidentiality of Records**

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

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

### **Failure to Comply**

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

### **Cooperation with Investigator**

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

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

Law enforcement **officers** officials wishing to remove a student from the premises shall present themselves at the office and contact the administrator or designee. The **law enforcement officer**

official shall sign the student out ~~on a form to be provided by the school~~ in accordance with district procedures;

2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, district employees shall not notify parents or anyone else other than DHS or law enforcement agency and any school employee necessary to enable the investigation;
3. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

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

# OSBA Model Sample Policy

Code: JHFE/GBNAB-AR(2)

Revised/Reviewed:

## Abuse of a Child Investigations Conducted on District Premises

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

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

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

\_\_\_\_\_  
Investigator Name (Printed)

\_\_\_\_\_  
Name of Agency

\_\_\_\_\_  
Name of Worker's/Investigator's Supervisor

\_\_\_\_\_  
Supervisor Contact Information

\_\_\_\_\_  
Investigator Position and Badge or ID Number

\_\_\_\_\_  
Student Name

\_\_\_\_\_  
School

\_\_\_\_\_  
Investigator Signature

\_\_\_\_\_  
Date

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

### FOR COMPLETION BY DISTRICT STAFF

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

\_\_\_\_\_  
Name of Administrator Notified

\_\_\_\_\_  
Name of Office Staff Involved

\_\_\_\_\_  
Name of Participating Administrator

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

HR6/21/18 10/05/21 | SLF

Abuse of a Child Investigations Conducted on  
District Premises – JHFE/GBNAB-AR(2)

# OSBA Model Sample Policy

Code: JHFF/GBNAA

Adopted:

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

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

<sup>4</sup>“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 or offensive educational environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the district or any applicable employment agreements.

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

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

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

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

<sup>4</sup> 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<sup>{5}</sup> 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<sup>{6}</sup> [, 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 <sup>{7}</sup>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 ~~Principal~~<sup>{8}</sup> 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 ~~the~~ 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) ~~as appropriate, for investigation~~ 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.

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~~<sup>5</sup> Senate Bill 155 (2019) requires the district to designate a licensed administrator and an alternate licensed administrator for each school building.~~

<sup>6</sup> {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.}

<sup>7</sup> {ORS 339.372 requires the district to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual conduct for a school building in the ~~respective school building~~. A “licensed administrator” is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}

<sup>8</sup> {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.}

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

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

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

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

The 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

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**Legal Reference(s):**

[ORS 332.107](#)

[ORS 339.370 - 339.400](#)

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

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

House Bill 2136 (2021).

Senate Bill 51 (2021).

# OSBA Model Sample Policy

Code: GBNAA/JHFF-AR

Revised/Reviewed:

## Suspected Sexual Conduct Report Procedures and Forms \*

The district posts in each school building the names and contact information of the district employees<sup>{1}</sup> ~~in each school building~~ designated for the respective school building to receive reports of suspected sexual conduct and the procedures the designee(s) will follow upon receipt of the report.

When ~~the~~ a designee designated licensed administrator<sup>2</sup> receives a report of suspected sexual conduct that may have been committed by a ~~person licensed~~ commission licensee<sup>3</sup> ~~through Teacher Standards and Practices Commission (TSPC)~~, the designee shall notify Teacher Standards and Practices Commission (TSPC) ~~as soon as possible. When the designee~~ The designee shall notify the Oregon Department of Education (ODE) if the administrator receives a report of suspected sexual conduct that may have been committed by a ~~person who~~ school employee, contractor, agent or volunteer that is not ~~licensed through TSPC, the designee shall notify the Oregon Department of Education (ODE)~~ a commission licensee<sup>as soon as possible</sup>.

If the superintendent is the alleged perpetrator the report shall be submitted to the ~~Principal~~ who shall refer the report to the Board chair.

The district will investigate all reports of suspected sexual conduct, unless otherwise requested by TSPC or ODE as appropriate.

When the designee receives a report of suspected sexual conduct by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave<sup>4</sup> and take necessary actions to ensure the student's safety. The employee shall remain on leave until TSPC<sup>5</sup> or ODE<sup>6</sup> determines that the report is substantiated and the district takes appropriate employment

<sup>1</sup> {ORS 339.372 requires the district to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual conduct for a school building, in the respective school building. A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}

<sup>2</sup> 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.

<sup>3</sup> ~~"License" includes a license, registration or certificate issued by the Teacher Standards and Practices Commission.~~ "Commission licensee," as is defined in ORS 342.120 (as amended by HB 2136 (2021)), means a person whom the TSPC has authority to investigate or discipline because the person is enrolled in an approved educator preparation program, is an applicant for a TSPC license or registration, holds a license or registration issued by TSPC, or has held a license or registration issued by the TSPC at any time during the previous five years.

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

<sup>5</sup> TSPC investigates reports on commission licensees.

<sup>6</sup> ODE investigates reports on persons who are not commission licensees.

action against the employee, or cannot be substantiated or is not a report of sexual conduct and the district determines either: 1) an employment policy was violated and the district will take appropriate employment action against the employee; or 2) an employment policy has not been violated and an employment action against the employee is not required. ~~The district will investigate all reports of suspected sexual conduct by persons who are licensed by the TSPC, unless otherwise requested by TSPC, and all reports of suspected sexual conduct by persons who are not licensed by TSPC, unless otherwise requested by ODE.~~

When the designee receives a report of suspected sexual conduct by a contractor<sup>{7}</sup>, an agent or a volunteer, the district ~~may~~ ~~shall~~ prohibit the contractor, agent or volunteer from providing services to the district. ~~If the district determines there is reasonable cause to support a report of suspected sexual conduct, the district shall prohibit the contractor, agent or volunteer from providing services.~~ ~~The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE, as appropriate, that the report is unsubstantiated.~~

Upon request from ODE or TSPC the district will provide requested documents or materials to the extent allowed by state and federal law.

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

~~An “investigation” means a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the person who initiated the report, the person who may have been subjected to sexual conduct, witnesses and the person who is the subject of the report, and results in a finding that the report is a substantiated report, cannot be substantiated, or is not a report of sexual conduct. If the subject of the report is a district employee represented by a contract or a collective bargaining agreement, the investigation must meet any negotiated standards of such employment contract or agreement.~~

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

~~A “substantiated report” means a report of sexual conduct that TSPC or ODE determines is founded.~~

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

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, the district shall create a record of the findings of the substantiated report and the employment action taken by the district will be placed in the records on the school employee maintained by the district. Such records created are confidential and not

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<sup>7</sup> {The district is encouraged to duplicate this language in the contract. If the contract is with a company and the person assigned to do the work is the alleged perpetrator, the district shall notify the company and request another company employee be assigned to complete the work.}

public records as defined in Oregon Revised Statute (ORS) 192.311, however the district may use the record as a basis for providing information required to be disclosed about a district employee under ORS 339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

## **Training**

The district shall provide **information and** training each school year to district employees on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of district employees under ORS 339.388 and 419B.005 - 419B.050 and under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The district shall make available each school year the training described above to contractors, agents, volunteers and to parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees.

The district shall provide to contractors, agents and volunteers each school year information on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of district employees under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The district shall make available each school year training that is designed to prevent sexual conduct to students attending district-operated schools.

**Blachly School District**

**SUSPECTED SEXUAL CONDUCT REPORT FORM**

Name of person making report: \_\_\_\_\_

Position of person making report: \_\_\_\_\_

Name of person suspected of sexual conduct: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

Description of suspected sexual conduct: \_\_\_\_\_

\_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

\_\_\_\_\_

Evidence of suspected sexual conduct, e.g., letters, photos, etc. (attach evidence if possible): \_\_\_\_\_

Any other information: \_\_\_\_\_

\_\_\_\_\_

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

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

**Blachly School District**

**WITNESS DISCLOSURE FORM**

Name of witness: \_\_\_\_\_

Position of witness: \_\_\_\_\_

Date of testimony/interview: \_\_\_\_\_

Description of instance witnessed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Any other information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

# OSBA Model Sample Policy

Code: KGBB

Adopted:

## Firearms Prohibited

*{Oregon law has allowed members of the public possessing a concealed carry license to carry firearms on district property in accordance with ORS 166.370(3)(g). Senate Bill (SB) 554 (2021) allows districts to prohibit even those with concealed carry licenses from carrying firearms by adopting a policy and posting notice at entry points.*

*OSBA considers this policy to be conditionally required because if the district wants to prohibit concealed carry licensees from carrying firearms on district property, the district must adopt a policy. If the district does not want to limit concealed carry licensees, the district does not need to adopt this policy.}*

No person on grounds of the schools controlled by the Board (including in school buildings), will possess any firearm<sup>1</sup>, except when said firearm is possessed by a person who is not otherwise prohibited from possessing the firearm, and is unloaded and locked in a motor vehicle. The exception provided in Oregon Revised Statute (ORS) 166.370(3)(g) for concealed carry licensees (see ORS 166.291 and 166.292) does not apply to the possession of firearms on grounds of the schools controlled by the Board.<sup>2</sup> Firearms under the control of law enforcement personnel are permitted. The superintendent may authorize other persons to possess weapons for courses, programs and activities when in compliance with law and board policy.

Any person violating or threatening to violate the above rules, as determined by the district, may be issued a trespass citation, ejected from the premises and referred to law enforcement officials<sup>3</sup>.

{The district will post clearly visible sign(s) at all normal points of entry to the school grounds subject to this policy indicating that the affirmative defense described in ORS 166.370(3)(g) does not apply. The district will post on the district’s web pages designated for school board operations, identifying designated school grounds that are subject to this policy.}

END OF POLICY

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### Legal Reference(s):

[ORS 161.015](#)  
[ORS 164.245](#)  
[ORS 164.255](#)

[ORS 166.210 - 166.370](#)  
[ORS 297.405](#)  
[ORS 332.107](#)

[ORS 332.172](#)  
[ORS 339.315](#)

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<sup>1</sup> “Firearm” has the meaning given that term in ORS 166.210, except that it does not include a firearm that has been rendered permanently inoperable.

<sup>2</sup> See Senate Bill 554 (2021).

<sup>3</sup> ORS 339.315 requires any district employee with reasonable cause to believe that a person is in possession of a firearm within a school or has possessed a firearm within a school in violation of Oregon law in the previous 120 days report such information to an administrator or law enforcement. A district employee with reasonable cause to believe that a person is in possession of a firearm within a school or has possessed a firearm within a school in the previous 120 days in violation of Oregon law, may report such information to law enforcement.

Gun-Free Schools Act, 20 U.S.C. § 7961 (2018).  
Senate Bill 554 (2021).

Charter Board Report  
Nov 3, 2021 Charter Board Meeting

Public Forum and Communication

- There were some questions from the public regarding the reason behind the fundraising for the playground. Why isn't the District paying for the playground? There was a discussion about requesting that we use a combination of District Budget funding and the fundraising monies from the Charter Board Playground Committee.
- In regard to the Natural Resources focus of our Charter School, the question was asked "How can we use our greenhouse and restart the school garden? How can we move that forward?"

Principal Report:

- As our District liaison, the principal gave a thorough report and updates on the brick and mortar school, events, etc. We did not receive an update for the online program, the MOU, nor any legal issues regarding the Charter Contract.

Committee Updates

- Playground Committee: We plan to communicate with our community/families that we will continue to work on raising funds for the playground, also pursue District funding.
- Budget Committee: Discussed the budget for our Natural Resources field trips and if we have any flexibility with that funding. Lisa and Brittany will work together to re-establish the organization of the field trip planning and communicate with staff.

Charter and District Work Session:

- It was agreed that we should plan for the joint District and Charter Board work session and training. Wednesdays at 6:00pm will work for the Charter Board.
- We would like to know where the District is in development of their Mission and Vision as it was agreed that it would be good to work together on this.

Goals:

Discussion and decision on this year's goals for the Charter Board:

- This year's goals are as follows:
  1. Each month we will review and take necessary action for a given section of the contract.
  2. We will take part in a co-training/mediation with the district board regarding responsibilities and communication.
  3. TLCS will plan and hold an open house before the date of the admission lottery
  4. The Charter Board will work to align the school's mission, vision, and focuses with the district's mission and vision.
  5. Standing item on the agenda:
    - Reports from stakeholders at each meeting
      - Principal/board report
      - Secondary Report
      - Elementary Report
      - Classified Report
      - Parent Report
      - (Possible) At Large
      - (Possible) Student council report

# Board Maintenance Report

November 10, 2021

## **TRACK SURFACE**

I had a meeting and walk around with Beynon sports company to discuss putting a surface on the track.

I also had him look at the current situation of the Laker dome. It gets terribly slick during the winter months and we discussed options from coating current asphalt, to an overlay, or to remove and replace and then coat with the same coating or similar as the possible coating on the track.

I should have pricing an options in the near future

## **PUMPHOUSE**

After recording very high water usage a leak was determined to be on the line that feeds the Rental next to the Grange.

The exact spot could not be found and the line is very old copper that in the past was also used to feed the District Office.

When the Modular was installed on the west end of the football field I ran a new service to Admin office so this new service the Grange installed to their rental should greatly reduce the possibility of leaks on that end of our water system.

## **MODULAR OFFICE**

Plans are still "in process" at Lane County





## Technology/Transportation November Report

- 1) Network in good condition- No real issue to report
- 2) Ordered iPad's from August have shipped- Will be ordering 10 more to make up anticipated shortfalls in Online Student needs
- 3) Launched the ParentSquare App (Handout attached)- Data Base that feeds parent square is straight from eSchool so it is automatically updated when students/staff check in or depart. Will help to keep correct contact numbers up to date. It will need to be pushed by staff to parents to get the most out of it.
- 4) Bus 7 delivered to 4J Maintenance for repair work.
- 5) Bus 4 is having transmission shifting issues and will be going it for repair.
- 6) Bus 3 is not charging battery and will be going in for repair along with installing a battery cutout- this bus has historically bad record with killing batteries.
- 7) One person in the pipeline for training to be a driver. Still looking for additional drivers.

Tech Requests Completed Since 10/13/21

id	Subject
102108	Blachly Tech: Dennis Boyd - Install Floor box for power and sound system
102191	Blachly Tech: Ulises Rodriguez - For online pathway school - 1.requesting a dual monitor/or desktop larger monitor 2. powered UBS port hub 3. Bluetooth keyboard and mouse
102324	Blachly Tech: Linda Honn - install printer in my office
102439	Blachly Tech: Paige Wynn - Smart board assistance and getting the document camera software installed.
102663	Blachly Tech: Bri - Need printer, scanner, fax
102777	Blachly Tech: Kelly Goodwin - Two items: 1) None of the library computers have internet and 2) They are taking such a long time to load that we're losing interest. :/
102806	Blachly Tech: Amanda Gast - Amanda needs AdobePro account
102837	Blachly Tech: Sadie Mooney - EXTENSION CORD An extension cord is needed to plug the technology cart in to the closest outlet. Thank you!
102871	Blachly Tech: Teri Robertson - Four more green cases for iPads needed. Also need additional headphones.
102970	Blachly Tech: Julie Steele - Might be a battery in remote needs to be replaced?
103018	Blachly Tech: Sadie Mooney - Color printing is poor quality
103019	Blachly Tech: Sadie Mooney - Class iPads need iOS13 I am unable to do MAPS testing with my students (due by Thursday) due to the classroom iPads not having iOS13 installed on them.
103033	Blachly Tech: Julie Steele - Is there Wi-Fi for staff for their own devices? IF SO, what's the password?
103043	Blachly Tech: Amber Hansen-Best - Chromebook for Josiah Best - They filled out the user agreement using the online jotform link.
103046	Blachly Tech: Sadie Mooney - update iPads to ios13 iPads updated to ios12.5.4, which is not high enough to allow NWEA MAPS to work for student testing
103109	Blachly Tech: Natalie Marshall - Natalie Marshall have student gmail access
103124	Blachly Tech: Ulises Rodriguez - on TAC, I can only see a small portion of the roster and students, not sure how to fix it so that I can view a full page
103126	Blachly Tech: Terri Clark - the following students (all part of the same family) are experiencing difficulties accessing their school email: aclark@blachly90.com iclark@blachly90.com eclark@b
103128	Blachly Tech: Nila Post - I tried to plug it in and it still didn't power on.
103136	Blachly Tech: Constantine Pappas - Student needs Gmail created cpappas@blachly90.com
103146	Blachly Tech: Brooklyn Gilbert - I need a Chromebook for a new student in class.
103153	Blachly Tech: online family tech request - Can we get an ipad to be shared between Alla and Tavifa Tkachenko. You should have already received the agreement form from them.
103192	Blachly Tech: Erin - Dennis, the toner cartridge you brought me doesn't fit!
103194	Blachly Tech: Joann Angell - Can you change all of my kids Google account passwords to jjangell OR give me a list of their passwords so I can help them log in?
103203	Blachly Tech: Diana Flores - Ipads requested for Judah and Carlos Elisha Escobar (Mom is Diana Flores). User agreements sent through email.
103213	Blachly Tech: Erin - I've got 3 more discs to put on my Y drive, please.
103223	Blachly Tech: Joann Angell - Document camera is showing mirror image

Tech Requests Completed Since 10/13/21

103285	Blachly Tech: Veronica - I need to print worksheets. Also, the HS coach had been using the computer and downloaded videos. I noticed these when the computer was left on during a weekend. These a
103300	Blachly Tech: Joann Angell - It shuts off after a while and the lamp light turns red.
103301	Blachly Tech: Noah Wood - nwoodard@blachly90.com current student in our pathway program reset password
103330	Blachly Tech: Shayla Ordonez - I need to get a chromebook for Isabelle Locke, parent is Brittany Hanneman.
103336	Blachly Tech: Joann Angell - I need Quizizz updated, please and thank you.
103351	Blachly Tech: Nikiya McDonald - Need a chromebook for Wyatt McDonald Grade 4 for TLCS Online student. Thank you.
103382	Blachly Tech: Paige Wynn - My laptops will not print to the copy machines.
103396	Blachly Tech: Joann Angell - I can't get the audio to work on the projector you gave me. Yes, the other one finally stopped working. Thank you!
103420	Blachly Tech: Ulises Rodriguez - Could I have access to this service in order to use schedule meeting with parents given them a live calendar version to see a time/date that works for them htt
103442	Blachly Tech: Erin - Where's my Y drive???????? My math sheets and answers are there!
103445	Blachly Tech: Teri Robertson - iPad #12 crashes every time we try to open the SplashLearn app.
103547	Blachly Tech: Joann Angell - Can we get the scratchjr app on our iPads?
103561	Blachly Tech: Paige Wynn - Hi Dennis, could you make sure Brooklyn Gilbert has access to the staff drive. She needs to be able to get a 5th grade report card from there. Thanks
103566	Blachly Tech: Sarah Walden - Even when plugged in, I cannot get the laptop to turn on. The student said that at first the screen was very dim, but now it won't light up at all.
103584	Blachly Tech: Paige Wynn - I am getting a new students on Monday and need an ipad for them.
103621	Blachly Tech: Sarah Walden - I don't have any 6th grade classes for term 2. I have the 7th grade ELA, but I'm looking for 6th grade Math, ELA and Science.



# A Guide to Selecting a Comprehensive Platform to Unify School-to-Home Communications

**April 2021**

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## Introduction

Achieving the goal of efficient and effective communication with students' families is one of the difficulties that school districts face – particularly in times of national crisis like the current COVID-19 pandemic. The shift to 100% distance learning tested communication capacity in districts across the country. This buyer's guide focuses on both the communications challenges schools and districts face and the evaluation criteria that should be considered when a new platform is under review. The guide also includes experiences of districts that have moved to unify information channels into one comprehensive communications platform that keeps all parent contact information and preferences up to date.



## School Communication Challenges

Most school districts have added school-to-home communication technology platforms in much the same way they have acquired all technology – one program at a time. As is often the case with legacy systems, each stakeholder group has its own preferred method of communicating with students' families. Teachers, principals, and districts themselves are using multiple systems. The results are often a mish-mash with no coherent approach to how messages are sent or who sends them, leaving families with questions and concerns about what they do not know.

Parents are often overwhelmed by the volume of inbound messages and variety of messaging channels, leaving them with questions like:

- Did the school newsletter go to the spam folder?
- Where is the Friday Folder?
- How to add money to lunch accounts or submit health screening forms?
- Where is the email about signing up for the parent teacher conference?
- Was there a practice schedule in the app the coaches use?

Some schools and districts have eight or more communication channels, including robocalls from the central office. And if a parent's primary language is not English, attempting to find and decode all the school news becomes even more difficult. It is hard to get parents to engage in their child's school if they are not sure what is going on – particularly in the changing environment of in-person, remote, and hybrid learning.

Replacing multiple communications platforms that are pieced together with one integrated system can streamline school communications and make them more efficient. An easy-to-implement, multipurpose unified system also holds the promise of a more engaged relationship between schools and their families, where everyone works together to enhance students' academic lives.



## Protecting Student Data

When it comes to data privacy, communications with specific student information should only reach authorized family and guardians. All communications should be FERPA and COPPA compliant, and many states, such as New York and Texas, have additional privacy regulations to protect student and teacher personally identifiable information (PII).



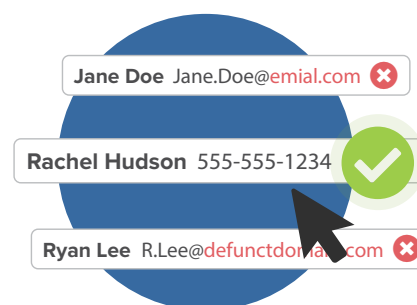
For example, the California Consumer Privacy Act (CCPA) that went into effect in 2020 also regulates student data privacy because it includes all education companies doing business with school districts. Additional states have begun to strengthen their own data privacy laws based on the California law. The new laws put education companies, schools, and districts under additional scrutiny.

## Data Accuracy and Security

In most districts, parent or guardian contact information is stored in the student information system (SIS). However, these systems were not designed with communication with parents as one of the primary functions and updating records requires significant administrative overhead.

The inevitable changes in parent emails and phone numbers, particularly in a district that has frequent changes in student population due to shifts in employment and other economic factors, can be difficult and time consuming to identify and correct. Maintaining accurate parent contact information is the first essential step in effective communication with families.

The many data breaches and ransomware attacks in recent years highlight the importance of managing user access and establishing ongoing network security protocols. Whether student data is provided by parents and families or collected in the process of using an education technology program, the shift is toward greater protection of student data.



# Benefits to Efficient School-Home Communication

Implementing a unified communication solution in a single platform has multiple benefits for districts. An intuitive, easy-to-use program can standardize communication between school and home and increase parent engagement overall. Instead of different channels for email announcements, texts, and phone calls, a leading-edge platform would allow two-way communication where families could choose how frequently they want to be contacted, opt in or out of communications, and have a direct channel back to the school with questions or concerns. It also makes it much easier for parents to know where to go when they are looking for trusted information from the district, school, or classroom. An integrated communications platform also offers updated privacy protections in line with newer legislation – removing any concerns about student data privacy. It also provides administrative oversight and reporting.

When considering options for a home-to-school communications system, use the following checklist to ensure that your new system provides these features.

## Questions to Ask When Evaluating Communications Platforms

### THE BASICS

---

	YES	NO
Does the tool offer one unified platform for all school-to-home messaging?	<input type="checkbox"/>	<input type="checkbox"/>
Does it involve all stakeholders from district administrators to teachers and parents?	<input type="checkbox"/>	<input type="checkbox"/>
Do the functions work together seamlessly?	<input type="checkbox"/>	<input type="checkbox"/>
Does it offer voice, text, app, and email communication tools?	<input type="checkbox"/>	<input type="checkbox"/>
Does it provide two-way communication?	<input type="checkbox"/>	<input type="checkbox"/>
Does it support communications equity by providing two-way instant translation and language preferences?	<input type="checkbox"/>	<input type="checkbox"/>

## FOR PARENTS

---

	YES	NO
Will parents be notified of updates only relevant to their child?	<input type="checkbox"/>	<input type="checkbox"/>
Are the platform functions easy to navigate?	<input type="checkbox"/>	<input type="checkbox"/>
Does it allow parents to select their preferred mode and frequency of communication?	<input type="checkbox"/>	<input type="checkbox"/>
Are real-time translations available for families who don't speak English?	<input type="checkbox"/>	<input type="checkbox"/>
Does it allow parents to securely verify their preferred contact details and easily update their school information if needed?	<input type="checkbox"/>	<input type="checkbox"/>

## FOR TEACHERS

---

	YES	NO
Does the solution provide classroom communication for teachers?	<input type="checkbox"/>	<input type="checkbox"/>
Will it free up teachers' time in their day-to-day schedule?	<input type="checkbox"/>	<input type="checkbox"/>
Will it make communications-based tasks, such as asking for classroom supplies and organizing parent-teacher conferences, easier?	<input type="checkbox"/>	<input type="checkbox"/>
Will teachers be able to communicate with families about classroom needs, particularly with parents who do not understand English?	<input type="checkbox"/>	<input type="checkbox"/>
Does it provide teachers with accurate contact information by class, student, and grade that is automatically maintained?	<input type="checkbox"/>	<input type="checkbox"/>

## FOR STUDENTS

---

	YES	NO
Does the platform provide secure communications between student and teacher?	<input type="checkbox"/>	<input type="checkbox"/>
Does it allow students to receive push communications, text messages, emails, and alerts?	<input type="checkbox"/>	<input type="checkbox"/>
Can teachers reach students directly with messages or posts?	<input type="checkbox"/>	<input type="checkbox"/>
Can students engage with communications by commenting on posts?	<input type="checkbox"/>	<input type="checkbox"/>

## FOR PRINCIPALS

---

	YES	NO
Does the platform allow building administrators to address all stakeholders?	<input type="checkbox"/>	<input type="checkbox"/>
Does the solution include internal communication so the principal can communicate directly with various staff groups?	<input type="checkbox"/>	<input type="checkbox"/>
Can school administrators monitor and oversee communications coming from the school, teachers, and parents?	<input type="checkbox"/>	<input type="checkbox"/>
Can administrators delegate tasks by assigning special permissions?	<input type="checkbox"/>	<input type="checkbox"/>

## FOR DISTRICT ADMINISTRATORS AND COMMUNICATIONS STAFF

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	YES	NO
Does the platform embed interactive services such as forms, conferences, attendance records, and progress reports?	<input type="checkbox"/>	<input type="checkbox"/>
Does it provide complete administrative oversight, security, and reporting?	<input type="checkbox"/>	<input type="checkbox"/>
Does it consolidate all parent contact information and preferences – voice, email, text, app – into one login for contact data management, verification, and updates?	<input type="checkbox"/>	<input type="checkbox"/>
Can the district send emergency alerts to all contacts simultaneously?	<input type="checkbox"/>	<input type="checkbox"/>
Will all communication maintain consistent district branding?	<input type="checkbox"/>	<input type="checkbox"/>
Does the solution provide insight into how individual schools are communicating to stakeholders?	<input type="checkbox"/>	<input type="checkbox"/>
Does it report metrics on parent response and engagement?	<input type="checkbox"/>	<input type="checkbox"/>
Does it provide information on who is not receiving messages so contact information errors can be fixed?	<input type="checkbox"/>	<input type="checkbox"/>
Does it offset existing budgeted items by replacing existing platforms and tools?	<input type="checkbox"/>	<input type="checkbox"/>
Does it streamline the number of communication solutions the district has to manage and support?	<input type="checkbox"/>	<input type="checkbox"/>

## FOR OFFICE TASKS

---

	YES	NO
Can the tool send home secure, personalized documents like report cards?	<input type="checkbox"/>	<input type="checkbox"/>
Does the tool provide online forms, surveys, permissions slips and support digital signatures?	<input type="checkbox"/>	<input type="checkbox"/>
Does the tool send notifications for absences, lunch balances, and bus routes?	<input type="checkbox"/>	<input type="checkbox"/>
Does the platform allow for payments and invoices?	<input type="checkbox"/>	<input type="checkbox"/>
Does the platform simplify FOIA request fulfillment?	<input type="checkbox"/>	<input type="checkbox"/>
Does the platform provide content archives for up to five years or as needed?	<input type="checkbox"/>	<input type="checkbox"/>

## FOR DATA PRIVACY AND SECURITY

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	YES	NO
Does the platform streamline IT support?	<input type="checkbox"/>	<input type="checkbox"/>
Does it integrate with the district SIS?	<input type="checkbox"/>	<input type="checkbox"/>
Does it offer Single Sign On with the tools you already use?	<input type="checkbox"/>	<input type="checkbox"/>
Does it allow you to control access and restrict permissions?	<input type="checkbox"/>	<input type="checkbox"/>
Is it hosted on a secure platform?	<input type="checkbox"/>	<input type="checkbox"/>
Does it reduce time-wasting manual account merges and password resets?	<input type="checkbox"/>	<input type="checkbox"/>
Is it FERPA and COPPA compliant? Does it adhere to industry student privacy principles and education privacy agreements?	<input type="checkbox"/>	<input type="checkbox"/>


# Upgrade to an All-in-One Tool


As you evaluate school-to-home communication platforms, compare and contrast the features in the chart below.


	 ParentSquare	Blackboard	SchoolMessenger	Remind	Peachjar	
<b>Mass Notifications</b>	<b>Urgent Alerts</b> Send with a few clicks	✓	✓	✓	✓	✗
	<b>Attendance/Lunch Balances</b> Day/period absences + excuse notes	✓	✓	✓	Lunch Balances Only	✗
	<b>Social &amp; Web Share</b> Post to existing sites and channels	✓	✓	✓	✗	✓
	<b>Secure Document Delivery</b> Save paper, maintain privacy	✓	✗	✓	✗	✗
<b>Classroom Comms</b>	<b>Direct/Group Messaging</b> Connect students/teachers/parents	✓	Course Messaging Only	Separate App	✓	✗
	<b>Appointment Sign Ups</b> Schedule conferences, pick-ups, etc.	✓	✓	Separate App	Partner App	Link Only
	<b>Volunteering &amp; Sign Ups</b> Fill needs faster, chase less	✓	✗	✗	Partner App	Link Only
	<b>Newsletters</b> Streamline, ensure brand consistency	✓	✓	✓	Partner App	Delivery Only
<b>School Services</b>	<b>Forms &amp; Permission Slips</b> Save time and paper	✓	No Permission Slips	No Permission Slips	✗	✗
	<b>Calendar &amp; Event RSVPs</b> Increase attendance	✓	No RSVP	Separate App	✓	RSVP via Link Only
	<b>Invoices &amp; Payments</b> Accept secure online payments	✓	✗	✗	✗	✗
	<b>Health Screening Forms</b> Fast, daily checks for students/staff	✓	✗	✓	✗	✗


**Disclaimer:** All competitive information is gleaned from consumer-facing materials (web, blog, YouTube, etc.)

# Partner Success Story: MSD Wayne Township—Indianapolis, IN

  
**Name**  
MSD Wayne Township

  
**Type**  
District comprised  
of 20 public  
PK-12 schools

  
**Students**  
16,865

  
**Location**  
Indianapolis, Indiana

Chief Technology Officer Pete Just wanted to streamline MSD Wayne Township’s communication system to make it more efficient. Teachers, principals, the district office, and even the superintendent all had different messaging systems. As a result, parents missed some messages, and there was both overlap and gaps among the different systems. “None of the messaging was in real time, and all of it required the collection of information and then the distribution of information, which was not efficient,” said Just.

The other challenge in MSD Wayne Township was that students speak upwards of 75 different languages at home, depending on the day. The district had limited capacity for translation services and that was only for Spanish speakers. “We needed to find a way to engage more of our parents in their child’s education in addition to streamlining our messaging,” said Just.

The district chose ParentSquare. “With a fully reliable system, we’ve traded mass communications for family engagement,” said Just.

“Not only did we streamline our communications, but by working as a team, we were able to focus on the success of each of our students.” ParentSquare also had the language support the district needed. ParentSquare supports more than 100 languages and uses the latest Google technology to translate accurately.

“You have to have that effective connection with families,” said Just. “They need to have a feeling of being part of their child’s education and to be knowledgeable about what is happening day to day in a

simple, straightforward manner.” The easy-to-use platform has significantly improved contact with student families and empowered teachers to have more two-way conversations about their students. “I think we’ve moved parents from spectators to participants in their children’s education,” said Just.



## Partner Success Story: Gilroy Unified School District—Gilroy, CA

Two significant events caused Melanie Corona, public information officer at Gilroy USD, to change their communications platform to ParentSquare. The first was the Garlic Festival shooting in July 2019 and the second was COVID-19. “In both incidents we needed effective crisis communications,” said Corona, “and we did not have all the functionality we needed.” There were delays in getting complete communications out to everyone. The district closed schools on Friday, March 13th and launched 100% remote learning on Monday, March 16th.


“We began to prepare for a communications system transition in June 2020 and made the shift in August in the middle of a pandemic,” said Corona. The district’s leadership team made the executive decision to not train their staff on ParentSquare as they were already being trained on so much instructional technology. “Even without planned staff training, our experience with ParentSquare has been second to none,” said Corona. “I recommend the platform to anyone who asks and even to people who don’t ask.”


Gilroy found the program easy to use. “The app is fantastic, and families can revisit messages when needed,” said Corona. She reported that the platform’s ease of use made it easy to engage the staff. “There are few silver linings to the pandemic, but streamlining our communications has been one of them,” she said. “We are now able to funnel all our information through one platform, and everyone knows to access the ParentSquare platform if they’re looking for information.”





“Another one of the really wonderful things about ParentSquare is that it looks like other social media platforms that parents are using, so it is familiar and easy to navigate.” Corona believes that ParentSquare has made her job as the district’s public information officer easier as it has allowed the district to build communication and family engagement with consistency.

“We think a lot about the user’s experience on our website and in our communications,” said Corona. “It’s important that we have oversight for message consistency and even something as basic as synching all the school calendars,” she said. “ParentSquare just makes it all so easy.”

  
**Name**  
Gilroy USD

  
**Type**  
District comprised of 15 public PK-12 schools

  
**Students**  
11,400

  
**Location**  
Gilroy, California

## About ParentSquare

This guide was developed by ParentSquare, provider of the premier unified school-to-home engagement platform for K-12.

ParentSquare is the only fully unified product that engages every family with school communications and communications-based services – all the way from the district office to the classroom teacher, and all in one place. Schools know who's not being reached, and they have the reports and tools to improve contact and communications equity while maintaining privacy and security.

[Click here](#) to schedule a ParentSquare demo or call **(888) 996-4156** to speak with the Sales team.

## **District Board Meeting: Triangle Lake Charter School Report**

### **November Meeting**

- **Term 1 has wrapped up and report cards have been mailed home. Term 2 began on November 8<sup>th</sup>**
- **Professional Development:**
  - **Classified continue to you meet with Nancy Golden and UofO Team for Micro PD's on the 3<sup>rd</sup> Tuesday of each month.**
- **The fall sports season has wrapped up with the final HS Football game being on Saturday, November 13<sup>th</sup> at Sisters HS. Congratulations to the HS Football team for making it to the 6-man Championship Game.**
- **Winter Sports:**
  - **MS Girls Basketball began on November 1<sup>st</sup>**
  - **HS Girls & Boys Basketball practice began November 15<sup>th</sup> - 1<sup>st</sup> game is on Wednesday, December 1<sup>st</sup>**
  - **MS Boys Basketball begins after the first of the year.**
- **Activity Bus Route is running twice per school day:**
  - **5:15pm**
  - **7:15pm**